

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action No. 1:22-cv-01129-NYW-SKC

ERIC COOMER, Ph.D.,
Plaintiff

v.

MICHAEL J. LINDELL, FRANKSPEECH LLC,
AND MY PILLOW, INC.,
Defendants

**PLAINTIFF'S MOTION TO COMPEL DEPOSITION TESTIMONY FROM
DEFENDANT MICHAEL J. LINDELL AND MOTION FOR SANCTIONS
PURSUANT TO F.R.C.P. 30 AND F.R.C.P. 37**

TO THE HONORABLE THE UNITED STATES DISTRICT COURT:

Plaintiff Eric Coomer, Ph.D. (Dr. Coomer), through counsel, files this Motion to Compel and for Sanctions, stating in support thereof as follows:

CERTIFICATE OF CONFERRAL

Plaintiff has conferred with counsel for Defendants. Defendants are opposed to the relief requested herein.

INTRODUCTION

During three depositions, Defendant Michael J. Lindell (Mr. Lindell) was vulgar, threatening, loud, disrespectful to Dr. Coomer's counsel and the Court, evasive, and largely non-responsive to questioning. His last deposition, taken in Minneapolis on August 23, 2023, ended after Mr. Lindell left the witness chair during an unscheduled

break while, again, disparaging counsel. This led to the suspension of the deposition and the filing of this Motion.

Dr. Coomer is providing the Court with the transcripts of the three depositions and selected video evidence but wishes to focus the Court's attention on the most recent deposition of Mr. Lindell. Through this Motion, Dr. Coomer seeks an order compelling Mr. Lindell to appear before the Court or the Magistrate Judge in Denver, Colorado, so that decorum can be maintained and contemporaneous rulings can be sought during a rescheduled deposition. Dr. Coomer further seeks attorney fees and expenses associated with Mr. Lindell's discovery abuse.

Pursuant to the Amended Protective Order [Dkt. 149], which allows a window for confidentiality designations that has not yet expired, Dr. Coomer files the August 23, 2023 deposition transcript of Mr. Lindell under seal, (**Exhibit 1**), and submits it for conventional filing as part of the record in this matter, along with video footage of the deposition (**Exhibits 2-5**) for the Court's review on a USB flash drive in a folder identified as CONFIDENTIAL. The transcripts for the March 8-9, 2023 30(b)(6) deposition of MyPillow, Inc., (**Exhibit 6-7**), and the March 9, 2023 30(b)(6) deposition of FrankSpeech LLC, (**Exhibit 8**), as well as excerpted video footage for each (**Exhibits 9-34**) are also included as exhibits not under seal as the window for confidentiality designations with respect to those depositions has expired. **Exhibits 6-34**, as well as below identified **Exhibit 35** may be accessed via this link: <https://caincloud.egnyte.com/fl/fYk81AMK4m>; however, are also being submitted for

conventional filing as part of the record in this matter on a USB flash drive in a folder separate from that identified as CONFIDENTIAL.

I. BACKGROUND

1. Prior to the deposition of Mr. Lindell in his individual capacity, which was scheduled by agreement of the parties for August 23, 2023, Mr. Lindell had been deposed in his corporate capacity for the named corporate Defendants herein My Pillow, Inc. (on March 8-9, 2023), and Frankspeech LLC (on March 9, 2023).

2. During both prior depositions of Mr. Lindell, he was combative, vulgar, disrespectful, non-responsive, evasive, and consistently loud. He constantly refused requests to answer the questions asked, to slow down in his responses (primarily for the court reporter's benefit, who refused to come back for a second day and had to be replaced), and to speak quietly and clearly. He repeatedly demeaned Dr. Coomer's counsel in derogatory, personal attacks, including derisive references such as "ambulance chasing asshole."¹ Dr. Coomer's counsel objected to his answers as non-responsive numerous times, and he was repeatedly reprimanded on the record by counsel present.²

3. Mr. Lindell's August 23 deposition, in his personal capacity, was even more chaotic. Dr. Coomer attended this deposition, and Mr. Lindell acknowledged his presence

¹ See **Exhibits 6-7**, 30(b)(6) Depo. Tr. MyPillow, Inc., (March 8-9, 2023), at 7:1-8:1; 9:20-10:20; 12:14-16:18; 93:11-19; 99:9-15; 103:2-24; 105:2-5; 181:1-182:3; 186:22-187:6; 208:15-22; 209:19-25; 233:11-24; 263:5-17; 277:4-278:7; 279:13-280:6; 288:2-14; 289:16-21; 392:2-393:7; see also **Exhibits 9-26**. See **Exhibit 8**, 30(b)(6) Depo. Tr. FrankSpeech LLC (March 9, 2023), at 142:15-143:5; 149:17-150:9; 203:10-19; 276:24-277:6; 280:7-9; 295:20-25; 296:6-298:3; 306:14-25; see also **Exhibits 27-34**.

² See **Exhibits 6-7**, at 12:14-16:18; 35:2-8; 52:14; 59:25-60:25; 102:7-103:24; 110:2-111:25; 116:2-3; 209:19; 224:8-225:19; 225:20-226:13; 266:17-20; 280:10-281:14; 284:16-286:22; 289:22-24; 382:4-10; 392:2-17. See also **Exhibit 8**, at 208:15-22.

by simply stating, “disgusting slime.” Indeed, Mr. Lindell’s conduct was so outrageous that counsel for Dr. Coomer alerted Mr. Lindell’s counsel of the potential for sanctions even before the parties went on the record.³

4. The attached transcripts and videos speak for themselves, but various matters warrant discussion. Mr. Lindell made numerous personal attacks on both Dr. Coomer and his counsel, referring to them as “criminals,” “liars,” “slime,” “disgusting,” “ambulance chasers,” and “ridiculous,” among various other pejoratives too numerous to list here.⁴ He sarcastically referred to counsel as “your highness,”⁵ answered questions by stating “let me see if I can get this through your thick skull,”⁶ and repeatedly shouted, “what is wrong with you?”⁷ He repeatedly referred to Judge Wang as “disgusting” while mocking these proceedings.⁸

5. Mr. Lindell refused to provide a direct answer to virtually every question asked, instead opting to shout over Dr. Coomer’s counsel and then provide lengthy, meandering filibusters that each consumed substantial amounts of time and several pages of transcript. Counsel objected to these non-sequiturs as non-responsive no less than

³ Mr. Lindell subsequently confirmed this interaction had occurred, and insisted that his use of the phrase “disgusting slime” be captured on the record. See **Exhibit 1**, 74:7-75:8.

⁴ See, e.g., **Exhibit 1**, Depo. Tr. Michael Lindell, (Aug. 23, 2023), at 6:9-11; 7:18-8:7; 8:10-9:9; 10:10-11:20; 18:3-19:2; 80:4-81:10; 96:3-97:24; 144:20-145:25; 149:17-150:18; 160:10-23; 209:20-211:4; 223:1-25; 287:13-24; 307:1-7; 330:24-331:9; 357:11-358:17.

⁵ *Id.*, at 48:22-50:17.

⁶ *Id.*, at 96:3-97:24.

⁷ *Id.*, at 160:10-23; 287:13-24.

⁸ *Id.*, at 78:21-79:25; 80:4-81:10

thirty-three (33) times.⁹ Both Dr. Coomer’s counsel and Mr. Lindell’s counsel made numerous efforts to manage Mr. Lindell’s outrageous and disruptive conduct, but to no avail. At least twenty-six separate admonitions on the record from both counsels were entirely futile.¹⁰

6. In addition to this stream of constant personal attacks and refusals to answer questions, Mr. Lindell insisted on various breaks. At one point, he left the deposition to go appear on Steve Bannon’s podcast “War Room.”¹¹ He kept his cell phone on and insisted on taking calls.¹² Dr. Coomer’s counsel finally suspended the deposition when Mr. Lindell again stood up and walked out of the room to take a call, shouting that Dr. Coomer’s counsel was a “jerk” as he left.¹³ The video record of these events is provided herein and is demonstrably worse than any attempt to describe the conduct.

7. On account of these constant breaks and disturbances, when Dr. Coomer’s counsel finally suspended the deposition at 3:47 p.m., he had only managed to complete a total of 4 hours and 35 minutes on the record with Mr. Lindell in his individual capacity.

⁹ *Id.*, at 25:7-27:9; 29:5-30:7; 41:23-42:1; 48:18-19; 52:7-8; 52:17-18; 57:9-10; 64:23-65:1; 77:7-8; 103:22-104:18; 104:19-25; 113:5-114:21; 138:1-24; 139:20-141:14; 144:20-145:25; 156:14-158:8; 179:8-16; 185:18-187:6; 197:16-199:18; 202:6-203:18; 218:10-219:11; 280:18-281:20; 283:23-284:14; 295:9-296:10; 300:2-301:9; 309:4-310:18; 324:18-325:9; 327:13-328:23; 332:1-333:11; 336:5-337:14; 339:4-340:19; 340:23-341:24; 342:3-344:3.

¹⁰ *Id.*, at 8:18-10:9; 13:9-17; 20:4-5; 21:15-20; 27:22-23; 31:22; 48:22-50:17; 73:21-74:4; 75:13-76:11; 131:19-20; 143:15-144:3; 146:15-21; 149:17-150:18; 165:21-166:18; 178:6-10; 179:8-16; 184:17-185:9; 189:10-17; 193:25-194:9; 209:20-211:4; 212:10-213:1; 223:1-25; 242:24-243:20; 276:18-23; 307:1-7; 330:24-331:6.

¹¹ **Exhibit 35**, *Bannon’s War Room Podcast, Episode 2975: Selling out MAGA With Your Dollar; Return of the Mask* (Aug. 23, 2023). Mr. Lindell started the interview by stating, “Well, Steve, I had to jump into a room here. I’m in the middle of deposition for a big attack on MyPillow right now.” Bannon concluded the interview by stating, “Go back into your deposition and give ‘em hell. Give ‘em hell from the war room.”

¹² *Id.*, at 100:16-101:2; 114:22-115:16; 122:16-22; 288:14-25; 357:11-358:17.

¹³ *Id.*, at 357:11-358:17.

During this time, Dr. Coomer’s counsel was barely able to complete any questioning at all on account of Mr. Lindell’s shouting, rapid-fire filibusters and refusals to allow counsel to ask questions. This repetitive shouting of non-sequiturs amounted to a remarkable 367 pages of transcript, despite the relatively brief duration recorded. Upon suspension of the deposition, Dr. Coomer’s counsel specifically noted on the record the numerous topics he had prepared to address but was unable to because of Mr. Lindell’s obfuscation.¹⁴

8. Throughout these events, Mr. Lindell’s counsel was incapable of managing his conduct and was unable to get the deposition back on track. Dr. Coomer recognizes the challenges associated with representing such an unmanageable client, and does not seek sanctions against Mr. Lindell’s counsel at this time. Nonetheless, the Rules impose duties on attorneys in these circumstances too, and Dr. Coomer requests an Order similarly putting counsel on notice that their clients’ conduct will not be tolerated.

II. LEGAL STANDARD

9. Imposition of sanctions for abuse of discovery is a matter within the discretion of the trial court. *Orjias v. Stevenson*, 31 F.3d 995, 1005 (10th Cir. 1994). FED. R. CIV. P. 30(c)(1) requires that “. . . [t]he examination and cross-examination of a deponent proceeds as they would at trial” In addition, Federal Rule of Civil Procedure 30(d)(2) allows the Court to “impose an appropriate sanction—including the reasonable expenses and attorney’s fees incurred by any party—on a person who impedes, delays, or frustrates the fair examination of the deponent.”

¹⁴ *Id.*, at 362:6-366:7.

10. Pursuant to Federal Rule of Civil Procedure 37(a)(4), evasive responses during a deposition are treated “as a failure to disclose, answer, or respond.” *Carroll v. Allstate Fire & Cas. Ins. Co.*, No. 12-CV-00007-WJM-KLM, 2014 WL 859238, at *7 (D. Colo. Mar. 4, 2014). In addition, F.R.C.P. 30(d)(2) allows to Court to “impose an appropriate sanction, including the reasonable expenses and attorney’s fees incurred by any party, on a person who impedes, delays, or frustrates the fair examination of the deponent.” Although often applied to third parties accused of interrupting the deposition, the Rule supports the imposition of sanctions based on the deponent’s own behavior during the deposition. *Id.* (citing *Rapaport v. Soffer*, 2013 WL 6451768, at *5 (D. Nev. Dec. 9, 2013); *Van Stelton v. Van Stelton*, 2013 WL 5574566, at *18 (N.D. Iowa Oct. 9, 2013) (awarding sanctions based on the behavior of the deponent and stating “the express language of Rule 30(c) applies to any participant in the deposition”); *GMAC Bank v. HTFC Corp.*, 248 F.R.D. 182, 193 (finding deponent's behavior violated Rule 37(a)(3)(B)(i) and Rule 30(d)(2) and imposing sanctions on the deponent).

11. The imposition of sanctions under Rule 30(d)(2) requires the movant to identify language or behavior that impeded, delayed, or frustrated the fair examination of the deponent. *See* F.R.C.P. 30(d)(2). When making this inquiry, the Court will look to: (1) the specific language used (e.g. use of offensive words or inappropriate tones); (2) the conduct of the parties (e.g. excessive objections or speaking objections); and (3) the length of the deposition. Second, the movant must identify “an appropriate sanction.” *Dunn v. Wal-Mart Stores, Inc.*, 2013 WL 5940099, at *5 (D.Nev. Nov. 1, 2013).

III. ARGUMENT

A. *Sanctions are warranted under F.R.C.P. 30*

12. Pursuant to Federal Rule of Civil Procedure 30(d)(2), the Court may impose an appropriate sanction, including attorneys fees incurred by any party, on a person who impedes, delays, or frustrates the fair examination of the deponent. F.R.C.P. 30(d)(2); *see also* D.C.COLO.LCivR 30.3(d) (“When a judicial officer determines that a party . . . unreasonably has interrupted, delayed, or prolonged a deposition, . . . that party or its counsel, or both, may be ordered to pay each other party’s expenses, including without limitation, reasonably necessary . . . attorney fees . . . for that portion of the deposition determined to be excessive.”). *Holland v. Williams*, No. 1:16-CV-00138-RM-MLC, 2018 WL 942228, at *1 (D. Colo. Feb. 12, 2018).

13. Mr. Lindell’s conduct during his August 23, 2023 deposition easily meets the standard for sanctions under Rule 30, and in fact far exceeds other instances where this Court has issued relief similar to that sought here. For example, in *Carroll v. Allstate Fire and Casualty Ins. Co.*, the Court awarded attorney’s fees and costs against an expert witness who engaged in personal attacks against counsel and repeated obstructionist tactics throughout his deposition. No. 12-CV-00007-WJM-KLM, 2014 WL 859238, at *10-11 (D. Colo. Mar. 4, 2014). In support of its finding, the Court in *Carroll* noted instances where the deponent would not allow counsel to ask questions, mocked his approach to the deposition, and issued personal attacks. *Id.* at pp. 8-10.

14. The dozens of record cites provided above are too numerous to address individually here, but a few examples are illustrative of the conduct at issue here.

- Mr. Lindell started the deposition by referring to this case as “the criminals versus Mike Lindell,”¹⁵
- Mr. Lindell went on to refer to Dr. Coomer and his counsel as “criminals” at least another thirteen times.¹⁶
- Mr. Lindell referred to both Dr. Coomer (who was present for the deposition) and his counsel, stating, “Anybody that would do what you and this guy have done is disgusting, it’s slimy, you’re an ambulance chasing, slimy, scumbag lawyer. And you’re a money-grubbing, evil person. And your client there for him going after MyPillow and my employees, same thing. End of story.”¹⁷
- In response to a question about whether he harbored ill will against Dr. Coomer and his counsel, Mr. Lindell stated, “I think you’re one of the slimiest lawyers that ever walked the planet in the United States. One of the slimiest. Anybody, and your client, for whatever gain you got to try and – to extract people and hurt people for your own monetary gain. I think it’s the slimiest, scummiest lawyer – you’re the reasons that our law system in this country should be looked at because ambulance chasing, slimy lawyers like yourself.”¹⁸
- When reprimanded for his constant non-responsiveness, even by his own counsel, Mr. Lindell responded, “I’m so sorry, Your Highness,”¹⁹ and continued with the exact same conduct.
- Mr. Lindell showed contempt for the Court by repeatedly referred to U.S. District Judge Wang as “disgusting.”²⁰
- In response to a question about the basis for his published comments about Dr. Coomer, Mr. Lindell started his response with, “I will answer this as clear as I can to get it through your thick skull.”²¹

¹⁵ *Id.*, at 7:18-8:7.

¹⁶ *Id.*, at 9:6-9; 10:10-11:8; 20:12-21:2; 21:15-25; 210:9-211:4

¹⁷ *Id.*, at 74:19-75:2.

¹⁸ *Id.*, at 72:8-74:4.

¹⁹ *Id.*, at 48:22-50:17.

²⁰ *Id.*, at 78:21-79:25; 80:4-81:10.

²¹ *Id.*, at 96:3-97:24

- Mr. Lindell left the deposition to go appear on Steve Bannon’s podcast, where he discussed the deposition while promoting MyPillow products.²²
- Mr. Lindell was reprimanded for his abusive, non-responsive, interrupting, disrespectful, and evasive conduct literally dozens of times, including repeatedly by his own counsel, and still refused to make any effort to adjust his conduct.²³

15. The result of this conduct was to effectively render all of Dr. Coomer’s preparations for the deposition, and the deposition itself, a complete waste of time and resources for everyone involved. Under these circumstances, sanctions are appropriate and necessary.

B. Sanctions are warranted under F.R.C.P. 37

16. As noted above, pursuant to Federal Rule of Civil Procedure 37(a)(4), evasive responses during a deposition are treated “as a failure to disclose, answer, or respond.” *Carroll v. Allstate Fire & Cas. Ins. Co.*, No. 12-CV-00007-WJM-KLM, 2014 WL 859238, at *7 (D. Colo. Mar. 4, 2014).

