

NOTICE OF FILING

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Details of Filing

Document Lodged:	Affidavit - Form 59 - Rule 29.02(1)
File Number:	NSD673/2022
File Title:	LACHLAN KEITH MURDOCH v PRIVATE MEDIA PTY LTD ACN 102 933 362 & ORS
Registry:	NEW SOUTH WALES REGISTRY - FEDERAL COURT OF AUSTRALIA



A handwritten signature in blue ink that reads "Sia Lagos".

Dated: 6/10/2022 5:58:19 PM AEDT

Registrar

Important Information

As required by the Court's Rules, this Notice has been inserted as the first page of the document which has been accepted for electronic filing. It is now taken to be part of that document for the purposes of the proceeding in the Court and contains important information for all parties to that proceeding. It must be included in the document served on each of those parties.

The date and time of lodgment also shown above are the date and time that the document was received by the Court. Under the Court's Rules the date of filing of the document is the day it was lodged (if that is a business day for the Registry which accepts it and the document was received by 4.30 pm local time at that Registry) or otherwise the next working day for that Registry.



Form 59
Rule 29.02(1)

AFFIDAVIT OF JOHN MICHAEL CHURCHILL

No. NSD673/2022

Federal Court of Australia
District Registry: New South Wales
Division: General

LACHLAN KEITH MURDOCH

Applicant

PRIVATE MEDIA PTY LTD & ORS

Respondents

Affidavit of: John Michael Churchill
Address: Level 3, 32 Martin Place, Sydney
Occupation: Solicitor
Date: 6 October 2022

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0018458

Filed on behalf of (name & role of party) Applicant
Prepared by (name of person/lawyer) John Churchill
Tel 02 9216 9816 Fax _____
Email jmc@johnchurchill.com.au
Address for service Level 3, 32 Martin Place
(include state and postcode) Sydney NSW 2000

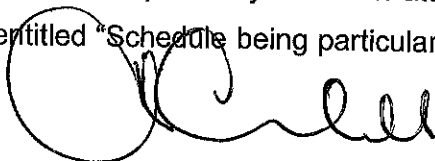
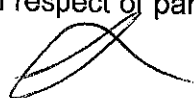
[Version 3 form approved 02/05/2019]

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I **JOHN MICHAEL CHURCHILL** of Level 3, 32 Martin Place, Sydney, Solicitor say on oath:

Background

1. I am the solicitor on the record for the applicant in these proceedings. I have briefed Sue Chrysanthou SC to advise and appear for Mr Murdoch and she appeared at the case management hearing before the court on 23 September 2022 instructed by me.
2. Nothing that I say in this affidavit is intended to waive legal professional privilege.
3. I refer to and rely on my affidavit filed in these proceedings sworn on 22 September 2022.
4. During the case management hearing on 23 September 2022 Mr Hodge on behalf of the respondents said, *inter alia*, that the statements in paragraphs 1-16 of the Defence were relied on as facts to be established, in particular as relevant to the s29A defence and including whether the Article objectively concerns matters of public interest.
5. As a result of the statements made by Mr Hodge and queries raised in previous correspondence about the Defence, I wrote to the respondents' solicitors Marque Lawyers on 26 September 2022 and a copy of that letter is annexed hereto and marked "**JC-17**".
6. On 30 September 2022 at 8:23pm I received an email from Lauren Gasparini, a lawyer in the employ of Marque Lawyers which attached to it a letter addressed to myself, a document entitled "Schedule being particulars provided in respect of paragraph 8 of the

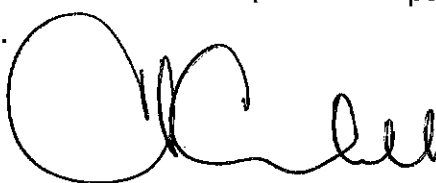
Defence" and a proposed Amended Defence, copies of these documents are annexed hereto and marked with the letters "JC-18", "JC-19", "JC-20" and "JC-21".

Fox Channels

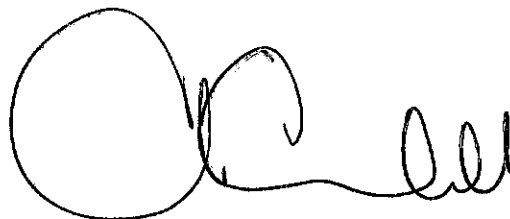

7. Fox Corporation is a publicly listed company on the NASDAQ which has a number of subsidiaries. Each of those subsidiaries has a different CEO and management team. One of those is Fox News Network, LLC, which includes within its Fox News Media portfolio Fox News Channel, Fox Business Network, Fox Weather, and Fox News Audio. The viewership of Fox Business Network in the United States is approximately 2-3% of that of Fox News Channel during prime time and 8-9% of Fox News Channel's total day viewership.
8. Fox News Channel broadcasts 24 hours per day as does Fox Business Network. In the time period covered by Respondents' Schedule, Fox Business Network broadcasts up to 14 hours of live programming per day and Fox News Channel broadcasts up to 20 hours of live programming each day.

Schedule to paragraph 8 of the Defence

9. I have considered the documents served by the respondents on the evening of 30 September 2022 and discussed them with Ms Chrysanthou. We have both reviewed many of the segments listed in the Schedule which provides particulars to paragraph 8 of the Defence.
10. After discussing the matter with her, counsel and I are of the opinion that the information set out in the Schedule is incomplete and misleading in aspects of its presentation. For example, segments are said to have been aired on Fox News, whereas items 6, 13, 24, 27, 28, 30, 33, 36, 37, 38, 39, 40, 41, 45, 46, 48, 49, 50, 52, 53, 54, 60, 61, 66 aired on Fox Business Network. Items 20 and 23 are said to have been aired on Fox News, whereas they appear to have been aired on Fox Audio. Further, in regard to the column identified "Quote" many of the quotes are out of context and thus inconsistent with the content or incomplete in respect of the publication identified under that heading in the Schedule.



11. If paragraph 8 becomes an issue of objective fact in the proceeding, in my view it will be necessary to undertake a comprehensive review of all the publications identified in the Schedule, in the context in which they appear, their length and by ignoring the quote column identified above and actually having regard to the entire segment. On my information and belief the Schedule is not a comprehensive or exhaustive collection of all the broadcasts on Fox News Channel or other networks or channels operated by Fox Corporation, providing commentary, interviews and reporting on the United States of America Presidential Elections in the period 4 November 2020 to 8 January 2021.
12. My initial review of the segments referred to in the Schedule has led to the conclusion that a number of them are inconsistent with and not supported by their content, the contentions in paragraph 8 of the Defence and by way of example, there are:
- a) segments that do not support the assertions contended by paragraph 8;
 - b) segments that are irrelevant to paragraph 8;
 - c) segments that prominently publish the news of the election of Joe Biden as the 46th President of the United States of America, as an example of this, a banner can be found at the bottom of a video that is listed as item 3 in the Schedule that reads **JOE BIDEN ELECTED 46TH PRESIDENT: Fox News Alert:**

A large, stylized handwritten signature in black ink, featuring a large initial 'O' followed by several loops and a long horizontal stroke.A smaller, more fluid handwritten signature in black ink, consisting of a few connected loops.



- d) segments that include discussion of the election allegations, the right to contest elections and the policies that should be followed and/or adopted if such challenges are made, as opposed to actually adopting the allegations as fact; and segments that include discussion of the historical precedents of challenging elections in the United States of America that have been undertaken by both major political parties.
13. The length of each segment varies dramatically - from about one minute to over 20 minutes - and the context in which the particular segment contained in the Schedule appeared in the course of a broadcast is not identified. The segments in the table comprise over 8.5 hours of viewing.
14. Because of our preliminary review of the material in the Schedule, if paragraph 8 of the Defence forms part of the proceedings as an issue to be proved as fact (as opposed to merely matters within the knowledge of the respondents), I anticipate that substantial evidence will be adduced to contradict and/or to give context to that material.

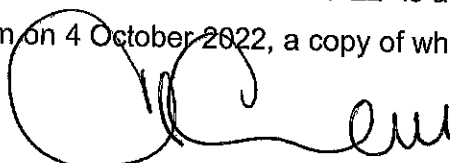
15. From my own review of a wide variety of material available publicly and in particular when viewing Fox News Channel broadcasts from November and December 2020, other information was presented that is inconsistent with the respondents' contention in paragraph 8 of the Defence, for example:
- a) on 4 November 2020, Fox News was the first network to call the State of Arizona for Joe Biden and maintained that decision despite criticism and pressure from Trump and his supporters;
 - b) from 5 November 2020 and thereafter Fox News reported on Trump's allegations of voter fraud, but also repeatedly requested such proof from President Trump and his representatives and reported on denials from various entities that voter fraud had occurred;
 - c) on 7 November 2020 Fox News projected Joe Biden to win the Presidency;
 - d) on 19 November, Fox News Host Tucker Carlson said that he had repeatedly invited Trump lawyer Sidney Powell to send to him evidence in support of her and President Trump's claims of voter fraud, which she never sent him.
16. To my observation of material that is publicly available, and having discussed the matter with Ms Chrysanthou who has also viewed such material, there are more examples of divergent views being expressed on Fox News in respect of the outcome of the 2020 US Presidential Election such that the maintenance of paragraph 8 of the Defence as an allegation of fact would require a review by the parties and thereafter the court of many hours of broadcast material beyond that identified by the respondents in the Schedule.
17. Further, in my view which has been formed in consultation with Ms Chrysanthou, for paragraph 8 (read with paragraph 9) to have any meaning whatsoever as a matter of objective fact (if that is even possible), and having regard to the wording of paragraph 42.1 of the Defence which presently includes the words "*and the media environment*", if the respondents' approach is allowed, the applicant would seek to tender material giving context to the "media environment" in the United States at the time from other media sources. This is likely to be an extensive and costly task that would likely cause the trial to extend beyond the 9 days presently allocated (having regard to the fact that the respondents proposed that the trial would not exceed 6 days).

Mitigation

18. In paragraph 37.3 of the proposed amended Defence, there is a reference to "News International" which I understand to be a reference to a company that is a subsidiary of News Corporation.
19. News Corporation is a publicly listed company that has a different CEO and management team to Fox Corporation.
20. News International owns two newspapers in the United Kingdom. The applicant has never been a director or CEO of News International.
21. I assume (although it is speculative given the lack of detail) that the reference in paragraph 37.3 of the Defence is to the events that occurred in the United Kingdom in the period 2005 to 2011. If that is correct, the reference to "News International" is misconceived and ignorant of the applicant's role for a decade in relation to News Corporation (2005-2015) during which the issue at News International arose and was concluded.

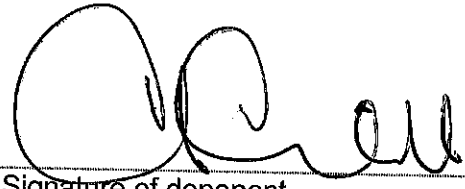
Reply

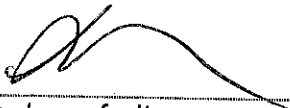
22. As stated in my first affidavit dated 22 September 2022, the Reply was filed and served on 20 September 2022 shortly after the service of the Defence.
23. An objection was raised to the Reply on the evening of 21 September 2022 as to the response to paragraphs 1-22 of the Defence. As stated by Ms Chrysanthou at the first case management hearing on 23 September, at the time of filing the Reply we understood those paragraphs in the Defence to amount to admissions on the part of the respondents (to the extent such admissions are relevant).
24. At 2:46pm on 4 October 2022, two weeks after the Reply was filed and served, I received a letter from Marque Lawyers raising an objection to paragraph 5.5 of the Reply. Annexed hereto and marked "JC-22" is a copy of that letter. I responded to that letter at 4:16pm on 4 October 2022, a copy of which is annexed hereto and marked "JC-23".




25. I received further correspondence about this issue at 10:40am on 5 October 2022, and I responded at 11:49am and 4:32pm. I received additional further correspondence at 5:30pm and responded at 6:11pm on 5 October 2022. Annexed hereto and marked "JC-24" is a copy of the email chain between myself and Marque Lawyers containing this correspondence on 5 October 2022 concerning the belated objection to the Reply.

Sworn by the deponent
at Sydney
in New South Wales
on 6 October 2022
Before me:

)
)
)
)
)

Signature of deponent



Signature of witness

Sam Hagan, lawyer with a current practising certificate

Certificate Identifying Annexure

No. NSD 673 of 2022

Federal Court of Australia

District Registry: NSW

Division: General Division

LACHLAN KEITH MURDOCH

Applicant

PRIVATE MEDIA PTY LTD & ORS

Respondent

This and the following 2 pages is the annexure marked "JC-17" now produced and shown to John Michael Churchill at the time of swearing his affidavit on 6 October 2022 before me

_____
Signature of witness

Sam Hagan, lawyer with a current practising certificate

JOHN CHURCHILL

LEVEL 3, 32 MARTIN PLACE, SYDNEY, NSW, 2000

TELEPHONE 02 9216 9816 MOBILE 0413 98 66 77 EMAIL jmc@johnchurchill.com.au

26 September 2022

Mr Michael Bradley
 Managing Partner
 MARQUE Lawyers Pty Ltd
 Level 4, 343 George Street
 Sydney NSW 2000
 Email: michaelb@marquelawyers.com.au

Dear Mr Bradley

Murdoch v Private Media & Ors

I refer to:

- (a) the Defence filed on 20 September (**Defence**);
- (b) the Reply filed on 20 September (**Reply**);
- (c) my letter of 20 September requesting particulars of the Defence;
- (d) your response dated 21 September relevantly declining to provide particulars;
- (e) the submissions made in Court at the Case Management Hearing (**CMH**) on 23 September on behalf of your clients;
- (f) the submissions made in Court at the CMH on 23 September on behalf of the applicant;
- (g) the applicant's proposal at the conclusion of the CMH (opposed by the respondents) to clarify ambiguous matters in the Defence;
- (h) the email from the Associate on 23 September about that clarification.

As we have made plain, since receipt of the Defence, the manner in which it is pleaded is ambiguous, and liable to cause confusion and waste time and costs.

Section 29A of the *Defamation Act* 2005 has three separate and distinct elements:

- 1. the defamatory matter concerns an issue of public interest;
- 2. the respondents believed at the time of publication that the defamatory matter was in the public interest; and
- 3. such belief by the respondents was reasonable.

Paragraph [42] of the Defence relies on paragraphs [1]-[22] without any distinction between these different elements. This cannot be the case when one has regard to each element. For example, it is difficult to see how paragraph [21] relates to the first element of the defence.

Nor is it apparent how each of those paragraphs is capable of identifying the issue of public interest in question. What is the relevant issue of public interest? A collection of statements about the U.S. election does not amount to an issue of public interest – let alone one connected to the defamatory matter in the manner specified in s29A.

Your repeated refusal to clarify this issue renders the pleading liable to be struck out. Mr Hodge confirmed on Friday that the statements in paragraphs [1]-[16] are relied on as

objective fact and we will proceed on the basis that is how the respondents put their case unless you inform us otherwise. It is regrettable that you did not confirm that earlier in answer to my request.

The *Lange* qualified privilege defence has two separate and distinct elements:

1. the defamatory matter concerns governmental or political matters in Australia;
2. the conduct in publishing the defamatory matter was reasonable in the circumstances.

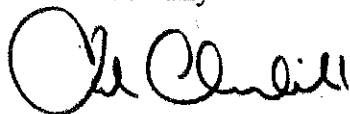
Paragraph [43] of the Defence relies on paragraphs [1]-[23] without any distinction provided for the different elements. It is difficult to see how any of the particulars concern government or political matters in Australia or how such particulars demonstrate reasonableness having regard to the defamatory imputations pleaded in the case.

