Case 8:22-cv-00099-DOC-DFM Document 185-2 Filed 03/07/22 Page 1 of 87 Page ID #:3008

contains assertions made totally without evidence and, to the extent Defendants seek to have them treated as fact, they are objectionable. By including conclusory statements as though they are factually corroborated, Defendants essentially ask the court to accept their assertions as fact, despite having provided no evidence for them. Plaintiff objects to the following statements for that reason.

Evidontions (Thioction
Lacks personal knowledge, speculation; FRE 602. Evidence is based upon an online CNN article about which Defendants do not have personal knowledge and is inadmissible in its entirety; moreover, the author of the piece has not established personal knowledge of the information therein described either. Conclusions regarding Trump's "groundwork to cast doubt on the [election] results" is therefore entirely speculative. Assumes facts not in evidence; lack of foundation (including authentication); FRE 901. The CNN Article is not authenticated and Defendants have not admitted into evidence or requested judicial notice of any information to suggest President Trump or his supporters planned to cast doubt on the election results. Improper opinion testimony; lack of foundation; conclusory; FRE 701.
FE and the control of

PLAINTIFF'S EVIDENTIARY OBJECTIONS – PAGE 2

- 11			
1			Defendants have not established that
			CNN is qualified to evaluate goals or intentions of the Trump campaign.
2			intentions of the Trump campaign.
3			Hearsay; hearsay within hearsay; FRE 802.
4			To the extent the author's own words are
4			offered for their truth, they are
5			inadmissible hearsay. To the extent the
			article provides an account of what the
6			author overheard from non-parties, the
			testimony is an out of court statement
7			not made by the author and is therefore inadmissible hearsay within hearsay.
			Lacks personal knowledge, speculation;
8	Page 3,	"In the six weeks that followed,	FRE 602.
9	lines 10	President Trump's legal team and his supporters took their allegations to	Evidence is based upon an online USA
	through	the courts, ultimately litigating and	Today article about which Defendants
10	12.	losing more than 60 challenges to the	do not have personal knowledge and is
		election results in seven States."	inadmissible in its entirety; moreover,
11			the author of the piece has not
			established personal knowledge of the information therein described either.
12			Conclusions regarding Trump's the
12			result of litigation is therefore entirely
13			speculative.
14			
17			Assumes facts not in evidence; lack of
15			foundation (including authentication);
			FRE 901. The USA Today article is not
16			authenticated and Defendants have
			neither introduced as evidence nor
17			requested judicial notice regarding any
18			information pertaining to other
10			challenges brought President Trump's
19			legal team.
			Improper opinion testimony; lack of
20			foundation; conclusory; FRE 701.
$_{21}\parallel$			Defendants have not established that
<u> </u>			USA Today is qualified to evaluate legal
$_{22}\parallel$			conclusions.
			Improper expert opinion; FRE 702.
23			

1			Cases brought by President Trump's
2			legal team were decided for a variety of reasons and the author of this piece fails
			to establish adequate knowledge, skill,
3			experience, training, or education to
4			provide testimony on that subject.
5			Hearsay; hearsay within hearsay; FRE 802.
6			To the extent the author's own words are offered for their truth, they are
7			inadmissible hearsay. To the extent the article provides an account of what the
,			author overheard from non-parties, the
8			testimony is an out of court statement not made by the author and is therefore
9			inadmissible hearsay within hearsay.
10			Not relevant; FRE 401.
			The determination of legal challenges unrelated to the present matter has no
11			tendency to make more or less probable
12			the privileged character of the
			challenged communications. Not relevant; FRE 401.
13	Page 3	"State Bars of both New York and Washington, D.C. suspended the law	Rudolph Giuliani is a person who is not
14	line 12	license of one of President Trump's	a party to this case and bears no
1.5	through Page 4	lead attorneys, Rudolph Giuliani. In	relationship to this case. The status of
15	line 7.	re Rudolph W. Giuliani, 2021 Slip Op. 04086 (N.Y. 1st Dept. June 24,	his license to practice law has no tendency to make more or less probable
16		2021) (explaining that Giuliani had	the privileged character of the
17		"communicated demonstrably false and misleading statements to courts,	challenged communications.
17		lawmakers and the public at large in	Hearsay; FRE 802.
18		his capacity as lawyer" and emphasizing that "[t]he seriousness	To the extent the opinion cited provides an account of what parties to that matter
19		of [Giuliani's] uncontroverted	overheard from non-parties, the
		misconduct cannot be overstated");	testimony is an out of court statement
20		see also <i>In re Rudolph W. Giuliani</i> , Order, App. D.C., No. 21-BG-423	not made by the author and is therefore inadmissible hearsay. To the extent that
21		(July 7, 2021).	the statement that Mr. Giuliani
			"communicated demonstrably false and misleading statements" is offered for its
22			truth, it is inadmissible hearsay. To the
23			extent that the statement "[t]he seriousness of [Giuliani's]
24	PLAINTII	FF'S EVIDENTIARY OBJECTI	ONS – PAGE 4

1			uncontroverted misconduct cannot be overstated" is offered for its truth, it is
2			inadmissible hearsay.
3			Assumes facts not in evidence; lack of
4			foundation (including authentication); FRE 901.
5			To the extent that the opinion cited makes factual allegations, those facts
6			have not been admitted into the record.
7			Lacks personal knowledge, speculation; FRE 602.
8			To the extent that the opinion cited contains factual allegations, no party to
9			this suit has personal knowledge of those allegations or has testified to their veracity.
10			Probative value outweighed by
11			prejudicial effect; FRE 403. Facts about the suspension of Mr.
12			Giuliani's law license are presumably presented with the intention of
13			undermining the credibility of attorneys who assisted President Trump in
14			bringing challenges to the election results and are not relevant to the present
15			matter except insofar as they are intended to do so.
16		On March 1, 2022, the State Bar of	Not relevant; FRE 401
17	Page 4, Lines 14	California's Chief Trial Counsel announced an investigation into	The status of any state bar investigations into Plaintiff's actions has no tendency
18	through 16.	Plaintiff's actions "following and in relation to the November 2020	to make more or less probable the privileged character of the challenged
19		presidential election."	communications.
20			Probative value outweighed by prejudicial effect; FRE 403.
21			The status of any state bar investigations regarding Plaintiff is presumably
22			introduced to undermine the Plaintiff's credibility regarding matters unrelated to
23			this case. The merits of election challenges and any misconduct that may
24	PLAINTI	FF'S EVIDENTIARY OBJECTI	IONS – PAGE 5

1			have occurred relating thereto are not
2			relevant to the present matter except insofar as they are intended to discredit
			Plaintiff.
3			Lacks personal knowledge, speculation;
4			FRE 602. Evidence is based upon an online article
5			about which Defendants do not have personal knowledge and is inadmissible
6			in its entirety; moreover, the author of the piece has not established personal
7			knowledge of the information therein described therein. The conclusions
8			drawn are therefore entirely speculative
9			Assumes facts not in evidence; lack of foundation (including authentication);
10			FRE 901. The article is not authenticated and
11			Defendants have not admitted into
12			evidence or requested judicial notice of any information to suggest the contents thereof.
13			
14			Hearsay; hearsay within hearsay; FRE 802.
15			To the extent the author's own words are offered for their truth, they are inadmissible hearsay. To the extent the
16			article provides an account of what the author overheard from non-parties, the
17			testimony is an out of court statement not made by the author and is therefore
18			inadmissible hearsay within hearsay.
19			
	Page 5,	As the courts were overwhelmingly ruling against President Trump's	Assumes facts not in evidence; lack of foundation (including authentication);
20	lines 1 through 3.	claims of election misconduct, he and	FRE 901. Defendants cite a public statement by
21		his associates began to plan extra- judicial efforts to overturn the results	President Donald Trump, who is not a party to this case. The statement is not
22		of the election and prevent the President-elect from assuming office.	authenticated and Defendants have not
23			admitted into evidence or requested judicial notice of any information to

.			
1			suggest the contents thereof. In fact, none of the facts asserted herein have
2			been admitted into evidence and are
3			therefore inadmissible.
			Hearsay; hearsay within hearsay; FRE 802.
4			To the extent the statement is offered for
5			its truth, it is inadmissible hearsay. To the extent the speaker provides an
6			account of what the speaker overheard
7			from non-parties, the testimony is an out of court statement not made by the
·			speaker and is therefore inadmissible
8			hearsay within hearsay.
9			Evidence does not support the claims made.
10			The statement says nothing about courts
			"overwhelmingly ruling against" the speaker's claims. It says nothing of
11			election misconduct or extra-judicial
10			efforts.
12		A goording to the President's senior	Hoorsoy, EDE 902
13	Page 5,	According to the President's senior campaign advisor, soon after the	Hearsay; FRE 802. To the extent the statement provides an
13	lines 9 through	campaign advisor, soon after the election, a campaign data expert told	To the extent the statement provides an account of what the witness overheard
13 14	lines 9	campaign advisor, soon after the	To the extent the statement provides an
13	lines 9 through	campaign advisor, soon after the election, a campaign data expert told the President "in pretty blunt terms"	To the extent the statement provides an account of what the witness overheard from non-parties, the testimony is an out of court statement not made by the witness and is therefore inadmissible
13 14	lines 9 through	campaign advisor, soon after the election, a campaign data expert told the President "in pretty blunt terms"	To the extent the statement provides an account of what the witness overheard from non-parties, the testimony is an out of court statement not made by the witness and is therefore inadmissible hearsay. To the extent the declaration, upon which this assertion relies,
13 14 15	lines 9 through	campaign advisor, soon after the election, a campaign data expert told the President "in pretty blunt terms"	To the extent the statement provides an account of what the witness overheard from non-parties, the testimony is an out of court statement not made by the witness and is therefore inadmissible hearsay. To the extent the declaration, upon which this assertion relies, provides an account of what the witness
13 14 15 16 17	lines 9 through	campaign advisor, soon after the election, a campaign data expert told the President "in pretty blunt terms"	To the extent the statement provides an account of what the witness overheard from non-parties, the testimony is an out of court statement not made by the witness and is therefore inadmissible hearsay. To the extent the declaration, upon which this assertion relies,
13 14 15 16 17 18	lines 9 through	campaign advisor, soon after the election, a campaign data expert told the President "in pretty blunt terms"	To the extent the statement provides an account of what the witness overheard from non-parties, the testimony is an out of court statement not made by the witness and is therefore inadmissible hearsay. To the extent the declaration, upon which this assertion relies, provides an account of what the witness overheard from non-parties, it is also inadmissible hearsay. Improper expert opinion; FRE 702.
13 14 15 16 17	lines 9 through	campaign advisor, soon after the election, a campaign data expert told the President "in pretty blunt terms"	To the extent the statement provides an account of what the witness overheard from non-parties, the testimony is an out of court statement not made by the witness and is therefore inadmissible hearsay. To the extent the declaration, upon which this assertion relies, provides an account of what the witness overheard from non-parties, it is also inadmissible hearsay. Improper expert opinion; FRE 702. The ostensible "campaign data expert" is
13 14 15 16 17 18	lines 9 through	campaign advisor, soon after the election, a campaign data expert told the President "in pretty blunt terms"	To the extent the statement provides an account of what the witness overheard from non-parties, the testimony is an out of court statement not made by the witness and is therefore inadmissible hearsay. To the extent the declaration, upon which this assertion relies, provides an account of what the witness overheard from non-parties, it is also inadmissible hearsay. Improper expert opinion; FRE 702.
13 14 15 16 17 18 19	lines 9 through	campaign advisor, soon after the election, a campaign data expert told the President "in pretty blunt terms"	To the extent the statement provides an account of what the witness overheard from non-parties, the testimony is an out of court statement not made by the witness and is therefore inadmissible hearsay. To the extent the declaration, upon which this assertion relies, provides an account of what the witness overheard from non-parties, it is also inadmissible hearsay. Improper expert opinion; FRE 702. The ostensible "campaign data expert" is not qualified as an expert witness before
13 14 15 16 17 18 19 20 21	lines 9 through	campaign advisor, soon after the election, a campaign data expert told the President "in pretty blunt terms"	To the extent the statement provides an account of what the witness overheard from non-parties, the testimony is an out of court statement not made by the witness and is therefore inadmissible hearsay. To the extent the declaration, upon which this assertion relies, provides an account of what the witness overheard from non-parties, it is also inadmissible hearsay. Improper expert opinion; FRE 702. The ostensible "campaign data expert" is not qualified as an expert witness before this court. Not relevant; FRE 401. Whether or not President Trump was
13 14 15 16 17 18 19 20	lines 9 through	campaign advisor, soon after the election, a campaign data expert told the President "in pretty blunt terms"	To the extent the statement provides an account of what the witness overheard from non-parties, the testimony is an out of court statement not made by the witness and is therefore inadmissible hearsay. To the extent the declaration, upon which this assertion relies, provides an account of what the witness overheard from non-parties, it is also inadmissible hearsay. Improper expert opinion; FRE 702. The ostensible "campaign data expert" is not qualified as an expert witness before this court. Not relevant; FRE 401.

1			and the statement is therefore
2			inadmissible in its entirety.
3		The following month, Attorney	Lacks personal knowledge, speculation;
4	Page 5, line 15	General William Barr stated publicly that the "U.S. Justice Department	FRE 602. Evidence is based upon an online article
5	through Page 6,	ha[d] uncovered no evidence of widespread voter fraud that could	about which Defendants do not have personal knowledge and is inadmissible
6	line 4.	change the outcome of the 2020 election," a position he reiterated on	in its entirety; moreover, the author of the piece has not established personal
7		December 21 when rejecting calls to appoint a special prosecutor to	knowledge of the information described therein. The conclusions drawn are
8		investigate election fraud.	Assumes facts not in evidence; lack of
9			foundation (including authentication); FRE 901.
10			The article is not authenticated and Defendants have not admitted into
11			evidence or requested judicial notice of any information to suggest the contents
12			thereof.
13			Hearsay; hearsay within hearsay; FRE 802.
14			To the extent the author's own words are offered for their truth, they are
15			inadmissible hearsay. To the extent the article provides an account of what the
16			author overheard from non-parties, the testimony is an out of court statement
17			not made by the author and is therefore inadmissible hearsay within hearsay.
18			Not relevant; FRE 401.
19			The Justice Department's conclusions about widespread fraud bear no relation
20			to the matters at issue in this case and have no tendency to make any of Defendants' substantive claims more or
21			less likely and the statement is therefore
22			inadmissible in its entirety.
23			

- 11			
1	Page 6,	A senior advisor to the President's	Hearsay; FRE 802.
2	lines 4 through 5.	campaign agreed with Barr's analysis and said that to the President on	To the extent the statement provides an account of what the witness overheard
3		multiple occasions.	from non-parties, the testimony is an out of court statement not made by the
4			witness and is therefore inadmissible hearsay. To the extent the declaration,
5			upon which this assertion relies, provides an account of what the witness
6			overheard from non-parties, it is also inadmissible hearsay.
7			Improper expert opinion; FRE 702. The senior adviser is not qualified as an
8			expert witness before this court.
9			Not relevant; FRE 401. Whether or not President Trump was
10			informed he "was going to lose" has no tendency to make any of Defendants'
11			substantive claims more or less likely and the statement is therefore
12 13			inadmissible in its entirety.
14	Page 6,	Evidence obtained by the Select Committee reveals that Acting	Lacks personal knowledge, speculation; FRE 602.
15	line 6 through	Attorney General Jeffrey Rosen and Acting Deputy Attorney General	Evidence is based upon an online transcript from an interview conducted
16	11.	Richard Donoghue discussed allegations of voter fraud with	in a different tribunal. It is inadmissible in its entirety; moreover, the speaker in
17		President Trump on multiple occasions in December of 2020—and	that interview has not established personal knowledge of the information
18		informed him, both as to specific allegations and more generally, that	therein described. The conclusions drawn are therefore entirely speculative
19		the President's claims of massive fraud sufficient to overturn the	Assumes facts not in evidence; lack of foundation (including authentication);
20		election were not supported by the evidence.	FRE 901. The transcript is not authenticated and
21			Defendants have not admitted into evidence or requested judicial notice of
22			any information to suggest the veracity of the contents thereof.
23			

1			Hearsay; hearsay within hearsay; FRE 802.
2			To the extent Mr. Rosen's own words
2			are offered for their truth, they are inadmissible hearsay. To the extent the
3			transcript provides an account of what
4			the speaker overheard from non-parties,
5			the testimony is an out of court statement not made by the author and is
3			therefore inadmissible hearsay within
6			hearsay.
7			Not relevant; FRE 401.
0			Evidence of election fraud has no tendency to make any of Defendants'
8			substantive claims more or less likely
9			and the statement is therefore
10			inadmissible in its entirety.
10		According to December	Lacks personal knowledge, speculation;
11	Page 6,	According to Rosen, at a December 15, 2020 meeting at the White House	FRE 602.
12	line 11 through	that included Rosen, Donoghue, Ken	Evidence is based upon an online transcript from an interview conducted
12	Page 7,	Cuccinelli (Department of Homeland Security), Pat Cipollone (White	in a different tribunal. It is inadmissible
13	line 1	House Counsel), and Mark Meadows	in its entirety; moreover, the speaker in
14		(White House Chief of Staff),	that interview has not established personal knowledge of the information
17		participants told the President that "people are telling you things that are	therein described. The conclusions
15		not right."	drawn are therefore entirely speculative
16			Assumes facts not in evidence; lack of
17			foundation (including authentication); FRE 901.
17			The transcript is not authenticated and
18			Defendants have not admitted into evidence or requested judicial notice of
19			any information to suggest the veracity
			of the contents thereof.
20			Hearsay; hearsay within hearsay; FRE
21			802. To the extent Mr. Rosen's own words
22			are offered for their truth, they are
			inadmissible hearsay. To the extent the
23			transcript provides an account of what the speaker overheard from non-parties,
24	DI AINTI	EE'S EVIDENTIADV AD IECTI	
- '	FLAINIII	FF'S EVIDENTIARY OBJECTI	IONS – PAGE IU

1			the testimony is an out of court statement not made by the author and is
2			therefore inadmissible hearsay within hearsay.
3			Not relevant; FRE 401.
4			Evidence of election fraud has no tendency to make any of Defendants'
5			substantive claims more or less likely and the statement is therefore
6			inadmissible in its entirety.
7	Page 7,	According to Donoghue, he	Hearsay; hearsay within hearsay; FRE 802.
8	line 1 through 5.	personally informed the President on a December 27, 2020 phone call "in	To the extent Mr. Rosen's own words are offered for their truth, they are
9		very clear terms" that the Department of Justice had done "dozens of investigations, bundreds of	inadmissible hearsay. To the extent the transcript provides an account of what
10		investigations, hundreds of interviews," had looked at "Georgia, Pennsylvania, Michigan, Nevada"	the speaker overheard from non-parties, the testimony is an out of court
11		and concluded that "the major allegations are not supported by the	statement not made by the author and is therefore inadmissible hearsay within
12		evidence developed."	hearsay.
13			Lacks personal knowledge, speculation; FRE 602.
14			Evidence is based upon an online transcript from an interview conducted
15			in a different tribunal. It is inadmissible in its entirety; moreover, the speaker in
16			that interview has not established personal knowledge of the information
17			therein described. The conclusions drawn are therefore entirely speculative
18			Assumes facts not in evidence; lack of
19			foundation (including authentication); FRE 901.
20			The transcript is not authenticated and Defendants have not admitted into
21			evidence or requested judicial notice of any information to suggest the veracity
22			of the contents thereof.
23			Not relevant; FRE 401.