17. Mr. Lindell’s conduct throughout the entirety of his deposition was evasive in the extreme. His countless refusals to answer the questions asked, or to even allow counsel to ask them, are rightly understood as failures to disclose, answer, or respond. Sanctions are, therefore, appropriate under Federal Rule of Civil Procedure 37 as well.

C. Relief Sought

18. Dr. Coomer requests all attorney fees and costs associated with preparation for the deposition, the deposition itself, all related costs associated with travel and

²² *Id.*, at 114:22-115:16; 122:16-22; see also **Exhibit 35**.

²³ *Supra* n. 10-11.

accommodations, and all fees associated with this Motion and any reply. Dr. Coomer will submit an affidavit of fees and costs when briefing on this matter is concluded and assuming the Court grants the requested relief.

19. Dr. Coomer also requests an order compelling Mr. Lindell to appear in the United States Courthouse in Denver, Colorado, for a rescheduled deposition. This relief is necessary to maintain decorum and for Dr. Coomer to seek contemporaneous rulings or orders, if necessary. It is important to note that Mr. Lindell's abusive conduct and rhetoric are part of a pattern that has escalated over time.²⁴ His personal contempt for Dr. Coomer and his counsel is palpable, and his own counsel is incapable of managing his conduct. The discovery deadline has expired, and Dr. Coomer cannot risk traveling for another futile attempt to obtain deposition testimony from Mr. Lindell where he shouts non-sequiturs for hours on end which would lead to another time-consuming motion to compel thereafter. The interests of the parties and the Court are best served by an order compelling the continuation of Mr. Lindell's deposition to take place in a forum where it is most likely to serve its intended function. The requested relief is in keeping with this Court's practice in this same proceeding, where at least one other uncooperative witness was previously compelled to appear for deposition at the Alfred A. Arraj United States Courthouse to provide deposition testimony.²⁵

²⁴ See, e.g., **Exhibits 6-8**.

²⁵ See Minute Order, Dec. 13, 2022 [Dkt. 86], compelling Joseph Oltmann to appear for a deposition at the Alfred A. Arraj United States Courthouse.

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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action No. 1:22-cv-01129-NYW-SKC

ERIC COOMER, PhD.,

Plaintiff

v.

MICHAEL J. LINDELL, FRANKSPEECH LLC,
AND MY PILLOW, INC.,

Defendants

**EXHIBIT 1
PLAINTIFF'S MOTION TO COMPEL DEPOSITION TESTIMONY FROM
DEFENDANT MICHAEL J. LINDELL AND MOTION FOR SANCTIONS
PURSUANT TO F.R.C.P. 30 AND F.R.C.P. 37**

Deposition Transcript of Michael J. Lindell
Dated 08-23-23

**CONFIDENTIAL
FILED UNDER SEAL**
and submitted to Court via USB flash drive

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action No. 1:22-cv-01129-NYW-SKC

ERIC COOMER, PhD.,

Plaintiff

v.

MICHAEL J. LINDELL, FRANKSPEECH LLC,
AND MY PILLOW, INC.,

Defendants

EXHIBIT 2
PLAINTIFF'S MOTION TO COMPEL DEPOSITION TESTIMONY FROM
DEFENDANT MICHAEL J. LINDELL AND MOTION FOR SANCTIONS
PURSUANT TO F.R.C.P. 30 AND F.R.C.P. 37

Video Transcript #1 of Michael J. Lindell
Dated 08-23-23

CONFIDENTIAL
submitted to Court via USB flash drive

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action No. 1:22-cv-01129-NYW-SKC

ERIC COOMER, PhD.,

Plaintiff

v.

MICHAEL J. LINDELL, FRANKSPEECH LLC,
AND MY PILLOW, INC.,

Defendants

EXHIBIT 3
PLAINTIFF'S MOTION TO COMPEL DEPOSITION TESTIMONY FROM
DEFENDANT MICHAEL J. LINDELL AND MOTION FOR SANCTIONS
PURSUANT TO F.R.C.P. 30 AND F.R.C.P. 37

Video Transcript #2 of Michael J. Lindell
Dated 08-23-23

CONFIDENTIAL
submitted to Court via USB flash drive

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action No. 1:22-cv-01129-NYW-SKC

ERIC COOMER, PhD.,

Plaintiff

v.

MICHAEL J. LINDELL, FRANKSPEECH LLC,
AND MY PILLOW, INC.,

Defendants

**EXHIBIT 4
PLAINTIFF'S MOTION TO COMPEL DEPOSITION TESTIMONY FROM
DEFENDANT MICHAEL J. LINDELL AND MOTION FOR SANCTIONS
PURSUANT TO F.R.C.P. 30 AND F.R.C.P. 37**

Video Transcript #3 of Michael J. Lindell
Dated 08-23-23

CONFIDENTIAL
submitted to Court via USB flash drive

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action No. 1:22-cv-01129-NYW-SKC

ERIC COOMER, PhD.,

Plaintiff

v.

MICHAEL J. LINDELL, FRANKSPEECH LLC,
AND MY PILLOW, INC.,

Defendants

**EXHIBIT 5
PLAINTIFF'S MOTION TO COMPEL DEPOSITION TESTIMONY FROM
DEFENDANT MICHAEL J. LINDELL AND MOTION FOR SANCTIONS
PURSUANT TO F.R.C.P. 30 AND F.R.C.P. 37**

Video Transcript #4 of Michael J. Lindell
Dated 08-23-23

CONFIDENTIAL
submitted to Court via USB flash drive

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action No. 1:22-cv-01129-NYW-SKC

ERIC COOMER, PhD.,

Plaintiff

v.

MICHAEL J. LINDELL, FRANKSPEECH LLC,
AND MY PILLOW, INC.,

Defendants

**EXHIBIT 6
PLAINTIFF'S MOTION TO COMPEL DEPOSITION TESTIMONY FROM
DEFENDANT MICHAEL J. LINDELL AND MOTION FOR SANCTIONS
PURSUANT TO F.R.C.P. 30 AND F.R.C.P. 37**

Deposition Transcript of Michael J. Lindell
Designated Representative of My Pillow, Inc.
Dated 03-08-23

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Eric Coomer, Ph.D.,

Plaintiff,

vs. Civil Action No. 1:22-cv-01129-WJM

Michael J. Lindell, Frankspeech LLC,

and My Pillow, Inc.,

Defendants.

VIDEOTAPED DEPOSITION OF MICHAEL J. LINDELL
DESIGNATED REPRESENTATIVE OF MY PILLOW, INC.

VOLUME I (Pages 1-370)

DATE: March 8, 2023

TIME: 9:30 a.m. CST

PLACE: PARKER DANIELS KIBORT, LLC

Colwell Building, Suite 888, 123 North 3rd St

Minneapolis, Minnesota 55401

REPORTED BY: KELLEY E. ZILLES, RPR

Job No.: 5761446

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2

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19

20 ALSO PRESENT:

21 [REDACTED]

22 Adam Wallin, Videographer

23

24 NOTE: Original deposition transcript will be provided

25 to Charles J. Cain, Esq. as taking party of deposition.

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1 EXHIBITS MARKED AND REFERRED TO:

2

3 Exhibit 60 Plaintiff's First Amended Notice of

4 Intention to Take Oral and Videotaped

5 Deposition of the Authorized

6 Representative(s) of My Pillow, Inc.... 8

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8 Exhibit 61 [REDACTED] 121

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10 Exhibit 62 [REDACTED] 152

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12 Exhibit 63 My Pillow Ads on Fox News Since 2017... 169

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17 92, 103, 105, 112, 170, 185, 225, 253, 259, 281, 282,

18 286, 294, 295, 306, 323

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Page 3

1 Exhibit 69 [REDACTED]

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5 Exhibit 70 [REDACTED]

6 [REDACTED]

7 [REDACTED] 290

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9 Exhibit 71 [REDACTED]

10 [REDACTED]

11 [REDACTED] 297

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13 Exhibit 72 [REDACTED]

14 [REDACTED]

15 [REDACTED] 309

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17 Exhibit 73 [REDACTED] 336

18

19 Exhibit 74 [REDACTED] 355

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21 Exhibit 75 [REDACTED]

22 [REDACTED] 358

23

24 (Original exhibits attached to original transcript.

25 Copies attached to transcript copies.)

Page 5

1 VIDEO TECHNICIAN: We are going on the
2 record at 9:36 a.m. on March 8th, 2023. This is the
3 video recorded deposition of designated representative
4 of My Pillow, Incorporated, Michael J. Lindell, being
5 taken by counsel for the plaintiff in the matter of Eric
6 Coomer, Ph.D. versus Michael J. Lindell, Frankspeech,
7 LLC, and My Pillow, Incorporated, in the United States
8 District Court for the District of Colorado, Civil
9 Action No: 1:22-cv-01129-WJM.

10 This deposition is being held in Minneapolis,
11 Minnesota. My name is Adam Wallin from the firm
12 Veritext and I am the videographer. The court reporter
13 is Kelley Zilles from the firm Veritext.

14 Will counsel please identify themselves for the
15 record.

16 MR. CAIN: Charlie Cain, Brad Kloewer for
17 the plaintiff.

18 MR. MALONE: Ryan Malone for My Pillow,
19 Incorporated.

20 VIDEO TECHNICIAN: Will the court reporter
21 please swear in the witness.

22 MICHAEL J. LINDELL,
23 duly sworn, was examined and testified as follows:
24 EXAMINATION
25 BY MR. CAIN:

Page 6

1 Q. Tell us your full name, please.
2 A. Michael James Lindell.
3 Q. Well, good morning, Mr. Lindell. My name is
4 Charlie Cain, we met for the first time --
5 A. Who's paying you?
6 Q. -- about four minutes ago.
7 A. Okay. Go.
8 Q. Is that right?
9 A. What's that?
10 Q. Is that right?
11 A. Is what was the question?
12 Q. We met for the first time --
13 A. Yes, yes.
14 Q. Okay. Here's what we're going to do, we're
15 going to start slow because the court reporter is trying
16 to take down what you're saying, okay?
17 A. Don't sit and scold me already, Mister. I'll
18 do, I'll do whatever I have to do. So you're not,
19 you're just a lawyer, you're an ambulance chasing
20 lawyer, so don't start with me, I got all day, I'll take
21 as much time as you want, so let's go. You're not my
22 boss, you're just a lawyer, frivolous lawyer. So go.
23 Don't start scolding me.
24 Q. Well, I'm asking questions, I'm not going to
25 scold you.

Page 7

1 A. Go ahead.
2 Q. All right. So No. 1, ground rules. She's
3 trying to take down what you're saying, so it's
4 important that we don't talk over each other. Do you
5 understand that?
6 A. Yes.
7 Q. Okay. You understand you're here as a corporate
8 rep for My Pillow?
9 A. Yes.
10 Q. Do you understand that we provided a notice of
11 deposition topics for you to look at in order to prepare
12 to give testimony today?
13 A. Yes.
14 Q. Did you look at them?
15 A. Yes.
16 Q. I'm going to be handing you some exhibits
17 throughout the day. We've been marking them, so we're
18 already up to Exhibit 60.
19 (Exhibit 60 marked for identification.)
20 Q. Is that a copy of the deposition notice?
21 A. I need my glasses. Got it.
22 Q. Is that a copy of the notice that you reviewed
23 in order to prepare to give testimony today?
24 A. Yes, it appears to be, yeah.
25 Q. All right. What, if anything, did you do to

Page 8

1 prepare yourself today?
2 A. I read the case, I read this frivolous case.
3 Q. Okay. Is that it?
4 A. That's what I did, I read this frivolous case.
5 I answered your question.
6 Q. If there is a question that you don't
7 understand --
8 A. No, I read the, I got it all, I got all these
9 down here, I read this, I read the frivolous case.
10 Q. All right. If there is a question that you
11 don't understand that I ask you during today.
12 A. Mm-hmm.
13 Q. Will you ask me to clarify that for you?
14 A. Yes.
15 Q. Okay. Otherwise I'm going to assume that you
16 understand what I'm asking you.
17 A. Right, got it.
18 Q. You're still quick answering on me.
19 A. Mm-hmm.
20 Q. So let me finish my question, okay?
21 A. Yes.
22 Q. I tend to be a slow talker.
23 A. Good for you.
24 Q. I'm from Texas originally.
25 A. Good for you. I got all day, we'll make a week

Page 9

1 VIDEO TECHNICIAN: We are going on the
2 record at 9:36 a.m. on March 8th, 2023. This is the
3 video recorded deposition of designated representative
4 of My Pillow, Incorporated, Michael J. Lindell, being
5 taken by counsel for the plaintiff in the matter of Eric
6 Coomer, Ph.D. versus Michael J. Lindell, Frankspeech,
7 LLC, and My Pillow, Incorporated, in the United States
8 District Court for the District of Colorado, Civil
9 Action No: 1:22-cv-01129-WJM.

10 This deposition is being held in Minneapolis,
11 Minnesota. My name is Adam Wallin from the firm
12 Veritext and I am the videographer. The court reporter
13 is Kelley Zilles from the firm Veritext.

14 Will counsel please identify themselves for the
15 record.

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7 A. Okay. Go.
8 Q. Is that right?
9 A. What's that?
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13 A. Yes, yes.
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18 do, I'll do whatever I have to do. So you're not,
19 you're just a lawyer, you're an ambulance chasing
20 lawyer, so don't start with me, I got all day, I'll take
21 as much time as you want, so let's go. You're not my
22 boss, you're just a lawyer, frivolous lawyer. So go.
23 Don't start scolding me.
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8 A. No, I read the, I got it all, I got all these
9 down here, I read this, I read the frivolous case.
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20 Q. So let me finish my question, okay?
21 A. Yes.
22 Q. I tend to be a slow talker.
23 A. Good for you.
24 Q. I'm from Texas originally.
25 A. Good for you. I got all day, we'll make a week

Page 9

1 of this. Go ahead.
2 Q. Probably up to your lawyer, but I'm happy to
3 stay as long as you'd like.
4 A. Just keep going.
5 Q. All right. Why did you call me an ambulance
6 chaser?
7 A. What?
8 Q. Why did you call me an ambulance chaser?
9 A. Because you are. This is a frivolous case and
10 if you're representing this guy and you've read this
11 case, you are a disgusting lawyer, period. There's my,
12 that's my, that's my right to say. You want to sue me
13 too, Mr. Ambulance Chaser. Are you working on
14 contingency or consignment with the guy, what are you --
15 I can't believe anybody would take this. This is
16 absolutely disgusting, it's a disgrace to our country,
17 it's a disgrace to you.
18 Q. Anything else?
19 A. No, that's it. You asked me a question, I
20 answered it.
21 Q. Okay. Now you, it looks to me based on what you
22 told me off the record before we started that you put
23 some notes on the back of that?
24 A. Yeah, I put the notes in here. It says, do you
25 want me to read them?

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1 Q. Yes, I do, because I looked at them and I
2 couldn't, I couldn't --
3 A. It says Chris Ruddy emails, it says Eric Coomer
4 emails with Newsmax and Ruddy. It says, and then it
5 says Coomer, from when I lost business with Eric Coomer
6 I put a note here. That's the only time I ever, ever
7 said anything before I was filed. I said one paragraph
8 and that was after Eric Coomer made a deal with Chris
9 Ruddy. And that's when I lost business. And then I
10 came out and made the comment that I said.
11 I was just, my notes to tell. That's the only
12 thing that was ever said. Everything else that I said
13 came after I was served papers at the capitol in
14 Colorado, it was just my personal notes here.
15 I made one comment in two years and that was
16 after Eric Coomer hurt me by going to Newsmax and
17 whatever he said to them so I couldn't appear on Newsmax
18 anymore and that's it. And I talked to Ruddy and it was
19 disgusting what he did, Eric Coomer did with Newsmax.
20 So there, that's my, that's what the notes are.
21 Q. Okay. Well, let me follow up then. Who's Chris
22 Ruddy?
23 A. He's the owner of Newsmax.
24 Q. And you said a note, email with Chris Ruddy or
25 something to that effect?

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1 A. No, it was the note to tell my lawyers to get
2 the emails from Chris Ruddy, which we've already
3 subpoenaed you guys but you don't seem to supply
4 anything. We've already subpoenaed the emails from
5 Ruddy to you, you, Mr. Lawyer, that won't give us those
6 because you don't seem to think you have to give
7 anything because you like your frivolous case. That's
8 what it is, it's a note for me to tell my lawyer. But
9 as long as you bring it up, this is when I went out, I
10 didn't even know who Eric Coomer was until he did this
11 dirty deal with Newsmax and Ruddy and hurt my business.
12 MR. CAIN: Objection, nonresponsive.
13 A. Huh, say it?
14 Q. I said, objection, nonresponsive.
15 A. Well, you don't like that, huh?
16 Q. Let me explain a few things to you.
17 A. What?
18 Q. Let me explain a few more things to you.
19 A. Mm-hmm.
20 Q. Have you given a deposition before like this?
21 A. I've given a ton of depositions.
22 Q. Okay. So you, you understand the process
23 somewhat?
24 A. Mm-hmm, sure do.
25 Q. Okay. When I ask you a question, you need to do

Page 12

1 your best to respond only to my question.
2 A. Are you going to arrest me? I'll say whatever I
3 want and if we have extra, that's too bad. There's no
4 rule that says I can't give a full answer. So, you
5 know, I'm telling you the rules. Have you ever been in
6 a deposition where they can't stand who you are, have
7 you?
8 Q. A lot more than you, sir.
9 A. Okay, good. Keep going. Don't tell me about my
10 depositions, you're not my boss, you're just some
11 frivolous lawyer in here and you're bringing this
12 frivolous case to me, and especially against a company
13 that had nothing to do with anything. You're
14 disgusting. Keep going.
15 Q. I want you to understand another thing.
16 A. What's that?
17 Q. This case is pending in Federal Court.
18 A. I don't care. What does that have to do with
19 anything.
20 Q. Do you understand that?
21 A. Yes.
22 Q. All right. There's a federal judge that's going
23 to likely be reading and watching this deposition.
24 A. I don't care.
25 Q. Do you understand that?