Each of the defences in paragraphs [42] and [43] is a defence of confession and avoidance and proceeds on the basis that Mr Murdoch is defamed in the sense of one or more of the pleaded imputations (or imputations that do not differ in substance). This, together with the respondents' repeated refusal to clarify their case, has the effect that both paragraphs are ambiguous, presently disclose no reasonable defence and are liable to be struck out.

Having regard to the matters set out above and in the absence of confirmation and/or clarification of your clients' positions, as part of the application listed on 10 October 2022, the applicant will move to strike out the impugned paragraphs.

As a final matter, I note that the conduct of the case including comments made on behalf of the respondents in Court can aggravate the harm to the applicant, sounding in additional damages.

Yours faithfully



John Churchill

Certificate Identifying Annexure

Federal Court of Australia

No. NSD 673 of 2022

District Registry: NSW

Division: General Division

LACHLAN KEITH MURDOCH

Applicant

PRIVATE MEDIA PTY LTD & ORS

Respondent

This and the following 1 page is the annexure marked "**JC-18**" now produced and shown to John Michael Churchill at the time of swearing his affidavit on 6 October 2022 before me



Signature of witness

Sam Hagan, lawyer with a current practising certificate

John Churchill

From: Lauren Gasparini <laureng@marquelawyers.com.au>
Sent: Friday, 30 September 2022 8:23 PM
To: John Churchill
Cc: Michael Bradley; Phyllida Behm
Subject: Murdoch v Private Media & Ors [ML-Documents.FID3902062]
Attachments: Letter to Mr Churchill responding to letter dated 26 September 2022 (30.09.2022)_2723886_1.PDF; Schedule - particulars to par 8 of Defence_2723887_1.PDF; 2022.09.30 - Proposed amended defence (final)_2723888_1.DOCX

Dear John

We apologise for the delay in complying with orders 1 and 2 of the orders made by Justice Wigney on 26 September 2022.

Please find **attached** our letter, proposed amended defence and particulars to paragraph 8 of the Defence.

The particulars to paragraph 8 include links in column 5 marked "publication". Please advise if you have any difficulties with access.

Kind regards
Lauren

Lauren Gasparini
Senior Associate

Certified

MARQUE Lawyers Pty Ltd



Corporation

P: +61 2 8216 3087

Level 4, 343 George Street, Sydney NSW 2000

marquelawyers.com.au / [LinkedIn](#) / [Twitter](#) / [Instagram](#)

Official lawyers for **TEDxSydney**

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Federal Court of Australia

No. NSD 673 of 2022

District Registry: NSW

Division: General Division

LACHLAN KEITH MURDOCH

Applicant

PRIVATE MEDIA PTY LTD & ORS

Respondent

This and the following 3 pages is the annexure marked "**JC-19**" now produced and shown to John Michael Churchill at the time of swearing his affidavit on 6 October 2022 before me



Signature of witness

Sam Hagan, lawyer with a current practising certificate

Our reference MB/13921
Phone +61 2 8216 3006
Email michaelb@marquelawyers.com.au

30 September 2022

John Churchill
Level 3, 32 Martin Place
Sydney NSW 2000

By email: jmc@johnchurchill.com.au

Dear Mr Churchill

Private Media Pty Limited – Lachlan Murdoch

1. Thank you for your letter dated 26 September 2022.

Response to letter dated 26 September 2022

2. We do not agree that the Defence is ambiguous or liable to cause confusion and waste time and costs.
3. As to paragraph [42] of the Defence:
 - (a) the facts alleged in paragraphs [1]-[16] of the Defence, together with the fact alleged in paragraph [42.1] of the Defence, are facts that our clients will submit at trial are sufficient for the Court to be satisfied that the matter concerns an issue of public interest;
 - (b) the facts alleged in paragraphs [1]-[22] of the Defence are facts that our clients will submit at trial are sufficient for the Court to be satisfied that our clients reasonably believed that the publication of the matter was in the public interest.
4. In your letter you say "[a] collection of statements about the U.S. election does not amount to an issue of public interest – let alone one connected to the defamatory matter in the manner specified in s29A". We are uncertain as to the meaning of this complaint in two respects.
5. First, it is unclear whether "[a] collection of statements about the U.S. election" is a reference to some of the allegations in paragraphs [1]-[16] of the Defence or to statements made in the Article. Assuming it is the former not the latter, our clients' position is that the conduct of the U.S. presidential election and the media environment which facilitated the incumbent President, who was unsuccessful in the election, provoking a violent insurrection aimed at preventing the

certification of the democratically-elected President of the United States of America is undoubtedly a matter of public interest. We appreciate that your client disagrees. That is, with respect, a matter for trial.

6. Secondly, we are also uncertain as to which part of s29A you are referring when you say "let alone one connected to the defamatory matter in the manner specified in s29A". Your letter seems to suggest that s29A specifies a manner in which an issue of public interest must be connected to the defamatory matter. We have not been able to identify the part of s29A to which you are referring and would appreciate any further explanation you wish to offer. To assist you in considering any response, we note s29A(2) provides "In determining whether the defence is established, a court must take into account all of the circumstances of the case."
7. We had not appreciated that there was any ambiguity about whether [1]-[16] of the Defence were relied upon as objective facts. That is for two reasons. First, because they are pleaded as objective facts. Secondly, because not only did your letter of 20 September 2022 not ask for clarification as to whether these paragraphs were intended to be objective facts, it complained in paragraph 1 that the pleading of the objective facts in paragraphs [1]-[16] was "embarrassing and irrelevant" and objected to the paragraphs on that basis.
8. The wording of the *Lange* defence has been clarified. Further, for the avoidance of doubt, the Respondents say that the element of the defence articulated by the High Court in *Lange* that requires the publisher to establish that its conduct in making the publication was reasonable in all the circumstances is inappropriate and ought to be revisited. The Respondents concede that the Federal Court is bound to apply the *Lange* defence with this element but formally puts the matter in issue on the pleading. We will prepare the necessary s78B notices.
9. We disagree that the paragraphs are ambiguous and liable to be struck out. Please let us know as soon as convenient whether your client wishes to press his application and, if so, the precise form of relief he seeks.

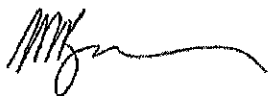
Orders made on 26 September 2022

10. In accordance with order 1 of the orders made by Wigney J on 26 September 2022 (**Order 2**), please find **enclosed** a schedule of the particulars of paragraph 8 of the Defence. Column 5 of the schedule identifies a link to the publication relied on by our clients as a particular to paragraph 8 of the Defence. Examples of representations are included at column 6 of the schedule.
11. In accordance with order 2 of the Orders, please also find **enclosed** our clients' proposed amendments to the Defence, identified in track changes. Please advise whether your client consents to an amended version of our clients' Defence being filed.

MAR/
QUE

17

Yours sincerely

A handwritten signature in black ink, appearing to read 'MB', followed by a long, horizontal, wavy line.

Michael Bradley
Managing Partner

Encls.

Certificate Identifying Annexure

Federal Court of Australia

No. NSD 673 of 2022

District Registry: NSW

Division: General Division

LACHLAN KEITH MURDOCH

Applicant

PRIVATE MEDIA PTY LTD & ORS

Respondent

This and the following 43 pages is the annexure marked "**JC-20**" now produced and shown to John Michael Churchill at the time of swearing his affidavit on 6 October 2022 before me



Signature of witness

Sam Hagan, lawyer with a current practising certificate

Schedule

No. NSD 673 of 2022

Federal Court of Australia

District Registry: New South Wales

Division: General

LACHLAN KEITH MURDOCH

Applicant

PRIVATE MEDIA PTY LTD and others

Respondents


PARTICULARS OF PARAGRAPH [8] DEFENCE					
Item	Date	Author or Speaker	Title	Publication	Quote
1	4 November 2020	Carlson, Tucker	Tucker Carlson: The election that narrowly saved America	"Tucker Carlson Tonight", Fox News	CARLSON (HOST): In a lot of ways, what happened Tuesday night could not have been worse for this country or its future. The outcome of our presidential election was seized from the hands of voters, where it rightly belongs, and now resides in the control of lawyers and courts — and highly partisan, clearly corrupt big city bureaucrats. No matter what happens next, that is a tragedy. Many Americans will never again accept the results of a presidential election. That story is still unfolding and we will follow it as honestly as we can wherever it leads.
2	4 November 2020	Ingraham, Laura and Gingrich, Newt	Gingrich: Election 'corruption' is	"The Ingraham Angle", Fox News	INGRAHAM (HOST): ... the president is still fighting for every legal vote and for a fair process. Now, last night, I spoke to the

PARTICULARS OF PARAGRAPH [8] DEFENCE					
Item	Date	Author or Speaker	Title	Publication	Quote
			beginning of Trump's second term		<p>president directly and personally about this, and he is committed to ensuring that there has been a complete and accurate account of each legal vote in each state that hangs in the balance. So, all day long and late last night, the media, of course, they were itching to declare a Trump win, a numerical impossibility.</p> <p>...</p> <p>GINGRICH (GUEST):... We are at the beginning of the second presidential campaign of 2020. Just as Andrew Jackson responded to the corrupt bargain of 1824 by tearing apart the establishment and winning the presidency in 1828, just as Abraham Lincoln rejected the threats of the slave-owning Democrats and insisted on preserving the union in 1860, I think the millions and millions of Americans who went out to rallies, who formed boat parades — and Arizona formed a 96-mile-long parade of Trump supporters — I think as they watch Joe Biden's Democratic Party steal the election in Philadelphia, steal the election in Atlanta, steal the election in Milwaukee, I think the more information that comes out, the greater the rage is going to be.</p> <p>...</p> <p>INGRAHAM: Newt, how big a mistake is it for the Democrats to have a 'burn it all down' approach? To destroy the integrity of our election process with this mail-in, day of registration efforts, counting after the election is over, dumping batches of votes a day, two days, maybe even three days after the election, and making a martyr out of Donald Trump. How powerful is Donald</p>

PARTICULARS OF PARAGRAPH [8] DEFENCE					
Item	Date	Author or Speaker	Title	Publication	Quote
					<p>Trump going to be? If they manage to succeed, how powerful is Donald Trump in the next two and four year periods?</p> <p>GINGRICH: President Trump is going to be forced by his own supporters and by the objective reality of the truth, the facts that are beginning to come out, he will be forced into a situation exactly like Andrew Jackson and Abraham Lincoln. He either has to fight and protect America, or he has to surrender to corrupt sources, starting with the Biden family corruption spreading out to the corruption of the Democratic machines, going on to the corruption of places like The New York Times.</p>
3	7 November 2020	Phillips, Morgan	LIVE BLOG: Trump supporters protest media projections of Biden win	“Live Blog – Fox Business”, Fox News	<i>This was a live stream of locations where Trump supporters were protesting against the election result.</i>
4	8 November 2020	Bartiromo, Maria and Powell, Sidney	Trump legal team to file new ballot lawsuits	“Sunday Morning Futures”, Fox News	<p>BARTIROMO (HOST): President Trump’s legal team as you’ve been hearing this morning are preparing for all out war, beginning with a slew of new lawsuits this week, beginning with one in Pennsylvania tomorrow, along with what our next guest says is evidence of voter fraud. Sidney Powell is General Michael Flynn’s attorney, she is fighting on the front lines of this battle as part of the President’s legal team... Can you walk us through what has taken place here as you see it?”</p> <p>SIDNEY POWELL (GUEST): Yes. There has been a massive and coordinated effort to steal this election from we, the people of the United States of America, to delegitimise and destroy votes for Donald Trump, to manufacture votes for Joe Biden...</p>

PARTICULARS OF PARAGRAPH [8] DEFENCE					
Item	Date	Author or Speaker	Title	Publication	Quote
5	9 November 2020	Carlson, Tucker	Tucker: The polls got it profoundly wrong once again	"Tucker Carlson Tonight", Fox News	<p>CARLSON (HOST): As at tonight, tens of millions of Americans suspect this election was stolen from them. That means we now live in a country where a large percentage of our population no longer believes that our democracy is real. That is said, it is also dangerous, it could easily get worse.</p> <p>...</p> <p>You can't simply tell people to accept an outcome because force doesn't work in a democracy. That's dictatorship. In a free society, you have to convince the public of your legitimacy. You have to win them over with reason.</p>
6	9 November 2020	Dobbs, Lou	N/A	"Lou Dobbs Tonight", Fox News	<p>DOBBS (HOST): Also breaking, the election software blamed for what some humorists in Pennsylvania called "glitches" in Michigan and Georgia. Those glitches were, it appears, programmed in software used in not just a few states, in 28 states in this election. The software is in the voting machines of a company called Dominion Voting Systems. It is the largest voting company in this country. And quite a few problems occurred. In addition to the 28 states in which they operate, the company boasts that its customers include nine of the top 20 counties in the United States. In Antrim County, Michigan, the software initially awarded thousands of votes to Joe Biden. They were meant for President Trump. The error, we're told, was corrected, and the county flipped in favor of the president by 2,500 votes. My, my, my. Georgia's Gwinnett County in suburban Atlanta also faced a day-long delay in reporting their votes Friday because of a, quote, technical issue with Dominion. And this appears to be the type of thing Joe Biden might have had in mind when he</p>

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					hailed his voter fraud apparatus last month, what do you think?... This does not look, well, it doesn't look good, to put it mildly.
7	9 November 2020	Hanlon, Yael	Hannity: Media calls for unity after spewing 'never-ending, nonstop psychotic rage and hatred for four years'	"Hannity", Fox News	HANNITY (HOST): But tonight the mob that you know is, what do I say, the 99%, the media mob, the Washington swamp, Joe Biden, all desperate, they want to just call it a day and stop you from asking legitimate tough questions about the election, about the process, about your vote, even as razor thin margins still separate the candidates in key, important, battleground states... We, you the American people, deserve better. It is a national disgrace how some states have handled this election, but I want to start... by saying this because this is important: The double standard we are watching with the mob and the media is beyond disgusting, repulsive, sickening, and sad.
8	9 November 2020	Hannity, Sean	N/A	"Hannity", Fox News	HANNITY (HOST): And in the state of Michigan, Republicans are moving in to investigate this software glitch called Dominion that actually changed thousands of votes from Trump to Biden. They caught it. Now, the same software also, quote, "glitched" in Georgia and was used in as many as 28 states, according to John Solomon. We need real answers. Why should we, as a country, be OK when that happened? And shouldn't we investigate it so that every American has confidence in the outcome?
9	10 November 2020	Ingraham, Laura	Ingraham: From Trump's 'America first' to Biden's 'America last'	"The Ingraham Angle", Fox News	INGRAHAM (HOST): 70% of Republicans feel like the presidential election was neither free nor fair, according to a new morning consult political poll. Now of that group, 78% believe mass mail-in voting led to widespread fraud. 72% of that group thinks the ballots were tampered with. Nevertheless, Biden is

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					pretending that the election has been certified and that all legal challenges have been resolved.
10	11 November 2020	Laura Ingraham	N/A	Tweet posted to the Laura Ingraham Twitter account	
11	11 November 2020	Carlson, Tucker	Tucker Carlson: Yes, dead people voted in this election and Democrats helped make it happen	"Tucker Carlson Tonight", Fox News	CARLSON (HOST): It's been more than a week since the final votes were cast and many of Donald Trump's 72 million voters still believe this election was fundamentally unfair. They're right about that. Democrats completely changed the way we voted in this election. Our system has never been more disorganised and it's never been more vulnerable to manipulation.
12	12 November 2020	Hannity, Sean	Hannity: A deep dive into the voting machines at center of controversy	"Hannity", Fox News	HANNITY (HOST): ...many Americans do not believe that this election was fair. And make no mistake: every American has a right to feel that way. I feel that way. It's a corrupt and embarrassing disgrace, we, you, the American people, deserve more. We are capable of so much more.

