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1 A. Yes.

2 Q. Great.

3 MR. NKWONTA: You can take that  
4 down. And can we pull up Document 75,  
5 please.

6 (Exhibit 75 marked for  
7 identification.)

8 BY MR. NKWONTA:

9 Q. Ms. Engelbrecht, do you recognize  
10 Document 75? Have you seen this document before?

11 A. Yes.

12 Q. And this is a deposition notice  
13 issued to you individually; is that correct?

14 A. Yes.

15 Q. And do you understand that you are  
16 also being deposed today in your individual  
17 capacity?

18 A. Yes.

19 Q. Okay. And as we have done with the  
20 prior deposition in this case, we will ask that  
21 you agree that your answers today will be  
22 attributed to you and/or True the Vote, unless we

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1 specify otherwise, or you specify otherwise in  
2 the deposition in response to that question. Is  
3 that fair?

4 A. Yes.

5 MR. NKWONTA: And do you agree to  
6 that, counsel.

7 MR. BOPP: Do I agree to what?

8 MR. NKWONTA: That Ms. Engelbrecht's  
9 answers will be attributed to Ms. Engelbrecht  
10 and True the Vote, unless she specifies  
11 otherwise in response, just as we did  
12 yesterday?

13 MR. BOPP: I assume your questions  
14 are directed at her in both capacities.

15 THE VIDEOGRAPHER: And counsel,  
16 sorry. I apologize. This is Joe. I just  
17 want to make sure for clarity that  
18 Document 75 and 76, will those be entered  
19 into as exhibits?

20 MR. NKWONTA: Yes, those will be  
21 entered in as exhibits.

22 I think what might be best is I will

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1 continue to refer to them throughout the  
2 deposition as 75 and 76. And then we can  
3 decide after the fact whether we want to  
4 number them sequentially. Is that fair?

5 THE VIDEOGRAPHER: Understood.

6 BY MR. NKWONTA:

7 Q. Ms. Engelbrecht, I want to start  
8 with some background questions for you.

9 Where do you currently reside?

10 A. In Cat Spring, Texas.

11 Q. Are you a Texas native?

12 A. Yes.

13 Q. And what do you do for a living?

14 A. In addition to my work with True the  
15 Vote, I am the co-founder of a healthcare fintech  
16 software company.

17 Q. What is your role with True the  
18 Vote?

19 A. I am both the founder of the  
20 organization and its current president.

21 Q. Sorry, I didn't hear the last bit of  
22 your answer. Do you mind repeating that?

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1           A.     So sorry.  Sure, with respect to  
2 True the Vote, I am the founder of the  
3 organization and its current president.

4           MR. BOPP:  And, Catherine, please  
5           don't interrupt him.  Let -- if he needs to  
6           say something, just sit tight.  Okay?

7           THE WITNESS:  Sure.

8 BY MR. NKWONTA:

9           Q.     When was True the Vote founded?  You  
10           mentioned that you are the founder.

11                   When did you launch True the Vote?

12           A.     We started as a organization in late  
13 2009 and filed official paperwork for its  
14 designation under the IRS rules as a nonprofit in  
15 2010, in the summer of 2010.

16           Q.     What was True the Vote's mission  
17 when the organization first launched in 2009 or  
18 2010?

19           A.     We had learned that there were not  
20 enough poll watchers or poll workers broadly.  
21 And that seemed like a good project to take on  
22 just to encourage people to work in the polls.

1 And then from there we became more aware of other  
2 challenges in the system.

3 Q. And what types of activities did  
4 True the Vote engage in when it first launched in  
5 2009/2010?

6 A. First, understanding the process  
7 where we started which was in Harris County,  
8 Texas.

9 So, understanding the process of our  
10 elections. Understanding the need for volunteers  
11 and where those volunteers -- how they can be  
12 placed and the rules around those placements.  
13 And that was the origin of the organization and  
14 our activities.

15 Q. You mentioned assessing the need for  
16 volunteers and where those volunteers needed to  
17 be placed.

18 In that initial period when you  
19 launched True the Vote, where did you, your  
20 organization determine the greatest needs were?

21 A. Well, to make that determination we  
22 met with -- in Harris County there is a -- the

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1 terms of your role with the organization.

2 How many employees did King Street  
3 Patriot have when the organization was first  
4 launched?

5 A. Oh, first launched, none. We didn't  
6 have any employees for several years.

7 Q. And did you ever have employees or  
8 did you rely solely on volunteers and outside  
9 contractors?

10 A. We did have, as I recall, one or two  
11 employees, but it was far and away run by  
12 volunteers.

13 Q. Were you also in charge of the  
14 day-to-day operations with respect to  
15 communications including press or other types of  
16 media?