Page 13

1 A. I don't care. She should have dismissed this a
2 long time ago. She hasn't ruled on that, there's a
3 problem, I got a problem with her too.
4 Q. Okay. The judge has practice standards on
5 how --
6 A. No, the judge did not dismiss this case. We put
7 in to get it dismissed and she ruled, an unfair ruling
8 saying well, go ahead and do discovery and waste all
9 your time while I'm sitting here not doing nothing.
10 That's what that judge is doing. So don't tell me what
11 the judge is doing. And you just let me worry about the
12 judge reading this, okay.
13 Q. I just want you to understand.
14 A. No, you just don't worry about me. You're not
15 out for my benefit, okay, he's out for my benefit, not
16 you. So you can get, don't worry if I say something
17 that offends the judge, okay. You just let me worry
18 about that, you got that.
19 Q. Yeah, I got it.
20 A. Okay, good. Keep going.
21 Q. The reason I bring that up, sir, is if the judge
22 is not pleased with your conduct in this deposition,
23 there may be penalties.
24 A. Oh, okay, good. You tell, you go ahead. And
25 you think you're worrying about old Mike, you're really,

Page 14

1 that's great. You're bringing a frivolous case, you're
2 really up my back. Go ahead, keep going.
3 That judge, you put this in the record, that
4 judge is a big problem I got. If someone didn't have
5 the money or time to sit through this garbage when I put
6 in to her a summary judgment last summer and she hasn't
7 ruled on it, either say yeah or nay, it's disgusting.
8 It's disgusting to our country that she couldn't make a
9 ruling. But go ahead and do deposition. If there was
10 some guy that didn't have money you would put them under
11 just in this garbage, wasting my day, wasting my time.
12 But think if it was someone on the street, don't you
13 care about people. This is disgusting.
14 This judge should have ruled a long time ago,
15 either yeah or nay, frivolous or not, but she didn't.
16 She said go ahead and do discovery while I sit and
17 decide what I'm going to do, that's disgusting. I got
18 no problem with you on that, I got a problem with the
19 judge not making a ruling, so there.
20 Now go ahead. Now that the judge has that on
21 record, now you don't have to worry about what me and
22 the judge think about each other, all right.
23 MR. CAIN: Objection, nonresponsive.
24 Q. Here's, here's another thing that I need you to
25 know, Mr. Lindell. If the court determines that you're

Page 15

1 not being responsive or acting in good faith today, we
2 may have to come back and do this some more, and I want
3 you to understand that.
4 A. Oh, I got that.
5 Q. All right. And if that's the case, I will be
6 asking for attorneys fees and costs.
7 A. Oh, you will, huh. I'm already asking for them,
8 I might just come after you guys for the most frivolous
9 case ever when this is done. If there is a way to sue
10 you, believe me I'm doing it.
11 Q. Okay.
12 A. Okay. Just so you know that, beyond anything
13 you've ever seen, so be prepared.
14 Q. I'm committed to being polite and professional
15 today.
16 A. Okay, go ahead. We're getting through that.
17 Now you know where I sit, let's get on with it.
18 Q. Okay.
19 A. All right.
20 Q. Now we talked about the notice, you looked at
21 Exhibit 60.
22 A. Yep.
23 Q. You're the only person here on behalf of My
24 Pillow --
25 A. That's correct.

Page 16

1 Q. -- to testify. You need to let me finish my
2 question before you answer, okay?
3 A. Mm-hmm.
4 Q. In my estimation you seem agitated this morning.
5 Are you taking any medication or other drugs that would
6 affect your ability to testify?
7 A. No.
8 Q. Now I prior to the deposition your counsel Mr.
9 Malone indicated that you'd have an assistant in here
10 today.
11 A. Mm-hmm.
12 Q. And that's [REDACTED]
13 A. Yes.
14 MR. CAIN: Hi [REDACTED]
15 Q. Her last name is what?
16 A. [REDACTED]
17 Q. Does she work for My Pillow?
18 A. Yes. No, she doesn't, she works --
19 THE WITNESS: My Pillow or Lindell
20 Management?
21 [REDACTED] Lindell Management.
22 A. Lindell Management.
23 Q. Lindell Management.
24 A. Yeah. She can go in the other room if you want.
25 It was only because if I get an emergency call she has

Page 17

1 that China was involved because the IP's came from China
2 and this is in the cyber world.
3 Q. Right. We're going to get into that topic,
4 those topics.
5 A. Okay.
6 Q. Probably a lot more in your individual
7 deposition. I'm really trying to focus on My Pillow --
8 A. Okay.
9 Q. -- here. But I appreciate that, I'm not
10 quibbling with you, I just --
11 A. The short answer in January, just so you know,
12 in January nobody talked to me, I didn't talk to the two
13 board members, I found this out way after the fact, you
14 know. It could have been March when, hey, when I found
15 out did you know back then [REDACTED] came back and
16 said it, did you know [REDACTED] probably when we were having
17 our next board meeting we go what do you mean [REDACTED]
18 resigned, this was three months later.
19 Q. Yeah, that's fine, that's fine.
20 A. But you're putting it in there like I got warned
21 or something, that did not happen.
22 Q. No, no, you've clarified it.
23 A. Okay.
24 Q. So the subsequent board meetings after your
25 discovery and you went public, all right, in any of the
Page 90

1 subsequent board meetings from then till now has the
2 board ever instructed you to, you got to stop talking
3 about this stuff?
4 A. No, not that I know of.
5 Q. It's hurting the company?
6 A. No. They said it's hurting the company
7 probably, but I don't know we said it in the board
8 minutes.
9 Q. Does the board have the authority to fire you?
10 A. No.
11 Q. Now you own the company, at least the majority
12 of the shares, right?
13 A. The majority, right. They do not have the
14 authority to fire me.
15 Q. So as far as you know, your understanding of the
16 bylaws of the company, any shareholder agreements that
17 may be there, no one within that company has the
18 authority to fire you?
19 A. That's correct. And I'm sure, whatever they
20 said or didn't say, which more things they didn't say,
21 they probably kept it to themselves.
22 Q. Right.
23 A. Because they know. When I got back we probably
24 didn't have a board meeting for five months, I would say
25 maybe even longer because I was, I had to stay out of
Page 91

1 Minnesota. I had physical threats. By physical I mean
2 threats, I was the No. 1 threat, here's the evidence and
3 they, they the bad guys, whatever, it was pretty bad
4 then, you know.
5 Q. But not to get too legalistic, to the extent
6 that you had the authority as the CEO of the company to
7 make statements publicly on behalf of My Pillow, it was
8 you and you alone --
9 A. I didn't make any statements --
10 Q. No, no, no, let me finish.
11 A. -- on behalf of My Pillow.
12 Q. Let me finish my question. To the extent that
13 you made statements.
14 A. Mm-hmm.
15 Q. On behalf of My Pillow publicly.
16 A. Mm-hmm.
17 Q. It was you and you alone that had the authority
18 to do so, right?
19 MR. MALONE: Object to the form.
20 Q. In other words, no one in the company could say,
21 you know what, Mr. Lindell, you can't say that, you
22 don't have the authority to say that --
23 A. Well, they could say it but, they could say
24 anything they wanted.
25 Q. But it wouldn't matter, it wouldn't matter,
Page 92

1 right?
2 A. They can't fire me, no. They could, I could,
3 the whole company could be going down and there is
4 nothing they could do if I'm still out as my own
5 individual capacity, that's correct.
6 Q. And you had the discretion to do whatever you
7 wanted to in terms of exercising your authority as CEO?
8 A. Correct.
9 Q. Yes?
10 A. Yeah.
11 Q. Okay. In other words, if Joe VP box guy says,
12 you know what, Mr. Lindell, you shouldn't be out there
13 talking about this and also selling this product at the
14 same time, maybe people could get confused.
15 A. What do you mean selling this product at the
16 same time? I object to that dumb answer. What are you
17 talking about. I didn't go out there, melt down our
18 machines and buy a pillow, I mean, what is wrong with
19 you.
20 Q. So it was a question --
21 A. Nothing changed with My Pillow other than we
22 were destroyed taking pieces off, that stayed the same.
23 The different variables, I'm out here in my own
24 capacity, which trying to get people to see this
25 evidence and sounding the alarm and getting the
Page 93

1 A. It's the same business model.
2 Q. I don't really, you probably gathered this, I
3 don't watch much TV, I don't watch --
4 A. I'm everywhere, I'm on CNN, MSNBC, Fox News,
5 Newsmax.
6 Q. What, what do you call publicly?
7 A. Huh?
8 Q. What, what do you call --
9 A. Here is what I can't, here's what I can't do
10 now, let me tell you this.
11 Q. I didn't ask you what you can't do.
12 A. Okay.
13 Q. I'm asking you what are you, how are you
14 referred to publicly, the My Pillow guy?
15 A. Yeah.
16 Q. Right?
17 A. That, people say that, yeah.
18 Q. Okay.
19 A. Now, now when I'm out there now, people are out
20 there, they're going, you know, it's almost probably
21 more so over here to help fix our country, help save our
22 election. I don't know how people know me.
23 Q. Do you understand how the public might be
24 confused about you talking about election fraud --
25 A. Let me tell you something --

Page 98

1 Q. Hold on, let me --
2 A. No, let me tell you something. This is an
3 anomaly in history. I was on TV 3 million times --
4 Q. I didn't ask you that.
5 A. I'm going to explain your question. I was on TV
6 3 million times up to 2016, so anything I do out there,
7 they're going to associate me with My Pillow.
8 Q. Of course.
9 A. Anything I do, that's the way because I'm so
10 branded. It's like you're branded as a frivolous
11 lawyer, anything you do, well, you'll be branded as that
12 because that's all I know about you right now. So go.
13 I mean, you know, I don't know what you're saying.
14 You're trying to associate that anything I say becomes
15 part of My Pillow, that's not true.
16 Q. Well, that's, but you know that's the perception
17 publicly, don't you?
18 A. No, I don't know that's the perception publicly.
19 Q. Of course. If you're talking about election
20 fraud issues and you're the My Pillow guy, you're saying
21 that the public can separate those two out?
22 A. I would hope they could, why wouldn't they.
23 Q. Have you ever, have you ever issued a press
24 release or a statement to the public that says any, any
25 discussions that I have publicly about election fraud or

Page 99

1 Dominion or Eric Coomer or any of these things --
2 A. I've never, I've never --
3 Q. Let me finish my question.
4 A. Yeah.
5 Q. Are not the positions of My Pillow and that they
6 are not --
7 A. 100 percent I've said that.
8 Q. Okay. Where?
9 A. 100 percent. All the time. I say, you know
10 what, this has nothing to do with My Pillow. I have
11 said that so many times you can't believe it. The
12 difference is now I can't go on stations and talk about
13 My Pillow because of people like Coomer that did this to
14 me, it's the other way.
15 Because people associate me over here with the
16 election, fixing our election, now I can't go and be the
17 My Pillow guy. You're right, I am suppressed from doing
18 that. It's the opposite of what you think. Because of
19 over here they recognize me as trying to fix our
20 election, I can no longer go on all these, it's cost
21 me millions, I can't go on Salem Media, and that was our
22 No. 1 outlet, Fox News, Newsmax, none of them, no media.
23 I can't go on any station at all and talk about My
24 Pillow anymore. That's why it's cost us so much.
25 I could go on like back in the day go on Imus,

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1 go on these stations and talk and say, hey, what are we
2 doing with My Pillow, like our new My Pillow 2.0. I
3 can't do that now. When I did that we would let people
4 who know about our company. Now because of this
5 election, trying to save our country, it's crap like
6 this, now I can't go on there and do it because of
7 people like Eric Coomer, that's a fact, that's a fact.
8 All I was trying to do was bring to light that
9 these machine companies and that China intruded in our
10 election, that's reality. So you are exactly right.
11 They don't know me as the My Pillow guy over there,
12 these stations, they know me as trying to fix our
13 election so I can't even go on and advertise My Pillow.
14 That's why we've been hurt, that's why last year we lost
15 \$6 million that we had to go borrow money for my
16 employees so I can keep them all employed. They have
17 families and stuff.
18 So don't try and flip it the other way because
19 it's only one way. We keep losing, losing, losing
20 because now I'm branded over here trying to fix our
21 election because media attacks me every day and people
22 like this guy, Eric Coomer, that cost me almost
23 everything when he went and made a deal with Chris Ruddy
24 behind my back and said don't ever have Mike Lindell
25 come on anymore.

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1 I made one comment, there it is circled, that's
2 the only one I ever made about Eric Coomer, the only
3 thing I ever said, until after he sued me, then there's
4 plenty in here. That's the only statement right there
5 that I ever said about this guy I didn't even know,
6 period.
7 Q. What page are you looking at?
8 A. 36. I looked at this last night, it's
9 disgusting. That's the only thing I ever said and that
10 was the day after he made the dirty deal with Chris
11 Ruddy. And I called Chris Ruddy up, I go, what are you
12 doing. I go, what do you mean I can't come on and talk
13 about My Pillow anymore. Well, he's done it with this
14 Eric Coomer. That's when I made that statement. I
15 never had made one statement, didn't even know who he
16 was before that.
17 All that, all this crap about Joe Oltmann who I
18 didn't even know then and all this stuff about,
19 everything after that from this on is after he sued me
20 in Colorado, every statement I made. And I'll continue
21 to make statements about both you and him. This is why
22 this judge should have ruled this as frivolous instead
23 of last summer sitting on it for nine months and making
24 me sit here and waste two days of my life because I
25 could be helping my employees, trying to keep them

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1 employed while you people attack. There's my statement.
2 THE WITNESS: Did you get all that?
3 MR. CAIN: Objection, nonresponsive.
4 A. No, but it's disgusting when you sit here --
5 MR. MALONE: Slow down.
6 A. I'm branded as now election, not My Pillow guy,
7 it's the opposite.
8 MR. MALONE: You just got to slow it down.
9 THE WITNESS: I know, but it just pisses me
10 off.
11 MR. MALONE: I understand, they understand.
12 THE WITNESS: So disgusting.
13 BY MR. CAIN:
14 Q. You don't remember my question, do you?
15 A. Yeah, the question is do people know you as the
16 My Pillow guy, blah, blah, blah. I just gave my answer.
17 No, they know me over here as this guy that's trying to
18 save our country. But because of Lawfare and start
19 dirty things that Eric Coomer did on that one day, which
20 that's when I called him out, I can't go on my stand, I
21 can't, my company has been hurt so bad because of people
22 like this Eric Coomer, so bad, tens of millions of
23 dollars, hundreds of millions of dollars.
24 Q. You don't remember my question, do you?
25 A. What's your question, give me a new one. That

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1 one struck a chord.
2 Q. No, I just want answers to my questions.
3 A. Okay, what is it?
4 Q. So let's just talk about press releases.
5 A. About what?
6 Q. Press releases, public statements by My Pillow.
7 A. Okay.
8 Q. Okay. Here's the question, has My Pillow issued
9 any press releases or public statements in writing
10 saying that you do not speak on behalf of the company as
11 it relates to election fraud issues?
12 A. I believe so, but I'd have to go back because we
13 may have a PR person back then maybe. I think she did,
14 but I'd have to check on that. I believe so.
15 Q. Okay. So you think as you sit here, I don't
16 want you to guess.
17 A. I don't know, I don't know, but I would really,
18 because I had a, I think we had a PR person back then,
19 this is two years ago now or three years ago.
20 Q. Who, who is that person, are you not going to
21 tell me?
22 A. I don't know, and I'm not giving you her name so
23 you can attack her.
24 Q. Do you have any evidence that I've attacked
25 anybody within your company? Don't show me the, don't

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1 show me what you're going to show me.
2 A. Right there, Page 36, Page 36, where you, where
3 I called you lawyers just as bad as him, I called you
4 guys criminals.
5 Q. You did.
6 A. Because what you did to my company back then,
7 that's when I brought up Eric Coomer. I had never, I
8 had never said his name ever in history until he drew
9 first. He went to, he went to Chris Ruddy and made a
10 dirty deal behind my back and then Chris told me I could
11 never come on Newsmax again and talk about My Pillow.
12 Q. Did Mr. Ruddy, since you've raised it now maybe
13 half a dozen times, did Mr. Ruddy tell you the terms of
14 the settlement between Dr. Coomer and Newsmax?
15 MR. MALONE: Object to form.
16 A. No. What he said, he said I couldn't come on
17 Newsmax anymore even if it was to talk about My Pillow.
18 Q. And he, did he say --
19 A. This was public, it went out publicly, I seen it
20 publicly.
21 Q. No, no, no.
22 A. No, this is what I'm telling you, let me tell
23 you the answer. I seen it publicly out there in the
24 public, this guy named Eric Coomer. I go who the heck
25 is that, then I see he's with Dominion and he made a

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1 evidence and every day I'm losing a box store, every
2 single day.
3 Q. Right, no, no, no. I'm actually focused more on
4 the late summer --
5 A. There were other, there were other stations that
6 threatened to cancel me if I didn't stop talking, there
7 were 12 little stations. And I told them go ahead and
8 cancel me, if you do you're not coming back, I'm not
9 getting cancelled. I have to, we have to get this
10 evidence out there.
11 So yes, I did make those statements to them.
12 They decided to stay on with us, it was 12 of them. And
13 they, I got called by our media buyer and she said we
14 have 12 TV stations I think are going to cancel. I said
15 tell them if they do they're never coming back because
16 I'm not going to, they're not going to bully me into
17 changing my mind and not showing this evidence to the
18 world.
19 Q. You mentioned Chris Ruddy earlier and Newsmax.
20 Were there, sort of the opposite of what we were talking
21 about with Fox, were there certain media outlets that
22 were actually helping you promote the Cyber Symposium?
23 A. No, no. They all, all of them were just the
24 generic ads.
25 Q. Okay.