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13	12 November 2020	Solomon, John		"Lou Dobbs", Fox News	JOHN SOLOMON (GUEST): What we think we're beginning to see is the possibility that Dominion machines were used to ballot stuff, meaning people would bring in – just like what Mayor Giuliani said – extra ballots, and they weren't qualified to vote, but someone would make them eligible and run them through the system real quickly. Tonight, we're going to have a new story -- late tonight on Just the News that will divulge – in Detroit which is, I think, ground zero for the investigation – you're going to see the city of Detroit hired a very interesting company with ties to a very corrupt political figure to provide the muscle, the bodies that would work and staff the election centers in Detroit on election night... That company got the contract and provided 2,000 bodies. What were those bodies supposed to do? Run the Dominion machines that night.
14	12 November 2020	Giuliani, Rudy	N/A	"Fox & Friends Weekend", Fox News	RUDY GIULIANI (GUEST): Now we get to Detroit, and we have a truck that pulled in at 4:30 in the morning with 100,000 votes, and we have a machine, the Dominion machine, that is as full of holes as Swiss cheese, and was developed to steal elections, and being used in the states that are involved. So there's a lot that's going to come out here over the next month or so. And you know the shame of it? If this all comes out six months from now the way the Biden thing is now coming out. You know, six months ago, eight months ago, I was being accused of being some kind of Russian spy for merely bringing out the fact that the Biden family has been involved in 30 years of racketeering activity, which is all proven. I have the video tapes, the documents, the hard drives, I've got every piece of evidence, and I've got a mountain full of evidence. And nobody would

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					believe me. But you're going to find out it's true. You're also going to find out that this election was stolen. I hope it's not too late.
15	12 November 2020	Hemmer, William and Mace, Nancy	N/A	"Bill Hemmer Reports", Fox News	<p>HEMMER (HOST): What are party insiders saying about Joe Biden right now? Are they saying 'go ahead and call him President-Elect', or hold back on that?</p> <p>NANCY MACE (GUEST): No – most republicans I believe want to see the legal processes exhausted, to see if there were problems in the election. There was a very close race obviously in Georgia where there were 5 million votes and low single thousands in difference. In Pennsylvania we had absentee ballots that were being counted that came in after election day and the Supreme Court said 'no you can't do that', but they did it anyway. You know, our American voting system is only as good as the public's confidence in it, and so we've got to make sure that every legal vote is counted...</p>
16	14 November 2020	Pirro, Jeanine	The media does not call an election	"Justice with Judge Jeanine", Fox News	<p>PIRRO (HOST): Why would the Democrats want to ban election observers as they count the ballots? Do they not think they could win honestly? Why were there so many unsolicited ballots without verification signatures? Ballots without postmarks? Why did a judge in Pennsylvania go outside his power to extend the deadline to receive mail-in ballots after the legislature? The only constitutional body permitted to do so refused to do so? And why did a Trump-hating Secretary of State in Georgia agree with Stacey Abrams? And there is a lawsuit by Lin Wood in the United States District Court in Georgia contesting those decisions. Why were signature requirements loosened and mail-</p>

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					<p>in valid signatures not required to match voter registration rolls? Pray tell. Now I believe in the resurrection, but dead people voting? I don't think so.</p> <p>...</p> <p>The question ultimately is, will any of these allegations affect the sufficient number of votes to change the result of the election? Maybe yes, maybe no.</p> <p>If the answer is President Trump did not win, then on January 20th, Joe Biden will be my President. But until then, President Trump is my President because America has only one President at a time.</p> <p>And in the meantime, please don't tell me that we cannot examine the ballots. Please do not tell me that we cannot pursue these irregularities.</p> <p>That's laughable.</p>
17	15 November 2020	Bartiromo, Maria and Powell, Sidney	Why doesn't Biden camp want to know truth about voting irregularities?	"Sunday Morning Futures", Fox News	<p>BARTIROMO (HOST): Attorney Sidney Powell is leading the charge against Dominion. And she says she has enough evidence of fraud to launch a massive criminal investigation.</p> <p>Sidney, thanks very much for being here. We appreciate your time this morning.</p> <p>I want to get right into it. We just heard about the software made by Smartmatic from Rudy. And I want to get your take on what you -- what you and I spoke about just a few minutes ago. And that is a gentleman named Peter Neffenger.</p> <p>Tell me how he fits into all of this.</p>

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					SIDNEY POWELL (GUEST): President Trump won by not just hundreds of thousands of votes, but by millions of votes, that were shifted by this software that was designed expressly for that purpose. We have sworn witness testimony of why the software was designed. It was designed to rig elections. He was fully briefed on it. He saw it happen in other countries.
18	15 November 2020	Bartiromo, Maria	N/A	"Fox & Friends Sunday", Fox News	BARTIROMO (GUEST – ALSO HOST OF SUNDAY MORNING FUTURES): This morning on Sunday Morning Futures, I'm talking with Rudy Giuliani, the President's personal attorney. He is my lead guest and he is breaking so much news on the software that was used on the voting machines on election night. There is much to understand about Smartmatic, which owns Dominion Voting Systems. They have businesses in Venezuela, Caracas, they have businesses in Cuba, and there are also links to China. We're going to talk about it with Rudy Giuliani and why he does believe he will be able to overturn this election with evidence. He will join me along with Sidney Powell to give us an update on their investigation. This is very important to understand what was going on with this software. Sidney Powell is also talking about potential kickbacks that government officials who were asked to use Dominion actually also enjoyed benefits to their families. We're going to talk about that coming up as well.
19	15 November 2020	Powell, Sidney	N/A	"Sunday Morning Futures", Fox News	SIDNEY POWELL (GUEST): ... because we're fixing to overturn the results of the election in multiple states. And President Trump won by not just hundreds of thousands of votes, but by millions of votes that were shifted by this software that was designed expressly for that purpose. We have sworn witness

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					testimony of why the software was designed. It was designed to rig elections. He was fully briefed on it. He saw it happen in other countries. It was exported internationally for profit by the people that are behind Smartmatic and Dominion. They did this on purpose. It was calculated. They have done it before. We have evidence from 2016 in California. We have so much evidence, I feel like it's coming in through a fire hose.
20	16 November 2020	Hesgeth, Peter	Pete Hegseth: So Much In This Election 'Stinks To High Heaven'	"Fox Across America", Fox News	HESGETH (GUEST – HOST OF FOX & FRIENDS): The President has all this support, all the 73 million people that voted for him, in light of the demonisation of him for four years, I just find it hard to believe. I really do. I'm not saying that conspiratorially. And when you look at the major metropolitan areas like Milwaukee, like Detroit, like Philly, like Pittsburgh, like Atlanta, the pause in the voting that you made reference to, there's shenanigans going on. And the President's doing a service by highlighting how dangerous the idea of ubiquitous mail-in ballots with no accountability and no voter ID and no voter signature. You can drive a truck through these election results and future election results, which is bad for all of us. I don't like where it stands right now. It's just — so much in it stinks to high heaven.
21	16 November 2020	Hannity, Sean and Scalise, Steven	GOP obtains over 900 affidavits highlighting voting irregularities	"Hannity", Fox News	HANNITY (HOST): Also tonight, we're following the Trump campaign's legal efforts all across the country, and the ongoing hand recount in Georgia. Now, just hours ago, what was at? Two weeks ago, Election Day, right? But just hours ago, 2,600 uncounted votes were uncovered with the majority going to President Trump.

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					<p>How was this even possible, nearly two weeks after Election Day, we're still now finding ballots?</p> <p>There is no excuse whatsoever for this total, complete shift show. We are the United States of America. We the people deserve better. And that's why people don't have faith and trust in the system. How can they?</p> <p>...</p> <p>REP. STEVE SCALISE (GUEST): Forgotten men and women of this country haven't gone away. There's still a lot of anger out there about the fact that there were widespread irregularities in the select number of states. You know, they're boarding up windows, not letting poll watchers watch what's going on, even though the state laws say that. And then they wonder why people question the results or the integrity of the process.</p>
22	16 November 2020	Hemmer, William and Powell, Sidney	N/A	"Bill Hemmer Reports", Fox News	<p>SIDNEY POWELL (VIDEO FOOTAGE INCLUDED IN SEGMENT): We're fixing to overturn the results of the election in multiple states. And President Trump won by not just hundreds of thousands of votes, but by millions of votes that were shifted by this software that was designed expressly for that purpose.</p> <p>HEMMER (HOST): So that is Sidney Powell, she is an attorney for the President, claiming they have evidence of voter fraud and she's tying it to a voting machine company called Dominion. The company denies all fraud accusations. The Trump team has not shared their evidence with Americans. Fox News has not seen any evidence. [We] want to bring in Andy McCarthy, former assistant U.S. attorney and Fox News contributor. Andy, good</p>

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					day to you. I don't know if we're in a different situation now than we were last Thursday when we talked. I saw that interview with Sidney Powell and Maria on Sunday, she sounded convincing. So what now?
23	18 November 2020	Gidley, Hogan	Hogan Gidley: It Seems Like Dead People Were Pretty Active In This Election	"Fox Across America", Fox News	HOGAN GIDLEY (GUEST): We have a lot of people who are dead who didn't just vote. They requested ballots. They got mail-in ballots. They filled out mail-in ballots. They sent mail-in ballots into the election places and actually cast votes as dead people. And I think that's what we are now discovering is wrong with a lot of these polls. I guess they should have surveyed more dead people because it seems like they were pretty active this past election.
24	18 November 2020	Dobbs, Lou and Giuliani, Rudy	N/A	"Lou Dobbs Tonight", Fox News	<p>DOBBS (HOST): "What happened in the United States was that the vote counting was abruptly stopped in five states using Dominion software. At the time that vote counting was stopped, Donald Trump was significantly ahead in the votes. Then during the wee hours of the morning, when there was no voting occurring and the vote count reporting was offline, something significantly changed. When the vote reporting resumed the very next morning, there was a very pronounced change in voting in favor of the opposing candidate, Joe Biden." That from a whistleblower who was present both in Venezuela in 2013 and in this country as we were counting votes overnight on November 3.</p> <p>RUDY GIULIANI (GUEST): ... Our votes in 27, 28 states, did they count them by Dominion? And calculated and analyzed? They're sent outside the United States. And they're not sent to</p>

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					<p>Canada. They're sent to Germany and Spain. And the company counting it is not Dominion. It's Smartmatic, which is a company that was founded in 2005 in Venezuela for the specific purpose of fixing elections. That's their expertise, how to fix elections. They did it a number of times in Venezuela, they did it in Argentina, and they messed up an election to a fare-thee-well in Chicago, and there's a whole congressional record that you can go look at about what a terrible company this is. Well, that's the company that was counting and calculating on election night, and they did all their old tricks... Also the company Dominion is a far-left radical company. Some of their people have written and tweeted the worst things about Trump and Republicans that you could possibly imagine. They've since taken it down but we have it, so we've got a very radical far-left company with some of their high-level people, supporters of antifa.</p>
25	19 November 2020	Carlson, Tucker	Tucker Carlson: Time for Sidney Powell to show us her evidence	"Tucker Carlson Tonight", Fox News	<p>CARLSON (HOST): A lot of Americans believe this election was rigged. They're not saying that because they're crazy and they're not just saying it because they're mad. They mean it, and that's a potentially fatal problem for this country.</p> <p>...</p> <p>There's evidence that a lot of things that responsible people dismiss out of hand as ridiculous are, in fact, real. The louder the Yale political science department and the staff of The Atlantic magazine scream "conspiracy theory," the more interested we tend to be. That's usually a sign you're over the target. A lot of people with impressive-sounding credentials in this country are frauds who have no idea what they're doing. They're children</p>

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					posing as authorities. And when they're caught, they lie and then they blame you for it. We see that every day. It's the central theme of our show and will continue to be.
26	19 November 2020	Hannity, Sean and Giuliani, Rudy	Hannity: Transparency, integrity at heart of Team Trump's legal fight	"Hannity", Fox News	<p>RUDY GIULIANI (GUEST): You know, the whole mail — this whole mail thing was really done so they could steal the election. They knew they couldn't beat him. He destroyed them at the ballot box on Tuesday.</p> <p>HANNITY (HOST):... all Americans, regardless of party, should care about election integrity. We got to, accountability audits, transparency, this is good for the country. We better get to the bottom of it.</p> <p>Democrats, the mob and media, they refused to care, instead continue to dismiss, downplay any real evidence, real Americans talking about voter irregularities, election law violations.</p> <p>Remember, we have all the sworn affidavits under the penalty of perjury, as the mayor was pointing out, GOP observers cut out of the process of counting, alleged violation of ballot curing, rules that are changing, and even voters arriving at the polls only to be informed someone else voted for them. Again, affidavits.</p> <p>And don't forget, still serious questions about the integrity of Dominion.</p>
27	19 November 2020	Dobbs, Lou	N/A	"Lou Dobbs Tonight", Fox News	<p>DOBBS (HOST): Trump's attorneys say they can prove illegal ballots were used to inflate Biden's vote tally in Georgia, in Pennsylvania, in Michigan, in Wisconsin, Nevada, and Arizona. The legal team also expects to file new lawsuits in Arizona, Georgia, Wisconsin, perhaps even Virginia, and New Mexico.</p>

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					That's in addition to the 20 lawsuits that are now being litigated by the campaign or Republican Party attorneys. Another issue at the center of today's news conference, the use of Dominion voting machines and Smartmatic software. Defense attorney Sidney Powell cited a whistleblower's stunning affidavit. It says Smartmatic's technology was used to rig elections in Venezuela. It is now in the, quote, "DNA of every vote tabulating company software and system." Smartmatic and Dominion deny those charges, but Sidney Powell argues that algorithms in the Smartmatic software were used to change results in the presidential election.
28	19 November 2020	Dobbs, Lou and Powell, Sidney	N/A	"Lou Dobbs Tonight", Fox News	<p>SIDNEY POWELL (VIDEO FOOTAGE INCLUDED IN SEGMENT): And I want the American public to know right now that we will not be intimidated. American patriots are fed up with the corruption from the local level to the highest level of our government, and we are going to take this country back, we are not going to be intimidated, we are not going to back down, we are going to clean this mess up now. President Trump won by a landslide. We are going to prove it, and we are going to reclaim the United States of America for the people who vote for freedom.</p> <p>DOBBS (HOST): And joining us now by phone is Sidney Powell. She's a member, obviously, of the president's legal team, also Gen. Michael Flynn's defense attorney. A great American, one of the country's leading appellate attorneys. Sidney, first of all, thanks. I know you are going every which direction right now, busy as you could possibly be. Let's start out right now with the</p>

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					<p>President's path to victory here as you and the legal team see it. If you could give us just that canvas very quickly.</p> <p>POWELL (GUEST): Well yes, Lou, the entire election frankly in all the swing states should be overturned, and the legislature should make sure that the electors are selected for Trump, and it's going to have to follow the constitutional provisions that it to be decided according to the amendment.</p>
29	20 November 2020	Carlson, Tucker	Tucker: Democrats, media 'ghouls' want to punish political opponents	"Tucker Carlson Tonight", Fox News	CARLSON (HOST): The dishonesty is brazen and you can begin to understand why so many Americans have lost their faith in our institutions, including in our elections. Why? Because the people managing them are dishonest and incompetent.
30	20 November 2020	Dobbs, Lou and Fitton, Tom	Mitt Romney calls Trump's electoral fraud fight 'undemocratic'	"Lou Dobbs Tonight", Fox News	<p>TOM FITTON (GUEST): ... To say there is no evidence of fraud is irresponsible to put it charitably. We have allegations in Pennsylvania that votes in the hundreds of thousands were illegally counted, and we can't verify those votes as being legitimate as a result. We have affidavits in court swearing that issues arose in the counting of ballots. There is a complaint in Nevada – 15,000 instances of double voting it looks like... That's evidence of fraud. To say otherwise might be politically useful, but it ain't true.</p> <p>DOBBS (HOST): It's not true... Right now, I don't think most Americans – and I don't think, by the way, there's anything wrong at all with what I'm about to say – I think most Americans don't believe a damn thing they're being told about the outcome of this election, because there frankly are just too many questions.</p>