1			Evidence of election fraud has no tendency to make any of Defendants'
2			substantive claims more or less likely and the statement is therefore
3			inadmissible in its entirety.
4		The President nevertheless continued	Lacks personal knowledge, speculation;
5	Page 7, line 6	to insist falsely through January that he had "won the election in a	FRE 602. Evidence is based upon an online article
6	through 9.	landslide." And despite being repeatedly told that his allegations of	about which Defendants do not have personal knowledge and is inadmissible
7		campaign fraud were false, the President continued to feature those	in its entirety; moreover, the author of the piece has not established personal
8		same false allegations in ads seen by millions of Americans.	knowledge of the information therein described. The conclusions drawn are therefore entirely speculative
9			Assumes facts not in evidence; lack of
10			foundation (including authentication); FRE 901.
11			The article is not authenticated and Defendants have not admitted into
12			evidence or requested judicial notice of
13			any information to suggest the contents thereof.
14			Hearsay; hearsay within hearsay; FRE 802.
15			To the extent the author's own words are offered for their truth, they are
16			inadmissible hearsay. To the extent the article provides an account of what the
17			author overheard from non-parties, the testimony is an out of court statement
18			not made by the author and is therefore inadmissible hearsay within hearsay.
19			, , ,
20	Page 7,	President Trump, Plaintiff, and several other associates of the	Fails to Provide Any Evidence.
21	line 15 through	President reached out directly to state officials to communicate	Defendants simply make reference to sealed interviews conducted by the
22	Page 8, line 1.	unsubstantiated allegations of election fraud and request that state	Select Committee and expect the court to take their word for it that such evidence exists, despite giving Plaintiff
23		legislatures disregard popular election results.	no opportunity to inspect or cross- examine that evidence.
24	PLAINTII	FF'S EVIDENTIARY OBJECTI	ONS – PAGE 12

1			
2			Lacks personal knowledge, speculation; FRE 602
			Defendants fail to establish personal
3			knowledge of the facts herein described;
			moreover, the Defendants have failed to
4			identify the witness upon whom they are
5			relying and have not established personal knowledge of the information
			therein described. The conclusions
6			drawn are therefore entirely speculative.
7			Assumes facts not in evidence; lack of foundation (including authentication);
8			FRE 901.
			As no evidence whatsoever is provided,
9			the evidence is not authenticated and
			Defendants have not admitted into
10			evidence or requested judicial notice of
			any information to suggest the contents
11			thereof.
12			Hearsay; FRE 802.
13			To the extent the speaker's own words are offered for their truth, they are
14			inadmissible hearsay. To the extent the evidence provides an account of what
15			the speaker overheard from non-parties, the testimony is an out of court
16			statement not made by the speaker and is
16			therefore inadmissible hearsay.
17		On January 2, 2021, the President	Lacks personal knowledge, speculation;
18	Page 8, lines 1	and Plaintiff convened a video conference with hundreds of state	FRE 602. Evidence is based upon an online article
19	through 3.	legislators from swing states won by candidate Biden.	about which Defendants do not have personal knowledge and is inadmissible
20		Candidate Diden.	in its entirety; moreover, the author of the piece has not established personal
21			knowledge of the information therein described. The conclusions drawn are
22			therefore entirely speculative
23			

1			Assumes facts not in evidence; lack of foundation (including authentication);
2			FRE 901.
3			The article is not authenticated and Defendants have not admitted into
5			evidence or requested judicial notice of
4			any information to suggest the contents thereof.
5			
			Hearsay; hearsay within hearsay; FRE 802.
6			To the extent the author's own words are
7			offered for their truth, they are inadmissible hearsay. To the extent the
8			article provides an account of what the
			author overheard from non-parties, the
9			testimony is an out of court statement not made by the author and is therefore
10			inadmissible hearsay within hearsay.
11			Haamaay kaamaay within haamaay EDE
11	Page 8,	The Trump team reportedly urged the legislators to "decertify" the election	Hearsay; hearsay within hearsay; FRE 802.
12	lines 3	results in their States.	To the extent the author's own words are
13	through 4.		offered for their truth, they are inadmissible hearsay. To the extent the
			article provides an account of what the
14			author overheard from non-parties, the testimony is an out of court statement
15			not made by the author and is therefore
16			inadmissible hearsay within hearsay.
16			Assumes facts not in evidence; lack of
17			foundation (including authentication); FRE 901.
18			The article is not authenticated and
			Defendants have not admitted into
19			evidence or requested judicial notice of any information to suggest the contents
20			thereof.
21			Lacks personal knowledge, speculation; FRE 602.
22			Evidence is based upon an online article
			about which Defendants do not have
23			personal knowledge and is inadmissible in its entirety; moreover, the author of
24	PLAINTII	FF'S EVIDENTIARY OBJECTI	ONS – PAGE 14

1			the piece has not established personal knowledge of the information therein
2			described. The conclusions drawn are therefore entirely speculative.
3			therefore entirery speculative.
4	Page 8,	According to Michigan State Senator Ed McBroom, this call focused	Lacks personal knowledge, speculation; FRE 602.
5	line 4 through 7.	(without any valid legal or factual basis) on the purported power of state	Evidence is based upon an online article about which Defendants do not have personal knowledge and is inadmissible
6		legislators to reject the rulings of federal and state courts and overturn	in its entirety; moreover, the author of the piece has not established personal
7		already certified election results.	knowledge of the information therein described. The conclusions drawn are
8			therefore entirely speculative.
9			Assumes facts not in evidence; lack of foundation (including authentication);
10			FRE 901. The article is not authenticated and
11			Defendants have not admitted into evidence or requested judicial notice of
12			any information to suggest the contents thereof.
13			Hearsay; hearsay within hearsay; FRE
14			802. To the extent the author's own words are
15			offered for their truth, they are inadmissible hearsay. To the extent the
16			article provides an account of what the author overheard from non-parties, the
17			not made by the author and is therefore
18			inadmissible hearsay within hearsay.
19	Page 8,	That same day, President Trump spoke with Georgia Secretary of	Lacks personal knowledge, speculation; FRE 602.
20	line 7 through	State Brad Raffensperger, pressing false and unsubstantiated claims of	Evidence is based upon an online article about which Defendants do not have
21	10.	election fraud, and ultimately asking Raffensperger to "find 11,780 votes"	personal knowledge and is inadmissible in its entirety; moreover, the author of
22		for Trump in the State.	the piece has not established personal knowledge of the information therein
23			described. The conclusions drawn are therefore entirely speculative.
24	PLAINTII	FF'S EVIDENTIARY OBJECTI	ONS – PAGE 15

1			
$\begin{bmatrix} 1 \\ 2 \end{bmatrix}$			Assumes facts not in evidence; lack of foundation (including authentication);
3			FRE 901. The article is not authenticated and
			Defendants have not admitted into evidence or requested judicial notice of
4			any information to suggest the contents
5			thereof.
6			Hearsay; hearsay within hearsay; FRE 802.
7			To the extent the author's own words are offered for their truth, they are
8			inadmissible hearsay. To the extent the article provides an account of what the
9			author overheard from non-parties, the
10			testimony is an out of court statement not made by the author and is therefore
11			inadmissible hearsay within hearsay.
	Page 8,	President Trump also took steps that	Lacks personal knowledge, speculation; FRE 602.
12	line 11 through	would have corrupted the Department of Justice; he offered the	Evidence is based upon an online article about which Defendants do not have
13	Page 9, line 3.	role of Acting Attorney General to another Justice Department political	personal knowledge and is inadmissible
14	line 3.	appointee, Jeffrey Clark, knowing that Mr. Clark was pressing to issue	in its entirety; moreover, the author of the piece has not established personal
15		official letters to multiple state legislatures falsely alerting them that	knowledge of the information therein described. The conclusions drawn are
16		the election may have been stolen and urging them to reconsider	therefore entirely speculative.
17		certified election results.	Assumes facts not in evidence; lack of foundation (including authentication);
18			FRE 901. The article is not authenticated and
19			Defendants have not admitted into evidence or requested judicial notice of
20			any information to suggest the contents
21			thereof.
			Hearsay; hearsay within hearsay; FRE 802.
22			To the extent the author's own words are offered for their truth, they are
23			inadmissible hearsay. To the extent the
24	PLAINTII	FF'S EVIDENTIARY OBJECTI	IONS – PAGE 16

1			article provides an account of what the
$_{2}\parallel$			author overheard from non-parties, the testimony is an out of court statement
²			not made by the author and is therefore
3			inadmissible hearsay within hearsay.
³			
4			Improper opinion testimony; lack of
.			foundation; conclusory; FRE 701.
5			Defendants have not provided any
			admissible evidence to suggest that
6			election fraud claims were false, and
			therefore present their opinion as fact.
7		The Department's senior leadership	Lacks personal knowledge, speculation;
	Page 9,	and President Trump's White House	FRE 602.
8	line 3	Counsel threatened to resign if	Evidence is based upon an online
	through	President Trump elevated Clark and	transcript from an interview conducted
9	line 5.	fired those who were resisting	in a different tribunal. It is inadmissible
		Clark's requests.	in its entirety; moreover, the speaker in that interview has not established
10			personal knowledge of the information
			therein described. The conclusions
11			drawn are therefore entirely speculative
			drawn are therefore entirely speculative
12			Assumes facts not in evidence; lack of
.			foundation (including authentication);
13			FRE 901.
, II			The transcript is not authenticated and
14			Defendants have not admitted into
1.5			evidence or requested judicial notice of
15			any information to suggest the veracity
1.			of the contents thereof.
16			
17			Hearsay; hearsay within hearsay; FRE
1/			<u>802.</u>
18			To the extent Mr. Rosen's own words
16			are offered for their truth, they are
19			inadmissible hearsay. To the extent the
17			transcript provides an account of what
$_{20} \parallel$			the speaker overheard from non-parties,
-			the testimony is an out of court
$_{21} $			statement not made by the author and is
			therefore inadmissible hearsay within
22			hearsay.
			Not relevant; FRE 401.
23		1	110t LOICTUIN, 1112 101.

1			Hiring and firing decisions of the White House have no tendency to make any of
2			Defendants' substantive claims more or less likely and the statement is therefore
3			inadmissible in its entirety.
4	Page 0	Michigan Republican Co-Chair,	Lacks personal knowledge, speculation;
5	Page 9, line 9	Meshawn Maddock publicly stated, for example, that she "fought to seat	FRE 602 Evidence is based upon an online article about which Defendants do not have
6	through 12.	the electors" because "the Trump campaign asked us to do that."	personal knowledge and is inadmissible in its entirety; moreover, the author of
7			the piece has not established personal knowledge of the information therein
8			described. The conclusions drawn are therefore entirely speculative.
9			
10			Assumes facts not in evidence; lack of foundation (including authentication); FRE 901
11			The article is not authenticated and Defendants have not admitted into
12			evidence or requested judicial notice of any information to suggest the contents
13			thereof.
14			Hearsay; hearsay within hearsay; FRE 802.
15			To the extent the author's own words are offered for their truth, they are
16			inadmissible hearsay. To the extent the article provides an account of what the
17			author overheard from non-parties, the testimony is an out of court statement
18			not made by the author and is therefore inadmissible hearsay within hearsay. To
19			the extent that the article provides an account of what President Trump asked
20			Ms. Maddock to do, it contains hearsay within hearsay within hearsay.
21	Page 9,	The certificates included false statements that they were official.	Improper expert opinion; FRE 702. Defendants fail to establish adequate
22	lines 11 through	,	knowledge, skill, experience, training, or education to provide testimony
23	12.		regarding whether a certificate was "official."
24	PLAINTI	FF'S EVIDENTIARY OBJECTI	IONS – PAGE 18

1			Assumes facts not in evidence; lack of
2			foundation (including authentication); FRE 901
3			The certificate is not authenticated and Defendants have not admitted into
4			evidence or requested judicial notice of
5			any information to suggest the contents thereof.
6			Offers legal conclusions. Whether or not an electoral certificate is
7			official is a legal conclusion for which
8			no argument has been made and is therefore inadmissible.
9	Page 9,	Plaintiff advised President Trump to press an unconstitutional plan to	Lacks personal knowledge, speculation; FRE 602
10	line 14 through	disregard those results on January 6.	Evidence is based upon an online article about which Defendants do not have
11	Page 10, line 1.		personal knowledge and is inadmissible in its entirety; moreover, the author of
			the piece has not established personal knowledge of the information therein
12			described. The conclusions drawn are
13			therefore entirely speculative.
14			Assumes facts not in evidence; lack of foundation (including authentication);
15			FRE 901 The article is not authenticated and
16			Defendants have not admitted into evidence or requested judicial notice of
17			any information to suggest the contents thereof.
18			Hearsay; hearsay within hearsay; FRE
19			802. To the extent the author's own words are
20			offered for their truth, they are inadmissible hearsay. To the extent the
21			article provides an account of what the author overheard from non-parties, the
22			testimony is an out of court statement not made by the author and is therefore
23			inadmissible hearsay within hearsay.
]

1 2 3 4			Offers legal conclusions. The constitutionality of the plans presented is a legal conclusion about those plans and cannot be drawn from the plans themselves. To the extent the evidence offers legal conclusions, it is inadmissible.
5	Page 10,	Nothing in the Constitution permits	Offers legal conclusions. The constitutionality of the allegedly
6	lines 5 through 8.	Congress or the presiding officer (the President of the Senate, Michael R.	proposed action is a legal conclusion about those plans and cannot be drawn
7		Pence) to refuse to count certified electoral votes in this context, yet that is precisely what Plaintiff	from the plans themselves. To the extent the evidence offers legal conclusions, it
8		suggested.	is inadmissible.
9			Fails to Provide Any Evidence.
10			Defendants simply make reference to what Plaintiff suggested without
11			providing any evidence that he suggested the matters claimed. The
12			statement is therefore inadmissible.
13			Not relevant; FRE 401
14			The constitutionality of the allegedly proposed action is not at issue in this case and has no tendency to make more
15			or less probable any issue before this court.
16			Laska namanal knowledge and orlation
17	Page 10, lines 8	Plaintiff's proposal was the subject of heated discussions in the White	Lacks personal knowledge, speculation; FRE 602. Evidence is based upon a transcript from
18	through	House in the days before January 6, including with the Vice President's	a deposition conducted before a different tribunal. It is inadmissible in its entirety;
19	11.	legal counsel and others who told Plaintiff that what he was proposing	moreover, the speaker in that interview
20		was illegal.	has not established personal knowledge of the information therein described. The
21			conclusions drawn are therefore entirely speculative
22			Assumes facts not in evidence; lack of
23			foundation (including authentication); FRE 901.

1			The transcript is not authenticated and Defendants have not admitted into
2			evidence or requested judicial notice of any information to suggest the veracity
3			of the contents thereof.
4			Hearsay; hearsay within hearsay; FRE
5			802. To the extent Mr. Jacob's own words are offered for their truth, they are
6			inadmissible hearsay. To the extent the transcript provides an account of what
7			the speaker overheard from non-parties,
8			the testimony is an out of court statement not made by the author and is
9			therefore inadmissible hearsay within hearsay.
10			Not relevant; FRE 401.
11			Evidence of election fraud has no tendency to make any of Defendants'
			substantive claims more or less likely and the statement is therefore
12			inadmissible in its entirety.
13		This did not deter either Plaintiff or	Evidence does not support the claims
14	Page 10, lines 12	President Trump. Describing his own proposals in a now-public	made. The only document cited for these
15	through 16.	memorandum, Plaintiff characterized	claims is a description of the Queensbury rules. The Queensbury rules
16		his proposed options as "BOLD, Certainly," but necessary because	are rules pertaining to boxing and have nothing to do with the majority of the
17		"this Election was Stolen by a strategic Democrat plan to systematically flout existing election	claims herein asserted. Those claims are therefore inadmissible.
18		laws for partisan advantage,"	Not relevant; FRE 401.
19		advising that "we're no longer playing by Queensbury Rules."	The Queensbury rules have no tendency to make any of Defendants' claims more
20			or less likely and are therefore inadmissible.
21			
22	Page 11,	Following this advice from Plaintiff—advice that Plaintiff	Lacks personal knowledge, speculation; FRE 602.
23	lines 1 through 4.	admitted no member of the Supreme Court would accept—President	Evidence is based upon a transcript from a deposition conducted before a different
24	PLAINTII	FF'S EVIDENTIARY OBJECTI	ONS – PAGE 21

1		Trump repeatedly attempted to	tribunal. It is inadmissible in its entirety;
2		instruct, direct, or pressure the Vice President, in his capacity as President	moreover, the speaker in that interview has not established personal knowledge
3		as of the Senate, to refuse to count the votes from six States.	of the information therein described. The conclusions drawn are therefore entirely
3		the votes from six states.	speculative
4			Assumes facts not in evidence; lack of
5			foundation (including authentication); FRE 901.
6			The transcript is not authenticated and
			Defendants have not admitted into evidence or requested judicial notice of
7			any information to suggest the veracity
8			of the contents thereof.
9			Hearsay; hearsay within hearsay; FRE 802.
10			To the extent Mr. Jacob's own words are offered for their truth, they are
11			inadmissible hearsay. To the extent the
			transcript provides an account of what the speaker overheard from non-parties,
12			the testimony is an out of court
13			statement not made by the author and is therefore inadmissible hearsay within
14			hearsay.
			Not relevant; FRE 401.
15			Evidence of election fraud has no
16			tendency to make any of Defendants' substantive claims more or less likely
17			and the statement is therefore
			inadmissible in its entirety.
18		For example, on January 4, 2021,	Lacks personal knowledge, speculation;
19	Page 11, lines 4	President Trump and Plaintiff met with Vice President Pence and his	FRE 602. Evidence is based upon a transcript from
20	through 8.	staff. In that meeting, according to	a deposition conducted before a different tribunal. It is inadmissible in its entirety;
21		one participant, Plaintiff tried to persuade the Vice President to take	moreover, the speaker in that interview
22		action on the electors. Again the next day, Plaintiff tried to persuade the	has not established personal knowledge of the information therein described. The
		Vice President and his staff that the	conclusions drawn are therefore entirely speculative
23		Vice President should reject certain electors.	speculative
24	PLAINTII	FF'S EVIDENTIARY OBJECTI	ONS – PAGE 22

1			Assumes facts not in evidence; lack of foundation (including authentication);
$2 \parallel$			FRE 901.
3			The transcript is not authenticated and Defendants have not admitted into
³			evidence or requested judicial notice of
4			any information to suggest the veracity of the contents thereof.
5			
			Hearsay; hearsay within hearsay; FRE 802.
6			To the extent Mr. Jacob's own words are
7			offered for their truth, they are inadmissible hearsay. To the extent the
$_{8}\parallel$			transcript provides an account of what
			the speaker overheard from non-parties, the testimony is an out of court
9			statement not made by the author and is
10			therefore inadmissible hearsay within hearsay.
11			
12		The processor continued on Ionyow 6	Assumes facts not in evidence; lack of
12	Page 11,	The pressure continued on January 6. At 1:00 a.m., President Trump	foundation (including authentication);
13	lines 9 through	tweeted, "If Vice President	FRE 901. Defendants cite a statement from Twitter
14	13.	@Mike_Pence comes through for us, we will win the Presidency Mike	which they purport to be from President Donald Trump, who is not a party to this
15		can send it back!" 33 At 8:17 a.m., the President tweeted, "States want to	case. The statement is not authenticated
		correct their votes All Mike Pence has to do is send them back to	and Defendants have not admitted into evidence or requested judicial notice of
16		the States, AND WE WIN. Do it	any information to suggest the contents
17		Mike, this is a time for extreme courage!"	thereof. In fact, none of the facts asserted herein have been admitted into
18		courage:	evidence and are therefore inadmissible.
			Hearsay; hearsay within hearsay; FRE
19			802. To the extent the statement is offered for
20			its truth, it is inadmissible hearsay. To
$_{21} \parallel$			the extent the speaker provides an
			account of what the speaker overheard from non-parties, the testimony is an out
22			of court statement not made by the
23			speaker and is therefore inadmissible hearsay within hearsay.