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1 A. And, and incidentally now that you ask that,
2 everyone was the same, whether it was ABC, Newsmax or
3 whatever. But on the first day of the Cyber Symposium
4 Dominion decided to sue OAN and Newsmax, not the rest of
5 ABC, NBC, CBS, NBC. You wonder why I don't like the
6 name Dominion. They hurt us there too. They attacked
7 those two and then OAN, what ends up manifesting from
8 that, they take, AT&T takes them off the news, or Direct
9 TV, we lost that for advertising too because their
10 audience went down to nothing. So I got Eric Coomer
11 destroying Newsmax for me and Dominion and AT&T and them
12 guys destroying OAN.
13 Q. I noticed, by the way, there was a Dominion
14 promo code. Why do you have a Dominion promo code?
15 A. Because I, you know why, because when I went on
16 TV and they're going, oh, Mike, Dominion sued you, which
17 I asked them to sue me because I wanted the discovery,
18 that's how it was. I asked them to sue me, did you know
19 that, are you familiar with that.
20 I called up, I called up the Daily Beast and I
21 said why would you tell Dominion to sue me, I got the
22 evidence. And so he walks over and he tells them that,
23 his name is Asawin. And he goes yep, they're going to
24 sue you. And I said, okay, do an article about it, he
25 did. They didn't sue me for three days. I had to call

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1 him up and go Asawin, the Daily Beast is very left, I go
2 you better get back over there and tell Dominion chop,
3 chop or you're going to be known as fake news, that was
4 it.
5 So when they first sued me finally, they sued me
6 and it said, and they sued My Pillow, it said something
7 about promo codes. So I went on Steve Bannon, the first
8 time I had ever met him in my life. And I go on there
9 and he goes, Mike, Dominion sued My Pillow and not just
10 you. And I said yeah, they're disgusting. And I said,
11 he goes, well, you said they're using promo codes, and I
12 said, yeah, use promo code Dominion to save up to
13 66 percent. And then he dropped his microphone, it was
14 disgusting. That's where it came from.
15 Q. Who dropped his microphone?
16 A. Steve, he just, he couldn't believe I said that.
17 I said use promo code Dominion. Just like when the FBI
18 took my phone, I said use promo code FBI.
19 Q. I thought it was Hardee's.
20 A. No. Well, Hardee's was one too, they put their
21 thing out there, you know.
22 Q. All right. Let's, let's focus back --
23 A. In other words, you know, take your lawsuit of
24 promo codes and shove it, that was my, that was my
25 statement to them.

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1 Q. Yeah, using the company My Pillow to, to make
2 that statement, right?
3 A. After the lawsuit, Mr. Twister, after I was
4 sued. Everything in here in your little lawsuit, other
5 than that one little paragraph, everything I said --
6 Q. We don't, we don't --
7 A. -- after he sued me.
8 Q. We don't need --
9 A. After Coomer served his papers.
10 Q. We don't need to replot that, okay, I've heard
11 you say that.
12 A. Well, then I'm just telling you. So that's what
13 he, you know, using My Pillow, after.
14 Q. Let's --
15 A. And it's a, and it's a joke, you know, shoving
16 it back in you guys' face. Oh, you think My Pillow
17 benefitted from this, give me a break. Talk to them
18 employees who are trying to support their families. You
19 guys are disgusting. What else you got.
20 It's kind of a sad day for you, isn't it, to see
21 how bad My Pillow is sitting and you're trying to make
22 it look like this was some grand thing to make money.
23 It's just sad, it really is, it's sad. This is probably
24 the most frivolous lawsuit in the history of the United
25 States, and I mean that. It's shameful that judge did

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1 to me I consider it criminal. I don't care what he's
2 done in his past nor do I know what he's done in his
3 past. Do you get that?
4 Q. I do.
5 A. Well, then don't sit here and tell me. He did
6 this directly to me.
7 Q. Right.
8 A. And it's criminal what he's done to me.
9 Q. And, and --
10 A. He's a criminal, that's what he is, and that's
11 my opinion. He did this to me. I don't care if he,
12 what he's done in his past, I could care less. I heard
13 once he, that he's got some DWI's, I don't even know, I
14 don't know, I don't know, I don't know his past, I don't
15 know what he's done, I don't know anything about the
16 guy. But I do know what he did to me. That's why we're
17 here, what he did to me. And I will, just like these
18 other people that you hear me bad-mouth, I don't
19 bad-mouth anybody directly unless they, I have the
20 evidence of what they did to me or what, or that, that
21 I've done my due diligence.
22 Eric Coomer did this directly to me. And I made
23 one statement about him. Didn't say nothing for a whole
24 year, and then you guys come up and serve me papers in
25 Colorado. I'll bet there was statements after that,

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1 wasn't there. Then everybody knew that what he did to
2 My Pillow and Mike Lindell. How dare he come and sue My
3 Pillow, he's a scumbag for doing that.
4 THE WITNESS: Put that in there, scumbag,
5 S-C-U-M, bag.
6 A. That's what he is for what he did to me.
7 Q. Okay. That's not my question. There were
8 questions to him about his past.
9 A. Not from me.
10 Q. And what I'm hearing you say --
11 A. Not from me.
12 Q. From your lawyer.
13 A. Well, I don't know what my lawyer did, that's
14 between my lawyer and him. You guys, all lawyers do the
15 same stuff, lawyer stuff.
16 MR. MALONE: Just let him ask the question,
17 see what he has to say.
18 Q. Okay. From your perspective as CEO of My
19 Pillow, Eric Coomer's past, whether he had run-ins with
20 the law or, or criminal issues, is of no moment and is
21 irrelevant?
22 A. Is irrelevant, 100 percent irrelevant, as far as
23 I'm concerned, that's his business.
24 Q. Because you believe, you said, you know, [REDACTED]
25 has --

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1 A. She had, I have many, many people, their past,
2 but if they've changed, if they've changed or gotten
3 help, absolutely I hire him. This is current, this is
4 real.
5 Q. You struggled with addiction?
6 A. Oh, yeah, I was a crack addict, yeah.
7 Q. And Eric Coomer struggled with addiction.
8 A. I don't know, I don't know. I feel bad for him,
9 but I hope he got changed, hopefully he found the Lord
10 Jesus Christ, you know, so I can pray for him. I have
11 prayed for him, believe it or not, I have prayed for
12 him, you know. I prayed for him, I go why did this
13 person do this to somebody and I prayed for his
14 salvation, for his soul, and for him to get help, you
15 know, as I have lawyers that even back up frivolous
16 cases like this. And I got to meet the lawyer behind
17 the curtain. Go ahead.
18 Q. I'll take whatever I can get. Okay. Let's,
19 let's de-escalate and just talk about some numbers,
20 that's a little easier I think in a sense. Go back to
21 this exhibit, if you would, please, 62. You've already
22 been quite clear at least in your mind that your
23 activities relating to the election, 2020 election have
24 hurt My Pillow's business?
25 A. Absolutely.

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1 Q. In a, in a sort of a shorter area or window, did
2 My Pillow at least around the Cyber Symposium experience
3 an uptick in sales?
4 A. Huh-un, no.
5 Q. Okay.
6 A. And it's hard to tell because, because of drop
7 in the Fox ads, so it's very hard. But we lost, it's a
8 net net definitely loss.
9 Q. Well, if you take Fox out of the scenario,
10 because you made the decision to, to cut Fox out, all
11 right. So put Fox --
12 A. It's all one thing.
13 Q. Hold on, hold on. Put Fox in a box on the side.
14 A. Okay.
15 Q. And just, just talking about the other revenue
16 streams. During the symposium, isn't it true that you
17 had an uptick in revenue from the other sources
18 outside --
19 A. I, I don't know, I would have to, I have no
20 idea.
21 Q. Is there something like, I've looked at, there's
22 week -- here's the question, and correct me if I'm
23 wrong. You both do day, daily reporting where you look
24 at --
25 A. And weekly reporting, yeah.

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1 here like your Diamond & Silk, War Room, Alex Jones,
2 Bartz, it's everybody. This is not My Pillow, they
3 don't get those sales. Anything that came close to
4 Frankspeech, My Pillow doesn't get them. Do you get
5 that?
6 Q. No, I guess I don't.
7 A. Talk to my employees. They wouldn't get, they
8 don't get that money. It's another platform like, like
9 War Room, like Fox News. They have to pay. What
10 Frankspeech ends up with with that, My Pillow will get a
11 portion of that for their sales.
12 Q. Wait, wait, wait. My Pillow --
13 A. They don't get anything from Frankspeech.
14 Frankspeech, that's their sales. Do you get that. This
15 wasn't a My Pillow, it had nothing to do with My Pillow.
16 Q. It's the product that was being sold.
17 A. Right, by using a promo code, right.
18 Q. Right. When a pillow is sold, My Pillow gets a
19 portion of the sale?
20 A. From everywhere I have ads in the world. What
21 I'm saying is when I do an email blast --
22 Q. Wait. You said ten times that My Pillow doesn't
23 get the money.
24 A. No, you need to understand, that's sold on the
25 Frankspeech platform.

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1 Q. I don't care what the platform is, the money is
2 going in part to the platform --
3 A. That's right.
4 Q. -- and in part to My Pillow?
5 A. Just like any other, that's correct.
6 Q. You're in the pillow business to sell pillows,
7 right?
8 A. Mm-hmm.
9 Q. Yes?
10 A. Sure.
11 Q. And that's what we're looking at, the
12 [REDACTED]
13 A. But that was sold on the Frankspeech platform.
14 Q. I don't care if it was sold on the moon. The
15 money is going to My Pillow in part?
16 A. Not all of it, but some of it, yes.
17 Q. Okay. And it's going to whomever --
18 A. Mm-hmm.
19 Q. -- is advertising that product?
20 A. Mm-hmm.
21 Q. Through the promo code, right?
22 A. Okay.
23 Q. Are you trying to tell the jury that you're not
24 making money --
25 A. What jury, what jury are you talking about, why

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1 are you --
2 Q. The ones that are looking at this on the video.
3 A. I'm trying to tell you that you're trying to say
4 we made money there. We lost \$4 million. And that, I
5 don't know when the promo code audit was set up. That's
6 a Frankspeech is a platform just like the man on the
7 moon, Fox News, everyone I've been doing for 15 years.
8 Now did they buy more for promo code audit by me
9 saying that, yeah, I said it as a thing, yeah, they did.
10 It looks like they bought more than the day before. Is
11 that what you want me to say. Yes, by me saying that on
12 that stage, I'm telling you I didn't do any ads, it was
13 not to run ads at all, and I ran ad free. Did I say
14 that because of proving a point, you proved my point.
15 Rotten horrible lawyers like you and the media
16 saying, oh, Mike Lindell is trying to save this country
17 just to make money. I have lost everything I've had so
18 far, you got it. So don't sit here and take your,
19 because I'm not going to take this garbage you're
20 spewing out. This is horrific what you're doing, I've
21 said it from the start of this thing, it's disgusting,
22 I've lost millions of dollars.
23 You'd like to be in my shoes, you just can't put
24 it through your head. Why would anybody hold to his
25 moral compass and say here, I have evidence to save our

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1 country so you have a job. And I'm willing to sacrifice
2 every single thing I have, including other people's
3 jobs. If it takes that, I can't help it, I'll try and
4 do everything I can to help save them. But you know
5 what, if it comes to that, I will lose everything I have
6 because that's how important it is to fix our elections.
7 That's it.
8 So you can go ahead and say that to the jury and
9 make it look like I was trying to make money. They
10 heard that statement. I made a joke about it. I can't
11 help that that many people bought, but I still lost
12 \$4 million that weekend. That's the bottom line. So
13 you can sit there and go, look at him. If there was an
14 ad coming up every two minutes, you could maybe make
15 that argument, but it didn't. There wasn't even
16 anything on the strips, nothing. So it's disgusting
17 that you're even insinuating that. That's all I'm
18 saying. Go ahead.
19 Q. You can't bang on the table because you're --
20 A. That's what I did, I'm sorry, I apologize. Did
21 it break anything? I'm just getting, it's disgusting.
22 I can't believe that you're a lawyer, that you would do
23 something like that. Don't you have a moral compass. I
24 mean, this is bizarre, this whole thing is bizarre.
25 That I did it to make money with promo codes, really.

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1 mind, sarcastic. I'm tired of people thinking that I
2 did this to make money, you know, that was the whole
3 thing.
4 Q. I didn't ask you about money. You know, we got
5 to be on point here.
6 A. Well, then, well, you're asking me. I just told
7 you, it says right here, audit 50 towels, audit 33
8 sheets.
9 Q. All right. You answered part of my question.
10 There is audit --
11 A. It says right there, I'm reading it.
12 Q. Let me finish, please. There's audit 67, audit
13 68, audit 89, audit 98. Which, which vendors were using
14 those audit codes?
15 A. I'll have to check on that, I'll have to check
16 on that. But here it says towels and sheets. I don't
17 know which vendor. So probably, here's my guess, when I
18 said that at the symposium, other vendors out there
19 probably went, hey, can I have an audit code. I don't
20 know, I'd have to check on that, you know, that could
21 be. Or it could be we had to divide them up with the
22 audit code because it was already established. And
23 that's probably it, so people are using an audit code.
24 I had to divide it up to towels and sheets, you know
25 what I mean. We had to put numbers behind it. That's
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1 probably, that would make more sense. We couldn't use
2 just one code audit or you're not tracking your media.
3 Q. No, you've already talked about --
4 A. Well, that's what it is, that's exactly what it
5 is. It meant nothing as far as auditing somewhere. You
6 had to divide it up between sheets and stuff because I
7 said it at the symposium, so now you have all this,
8 everyone is using promo code audit, I couldn't track a
9 sheet commercial from a towel commercial. Do you follow
10 me?
11 Q. I do follow you.
12 A. That's what we did. So we probably shut off the
13 promo code audit is what, that's my guess. It's like,
14 I'll give you an example. Back what we did originally,
15 what they did way back in the beginning we used promo
16 code My Pillow on all the media in 2012, all, it was
17 just a promo code, My Pillow. And then what happened
18 was we couldn't track it all because it was all going to
19 the same code. So then we had My Pillow 22, My Pillow
20 23, very similar.
21 So when I said that at the symposium, what
22 people had stuck in their head, so when they're seeing
23 commercials on, on Frankspeech, this is probably from
24 Frankspeech, we had to divide them out into numbers,
25 that's all.
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1 Q. Is there a --
2 A. To get them to quit, to get them to quit using
3 that generic code.
4 Q. Is there a mechanism if let's say [REDACTED] s in
5 this room with us and I want to know, [REDACTED] how much in
6 revenue was done associated with all of the audit codes,
7 is there, is there a way internally to produce that kind
8 of financial reporting?
9 A. From back then, maybe, I would say yes.
10 Q. Okay.
11 A. But then you asked me why, why the number is
12 behind it.
13 Q. You answered my question.
14 A. It's very simple. If people kept using that
15 code audit. It's kind of like Dominion when I threw
16 that out there.
17 Q. Right.
18 A. I had to, I had to actually, first I just
19 disconnect it because people used it and I couldn't
20 track my media.
21 Q. No, I know the tracking part.
22 A. Well, that's the biggest part of it, you have to
23 be able to track your media.
24 Q. We may be asking these, or talking about this
25 for different reasons, so.
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1 A. Mm-hmm, right.
2 Q. So if, if, for example, Frank33, if I wanted to
3 know how many sales --
4 A. What?
5 Q. Frank33.
6 A. Frank33, right.
7 Q. If I want to know how many sales are associated
8 with that promo code, can you go back or someone --
9 A. Well, I would assume, I don't think we changed
10 our, I don't think we changed our platform.
11 Q. All right. Have you ever asked someone like
12 [REDACTED] or your controller to give you a report like that
13 that just says, hey, I want to see War Room, I want to
14 see everything --
15 A. Of course I have.
16 Q. Okay.
17 A. Or I can do it myself, you know, I can do it
18 myself.
19 Q. Okay.
20 A. I showed you on my phone. What's wrong with
21 you. I just showed you all the promo codes.
22 Q. Let's, let's not get combative about it.
23 A. Well, no, I'm just telling you. You're asking
24 me something, I just showed you how I can do it.
25 Q. No, you, you didn't produce a report. Oh, you
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1 MR. KLOEWER: I'm looking them up right
2 now.
3 THE WITNESS: [REDACTED] nice
4 guys.
5 BY MR. CAIN:
6 Q. All right.
7 A. Charge [REDACTED] hour. Do you guys make that
8 much an hour?
9 Q. No comment.
10 A. Or are you making it on this, on frivolous
11 cases, consignment things?
12 MR. MALONE: They won't answer the
13 questions, Mike.
14 THE WITNESS: Well, he's asking me stuff
15 that has been completely irrelevant. I could ask him
16 some questions, that's crazy.
17 MR. MALONE: We'll do that later.
18 A. Who owns your airplane, who owns it, you know,
19 what does Lindell, what does it have to do with anything
20 you're talking about. Josh Merritt, I gave a ride to
21 the guy on my plane, the guy, I didn't know he was a bad
22 guy, but he's there, I don't know where he came from, I
23 didn't hire the guy. He sits up on the thing and says
24 this evidence is all good, and then two days later he
25 tries sabotaging the symposium. And then, and then he

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1 about two days or four days after the symposium we get a
2 tape that was taped two days before the symposium how
3 he's going to take, win the \$5 million and sabotage the
4 thing. Just a disgusting person.
5 Q. This data we've been talking about, is it the
6 same data that, that you procured from Patrick Byrne?
7 A. I didn't purchase anything from Patrick Byrne, I
8 never dealt with Patrick Byrne on anything, purchasing
9 any data. What are you talking about and where did this
10 come from. Now you're starting to be stupid, now you're
11 really asking some questions. Where did you even get
12 that that I purchased any data from Patrick Byrne. This
13 is the most out left field thing I've ever heard. What
14 do you want me to say, oh, no, I didn't purchase it. I
15 never purchased anything or got anything from Patrick
16 Byrne ever.
17 Q. Thank you.
18 A. My evidence came from Brannon Howse on
19 January 9th, you got that.
20 Q. Who did he get it from?
21 A. I don't know. Mary Fanning I believe, and then
22 they got it from Dennis Montgomery, that's, that's what
23 I've heard.
24 Q. Okay.
25 A. And did I know Brannon Howse and Dennis

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1 Montgomery, or did I know those guys, no. I had been on
2 Brannon Howse's show one time three months prior or
3 something.
4 Q. Did you pay Mr. Howse for access to the --
5 A. No, 100 percent, no. I never paid him a dime.
6 Q. You have not paid any amount of money or My
7 Pillow has not paid any amount of money for this data --
8 A. No.
9 Q. -- that you say is under gag order?
10 A. No, absolutely not, 100 percent no.
11 Q. Has Mary Fanning ever worked for My Pillow?
12 A. No.
13 Q. Have you ever met her?
14 A. No.
15 Q. Do you know if she's a real person?
16 A. Yeah, I've talked to her. She, she helped, she
17 helped in two movies, she's definitely a voice.
18 Q. She's definitely a voice.
19 A. Yeah.
20 Q. But you've never met her in person?
21 A. I've never met her in person. I've never met a
22 lot of these people you're talking about in person. I
23 met, I think I've probably met Joe Oltmann like four
24 times.
25 Q. Dennis Montgomery, does he --

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1 A. I met Dennis many times now because now he does
2 work for me.
3 Q. Okay.
4 A. Mike Lindell.
5 Q. He does not work for My Pillow?
6 A. No, absolutely not, he does not work for My
7 Pillow, never has.
8 Q. Just you personally?
9 A. Mm-hmm.
10 Q. Is that a yes?
11 A. Yes.
12 Q. It's just ambiguous if you say mm-hmm.
13 A. Yes, yes, yes.
14 Q. It's not clear what that means. Where is, if I
15 needed to locate Mr. Montgomery, where would, where
16 would I find him, if you know?
17 A. I think that's his -- once again, I don't want
18 you attacking him.
19 Q. Do you know where he lives?
20 A. Yes, I do.
21 Q. Do you have his contact information?
22 A. Yes, I do.
23 Q. Do you have his phone number?
24 A. Yes, I do.
25 Q. Will you provide that information to us?