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31	21 November 2020	Hesgeth, Peter and McEnany, Kayleigh	McEnany: Trump's path to victory is Supreme Court, exposing 'systemic' voter fraud	"Fox & Friends Weekend", Fox News	<p>HESGETH (HOST): Let's bring Kayleigh in now, in a different role as Trump 2020 Senior Campaign Advisor... I think you spoke for a lot of people yesterday, the frustration, the rush to say this vote count absolutely now is done, there's no evidence, wrap it up, it's over – but when you consider what was said for years about a duly elected president, the contrast just doesn't add up for people.</p> <p>KAYLEIGH McENANY (GUEST): ... Now, if voters simply ask questions about a fraudulent mail-in ballot system, we are told that we are crazy and we are subverting democracy. The hypocrisy is real.</p> <p>... We've got to continue fighting this, and the federal courts are the path and, hopefully, up to the Supreme Court, because voter fraud is real, and they seized on a pandemic and created an electoral epidemic — one that was inexcusable, a system that should never have happened.</p>
32	21 November 2020	Pirro, Jeanine and Wood, Lin	Questions linger over the Left's plot against Donald Trump	"Justice with Judge Jeanine", Fox News	<p>PIRRO (HOST): And now just over two weeks, the President's lawyers come forward alleging an organized criminal enterprise, a conspiracy by Democrats, especially in cities controlled and corrupted by Democrats.</p> <p>The President's lawyers alleging a company called Dominion, which they say started in Venezuela with Cuban money and with the assistance of Smartmatic software, a backdoor is capable of flipping votes.</p> <p>And the President's lawyers alleging that American votes in a presidential election are actually counted in a foreign country.</p>

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					<p>These are serious allegations, but the media has no interest in any of this. But you and I do as we should, because 73 million Americans voted for Donald Trump.</p> <p>... They say the risk of our giving false hope should be enough to stop us two weeks later. I say the risk of not looking at what is staring us in the face is too great to not stop us.</p> <p>... Let's not kid ourselves. There's not a lot of violence going on right out there now because they believe they got their way. Forgive me, but I believe the only important thing is making sure that the American people and lady justice get their way, consequences be damned.</p> <p>LIN WOOD (GUEST): My lawsuit proves to have it deemed unconstitutional and unlawful, and they're going to have to figure out a way to have a new down ballot vote and the electors and the legislature will have to select the president of the United States, which I'm confident will be Donald Trump... He won this election by record landslide across the nation.</p> <p>...</p> <p>They stole — they tried to steal this election, judge, and now they are trying to destroy the evidence.</p>
33	21 November 2020	Dobbs, Lou and Palmer, Monica	Wayne County canvasser Monica Palmer explains her election result concerns	"Lou Dobbs Tonight", Fox News	<p>DOBBS (HOST): Our next guest has faced the harassment, the intimidation efforts of the radical left in this country... she certified election results in Wayne County, Michigan. Joining us now is Monica Palmer. She's one of two Republican members of the Wayne board of canvassers... Monica has since rescinded her vote to certify those results. Monica, I can only imagine what</p>

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					<p>you've gone through here in the last few days, but I applaud and appreciate you being here tonight with us to tell your story... tell us why, first of all, you did not want to certify the results in Wayne County?...</p> <p>MONICA PALMER (GUEST): When we were given a verbal executive summary of the precincts to find out the over/under report, whether the precincts were balanced or unbalanced, there were an excessive number of precincts that were unbalanced without explanation...</p> <p>DOBBS: ...It doesn't stop, Monica, it doesn't stop. We've watched the country be harassed and intimidated, from May through August with street violence across the largest Democrat-run cities. We have seen a Supreme Court Justice intimidated, some say broken, referring to Justice Kavanaugh; we have seen the ugliest side of this country and the ugliest side of the American left and the Democrat party.</p>
34	22 November 2020	Pirro, Jeanine	N/A	"Justice with Judge Jeanine", Fox News	<p>PIRRO (HOST): Interesting, though, isn't it? Adam Shiff and the Democrats can lie to us literally for years with no consequence to them. But American citizens, who put themselves on the line and face the disdain, the hatred and threats of others in a case like this essentially get prosecuted and witnesses are putting themselves in the line of fire simply because they heard or saw something that was incredibly dangerous to speak of, but about which they chose to speak. Two individuals and one Dominion employee signed affidavits and yet there is a... cry by the media to see these affidavits – many of them are already on file in law suits across the country. But these witnesses, many of them are</p>

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					seeking protection... until the time that it is necessary for them to testify. Does anyone really believe they are exaggerating when they say they are in fear? Does anyone really think that the group that brought us hysteria, division and chaos for four years while Donald Trump was president and now is unusually calm wouldn't react to a narrative different to the one they are comfortable with now?...
35	23 November 2020	Carlson, Tucker	Tucker Carlson: Yes, the election was rigged for Joe Biden. Here's how	"Tucker Carlson Tonight", Fox News	CARLSON (HOST): The 2020 presidential election was not fair, and no honest person would claim that it was. The system was rigged against one candidate and in favour of another, and not in ways that were hidden from view.
36	23 November 2020	Dobbs, Lou	N/A	"Lou Dobbs Tonight", Fox News	DOBBS (HOST): 74 million Americans voted for the man. And everybody who voted for him right now has a lot of questions. Maybe the people who didn't vote for him don't, but they do. And the truth is, we don't know a lot about this election yet. We didn't hear from Dominion about who owns the company, the company that has so many pieces of software and machinery involved in this election. And lots of questions. But I don't even hear a reporter worth their salt say, "Just who does own you, Mr. or Ms. Dominion?" whoever the spokesperson is. "Why don't we know who owns you? Why don't we know what your software does and how it does it and whether these algorithms are actually, actually having an effect on outcomes? And how do you get a decimal out of an election where there are only truly two candidates and every candidate gets whole votes?" I mean this is bizarre stuff.

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					... Besides the fact that we have three election companies that we don't know who owns them, we don't know where their servers are located, and we don't know how they're counting and we don't know why they're destroying ballots that they just processed just now... Jason, this just looks really, really bad.
37	23 November	Dobbs, Lou and Giuliani, Rudy	Giuliani: Michigan attorney general doesn't care if Democrats steal an election	"Lou Dobbs Tonight", Fox News	<p>RUDY GIULIANI (GUEST): What happened in Detroit can only be described as the worst fraud I've ever seen, carried out deliberately by the hack Democrat crooked party of Detroit. The over votes are 140, 150, 200 percent, 300, 400 percent, how can you have 400 percent over votes without having fraud?...</p> <p>DOBBS (HOST):... You would think it would be a bipartisan issue, electoral integrity, you would think that the Democrats would be just as excited... who knew they [Democrats] were so crooked... The fact is we weren't prepared for this election, it appears.</p>
38	23 November 2020	Dobbs, Lou and Gosar, Paul	Dominion Voting Systems hires former Boehner aide as publicist	"Lou Dobbs Tonight", Fox News	<p>REP. PAUL GOSAR (GUEST): ...even the Senate last year in a subcommittee review of the election machines basically called them 100% corruptible -- 100% corruptible. And we've got all these senators lining up, defacing the President. It's sad...</p> <p>DOBBS (HOST): And let's just take a look at the relationship between Dominion and the swamp itself, if we could put up that full screen, because it is really interesting to see that Dominion donated \$25-50,000 to the Clinton Foundation, it has a \$2.2 million contract from the Clinton Foundation, hired Pelosi's former chief of staff, employs former Jeb Bush/Paul Ryan operative Michael Steel, contracts with them, at least. And this, and it goes on, it really does.</p>

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	24 November 2020	Dobbs, Lou and Fitton, Tom	What will happen to the Republican Party without Donald Trump?	"Lou Dobbs Tonight", Fox News	<p>FITTON (GUEST): The Republicans will be spending a lot of money, not nearly as much as the left is aiming to spend. I think one of the big stories of this election is how ineffectual the Big Left money has been in determining election outcomes. They failed in their efforts to overtake state legislatures, they barely kept control of the house... this is why the Great Suppression is so important, where Big Tech is suppressing conservatives, because they recognise they're losing when they're engaged in regular electioneering, so they have to cheat. And they're cheating by suppressing us online, they're cheating by using Big Media to suppress and censor stories or otherwise keep quiet about corruption on their side of the philosophical divide, but in the meantime if they were able to compete fairly they wouldn't need to cheat.</p> <p>DOBBS (HOST):... They're cheating. They're spending a lot of money and the Republicans never do that, so that is awful unfair.</p>
39	24 November 2020	Dobbs, Lou and Kline, Phill	Phill Kline: Election should not be deemed 'fair and integral'	"Lou Dobbs Tonight", Fox News	<p>DOBBS (HOST): The Amistad Project, headed by attorney Phill Kline, filing a new law suit in Wisconsin last night, the law suit alleging that there were almost 157,000 illegal votes cast in that state and they should be tossed. The law suit claims that votes were cast by people who didn't reside in Wisconsin, people who voted twice, and by voters who avoided the Wisconsin voter ID laws. Joe Biden won the state of Wisconsin, says the Board, by just over 20,000 votes. Joining us tonight is the man leading the Amistad Project, Phill Kline. He is the director and we are delighted, Phill, to have you with us and I want to say, first of all,</p>

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					<p>it's my understanding that you have filed suits now in six states. Is that correct?</p> <p>KLINE (GUEST): Yes, we are in the process – we already have suits in six states, but we're filing more based on this new data.</p> <p>...</p> <p>What we've put together is a series of decisions at the local level – by the way, funded and encouraged by over \$350 million of Mark Zuckerberg moneys – that allowed for the infusion of these questionable or fraudulent ballots into the stream to be counted.</p>
40	24 November 2020	Dobbs, Lou and Powell, Sidney	Questions arise over ownership of Dominion Voting	"Lou Dobbs Tonight", Fox News	<p>DOBBS (HOST): Joining us tonight by phone is Sidney Powell, defense attorney for General Michael Flynn, former federal prosecutor herself, and a great American. Sidney, great to have you with us. Let's start with the ownership of these voting firms. I know you're focussing on that part of the electoral fraud that's been perpetrated this year in this election. Why don't we know who they are?</p> <p>SIDNEY POWELL (GUEST): Because they've used multiple shell companies and now apparently private equity groups to hide their actual ownership, but there is no doubt that the software was created and used in Venezuela to control the elections and make sure that Hugo Chavez was always re-elected as the dictator of Venezuela in what appeared to be 'free and fair elections', but they were manipulated by the software used in the Dominion machines... we are just continuing to be inundated by evidence of all the fraud here, in every manner and means of fraud you could possibly think of.</p>

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41	25 November 2020	Dobbs, Lou and Epstein, Robert	How much influence did big tech have on 2020 election?	“Lou Dobbs Tonight”, Fox News	<p>DOBBS (HOST): Joining us tonight is Dr Robert Epstein, prominent psychologist and professor, who predicted that Big Tech would manipulate millions of voters this year and saying now outright that Democrats were favoured by Big Tech. Professor, good to have you with us. How is it that we could, despite your warnings to congress, very clearly, very cogently, that Big Tech has manipulated the vote before in 2016, you expressed your belief that they would do so again. How is it that we could be warned by authorities like you and simply you are ignored?</p> <p>DR ROBERT EPSTEIN (GUEST): It's very simple unfortunately, and that's because Democrats – and I lean left myself – Democrats benefit from this. So it's hard to find a Democrat anywhere that will challenge the power, the almost obscene power, that Big Tech is using to manipulate votes...</p>
42	29 November 2020	Bartiromo, Maria and Trump, Donald	Trump: DOJ 'missing in action' on alleged election fraud	“Sunday Morning Futures”, Fox News	<p>MARIA BARTIROMO (HOST): Where is the DOJ and the FBI in all of this, Mr President? You have laid out some serious charges here. Shouldn't this be something the FBI is investigating? Are they? Is the DOJ investigating?</p> <p>TRUMP: Missing in action. Can't tell you where they are. I ask, are they looking at it? Everyone says they're looking at it... I said I'll stay out of it, I wish I didn't make that statement... You would think, if you were in the FBI or DOJ, this is the biggest thing you could be looking at. Where are they? I've not seen anything. They just keep moving along and they go onto the next president... All I can say is that I haven't heard, with all of the fraud that's taken place, nobody's come to me and said 'oh</p>

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					<p>the FBI has nabbed the people that are doing this scheme'. The FBI is looking at Dominion, which nobody even knows where they are based... Many ballots with the name 'Trump' on were thrown out... We won the election easily...</p> <p>BARTIROMO: This is disgusting and we cannot allow America's election to be corrupted. So you believe that you can prove that the computers can circumvent any controls that are in place?...</p>
43	29 November 2020	Gaetz, Matt and Pirro, Jeanine	N/A	"Justice with Judge Jeanine", Fox News	<p>PIRRO (HOST): Let's start off with a man who knows a thing or two about fighting for the American people – Florida congressman Matt Gaetz joins me now... but the Joe Biden administration, I mean I doubt that any of this [coronavirus restrictions] is going to end with that, if he is indeed the President... Donald Trump it appears is still fighting the fight, they're going into the courts. Where are you on that? Some Republicans have you know fled [sic] and said you know what, let's just have Joe Biden be President, things are calm. What do you say to that?</p> <p>MATT GAETZ (GUEST): Donald Trump has an obligation to his party and to the movement that he built to ensure that we count the legal votes and that exclude the illegal votes and whether it has an impact on a state or an election or a precinct is less material than the enduring consequence of just accepting fraud.</p>
44	30 November 2020	Bartiromo, Maria	N/A	"America's Newsroom", Fox News	<p>BARTIOMO (HOST): [Trump's] legal team is pressing forward, and they have identified several pieces of evidence that they believe will bring them to a path to victory. They've talked about the fact that tens of thousands of Republicans were not able to observe what was going on in terms of the actual ballot counting.</p>

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					They're talking about up to 100,000 Republicans not being able to see what was going on. Dead people obviously voting -- that we have evidence of. They say they have a stack of affidavits of people, sworn testimony that say that they saw the Dominion machines change votes. They know how it works.
45	30 November 2020	Dobbs, Lou and Gaetz, Matt	Gaetz: Republicans must continue to push investigation of election	"Lou Dobbs Tonight", Fox News	<p>DOBBS: Joining us now, Congressman Matt Gaetz, member of the House Judiciary and Armed Services Committee... and great American. Matt, great to have you with us. Your thoughts about where the hell are the Republicans when we've got a battle for the Whitehouse underway and it's pretty obvious that this election was rigged.</p> <p>MATT GAETZ (GUEST): ... President Trump has an obligation to the country, to his supporters and to the movement that he has built to ensure that we count the legal votes and reject the illegal ones... We had a red wave everywhere in this country but three cities...</p>
46	30 November 2020	Dobbs, Lou and Fitton, Tom	Should FBI, Justice Dept. get involved in election integrity issues?	"Lou Dobbs Tonight", Fox News	<p>DOBBS (HOST): Joining us now is Tom Fitton, the president of Judicial Watch and Tom, it's good to have you here. The President today pointing out, as did Sidney Powell just now, the missing-in-action FBI and Department of Justice. This is truly remarkable, when we have claims of voter fraud all across the country, we're watching it with our very eyes, listening to the eye witnesses themselves and reading the affidavits and accounts, and the FBI and Department of Justice are absolutely acquiescent to voter fraud, electoral fraud, and worse, what may be a foreign assault on the country for all we no.</p>