1	Page 11,	Shortly after this tweet, President	Lacks personal knowledge, speculation; FRE 602.
2	lines 13	Trump placed a phone call to Vice President Pence.	Evidence is based upon a transcript from
3	through 14.		a deposition conducted before a different tribunal. It is inadmissible in its entirety;
4			moreover, the speaker in that interview has not established personal knowledge
			of the information therein described. The
5			conclusions drawn are therefore entirely speculative
6			Assumes facts not in evidence; lack of
7			foundation (including authentication): FRE 901.
8			The transcript is not authenticated and
9			Defendants have not admitted into evidence or requested judicial notice of
			any information to suggest the veracity
10			of the contents thereof.
11			Hearsay; hearsay within hearsay; FRE 802.
12			To the extent Mr. Short's own words are offered for their truth, they are
13			inadmissible hearsay. To the extent the
1.4			transcript provides an account of what the speaker overheard from non-parties,
14			the testimony is an out of court
15			statement not made by the author and is therefore inadmissible hearsay within
16			hearsay.
17	Page 11	He later connected with the Vice	Lacks personal knowledge, speculation; FRE 602.
18	Page 11, lines 14	President by phone around 11:20 a.m.	Evidence is based upon a transcript from
19	through 15.		a deposition conducted in a different tribunal. It is inadmissible in its entirety;
			moreover, the speaker in that interview has not established personal knowledge
20			of the information therein described. The
21			conclusions drawn are therefore entirely speculative
22			Assumes facts not in evidence; lack of
23			foundation (including authentication); FRE 901.
24	PLAINTI	FF'S EVIDENTIARY OBJECT	TIONS – PAGE 24

1			The transcript is not authenticated and Defendants have not admitted into
2			evidence or requested judicial notice of any information to suggest the veracity
3			of the contents thereof.
4			Hearsay; hearsay within hearsay; FRE 802.
5			To the extent Mr. Jacob's own words are offered for their truth, they are
6			inadmissible hearsay. To the extent the transcript provides an account of what
7			the speaker overheard from non-parties, the testimony is an out of court
8			statement not made by the author and is therefore inadmissible hearsay within
9			hearsay.
10	Page 11,	General Keith Kellogg and others were with President Trump during	Lacks personal knowledge, speculation; FRE 602.
11	line 15 through	that call, and General Kellogg described the pressure that Trump	Evidence is based upon an online transcript from an interview conducted
12	Page 12, line 4.	put on Pence:	in a different tribunal. It is inadmissible in its entirety; moreover, the speaker in
13		Q: It's also been reported that the President said to the Vice President	that interview has not established personal knowledge of the information
14		that something to the effect of, "You don't have the courage to make a hard decision." And maybe not those	therein described. The conclusions drawn are therefore entirely speculative
15		exact words, but something like that. Do you remember anything like that?	Assumes facts not in evidence; lack of
16		A: Words—and I don't remember exactly either, but something like	foundation (including authentication); FRE 901.
17		that, yeah. Like you're not tough enough to make the call.	The transcript is not authenticated and Defendants have not admitted into
18		onough to mand the conti	evidence or requested judicial notice of any information to suggest the veracity of the contents thereof.
19			
20			Hearsay; hearsay within hearsay; FRE 802. To the extent Mr. Kellog's own words
21			are offered for their truth, they are inadmissible hearsay. To the extent the
22			transcript provides an account of what the speaker overheard from non-parties,
23			the testimony is an out of court
24	PLAINTII	FF'S EVIDENTIARY OBJECTI	ONS – PAGE 25

1			statement not made by the author and is therefore inadmissible hearsay within
2			hearsay.
3		In his speech to the crowd and	Assumes facts not in evidence; lack of
4	Page 12, lines 6	television crews that came to the capital on January 6, President	foundation (including authentication); FRE 901.
5	through 14.	Trump explicitly identified the advice given by Plaintiff Eastman	Defendants cite an online transcript of speech by President Trump, who is not a
6		when imploring Vice President Pence:	party to this case. The statement is not authenticated and Defendants have not
7		John [Eastman] is one of the most	admitted into evidence or requested judicial notice of any information to
8		brilliant lawyers in the country and he looked at this, and he said what an	suggest the contents thereof. In fact, none of the facts asserted herein have
9		absolute disgrace that this could be happening to our Constitution, and he	been admitted into evidence and are therefore inadmissible.
9		looked at Mike Pence, and I hope	therefore madmissible.
10		Mike is going to do the right thing. I hope so. I hope so because if Mike	Hearsay; hearsay within hearsay; FRE 802.
11		Pence does the right thing, we win the election And Mike Pence, I	To the extent the statement is offered for
12		hope you're going to stand up for the good of our Constitution and for the	its truth, it is inadmissible hearsay. To the extent the speaker provides an
13		good of our country. And if you're not, I'm going to be very	account of what the speaker overheard from non-parties, the testimony is an out
14		disappointed in you.	of court statement not made by the speaker and is therefore inadmissible
15			hearsay within hearsay.
	Page 12,	Vice President Pence had repeatedly made clear that he would not	Lacks personal knowledge, speculation; FRE 602.
16	lines 15 through	unilaterally reject electors or return them to the states.	Evidence is based upon a transcript from a deposition conducted before a different
17	16.	them to the states.	tribunal. It is inadmissible in its entirety; moreover, the speaker in that interview
18			has not established personal knowledge of the information therein described. The
19			conclusions drawn are therefore entirely speculative
20			-
21			Assumes facts not in evidence; lack of foundation (including authentication);
22			FRE 901. The transcript is not authenticated and
23			Defendants have not admitted into evidence or requested judicial notice of

1			any information to suggest the veracity of the contents thereof.
$2 \parallel$			
3			Hearsay; hearsay within hearsay; FRE 802.
			To the extent Mr. Short's own words are offered for their truth, they are
4			inadmissible hearsay. To the extent the
5			transcript provides an account of what the speaker overheard from non-parties,
6			the testimony is an out of court
7			statement not made by the author and is therefore inadmissible hearsay within
			hearsay.
8		Nevertheless, just before President	Assumes facts not in evidence; lack of
9	Page 12, line 16	Trump spoke, Plaintiff falsely	foundation (including authentication): FRE 901.
10	through	alleged widespread manipulation and fraud with voting machines,	Defendants cite an online transcript of
$_{11} \parallel$	Page 13, line 2.	purportedly altering the election outcome, and then delivered this	speech by Plaintiff. The statement is not authenticated and Defendants have not
		message to the crowd: And all we are	admitted into evidence or requested
12		demanding of Vice President Pence is this afternoon at 1:00 he let the	judicial notice of any information to suggest the contents thereof. In fact,
13		legislators of the state look into this	none of the facts asserted herein have been admitted into evidence and are
14		so we get to the bottom of it, and the American people know whether we	therefore inadmissible.
15		have control of the direction of our government, or not. We no longer	Hearsay; hearsay within hearsay; FRE 802.
16		live in a self-governing republic if we can't get the answer to this question.	To the extent the statement is offered for
17		This is bigger than President Trump. It is a very essence of our republican	its truth, it is inadmissible hearsay. To the extent the speaker provides an
		form of government, and it has to be	account of what the speaker overheard
18		done. And anybody that is not willing to stand up to do it, does not	from non-parties, the testimony is an out of court statement not made by the
19		deserve to be in the office. It is that simple.	speaker and is therefore inadmissible hearsay within hearsay.
20		The evidence obtained by the Select	Evidence does not support the claims
$_{21} \parallel$	Page 13, lines 7	Committee indicates that President	made. The ameil cited cave nothing to suggest
$\begin{bmatrix} 22 \end{bmatrix}$	through 9.	Trump was aware that the violent crowd had breached security and was	The email cited says nothing to suggest the violence of the crowd or President
		assaulting the Capitol when Mr. Trump tweeted.	Trump's knowledge thereof. Moreover, "assault" is a legal conclusion and not
23		Transport of the state of the s	based on upon the evidence provided.
- 11			

1			Hearsay, FRE 802
2			To the extent the emails provide an
3			account of what the authors overheard
4			from non-parties, the testimony is an out of court statement not made by the
4			author and is therefore inadmissible hearsay within hearsay.
5			nearsay within nearsay.
6			Assumes facts not in evidence; lack of foundation (including authentication);
7			FRE 901. The emails cites are not authenticated
8			and Defendants have not admitted into evidence or requested judicial notice of
9			any information to suggest the contents thereof. In fact, none of the facts
10			asserted herein have been admitted into evidence and are therefore inadmissible.
11	Page 13,	The evidence will show that rioters	Fails to Provide Any Evidence.
12	lines 9 through	reacted to this tweet, resulting in further violence at the Capitol.	Defendants do not cite any evidence for this claim, and it is therefore inadmissible.
13	11.		madmissible.
14			Lacks personal knowledge, speculation; FRE 602
15			Neither Defendants nor any witness claims personal knowledge of the
16			information herein described, and their contents is therefore wholly speculative.
17			contents is dicretore wholly speculative.
18	Page 13,	Indeed, rioters at the Capitol were shouting for the Vice President to be	Lacks personal knowledge, speculation; FRE 602
19	line 11 through	hanged.	Evidence is based upon an online article about which Defendants do not have
	Page 14,		personal knowledge and is inadmissible
20	line 1.		in its entirety; moreover, the author of the piece has not established personal
21			knowledge of the information therein described. The conclusions drawn are
22			therefore entirely speculative.
23		1	

1			Assumes facts not in evidence; lack of foundation (including authentication);
$_{2}$			FRE 901
_			The article is not authenticated and
3			Defendants have not admitted into
			evidence or requested judicial notice of
4			any information to suggest the contents
			thereof.
5			Hearsay; hearsay within hearsay; FRE
6			802.
0			To the extent the author's own words are
7			offered for their truth, they are
			inadmissible hearsay. To the extent the
8			article provides an account of what the
			author overheard from non-parties, the testimony is an out of court statement
9			not made by the author and is therefore
10			inadmissible hearsay within hearsay.
11	5	A minute after President Trump's	Hearsay, FRE 802
10	Page 14, lines 1	tweet, Plaintiff sent an email to Vice	To the extent the emails provide an
12	through 4.	President Pence's lawyer stating:	account of what the authors overheard
13	unough 4.	"The 'siege' is because YOU and	from non-parties, the testimony is an out
		your boss did not do what was necessary to allow this to be aired in	of court statement not made by the author and is therefore inadmissible
14		a public way so the American people	hearsay within hearsay.
		can see for themselves what	
15		happened."	Assumes facts not in evidence; lack of
16			foundation (including authentication);
10			FRE 901.
17			The emails cites are not authenticated
			and Defendants have not admitted into
18			evidence or requested judicial notice of
10			any information to suggest the contents thereof. In fact, none of the facts
19			asserted herein have been admitted into
20			evidence and are therefore inadmissible.
_		Later that evening, Plaintiff made a	Hearsay, FRE 802
21	Page 14,	final plea to the Vice President's	To the extent the emails provide an
$_{\sim}$	lines 5 through 9.	lawyer: "I implore you to consider	account of what the authors overheard
22	unough 9.	one more relatively minor violation	from non-parties, the testimony is an out
23		[of the Electoral Count Act] and	of court statement not made by the author and is therefore inadmissible
		adjourn for 10 days to allow the legislatures to finish their	hearsay within hearsay.
24	PLAINTII	FF'S EVIDENTIARY OBJECTI	
	 /- >1 - 1	I DETIDENTANT ODJECTI	OND INGE

.		investigations as well as to allow a	
1		investigations, as well as to allow a full forensic audit of the massive	Assumes facts not in evidence; lack of
2		amount of illegal activity that has occurred here."	foundation (including authentication); FRE 901.
3			The emails cites are not authenticated
4			and Defendants have not admitted into evidence or requested judicial notice of
5			any information to suggest the contents thereof. In fact, none of the facts
6			asserted herein have been admitted into evidence and are therefore inadmissible.
7	Page 14, lines 9	Plaintiff <i>knew</i> what he was proposing would violate the law, but he	Evidence does not support the claims made.
8	through	nonetheless urged the Vice President to take those actions.	None of the emails cited suggest
9	10.		knowledge of illegality, indeed, the email cited suggests exactly the
10			opposite, as Plaintiff disputed the constitutionality of the Electoral Count Act.
11			Assumes facts not in evidence; lack of
12			foundation (including authentication); FRE 901.
13			The statement assumes the Electoral
14			Count Act is constitutional, which is not a matter before this tribunal, has not been decided by any other court, and for
15			which Defendants have provided no argumentation or evidence.
16	Page 14,	The Vice President rejected	Lacks personal knowledge, speculation; FRE 602
17	lines 11 through	Plaintiff's pleas that he violate the law, and has since indicated that what the President and Plaintiff were	Evidence is based upon an online article about which Defendants do not have
18	12.	insisting he do was "Un-American."	personal knowledge and is inadmissible in its entirety; moreover, the author of
19			the piece has not established personal knowledge of the information therein
20			described. The conclusions drawn are
			therefore entirely speculative.
21			Assumes facts not in evidence; lack of foundation (including authentication);
22			FRE 901
23			The article is not authenticated and Defendants have not admitted into
		I	2 13 manifest mark not admitted into

1			evidence or requested judicial notice of any information to suggest the contents
2			thereof. The statement assumes the Electoral Count Act is constitutional,
3			which is not a matter before this
4			tribunal, has not been decided by any other court, and for which Defendants
			have provided no argumentation or evidence.
5			
6			Hearsay; hearsay within hearsay; FRE 802.
7			To the extent the author's own words are offered for their truth, they are
8			inadmissible hearsay. To the extent the article provides an account of what the
9			author overheard from non-parties, the
10			testimony is an out of court statement not made by the author and is therefore
11			inadmissible hearsay within hearsay.
		Former Fourth Circuit Judge Michael	Hearsay; FRE 802.
12	Page 14, lines 13	Luttig—for whom Plaintiff had previously worked as a law clerk—	Judge Luttig's statement was made on
13	through 15.	described Plaintiff's view of the Vice	Twitter, which is a forum outside this tribunal. To the extent Judge Luttig's
14		President's authority as "incorrect at every turn."	opinion is offered for its truth, it is inadmissible hearsay.
15			
16			Not relevant; FRE 401 Judge Luttig's opinion on Plaintiff's
17			correctness is not at issue in this case
18			and does not tend to make any of Defendants' claims more or less likely.
			Moreover, Judge Luttig's opinion, which was voiced on Twitter, and not in any
19			kind of legal proceeding, has no precedential effect on this court
20			whatsoever.
21	Page 14,	Evidence obtained by the Select Committee to date indicates that	Fails to Provide Any Evidence.
22	lines 15 through	President Trump's White House Counsel confronted Plaintiff before	Defendants simply make reference to sealed interviews conducted by the
23	17.	the rally, and rejected Plaintiff's advice to Mr. Trump.	Select Committee and expect the court to take their word for it that such evidence exists, despite giving Plaintiff
24	 PLAINTII	FF'S EVIDENTIARY OBJECTI	

1			no opportunity to inspect or cross- examine that evidence.
2			Chainine that evidence.
3			Lacks personal knowledge, speculation; FRE 602
4			Defendants fail to establish personal knowledge of the facts herein described;
5			moreover, the Defendants have failed to identify the witness upon whom they are
6			relying and have not established personal knowledge of the information
7			therein described. The conclusions drawn are therefore entirely speculative.
8			Assumes facts not in evidence; lack of foundation (including authentication);
9			FRE 901. As no evidence whatsoever is provided,
10			the evidence is not authenticated and
11			Defendants have not admitted into evidence or requested judicial notice of
12			any information to suggest the contents thereof.
13			Hearsay; FRE 802.
14			To the extent the speaker's own words are offered for their truth, they are
15			inadmissible hearsay. To the extent the evidence provides an account of what
16			the speaker overheard from non-parties, the testimony is an out of court
17			statement not made by the speaker and is therefore inadmissible hearsay.
18		And Plaintiff admitted that not a	Lacks personal knowledge, speculation;
19	Page 14, lines 17	single Justice of the Supreme Court	FRE 602. Evidence is based upon a transcript from
20	through 19.	would agree with his view that the Vice President could refuse to count	a deposition conducted before a different tribunal. It is inadmissible in its entirety;
21		certain electoral votes.	moreover, the speaker in that interview has not established personal knowledge
22			of the information therein described. The conclusions drawn are therefore entirely
23			speculative
		•	