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1 Now I'm going to explain this, now I remember.
 2 So I had an assistant back then, not [REDACTED] another
 3 assistant where we made up cards, Lindell Management
 4 cards, okay, so that I wouldn't, you know, and on that
 5 card had an email. People would ask me all the time for
 6 a card and I didn't want to use My Pillow, I wanted to
 7 use Lindell Management. So I used that email on that
 8 card. So obviously this guy got one of them cards. I
 9 don't ever converse on the Lindell Management, I bet you
 10 I didn't even respond to this, you know.
 11 Q. Okay.
 12 A. This is, other than incoming, give out business
 13 cards that, you know, here, I want a business card,
 14 well, here, use this. And once again, I think the
 15 assistant then could pull them up and segregate them,
 16 like people who wanted my picture and wanted my card.
 17 And obviously Shiva got one. What's the date on this?
 18 Q. February 18, 2021.
 19 A. Yeah. So that would have been the only thing.
 20 He probably got a, he probably got a business card with
 21 that on that. I don't even remember how he ever got
 22 ahold of me.
 23 Q. Did Dr. Shiva perform any work or My Pillow?
 24 A. No, no.
 25 Q. As a consultant?

Page 274

1 A. No, nobody did, no, absolutely not.
 2 Q. All right.
 3 A. He's talking about, this is, this is Alan Duke,
 4 he's Lead Stories of the Facebook fact checkers.
 5 Q. You can put that aside.
 6 A. What?
 7 Q. You can put that aside.
 8 A. Okay.
 9 Q. Let's go to 69.
 10 (Exhibit 69 marked for identification.)
 11 Q. This is the email portion of your deposition,
 12 Mr. Lindell, so we'll just look at a few. You should
 13 give one to your counsel.
 14 Okay. Exhibit 69 at least purports to be, and
 15 it's been produced I guess twice in this litigation,
 16 purports to be an email from some person named Mark
 17 Debarbieri?
 18 A. Yep, yep.
 19 Q. To Mike Lindell at [REDACTED] do you see
 20 that?
 21 A. Mm-hmm, yep.
 22 Q. Do you know who this person is?
 23 A. No idea.
 24 Q. Do you know how he got your email address?
 25 A. Yes, I can, that's an easy one to explain. When

Page 275

1 people call my call center, and these are upset people
 2 or anybody, and they bug them enough, because they're on
 3 the phone, they have to, at a certain point I said if
 4 you can't handle the customer and if they're adamant, I
 5 gave them this [REDACTED] email to use. It goes into a generic
 6 box to a team that just covers like customers that are
 7 upset. Deviations, you know, deviations. Like this
 8 guy, he says, so he was probably very upset, you are
 9 very difficult to make contact, I called and waited 20
 10 minutes, I'm not, so he was very upset. Anybody that's
 11 so upset about anything, they give them that [REDACTED] mail.
 12 Q. Gotcha. So this particular email relates to, if
 13 you look in the middle, it actually relates to Dr.
 14 Coomer, do you see that?
 15 A. Yep.
 16 Q. Do you remember receiving this?
 17 A. No, I never read this email. I don't read the
 18 [REDACTED]
 19 Q. Okay. At all?
 20 A. No. They would be, [REDACTED] go to a team and
 21 usually they've been ordered, back then we got thousands
 22 of emails, customers and stuff, so they, so what they do
 23 is they go through and take care of the My Pillow
 24 customers. Everything else they're ordered to, we
 25 consider a junk mail.

Page 276

1 Q. Okay.
 2 A. This was never read by me, probably looked at,
 3 boom, gone.
 4 Q. Okay. And I'm not asking about the lumpy pillow
 5 calls.
 6 A. No, they're not lumpy pillows, that's not what
 7 they call on, okay. When you say lumpy pillows, now
 8 you're an asshole, you got that, you're an asshole is
 9 what you are.
 10 MR. MALONE: Mike.
 11 THE WITNESS: No, he's an asshole, he's an
 12 ambulance chasing asshole.
 13 A. That's what you are. Lumpy pillows, kiss my
 14 ass. Put that in your book. No, they, they answer
 15 anything, any problem customer that wants to reach Mike
 16 Lindell, those are the ones, I want to talk to Mike
 17 Lindell, I want to talk to Mike Lindell. They send them
 18 to here and they go, and they call about maybe they
 19 didn't get their pillow on time because of the Fed Ex or
 20 whatever, but we'll cover it even though it could be
 21 somebody else's fault. Nobody calls because of a lumpy
 22 pillow. But good, good one though.
 23 Q. Are you done?
 24 A. Yeah, I'm done.
 25 Q. What I'm saying --

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1 A. Obviously you don't have a My Pillow too, you
2 don't, do you.
3 Q. What I'm saying is, Mr. Lindell --
4 A. Asshole. But go ahead.
5 THE WITNESS: No, I'm pissed.
6 MR. MALONE: I understand.
7 A. Yeah, go, when you're saying what.
8 Q. The non-customer product complaint calls.
9 A. Anything that comes in where the customer,
10 there's a, they can't get, they got to get, get to, they
11 can't solve the problem if the customer wants to talk to
12 Mike Lindell or if they want to talk about the weather
13 being bad. They say, they, they go give them [REDACTED] and
14 it goes into another team of people.
15 Q. Okay.
16 A. And this team take anything that's unrelated to
17 My Pillow and throw it in the garbage.
18 Q. Okay. That's where I'm going. To the extent
19 that My Pillow is receiving emails from people like Mr.,
20 I'm going to butcher his last name, Debarbieri --
21 A. Nobody, the only ones that know --
22 Q. Let me finish my question, please.
23 A. Well, then, okay. Then make sure you be
24 specific. Because people don't, now you asked me how
25 they got that email address. I don't publish it for
Page 278

1 everybody. I don't, people try and reach me all the
2 time for different things. You don't have that luxury
3 of being, have people, everyone on the street wants your
4 email whether to get a picture or whether to attack you
5 or whatever it is, you know, people like you that
6 probably call on the phone. But go ahead.
7 I give, they give them the email, it's a thing,
8 catchall so they don't have to take the wrath or an
9 attack or to say I want to talk to Mike Lindell, come
10 on, come on, come on, it's easy, they give them this
11 email. You asked how they got the email, that's it.
12 It's the only way they can get [REDACTED]
13 Q. Do you need to take a break?
14 A. No, I don't need to take a break.
15 Q. All right.
16 A. Your lumpy pillow question kind of set a nerve.
17 Because obviously, just like your question in here in
18 your little complaint, Mike's frivolous Cyber Symposium.
19 This whole case is frivolous, you should be ashamed of
20 yourself. But go ahead, finish your question on this
21 and try not to talk about, I get personal when you
22 bad-mouth my employees or my pillows or anything like
23 that. Go ahead.
24 Q. I haven't said a single word about your
25 employees and I don't own --
Page 279

1 A. You've attacked them, you attacked them, you're
2 part of this, you're getting paid on consignment, you
3 get paid if they get money from my employees, yes, you
4 have attacked them. You personally did this, the
5 Newsmax, you and I call it right out, the criminal
6 lawyers and Coomer when you guys did this to me.
7 Q. Do you not think that, that Eric Coomer rigged
8 the election?
9 A. What?
10 Q. Do you not think that Eric Coomer rigged the
11 election?
12 A. I said, Eric Coomer didn't, I didn't say that, I
13 didn't say that. I said Dominion, they used Dominion
14 machines and all machines. I'm not specific just to
15 Dominion, ES&S, Hart, all of them, we've got to get rid
16 of the computers in our election. I never said anything
17 about Eric Coomer. I called him a traitor what he did
18 to My Pillow and Newsmax.
19 Chris Ruddy called me up and says, sorry, Mike,
20 you can't come on anymore, this guy, I don't know, let's
21 make a deal. Were you involved in that deal? You hurt
22 a lot of innocent people is what you did because that
23 day we couldn't go on. Like right now when we're
24 overdrawn I can't go on Newsmax and say, hey, we got the
25 new My Pillow 2.0, my employees thank all of you, like I
Page 280

1 used to do, I'm their host. I can't do that anymore
2 because of you and Coomer. That's reality, that's cost
3 us hundreds of millions of dollars.
4 When I'm done with this, you wait, if there's
5 any way to get your wallet it's going to be, that's what
6 we're going to do because you've hurt us so bad, it's
7 disgusting. And then you call it a lumpy pillow. Put
8 that in there too, huh, are you going to put that out
9 there. Did you use a My Pillow, how dare you. Are you
10 reading this stuff, I don't get it, you're worse than
11 the media. So keep going.
12 Q. I think there was a question in there.
13 MR. CAIN: I'm going to object as
14 nonresponsive.
15 A. The question, the question you asked me, how did
16 they get the ML. I've never read this, anything that
17 came across. We get stuff all the time, it goes right
18 in the garbage.
19 Q. So to that point, the emails that come in that
20 get filtered into [REDACTED] --
21 A. That's correct.
22 Q. -- that relate to, let's say it's someone like
23 this gentleman who's calling about or emailing about
24 Coomer or Dominion.
25 A. Garbage.
Page 281

1 interact and say, hey, if you find a screen shot, you
 2 will get a reward, you know, you have to take a screen
 3 shot, okay. So it solved that problem because people
 4 really believed that even though it wasn't true. So
 5 that was set up.
 6 So anything with the election, whether it was
 7 good, even if it was good, hey, I got, like right now if
 8 they called up and said, hey, I got a good invention for
 9 Mike on MyStore, I need to talk to him, I need to talk
 10 to him. My reps instead of saying I can't talk to him,
 11 there's no way you can get to him, but does he have an
 12 email, you know what, here's his email, that's it,
 13 because they don't have time. My Pillow has to
 14 function, it doesn't have time to talk about the weather
 15 or whatever. So these things go there.
 16 And this thing here would have been deleted or
 17 at least unchecked and it's sitting there in the server.
 18 It was, nothing ever gets double deleted because if they
 19 come back to us we have to be able to show the
 20 conversation with them. We do that to protect our
 21 company.
 22 MR. CAIN: Objection, nonresponsive.
 23 Q. I'm just trying to get a sense of how many
 24 people call your company about the election fraud
 25 issues?

1 with every keyword you gave. There you go.
 2 Q. Thank you.
 3 A. Yeah, now you got your answer. You already knew
 4 the answer, you just was hoping there was more I think.
 5 It sucks that you're not going to win all this money,
 6 huh. Don't you feel it slipping away because you're all
 7 wrong and you realize you shouldn't have done this.
 8 Q. I'm not sure you understand how you're
 9 perceived.
 10 A. I don't care how you think I'm perceived. Let
 11 me tell you how you're perceived. You're perceived as
 12 an ambulance chaser, you're the reason what's wrong with
 13 this country with lawyers, you're disgraceful is what
 14 you are.
 15 When I read this thing again last night, I
 16 thought, one paragraph after you came after me. I
 17 didn't know this, whatever this Oltmann, I didn't know
 18 him then and I barely know him now. And you guys, and
 19 you guys, all the stuff back then the only thing in here
 20 was one statement I made after you attacked Newsmax,
 21 after Coomer attacked Newsmax. That's the only
 22 statement I made, period, I didn't know who Eric Coomer
 23 was.
 24 Q. We're recycling old testimony. I didn't ask you
 25 about that either. So let's, let's stay focused because

1 A. How many to nowadays, probably, I don't know,
 2 none, a few. Back then in January of '21, a lot. They
 3 were all calling in attacking and then, and then we were
 4 losing our box stores, you know.
 5 Q. They, they were emailing too?
 6 A. Not emailing, no. The only to an email
 7 probably, I don't know, maybe one a month. I don't
 8 know, whatever you got is what we have. Whatever you
 9 got, then you know the number. If you did, if you did,
 10 had us do a search, whatever you got. And believe me,
 11 these guys did it all on their own, the lawyer said, no,
 12 we got this third-party to do the stuff, didn't I, I was
 13 very adamant about that. You can kiss my butt I said.
 14 He goes no, Mike, we have to get them. I said there's
 15 no emails that we have between with any of these things.
 16 MR. MALONE: Mike, Mike, you know what I'm
 17 going to say?
 18 THE WITNESS: What?
 19 MR. MALONE: You don't have to tell them
 20 about what we talked about.
 21 THE WITNESS: Okay.
 22 A. No, I'm just saying, every, you have every one.
 23 So you have your own answer.
 24 Q. Okay.
 25 A. You have every single one ever done at My Pillow

1 we only have a little bit more time.
 2 A. Okay.
 3 THE WITNESS: My A plus went out the
 4 window.
 5 MR. MALONE: Just keep it moving, Mike.
 6 Q. By the way, I'm not responding to your name
 7 calling and I'm not responding to --
 8 A. I know, but I did respond when you said
 9 something about my product that about 2,000 employees
 10 rely on and they have families. And for you to have,
 11 I've sold 80 million My Pillows in 14 years. You don't
 12 have one, so you have no right to say that. You took
 13 that right off of your corruption that you do. You're
 14 probably the one putting out the narrative, it sure
 15 seems like it.
 16 I read some of the crap in here that you wrote
 17 in your brief that's disgusting. The lies in here. One
 18 of them says after Mike was with Donald Trump in 2017 at
 19 a manufacturers summit, he started doing promo codes on
 20 Fox. I was doing it ten years prior. This is a big
 21 lie, you're a lying lawyer.
 22 MR. MALONE: Mike, you're going to let him
 23 finish what he's going to say and I'll object if --
 24 A. Go ahead.
 25 Q. I'm not going to respond to your personal

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Eric Coomer, Ph.D.,
Plaintiff,
vs. Civil Action No. 1:22-cv-01129-WJM
Michael J. Lindell, Frankspeech LLC,
and My Pillow, Inc.,
Defendants.

VIDEOTAPED DEPOSITION OF MICHAEL J. LINDELL
DESIGNATED REPRESENTATIVE OF MY PILLOW, INC.

VOLUME I (Pages 1-370)

DATE: March 8, 2023
TIME: 9:30 a.m. CST
PLACE: PARKER DANIELS KIBORT, LLC
Colwell Building, Suite 888, 123 North 3rd St
Minneapolis, Minnesota 55401

REPORTED BY: KELLEY E. ZILLES, RPR
Job No.: 5761446

REPORTER'S CERTIFICATE

STATE OF MINNESOTA)
) ss.
COUNTY OF WASHINGTON)

I hereby certify that I reported the videotaped deposition of Michael J. Lindell, Volume I, on the 8th day of March 2023, in Minneapolis, Minnesota, and that the witness was by me first duly sworn to tell the whole truth;

That the testimony was transcribed by me and is a true record of the testimony of the witness;

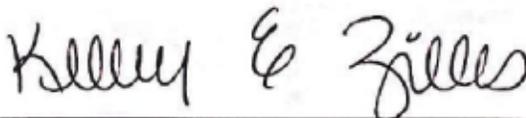
That the cost of the original has been charged to the party who noticed the deposition, and that all parties who ordered copies have been charged at the same rate for such copies;

That I am not a relative or employee or attorney or counsel of any of the parties, or a relative or employee of such attorney or counsel;

That I am not financially interested in the action and have no contract with the parties, attorneys, or persons with an interest in the action that affects or has a substantial tendency to affect my impartiality;

That the right to read and sign the deposition by the witness was reserved.