17 A. I would have certainly had a  
18 leadership role, or as I commented earlier, would  
19 have made it a goal to always look at things that  
20 were being published.

21 But it was, with King Street  
22 particularly more volunteer oriented and less, or

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1 less structured.

2 Q. So, just to be a little bit more  
3 specific, if there was a press release issued by  
4 King Street Patriots, would that press release  
5 have come from an employee or from you, or would  
6 it have been something that you would have  
7 overseen or supervised?

8 A. It could have -- really any of those  
9 could have been accurate. It may have been  
10 something that a volunteer wrote. It would  
11 certainly have been something that I would have  
12 wanted to have seen.

13 Although I can't attest to having  
14 seen everything, unfortunately.

15 Q. The standard practice was to, -- was  
16 for you to be able to approve all of the  
17 communications and the media that would come out  
18 of King Street Patriots, is that fair?

19 A. That was the goal. That was the  
20 goal.

21 Q. Have you heard of the organization  
22 called Time for a Hero?

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1 A. Yes.

2 Q. And what is your connection to that  
3 organization?

4 A. The organization no longer is  
5 active, but that was an organization started by  
6 myself and Gregg Phillips.

7 The purpose of that organization was  
8 to assist with the needs of Special Forces  
9 Veterans. And it started out sort of broadly  
10 looking to support the needs that ultimately  
11 turned into sort of a medical missions driven  
12 program.

13 And it was --

14 Q. When did --

15 A. Sorry, go ahead.

16 Q. No, you finish your answer.

17 A. It was -- well, I was about to say  
18 I'm not even really -- I don't quite remember  
19 when it started or ended. It was -- I'm sorry,  
20 please ask your question.

21 Q. I was going to ask when it started.

22 A. Let me think. 20 -- I don't clearly



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1 remember, is probably my best answer. 2018'ish,  
2 2019. But, I don't clearly remember.

3 Q. So, after 2015, is that fair to say?

4 A. Yes, yes.

5 Q. And is that organization still in  
6 existence or still in operation?

7 A. No.

8 Q. When did the organization cease  
9 to -- cease all operations, I should say?

10 A. As a practical matter we stopped  
11 doing -- we stopped doing activities, I guess, in  
12 2020, in late 2019 and early 2020.

13 But then submitted paperwork to the  
14 IRS, the final tax filing and so forth in 2020.

15 Q. And why did the organization cease  
16 operations?

17 A. We had the -- for a variety of  
18 reasons. The hope of the organization was to  
19 support the medical needs or certain of the  
20 medical needs of Special Forces Veterans with  
21 traumatic brain injuries. And that is a tall  
22 order.

1                   There is a lot of things that you  
2                   don't think about that will come with that. And  
3                   so, and there is so many new organizations that  
4                   were better equipped to, I think, handle that.

5                   And you know, we were just doing  
6                   what we could. I think we helped other  
7                   organizations kind of find their footing but then  
8                   at that point there was no real need for us to  
9                   continue on.

10                  Q.       Sounds like a lot of work.

11                  A.       You know, it is, it is a lot. It is  
12                  a lot.

13                  Q.       What was your role within Time for a  
14                  Hero?

15                  A.       I don't remember the structural --  
16                  my structural designation in terms of the  
17                  paperwork. I don't remember if I was president  
18                  or vice president.

19                               But it was very sort of equally,  
20                               equally yoked between Greg Phillips and myself.  
21                               And primarily what I did was support the, support  
22                               the intake, the review of applications for

1 contractor, were both veterans themselves and  
2 very single-minded in their desire to  
3 communicate.

4 And so they oftentimes just  
5 communicated without --

6 Q. And again --

7 A. -- clear oversight from the Board.

8 Q. And would they communicate on their  
9 own behalf or on behalf of Time for a Hero?

10 A. I did not -- I have not seen  
11 everything that was ever put out.

12 I would, I would venture to say that  
13 it would -- their approach would have found it to  
14 be a little bit of both. That they would have  
15 communicated personally with their own  
16 experiences and then on behalf of the  
17 organization.

18 Q. And would you have seen all of the  
19 communications that have come out from Time for a  
20 Hero?

21 A. No. No, I would -- I don't think  
22 so.

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1 Q. Do you have access to any of the  
2 organizations' press releases or statements?