1			Assumes facts not in evidence; lack of foundation (including authentication);
$_{2}\parallel$			FRE 901.
			The transcript is not authenticated and Defendants have not admitted into
3			evidence or requested judicial notice of
4			any information to suggest the veracity of the contents thereof.
5			Hearsay; hearsay within hearsay; FRE 802.
6			To the extent Mr. Jacob's own words are
7			offered for their truth, they are inadmissible hearsay. To the extent the
8			transcript provides an account of what the speaker overheard from non-parties,
9			the testimony is an out of court statement not made by the author and is
10			therefore inadmissible hearsay within hearsay.
11	D 15	As documents now available to the	Evidence does not support the claims
12	Page 15, lines 1	Select Committee demonstrate,	<u>made.</u> Nothing in the amelia sited makes any
13	through 4.	Plaintiff used his Chapman University email account to email Greg Jacob, Counsel to the Vice	Nothing in the emails cited makes any mention of illegal action or refusal to count electoral votes. The statement is
14		President, on January 5 and 6 urging the Vice President to take illegal	therefore inadmissible, as the evidence cited to support it does not relate to the
15		action and refuse to count electoral votes.	claims made.
16			No Evidence is Provided
17			Reference is made to sealed Select Committee testimony, the records of
18			which are not provided. Therefore, no evidence has been produced to
19			substantiate those claims, and they are inadmissible.
20	Page 15,	Various individuals planned for violence that day, including with the	Lacks personal knowledge, speculation; FRE 602
21	lines 8 through	placement of pipe bombs, the accumulation of weaponry for	Evidence is based a grand jury indictment before a different tribunal
22	11.	potential use on January 6 across the river in Virginia, and the use of	and about which Defendants do not have personal knowledge and is inadmissible
23		tactical gear and other weaponry.	in its entirety. Moreover, the evidence was not even found to be accurate in the
24	PLAINTII	FF'S EVIDENTIARY OBJECTI	IONS – PAGE 33

1			tribunal before which it was presented, but merely sufficient to result in an
2			indictment.
3			Assumes facts not in evidence; lack of foundation (including authentication);
4			FRE 901
5			The documents are not authenticated and Defendants have not admitted into evidence or requested judicial notice of
6			any information to suggest the contents thereof.
7		Evidence also indicates that the	Hearsay, FRE 802
8	Page 15, lines 11	violent rioters who attacked police, breached the Capitol, and obstructed	Defendants present the factual findings of a different tribunal as evidence,
9	through 14.	and impeded the electoral vote were provoked by President Trump's	without admitting them as evidence or requesting judicial notice. To the extent
10		fraudulent campaign to persuade the American people that the election was in fact stolen.	these finds are presented for the truth of the matters asserted, they are inadmissible hearsay.
11		Was in fact storein	maamissiote nearsay.
12			Assumes facts not in evidence; lack of foundation (including authentication);
13			FRE 901 The factual findings are not authenticated and Defendants have not
14			admitted into evidence or requested judicial notice of any information to
15			suggest the contents thereof.
16			Lacks personal knowledge, speculation; FRE 602
17			Defendants do not have personal knowledge of the facts of this case and it
18			is inadmissible in its entirety.
19			
20	Page 16,	Ultimately, President Trump issued a video and a tweet urging the rioters	Assumes facts not in evidence; lack of foundation (including authentication);
21	lines 4 through	to leave the Capitol, stressing "[w]e love you, you're very special.	FRE 901. Defendants cite an online video and a
22	10.	You've seen what happens, you see the way others are treated that are so	statement from Twitter which they purport to be from President Donald
23		bad and so evil. I know how you feel." 53 At 6:00 p.m., the President	Trump, who is not a party to this case. The statement is not authenticated and
	_	<u> </u>	

24

1		tweeted: "These are the things and	Defendants have not admitted into
2		events that happen when a sacred landslide election victory is so	evidence or requested judicial notice of any information to suggest the contents
3		unceremoniously & viciously stripped away from great patriots	thereof. In fact, none of the facts asserted herein have been admitted into evidence and are therefore inadmissible.
4		who have been badly & unfairly treated for so long. Go home with	
5		love & in peace. Remember this day forever!"	Hearsay; hearsay within hearsay; FRE 802.
6			To the extent the statement is offered for its truth, it is inadmissible hearsay. To
7			the extent the speaker provides an account of what the speaker overheard
8			from non-parties, the testimony is an out of court statement not made by the
9			speaker and is therefore inadmissible hearsay within hearsay.
10	Page 16, line 11	The January 6 attack resulted in multiple deaths, physical harm to	Lacks personal knowledge, speculation; FRE 602 Evidence is based upon a bases
11	through	more than 140 law enforcement officers, and trauma among	Evidence is based upon a house resolution and does not even purport to
12	17, line 1.	government employees, press, and Members of Congress.	find factual findings, but rather pertains only to a decision of congress. To the
13			extent that resolution contains factual contentions, they are entirely speculative
14			and therefore inadmissible.
15			Assumes facts not in evidence; lack of foundation (including authentication); FRE 901
16			The resolution is not authenticated and
17			Defendants have not admitted into evidence or requested judicial notice of
18			any information to suggest the contents thereof.
19			Hearsay; hearsay within hearsay; FRE 802.
20			To the extent the author's own words are offered for their truth, they are
21			inadmissible hearsay. To the extent the article provides an account of what the
22			author overheard from non-parties, the testimony is an out of court statement
23			not made by the author and is therefore inadmissible hearsay within hearsay.
24	PLAINTII	FF'S EVIDENTIARY OBJECTI	IONS – PAGE 35

1			
2	Page 17,	In a cover letter accompanying the subpoena at issue here, Chairman	Lacks personal knowledge, speculation; FRE 602
3	lines 9 through	Thompson explained that the Select Committee had "credible evidence"	Evidence is based upon documents about which Defendants do not have
4	14	that Plaintiff knew about, and "may have participated in, attempts to	personal knowledge and is inadmissible in its entirety; moreover, the author of
5		encourage the Vice President of the United States to reject the electors	the piece has not established personal knowledge of the information therein described. The conclusions drawn are
6		from several states or, at the very least, to delay the electoral college	therefore entirely speculative.
7		results to give states more time to submit different slates of electors."	Assumes facts not in evidence; lack of foundation (including authentication);
8			FRE 901 The document is not authenticated and
9			Defendants have not admitted into evidence or requested judicial notice of
10			any information to suggest the contents thereof.
11			Hearsay; hearsay within hearsay; FRE
12			$\frac{802}{1}$ To the extent the author's own words are
13			offered for their truth, they are inadmissible hearsay. To the extent the
14			article provides an account of what the author overheard from non-parties, the testimony is an out of court statement
15 16			not made by the author and is therefore inadmissible hearsay within hearsay.
			madmissione nearsay within nearsay.
17	Page 17,	Chairman Thompson noted that Plaintiff wrote "two memoranda	Lacks personal knowledge, speculation; FRE 602
18	lines 15 through	offering several scenarios for the Vice President to potentially change	Evidence is based upon documents about which Defendants do not have
19	17.	the outcome of the 2020 Presidential election."	personal knowledge and is inadmissible in its entirety; moreover, the author of
20 21			the piece has not established personal knowledge of the information therein
$\begin{bmatrix} 21 \\ 22 \end{bmatrix}$			described. The conclusions drawn are therefore entirely speculative.
			Assumes facts not in evidence; lack of
23			foundation (including authentication); FRE 901
24	PLAINTII	FF'S EVIDENTIARY OBJECTI	ONS – PAGE 36

$1 \parallel$			The document is not authenticated and
2			Defendants have not admitted into evidence or requested judicial notice of any information to suggest the contents
3			thereof.
4			Hearsay; hearsay within hearsay; FRE 802.
5			To the extent the author's own words are offered for their truth, they are
6			inadmissible hearsay. To the extent the article provides an account of what the
7			author overheard from non-parties, the testimony is an out of court statement
8			not made by the author and is therefore inadmissible hearsay within hearsay.
9			
10	Page 17,	Chairman Thompson also explained that Plaintiff had "participated in a	Lacks personal knowledge, speculation; FRE 602
11	lines 17 through	briefing for nearly 300 state legislators from several states	Evidence is based upon documents about which Defendants do not have
12	24.	regarding purported election fraud," "testified to Georgia state senators	personal knowledge and is inadmissible in its entirety; moreover, the author of
13		regarding alleged voter fraud and reportedly shared a paper that argued	the piece has not established personal knowledge of the information therein
14		that the state legislature could reject election results and directly appoint	described. The conclusions drawn are therefore entirely speculative.
15		electors," was "at the Willard Hotel 'war room' with Steve Bannon and	Assumes facts not in evidence; lack of foundation (including authentication);
16		others on the days leading up to January 6 where the focus was on	FRE 901 The document is not authenticated and
17		delaying or blocking the certification of the election," and on January 6,	Defendants have not admitted into evidence or requested judicial notice of
18		"spoke at the rally at the White House Ellipse."	any information to suggest the contents thereof.
19			Hearsay; hearsay within hearsay; FRE
20			802. To the extent the author's own words are
21			offered for their truth, they are inadmissible hearsay. To the extent the
22			article provides an account of what the
23			author overheard from non-parties, the testimony is an out of court statement

1			not made by the author and is therefore inadmissible hearsay within hearsay.
2			
3	Page 17,	After Plaintiff refused to produce any documents responsive to a subpoena	Lacks personal knowledge, speculation; FRE 602
4	line 25 through	issued to him directly (which is not before this Court), and invoked the	Evidence is based upon documents about which Defendants do not have personal knowledge and is inadmissible
5	Page 18, line 6.	Fifth Amendment privilege against forced self-incrimination repeatedly	in its entirety; moreover, the author of the piece has not established personal
6		during his deposition, the Select Committee issued a separate	knowledge of the information therein described. The conclusions drawn are
7		subpoena to Chapman for certain documents in its possession "attributable to Dr. John Eastman,	therefore entirely speculative.
8		that are related in any way to the 2020 election or the January 6, 2021	Assumes facts not in evidence; lack of foundation (including authentication);
9		Joint Session of Congress." Compl. Ex. B at 4, ECF No. 1-2. That	FRE 901 The document is not authenticated and
10		subpoena requested documents from November 3, 2020 to January 20,	Defendants have not admitted into evidence or requested judicial notice of
11		2021. <i>Id</i> . The deadline to produce the subpoenaed documents was January	any information to suggest the contents thereof.
12 13		21, 2022. <i>Id</i> . at 3.	Hearsay; hearsay within hearsay; FRE 802.
14			To the extent the author's own words are offered for their truth, they are inadmissible hearsay. To the extent the
15			article provides an account of what the author overheard from non-parties, the
16			testimony is an out of court statement not made by the author and is therefore
17			inadmissible hearsay within hearsay.
18	Page 20,	Over the past months, the Congressional Defendants repeatedly	Lacks personal knowledge, speculation; FRE 602
19	lines 16 through	asked Plaintiff to disclose the engagement letters that show the	Evidence is based upon documents about which Defendants do not have
20	18.	identity of his client and the period of the representation.	personal knowledge and is inadmissible in its entirety; moreover, the author of
21 22			the piece has not established personal knowledge of the information therein described. The conclusions drawn are
23			therefore entirely speculative.

1			Assumes facts not in evidence; lack of foundation (including authentication);
2			FRE 901
3			The document is not authenticated and Defendants have not admitted into
3			evidence or requested judicial notice of
4			any information to suggest the contents thereof.
5			thereor.
			Hearsay; hearsay within hearsay; FRE
6			$\frac{802}{1}$ To the extent the author's own words are
7			offered for their truth, they are
			inadmissible hearsay. To the extent the
8			article provides an account of what the author overheard from non-parties, the
9			testimony is an out of court statement
			not made by the author and is therefore inadmissible hearsay within hearsay.
10			madmissible hearsay within hearsay.
11	Page 23,	This Court instructed Plaintiff to "file	Lacks personal knowledge, speculation; FRE 602
12	lines 8	with the Court and the Select Committee evidence of all attorney-	Evidence is based upon documents
	through	client and agent relationships	about which Defendants do not have
13	10.	asserted in the privilege log." Order,	personal knowledge and is inadmissible
14		ECF No. 104. ¶ 2.	in its entirety; moreover, the author of the piece has not established personal
1.			knowledge of the information therein
15			described. The conclusions drawn are
16			therefore entirely speculative.
			Assumes facts not in evidence; lack of
17			foundation (including authentication); FRE 901
18			The document is not authenticated and
10			Defendants have not admitted into evidence or requested judicial notice of
19			any information to suggest the contents
20			thereof.
21			Hearsay; hearsay within hearsay; FRE 802.
22			To the extent the author's own words are
			offered for their truth, they are inadmissible hearsay. To the extent the
23			article provides an account of what the
24	PLAINTII	FF'S EVIDENTIARY OBJECTI	IONS – PAGE 39

1			author overheard from non-parties, the testimony is an out of court statement
2			not made by the author and is therefore inadmissible hearsay within hearsay.
3			
4	Page 26,	Chapman's Computer and Network Policy directly undermines any	Lacks personal knowledge, speculation; FRE 602
5	lines 1 through 11.	purported expectation of confidentiality. That policy is clear:	Evidence is based upon documents about which Defendants do not have personal knowledge and is inadmissible
6	11.	"Users should not expect privacy in the contents of University-owned	in its entirety; moreover, the author of the piece has not established personal
7		computers or e-mail messages." Policies and Procedures: Computer	knowledge of the information therein described. The conclusions drawn are
8		and Network Acceptable Use Policy, Chapman University, https://perma.cc/7ZUA-ZALN (last	therefore entirely speculative.
9		visited Mar. 2, 2022) (emphasis added).	Assumes facts not in evidence; lack of foundation (including authentication);
10		The policy also expressly bans	FRE 901 The document is not authenticated and
11		personal use on its network and computing systems. Id. (all university	Defendants have not admitted into evidence or requested judicial notice of
12		computing and network systems and services are a "University-owned	any information to suggest the contents thereof.
13		resource and business tool to be used only by authorized persons for	Hearsay; hearsay within hearsay; FRE
14		educational purposes or to carry out the legitimate business of the University"). And through its policy,	802. To the extent the author's own words are
15		Chapman reserves "the right to retrieve the contents of University-	offered for their truth, they are inadmissible hearsay. To the extent the
16		owned computers and e-mail messages for legitimate reasons." Id.	article provides an account of what the author overheard from non-parties, the testimony is an out of court statement
17			not made by the author and is therefore
18			inadmissible hearsay within hearsay.
19	Page 26,	Chapman's policy is notable in that, in response to the known risks to	Lacks personal knowledge, speculation; FRE 602
20	lines 12 through	privilege posed by university email policies, many other universities	Evidence is based upon documents about which Defendants do not have
21	14.	have in the past decade developed policies that are more protective of	personal knowledge and is inadmissible in its entirety; moreover, the author of
22		user privacy.61	the piece has not established personal knowledge of the information therein
23			described. The conclusions drawn are therefore entirely speculative.
24	PLAINTII	FF'S EVIDENTIARY OBJECTI	ONS – PAGE 40

,			
1			Assumes facts not in evidence; lack of
2			foundation (including authentication); FRE 901
3			The document is not authenticated and
,			Defendants have not admitted into evidence or requested judicial notice of
4			any information to suggest the contents
5			thereof.
6			Hearsay; hearsay within hearsay; FRE
7			$\frac{802}{1}$ To the extent the author's own words are
			offered for their truth, they are
8			inadmissible hearsay. To the extent the article provides an account of what the
9			author overheard from non-parties, the testimony is an out of court statement
10			not made by the author and is therefore
			inadmissible hearsay within hearsay.
11		The use of "bare-bonesno-privacy	Lacks personal knowledge, speculation;
12	Page 26, line 14	policies" like Chapman's, in which	FRE 602 Evidence is based upon documents
13	through	users are warned "that they do not have an expectation of privacy," is	about which Defendants do not have
14	Page 27, line 2.	followed by only a "small minority"	personal knowledge and is inadmissible in its entirety; moreover, the author of
		of universities. Sisk & Halbur, supra at n.61, at 1297, 1301; Policies and	the piece has not established personal
15		Procedures: Computer and Network Acceptable Use Policy, Chapman	knowledge of the information therein described. The conclusions drawn are
16		University ("Users should not expect	therefore entirely speculative.
17		privacy in the contents of University- owned computers or e-mail	Assumes facts not in evidence; lack of
10		messages").	foundation (including authentication); FRE 901
18			The document is not authenticated and
19			Defendants have not admitted into evidence or requested judicial notice of
20			any information to suggest the contents thereof.
$_{21} \parallel$			
			Hearsay; hearsay within hearsay; FRE 802.
22			To the extent the author's own words are
23			offered for their truth, they are inadmissible hearsay. To the extent the
24	PLAINTII	FF'S EVIDENTIARY OBJECTI	· · · · · · · · · · · · · · · · · · ·
	T 1742114 1 1 1	I DETIDENTIANT ODJECTI	TONO ITION TI

1			article provides an account of what the author overheard from non-parties, the
2			testimony is an out of court statement
3			not made by the author and is therefore inadmissible hearsay within hearsay.
4			Lacks personal knowledge, speculation;
5	Page 27,	Plaintiff was notified of Chapman's relatively stringent policy and can be	FRE 602
	lines 3 through 4.	presumed to be aware of the [sic.] it.	Evidence is based upon documents about which Defendants do not have
6			personal knowledge and is inadmissible in its entirety; moreover, the author of
7			the piece has not established personal knowledge of the information therein
8			described. The conclusions drawn are
9			therefore entirely speculative.
10			Assumes facts not in evidence; lack of foundation (including authentication);
11			FRE 901 The document is not authenticated and
			Defendants have not admitted into
12			evidence or requested judicial notice of any information to suggest the contents
13			thereof.
14			Hearsay; hearsay within hearsay; FRE 802.
15			To the extent the author's own words are offered for their truth, they are
16			inadmissible hearsay. To the extent the
17			article provides an account of what the author overheard from non-parties, the
18			testimony is an out of court statement not made by the author and is therefore
19			inadmissible hearsay within hearsay.
		Plaintiff served on the Chapman	Lacks personal knowledge, speculation;
20	Page 27, lines 4	faculty for over twenty years and was previously the Dean of Chapman's	FRE 602 Evidence is based upon documents
21	through 5.	law school.	about which Defendants do not have personal knowledge and is inadmissible
22			in its entirety; moreover, the author of
23			the piece has not established personal knowledge of the information therein

1			described. The conclusions drawn are therefore entirely speculative.
$_{2}\parallel$, ,
_			Assumes facts not in evidence; lack of foundation (including authentication);
3			FRE 901
4			The document is not authenticated and Defendants have not admitted into
5			evidence or requested judicial notice of
			any information to suggest the contents thereof.
6			thereor.
7			Hearsay; hearsay within hearsay; FRE 802.
8			To the extent the author's own words are offered for their truth, they are
9			inadmissible hearsay. To the extent the
10			article provides an account of what the author overheard from non-parties, the
11			testimony is an out of court statement not made by the author and is therefore
11			inadmissible hearsay within hearsay.
12			Lacks personal knowledge, speculation;
13	Page 27,	Moreover, in reference to Plaintiff's representation of President Trump in	FRE 602
$_{14}\parallel$	lines 12 through	Supreme Court litigation, Chapman's President publicly emphasized the	Evidence is based upon documents about which Defendants do not have
	16.	university's "clear policies in place	personal knowledge and is inadmissible
15		regarding outside activity," explaining that "acting privately,	in its entirety; moreover, the author of the piece has not established personal
16		Chapman faculty and staff are not	knowledge of the information therein described. The conclusions drawn are
17		free to use Chapman University's email address, physical address or	therefore entirely speculative.
18		telephone number in connection with	Assumes facts not in evidence; lack of
		the support of a political candidate."	foundation (including authentication); FRE 901
19			The document is not authenticated and
20			Defendants have not admitted into evidence or requested judicial notice of
21			any information to suggest the contents
$_{22}\parallel$			thereof.
			Hearsay; hearsay within hearsay; FRE 802.
23		<u> </u>	002.