WITNESS MY HAND AND SEAL THIS 22nd day of March 2023.



Kelley E. Zilles, RPR
Notary Public, Washington County, Minnesota
My commission expires 1-31-2025

1 REPORTER'S CERTIFICATE
 2
 3
 4 STATE OF MINNESOTA)
) ss.
 COUNTY OF WASHINGTON)
 5
 6 I hereby certify that I reported the videotaped
 deposition of Michael J. Lindell, Volume I, on the 8th
 7 day of March 2023, in Minneapolis, Minnesota, and that
 the witness was by me first duly sworn to tell the whole
 8 truth;
 9 That the testimony was transcribed by me and is a
 true record of the testimony of the witness;
 10
 11 That the cost of the original has been charged to
 the party who noticed the deposition, and that all
 12 parties who ordered copies have been charged at the same
 rate for such copies;
 13 That I am not a relative or employee or attorney or
 counsel of any of the parties, or a relative or employee
 14 of such attorney or counsel;
 15 That I am not financially interested in the action
 and have no contract with the parties, attorneys, or
 16 persons with an interest in the action that affects or
 has a substantial tendency to affect my impartiality;
 17
 18 That the right to read and sign the deposition by
 the witness was reserved.
 19 WITNESS MY HAND AND SEAL THIS 22nd day of March 2023.
 20
 21
 22
 23
 24 
 Kelly E. Zilles, Notary
 Notary Public, Washington County, Minnesota
 My commission expires 1-31-2025
 25

Page 370

1 Ryan Malone
 2 Malone@parkerdk.com
 3 March 22, 2023
 4 RE: Coomer, Eric, Ph.D. v. Lindell, Michael J., Et Al
 5 3/8/2023, Michael J. Lindell (#5761446)
 6 The above-referenced transcript is available for
 7 review.
 8 Within the applicable timeframe, the witness should
 9 read the testimony to verify its accuracy. If there are
 10 any changes, the witness should note those with the
 11 reason, on the attached Errata Sheet.
 12 The witness should sign the Acknowledgment of
 13 Deponent and Errata and return to the deposing attorney.
 14 Copies should be sent to all counsel, and to Veritext at
 15 errata-tx@veritext.com.
 16
 17 Return completed errata within 30 days from
 18 receipt of testimony.
 19 If the witness fails to do so within the time
 20 allotted, the transcript may be used as if signed.
 21
 22 Yours,
 23 Veritext Legal Solutions
 24
 25

Page 371

1 Coomer, Eric, Ph.D. v. Lindell, Michael J., Et Al
 2 Michael J. Lindell (#5761446)
 3 E R R A T A S H E E T
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 24 Michael J. Lindell Date _____
 25

Page 372

1 Coomer, Eric, Ph.D. v. Lindell, Michael J., Et Al
 2 Michael J. Lindell (#5761446)
 3 ACKNOWLEDGEMENT OF DEPONENT
 4 I, Michael J. Lindell, do hereby declare that I
 5 have read the foregoing transcript, I have made any
 6 corrections, additions, or changes I deemed necessary as
 7 noted above to be appended hereto, and that the same is
 8 a true, correct and complete transcript of the testimony
 9 given by me.
 10 
 11 Michael J. Lindell Date 4/20/23
 12 *If notary is required
 13
 14 SUBSCRIBED AND SWORN TO BEFORE ME THIS
 15 _____ DAY OF _____, 20__.
 16
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 18
 19 NOTARY PUBLIC
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Page 373

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action No. 1:22-cv-01129-NYW-SKC

ERIC COOMER, PhD.,

Plaintiff

v.

MICHAEL J. LINDELL, FRANKSPEECH LLC,
AND MY PILLOW, INC.,

Defendants

EXHIBIT 7
PLAINTIFF'S MOTION TO COMPEL DEPOSITION TESTIMONY FROM
DEFENDANT MICHAEL J. LINDELL AND MOTION FOR SANCTIONS
PURSUANT TO F.R.C.P. 30 AND F.R.C.P. 37

Deposition Transcript of Michael J. Lindell
Designated Representative of My Pillow, Inc.
Dated 03-09-23

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UNITED STATES DISTRICT COURT.
FOR THE DISTRICT OF COLORADO

Civil Action No.: 1:22-cv-01129-WJM

Eric Coomer, Ph.D.,

Plaintiff,

vs.

Michael J. Lindell, Frankspeech LLC, and My
Pillow, Inc.,

Defendants.

VIDEOTAPED DEPOSITION OF
VOLUME II
MICHAEL J. LINDELL

Designated Representative of My Pillow, Inc.

Taken on MARCH 9, 2023

Commencing at 9:30 A.M.

REPORTED BY: Mari Skalicky, RMR, CRR

1 VIDEOTAPED DEPOSITION of
 2 MICHAEL J. LINDELL, taken on Thursday, March
 3 9th, 2023, commencing at 9:30 a.m. CDT, at 123
 4 North 3rd Street, Minneapolis, Minnesota,
 5 before Mari Skalicky, a Certified Realtime
 6 Reporter, and Notary Public of and for the
 7 State of Minnesota.
 8 *****
 9 APPEARANCES
 10
 11 ON BEHALF OF THE PLAINTIFF:
 12 CAIN & SKARNULIS PLLC
 13 BY: CHARLES J. CAIN, ESQUIRE
 14 BY: BRADLEY A. KLOEWER, ESQUIRE
 15 P.O. Box 1064/101 N. F Street
 16 Suite 207
 17 Salida, CA 81201
 18 ccain@cstrial.com
 19 bkloewer@cstrial.com
 20
 21
 22
 23
 24
 25

Page 372

1
 2 On BEHALF OF THE DEFENDANTS:
 3 PARKER DANIELS KIBORT
 4 BY: RYAN MALONE, ESQUIRE
 5 888 Colwell Building
 6 123 North Third Street
 7 Minneapolis, MN 55401
 8 malone@parkerdk.com
 9
 10 ALSO PRESENT:
 11 Adam Wallin, Videogrpher
 12
 13 NOTE: The original transcript will be
 14 provided to the taking party of the
 15 deposition.
 16
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Page 373

1 I N D E X
 2
 3 WITNESS: MICHAEL J. LINDELL PAGE
 4 Examination by MR. CAIN375
 5
 6
 7 E X H I B I T S
 8 EXHIBITS INTRODUCED: PAGE
 9 No. 76 [REDACTED] 377
 10 [REDACTED]
 11
 12
 13 (Original exhibits attached to original
 14 transcript; copies to counsel as requested.)
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Page 374

1 P R O C E E D I N G S
 2 THE VIDEO OPERATOR: We are going on
 3 the record at 9:35 a.m. on March 9, 2023.
 4 This is the video-recorded deposition of
 5 designated representative of My Pillow
 6 Inc. Michael J. Lindell, Volume Two.
 7 My name is Adam Wallin from the firm
 8 Veritext, and I am the videographer. The
 9 court reporter is Mari Skalicky. We are
 10 both with the firm Veritext. Will counsel
 11 please identify themselves for the record?
 12 MS. CAIN: Charley Cain and Brad
 13 Kloewer for the plaintiff.
 14 MR. MALONE: Ryan Malone for My
 15 Pillow, Incorporated.
 16 THE VIDEO OPERATOR: Will the court
 17 reporter please swear in the witness.
 18 MR. CAIN: He's been sworn in already
 19 and still under oath but he should be
 20 sworn in again.
 21 THE WITNESS: Okay. When you just
 22 said Mike Lindell, My Pillow, isn't this
 23 Frankspeech today?
 24 MR. KLOEWER: We're just finishing
 25 up. We've got about 12 minutes left.

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1 A. That's what you do.
 2 Q. I had come prepared yesterday, and the
 3 record will just reflect what happened
 4 yesterday. I don't need to characterize
 5 it, but I had come prepared to show you a
 6 series of video clips, many of which you
 7 referenced interviews at CNN, during the
 8 symposium, discussions on Bannon's podcast
 9 referencing Eric Coomer.
 10 We didn't go through your discovery
 11 responses because of how yesterday went, a
 12 number of emails that I wasn't able to
 13 show you, and I am going to be asking and
 14 reserving the right to ask the court to
 15 order you to be redeposed on additional
 16 issues with additional time. And I will
 17 be seeking costs --
 18 A. I'm going to seek taking you to court
 19 because of what you've done to my
 20 employees. Everything you said comes
 21 after you sued me; everything I said.
 22 You're an evil, evil man. There, that's
 23 on the record, very evil. What you've
 24 done to my employees, everything that you
 25 were going to say comes after you sued me;

Page 392

1 everything I said. And I stand by what I
 2 said. You're an ambulance-chasing lawyer,
 3 evil person, you and your Eric Coomer
 4 buddy, so you will be sued. Don't worry.
 5 And you will be sued big because I won't
 6 back down.
 7 MR. CAIN: All right. Anything else?
 8 So with that, Ryan, unless you have a
 9 different take on this, I'd like to
 10 conclude this deposition, which means it
 11 will be put into a transcript and it will
 12 be sent to you for your review and
 13 signature. And then to the extent that we
 14 want to address any other issues with the
 15 court, we can do that later.
 16 A. I'll sue you later. Don't worry.
 17 MR. MALONE: We agree to conclude.
 18 We'll read and sign and reserve further
 19 questions and responses to any motions,
 20 and let's move on.
 21 THE VIDEO OPERATOR: We're going off
 22 the record at 9:53 a.m.
 23 (The right to read and sign the
 24 deposition was preserved.)
 25

Page 393

1 I, MICHAEL J. LINDELL, do hereby certify
 2 that I have read the foregoing transcript of
 3 my testimony and that same is true and correct
 4 to the best of my knowledge and belief, except
 5 as follows:
 6
 7 PAGE & LINE NO. CORRECTION REASON
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 14
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 18
 19
 20 MICHAEL J. LINDELL
 21 SWORN TO AND
 22 SUBSCRIBED BEFORE ME this
 23 day of , 2023
 24 NOTARY PUBLIC
 25

Page 394

1 STATE OF MINNESOTA)
 2 : CERTIFICATE
 3 COUNTY OF HENNEPIN)
 4 I hereby certify that I reported the
 5 deposition of MICHAEL J. LINDELL on
 6 MARCH 9, 2023 in Minneapolis, Minnesota, and
 7 that the witness was by me first duly sworn to
 8 tell the whole truth;
 9 That the testimony was transcribed under
 10 my direction and is a true record of witness
 11 testimony;
 12 That the cost of the original has been
 13 charged to the party who noticed the
 14 deposition, and that all parties who ordered
 15 copies have been charged at the same rate for
 16 such copies;
 17 That I am not a relative or employee or
 18 attorney or counsel of any of the parties or a
 19 relative or employee of such attorney or
 20 counsel;
 21 That I am not financially interested in
 22 the action and have no contract with the
 23 parties, attorneys, or persons with an
 24 interest in the action that affects or has a
 25 substantial tendency to affect my
 impartiality;
 That the right to read and sign the
 deposition was reserved.
 19 WITNESS MY HAND AND SEAL this
 20 23RD DAY OF MARCH 2023.
 21 
 22 _____
 23 Registered Merit Reporter
 24 Certified Realtime Reporter
 25

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UNITED STATES DISTRICT COURT.
FOR THE DISTRICT OF COLORADO

Civil Action No.: 1:22-cv-01129-WJM

Eric Coomer, Ph.D.,

Plaintiff,

vs.

Michael J. Lindell, Frankspeech LLC, and My
Pillow, Inc.,

Defendants.

VIDEOTAPED DEPOSITION OF

VOLUME II

MICHAEL J. LINDELL

Designated Representative of My Pillow, Inc.

Taken on MARCH 9, 2023

Commencing at 9:30 A.M.

REPORTED BY: Mari Skalicky, RMR, CRR

Page 371

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action No. 1:22-cv-01129-NYW-SKC

ERIC COOMER, PhD.,

Plaintiff

v.

MICHAEL J. LINDELL, FRANKSPEECH LLC,
AND MY PILLOW, INC.,

Defendants

EXHIBIT 8
PLAINTIFF'S MOTION TO COMPEL DEPOSITION TESTIMONY FROM
DEFENDANT MICHAEL J. LINDELL AND MOTION FOR SANCTIONS
PURSUANT TO F.R.C.P. 30 AND F.R.C.P. 37

Deposition Transcript of Michael J. Lindell
Designated Representative of Frankspeech LLC
Dated 03-09-23

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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Civil Action No.: 1:22-cv-01129-WJM

Eric Coomer, Ph.D.,

Plaintiff,

vs.

Michael J. Lindell, Frankspeech LLC,
and My Pillow, Inc.,

Defendants.

VIDEOTAPED DEPOSITION OF
MICHAEL J. LINDELL
Designated Representative of FrankSpeech LLC
Taken on MARCH 9, 2023
Commencing at 9:59 a.m.

REPORTED BY: Mari Skalicky, RMR, CRR

<p>1 VIDEOTAPED DEPOSITION of MICHAEL J. 2 LINDELL, taken on Thursday, March 9th, 2023, 3 commencing at 9:59 a.m. CDT, at 123 North 3rd 4 Street, Minneapolis, Minnesota, before Mari 5 Skalicky, a Certified Realtime Reporter, and 6 Notary Public of and for the State of 7 Minnesota. 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>	<p>1 2 APPEARANCES 3 (Continued) 4 5 ALSO PRESENT: 6 Adam Wallin, Videographer 7 8 NOTE: The original transcript will be 9 provided to the taking party of the 10 deposition. 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>
Page 2	Page 4

<p>1 2 APPEARANCES 3 ON BEHALF OF THE PLAINTIFF: 4 CAIN & SKARNULIS PLLC 5 BY: CHARLES J. CAIN, ESQUIRE 6 BY: BRADLEY A. KLOEWER, ESQUIRE 7 P.O. Box 1064 8 101 North F Street, Suite 207 9 Salida, CO 81201 10 ccain@cstrial.com 11 bkloewer@cstrial.com 12 13 On BEHALF OF THE DEFENDANTS: 14 PARKER DANIELS KIBORTH 15 BY: RYAN MALONE, ESQUIRE 16 888 Colwell Building 17 123 North Third Street 18 Minneapolis, MN 55401 19 malone@parkerdk.com 20 21 22 23 24 25</p>	<p>1 I N D E X 2 3 WITNESS: MICHAEL J. LINDELL 4 PAGE 5 Examination by Mr. Kloewer 9 6 PREVIOUSLY MARKED EXHIBIT: 7 Exhibit 65 Video clips 20 8 *** 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25</p>
Page 3	Page 5

1 EXHIBITS INTRODUCED:
2
3 Exhibit 77 Plaintiff's First Amended 10
4 Notice of Intention to Take
5 Oral and Videotaped
6 Deposition of the Authorized
7 Representative(s) of
8 Frankspeech LLC
9
10 Exhibit 78 FrankSpeech screenshot 66
11 [REDACTED]
12
13 Exhibit 80 Defendant Frankspeech LLC's 90
14 Supplemental Answers to
15 Plaintiff's First Set of
16 Interrogatories
17
18 Exhibit 81 Terms of Use for Frankspeech 93
19 Exhibit 82 Screenshot from 115
20 frankspeech.com
21
22 Exhibit 83 Declaration of J. Alex 118
23 Halderman
24
25 Exhibit 84 Declaration of J. Alex 127
Halderman
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Page 6

1 PROCEEDINGS
2
3 THE VIDEO OPERATOR: We are going on
4 the record at 9:59 a.m. on March 9th,
5 2023.
6 This is the video-recorded deposition
7 of the designated representative of
8 FrankSpeech LLC, Michael J. Lindell, taken
9 by counsel for the plaintiff, in the
10 matter of Eric Coomer, Ph.D., versus
11 Michael J. Lindell, FrankSpeech LLC, and
12 My Pillow, Incorporated, in the United
13 States District Court for the District of
14 Colorado, Civil Action number
15 1:22-cv-01129-WJM.
16 This deposition is being held in
17 Minneapolis, Minnesota. My name is Adam
18 Wallin, from the firm Veritext, and I'm
19 the videographer. The court reporter is
20 Mari Skalicky from the firm Veritext.
21 Will counsel please identify
22 themselves for the record.
23 MR. KLOEWER: Brad Kloewer for the
24 plaintiff, and I'm joined by Charley Cain.
25 MR. MALONE: Ryan Malone for

Page 8

1 [REDACTED]
2 [REDACTED]
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6 [REDACTED]
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11 (Original exhibits attached to original
12 transcript; copies to counsel as requested.
13
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Page 7

1 FrankSpeech LLC.
2 THE VIDEO OPERATOR: Will the court
3 reporter please swear in the witness.
4 (Whereupon, the deposition of MICHAEL
5 J. LINDELL was commenced at 9:59 a.m. as
6 follows:)
7
8 MICHAEL J. LINDELL,
9 after having been first duly sworn,
10 deposes and says under oath as follows:
11 ---
12 EXAMINATION
13 BY MR. KLOEWER:
14 Q. Good morning, Mr. Lindell. My name is
15 Brad Kloewer, counsel for Dr. Eric Coomer.
16 We already went through some
17 introductory ground rules yesterday. I
18 know we've already discussed those, the
19 deposition here today.
20 I do just want to clarify before we
21 start, are you on any medications or
22 anything that may affect your ability to
23 provide testimony here today?
24 A. No.
25 Q. And what we discussed yesterday was the

Page 9

1 There is one thing I said, and that
 2 was after Newsmax -- when Chris Ruddy
 3 called me -- and you can get him right
 4 here and he'll tell you how upset I was.
 5 I bad-mouthed Newsmax for two weeks
 6 after that. I bad-mouthed Coomer for one
 7 sentence. But after you serve me papers
 8 in Colorado, I probably bashed him for a
 9 month, because I'm going another lawsuit,
 10 another lawsuit.
 11 I threw it. I never even opened the
 12 paper. Did you know that? I never even
 13 opened it. I just gave to it my
 14 attorneys.
 15 I got better things to do with my
 16 life. We're trying to save a country
 17 here, not that you guys, ambulance-chasing
 18 lawyers, trying to get money off people
 19 that had nothing to do with it.
 20 My employees, if I sat here and they
 21 sat here and looked at you guys, they
 22 would say how could people do this? How
 23 could anybody do this to anybody? And
 24 that's -- you know.
 25 And did I say, and you wonder why I

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1 said that, and I apologize for calling
 2 your friend a scumbag, but I'm so upset
 3 what you did, not to me, but to my
 4 employees. What you did to my employees.
 5 Why would you do that?
 6 You didn't even do your research.
 7 You could have came and you said, "Do you
 8 even know Eric Coomer?" "No." Instead
 9 Chris Ruddy has to call me and tell me I
 10 can't go on his show anymore. And that
 11 was a big thing to me when I would go on
 12 the host and talk about My Pillow, and
 13 made in America and everything.
 14 I'm sitting right now my business is
 15 probably down -- I don't know -- half,
 16 more than half, because of all this stuff.
 17 But I can't go on TV to promote it. I can
 18 do a commercial, but I can't go on there
 19 and say, "Hey, my employees thank you."
 20 They used to come out and show --
 21 Newsmax, you would have one of their hosts
 22 go, "Look at this. Look at all the, you
 23 know, Made in America," and interviewing
 24 me, and my employees would come on his
 25 show.