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					TOM FITTON (GUEST): Well it's no surprise, they've been acquiescent to all sorts of criminality the last few years, enabling it in some cases.
47	30 November 2020	Hannity, Sean	Hannity: 'Depraved' media mob can save their 'phony BS lectures' about election results	"Hannity", Fox News	HANNITY (HOST): We frankly don't need lectures about truth, about integrity, from what is a depraved group of Democratic donors, the media mob and Democrats that never accepted the results of 2016. Ever. I don't care what they think. They lied to you and us for four years on the most spectacular level. They dragged this country through hell... it was all a lie. They all advanced a lie... Now those same hacks are demanding that we, the American people, 74 million strong, just fall in line and accept their new standards and accept election results without investigating what are valid affidavits and claims by fellow American citizens under the threat of perjury of fraud. This is a bad joke.
48	1 December 2020	Dobbs, Lou and Kline, Phill	We must demand investigations into election integrity: Former Kansas Attorney General	"Lou Dobbs Tonight", Fox News.	<p>DOBBS (HOST): Joining us now is Attorney Phill Kline, he's the director of the Amistad Project, former Attorney General of Kansas and a great American... let's start with whistleblowers, on all of those ballots before the election. How important is that testimony?</p> <p>PHILL KLINE (GUEST): It's hugely significant because there is essentially no reason for ballots to be counted in Pennsylvania to be shipped in New York... We believe from our evidence that they loaded the wrong truck... We have been investigating this now for several weeks. We have corroborated the story, we have corroborated it with witnesses at that postal facility, that ballots were being shipped, completed, to Pennsylvania at</p>

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					several different times. So we're talking hundreds of thousands of ballots... this evidence is available to us if we just ask the right people and demand answers.
49	1 December 2020	Braynard, Matt and Dobbs, Lou	Voter Integrity Project claims enough evidence to overturn election	"Lou Dobbs Tonight", Fox News.	<p>DOBBS (HOST): The FBI is now in possession of data compiled by President Trump's former data strategist, Matt Braynard. His Voter Integrity Project surveyed tens of thousands of voters in battleground states, many of whom said they never requested nor received mail-in ballots that were ultimately cast in their name. Joining us now is, the man who compiled the data, Matt Braynard, founder of the Voter Integrity Project... Let's start with the FBI because as you may have heard on this broadcast, I am not in the least pleased with the FBI or the head of the Justice Department. Tell us what you gave them that you think may be most helpful to them to assure integrity in this election.</p> <p>MATT BRAYNARD (GUEST): We're giving them... hard evidence of potentially illegal ballots cast in those states. We're not sending them charts or line graphs or speculation about what may or may not have happened. I sent them the names, addresses, phone numbers, dates of birth and voter record numbers of people who either had ballots cast in their name and said they didn't, or who did cast ballots that they shouldn't have because they didn't meet residency requirements or cast ballots in multiple states. What we found is that in several key states... the number of these ballots... surpassed the margin of victory, which means that nobody can honestly say for certain that Joe Biden actually won the election.</p>

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50	2 December 2020	Carter, Sara and Dobbs, Lou	Do Americans really want election integrity?	"Lou Dobbs Tonight", Fox News.	<p>DOBBS (HOST): There is a lot wrong. Joining us now, Sara Carter, investigative reporter, Fox Business contributor. Sara, good to have you on the broadcast. We've never seen anything like this, because there's never been anything like this happen...</p> <p>CARTER: ...This is very frustrating and very shocking when you think about the number, I mean it was so great that you have real Americans who have submitted affidavits under penalty of perjury to tell the truth to the American public when the rest of the media is failing to do so. They don't even want to cover it and I want everyone out there to think about that – that the American public is being disenfranchised, because we have real Americans who are submitting affidavits, who are telling the truth, and wouldn't everyone want to investigate this?... Don't you want election integrity?</p>
51	3 December 2020	Devine, Miranda	Miranda Devine calls Nevada 2020 presidential election review 'good news'	"America's Newsroom", Fox News	MIRANDA DEVINE (GUEST): So this is a widespread suspicion in the populace about whether or not that election was legitimate... And the reason for that is because of widespread mail-in ballots which most countries do not use because they're so vulnerable to fraud. Whether or not fraud existed and can be proven, widespread fraud, who knows?
52	3 December 2020	Dobbs, Lou	USPS subcontractor says things didn't 'add up' with mail-in ballots	"Lou Dobbs Tonight", Fox News.	DOBBS (HOST): Our first guest this evening is a postal service subcontractor from the state of Wisconsin, who has come forward charging that postal workers backdated 100,000 mail-in ballots so they could be illegally counted. Joining us now is Ethan Pease... Ethan, good to have you with us and again, thanks for having the courage to step up and make what happened known to the American public, because we're seeing

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					more and more of these circumstances and eye-witnesses to what are crimes against the country...
53	3 December 2020	Dobbs, Lou and Flynn, Michael	Flynn: American election system has triggered 'crisis in confidence'	"Lou Dobbs Tonight", Fox News	<p>DOBBS HOST: We're back with General Michael Flynn... Right now, we're watching with interest your role in trying to make certain this President is not cheated from a second term in office. Tell us about how you're applying your talents and energy to support the President, and the nation?</p> <p>MICHAEL FLYNN (GUEST): Well Lou I have a great network of people around the country that I know that are trying to help understand what has happened. We have a crisis in confidence in the very fabric of our country right now and that's our election system, our one person one vote privilege that we have... We're worried about, and have problems in, hundreds of counties – at least 6 states, maybe 8 states... The one thing that stands out, that jumps out at every American, because Mayor Giuliani is only bringing in a snippet of these great patriots who are coming forward bravely to testify, to show testimony to the egregious, fraudulent, corrupt and in some cases criminal behaviour...</p>
54	4 December 2020	Dobbs, Lou and Waldron, Phil	Cybersecurity expert: There are 'multiple ways' to potentially interfere with elections	"Lou Dobbs Tonight", Fox News	<p>DOBBS (HOST): Our next guest is a retired army colonel... he has testified in a number of battleground states before state legislatures about how our voting systems have been manipulated in this election. Joining us now is Colonel Phil Waldron... Your testimony has been fascinating before each of these state legislatures and I believe you have been absolutely persuasive because you have been so informative. At the centre of it all, Dominion Voting Systems. Are they the culprit here?</p>

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					<p>PHIL WALDRON (GUEST): I truly believe we are in the middle of an information warfare...</p> <p>DOBBS: A multifaceted attack. We also know that the radical Dems carried out part of that attack through their insistence upon mail-in balloting, and Republicans committed folly when they permitted it in state after state in this country, particularly in those battleground states in which you've been testifying. But concomitantly, Dominion Voting Systems, with -- you have described it, with algorithms which were designed to be inaccurate rather than to be a secure system. Give us your sense of who is driving all of this. We know the Dems are, we know the deep state has had others -- other areas of responsibility in this overall attack. I mean we're talking about command and control. The president of the United States is being censored by Silicon Valley and social media. We are also watching this disinformation campaign waged by social media against the conservatives in this country, Republicans, and without consequence.</p>
55	5 December 2020	Hesgeth, Peter and Karamo, Kristina	Michigan poll challenger shares election fraud claims	"Fox & Friends Weekend", Fox News	<p>HESGETH: Our next guest says her supervisor pressured her to push a potentially fraudulent ballot through as Democrat votes, even after she raised concerns over its legitimacy. Joining me now is a poll challenger from Michigan, Kristina Karamo. Kristina, thank you so much for being on the program this morning. It takes courage to be a whistleblower... When you were pressured on this ballot, it was filled out for all Republicans and all Democrats, yet you were told to count it as a Democrat vote. What happened?</p>

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					KRISTINA KARAMO (GUEST): ... That was a spoiled ballot that should have been thrown out... It was really grotesque, because it's against the law... I just simply asked, why not give it to the Republican over the Democrat? At that point, the man began yelling at me and we had an argument... A lot of people say that was just one incident... but this is a pattern of events.
56	6 December 2020	Basham, Patrick	Patrick Basham explains why Biden victory 'not statistically impossible, but ... statistically implausible'	Fox News	<p>President-elect Joe Biden defied key "non-polling metrics" to defeat President Trump in a way that is "not statistically impossible, but it's statistically implausible," pollster Patrick Basham told Fox News' "Life, Liberty & Levin" in an interview airing Sunday night.</p> <p>Basham, the founding director of the Democracy Institute, explained to host Mark Levin that there are "a dozen or more of these metrics ... [that] have a 100% accuracy rate in terms of predicting the winner of the presidential election."</p> <p>...</p> <p>"In 2016, they all indicated strongly that Donald Trump would win against most of the public polling," Basham said. "That was again the case in 2020. So if we are to accept that Biden won against the trend of all these non-polling metrics, it not only means that one of these metrics was inaccurate ... for the first time ever, it means that each one of these metrics was wrong for the first time and at the same time as all of the others."</p>
57	6 December 2020	Ellis, Jenna	N/A	"Fox & Friends Weekend", Fox News	JENNA ELLIS (GUEST): So, if you remember, this is the county that had the switch of 6,000 votes from President Trump to Joe Biden, and that was an unexplained and so-called glitch, and so

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					our team is going to be able to go in this morning at about 8:30 and will be there for about eight hours to conduct that forensic examination, and we'll have the results in about 48 hours, and that'll tell us a lot about these machines.
58	6 December 2020	Pirro, Jeanine	N/A	"Justice with Judge Jeanine", Fox News	PIRRO (HOST): When 100 million people vote before an election and a huge portion are mail-in ballots, extraordinary regulatory oversight is required. When election laws are changed for a presidential election on the eve of that election, in violation of the constitution, extraordinary regulatory oversight is required. Extraordinary times call for extraordinary measures and leaders. Unfortunately the Attorney-General Bill Barr has proven himself to be anything other than extraordinary. This week Barr commented that he has 'not seen fraud on a scale that could have affected a different outcome in the election'. Really? It's curious Barr, the head of the DOJ, would affirmatively make a statement regarding a pending investigation... the DOJ guidelines do not allow comment on investigations... So why would Barr do that? Why would he not continue an investigation, as the evidence continues to come in? Why would he even share information on a pending investigation? It's just not done.
59	7 December 2020	Carlson, Tucker	Tucker: America's political elite have been working on behalf of China	"Tucker Carlson Tonight", Fox News	CARLSON (HOST): Well, you've heard a lot of allegations of high-tech fraud in last month's election: people messing with the software, putting unauthorised thumb drives, etc, but maybe not enough about low-tech fraud, traditional fraud. There's evidence there was quite a bit of that.
60	7 December 2020	Dobbs, Lou and Miller, Stephen	Stephen Miller: 'We salute' Cruz	"Lou Dobbs Tonight", Fox News	DOBBS: We're supposed to believe that this President is an unpopular President who just got beat despite all sorts of

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			for stepping up in election case		evidence to the contrary suggesting that this was the most fraudulent election in presidential history. Are you and your colleagues and the Whitehouse and this administration going to be able to prove that in the Supreme Court? STEPHEN MILLER (GUEST): The answer is yes.
61	7 December 2020	Braynard, Matt and Dobbs, Lou	Matt Braynard gives update on Voter Integrity Project's findings	"Lou Dobbs Tonight", Fox News	DOBBS: Our next guest... [has] compiled data showing tens of thousands of fraudulent votes in a number of battleground states. Joining us now is Matt Braynard. He's the founder of the Voter Integrity Project and has produced some extraordinary analysis of that data... I want to start with a fellow of the name of Brad Rathensberger, the Secretary of State of Georgia. He's questioning not only your analysis and your conclusions you're your data. How do you respond to a man who has run such a screwball election criticising you and your methods? MATT BRAYNARD (GUEST): I'd actually like to hear him account for how our data is incorrect, showing approximately 21,000 to 22,000 illegally cast ballots in his state, far surpassing the number of votes in the margin of victory between Joe Biden and Donald Trump.
62	7 December 2020	Hannity, Sean	Hannity tells Georgia voters: You have 'every right to be disgusted' but 'we need you'	"Hannity", Fox News	HANNITY (HOST): Again we are tracking developments in multiple states where claims of these election irregularities, they just stack up, stack up. All whistleblowers... This weekend, during a rally in Valdosta, Georgia, this massive crowd turned out demanding action, breaking into one chant after another – rightly so... What did Joe Biden get, less than a thousand people to tune in for his Thanksgiving message? But we're supposed to

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					believe that he got 15 million more votes than Barack Obama and 15 million more than Hilary?
63	8 December 2020	Doocy, Steve and Thorne, Bridget	N/A	"Fox & Friends", Fox News	<p>STEVE DOOCY (CO-HOST): ... Meanwhile, whistleblowers from across the country have come out sharing their firsthand accounts of election irregularities. Our next guest is a Fulton County, Georgia, voting technician and says test ballots were handled in an unsecure manner and un-indistinguishable from live ballots.</p> <p>...</p> <p>BRIDGET THORNE (GUEST): ... I assume there was a big suitcase in the middle of the warehouse that you could put stuff in to go to the shredder. I -- since anyone had access, I would spoil a ballot before I put it in the shredder, but nobody else was directed to do anything of that, like we can't let these ballots get in the wrong hands.</p> <p>DOOCY: And when you say 'spoil a ballot,' you would run something through a QR code in the corner so that it was unusable or else you'd rip it apart, and you'd do thousands of those so that they could not be used or, you know, as a real ballot. And that's one of the things that concerns you: You don't know exactly -- the chain of custody -- you don't know what happened to those ballots.</p> <p>THORNE: Correct. Correct.</p>
64	9 December 2020	Hannity, Sean	Hannity: Texas is leading the charge to restore	"Hannity", Fox New	HANNITY (HOST): Most Americans now, some cases in polls as high as 80%, say they see fraud in this recent election... Tonight

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			election integrity with latest lawsuit		one thing is very clear. If we don't fix what is a broken, corrupt election system, the country is in deep trouble.
65	10 December 2020	Hannity, Sean	Hannity: Texas election lawsuit is 'an uphill battle', but 'it's right on the law'	"Hannity", Fox News	HANNITY (HOST): We are not dumb. We're not blind. We can see the entire thing stinks to high heaven ... We know that very specific election laws ... were totally and completely and utterly ignored [in] Georgia, Pennsylvania, many other battleground states. [They] just decided to change things on their own.
66	10 December 2020	Dobbs, Lou and Powell, Sidney	N/A	"Lou Dobbs Tonight", Fox News	<p>DOBBS (HOST): Sidney, great to have you with us. You say these four individuals led the effort to rig this election. How did they do it?"</p> <p>SIDNEY POWELL (GUEST): "Well, Lou, they designed and developed the Smartmatic and Dominion programs and machines that include a controller module that allows people to log in and manipulate the vote even as it's happening. We're finding more and more evidence of this. We now have reams and reams of actual documents from Smartmatic and Dominion, including evidence that they planned and executed all of this...We have evidence of how they flipped the votes, how it was designed to flip the votes, and that all of it has been happening just as we have been saying it has been.</p>
67	13 December 2020	Kilmeade, Brian and Trump, Donald	Trump tells 'Fox & Friends' election challenges 'not over' ahead of Electoral College vote	"Fox & Friends", Fox News.	<p>BRIAN KILMEADE (INTERVIEWER): We found out late last night that the Supreme Court would not hear the Texas case, did not have standing according to them. Judging by your tweets, you're very disappointed in that. Is it over?</p> <p>TRUMP (GUEST): No it's not over. We keep going and we're going to continue to go forward, we have numerous local cases</p>