1			To the extent the author's own words are offered for their truth, they are
2			inadmissible hearsay. To the extent the
3			article provides an account of what the author overheard from non-parties, the
4			testimony is an out of court statement not made by the author and is therefore inadmissible hearsay within hearsay.
5			madmissible hearsay within hearsay.
6	Page 27,	Putting all of this together, Plaintiff certainly had no legitimate	Lacks personal knowledge, speculation; FRE 602
7	lines 24 through	expectation of confidentiality during the dates at issue here—January 4-7,	Evidence is based upon documents about which Defendants do not have
8	26.	2021—nearly one month after the University President's public	personal knowledge and is inadmissible in its entirety; moreover, the author of
9		statement.	the piece has not established personal knowledge of the information therein described. The conclusions drawn are
10			therefore entirely speculative.
11			Assumes facts not in evidence; lack of foundation (including authentication);
12			FRE 901 The document is not authenticated and
13			Defendants have not admitted into evidence or requested judicial notice of
14			any information to suggest the contents thereof.
15			Hearsay; hearsay within hearsay; FRE
16			802. To the extent the author's own words are
17			offered for their truth, they are inadmissible hearsay. To the extent the
18			article provides an account of what the author overheard from non-parties, the
19			testimony is an out of court statement not made by the author and is therefore
20			inadmissible hearsay within hearsay.
21	Page 27,	The information provided by the	Lacks personal knowledge, speculation; FRE 602
22	line 28 through	university to this Court provides no indication that this makes any	Evidence is based upon documents about which Defendants do not have
23	Page 28, line 4.	difference. To the contrary, less than a month before the period at issue	personal knowledge and is inadmissible in its entirety; moreover, the author of
24		FF'S EVIDENTIARY OBJECTI	

		1	the piece has not established none and
1		here, Chapman's President admonished Plaintiff's use of the	the piece has not established personal knowledge of the information therein
2		Chapman server and email address	described. The conclusions drawn are
		for the very purpose used here, and was crystal clear that the policy	therefore entirely speculative.
3		applied to "faculty and staff."	Assumes facts not in evidence; lack of
4			foundation (including authentication);
5			FRE 901 The document is not authenticated and
3			Defendants have not admitted into
6			evidence or requested judicial notice of
7			any information to suggest the contents thereof.
<i>'</i>			
8			Hearsay; hearsay within hearsay; FRE 802.
9			To the extent the author's own words are offered for their truth, they are
10			inadmissible hearsay. To the extent the
11			article provides an account of what the author overheard from non-parties, the
11			testimony is an out of court statement
12			not made by the author and is therefore inadmissible hearsay within hearsay.
13			,
14	Page 28,	By contrast, here, as we have highlighted, the University President	Lacks personal knowledge, speculation; FRE 602
	lines 19	(in specific reference to Plaintiff and	Evidence is based upon documents
15	through 23.	his political work for President Trump) emphasized that Plaintiff and	about which Defendants do not have personal knowledge and is inadmissible
16		other faculty had [sic.] staff had no	in its entirety; moreover, the author of
17		privacy interest. This fact is also fatal	the piece has not established personal knowledge of the information therein
1 /		to Plaintiff's reliance on his prior practices violating Chapman's	described. The conclusions drawn are
18		policy.	therefore entirely speculative.
19			Assumes facts not in evidence; lack of
			foundation (including authentication);
20			FRE 901 The document is not authenticated and
21			Defendants have not admitted into
22			evidence or requested judicial notice of any information to suggest the contents
22			thereof.
23			

1			Hearsay; hearsay within hearsay; FRE 802.
2			To the extent the author's own words are offered for their truth, they are
3			inadmissible hearsay. To the extent the article provides an account of what the
4			author overheard from non-parties, the testimony is an out of court statement
5			not made by the author and is therefore inadmissible hearsay within hearsay.
6			, ,
7	Page 28,	Plaintiff's decision to continue using a server and email account in an	Lacks personal knowledge, speculation; FRE 602
8	line 28 through	unauthorized way after being specifically admonished by the	Evidence is based upon documents about which Defendants do not have
9	Page 29, line 3.	University President against doing so is precisely such an instance where,	personal knowledge and is inadmissible in its entirety; moreover, the author of the piece has not established personal
10		as the attorney, Plaintiff's actions defeated application of the privilege.	knowledge of the information therein described. The conclusions drawn are
11			therefore entirely speculative.
12			Assumes facts not in evidence; lack of foundation (including authentication);
13			FRE 901 The document is not authenticated and
14			Defendants have not admitted into evidence or requested judicial notice of
15			any information to suggest the contents thereof.
16			Hearsay; hearsay within hearsay; FRE
17			802. To the extent the author's own words are
18			offered for their truth, they are inadmissible hearsay. To the extent the
19			article provides an account of what the author overheard from non-parties, the
20			testimony is an out of court statement not made by the author and is therefore
21			inadmissible hearsay within hearsay.
22 23	Page 29, lines 12	Plaintiff has stated publicly that President Trump authorized Plaintiff's discussion of advice	Lacks personal knowledge, speculation; FRE 602 Evidence is based upon documents
		riamum s discussion of advice	about which Defendants do not have
24	PLAINTII	FF'S EVIDENTIARY OBJECTI	ONS – PAGE 46

1	through	relating to the election and the events	personal knowledge and is inadmissible
2	16.	leading up to January 6. Two memoranda that Plaintiff wrote	in its entirety; moreover, the author of the piece has not established personal
3		outlining how former Vice President Pence could overturn the results of the Presidential election are already	knowledge of the information therein described. The conclusions drawn are therefore entirely speculative.
5		in the public domain and have been provided to the media, and discussed, by Plaintiff.	Assumes facts not in evidence; lack of foundation (including authentication);
6			FRE 901 The document is not authenticated and Defendants have not admitted into
7			evidence or requested judicial notice of any information to suggest the contents
8			thereof.
9			Hearsay; hearsay within hearsay; FRE 802.
10			To the extent the author's own words are offered for their truth, they are
11			inadmissible hearsay. To the extent the article provides an account of what the
12			author overheard from non-parties, the testimony is an out of court statement
13			not made by the author and is therefore inadmissible hearsay within hearsay.
14			Lacks personal knowledge, speculation;
15	Page 29, lines 17	Plaintiff discussed the advice in his legal memo at length on a podcast,	FRE 602 Evidence is based upon documents
16	through 19.	noting that Plaintiff himself provided the memorandum to author Bob	about which Defendants do not have personal knowledge and is inadmissible
17		Woodward, and saying at the outset that Mr. Trump had "authorized" him "to talk about these things."	in its entirety; moreover, the author of the piece has not established personal
18		to talk about these things.	knowledge of the information therein described. The conclusions drawn are
19			therefore entirely speculative.
20			Assumes facts not in evidence; lack of foundation (including authentication);
21			FRE 901 The document is not authenticated and
22			Defendants have not admitted into evidence or requested judicial notice of
23			any information to suggest the contents thereof.
24	PLAINTII	FF'S EVIDENTIARY OBJECTI	IONS – PAGE 47

1			Hearsay; hearsay within hearsay; FRE
2			$\frac{802}{1}$ To the extent the author's own words are
3			offered for their truth, they are inadmissible hearsay. To the extent the
4			article provides an account of what the author overheard from non-parties, the
5			testimony is an out of court statement not made by the author and is therefore
6			inadmissible hearsay within hearsay.
7	Page 29,	Plaintiff has also made extensive public remarks regarding the events	Lacks personal knowledge, speculation; FRE 602
8	lines 19 through	of January 6 and his advice to President Trump on numerous other	Evidence is based upon documents about which Defendants do not have
9	21.	occasions.	personal knowledge and is inadmissible in its entirety; moreover, the author of
10			the piece has not established personal knowledge of the information therein
11			described. The conclusions drawn are therefore entirely speculative.
12 13			Assumes facts not in evidence; lack of foundation (including authentication); FRE 901
14 15			The document is not authenticated and Defendants have not admitted into evidence or requested judicial notice of
16			any information to suggest the contents thereof.
17			Hearsay; hearsay within hearsay; FRE 802.
18 19			To the extent the author's own words are offered for their truth, they are inadmissible hearsay. To the extent the
20			article provides an account of what the author overheard from non-parties, the
21			testimony is an out of court statement not made by the author and is therefore inadmissible hearsay within hearsay.
22 23	Page 30, lines 8	On May 5, 2021, Plaintiff appeared on the Peter Boyles Show and stated	Lacks personal knowledge, speculation; FRE 602
24		FF'S EVIDENTIARY OBJECTI	IONS – PAGE 48

1	through 12.	that "I would normally not talk about a private conversation I have with a	Evidence is based upon documents about which Defendants do not have
2		client, but I have express authorization from my client, the	personal knowledge and is inadmissible in its entirety; moreover, the author of
3		President of the United States at the	the piece has not established personal
4		time, to describe what occurred—to truthfully describe what occurred in	knowledge of the information therein described. The conclusions drawn are
5		that conversation."	therefore entirely speculative.
			Assumes facts not in evidence; lack of foundation (including authentication);
6			FRE 901
7			The document is not authenticated and Defendants have not admitted into
8			evidence or requested judicial notice of any information to suggest the contents
9			thereof.
10			Hearsay; hearsay within hearsay; FRE 802.
11			To the extent the author's own words are
12			offered for their truth, they are inadmissible hearsay. To the extent the
13			article provides an account of what the author overheard from non-parties, the
			testimony is an out of court statement not made by the author and is therefore
14			inadmissible hearsay within hearsay.
15		At issue is former President Trump's	Lacks personal knowledge, speculation;
16	Page 30, lines 16	waiver of the subject matter of issues the events of January 6 and	FRE 602 Evidence is based upon documents
17	through 19.	Plaintiff's advice about the effort to	about which Defendants do not have personal knowledge and is inadmissible
18		interfere with the counting of the electoral votes on January 6 in	in its entirety; moreover, the author of the piece has not established personal
19		violation of the Electoral Count Act.	knowledge of the information therein
20			described. The conclusions drawn are therefore entirely speculative.
21			Assumes facts not in evidence; lack of
22			foundation (including authentication); FRE 901
			The document is not authenticated and Defendants have not admitted into
23			evidence or requested judicial notice of
24	PLAINTII	FF'S EVIDENTIARY OBJECTI	IONS – PAGE 49

1			any information to suggest the contents thereof.
2			Hearsay; hearsay within hearsay; FRE
3			802. To the extent the author's own words are
4			offered for their truth, they are
5			inadmissible hearsay. To the extent the article provides an account of what the author overheard from non-parties, the
6			testimony is an out of court statement not made by the author and is therefore
7			inadmissible hearsay within hearsay.
8	D 22	Congressional Defendants believe	Lacks personal knowledge, speculation;
9	Page 32, lines 16	that many (if not the vast majority) of the communications at issue involved	FRE 602 Evidence is based upon documents
10	through 18.	efforts to interfere with the counting of the electoral votes on January 6 in	about which Defendants do not have personal knowledge and is inadmissible
11		violation of the Electoral Count Act.	in its entirety; moreover, the author of the piece has not established personal
12			knowledge of the information therein described. The conclusions drawn are
13			therefore entirely speculative.
14			Assumes facts not in evidence; lack of foundation (including authentication); FRE 901
15			The document is not authenticated and Defendants have not admitted into
16			evidence or requested judicial notice of
17			any information to suggest the contents thereof.
18			Hearsay; hearsay within hearsay; FRE 802.
19			To the extent the author's own words are offered for their truth, they are
20			inadmissible hearsay. To the extent the article provides an account of what the
21			author overheard from non-parties, the
22			testimony is an out of court statement not made by the author and is therefore
23			inadmissible hearsay within hearsay.

11			
1	Page 33,	Plaintiff to claim protection for his	Lacks personal knowledge, speculation; FRE 602
2	lines 6 through 7.	advice aimed at—to put it bluntly—overturning a democratic election.	Evidence is based upon documents about which Defendants do not have
3	unough 7.		personal knowledge and is inadmissible
4			in its entirety; moreover, the author of the piece has not established personal
5			knowledge of the information therein described. The conclusions drawn are therefore entirely speculative.
6			Assumes facts not in evidence; lack of
7			foundation (including authentication); FRE 901
8			The document is not authenticated and Defendants have not admitted into
9			evidence or requested judicial notice of any information to suggest the contents
10			thereof.
11			Hearsay; hearsay within hearsay; FRE 802.
12			To the extent the author's own words are offered for their truth, they are
13			inadmissible hearsay. To the extent the article provides an account of what the
14			author overheard from non-parties, the testimony is an out of court statement
15			not made by the author and is therefore inadmissible hearsay within hearsay.
16			Lacks personal knowledge, speculation:
17	Page 33, lines 13	Plaintiff is currently the subject of a California State Bar ethics	FRE 602 Evidence is based upon documents
18	through 14.	investigation.	about which Defendants do not have personal knowledge and is inadmissible
19	14.		in its entirety; moreover, the author of
20			the piece has not established personal knowledge of the information therein described. The conclusions drawn are
21			therefore entirely speculative.
22			Assumes facts not in evidence; lack of foundation (including authentication);
23			FRE 901
- 11			

1			The document is not authenticated and Defendants have not admitted into
2			evidence or requested judicial notice of
3			any information to suggest the contents thereof.
4			Hearsay; hearsay within hearsay; FRE 802.
5			To the extent the author's own words are offered for their truth, they are
6			inadmissible hearsay. To the extent the article provides an account of what the
7			author overheard from non-parties, the testimony is an out of court statement
8			not made by the author and is therefore inadmissible hearsay within hearsay.
9			Probative value outweighed by
10			prejudicial effect; FRE 403. The status of any state bar investigations
11			regarding Plaintiff is presumably introduced to undermine the Plaintiff's
12			credibility regarding matters unrelated to this case. The merits of election
13			challenges and any misconduct that may have occurred relating thereto are not
14			relevant to the present matter except insofar as they are intended to discredit
15			Plaintiff.
16		A 1 CC (1 (1 '1'	Lacks personal knowledge, speculation;
17	Page 41, lines 10	Any such effort by the presiding officer would violate the law. This is	FRE 602 Evidence is based upon documents
18	through 12.	exactly what the Vice President's counsel explained at length to	about which Defendants do not have personal knowledge and is inadmissible
19		Plaintiff and President Trump before January 6.	in its entirety; moreover, the author of the piece has not established personal
20			knowledge of the information therein described. The conclusions drawn are
21			therefore entirely speculative.
22			Assumes facts not in evidence; lack of foundation (including authentication);
23			FRE 901

1			The document is not authenticated and Defendants have not admitted into
2			evidence or requested judicial notice of any information to suggest the contents
3			thereof.
4			Hearsay; hearsay within hearsay; FRE 802.
5			To the extent the author's own words are offered for their truth, they are
6			inadmissible hearsay. To the extent the article provides an account of what the
7			author overheard from non-parties, the testimony is an out of court statement
8			not made by the author and is therefore inadmissible hearsay within hearsay.
9			
10	Page 41, lines 12	Plaintiff acknowledged that the Supreme Court would reject such an	Assumes facts not in evidence; lack of foundation (including authentication); FRE 901
11	through 13.	effort 9-0.	The document is not authenticated and Defendants have not admitted into
12	13.		evidence or requested judicial notice of any information to suggest the contents
13			thereof.
14			Lacks personal knowledge, speculation
15	Page 41, lines 13	And the Vice President made this crystal clear in writing on January 6:	Lacks personal knowledge, speculation; FRE 602 Evidence is based upon documents
16	through 15.	any attempt by the Vice President to take the course of action the	about which Defendants do not have personal knowledge and is inadmissible
17		President insisted he take would have been illegal.	in its entirety; moreover, the author of the piece has not established personal
18			knowledge of the information therein described. The conclusions drawn are
19			therefore entirely speculative.
20			Assumes facts not in evidence; lack of foundation (including authentication);
21			FRE 901 The document is not authenticated and
22			Defendants have not admitted into evidence or requested judicial notice of
23			any information to suggest the contents thereof.
24	PLAINTII	FF'S EVIDENTIARY OBJECTI	IONS – PAGE 53