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1 Q. Okay.
 2 A. That all got thrown away when you guys did
 3 this.
 4 Q. Mr. Lindell, your testimony has confused
 5 me on this issue for many reasons.
 6 Did Chris Ruddy tell you that a
 7 condition of settlement --
 8 A. Straight up. The thing he said, "I can't
 9 have you on to even talk about pillows
 10 anymore."
 11 It was -- I'll read the complaint.
 12 It was the day -- when he told me that was
 13 the day you guys made a dirty deal. And I
 14 said -- and I said, "What did you do?
 15 You've made a public statement saying
 16 there is nothing wrong with the machines."
 17 We had all kinds of conversation.
 18 And I go, "Who is Eric Coomer?" you
 19 know, and he said something about he works
 20 for Dominion or something -- I can't
 21 remember that part. But I found out he
 22 worked for Dominion.
 23 I don't care who he worked for. Eric
 24 Coomer did this to me and I don't even
 25 know the guy. It's disgusting.

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1 So when you say when I called him a
 2 criminal, when I said "Eric Coomer, if I'm
 3 you right now, instead of going over and
 4 making deals with Newsmax, I'm turning
 5 myself in and turning in your operation;
 6 just maybe that you get immunity and you
 7 get to do maybe 10, 20 years. You are
 8 disgusting, and you are treasonous. You
 9 are a traitor to the United States."
 10 And I said that because of what he
 11 did. When I was told by Ruddy on my
 12 business is just kkk (sound) because of
 13 some guy I don't know. That's just
 14 bizarre. And you guys -- and then you
 15 guys sue me.
 16 I didn't say -- this is the only
 17 thing I said about him. A year later you
 18 sue My Pillow and FrankSpeech and Mike
 19 Lindell. Everything else that was said
 20 was after you sued me.
 21 And I still didn't check into all
 22 your stuff on your guy. I'm going, "Go
 23 ahead and sue me." I threw it on the
 24 pile -- you can even ask my lawyer --
 25 never read it.

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1 I've got enough stuff going on to
 2 help save our country than sit here and
 3 fight a lawsuit. I just keep giving them
 4 money, "Go ahead, keep going, go ahead."
 5 I got a country. We have to save our
 6 country. That's reality.
 7 Q. Is it your belief that Eric Coomer
 8 discussed you with Newsmax?
 9 A. Absolutely. 100 percent.
 10 Q. Why? Why do you think that?
 11 A. Because he didn't want me going up on
 12 there. I don't know. For Dominion?
 13 Q. Who told you that?
 14 A. I don't know --
 15 Q. Did Chris Ruddy tell you that?
 16 A. Chris Ruddy, in so many words he said,
 17 "You can't come on anymore because of this
 18 deal." And he goes, "Mike, I've got to
 19 protect my -- I've got to protect my
 20 platform, my -- or Newsmax," because I
 21 bad-mouthed him every day for like two
 22 weeks.
 23 And then he called me and he goes,
 24 Will you please" -- his friend called,
 25 "Will you please quit bad-mouthing Chris?"

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1 I said, "Okay."
 2 So then I bad-mouthed Newsmax for the
 3 next month. I still bad-mouth them.
 4 Them, Fox News, Salem Media, none of
 5 them will come on. You can't get on there
 6 to talk about even pillows or anything,
 7 like I said yesterday, because of you
 8 guys, because of lawfare. And because of
 9 a deal -- dirty deal you made with Chris
 10 Ruddy.
 11 What did Chris Ruddy do to you? I
 12 don't know. Nor do I care.
 13 Q. Well, you didn't listen --
 14 A. But Chris Ruddy -- how dare you guys tell
 15 Chris Ruddy I can't go on there. That I
 16 can't go on there to talk about pillows?
 17 That's disgusting.
 18 Q. Chris Ruddy told you that he --
 19 A. I could not come on anymore.
 20 Q. -- that we told him that you could not
 21 come on? Chris Ruddy told you that?
 22 A. After your deal, whatever the deal was,
 23 "Mike, I made a deal, you cannot come on
 24 anymore." That's it. I can't come on
 25 anymore.

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1 Q. You never investigated --
 2 A. I was so upset.
 3 Q. -- why Dr. Coomer had sued Newsmax,
 4 correct?
 5 (Court reporter interruption.)
 6 BY MR. KLOEWER:
 7 Q. You never investigated why Dr. Coomer had
 8 sued Newsmax, correct?
 9 A. All I know is what Dr. Coomer and you guys
 10 did to me. What Chris Ruddy -- what did I
 11 have to do with that? Chris Ruddy said
 12 that, "I made a deal and I can't have you
 13 on the show anymore."
 14 Q. Did you ever consider the possibility that
 15 Newsmax had published claims about Eric
 16 Coomer that was were false?
 17 A. You know what, I don't care what happened
 18 there. All I care what did you to me, to
 19 My Pillow.
 20 Whatever dirty deal you went down and
 21 tell him not to have Mike Lindell on, you
 22 lawyers telling him not to have Mike
 23 Lindell on?
 24 Q. But he didn't tell you that, did he?
 25 A. He said, "I made a deal" -- I'm going to

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1 say it to you again. "I made a deal and I
 2 can no longer have Mike Lindell on, not
 3 even to talk about pillows."
 4 That's a quote. He made a deal with
 5 you. So did you tell him? You got to ask
 6 yourself that.
 7 You know, we're going to try -- maybe
 8 we'll get the emails from you guys that
 9 you did, or the conversation. Maybe we
 10 can subpoena some. Oh, right, that's
 11 lawyer privilege; you won't give us that.
 12 Of course you won't, you know.
 13 I would love to be in a room when you
 14 and Chris Ruddy talked about censoring
 15 Mike Lindell and My Pillow. That's what I
 16 would like to be.
 17 But, you know, I think it's -- what
 18 you did is horrible. We've done nothing.
 19 And you guys -- and then you wonder why I
 20 sit here.
 21 How do you guys sleep at night? You
 22 obviously don't have a My Pillow; that's a
 23 fact, you know. I mean, I just can't
 24 fathom, and that's why I'm so upset.
 25 You know how mad I was when I came in

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1 here yesterday? You're right, I should
 2 have read this, but I've got other things
 3 going on in my life that are a lot more
 4 important than these frivolous lawsuits.
 5 And it's the most important thing to our
 6 country ever, to my children, my
 7 grandchildren, everything.
 8 That's where I'm at. So we can keep
 9 going, you know, and waste an afternoon.
 10 Q. I would like to get into the videos of all
 11 the various statements that have come up
 12 here, and we can talk a little bit more
 13 about the Newsmax settlement.
 14 My concern is that that is going to
 15 be a bigger issue and is going to take a
 16 lot of time.
 17 MR. KLOEWER: So if it makes sense to
 18 everybody, I think we can break for lunch
 19 now.
 20 THE WITNESS: Have we already ordered
 21 lunch?
 22 MR. KLOEWER: And when we come back,
 23 we can get into that --
 24 THE WITNESS: That sounds good.
 25 MR. KLOEWER: -- additional material?
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1 THE VIDEO OPERATOR: We're going off
 2 the record at 12:22 p.m.
 3 (A lunch recess was taken.)
 4 THE VIDEO OPERATOR: We're back on
 5 the record at 1:17 p.m.
 6 BY MR. KLOEWER:
 7 Q. Okay, Mr. Lindell. When we left off, we
 8 were talking about the FrankSpeech website
 9 a little bit.
 10 I want to wrap up a few issues
 11 related to the sort of back end of the
 12 FrankSpeech website as I understand it.
 13 So I'll show you what's been marked
 14 as Exhibit 85 here.
 15 (Deposition Exhibit No. 85 was
 16 introduced.)
 17 BY MR. KLOEWER:
 18 Q. Have you seen this document before?
 19 A. No. No.
 20 Q. Okay. Well, it's been disclosed as
 21 FRANKSPEECH-00009. It's labeled as a
 22 "Master Consulting Services Agreement,"
 23 and it's dated March 11, 2021. And it
 24 states on the first page that it's made
 25 between Brannon Howse, RJ Daniel Johnston,
 Page 151

1 Johnston Howse, LLC --
 2 A. Yep.
 3 Q. -- and Mike Lindell.
 4 Does that refresh your memory a bit
 5 as to what we're looking at here?
 6 A. Yeah, and I see "Vocl." This was never
 7 done because Vocl, like I said, that's not
 8 a real entity. We didn't get it -- this
 9 never came to fruition.
 10 Q. Okay. You're anticipating my next
 11 question then because I was a little
 12 confused about that.
 13 I see that this document isn't
 14 signed --
 15 A. Yep.
 16 Q. -- either.
 17 A. Right.
 18 Q. So --
 19 A. It was -- you want me to explain it?
 20 Q. Yes. What is Vocl?
 21 A. Vocl was -- like you had to pick a name,
 22 like a social media name, and I liked the
 23 name Vocl, V-o-c-l. And when it went out
 24 there to -- you have to get the name, I
 25 made the mistake of saying something
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1 publicly. So they went out -- somebody
 2 quick grabbed it and the patent trademark.
 3 And so we went to -- we grabbed it,
 4 and then it came in from everywhere, the
 5 fighting, threatening lawsuits from at
 6 least six different entities out there.
 7 And nobody owned it.
 8 So I said, you know what, let's just
 9 sit there.
 10 And then when we went and did
 11 Frank -- Frank -- we couldn't have Frank.
 12 We ended up doing FrankSpeech. I don't
 13 know how long it was after this. This was
 14 early on.
 15 So this was absolutely nothing.
 16 Q. So this -- so was there a second -- was
 17 there a follow-up contract to this that
 18 was entered into with Johnston Howse for
 19 FrankSpeech?
 20 A. Whatever you got. Whatever you got or
 21 subpoenaed, you have. That's all I have.
 22 That's 100 percent. Whatever you got, I'm
 23 fully transparent.
 24 I don't even know if we're working
 25 under an agreement.
 Page 153

1 A. Let me tell you what this would -- this
 2 would make a traitor. Okay? Okay.
 3 When you just put that, by coming to
 4 someone with lawfare, whatever you did,
 5 and you go to a guy and you tell him not
 6 to have an individual there that runs a
 7 company With 2,000 Americans making
 8 pillows and making products, and you
 9 tell -- let me finish -- and you tell him
 10 this guy has never said one thing about
 11 Eric Coomer ever -- Mike Lindell had
 12 never -- I didn't even know who the guy
 13 was. And you tell him not to let Mike
 14 Lindell on because, what? Because I'm
 15 going to sell pillows? Or maybe I'm going
 16 to talk bad about electronic voting
 17 machines?
 18 I never mentioned Eric Coomer in my
 19 life. Didn't even know who he was until
 20 you did that to me. But you left that out
 21 of the story, didn't you?
 22 The public needed to hear, "And by
 23 the way, we are not going to have Mike
 24 Lindell on there ever again because he
 25 wants to get rid of electronic voting

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1 machine." Not because I said -- ever said
 2 anything about Eric Coomer, because I
 3 didn't even know the man. I never said
 4 one word about him.
 5 How could you do this? Answer that
 6 question. What does that have to do with
 7 me other than -- the only thing it has,
 8 you didn't mention me there. That
 9 actually proves my case.
 10 Yes. Do I think you guys and them
 11 are traitor to our country by what you did
 12 to My Pillow? Yes. We are made in
 13 America.
 14 You guys are bizarre. What does this
 15 have to do with me? I didn't bad-mouth
 16 Eric Coomer. Maybe -- I don't care if
 17 Newsmax did or whatever they did to him.
 18 That's their business. That's your
 19 business with Eric Coomer.
 20 Go ahead and sue all them guys. You
 21 got money out of Chris Ruddy, because
 22 obviously he said something about your
 23 guy, which I never did, you guys.
 24 BY MR. KLOEWER:
 25 Q. Mr. Lindell --

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1 A. I never did.
 2 Q. -- it didn't occur to you -- this was a
 3 big news story at the time. The
 4 settlement was in the news.
 5 It didn't occur to you at all that
 6 when you went on television to accuse
 7 Dr. Coomer of treason, that people would
 8 assume that you were adopting the same
 9 claims that Eric Coomer had about --
 10 A. No, no.
 11 MR. MALONE: Mike, Mike --
 12 A. Because I went on my station and -- I went
 13 on my station and I explained it. I
 14 explained what Ruddy did, or whatever,
 15 that I couldn't come on there anymore. I
 16 said, "I don't know this Coomer from
 17 Adam."
 18 You just took a snidbit out right
 19 here is what you did. You killed the
 20 whole thing I said that day. You took one
 21 little snidbit out; that's all -- in fact,
 22 that's the only time I probably put his
 23 name in the thing. I probably bad-mouthed
 24 Ruddy for the whole thing for not letting
 25 me on about My Pillow, and I know I did,

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1 for two weeks straight.
 2 I only mentioned Eric Coomer's name
 3 once, because he happened to be the guy
 4 that did it to me.
 5 Q. Let's take a look at what you said. We
 6 may come back to the original Oltmann
 7 interview, but it sounds like you don't
 8 have any -- you've never made any effort
 9 to learn anything about this case.
 10 A. No, I haven't. No, absolutely not.
 11 MR. KLOEWER: Let's take a look at
 12 clip 12. And I'll represent -- this will
 13 be a duplicate exhibit here. It's been
 14 previously labeled as Exhibit 43, clip 3.
 15 We have it as Exhibit 65, clip 12 as well.
 16 Let's take a look at that.
 17 (Playing Video Clip:
 18 "It's over for Dominion. It's too
 19 late to close the gate. The cows are
 20 out of the barn. Dominion, you did
 21 your best, and Smartmatic, to take
 22 our country through China. You did
 23 your best. You corrupt people. You
 24 tried to suppress our voice. You
 25 didn't. You failed. And I'm telling

Page 205

1 about FrankSpeech?
2 Q. Well, both.
3 A. Okay. Moneywise, no. We lost millions of
4 dollars. Okay.
5 But as far as people knowing
6 FrankSpeech, knowing that the web -- or
7 that the website exists, yes. People
8 stayed with us after that, and there were
9 people that stayed with that put up
10 podcast and so on. And I think that did
11 solidify FrankSpeech, at least that we
12 would have some people there all the time.
13 MR. KLOEWER: What's the Bates label
14 on this, Charley, just for the record?
15 MR. CAIN: 58. FRANKSPEECH 58.
16 MR. KLOEWER: So to clarify, we were
17 just looking at what's been previously
18 labeled as FRANKSPEECH 58, or 000058.
19 BY MR. KLOEWER:
20 Q. Okay. We're going to fast forward in time
21 here --
22 A. I want to say one thing, too. That
23 metrics you're showing there, those were
24 visitors to FrankSpeech. Those are not
25 viewers of Lindell-TV. Just to make that

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1 perfectly clear.
2 Those are visitors to FrankSpeech,
3 and it doesn't show the metrics of who
4 watched Lindell-TV, because the people
5 coming in -- when you do a website metrics
6 like Google Analytics, that can be
7 computerized, those numbers can be skewed.
8 I would check into that if I was back
9 then, if I really wanted to know how many
10 were actually watching Lindell-TV versus
11 being on the platform FrankSpeech.
12 Q. And do you have that sort of data to
13 compare?
14 A. I don't. I don't. That's what I'm hoping
15 to get one of these days when we get the
16 new system coming in.
17 Q. Okay. So we're going to fast forward in
18 time here a bit.
19 You've spoken a lot about the
20 different statements addressed in the
21 complaint.
22 I want to take a look at some of the
23 things you said after you were served with
24 the lawsuit in this case.
25 So if we could take a look at what is

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1 labeled as clip 21. It's Exhibit 65, clip
2 21. This is a bit of a long clip, so we
3 may pause it a couple times here, but I
4 want to understand why you're saying some
5 of the things in this statement.
6 So this is from April 6th of 2022.
7 (Playing Video Clip:
8 "If you want to know just how
9 corrupt -- the corruption we're up
10 against, Eric Coomer served papers to
11 me before I was going on stage at the
12 Capitol.
13 Now, I've never talked about Eric
14 Coomer. He's the president --
15 apparently he's the president of
16 Dominion, the criminal crime family
17 here in Denver. I guess he's the guy
18 that ran into a building or did
19 something the other day that" --)
20 BY MR. KLOEWER:
21 Q. Okay. "Dominion, the criminal crime
22 family here in Denver," what do you mean
23 by that?
24 A. I mean that what they've done to me and
25 what they've done to our country,