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					in some of the states that got rigged and robbed from us – we won every one of them.
68	15 December 2020	Earhardt, Ainsley	N/A	“Fox & Friends”, Fox News	EARHARDT (HOST): And to Bill Barr, you know, when you look at that, there are a lot of people that voted for Trump, and it's hard to watch that because a lot of people do agree with the President, they think that there was something nefarious, they don't trust the election system.
69	15 December 2020	Pirro, Jeanine	N/A	“Justice with Judge Jeanine”, Fox News	PIRRO (HOST): If you aren't convinced there's a deep state after witnessing the antics of the mainstream media, Big Tech and the Democrat party, so determined to destroy President Trump and get him out of office and prop up Joe Biden to get him into office, then come along with me. They didn't just steal the election from Donald Trump – they stole it from you. There was a fraud in their inducement of all things Biden in order to con you. They conned you and they conned America. They wanted to win no matter what. Win at all costs. You didn't matter. You never mattered. Because it was never about you. It was about power. Their power. The kind of power that corrupts absolutely.
70	22 December 2020	N/A	N/A	Tweet posted to the Sean Hannity Twitter account and circulated on the Sean Hannity website	CALL YOUR LEGISLATORS: Protect the Public, Examine the Data, Find the Answers, Every Vote Counts Attached link to video with the following text: “America deserved an honest election. This is what they got: suitcases of ballots added in secret in Georgia; dead people voting in Wisconsin; a money-for-votes scheme in Nevada; poll-watchers denied access in Pennsylvania; faulty ballot drop-boxes; and clerks facing felony charges in Michigan. The

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Item	Date	Author or Speaker	Title	Publication	Quote
					evidence is overwhelming. Call your legislators. Demand they fight for honest elections”.
71	1 January 2021	Cruz, Ted and Hannity, Sean	Cruz on Hannity: The Senator Explains His Objection to Electoral College Results	“Hannity”, Fox News	<p>HANNITY (HOST): Tomorrow, Senator Ted Cruz and about a dozen other Republicans, they are promising to vote against certification. They are demanding audits of the 2020 election. Texas Senator Ted Cruz joins us. Senator, thank you for being with us. Big day tomorrow, big crowds apparently showed up to the point where the West Wing could hear the music and the chanting of the people that were there already – and this all kicks off in the morning tomorrow.</p> <p>CRUZ: (GUEST): Well Sean that’s right, and tomorrow is an important day. We have an obligation I believe to protect the integrity of the election and to protect the integrity of the democratic system... I intend to object tomorrow. All 11 senators are standing with me on that... and what the objection is for is to demand that we form an electoral commission that has the authority to investigate these claims of voter fraud... there are far too many people in Washington who are saying ‘dismiss the claims out of hand, don’t look at them, don’t consider them’, that Congress has a blindfold on...</p>
72	2 January 2021	Pirro, Jeanine	N/A	“Justice with Judge Jeanine”, Fox News	<p>PIRRO (HOST): ... The left’s hypocrisy continues to know no bounds. January 6, when the electoral college vote will be formally counted, is just a few days away. Yet how much do you even know about January 6 and the congressional mechanism in place? The mainstream media doesn’t talk about it. They prefer that the Joe Biden presidency be considered a done deal – ‘move on, you truth-deniers!’ We’re being told that it is futile,</p>

PARTICULARS OF PARAGRAPH [8] DEFENCE					
Item	Date	Author or Speaker	Title	Publication	Quote
					disruptive, an exercise in lunacy, to even question that Joe Biden is the legitimately elected president of the United States.
73	3 January 2021	Bartiromo, Maria and Cruz, Ted	Cruz says Supreme Court 'better forum' for election disputes amid Electoral College objection push	"Sunday Morning Futures", Fox News	<p>BARTIROMO (HOST): And Republican resistance is growing this morning ahead of the final judgement day this Wednesday on the presidential election of 2020 in the joint session of Congress. Breaking news this morning – Senator Ted Cruz is leading a group of 11 senators who will object unless a commission is named to investigate allegations of fraud. Senator Ted Cruz joins me right now... why are you doing this and how will this play out?</p> <p>TED CRUZ (GUEST): ... We're at an extraordinary time in our country's history. We went into this election with a country deeply divided, deeply polarised, and we've seen in the last two months unprecedented allegations of voter fraud and that's produced a deep, deep distrust of our democratic process across the country. I think we in Congress have an obligation to do something about that, we have an obligation to protect the integrity of the democratic system.</p>
74	4 January 2021	Hannity, Sean	Hannity: Democrats have ensured there is 'plenty of precedent' for Electoral College challenge	"Hannity", Fox News	<p>HANNITY (HOST): ... Plus we'll preview the march for Trump rally that is set to take place this Wednesday. Thousands and thousands of Americans planning to hit the streets in our nation's capital demand election accountability. Now this comes as Senator Ted Cruz is leading what is a growing effort to officially challenge the electoral college results on the very same day. That is Ted Cruz, Senator Josh Hawley, at least 10 other senators joining now over 140 House lawmakers demanding what would be a 10-day emergency election audit from states</p>

PARTICULARS OF PARAGRAPH [8] DEFENCE					
Item	Date	Author or Speaker	Title	Publication	Quote
					with serious voting irregularities. This is an important, this is a critical, this is a necessary step in an election that is clearly wrought with serious issues.
75	6 January 2021	Huckabee, Michael	Huckabee says 'cloud' will be over Biden presidency if election fraud isn't fully investigated	"Fox & Friends", Fox News	<p>MIKE HUCKABEE (GUEST): If they [Democrats] truly believe this election was absolutely done with integrity, then they ought to be the ones standing up and insisting that there be a full audit. That way they can say to the rest of us, 'you see, we won it fair and square, there was no funny business going on, now you guys shut up for the next four years...'</p> <p>...</p> <p>The unreasonable part is that the press has pretended that there is no evidence [of election fraud] ... That's simply a lie. There is evidence and that's what hasn't been looked at.</p>
76	6 January 2021	Carlson, Tucker	Tucker Carlson: A death in the Capitol, and what we must do now	"Tucker Carlson Tonight", Fox News	<p>CARLSON (HOST): Democracy is a pressure relief valve. As long as people sincerely believe they can change things by voting, they stay calm. They don't burst into the House chamber. They talk and they organize and they vote. But the opposite is also true if people begin to believe that their democracy is fraudulent, that voting is a charade, that the system is rigged and it's run in secret by a small group of powerful, dishonest people who are acting in their own interests. Then, God knows what could happen.</p> <p>Actually, we do know what could happen, because it's happening right now. It's happened in countless other countries over countless centuries. And the cycle is always the same because human nature never changes.</p>

PARTICULARS OF PARAGRAPH [8] DEFENCE					
Item	Date	Author or Speaker	Title	Publication	Quote
					<p>...</p> <p>Millions of Americans sincerely believe the last election was fake. You can dismiss them as crazy. You can call them conspiracy theorists. You can kick them off Twitter. But that won't change their minds. Rather than trying to change their minds, to convince them and reassure them that the system is real and that democracy works -- which you would do if you cared about the country or the people who live here -- our new leaders will try to silence them.</p> <p>...</p> <p>We got to this sad, chaotic day for a reason.</p>
77	6 January 2021	Ingraham, Laura	N/A	"The Ingraham Angle", Fox News	<p>INGRAHAM (HOST): Since election night we've all heard about the allegations of voter fraud, we've heard the statements made by patriotic Americans, we've read the affidavits... and yes the idea that Joe Biden received more votes than Barack Obama himself seems to be prima facie evidence of fraud. But there was another type of election fraud that we must also expose and eradicate. And just as with lax signature verification and un-trackable ballot harvesting, it's meant to effect the ultimate outcome of the election. It's insidious. I'm talking about the longest running, undeclared, in-kind campaign donation in election history -- the media's all-out effort to conceal the truth from American voters.</p>
78	8 January 2021	Biggs, Andrew and Hemmer, William	N/A	"Bill Hemmer Reports", Fox News	<p>HEMMER: ... You make a case that tens of thousands of more votes came in in Arizona than would have otherwise. If that's</p>

PARTICULARS OF PARAGRAPH [8] DEFENCE					
Item	Date	Author or Speaker	Title	Publication	Quote
					<p>true that could have changed the way the state turned out, and that's a heavy claim sir. Can you back that up?</p> <p>ANDY BIGGS (GUEST): Yeah so what my claim was and what is backed up by documentary proof is that by the additional time to register votes, we have in Maricopa County alone more than 32,000 voters registered and around the state, we don't have the full tally yet but believe me, those tens of thousands of people registering to vote in those last extended times, they were unlawful voters...</p> <p>HEMMER: So you're saying those are illegal votes to this day?</p> <p>BIGGS: Absolutely</p> <p>HEMMER: Maricopa County is Phoenix, the largest county in your state – that's where you win and lose elections in Arizona.</p> <p>...</p> <p>BIGGS: Until we actually can have more transparency in the elections... I think you're going to have millions, tens of millions of people who are going to view this with some scepticism.</p>

Certificate Identifying Annexure

Federal Court of Australia
District Registry: NSW
Division: General Division

No. NSD 673 of 2022

LACHLAN KEITH MURDOCH

Applicant

PRIVATE MEDIA PTY LTD & ORS

Respondent

This and the following 15 pages is the annexure marked "JC-21" now produced and shown to John Michael Churchill at the time of swearing his affidavit on 6 October 2022 before me



Signature of witness

Sam Hagan, lawyer with a current practising certificate

Form 33
Rule 16.32

Defence

No. NSD 673 of 2022

Federal Court of Australia
District Registry: New South Wales
Division: General Division

LACHLAN KEITH MURDOCH

Applicant

PRIVATE MEDIA PTY LTD and others

Respondents

The First, Second and Third respondents (together, **the Respondents**), without admissions, adopt the defined terms used in the applicant's Statement of Claim (**SOC**) and say:

Factual background

1. On 3 November 2020, the United States of America conducted its 59th Presidential Election (**2020 Presidential Election**).
2. Joseph R Biden won the 2020 Presidential Election.

Particulars

- (a) President Biden won 51.3% of the popular vote;
- (b) President Biden received 306 electoral college votes reflecting that:
 - (i) he won the majority of votes in the following states and all of the electoral college votes from those states were cast in his favour: Arizona, California, Colorado, Connecticut, Delaware, District of Colombia, Georgia, Hawaii, Illinois, Maryland, Massachusetts, Michigan, Minnesota, Nevada, New Hampshire, New Jersey, New Mexico, New York, Oregon, Pennsylvania, Rhode Island, Vermont, Virginia, Washington and Wisconsin;

Filed on behalf of (name & role of party)	Private Media Pty Ltd, First Respondent, Bernard Keane, Second Respondent, and Peter Fray, Third Respondent		
Prepared by (name of person/lawyer)	Michael Bradley		
Law firm (if applicable)	Marque Lawyers		
Tel	(02) 8216 3000	Fax	(02) 8216 3001
Email	michaelb@marquelawyers.com.au ; laureng@marquelawyers.com.au		
Address for service (include state and postcode)	Level 4, 343 George Street, Sydney NSW 2000		

- (ii) he won the majority of votes in the First Congressional District of Maine and 3 of Maine's 4 electoral college votes were proportionally assigned to him;
 - (iii) he won the majority of votes in the Second Congressional District of Nebraska and 1 of Nebraska's 5 electoral college votes was proportionally assigned to him.
- 3. Donald J Trump lost the 2020 Presidential Election.
- 4. The results of the 2020 Presidential Election were certified by the Congress of the United States of America on 7 January 2021 and President Biden was therefore elected the 46th President of the United States of America.
- 5. Mr Trump:
 - 5.1 refused to concede the 2020 Presidential Election; and
 - 5.2 alleged, without any reasonable basis, that it was "stolen" by reason of widespread voter fraud.
- 6. Fox News is the number one cable network in the United States of America and reaches approximately 200 million people per month.
- 6A. Fox Corporation and News Corporation are each companies:
 - (a) operating global media conglomerates;
 - (a)(b) controlled or primarily controlled by members of the Murdoch family, being the family of which Rupert Murdoch is the patriarch.
- 6.7. Fox News is operated, either directly or through a subsidiary, by Fox Corporation.
- 7.8. From around 7 November 2020, hosts and guests of Fox News repeatedly cast doubt on the outcome of the 2020 Presidential Election and directly or indirectly promoted on air:
 - 7.18.1 the allegations, without reasonable basis, of voter fraud made by Mr Trump;
 - 7.28.2 the false claim that President Biden had not legitimately won, and Mr Trump had not lost, the 2020 Presidential Election.
- 8.9. At no time to date have Rupert Murdoch, the Murdoch family generally as owners of Fox Corporation, or the applicant (**Lachlan Murdoch**), publicly repudiated the claims made by hosts and guests of Fox News alleged in the preceding paragraph.
- 9.10. On 6 January 2021, a group of supporters of Mr Trump violently stormed the Capitol in Washington, District of Columbia, whilst the Congress of the United States of America was in session, in an effort to stop the certification of President Biden's victory in the 2020 Presidential Election.
- 10.11. As a consequence of the violent insurrection referred to in the preceding paragraph:
 - 10.111.1 Members of the Congress of the United States of America were forced to flee in terror from the Capitol;

~~10.2~~11.2 the certification of the result of the 2020 Presidential Election was delayed to 7 January 2021.

~~11.12.~~ Mark Meadows was the Chief of Staff to Mr Trump as at 6 January 2021.

~~12.13.~~ On 28 June 2022, Cassidy Hutchinson, former senior aide to Mr Meadows, gave evidence at the public hearings of the United States House Select Committee on the 6 January riot.

~~13.14.~~ Ms Hutchinson's evidence was relevantly to the effect that, on 6 January 2021, Mr Trump:

~~13.1~~14.1 was aware that his supporters proceeding to the Capitol building were armed and had violent intent;

~~13.2~~14.2 wanted to lead his supporters;

~~13.3~~14.3 had attempted to grab the steering wheel from his driver when the driver refused to take him to the Capitol.

~~14.15.~~ Ms Hutchinson's evidence was given overnight or early in the morning Australian time.

~~15.16.~~ Ms Hutchinson's evidence was widely discussed in the international media and was the immediate impetus for the publication the subject of this proceeding by the Respondents.

~~16.17.~~ At around 8:00am on 29 June 2022:

~~16.1~~17.1 the second respondent (**Mr Keane**) reported to the third respondent (**Mr Fray**) that he had seen the evidence of Ms Hutchinson and that he should write about it;

~~16.2~~17.2 Mr Fray considered the story to be important to Australian and international audiences and given the high level of interest in the testimony, felt that expeditious publication was necessary to keep pace with the political news cycle;

~~16.3~~17.3 Mr Fray was aware that Australia had an editorial advantage given the time zone;

~~16.4~~17.4 Mr Fray agreed that Mr Keane should write about the story.

~~17.18.~~ At the time Mr Keane wrote the article the subject of this proceeding, he:

~~17.1~~18.1 had extensive university qualifications in history, including a PhD;

~~17.2~~18.2 had extensive experience working in the Commonwealth Public Service on Australian media policy;

Particulars

Mr Keane worked on the drafting, passage and implementation of media regulatory reforms in 2006, in his role as a public servant in then-Department of Communications, Information Technology and the Arts. This process involved extensive interaction with and exposure to media companies, including News Corp, and their senior representatives.