1			Hearsay; hearsay within hearsay; FRE
2			$\frac{802}{1}$ To the extent the author's own words are
3			offered for their truth, they are inadmissible hearsay. To the extent the
4			article provides an account of what the author overheard from non-parties, the
5			testimony is an out of court statement not made by the author and is therefore
6			inadmissible hearsay within hearsay.
7	Page 41,	Nevertheless, pursuant to Plaintiff's	Lacks personal knowledge, speculation; FRE 602
8	lines 16 through	plan, the President repeatedly asked the Vice President to exercise	Evidence is based upon documents about which Defendants do not have
9	18.	unilateral authority illegally, as presiding officer of the Joint Session	personal knowledge and is inadmissible in its entirety; moreover, the author of
10		of Congress, to refuse to count electoral votes.	the piece has not established personal knowledge of the information therein
11			described. The conclusions drawn are therefore entirely speculative.
12			Assumes facts not in evidence; lack of
13			foundation (including authentication); FRE 901
14			The document is not authenticated and Defendants have not admitted into
15			evidence or requested judicial notice of any information to suggest the contents thereof.
16			Hearsay; hearsay within hearsay; FRE
17 18			802. To the extent the author's own words are
19			offered for their truth, they are inadmissible hearsay. To the extent the
20			article provides an account of what the author overheard from non-parties, the
21			testimony is an out of court statement not made by the author and is therefore
22			inadmissible hearsay within hearsay.
23	Page 41, line 18	In service of this effort, he and Plaintiff met with the Vice President	Lacks personal knowledge, speculation; FRE 602
24		FF'S EVIDENTIARY OBJECTI	IONS – PAGE 54

1	through Page 42,	and his staff several times to advocate that he unilaterally reject	Evidence is based upon documents about which Defendants do not have
2	line 2.	and refuse to count or prevent the	personal knowledge and is inadmissible
3		counting of certified electoral votes, and both also engaged in a public	in its entirety; moreover, the author of the piece has not established personal
3		campaign to pressure the Vice	knowledge of the information therein
4		President.	described. The conclusions drawn are
_			therefore entirely speculative.
5			Assumes facts not in evidence; lack of
6			foundation (including authentication);
7			FRE 901 The document is not authenticated and
·			Defendants have not admitted into
8			evidence or requested judicial notice of
9			any information to suggest the contents thereof.
9			
10			Hearsay; hearsay within hearsay; FRE 802.
11			To the extent the author's own words are
11			offered for their truth, they are
12			inadmissible hearsay. To the extent the article provides an account of what the
13			author overheard from non-parties, the
			testimony is an out of court statement
14			not made by the author and is therefore inadmissible hearsay within hearsay.
15			
		The President and Plaintiff also took	Lacks personal knowledge, speculation;
16	Page 42, lines 4	steps to alter the certification of	FRE 602 Evidence is based upon documents
17	through 7.	electors from various States. For example, the President called and	about which Defendants do not have
		met with state officials, met	personal knowledge and is inadmissible
18		numerous times with officials in the	in its entirety; moreover, the author of the piece has not established personal
19		Department of Justice, tweeted and spoke about these issues publicly,	knowledge of the information therein
		and engaged in a personal campaign	described. The conclusions drawn are
20		to persuade the public that the	therefore entirely speculative.
21		election had been tainted by widespread fraud.	Assumes facts not in evidence; lack of
		•	foundation (including authentication); FRE 901
22			The document is not authenticated and
23			Defendants have not admitted into
			evidence or requested judicial notice of

PLAINTIFF'S EVIDENTIARY OBJECTIONS – PAGE 55

24

1			any information to suggest the contents thereof.
2			Hearsay; hearsay within hearsay; FRE
3			<u>802.</u>
4			To the extent the author's own words are offered for their truth, they are inadmissible hearsay. To the extent the
5			article provides an account of what the author overheard from non-parties, the
6			testimony is an out of court statement not made by the author and is therefore
7			inadmissible hearsay within hearsay.
8	Page 42,	The evidence supports an inference	Lacks personal knowledge, speculation; FRE 602
9	lines 11 through	that President Trump and members of his campaign knew he had not	Evidence is based upon documents about which Defendants do not have
10	15.	won enough legitimate state electoral votes to be declared the winner of the	personal knowledge and is inadmissible in its entirety; moreover, the author of
11		2020 Presidential election during the January 6 Joint Session of Congress,	the piece has not established personal knowledge of the information therein
12		but the President nevertheless sought to use the Vice President to	described. The conclusions drawn are therefore entirely speculative.
13		manipulate the results in his favor.	Assumes facts not in evidence; lack of
14			foundation (including authentication): FRE 901
15			The document is not authenticated and Defendants have not admitted into
16			evidence or requested judicial notice of any information to suggest the contents
17			thereof.
18			Hearsay; hearsay within hearsay; FRE 802.
19			To the extent the author's own words are offered for their truth, they are
20			inadmissible hearsay. To the extent the article provides an account of what the
21			author overheard from non-parties, the testimony is an out of court statement
22			not made by the author and is therefore inadmissible hearsay within hearsay.
23			

1	Page 42,	By December 14, 2020, the Electoral	Lacks personal knowledge, speculation; FRE 602
2	lines 15 through	College had voted to send 306 certified electoral votes for Biden	Evidence is based upon documents about which Defendants do not have
3	16.	and 232 certified electoral votes for Trump.	personal knowledge and is inadmissible in its entirety; moreover, the author of
4			the piece has not established personal knowledge of the information therein
5			described. The conclusions drawn are therefore entirely speculative.
6			Assumes facts not in evidence; lack of
7			foundation (including authentication); FRE 901
8			The document is not authenticated and Defendants have not admitted into
9			evidence or requested judicial notice of any information to suggest the contents
10			thereof.
11			Hearsay; hearsay within hearsay; FRE 802.
12			To the extent the author's own words are offered for their truth, they are
13			inadmissible hearsay. To the extent the article provides an account of what the
14			author overheard from non-parties, the testimony is an out of court statement
15			not made by the author and is therefore inadmissible hearsay within hearsay.
16		N. d. I. d. I. d. C. I.	Lacks personal knowledge, speculation;
17	Page 42, lines 16	No state legislature had certified an alternate slate between that time and	FRE 602 Evidence is based upon documents
18	through 17.	January 6, 2021.	about which Defendants do not have personal knowledge and is inadmissible
19			in its entirety; moreover, the author of the piece has not established personal
20			knowledge of the information therein described. The conclusions drawn are
21			therefore entirely speculative.
22			Assumes facts not in evidence; lack of
23			foundation (including authentication); FRE 901
- 11			

1			The document is not authenticated and Defendants have not admitted into
2			evidence or requested judicial notice of
3			any information to suggest the contents thereof.
4			Hearsay; hearsay within hearsay; FRE 802.
5			To the extent the author's own words are offered for their truth, they are
6			inadmissible hearsay. To the extent the article provides an account of what the
7			author overheard from non-parties, the testimony is an out of court statement
8			not made by the author and is therefore inadmissible hearsay within hearsay.
9			·
10	Page 42,	Moreover, no court had endorsed the Trump campaign's numerous	Lacks personal knowledge, speculation; FRE 602
11	lines 18 through	attempts to challenge state election results in the wake of the election.	Evidence is based upon documents about which Defendants do not have
12	19.		personal knowledge and is inadmissible in its entirety; moreover, the author of
13			the piece has not established personal knowledge of the information therein
14			described. The conclusions drawn are therefore entirely speculative.
15			Assumes facts not in evidence; lack of foundation (including authentication);
16			FRE 901 The document is not authenticated and
17			Defendants have not admitted into evidence or requested judicial notice of
18			any information to suggest the contents thereof.
19			
20			Hearsay; hearsay within hearsay; FRE 802.
$_{21}$			To the extent the author's own words are offered for their truth, they are
$_{22}$			inadmissible hearsay. To the extent the article provides an account of what the
			author overheard from non-parties, the testimony is an out of court statement
23		1	testimony is an out of court statement

1			not made by the author and is therefore inadmissible hearsay within hearsay.
2			macinissione nearsay within nearsay.
3	Page 43,	[T]he President and Plaintiff engaged in an extensive public and private	Lacks personal knowledge, speculation; FRE 602 Evidence is based was a decorporate
4	lines 1 through 4.	campaign to convince the Vice President to reject certain Biden	Evidence is based upon documents about which Defendants do not have personal knowledge and is inadmissible
5		electors or delay the proceedings, without basis, so that the President	in its entirety; moreover, the author of the piece has not established personal
6		and his associates would have additional time to manipulate the	knowledge of the information therein described. The conclusions drawn are
7		results.	therefore entirely speculative.
8			Assumes facts not in evidence; lack of foundation (including authentication);
9			FRE 901 The document is not authenticated and
10			Defendants have not admitted into evidence or requested judicial notice of
11			any information to suggest the contents thereof.
12			Hearsay; hearsay within hearsay; FRE
13			802. To the extent the author's own words are
14			offered for their truth, they are inadmissible hearsay. To the extent the article provides an account of what the
16			author overheard from non-parties, the testimony is an out of court statement
17			not made by the author and is therefore inadmissible hearsay within hearsay.
18	Page 44,	As noted above, in particular, the President and Plaintiff worked jointly	Lacks personal knowledge, speculation; FRE 602
19	lines 19 through	to attempt to persuade the Vice President to use his position on	Evidence is based upon documents about which Defendants do not have
20	22.	January 6, 2021, to reject certified electoral slates submitted by certain	personal knowledge and is inadmissible in its entirety; moreover, the author of
21		States and/or to delay the proceedings by sending the count	the piece has not established personal knowledge of the information therein
22		back to the States.	described. The conclusions drawn are therefore entirely speculative.
23			

1			Assumes facts not in evidence; lack of foundation (including authentication);
2			FRE 901
			The document is not authenticated and
3			Defendants have not admitted into evidence or requested judicial notice of
4			any information to suggest the contents
.			thereof.
5			Hearsay; hearsay within hearsay; FRE
6			802.
			To the extent the author's own words are
7			offered for their truth, they are
			inadmissible hearsay. To the extent the article provides an account of what the
8			author overheard from non-parties, the
9			testimony is an out of court statement
			not made by the author and is therefore
10			inadmissible hearsay within hearsay.
11		Disintiff funt and feed a "intere" to	Lacks personal knowledge, speculation;
	Page 44,	Plaintiff first crafted a "plan" to justify this course of action.	FRE 602
12	lines 22	justify this course of action	Evidence is based upon documents
13	through 23.		about which Defendants do not have personal knowledge and is inadmissible
13	23.		in its entirety; moreover, the author of
14			the piece has not established personal
			knowledge of the information therein
15			described. The conclusions drawn are therefore entirely speculative.
16			
			Assumes facts not in evidence; lack of
17			foundation (including authentication); FRE 901
18			The document is not authenticated and
			Defendants have not admitted into
19			evidence or requested judicial notice of
20			any information to suggest the contents thereof.
			Hearsay; hearsay within hearsay; FRE
21			802.
22			To the extent the author's own words are
			offered for their truth, they are
23			inadmissible hearsay. To the extent the article provides an account of what the
24	DI AINITE		•
∠ ¬	PLAINTI	FF'S EVIDENTIARY OBJECT	IUNS – PAGE 60

1			author overheard from non-parties, the testimony is an out of court statement
2			not made by the author and is therefore
3			inadmissible hearsay within hearsay.
		Plaintiff and the President then met	Lacks personal knowledge, speculation;
4	Page 44, line 23	and spoke with the Vice President	FRE 602 Evidence is based upon documents
5	through	and members of his staff on several occasions on January 4-6 in an	about which Defendants do not have
6	Page 45, line 4.	attempt to execute Plaintiff's plan. Plaintiff continued these efforts to	personal knowledge and is inadmissible in its entirety; moreover, the author of
7		persuade the Vice President via	the piece has not established personal knowledge of the information therein
		ongoing conversations with the Vice President's staff, and the President	described. The conclusions drawn are
8		employed numerous public statements to exert additional	therefore entirely speculative.
9		pressure on Pence.	Assumes facts not in evidence; lack of foundation (including authentication);
10			FRE 901 The document is not authenticated and
11			Defendants have not admitted into
12			evidence or requested judicial notice of any information to suggest the contents
			thereof.
13			Hearsay; hearsay within hearsay; FRE
14			$\frac{802}{1}$ To the extent the author's own words are
15			offered for their truth, they are inadmissible hearsay. To the extent the
16			article provides an account of what the
17			author overheard from non-parties, the testimony is an out of court statement
			not made by the author and is therefore inadmissible hearsay within hearsay.
18			madmissione nearsay within nearsay.
19	Page 45,	In a civil case filed against the	Lacks personal knowledge, speculation; FRE 602
20	lines 9	President and others by several members of Congress, Judge Amit	Evidence is based upon documents
21	through 14.	Mehta in the District of Columbia specifically found that it was	about which Defendants do not have personal knowledge and is inadmissible
22		plausible to believe that the President	in its entirety; moreover, the author of the piece has not established personal
		entered into a conspiracy with the rioters on January 6, 2021, "to	knowledge of the information therein
23		disrupt the Certification of the	described. The conclusions drawn are therefore entirely speculative.
24	PLAINTII	FF'S EVIDENTIARY OBJECTI	ONS – PAGE 61

1		Electoral College vote through force,	
2		intimidation, or threats." Judge Mehta's opinion demonstrates the	Assumes facts not in evidence; lack of foundation (including authentication);
3		breadth of conspiratorial conduct and further supports the existence of	FRE 901 The document is not authenticated and
4		common law fraud. (Internal citations omitted).	Defendants have not admitted into evidence or requested judicial notice of
5			any information to suggest the contents thereof.
			Hearsay; hearsay within hearsay; FRE
6			802. To the extent the author's own words are
7			offered for their truth, they are inadmissible hearsay. To the extent the
8			article provides an account of what the
9			author overheard from non-parties, the testimony is an out of court statement
10			not made by the author and is therefore inadmissible hearsay within hearsay.
11			Lacks personal knowledge, speculation;
12	Page 46, lines 2	The President continued this effort despite repeated assurances from	FRE 602 Evidence is based upon documents
13	through 3.	countless sources that there was no evidence of widespread election	about which Defendants do not have personal knowledge and is inadmissible
14		fraud.	in its entirety; moreover, the author of
15			the piece has not established personal knowledge of the information therein
16			described. The conclusions drawn are therefore entirely speculative.
17			Assumes facts not in evidence; lack of
18			foundation (including authentication); FRE 901
19			The document is not authenticated and Defendants have not admitted into
20			evidence or requested judicial notice of any information to suggest the contents
21			thereof.
22			Hearsay; hearsay within hearsay; FRE 802.
23			To the extent the author's own words are offered for their truth, they are
			inadmissible hearsay. To the extent the
24	PLAINTII	FF'S EVIDENTIARY OBJECTI	ONS – PAGE 62

1			article provides an account of what the author overheard from non-parties, the
2			testimony is an out of court statement not made by the author and is therefore
3			inadmissible hearsay within hearsay.
4		On November 12, 2020, CISA issued	Lacks personal knowledge, speculation;
5	Page 46, lines 3	a joint statement of election security agencies stating: "There is no	FRE 602 Evidence is based upon documents
6	through 6.	evidence that any voting system deleted or lost votes, changed votes,	about which Defendants do not have personal knowledge and is inadmissible
7		or was in any way compromised."	in its entirety; moreover, the author of the piece has not established personal
8			knowledge of the information therein described. The conclusions drawn are
9			therefore entirely speculative.
10			Assumes facts not in evidence; lack of foundation (including authentication);
11			FRE 901 The document is not authenticated and
12			Defendants have not admitted into evidence or requested judicial notice of
13			any information to suggest the contents thereof.
14			Hearsay; hearsay within hearsay; FRE 802.
15			To the extent the author's own words are offered for their truth, they are
16			inadmissible hearsay. To the extent the article provides an account of what the
17			author overheard from non-parties, the testimony is an out of court statement
18			not made by the author and is therefore inadmissible hearsay within hearsay.
19			, ,
20	Page 46,	At around the same time, researchers working for the President's campaign	Lacks personal knowledge, speculation; FRE 602
21	lines 6 through 8.	concluded that several the claims of fraud relating to Dominion voting	Evidence is based upon documents about which Defendants do not have
22		machines were false.	personal knowledge and is inadmissible in its entirety; moreover, the author of
23			the piece has not established personal knowledge of the information therein

1			described. The conclusions drawn are
2			therefore entirely speculative.
3			Assumes facts not in evidence; lack of foundation (including authentication);
			FRE 901 The document is not authenticated and
4			Defendants have not admitted into
5			evidence or requested judicial notice of any information to suggest the contents
6			thereof.
7			Hearsay; hearsay within hearsay; FRE 802.
8			To the extent the author's own words are offered for their truth, they are
9			inadmissible hearsay. To the extent the article provides an account of what the
10			author overheard from non-parties, the
11			testimony is an out of court statement not made by the author and is therefore
12			inadmissible hearsay within hearsay.
14 1			
	Do 22 46	In December, Attorney General Barr	Lacks personal knowledge, speculation;
13	Page 46, lines 9	In December, Attorney General Barr publicly announced that there was no widespread election fraud.	FRE 602 Evidence is based upon documents
13 14		publicly announced that there was no	FRE 602 Evidence is based upon documents about which Defendants do not have personal knowledge and is inadmissible
13	lines 9 through	publicly announced that there was no	FRE 602 Evidence is based upon documents about which Defendants do not have
13 14	lines 9 through	publicly announced that there was no	FRE 602 Evidence is based upon documents about which Defendants do not have personal knowledge and is inadmissible in its entirety; moreover, the author of the piece has not established personal knowledge of the information therein
13 14 15	lines 9 through	publicly announced that there was no	FRE 602 Evidence is based upon documents about which Defendants do not have personal knowledge and is inadmissible in its entirety; moreover, the author of the piece has not established personal
13 14 15 16	lines 9 through	publicly announced that there was no	FRE 602 Evidence is based upon documents about which Defendants do not have personal knowledge and is inadmissible in its entirety; moreover, the author of the piece has not established personal knowledge of the information therein described. The conclusions drawn are therefore entirely speculative. Assumes facts not in evidence; lack of
13 14 15 16 17	lines 9 through	publicly announced that there was no	FRE 602 Evidence is based upon documents about which Defendants do not have personal knowledge and is inadmissible in its entirety; moreover, the author of the piece has not established personal knowledge of the information therein described. The conclusions drawn are therefore entirely speculative. Assumes facts not in evidence; lack of foundation (including authentication); FRE 901
13 14 15 16 17 18	lines 9 through	publicly announced that there was no	FRE 602 Evidence is based upon documents about which Defendants do not have personal knowledge and is inadmissible in its entirety; moreover, the author of the piece has not established personal knowledge of the information therein described. The conclusions drawn are therefore entirely speculative. Assumes facts not in evidence; lack of foundation (including authentication); FRE 901 The document is not authenticated and Defendants have not admitted into
13 14 15 16 17 18 19	lines 9 through	publicly announced that there was no	Evidence is based upon documents about which Defendants do not have personal knowledge and is inadmissible in its entirety; moreover, the author of the piece has not established personal knowledge of the information therein described. The conclusions drawn are therefore entirely speculative. Assumes facts not in evidence; lack of foundation (including authentication); FRE 901 The document is not authenticated and Defendants have not admitted into evidence or requested judicial notice of any information to suggest the contents
13 14 15 16 17 18 19 20 21	lines 9 through	publicly announced that there was no	Evidence is based upon documents about which Defendants do not have personal knowledge and is inadmissible in its entirety; moreover, the author of the piece has not established personal knowledge of the information therein described. The conclusions drawn are therefore entirely speculative. Assumes facts not in evidence; lack of foundation (including authentication); FRE 901 The document is not authenticated and Defendants have not admitted into evidence or requested judicial notice of
13 14 15 16 17 18 19 20	lines 9 through	publicly announced that there was no	Evidence is based upon documents about which Defendants do not have personal knowledge and is inadmissible in its entirety; moreover, the author of the piece has not established personal knowledge of the information therein described. The conclusions drawn are therefore entirely speculative. Assumes facts not in evidence; lack of foundation (including authentication); FRE 901 The document is not authenticated and Defendants have not admitted into evidence or requested judicial notice of any information to suggest the contents