Page 276

1 absolutely. I stand by that.
2 You guys served me papers. You
3 served -- you went against My Pillow,
4 served My Pillow and me papers in a
5 lawsuit. You are part of a criminal crime
6 family as far as I'm concerned.
7 Q. What has Dominion done against our
8 country? You said "what it's done against
9 me and against our country"?
10 A. No, that was Eric Coomer. Did you hear me
11 say that? That's Eric Coomer. He served
12 me papers.
13 You guys are attacking me. That's
14 criminal. You get that?
15 Q. I believe you just responded -- I said
16 "criminal crime family," what does that
17 mean, talking about Dominion, and you
18 said --
19 A. Dominion and Coomer. I put both of you
20 together.
21 Q. Yes.
22 A. Because I found out now that he was part
23 of Dominion. That was after you served
24 me.
25 So you keep suing My Pillow employees

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1 and it's shameful. That's what I mean. I
 2 think it's criminal, and, you know, part
 3 of a criminal crime family, Dominion.
 4 All -- you know, Dominion.
 5 Q. I believe you said in your response that
 6 "for what he's done to me" -- or for what
 7 Dominion has done to you and to our
 8 country.
 9 And my question is, what has Dominion
 10 done to our country?
 11 A. What has Dominion done to our country.
 12 They sued over 200 lawsuits and/or letters
 13 to citizens. I have sat with them,
 14 they've cried. They've had to get home
 15 security system. They've done nothing.
 16 All they were was poll watchers, over 200.
 17 You asked me what they did to our
 18 country. These are U.S. citizens. These
 19 citizens finally put up a lawsuit against
 20 them when they all got together, like a
 21 class action suit, against Dominion.
 22 What they have done to our country
 23 with lawfare and attacking our citizens,
 24 and without even showing what's inside.
 25 All we ask is, "You're running our

Page 278

1 elections; you better show us what's
 2 inside." They won't do it.
 3 That's criminal. It's criminal.
 4 Lawfare has not been used in our country
 5 since 1798. That's why they're criminal,
 6 and you know that's why they're criminal.
 7 Q. You believe that Dominion Voting Systems
 8 played a role in rigging the election,
 9 correct?
 10 A. A hundred percent. It's not even close.
 11 1,000 percent.
 12 Q. So when you accuse them of being a
 13 criminal organization, there is two things
 14 in your mind. We've established that you
 15 are -- you think they're criminal for
 16 filing lawsuits, for what you've described
 17 as lawfare, but you also believe that
 18 Dominion played a role in rigging the
 19 election.
 20 A. 100 percent. It's not even a question.
 21 Not even a question.
 22 What do you think they're suing me
 23 for? Because they're trying to cover it
 24 up.
 25 Q. Well, that's exactly right. That's what I

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1 was --
 2 A. That's right, 100 percent.
 3 Q. -- what lawsuits are because of --
 4 A. I think I make that perfectly clear every
 5 day.
 6 (Court reporter interruption.)
 7 A. That could be the dumbest question of the
 8 week do I think they played a role. Of
 9 course they did.
 10 MR. KLOEWER: Okay. Let's play from
 11 where we are at.
 12 (Playing Video Clip:
 13 "Who knows what he did there. But
 14 anyway, he served papers, everybody.
 15 He has sued -- everybody ready for
 16 this? -- Mike Lindell, FrankSpeech,
 17 and My Pillow.
 18 Eric Coomer, you are a criminal."
 19 A. You bet.
 20 (Playing Video Clip:
 21 "Eric Coomer, your lawyers better
 22 look out. I'm not putting up with
 23 this.
 24 My Pillow doesn't even know who you
 25 are. My employees -- I have

Page 280

1 employees, 2700 employees. Shame on
 2 you, Eric Coomer. You did a very,
 3 very stupid move, Mr. Coomer. You're
 4 going to be the first one right
 5 behind Raffensperger and all Janet
 6 Griswold behind bars. You're going
 7 to be number one on my list.")
 8 BY MR. KLOEWER:
 9 Q. "Right behind Raffensperger and Janet
 10 Griswold behind bars."
 11 A. Right.
 12 Q. What do you mean by that?
 13 A. Because they both done criminal activity.
 14 Q. What kind of criminal activity have they
 15 done?
 16 A. Janet Griswold deleted all the machines of
 17 Dominion all across Colorado, called the
 18 trusted build.
 19 And Raffensperger, it would take --
 20 we would be way over on time if I told you
 21 what all that guy did.
 22 These are my own investigations, so I
 23 know firsthand. When I went after Coomer
 24 there, it's because I know -- firsthand I
 25 know what he did, not only back with

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1 It's there. It shows the election
 2 flips in two elections. It shows the Mesa
 3 County's county board election and the
 4 2020 election.
 5 100 percent, you can't sit here and
 6 deny it, but the media won't put it out,
 7 period. It's sitting there. It's on
 8 FrankSpeech. It says "inside the
 9 machine." You click it, any cyber guy --
 10 I've had cyber guys I've said, "You know
 11 what, will you go look at this and tell me
 12 what you see."
 13 It's that you can't deny it. It's
 14 time-stamped, Mesa County image, the one
 15 that Tina Peters downloaded or whatever
 16 that went public, and that's what I'm
 17 talking about. We have it.
 18 Dominion can't deny this. Neither
 19 can Eric Coomer. Whatever he's sued me
 20 for for his big cover-up, you know, sorry,
 21 guys.
 22 And you guys are just as bad because
 23 you're out running around suing people
 24 when you know they're guilty.
 25 Q. So you believe that Eric Coomer is trying
 Page 294

1 to hide the Mesa County information?
 2 A. I don't know. I don't know if he's --
 3 maybe he has other people doing it, or
 4 maybe Dominion has got other people doing
 5 it.
 6 He sued me, and when you sue somebody
 7 that hasn't done anything, which -- this
 8 is after the fact. I'm saying this now.
 9 "You just told me you're part of it,
 10 Eric Coomer. I was nice before when you
 11 attacked me over here with Newsmax, and
 12 you attacked. I just -- right there I
 13 just called you a traitor, what did you do
 14 to my company. Now you sue me? I never said
 15 anything about you. I never knew anything
 16 about you. But all of a sudden, oh,
 17 you're the vice president or president of
 18 Dominion. Now I get it. You're
 19 Dominion."
 20 Not only are you suing me for
 21 billions here; now you got to double down
 22 and do it some more. But I guess you all
 23 lawyers -- ambulance-chasing lawyers, you
 24 all need a piece of the pie. I get that,
 25 you know. That's nice.
 Page 295

1 And you notice what I called you
 2 guys. It's criminal what you did. For
 3 you to be able to sue My Pillow.
 4 Look at My Pillow. What did they do
 5 to you? Unbelievable.
 6 Q. So it's your belief that Mr. Cain and
 7 myself are criminals as well?
 8 A. What you did is criminal. And not you're
 9 criminals, but what you've done is
 10 criminal.
 11 What you're doing here today is
 12 criminal. Absolutely criminal. You're
 13 taking money you don't deserve. You're
 14 trying to attack people that don't -- have
 15 done nothing to you. And you're wasting
 16 my time with a frivolous lawsuit because
 17 some judge didn't look at this last summer
 18 and get rid of it and say, 'Are you
 19 kidding me? You can't sue this guy for
 20 this because you went and attacked his
 21 company and got him so he can't go on TV."
 22 I never talked about Eric Coomer in
 23 my life until you did that to Newsmax.
 24 And then you served me papers.
 25 Everything I said after you served me
 Page 296

1 papers, I stand by it. Coomer has got to
 2 be part of it, and you guys are just as
 3 criminal what you did to me. Period,
 4 that's it.
 5 Q. The criminal crime family you're
 6 describing here that Mr. Cain and I you
 7 believe are a part of, who else is in that
 8 family?
 9 A. I don't know. Maybe you run it. I don't
 10 know. Haven't checked into that. You
 11 know, maybe that's why you sued me, so you
 12 don't -- you know, I don't know. Who
 13 knows? I don't know.
 14 I said, "What are they, a criminal
 15 crime family? You know, that's what they
 16 do."
 17 When it's all tied together, you have
 18 the cover-up. You got Janet Griswold
 19 there. You've got -- I put the image up
 20 to the world to see. Nobody says anything
 21 about it. Nobody talks about it. Your
 22 suing attack.
 23 When you attack somebody, a company
 24 that has never done anything to you,
 25 that's criminal. You two, it's criminal,
 Page 297

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 11 What you're doing here today is
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 14 trying to attack people that don't -- have
 15 done nothing to you. And you're wasting
 16 my time with a frivolous lawsuit because
 17 some judge didn't look at this last summer
 18 and get rid of it and say, 'Are you
 19 kidding me? You can't sue this guy for
 20 this because you went and attacked his
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 19 there. You've got -- I put the image up
 20 to the world to see. Nobody says anything
 21 about it. Nobody talks about it. Your
 22 suing attack.
 23 When you attack somebody, a company
 24 that has never done anything to you,
 25 that's criminal. You two, it's criminal,

Page 297

1 guys. I can't get around it.
 2 What you did is terrible. It's evil,
 3 it's terrible, it's wrong. And that's it.
 4 Even if you didn't like Chris Ruddy
 5 over here, what I said after you did that,
 6 what does that have to do with My Pillow?
 7 That upsets me more than anything.
 8 Attack me all you want, but you
 9 attacked a company that had nothing to do
 10 with this. You're trying to bury my
 11 company. That's the only agenda, take
 12 away all the money, which you've done a
 13 great job. I have no money left. I had
 14 to borrow \$10 million. Good job, you
 15 guys. Great job.
 16 You've absolutely destroyed people's
 17 lives. And you sit and tell me how Eric
 18 Coomer -- you know, Eric Coomer, who I
 19 knew nothing about until you'd attacked My
 20 Pillow.
 21 I used to tell Chris Ruddy, that's
 22 just disgusting, always has been.
 23 MR. KLOEWER: I've handed you what
 24 I've labeled as Exhibit 89.
 25 (Deposition Exhibit No. 89 was

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1 introduced.)
 2 BY MR. KLOEWER:
 3 Q. We looked at something similar to this
 4 before with respect to interrogatories.
 5 These are requests for admissions.
 6 Do you remember working -- and I'll
 7 give you a minute to read through these to
 8 see if you recognize this document.
 9 Interrogatories are more general
 10 questions that we ask sometimes, and a
 11 request for admission is just to ask you
 12 to admit something or to deny it. And we
 13 asked a series of these.
 14 Do you remember answering these
 15 questions?
 16 A. Let's see. "Admit" -- "Deny," yeah, I
 17 knew nothing about that.
 18 "Deny."
 19 "Deny."
 20 "Deny."
 21 "Never contact or attempt to contact
 22 Dr. Coomer." "Admit."
 23 Yeah. I answered this. It's 100
 24 percent the truth. 100 percent.
 25 Q. Why didn't you ever try to contact

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1 Dr. Coomer?
 2 A. What's that?
 3 Q. Why didn't you try to contact Dr. Coomer?
 4 A. For what?
 5 Q. To check if the allegations against him
 6 were true before you published them.
 7 A. No. You're missing the point. The guy --
 8 the damage was done. The guy -- the owner
 9 of Newsmax told me I couldn't come on.
 10 Q. I understand that.
 11 A. Okay. Then what do you want me to do?
 12 Call up Coomer and say, "Hey, will you
 13 please tell Chris Ruddy to let me on?"
 14 I really didn't think you guys --
 15 that he was going to do that. Then it
 16 became between me and Chris, but you guys
 17 had done that.
 18 It was horrible what Coomer did and
 19 you lawyers to tell him not to have me on
 20 TV. And you know what, sorry I didn't
 21 call up Coomer and say, "Will you please
 22 tell Chris to let me come on."
 23 Give me a break. Of course, I'm not
 24 going to do that. I didn't even -- I
 25 didn't know who Eric Coomer was.

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1 Q. Well, you didn't ask if that was true. I
 2 told you before I was very surprised by
 3 your testimony in this issue.
 4 A. What now?
 5 Q. You didn't think to ask Eric Coomer if --
 6 A. Ask him what? Ask him, "Here, Chris Ruddy
 7 said" --
 8 Q. You just told Chris Ruddy at his word?
 9 A. I just made a deal, an agreement, with
 10 this guy, Eric Coomer, who I -- I mean, I
 11 go, "Who is he?" "He's with Dominion, and
 12 you cannot come on TV anymore to talk
 13 about pillows or anything."
 14 Mike Lindell specific. Not other
 15 people: Mike Lindell.
 16 So maybe you know what, was I
 17 supposed to call up Eric Coomer and say,
 18 "Why did you do this agreement?" He made
 19 an agreement with you. And then it comes
 20 out -- then it comes out that you -- he's
 21 saying that there is no evidence because
 22 of Eric Coomer and Dominion. That's when
 23 I find out Eric Coomer is with Dominion.
 24 I go, "What else can Dominion -- what
 25 else can happen to me? How much can they

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1 A. I reviewed this the night before last.
2 I'm sorry. Every day I spend trying
3 to save our country and go to paper
4 ballot. I don't have time for this crap.
5 These lawsuits that pile up and you guys
6 do this. As far as I know, maybe you're
7 just trying to waste my time.
8 Two days I've spent listening to
9 this. I don't know Eric Coomer. I've
10 told you the two things, and you sit here
11 and tell me over and over, "Did you bother
12 to read that?" No. That's why I didn't
13 read the complaint.
14 There is things in my life that are a
15 lot more important than frivolous
16 lawsuits. The only one -- and I'm not
17 blaming you for the frivolous, other than
18 you put it up, because it should have been
19 done nine months ago when the judge should
20 have looked at this and said, "I'm sorry,
21 these guys, this is bizarre. Good-bye,"
22 and dumped it.
23 And the judge didn't do that, and
24 that's disgusting that she did not dump
25 this.

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1 You guys, maybe you have some that
2 are more serious than other. Maybe you
3 thought I knew more than I did. Maybe,
4 but you didn't ask me. You didn't come
5 out and ask me. You didn't come out and
6 ask. No. You went after Chris Ruddy and
7 said, "Don't put Mike Lindell."
8 I never said anything about Coomer in
9 my life, and you guys told him not to put
10 me on for My Pillow. And then you served
11 me papers.
12 I never said anything about Coomer.
13 Q. Mr. Lindell --
14 A. Ever.
15 Q. We've been over this --
16 A. I know, but why do you keep --
17 Q. -- many times.
18 A. -- doing this? We've been over this.
19 Q. What I'm trying to understand is if you
20 know that your statements are inspiring
21 people to make death threats against Eric
22 Coomer --
23 A. They weren't, and they're not.
24 Q. -- why wouldn't you stop?
25 If you are presented with evidence

Page 307

1 that they are, will you stop?
2 A. If he shows me that somebody out there,
3 will stop what? My statements?
4 Q. Yeah.
5 A. My statements of what he did to My Pillow?
6 If somebody does -- I can't help other
7 people. You did this. He did this, you
8 guys, and so did you.
9 Q. So you think he deserves --
10 A. Will I put your names up there in the
11 lights tomorrow? Probably not.
12 I might put the judge up that she
13 didn't deny this, and I believe I'm going
14 to do that. I'm going to put the judge up
15 there and say, "Why was this not
16 dismissed?"
17 We asked for her a dismissal. I'm
18 looking at this, I was so upset with my
19 lawyers, I'm going, "Why wasn't this
20 dismissed?"
21 This is garbage, I mean, complete
22 insanity that you went after people, and
23 that lawyer -- and that judge didn't
24 dismiss it. But if I put your names out
25 there and call people out, I can't help

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1 what other people out there do. This
2 is -- you know, if it's really true and
3 you did do this. What do you mean?
4 Q. So it sounds like you think if Dr. Coomer
5 is getting those death threats, then he
6 deserves them for what he's done.
7 A. No. Nobody deserves death threats.
8 You're not listening to what I'm saying.
9 Nobody deserve (sic) death threats.
10 These bad people -- should people not talk
11 about the truth because some crazies out
12 there might do death threats?
13 Should I -- is it okay that I got
14 death threats every day in my family of
15 burning down their houses because Dominion
16 sued me back in February?
17 Is it right that every single box
18 store around the country dumped me because
19 I said, "Hey, we need paper ballots
20 hand-counted"? Is that right?
21 I can't help what crazy people do.
22 Neither can you.
23 Is it wrong that they do that?
24 Absolutely. Am I going to quit talking
25 because there is people out there that are

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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO
Civil Action No.: 1:22-cv-01129-WJM

Eric Coomer, Ph.D.,

Plaintiff,

vs.
Michael J. Lindell, Frankspeech LLC,
and My Pillow, Inc.,

Defendants.

VIDEOTAPED DEPOSITION OF
MICHAEL J. LINDELL
Designated Representative of FrankSpeech LLC
Taken on MARCH 9, 2023
Commencing at 9:59 a.m.

REPORTED BY: Mari Skalicky, RMR, CRR

1 I, MICHAEL J. LINDELL, do hereby certify
2 that I have read the foregoing transcript of
3 my testimony and that same is true and correct
4 to the best of my knowledge and belief, except
5 as follows:

6

7 PAGE & LINE NO. CORRECTION REASON

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MICHAEL J. LINDELL

SWORN TO AND

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SUBSCRIBED BEFORE ME this

day of , 2023

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NOTARY PUBLIC

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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action No. 1:22-cv-01129-NYW-SKC

ERIC COOMER, PhD.,

Plaintiff

v.

MICHAEL J. LINDELL, FRANKSPEECH LLC,
AND MY PILLOW, INC.,

Defendants

**EXHIBITS 9-35
PLAINTIFF'S MOTION TO COMPEL DEPOSITION TESTIMONY FROM
DEFENDANT MICHAEL J. LINDELL AND MOTION FOR SANCTIONS
PURSUANT TO F.R.C.P. 30 AND F.R.C.P. 37**

<https://caincloud.egnyte.com/fl/t44QeAdoU5>