[17.3](#)[18.3](#) had extensive experience in and knowledge of modern American politics and the role of the media therein;

[17.4](#)[18.4](#) had written widely on modern American politics, including:

- (a) “*The War on the Internet*”, published as an e-book in 2012;
- (b) articles:
 - (i) “Vale Robert McNamara”, Crikey, 7 July 2009;
 - (ii) “Inside the hive-mind”, Crikey, 27 January 2011;
 - (iii) “Keane: I confess – I’m a member of Anonymous”, Crikey, 8 February 2011;
 - (iv) “The extraordinary hypocrisy of Hillary Clinton”, Crikey, 17 February 2011;
 - (v) “Beware of what lurks beneath free trade agreements”, Crikey, 14 November 2011;
 - (vi) “Bleich on copyright, net censorship and Q&A democracy”, Crikey, 31 August 2012;
 - (vii) “Obama’s surveillance state revealed in detail”, Crikey, 7 June 2013;
 - (viii) “Fallout spreads from Obama’s surveillance state”, Crikey, 22 October 2013;
 - (ix) “The NSA’s war on Google: a how-to in intelligence stupidity”, Crikey, 31 October 2013;
 - (x) “Panel says curb NSA’s worst excesses in wake of Snowden”, Crikey, 19 December 2013;
 - (xi) “Yanks could draft legislation for Australian Parliament under TPP”, Crikey, 24 October 2014;
 - (xii) “Trade deal a flop for America, says US government agency”, Crikey, 19 May 2016;
 - (xiii) “Trump: it wasn’t the economy, stupid – it was racism”, Crikey, 10 November 2016;
 - (xiv) “US lays ground rules for Made in the NSA hack attacks”, Crikey, 16 November 2017;
 - (xv) “Made in the NSA: how intelligence agencies gave us a global hack”, Crikey, 15 May 2017;
 - (xvi) “Six things to know about ‘AB’ Culvahouse, Trump’s man in Canberra”, Crikey, 7 November 2018;

- (xvii) "Pauline and the paranoid style in Australian politics", *Crikey*, 28 March 2019;

~~47.5~~18.5 had previously written on Mr Trump and the role of Fox News in the United States, including:

(a) books:

- (i) "*A Short History of Stupid*", co-authored with Helen Razer, published in 2014. This book includes a chapter, authored by Mr Keane, about conspiracy theories in the United States and the history of US Media;
- (ii) "*The Mess We're In*", published in 2018. In this book, Mr Keane examined the recent political history of the United States, the United Kingdom and Australia, the contribution of neoliberalism to growing nationalism in those countries, and the role of the media in that process, including the role of Fox News and News Corp in that process;
- (iii) "*Lies and Falsehoods*", published in 2021. This book included a chapter on the Trump presidency and a chapter on the role of media in the United States, focusing on the impact of Fox News and its right-wing radicalisation of its viewers. In commenting on Fox News, Mr Keane referenced peer-reviewed studies, including "*Bias in Cable News: Persuasion and Polarization*" by Gregory J. Martin and Ali Yurukoglu (2017) and "*The Fox News Effect: Media Bias and Voting*" by Stefano DellaVigna and Ethan Kaplan (2007);

(b) articles:

- (i) "No country for conservatives: how Trump and Johnson destroyed their parties", *Crikey*, 3 November 2020;
- (ii) "The brutal truth: Trump was always going to be competitive", *Crikey*, 4 November 2020;
- (iii) "Trump's attempted coup draws a clear line: support democracy or don't", *Crikey*, 5 November 2020;
- (iv) "Joe Hockey and the price of selling out democracy", *Crikey*, 6 November 2020;
- (v) "Next time, a smarter demagogue might find a way to win", *Crikey*, 9 November 2020;
- (vi) "Sky News ban shows that Turnbull was right: News Corp threatens more than democracy", *Crikey*, 2 August 2021;
- (vii) "Why 2016 will pollute the US and the world for decades", *Crikey*, 27 June 2022;

- (viii) "The US Supreme Court, like Trump, goes beyond neoliberalism to nihilism", Crikey, 1 July 2022;

~~17.6~~18.6 had closely followed the events from the 2020 Presidential Election to the present day and, in particular, had reviewed vast amounts of media commentary concerned with the role of Fox in the January 6 riots, including but not limited to:

- (a) Brian Stetler, "'Firehose of falsehood:' How Trump is trying to confuse the public about the election outcome", CNN, 30 November 2020
- (b) Oliver Darcy, "Right-wing media gathered the tinder. Trump just lit it on fire", CNN, 7 January 2021;
- (c) Christopher Warren, "One side of journalism normalised Trump, the other fed his base. Both were wrong", Crikey, 8 January 2021;
- (d) Alex Barker, "James Murdoch blasts US media for unleashing 'insidious forces'", The Financial Times, 16 January 2021;
- (e) Erik Wemple, "Never forget Fox News's promotion of the 'Big Lie'", The Washington Post, 19 January 2021;
- (f) Thomas Friedman, "President Donald J. Trump: The End", The New York Times, 19 January 2021;
- (g) Steven Strauss, "Taking the low road works. Democrats should try it to rein in Republican norm-busting", USA Today, 31 January 2021;
- (h) Justin Baragona, "How Fox News Primetime Jacked Up Trump's 'Big Lie'", The Daily Beast, 7 February 2021;
- (i) Max Boot, "Sadly, Fox News can't be impeached", The Washington Post, 9 February 2021;
- (j) Amanda Meade, "Kevin Rudd says Sky News is using Fox model to radicalise politics in Australia", The Guardian, 10 February 2021.
- (k) Amber Schultz, "'There is now a market for crazy': Turnbull slams Murdoch press at media diversity inquiry", Crikey, 12 April 2021;
- (l) Malcolm Turnbull, "Malcolm Turnbull speaking to the Senate Inquiry into Media Diversity in Australia", 12 April 2021;
- (m) Jack Shafer, "Will a Boycott Knock Tucker Off the Air? Don't Count on It", Politico, 21 April 2021;
- (n) Katharine Murphy, "Former US intelligence director backs Turnbull and Rudd's call for Murdoch media inquiry", The Guardian, 21 April 2021;
- (o) Charles Sykes, "Paul Ryan, It's Time for You to Stand Up to Fox", Politico, 4 May 2021;

- (p) Brian Stetler, "'We turned so far right we went crazy:' How Fox News was radicalized by its own viewers", CNN, 8 June 2021
- (q) Alex Shephard, "Brian Stelter on How the 2020 Election 'Radicalized' Fox News", New Republic, 10 June 2021
- (r) Brian Stelter, "How right-wing networks covered the January 6 hearing after months of soft-pedaling the Capitol attack", CNN, 28 July 2021;
- (s) Malcolm Turnbull, "Malcolm Turnbull on Murdoch, lies and the climate crisis: 'The same forces that enabled Trump are at work in Australia'", The Guardian, 18 October 2021;
- (t) James Risen, "In the Shadow of the Jan. 6 Hearings, Right-Wing Militancy Is on the Rise", The Intercept, 18 June 2022;
- (u) Farrah Tomazin, "'Furious' Trump knew Jan 6 protesters had weapons, fought Secret Service: aide", The Sydney Morning Herald, 20 June 2022;
- (v) Oliver Darcy, "Analysis: Trump's election lie becomes a big problem for MAGA Media", CNN, 22 June 2022;
- (w) Erik Larson and Mike Leonard, Bloomberg, "Fox News Parent Has to Face Defamation Suit Over Vote-Rigging Claims", Bloomberg, 22 June 2022;
- (x) Marshall Cohen, Zachary Cohen and Alex Rogers, "7 takeaways from Tuesday's shocking January 6 hearing", CNN, 28 June 2022;
- (y) Peta Fuller, "Donald Trump's temper and aggressive behaviour in lead up to Capitol riots revealed by Cassidy Hutchinson's testimony", ABC, 29 June 2022;
- (z) Steven Dennis, "Enraged Trump tried to hijack his own limo to drive to Capitol riots", The Australian Financial Review, 29 June 2022;
- (aa) Adam Gabbatt, "Extremist rhetoric from rightwing media and officials is 'intensifying', experts say", The Guardian, 2 July 2022;

~~47.7~~18.7 was aware of the detail of the case that had been brought by Dominion against Fox News in connection with the network's claims of widespread voter fraud;

~~47.8~~18.8 had read the substance of evidence given by Ms Hutchinson on 28 June 2022; and

~~47.9~~18.9 was aware of the facts, matters and circumstances set out at [1]-[~~16~~ 15] above.

~~48.19~~19. Mr Keane:

~~48.1~~19.1 included the reference to the Murdoch owned Fox News in the Article because he was comparing Trump's actions on January 6 to Richard Nixon's involvement in the Watergate scandal;

18.219.2 included the phrase “unindicted co-conspirator” as a reference to President Nixon, who was described by a grand jury as an “unindicted co-conspirator” in the conspiracy to cover up the Watergate burglary;

18.319.3 believed a key point of distinction between Presidents Nixon and Trump was that there was no media outlet like Fox in the 1970s;

18.419.4 was of the view that Fox has played an essential role in amplifying the division that Trump had caused and felt that any discussion of 6 January would be recklessly incomplete without an understanding of the media environment in the United States.

19.20. Both Mr Fray and Mr Keane firmly believed that:

19.120.1 the references to Mr Murdoch were a statement of Mr Keane’s opinion, based on his knowledge of the extensive reportage of Fox News’ involvement in the events leading up to Jan 6 and the Murdochs’ role as the guiding minds of Fox’s editorial strategy and programming;

19.220.2 the references to the Murdochs to be self-evidently hyperbolic, using creative licence to pick up on the notorious identification of Nixon as the “unindicted co-conspirator” in Watergate and drawing a parallel to the January 6 riots;

19.320.3 no one would read the words literally as suggesting that the Murdochs were guilty of criminal conspiracy or treason under US law.

20.21. Neither Mr Fray nor Mr Keane considered it necessary to contact Lachlan Murdoch for comment because he was not the target of the Article (“Murdoch” referring to the family or Fox News generally) and the Article was an opinion piece, not news reporting.

21.22. At the time of publication, the Respondents were conscious of the importance of freedom of expression in the discussion of matters of public interest.

Applicant

22.23. As to paragraph 1 of the SOC, the Respondents:

22.123.1 do not know and cannot admit whether Lachlan Murdoch is an Australian citizen;

22.223.2 otherwise admit the allegations contained in paragraph 1.

Respondents

23.24. As to paragraph 2 of the SOC, the Respondents:

23.124.1 admit paragraph 2.1;

23.224.2 do not admit paragraph 2.2;

23.324.3 admit paragraphs 2.3 to 2.8.

24.25. The Respondents admit the allegations contained in paragraph 3 of the SOC.

~~25.26.~~ The Respondents admit the allegations contained in paragraph 4 of the SOC.

Article

~~26.27.~~ As to paragraph 5 of the SOC, the Respondents:

~~26.127.1~~ admit paragraphs 5.1 to 5.6;

~~26.227.2~~ say that on the Crikey website, the Article was promoted as “unlocked” (that is, free for non-subscribers to read), and otherwise admit paragraph 5.7;

~~26.327.3~~ admit paragraphs 5.8 to 5.13;

~~26.427.4~~ do not admit paragraph 5.14;

~~26.527.5~~ deny paragraph 5.15;

~~26.627.6~~ deny paragraph 5.16;

~~26.727.7~~ deny paragraph 5.17;

~~26.827.8~~ admit paragraph 5.18;

~~26.927.9~~ admit paragraph 5.19;

~~26.1027.10~~ do not admit paragraphs 5.20, 5.21, 5.22 and 5.23;

~~26.1127.11~~ deny paragraph 5.24;

~~26.1227.12~~ admit that the Sydney Morning Herald article was promoted on Will Hayward’s LinkedIn profile and otherwise deny paragraph 5.25;

~~26.1327.13~~ deny paragraph 5.26;

~~26.1427.14~~ admit paragraph 5.27;

~~26.1527.15~~ deny paragraph 5.28;

~~26.1627.16~~ in answer to paragraph 5.29, admit that Private Media reposted the Article in the form alleged but otherwise deny paragraph 5.29;

~~26.1727.17~~ admit paragraphs 5.30 and 5.31;

~~26.1827.18~~ deny paragraph 5.32;

~~26.1927.19~~ admit paragraphs 5.33 to 5.35;

~~26.2027.20~~ as to paragraph 5.36, deny that as at 15 August the tweet had attracted 734 retweets and otherwise admit paragraph 5.36;

~~26.2127.21~~ admit paragraphs 5.37 and 5.38;

~~26.2227.22~~ do not admit paragraphs 5.39, 5.40 and 5.41;

~~26.23~~27.23 as to paragraph 5.42, admit that an advertisement was published in the New York Times as alleged, but deny that it was written by Peter Fray;

~~26.24~~27.24 admit paragraphs 5.43 to 5.44;

~~26.25~~27.25 as to paragraph 5.45, the Respondents admit that the homepage of the Crikey website was dominated by articles about Lachlan Murdoch and the Article and:

- (a) deny paragraphs 5.45(a) and 5.45(b);
- (b) admit paragraph 5.45(c);
- (c) deny paragraphs 5.45(d) and 5.45(e);
- (d) admit paragraph 5.45(f);
- (e) deny paragraph 5.45(g);

~~26.26~~27.26 admit paragraph 5.46;

~~26.27~~27.27 admit paragraph 5.47;

~~26.28~~27.28 admit paragraph 5.48;

~~26.29~~27.29 do not admit paragraph 5.49;

~~26.30~~27.30 admit paragraphs 5.50(a) to 5.50(l);

~~26.31~~27.31 as to paragraph 5.51, admit that Private Media, Will Hayward and Bernard Keane retweeted articles from other media organisations but otherwise deny paragraph 5.51;

~~26.32~~27.32 do not admit paragraphs 5.52 and 5.53;

~~26.33~~27.33 admit paragraphs 5.54 to 5.58;

~~26.34~~27.34 deny paragraph 5.59;

~~26.35~~27.35 admit paragraph 5.60;

~~26.36~~27.36 do not plead to paragraphs 5.61, 5.62 and 5.63 as they contain no allegations against the Respondents.

~~27.28~~. As to paragraph 6 of the SOC, the Respondents:

~~27.1~~28.1 admit paragraphs 6.1 and 6.2;

~~27.2~~28.2 does not admit paragraph 6.3;

~~27.3~~28.3 admit paragraphs 6.4;

~~27.4~~28.4 do not know and cannot admit paragraph 6.5;

~~27.5~~28.5 admit paragraphs 6.6 to 6.11;

~~27.6~~28.6 deny paragraph 6.12;

~~27.7~~28.7 admit paragraph 6.13;

~~27.8~~28.8 deny paragraph 6.14;

~~27.9~~28.9 admit paragraph 6.15,

and otherwise;

~~27.10~~28.10 do not admit that from 29 June 2022 to 15 August 2022, the Article was of and concerning Lachlan Murdoch; and

~~27.11~~28.11 admit that from 15 August 2022 to date, the Article was of and concerning Lachlan Murdoch.

~~28.29.~~ The Respondents deny paragraph 7 of the SOC as the Article, in its natural and ordinary meaning, was not capable of conveying or in fact conveyed any of the Imputations or any imputation not differing in substance.

Serious harm

~~29.30.~~ The Respondents deny the allegations in paragraph 8 of the SOC.

Concerns notice

~~30.31.~~ The Respondents admit paragraph 9 of the SOC.

~~31.32.~~ The Respondents admit paragraphs 10 to 12 of the SOC.

~~32.33.~~ As to paragraph 13 of the SOC, the Respondents say:

~~32.1~~33.1 on 27 July 2022, by their solicitors Marque Lawyers, they made an **Offer of Amends**;

~~32.2~~33.2 they rely on the Offer of Amends for its full effect; and

~~32.3~~33.3 they otherwise deny paragraph 13 of the SOC.

~~33.34.~~ The Respondents admit paragraphs 14 to 18.

Damages

~~34.35.~~ The Respondents deny paragraph 19 of the SOC.

~~35.36.~~ The Respondents deny paragraph 20 of the SOC.