1			To the extent the author's own words are offered for their truth, they are
2			inadmissible hearsay. To the extent the article provides an account of what the
3			author overheard from non-parties, the
4			testimony is an out of court statement not made by the author and is therefore inadmissible hearsay within hearsay.
5			madmissible hearsay within hearsay.
6	Page 46,	By January 6, more than 60 court cases had rejected legal claims	Lacks personal knowledge, speculation; FRE 602
7	lines 10 through	alleging election fraud.	Evidence is based upon documents about which Defendants do not have
8	11.		personal knowledge and is inadmissible in its entirety; moreover, the author of
9			the piece has not established personal knowledge of the information therein
10			described. The conclusions drawn are therefore entirely speculative.
11			Assumes facts not in evidence; lack of
12			foundation (including authentication); FRE 901
13			The document is not authenticated and Defendants have not admitted into
14			evidence or requested judicial notice of any information to suggest the contents
15			thereof.
16			Hearsay; hearsay within hearsay; FRE 802.
17			To the extent the author's own words are offered for their truth, they are
18			inadmissible hearsay. To the extent the article provides an account of what the author overheard from non-parties, the
19			testimony is an out of court statement not made by the author and is therefore
20			inadmissible hearsay within hearsay.
21	Dogg 46	The New York court that suspended	Lacks personal knowledge, speculation;
22	Page 46, lines 11 through	Giuliani's law license said that certain of his allegations lacked a	FRE 602 Evidence is based upon documents about which Defendants do not have
23	12.	"scintilla of evidence."	personal knowledge and is inadmissible in its entirety; moreover, the author of
24	PLAINTII	FF'S EVIDENTIARY OBJECTI	-

1			the piece has not established personal knowledge of the information therein
2			described. The conclusions drawn are therefore entirely speculative.
3			
$_{4}\parallel$			Assumes facts not in evidence; lack of foundation (including authentication);
5			FRE 901 The document is not authenticated and
			Defendants have not admitted into evidence or requested judicial notice of
6			any information to suggest the contents
7			thereof.
8			Hearsay; hearsay within hearsay; FRE 802.
9			To the extent the author's own words are offered for their truth, they are
10			inadmissible hearsay. To the extent the article provides an account of what the
11			author overheard from non-parties, the
12			testimony is an out of court statement not made by the author and is therefore
13			inadmissible hearsay within hearsay.
14	Page 46,	On multiple occasions, acting	Lacks personal knowledge, speculation; FRE 602
	line 12	Attorney General Rosen and acting Deputy Attorney General Donoghue	Evidence is based upon documents about which Defendants do not have
15	through Page 47,	told the President personally that the Department of Justice and Federal	personal knowledge and is inadmissible
16	line 2.	Bureau of Investigations had found no evidence to substantiate claims	in its entirety; moreover, the author of the piece has not established personal
17		being raised by the President.	knowledge of the information therein described. The conclusions drawn are
18			therefore entirely speculative.
19			Assumes facts not in evidence; lack of foundation (including authentication);
20			FRE 901 The document is not authenticated and
21			Defendants have not admitted into
$_{22}$			evidence or requested judicial notice of any information to suggest the contents
			thereof.
23			

1			Hearsay; hearsay within hearsay; FRE 802.
2			To the extent the author's own words are offered for their truth, they are
3			inadmissible hearsay. To the extent the article provides an account of what the
4			author overheard from non-parties, the
5			testimony is an out of court statement not made by the author and is therefore inadmissible hearsay within hearsay.
6			
7	Page 47,	Georgia Secretary of State Brad Raffensperger likewise rebutted	Lacks personal knowledge, speculation; FRE 602
8	lines 2 through 3.	many of the President's allegations of fraud in Georgia.	Evidence is based upon documents about which Defendants do not have
9			personal knowledge and is inadmissible in its entirety; moreover, the author of
10			the piece has not established personal knowledge of the information therein described. The conclusions drawn are
11			therefore entirely speculative.
12			Assumes facts not in evidence; lack of foundation (including authentication);
13			FRE 901 The document is not authenticated and
14			Defendants have not admitted into evidence or requested judicial notice of
15			any information to suggest the contents thereof.
16			Hearsay; hearsay within hearsay; FRE
17			802. To the extent the author's own words are
18			offered for their truth, they are inadmissible hearsay. To the extent the
19			article provides an account of what the author overheard from non-parties, the
20			testimony is an out of court statement not made by the author and is therefore
21			inadmissible hearsay within hearsay.
22 23	Page 47, lines 3	Despite these refutations and the absence of any evidence to support the allegations he was making, the	Lacks personal knowledge, speculation; FRE 602 Evidence is based upon documents
24	through 6.		about which Defendants do not have
24	PLAINTII	FF'S EVIDENTIARY OBJECTI	IONS – PAGE 67

1		President and his associates	personal knowledge and is inadmissible
2		continued to publicly advance the narrative that the election had been	in its entirety; moreover, the author of the piece has not established personal
2		tainted by widespread fraud.	knowledge of the information therein
3		-	described. The conclusions drawn are
			therefore entirely speculative.
4			Assumes facts not in evidence; lack of
5			foundation (including authentication); FRE 901
6			The document is not authenticated and Defendants have not admitted into
7			evidence or requested judicial notice of
<i>'</i>			any information to suggest the contents
8			thereof.
9			Hearsay; hearsay within hearsay; FRE 802.
10			To the extent the author's own words are offered for their truth, they are
11			inadmissible hearsay. To the extent the
			article provides an account of what the
12			author overheard from non-parties, the testimony is an out of court statement
12			not made by the author and is therefore
13			inadmissible hearsay within hearsay.
14			
1.5	Dogg 47	As noted above, the President called	Lacks personal knowledge, speculation;
15	Page 47, lines 7	and met with state officials regarding	FRE 602 Evidence is based upon documents
16	through 10.	the election results, met numerous times with officials in the	about which Defendants do not have personal knowledge and is inadmissible
17	10.	Department of Justice, tweeted and spoke about these issues publicly,	in its entirety; moreover, the author of the piece has not established personal
18		and engaged in a personal campaign to persuade the Vice President to	knowledge of the information therein
19		alter the certification results.	described. The conclusions drawn are therefore entirely speculative.
20			Assumes facts not in evidence; lack of
			foundation (including authentication);
21			FRE 901 The document is not authenticated and
22			Defendants have not admitted into
			evidence or requested judicial notice of
23			any information to suggest the contents thereof.
24	PLAINTII	FF'S EVIDENTIARY OBJECTI	IONS – PAGE 68

1			Hearsay; hearsay within hearsay; FRE
2			<u>802.</u>
3			To the extent the author's own words are offered for their truth, they are
$_{4}\parallel$			inadmissible hearsay. To the extent the article provides an account of what the
5			author overheard from non-parties, the testimony is an out of court statement not made by the author and is therefore
6			inadmissible hearsay within hearsay.
7	D 47	For his part, Plaintiff drafted legal	Lacks personal knowledge, speculation;
8	Page 47, lines 10	memoranda outlining several possible ways to ensure that Donald	FRE 602 Evidence is based upon documents
9	through 14.	Trump would be named the winner of the 2020 election, met with the	about which Defendants do not have personal knowledge and is inadmissible
10		Vice President and his staff to press this plan, and spoke publicly on these	in its entirety; moreover, the author of the piece has not established personal knowledge of the information therein
11		issues in advance of the attack on the Capitol.	described. The conclusions drawn are therefore entirely speculative.
12 13			Assumes facts not in evidence; lack of foundation (including authentication);
14			FRE 901 The document is not authenticated and Defendants have not admitted into
15			evidence or requested judicial notice of any information to suggest the contents
16			thereof.
ا 17			Hearsay; hearsay within hearsay; FRE 802.
18			To the extent the author's own words are offered for their truth, they are
19			inadmissible hearsay. To the extent the article provides an account of what the author every from non parties, the
20			author overheard from non-parties, the testimony is an out of court statement not made by the author and is therefore
21			inadmissible hearsay within hearsay.
22	Page 47, lines 15	A review of the documents at issue is likely to reveal that the President	Lacks personal knowledge, speculation; FRE 602
24		FF'S EVIDENTIARY OBJECTI	IONS – PAGE 69

.		1.701	
1	through 16.	engaged Plaintiff's counsel in furtherance of these conspiratorial	Evidence is based upon documents about which Defendants do not have
2		ends.	personal knowledge and is inadmissible
3			in its entirety; moreover, the author of the piece has not established personal
			knowledge of the information therein described. The conclusions drawn are
4			therefore entirely speculative.
5			Assumes facts not in evidence; lack of
6			foundation (including authentication);
			FRE 901 The document is not authenticated and
7			Defendants have not admitted into
8			evidence or requested judicial notice of any information to suggest the contents
9			thereof.
			Hearsay; hearsay within hearsay; FRE
10			<u>802.</u>
11			To the extent the author's own words are offered for their truth, they are
12			inadmissible hearsay. To the extent the
			article provides an account of what the author overheard from non-parties, the
13			testimony is an out of court statement
14			not made by the author and is therefore inadmissible hearsay within hearsay.
15			
	Page 48,	There is also evidence to support a	Lacks personal knowledge, speculation; FRE 602
16	lines 2	good-faith, reasonable belief that in camera review of the materials may	Evidence is based upon documents
17	through 5.	reveal that the President and	about which Defendants do not have personal knowledge and is inadmissible
18		members of his Campaign engaged in common law fraud in connection	in its entirety; moreover, the author of
19		with their efforts to overturn the 2020 election results.	the piece has not established personal knowledge of the information therein
		election results.	described. The conclusions drawn are
20			therefore entirely speculative.
21			Assumes facts not in evidence; lack of foundation (including authentication);
22			FRE 901
			The document is not authenticated and Defendants have not admitted into
23			evidence or requested judicial notice of
24	PLAINTII	FF'S EVIDENTIARY OBJECTI	ONS – PAGE 70

1			any information to suggest the contents thereof.
$2 \parallel$			
3			Hearsay; hearsay within hearsay; FRE 802.
4			To the extent the author's own words are offered for their truth, they are inadmissible hearsay. To the extent the
5			article provides an account of what the author overheard from non-parties, the
6			testimony is an out of court statement not made by the author and is therefore
7			inadmissible hearsay within hearsay.
8	Page 48,	As described above, the evidence	Lacks personal knowledge, speculation; FRE 602
9	lines 11 through	shows that the President made numerous false statements regarding	Evidence is based upon documents about which Defendants do not have
10	17.	election fraud, both personally and through his associates, to the public	personal knowledge and is inadmissible in its entirety; moreover, the author of
11		at-large and to various state and federal officials. See <i>supra</i> at 6-7.	the piece has not established personal knowledge of the information therein
12		These statements referred to material facts regarding the validity of state and federal election results. See	described. The conclusions drawn are therefore entirely speculative.
13		supra at 7-8. And the evidence	Assumes facts not in evidence; lack of
14		supports a good-faith inference that the President did so with knowledge of the falsity of these statements and	foundation (including authentication); FRE 901
15		an intent to deceive his listeners in hopes they would take steps in	The document is not authenticated and Defendants have not admitted into
16		reliance thereon.	evidence or requested judicial notice of any information to suggest the contents
17			thereof.
18			Hearsay; hearsay within hearsay; FRE 802.
19			To the extent the author's own words are offered for their truth, they are
20			inadmissible hearsay. To the extent the article provides an account of what the
21			author overheard from non-parties, the testimony is an out of court statement
22			not made by the author and is therefore inadmissible hearsay within hearsay.
23			

11			
1	Page 48,	In addition to the numerous	Lacks personal knowledge, speculation; FRE 602
2	line 18	refutations of fraud mentioned above, see <i>supra</i> at 7-8, a specific example	Evidence is based upon documents
3	through Page 49,	helps illustrate the point: On	about which Defendants do not have personal knowledge and is inadmissible
	line 5.	December 3, 2020, Trump's YouTube channel posted an edited	in its entirety; moreover, the author of
4		video clip, purporting to show Georgia officials pulling suitcases of	the piece has not established personal knowledge of the information therein
5		ballots from under a table after poll	described. The conclusions drawn are
6		workers had left for the day.96 The next morning, a Georgia official	therefore entirely speculative.
		responded to the allegation on	Assumes facts not in evidence; lack of foundation (including authentication);
7		Twitter, indicating that the video "was watched in its entirety (hours)	FRE 901
8		by @GaSecofState investigators" and	The document is not authenticated and Defendants have not admitted into
9		"[s]how[ed] normal ballot processing. That same day, a local	evidence or requested judicial notice of any information to suggest the contents
10		news outlet ran a fact-checking segment debunking the President's	thereof.
		claims. After the broadcast, the	Hearsay; hearsay within hearsay; FRE
11		Georgia official tweeted: "You can watch the @wsbtv report to show	<u>802.</u>
12		that the President's team is	To the extent the author's own words are offered for their truth, they are
13		intentionally misleading the public about what happened at State Farm	inadmissible hearsay. To the extent the
14		Arena on election night. They had the whole video too and ignored the	article provides an account of what the author overheard from non-parties, the
		truth."	testimony is an out of court statement not made by the author and is therefore
15			inadmissible hearsay within hearsay.
16			Lacks personal knowledge, speculation;
17	Page 49,	The next day, the Georgia Secretary of State's office released the full	FRE 602
18	lines 6 through 7.	video to local news outlets, which	Evidence is based upon documents about which Defendants do not have
		thoroughly debunked the President's claims.	personal knowledge and is inadmissible
19			in its entirety; moreover, the author of the piece has not established personal
20			knowledge of the information therein described. The conclusions drawn are
$_{21}$			therefore entirely speculative.
			Assumes facts not in evidence; lack of
22			foundation (including authentication);
23			FRE 901

1			The document is not authenticated and Defendants have not admitted into
$2 \parallel$			evidence or requested judicial notice of
3			any information to suggest the contents thereof.
4			Hearsay; hearsay within hearsay; FRE 802.
5			To the extent the author's own words are offered for their truth, they are
6			inadmissible hearsay. To the extent the article provides an account of what the
7			author overheard from non-parties, the testimony is an out of court statement
8			not made by the author and is therefore inadmissible hearsay within hearsay.
9			macinissione nearsay within nearsay.
10	Page 49,	On December 6, 2020, the Chief Investigator in the Georgia Secretary	Lacks personal knowledge, speculation; FRE 602
11	lines 7 through	of State's Office issued a sworn declaration affirming that "there were	Evidence is based upon documents about which Defendants do not have
12	11.	no mystery ballots that were brought in from an unknown location and	personal knowledge and is inadmissible in its entirety; moreover, the author of
13		hidden under tables as has been	the piece has not established personal knowledge of the information therein
14		reported by some" and explaining the context of the video clip.	described. The conclusions drawn are therefore entirely speculative.
15			Assumes facts not in evidence; lack of foundation (including authentication);
16			FRE 901 The document is not authenticated and
17			Defendants have not admitted into evidence or requested judicial notice of
18			any information to suggest the contents thereof.
19			
20			Hearsay; hearsay within hearsay; FRE 802.
$_{21}$			To the extent the author's own words are offered for their truth, they are
			inadmissible hearsay. To the extent the article provides an account of what the
22			author overheard from non-parties, the
23			testimony is an out of court statement

1			not made by the author and is therefore inadmissible hearsay within hearsay.
2			
3	Page 49,	The following day, Georgia election officials addressed the issue yet again	Lacks personal knowledge, speculation; FRE 602
4	lines 11 through 14.	in a public press conference, stating that "what you saw, the secret	Evidence is based upon documents about which Defendants do not have personal knowledge and is inadmissible
5	14.	suitcases with magic ballots, were actually ballots that had been packed	in its entirety; moreover, the author of the piece has not established personal
6		into those absentee ballot carriers by the workers in plain view of the	knowledge of the information therein described. The conclusions drawn are
7		monitors and the press."	therefore entirely speculative.
8			Assumes facts not in evidence; lack of foundation (including authentication);
9 10			FRE 901 The document is not authenticated and Defendants have not admitted into
11			evidence or requested judicial notice of any information to suggest the contents
12			thereof.
13			Hearsay; hearsay within hearsay; FRE 802. To the extent the author's own words are
14			offered for their truth, they are inadmissible hearsay. To the extent the
15			article provides an account of what the author overheard from non-parties, the
16			testimony is an out of court statement not made by the author and is therefore
17			inadmissible hearsay within hearsay.
18	Page 49,	Nevertheless, on December 11, 2020, and December 23, 2020, the Trump	Lacks personal knowledge, speculation; FRE 602
19	line 15 through	campaign ran two advertisements on	Evidence is based upon documents about which Defendants do not have
20	Page 50, line 2.	Facebook with the same selectively edited footage and the same claim	personal knowledge and is inadmissible in its entirety; moreover, the author of
21	11110 2.	that the video showed "suitcases of ballots added in secret in Georgia."	the piece has not established personal knowledge of the information therein
22			described. The conclusions drawn are therefore entirely speculative. Moreover,
23			the evidence cited does not seem to

1			exist, as the link does not go to any document.
2			
3			Assumes facts not in evidence; lack of foundation (including authentication); FRE 901
4			The document is not authenticated and
5			Defendants have not admitted into evidence or requested judicial notice of any information to suggest the contents
6			thereof.
7			Hearsay; hearsay within hearsay; FRE 802.
8			To the extent the author's own words are offered for their truth, they are
9			inadmissible hearsay. To the extent the article provides an account of what the
10			author overheard from non-parties, the testimony is an out of court statement
11			not made by the author and is therefore inadmissible hearsay within hearsay.
12			
13	Page 50,	On December 27 and 31, 2020, Acting Deputy Attorney General	Lacks personal knowledge, speculation; FRE 602
14	Page 50, lines 2 through 3.	Donoghue again debunked this claim directly to the President.	Evidence is based upon documents about which Defendants do not have personal knowledge and is inadmissible
15			in its entirety; moreover, the author of the piece has not established personal
16			knowledge of the information therein described. The conclusions drawn are
17			therefore entirely speculative.
18			Assumes facts not in evidence; lack of foundation (including authentication);
19			FRE 901 The document is not authenticated and
20			Defendants have not admitted into evidence or requested judicial notice of
21			any information to suggest the contents thereof.
22			Hearsay; hearsay within hearsay; FRE
23			802.

PLAINTIFF'S EVIDENTIARY OBJECTIONS – PAGE 75

1			To the extent the author's own words are offered for their truth, they are
2			inadmissible hearsay. To the extent the article provides an account of what the
3			author overheard from non-parties, the testimony is an out of court statement
4			not made by the author and is therefore inadmissible hearsay within hearsay.
5			madmissione nearsay within nearsay.
6	Page 50,	Undeterred, the Trump campaign continued to run the ads on	Lacks personal knowledge, speculation; FRE 602
7	lines 4 through 6.	Facebook. [sic.] And the President continued to rely on this allegation in	Evidence is based upon documents about which Defendants do not have
8		his efforts to overturn the results of the election.	personal knowledge and is inadmissible in its entirety; moreover, the author of
9			knowledge of the information therein
10			described. The conclusions drawn are therefore entirely speculative.
11			Assumes facts not in evidence; lack of foundation (including authentication);
12			FRE 901 The document is not authenticated and
13			Defendants have not admitted into evidence or requested judicial notice of
14			any information to suggest the contents thereof.
15			Hearsay; hearsay within hearsay; FRE
16			802. To the extent the author's own words are
17			offered for their truth, they are inadmissible hearsay. To the extent the
18			article provides an account of what the author overheard from non-parties, the
19			testimony is an out of court statement not made by the author and is therefore
20			inadmissible hearsay within hearsay.
21	Page 50,	During a January 2, 2021, telephone	Lacks personal knowledge, speculation; FRE 602
22	line 6 through	conversation with Georgia Secretary of State Brad Raffensperger, the	Evidence is based upon documents about which Defendants do not have
23	Page 51, line 3.	President suggested that suitcases of illicit ballots explained a "minimum"	personal knowledge and is inadmissible in its entirety; moreover, the author of
24		FF'S EVIDENTIARY OBJECTI	-

1		of 18,000 votes for President Biden,	the piece has not established personal
2		ultimately asking Raffensperger to "find 11,780 votes" for him in	knowledge of the information therein described. The conclusions drawn are
2		Georgia. During this call,	therefore entirely speculative.
3		Raffensperger explained to the	
		President that the video in question	Assumes facts not in evidence; lack of
4		had been selectively edited, and that Raffensperger's office had reviewed	foundation (including authentication); FRE 901
5		the full tape and found no evidence	The document is not authenticated and
		of fraud.106 Raffensperger also	Defendants have not admitted into
6		offered to provide the President a	evidence or requested judicial notice of
_		link to the full video, to which the President responded: "I don't care	any information to suggest the contents thereof.
7		about the link. I don't need it." The	thereof.
8		following day, the President tweeted: "I spoke to Secretary of State Brad	Hearsay; hearsay within hearsay; FRE 802.
9		Raffensperger yesterday about Fulton	To the extent the author's own words are
		County and voter fraud in Georgia.	offered for their truth, they are
10		He was unwilling, or unable, to answer questions such as the 'ballots	inadmissible hearsay. To the extent the article provides an account of what the
11		under table' scam, ballot destruction,	author overheard from non-parties, the
11		out of state 'voters', dead voters, and	testimony is an out of court statement
12		more. He has no clue!" On January	not made by the author and is therefore
		6th, Trump once again reiterated the claim that Georgia "election officials	inadmissible hearsay within hearsay.
13		[had] pull[ed] boxes and suitcases	
14		of ballots out from under a table" in	
17		his speech just before rioters attacked	
15		the Capitol.	Lacks personal knowledge, speculation;
1.6	Page 51,	The evidence also shows that many members of the public acted in	FRE 602
16	lines 4	reliance on the President's	Evidence is based upon documents
17	through 5.	statements.	about which Defendants do not have
			personal knowledge and is inadmissible in its entirety; moreover, the author of
18			the piece has not established personal
19			knowledge of the information therein
1)			described. The conclusions drawn are
20			therefore entirely speculative.
21			Assumes facts not in evidence; lack of
21			foundation (including authentication);
22			FRE 901 The document is not authenticated and
			Defendants have not admitted into
23			evidence or requested judicial notice of

1			any information to suggest the contents thereof.
2			
3			Hearsay; hearsay within hearsay; FRE 802.
4			To the extent the author's own words are offered for their truth, they are inadmissible hearsay. To the extent the
5			article provides an account of what the author overheard from non-parties, the
6			testimony is an out of court statement not made by the author and is therefore
7			inadmissible hearsay within hearsay.
8	Page 51,	Several defendants in pending	Lacks personal knowledge, speculation; FRE 602
9	lines 5 through	criminal cases identified the President's allegations about the	Evidence is based upon documents about which Defendants do not have
10	10.	"stolen election" as a motivation for their activities at the Capitol. And a	personal knowledge and is inadmissible
11		number specifically cited the President's tweets asking his	in its entirety; moreover, the author of the piece has not established personal
12		supporters to come to Washington, D.C. on January 6. For example, one	knowledge of the information therein described. The conclusions drawn are
13		defendant who later pled guilty to threatening Nancy Pelosi texted a	therefore entirely speculative.
14		family member on January 6 to say: "[Trump] wants heads and I'm going	Assumes facts not in evidence; lack of foundation (including authentication); FRE 901
15		to deliver."	The document is not authenticated and Defendants have not admitted into
16			evidence or requested judicial notice of any information to suggest the contents
17			thereof.
18			Hearsay; hearsay within hearsay; FRE 802.
19			To the extent the author's own words are offered for their truth, they are
20			inadmissible hearsay. To the extent the article provides an account of what the
21			author overheard from non-parties, the testimony is an out of court statement
22			not made by the author and is therefore inadmissible hearsay within hearsay.
23			maministicie nearsay within nearsay.
- 11			

1 2	Page 51, line 10	Another defendant released a statement through his attorney,	C <u>Lacks personal knowledge</u> , speculation; FRE 602 Evidence is based upon documents
	through	stating: "I was in Washington, D.C. on January 6, 2021, because I	about which Defendants do not have
3	Page 52, line 1.	believed I was following the instructions of former President	personal knowledge and is inadmissible in its entirety; moreover, the author of
4		Trump and he was my president and	the piece has not established personal knowledge of the information therein
5		the commander-in-chief. His statements also had me believing the election was stolen from him."	described. The conclusions drawn are therefore entirely speculative.
6			Assumes facts not in evidence; lack of
7			foundation (including authentication): FRE 901
8			The document is not authenticated and Defendants have not admitted into
9			evidence or requested judicial notice of any information to suggest the contents
10			thereof.
11			Hearsay; hearsay within hearsay; FRE 802.
12			To the extent the author's own words are offered for their truth, they are
13			inadmissible hearsay. To the extent the article provides an account of what the
14			author overheard from non-parties, the testimony is an out of court statement
15			not made by the author and is therefore inadmissible hearsay within hearsay.
16			
17	Page 52,	There are many other examples of this kind.	Lacks personal knowledge, speculation; FRE 602
18	line 1.		Evidence is based upon documents about which Defendants do not have
19			personal knowledge and is inadmissible in its entirety; moreover, the author of
20			the piece has not established personal knowledge of the information therein
20			described. The conclusions drawn are
21			therefore entirely speculative.
22			Assumes facts not in evidence; lack of foundation (including authentication);
23			FRE 901

1			The document is not authenticated and Defendants have not admitted into
2			evidence or requested judicial notice of
3			any information to suggest the contents thereof.
4			Hearsay; hearsay within hearsay; FRE 802.
5			To the extent the author's own words are offered for their truth, they are
6			inadmissible hearsay. To the extent the article provides an account of what the
7			author overheard from non-parties, the testimony is an out of court statement
8			not made by the author and is therefore inadmissible hearsay within hearsay.
9			, ,
10	Page 52,	Indeed, even today, polling suggests that "[m]ore than 40% of Americans	Lacks personal knowledge, speculation; FRE 602
11	lines 1 through 4.	still do not believe that Joe Biden legitimately won the 2020	Evidence is based upon documents about which Defendants do not have
12		presidential election despite no evidence of widespread voter fraud."	personal knowledge and is inadmissible in its entirety; moreover, the author of
13			the piece has not established personal knowledge of the information therein described. The conclusions drawn are
14			therefore entirely speculative.
15			Assumes facts not in evidence; lack of foundation (including authentication);
16			FRE 901 The document is not authenticated and
17			Defendants have not admitted into evidence or requested judicial notice of
18			any information to suggest the contents thereof.
19			
20			Hearsay; hearsay within hearsay; FRE 802. To the extent the author's own words are
21			offered for their truth, they are
22			inadmissible hearsay. To the extent the article provides an account of what the
23			author overheard from non-parties, the testimony is an out of court statement

		not made by the author and is therefore inadmissible hearsay within hearsay.
l	ļ	

Statements with No Evidentiary Support

Citation	Statement in Declaration	Evidentiary Objection
Page 2, lines 4 through .5	"Plaintiff John Eastman purports to have been the former President's lawyer in connection with [the effort to remain in office by obstructing Congress' count of the electoral vote]."	Defendants provide no evidence to support the assertion.
Page 2, lines 6 through 7.	"[Plaintiff] spoke at the rally on the morning of January 6, spreading proven falsehoods."	Defendants provide no evidence to support the assertion.
Page 2, lines 9 through 11.	"The Select Committee requires a detailed understanding of all of Plaintiff's activities in order to inform Congress' legislative judgments and to help ensure that no President can threaten the peaceful transition of power ever again."	Defendants provide no evidence to support the assertion.
Page 12, lines 12 through 14.	As the President and his associates propagated dangerous misinformation to the public, Plaintiff was a leader in a related effort to persuade state officials to alter their election results based on these same fraudulent claims.	Defendants provide no evidence to support the assertion.
Page 9, lines 6 through 9.	Mr. Trump's team also mounted an effort to obtain false election certificates purporting to demonstrate that the electors of seven States were committed to President Trump rather than President Biden. (The Select Committee has deposed several	Defendants provide no evidence to support the assertion.

PLAINTIFF'S EVIDENTIARY OBJECTIONS – PAGE 81

	signers of these false certificates, and plans to interview others.)	
Page 9, lines 13 through 14.	When the Electoral College met on December 14, 2020, and confirmed the certified results of the election, the results of the election should have been final.	Defendants provide no evidence to support the assertion.
Page 15, lines 6 through 8.	The Select Committee's investigation is continuing to gather evidence on the planning for the violent assault, communications between those who participated, and communications by the Trump team from the Willard war room and elsewhere.	Defendants provide no evidence to support the assertion.
Page 15, line 14 through Page 16, line 2.	Indeed, the President's rhetoric persuaded thousands of Americans to travel to Washington for January 6, some of whom marched on the Capitol, breached security, and took other illegal actions.	Defendants provide no evidence to support the assertion.
Page 16, lines 2 through 3.	The Select Committee's hearings will address those issues in detail.	Defendants provide no evidence to support the assertion.
Page 17, lines 6 through 9.	In furtherance of its duty to investigate the facts, circumstances, and causes of the attack on January 6, the Select Committee has issued subpoenas to various government agencies, private companies, and numerous individuals, including Plaintiff and his former employer, Chapman University.	Defendants provide no evidence to support the assertion.
Page 31, lines 3 through 6.	President Trump—presumably for strategic and political gain—approved of Plaintiff's public disclosures of his advice on the subject of the effort to interfere with the counting of the electoral votes on January 6 in violation of the Electoral Count Act.	Defendants provide no evidence to support the assertion.
Page 36, lines 10 through 13.	Even had Plaintiff sufficiently invoked the work product doctrine, the Select Committee has a substantial need for the documents and cannot, without undue hardship, obtain their substantial equivalent by other means.	Defendants provide no evidence to support the assertion.

Ш			
	D 26	This case involves Plaintiff's attempt	Defendants provide no evidence to
	Page 36, lines 20	to impede the Select Committee from obtaining the documents from that	support the assertion.
	through 22.	alternate source.	
	22.	Even if some third source were	Defendants provide no evidence to
	Page 36, lines 21	available for the requested documents, Plaintiff would likely attempt to	support the assertion.
	through 24.	prevent disclosure in that circumstance as well.	
	Page 36,	Because the disputed documents are pivotal to the Select Committee's	Defendants provide no evidence to support the assertion.
	lines 23 through	investigation and it would be nearly impossible to access these	support the assertion.
	26.	communications otherwise, the work product doctrine does not apply.	
	Page 37,	Plaintiff was a central figure in the effort to encourage the former Vice	Defendants provide no evidence to support the assertion.
	lines 6 through 9.	President to reject the electors from several states and in the strategy to	support the assertion.
	5	facilitate different slates of electors. He may also have played other	
		important roles in the events under investigation.	
	Page 37,	Plaintiff's "strategy, mental impressions and opinion" concerning	Defendants provide no evidence to support the assertion.
	lines 9 through	these efforts "are directly at issue" in the Select Committee's investigation.	support the assertion.
	10.	The pressing need to complete a full	
	Page 37, lines 2	investigation into an unprecedented attack on American democracy by	Defendants provide no evidence to support the assertion.
	through 5.	reviewing documents involving a key participant is both substantial and	
		compelling. As discussed in the Background	Defendants masside no evidence to
	Page 39, lines 8	section above, evidence and information available to the	Defendants provide no evidence to support the assertion.
	through 11.	Committee establishes a good-faith belief that Mr. Trump and others may	
		have engaged in criminal and/or fraudulent acts, and that Plaintiff's	
		legal assistance was used in furtherance of those activities.	
	Page 40,	Although some have theorized that there may be ambiguity about which	Defendants provide no evidence to

1	lines 21 through	slate to count if a state submits two slates officially certified by the state's	
2	23.	Governor, no such ambiguity was present on January 6, 2021.	
3	Page 40,	Each state submitted only one officially-certified electoral slate.	Defendants provide no evidence to support the assertion.
4	line 23 through		Soft and answer
5	Page 42, line 1.		
6	Page 43,	Had this effort succeeded, the electoral count would have been	Defendants provide no evidence to support the assertion.
7	line 7 through 8.	obstructed, impeded, influenced, and (at the very least) delayed, all without	
8		any genuine legal justification and based on the false pretense that the	
9		election had been stolen. There is no genuine question that the President	
10		and Plaintiff attempted to accomplish this specific illegal result. Plaintiff was the architect of the	
11	Page 43, line 10	strategies proposed to the Vice President both directly and through his	Defendants provide no evidence to support the assertion.
12	through 11.	staff. His memos provided the basis for arguments made to the Vice	
14		President by both the President and Plaintiff himself. Plaintiff was	
15		likewise personally involved in persuading state legislators that they	
16		had authority to reject the election results and submit alternate slates of electors to Congress. [sic.] And he	
17		was even involved in the effort to spread false allegations of election	
18		fraud to the public. The Select Committee also has a	Defendants provide no evidence to
19	Page 43, lines 18	good-faith basis for concluding that the President and members of his	Defendants provide no evidence to support the assertion.
20	through 21.	Campaign engaged in a criminal conspiracy to defraud the United	
21		States in violation of 18 U.S.C. § 371. The evidence supports an inference	Defendants provide no evidence to
22	Page 44, lines 15	that President Trump, Plaintiff, and several others entered into an	support the assertion.
23	through 19.	agreement to defraud the United States by interfering with the election	

	certification process, disseminating	
	false information about election fraud,	
	and pressuring state officials to alter	
	state election results and federal	
	officials to assist in that effort.	
	The evidence developed to date	Defendants provide no evidence to
Page 45,	indicates that these actions were all	support the assertion.
lines 4	part of a concerted effort to achieve a	support the assertion.
through 7.	common goal: to prevent or delay the	
_	certification of the 2020 presidential	
	election results.	
	As part of the effort described above,	Defendants provide no evidence to
Page 45,	the conspirators also obstructed a	support the assertion.
lines 17	lawful governmental function by	support the assertion.
through	pressuring the Vice President to	
24.	violate his duty to count the electoral	
	certificates presented from certain	
	States. As an alternative, they urged	
	the Vice President to delay the count	
	to allow state legislatures to convene	
	and select alternate electors. The	
	apparent objective of these efforts was	
	to overturn the results of the 2020	
	presidential election and declare	
	Donald Trump the winner. In this	
	way, the conspiracy aimed to obstruct	
	and interfere with the proper	
	functioning of the United States	
	government.	
	[T]he President and Plaintiff engaged	Defendants provide no evidence to
Page 45,	in an extensive campaign to persuade	support the assertion.
line 25	the public, state officials, members of	support the assertion.
through	Congress, and Vice President Pence	
Page 46,	that the 2020 election had been	
line 1.	unlawfully "stolen" by Joseph Biden.	

PLAINTIFF'S EVIDENTIARY OBJECTIONS – PAGE 85

1 March 7, 2022 Respectfully submitted, 2 /s/Anthony T. Caso Anthony T. Caso (Cal. Bar #88561) 3 CONSTITUTIONAL COUNSEL GROUP 4 174 W Lincoln Ave # 620 Anaheim, CA 92805-2901 5 Phone: 916-601-1916 Fax: 916-307-5164 6 Email: atcaso@ccg1776.com 7 /s/ Charles Burnham 8 Charles Burnham (D.C. Bar # 1003464) Burnham & Gorokhov PLLC 9 1424 K Street NW, Suite 500 Washington, D.C. 20005 10 Email: charles@burnhamgorokhov.com Telephone: (202) 386-6920 11 12 Counsel for Plaintiff 13 14 15 16 17 18 19 20 21 22 23 24 PLAINTIFF'S EVIDENTIARY OBJECTIONS - PAGE 86

CERTIFICATE OF SERVICE I have served this filing on all counsel through the Court's ECF system. Respectfully submitted, /s/ Charles Burnham Charles Burnham **BURNHAM & GOROKHOV PLLC** 1424 K Street NW, Suite 500 Washington, D.C. 20005 Telephone: (202) 386-6920 Email: charles@burnhamgorokhov.com PLAINTIFF'S EVIDENTIARY OBJECTIONS – PAGE 87