~~36.37.~~ Further, if, which is denied, Lachlan Murdoch is found to be entitled to any damages as a result of publication of any of the Matters Complained Of, the Respondents will rely in mitigation of damages upon the following:

~~36.1~~37.1 ~~the matters alleged in paragraphs [1]-[22] above;~~

36.237.2 the facts, matters and circumstances proven in support of the defences pleaded;

36.337.3 the bad reputation of Lachlan Murdoch amongst the Australian people in the sector of his reputation for his role as CEO-co-Chair of News Corporation, Executive Chairman and CEO of Fox Corporation News, a global media conglomerate which published, inter alia, Fox News, a conservative media channel providing biased —reporting in favour of conservative political positions and News International, an organisation that engaged in systemic unethical practices in investigative reporting;

36.437.4 the circumstances in which it is proved the Matters Complained Of were published;

36.537.5 such further matters as may be identified following discovery and interrogatories.

Injunctive relief

37.38. The Respondents do not admit paragraph 21 of the SOC.

38.39. The Respondents do not admit paragraph 22 of the SOC.

39.40. The Respondents do not admit paragraph 23 of the SOC.

40.41. The Respondents do not admit paragraph 24 of the SOC.

Defence - Publication of matter in the public interest, s29A Defamation Act 2005

41.42. By reason of the matters set out at [1]-[22] above, if the matter complained of is found to be defamatory in that it conveyed one or more of the Imputations, which is denied, the Respondents say that:

42.1 the Article concerned Mr Trump's conduct in connection with the election of November 2020, the state of American democracy, the polarisation within American politics borne out by the events of January 6, and the media environment in which those events took place and, more broadly, the influence on electors and representative government of the global media conglomerates Fox Corporation (being News Corporation and Fox Corporation) controlled by members of the Murdoch family, on electors and representative government all of which were matters of public interest;

41.142.2 they reasonably believed that the publication of the matter was in the public interest; and

41.242.3 in the premises, publication of the Article was therefore in the public interest and therefore defensible pursuant to s29A Defamation Act 2005 and its equivalents in the States and Territories.

Defence - Lange qualified privilege

43. Further, and in the alternative, if the matter complained of is found to be defamatory in that it conveyed one or more of the Imputations, which is denied, the Respondents say:

43.1 ~~in reliance on~~ By reason of the matters at paragraphs at [1]-[22] and [42.1] above, that the matter related to governmental or political matters; and

43.2 By reason of the matters at [17]-[22] above, that the Respondents acted reasonably in publishing the matter; and

43.3 Therefore the matter was published on an occasion of qualified privilege, being the implied Constitutional freedom of communication about governmental or political matters ("Lange defence").

44. In the alternative to 43.3 above, the Respondents say that:

(a) the concept of reasonableness must be adapted, or the requirement more strictly construed, so as to ensure that an inappropriate burden is not imposed on the implied freedom;

(b) the imposition of a reasonableness criterion as part of the *Lange* defence is inappropriate and should be revisited.

Defence – failure to accept reasonable offer of amends, s18 *Defamation Act 2005*

42-45. If the matter complained of is found to be defamatory in that it conveyed one or more of the Imputations, which is denied, the Respondents say that on 27 July 2022, by their solicitors Marque Lawyers, they made an offer of amends to Lachlan Murdoch pursuant to and conformable with s13 of the *Defamation Act 2005* (**Offer of Amends**).

43-46. The Offer of Amends was made as soon as reasonably practicable after they were given a concerns notice in respect of the matter (and, in any event, within the applicable period for an offer to make amends).

44-47. The Respondents were ready and willing, on acceptance of the Offer of Amends by Lachlan Murdoch to carry out the terms of the offer.

45-48. In all the circumstances, the Offer of Amends was reasonable.

46-49. On 29 July 2022, the Offer of Amends was rejected.

47-50. In the premises, the Respondents have a defence to the action pursuant to s18 *Defamation Act 2005*.

Date: 320 September 2022



Signed by Michael Bradley
Lawyer for the Respondents

This pleading was prepared by Michael Hodge KC and Clarissa Amato of Counsel.

I

Certificate Identifying Annexure

Federal Court of Australia

No. NSD 673 of 2022

District Registry: NSW

Division: General Division

LACHLAN KEITH MURDOCH

Applicant

PRIVATE MEDIA PTY LTD & ORS

Respondent

This and the following 2 pages is the annexure marked "**JC-22**" now produced and shown to John Michael Churchill at the time of swearing his affidavit on 6 October 2022 before me



Signature of witness

Sam Hagan, lawyer with a current practising certificate

Our reference MB/13921
Phone +61 2 8216 3006
Email michaelb@marquelawyers.com.au

4 October 2022

John Churchill
Level 3, 32 Martin Place
Sydney NSW 2000

By email: jmc@johnchurchill.com.au

Dear Mr Churchill

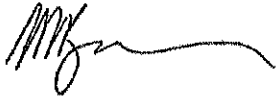
Private Media Pty Limited – Lachlan Murdoch

1. We refer to the Reply filed by your client on 20 September 2022 and adopt the defined terms used therein.
2. Paragraph 5.5 of the Reply says that, in publishing the Article, our clients were “*actuated by malice in that they predominantly acted with the improper purpose or purposes of harming Murdoch and/or seeking to attract unwarranted attention to the article by using Murdoch’s name...*”.
3. This pleading has been made in answer to our clients’ public interest defence, under section 29A of the *Defamation Act 2005* (NSW) (**the Act**).
4. In contrast to the qualified privilege defence (see section 30(4) of the Act), section 29A does not contain a provision that allows a public interest defence to be defeated by malice.
5. Consequently, paragraph 5.5 of your client’s Reply is bad in law and should be withdrawn.
6. Our client invites you to indicate that you will amend your client’s Reply to remove paragraph 5.5 **by 4:00pm tomorrow**.
7. If the Reply is not amended, our clients will apply to strike out paragraph 5.5 and ask that this application be heard on Monday 10 October, at the same time as your client’s interlocutory application.

MAR/
QUE

80

Yours sincerely

A handwritten signature in black ink, appearing to read 'M Bradley', with a long, sweeping horizontal line extending to the right.

Michael Bradley
Managing Partner

Certificate Identifying Annexure

Federal Court of Australia

No. NSD 673 of 2022

District Registry: NSW

Division: General Division

LACHLAN KEITH MURDOCH

Applicant

PRIVATE MEDIA PTY LTD & ORS

Respondent

This and the following 1 page is the annexure marked "**JC-23**" now produced and shown to John Michael Churchill at the time of swearing his affidavit on 6 October 2022 before me



Signature of witness

Sam Hagan, lawyer with a current practising certificate

JOHN CHURCHILL

LEVEL 3, 32 MARTIN PLACE, SYDNEY, NSW, 2000

TELEPHONE 02 9216 9816 MOBILE 0413 98 66 77 EMAIL jmc@johnchurchill.com.au

4 October 2022

Mr Michael Bradley
Managing Partner
MARQUE Lawyers Pty Ltd
Level 4, 343 George Street
Sydney NSW 2000
Email: michaelb@marquelawyers.com.au

Dear Mr Bradley

Murdoch v Private Media & Ors

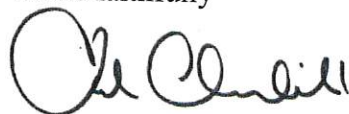
I refer to your letter today.

Paragraph 5 of the Reply does not assert that malice “defeats s29A”. An allegation of fact is made in paragraph 5.5 of the Reply about the state of mind of the respondents in publishing the Article which is inconsistent with the state of mind alleged in paragraph 42 the Defence (note the words “*were instead*”). It was included in order to put your clients on notice and thus avoid surprise.

I disagree that it is “bad in law” given it is a factual matter underpinning a submission about the state of mind of the respondents relevant to s29A that will be raised at trial.

I trust this clarifies matters.

Yours faithfully



John Churchill

Certificate Identifying Annexure

Federal Court of Australia

No. NSD 673 of 2022

District Registry: NSW

Division: General Division

LACHLAN KEITH MURDOCH

Applicant

PRIVATE MEDIA PTY LTD & ORS

Respondent

This and the following 5 pages is the annexure marked "**JC-24**" now produced and shown to John Michael Churchill at the time of swearing his affidavit on 6 October 2022 before me



Signature of witness

Sam Hagan, lawyer with a current practising certificate

John Churchill

From: John Churchill
Sent: Wednesday, 5 October 2022 6:11 PM
To: Lauren Gasparini
Cc: Michael Bradley; Phyllida Behm
Subject: RE: Murdoch v Private Media & Ors - Interlocutory Application [ML-Documents.FID3902062]

Dear Lauren

Your understanding is correct, as the orders made the 26 September stand, with the addition of the steps below to deal with the Respondents interlocutory application.

Regards

John

JOHN CHURCHILL

LEVEL 3, [32 MARTIN PLACE, SYDNEY, NSW, 2000](#)
 TEL: [02 9216 9816](#) MOBILE: [0413986677](#)
jmc@johnchurchill.com.au

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From: Lauren Gasparini <laureng@marquelawyers.com.au>
Sent: 05 October 2022 05:30 PM
To: John Churchill <jmc@johnchurchill.com.au>
Cc: Michael Bradley <michaelb@marquelawyers.com.au>; Phyllida Behm <phyllidab@marquelawyers.com.au>
Subject: RE: Murdoch v Private Media & Ors - Interlocutory Application [ML-Documents.FID3902062]

Dear John

Thank you for your email.

We understand that your proposed timetable requires the following:

1. Respondents to file and serve submissions in support of the Respondents' interlocutory application filed today by 2:00pm tomorrow;
2. Respondents to file and serve submissions in support of the Applicant's interlocutory application filed on 22 September 2022 by 12:00pm on Friday; and
3. Applicant to file and serve submissions in support of the Respondents' interlocutory application filed today by 4:00pm on Friday.

Assuming the above understanding is correct, we agree to the proposed correspondence outlined below being sent to the Associate and will do so once confirmation is received in relation to the above.

Kind regards
Lauren

Lauren Gasparini
Senior Associate

Certified



Corporation

MARQUE Lawyers Pty Ltd

P: +61 2 8216 3087

Level 4, 343 George Street, Sydney NSW 2000

marquelawyers.com.au / [LinkedIn](#) / [Twitter](#) / [Instagram](#)

Official lawyers for [TEDxSydney](#)

We do not disclaim anything about this email. We're quite proud of it, really.

From: John Churchill <jmc@johnchurchill.com.au>

Sent: Wednesday, 5 October 2022 4:32 PM

To: Lauren Gasparini <laureng@marquelawyers.com.au>

Cc: Michael Bradley <michaelb@marquelawyers.com.au>; Phyllida Behm <phyllidab@marquelawyers.com.au>

Subject: RE: Murdoch v Private Media & Ors - Interlocutory Application [ML-Documents.FID3902062]

Dear Lauren

I refer to our exchange of emails today.

The applicant consents to having the interlocutory application filed by the respondents today determined on Monday so long as:

1. The court can accommodate it, having regard to his Honour's availability on 10 October;
2. The respondents file and serve their submissions in support of the interlocutory application by 2pm on Thursday 6 October;
3. The applicant file and serve submissions in response by 4pm on Friday 7 October.

Having regard to the content of my letter yesterday, the applicant does not agree with your characterisation of the application in your proposed email to the court. I also note that, from the applicant's perspective, the application is misconceived and serves no purpose particularly given the content of paragraph 7 of the Reply. He will seek an appropriate costs order against the respondents having regard to those factors.

If the matters set out in paragraphs 1-3 above are agreed, the applicant consents to a communication to the Associate as follows:

Dear Associate

We refer to the interlocutory hearing scheduled at 10:15am on Monday 10 October 2022 and we write with the consent of the lawyers for the Applicant.

We enclose the Respondents' application filed on 5 October to strike out paragraph 5.5 of the Applicant's Reply, which follows an exchange of correspondence between the parties this week.

The parties ask that the application be heard at the same time as the Applicant's interlocutory application on Monday 10 October. The parties are available all day if necessary to ensure that both

applications can be dealt with. If that is convenient to the Court, the parties propose the following orders in relation to the second application: 86

1. The respondents file and serve submissions in support of their application by 2pm 6 October 2022;
2. The applicant file and serve submissions in response by 4pm 7 October 2022;
3. The interlocutory application filed on 5 October 2022 be listed for hearing at 10:15 am on 10 October 2022.

Please let us know if his Honour is agreeable to that course and if you require further information.

Regards
John

JOHN CHURCHILL

LEVEL 3, 32 MARTIN PLACE, SYDNEY, NSW, 2000
TEL: 02 9216 9816 MOBILE: 0413986677
jmc@johnchurchill.com.au

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From: Lauren Gasparini <laureng@marquelawyers.com.au>
Sent: Wednesday, 5 October 2022 12:29 PM
To: John Churchill <jmc@johnchurchill.com.au>
Cc: Michael Bradley <michaelb@marquelawyers.com.au>; Phyllida Behm <phyllidab@marquelawyers.com.au>
Subject: RE: Murdoch v Private Media & Ors - Interlocutory Application [ML-Documents.FID3902062]

Dear John

Thank you for your below response.

If you could get back to us by 5:00pm, that would be much appreciated.

Kind regards
Lauren

From: John Churchill <jmc@johnchurchill.com.au>
Sent: Wednesday, 5 October 2022 11:49 AM
To: Lauren Gasparini <laureng@marquelawyers.com.au>
Cc: Michael Bradley <michaelb@marquelawyers.com.au>; Phyllida Behm <phyllidab@marquelawyers.com.au>
Subject: RE: Murdoch v Private Media & Ors - Interlocutory Application [ML-Documents.FID3902062]

Dear Lauren

I refer to your email below.

Having regard to the fact that you have had the Reply for over two weeks, the deadline you have imposed (of just over an hour) is unreasonable.

I do not consent to you approaching the Court until I have had an opportunity to consider the matter with Ms Chrysanthou and to obtain instructions. I will respond to your email as requested once I have done so.

Regards

John

JOHN CHURCHILL

LEVEL 3, [32 MARTIN PLACE, SYDNEY, NSW, 2000](#)
TEL: [02 9216 9816](#) MOBILE: [0413986677](#)
jmc@johnchurchill.com.au

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From: Lauren Gasparini <laureng@marquelawyers.com.au>

Sent: 05 October 2022 10:40 AM

To: John Churchill <jmc@johnchurchill.com.au>

Cc: Michael Bradley <michaelb@marquelawyers.com.au>; Phyllida Behm <phyllidab@marquelawyers.com.au>

Subject: Murdoch v Private Media & Ors - Interlocutory Application [ML-Documents.FID3902062]

Dear John

As foreshadowed in our letter sent yesterday, please find **attached** our clients' interlocutory application dealing with paragraph 5.5 of your client's Reply. We are in the process of filing the **attached** document and will send through a sealed copy once available.

We propose sending joint correspondence to the Associate in the terms outlined below alerting his Honour to this application and our clients' intention to have the application dealt with on Monday for convenience.

Could you please advise as to whether your client consents to the below email being sent to his Honour's Associate or whether you have any suggested changes? We would appreciate if you could please let us know whether your client consents **by 12:00pm today**, which is when we intend to send the below email to the Associate.

Dear Associate

We refer to the hearing scheduled on Monday, 10 October 2022 and we write with the consent of the Applicant.

We enclose the Respondents' application to strike out paragraph 5.5 of the Applicant's Reply, which follows an exchange of correspondence between the parties.

The point is a confined one, namely that malice is not a ground of defeasance to the defence under s29A of the Defamation Act. The Respondents ask that the application be heard at the same time as the Applicant's application on Monday 10 October and will include concise argument on the application in their written submissions due this Friday 7 October 2022.

Please let us know if you require further information.

Kind regards
Lauren

Lauren Gasparini
Senior Associate

Certified



Corporation

MARQUE Lawyers Pty Ltd

P: +61 2 8216 3087

Level 4, 343 George Street, Sydney NSW 2000

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