3 A. I may have some. I don't have all.  
4 Certainly I don't have all. I don't have access  
5 to any of the social media stuff anymore.

6 Q. Did you at any point have access to  
7 any of the organizations' social media accounts?

8 A. I would have known their log-ins. I  
9 never posted anything that I recall.

10 But in the later periods of the  
11 organization, the individual who was organizing  
12 that or was overseeing the operation used it --  
13 changed the passwords and we didn't have them.

14 Q. So, the two gentlemen that you spoke  
15 of who were also involved with the organization,  
16 what were their names?

17 A. The first gentleman who ran the  
18 organization for a period was Travis -- I cannot  
19 remember his last name. I apologize. And then  
20 the second gentleman was short lived. His name  
21 escapes me. I apologize. I don't recall his  
22 name. I should. I just don't. It is not coming

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1 to me right now.

2 Q. What was his position?

3 MR. BOPP: I have to unmute myself.

4 I would like to talk to my client for one  
5 minute here.

6 So, if Catherine, you would turn off  
7 your video and your audio, I will do the same  
8 and I will call you.

9 MR. NKWONTA: Mr. Bopp --

10 THE WITNESS: Okay.

11 MR. NKWONTA: Mr. Bopp, I, I assert  
12 an objection to you conferring with your  
13 client about a pending question. As you know  
14 that is improper under the federal rules, and  
15 I would ask that you allow --

16 MR. BOPP: You can purport to  
17 instruct me however you wish. Good-bye.

18 THE VIDEOGRAPHER: Counsel, do you  
19 want to go off the record?

20 MS. BRYAN: Are we still on the  
21 record?

22 MR. NKWONTA: No, I believe Joe said

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1 we are off the record.

2 MS. BRYAN: I would recommend that  
3 you stay on the record and record the time  
4 that Bob left and the time Bob comes back on.

5 MR. NKWONTA: We can do that, but  
6 that will still be reflected on the --  
7 whether we are on or off the record, right?

8 MS. BRYAN: Well, that is true. You  
9 are right.

10 MR. NKWONTA: So, let's go off the  
11 record just to save time.

12 THE VIDEOGRAPHER: We are now going  
13 off the video record, the time is 8:50 a.m.

14 (Recess taken -- 8:50 a.m.)

15 (After recess -- 8:55 a.m.)

16 THE VIDEOGRAPHER: We are now going  
17 back on the video record. The time is  
18 8:55 a.m.

19 BY MR. NKWONTA:

20 Q. Ms. Engelbrecht, we just took a  
21 short break. Now we are back on the record.

22 Do you recognize that you are still

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1 under oath?

2 A. Yes.

3 Q. During the break, did you discuss  
4 with your counsel any of the questions that I  
5 asked or the response to the question that I had  
6 asked before you took a break?

7 And I'm asking this without  
8 disclosing the, what you actually discussed. I'm  
9 asking whether you discussed the content of the  
10 question that I asked before we took a break?

11 A. No.

12 Q. So, you did not discuss any of my  
13 questions about Time for a Hero before we took a  
14 break?

15 A. No.

16 Q. During that break you did not  
17 discuss any of the questions that I asked  
18 regarding Time for a Hero with Mr. Bopp?

19 A. No.

20 MR. NKWONTA: Okay. Joe, could we  
21 pull up Exhibit 74, please.

22 (Exhibit 74 marked for

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1 volunteers working inside of elections.

2 And the thought behind the outreach  
3 was that these were folks that are very good at  
4 chain of command, at understanding process.

5 And in our experience they make  
6 great volunteers for these kinds of things,  
7 because often when you have people who are very  
8 well intended, but they are not as familiar with  
9 that construct of, you know, ordered processing  
10 and very observant of standards and time periods  
11 in which things must be reported in an orderly  
12 fashion, that can throw people.

13 And for people that come out of  
14 backgrounds that are more oriented towards that  
15 chain of command, that works, they do really  
16 well. And so that was the thought behind  
17 Continue to Serve.

18 MR. NKWONTA: Joe, can you pull up  
19 Exhibit 65 or Document 65.

20 (Exhibit 65 marked for  
21 identification.)

22 BY MR. NKWONTA:



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1 Q. Ms. Engelbrecht, Document 65 is a  
2 transcript of a statement that you made which we  
3 had transcribed and which we -- which True the  
4 Vote acknowledged in response to one of our  
5 requests for admission that this was a correct --  
6 it is a true and correct transcript.

7 MR. NKWONTA: Joe, can you go to --

8 MR. BOPP: I'm sorry, I have a  
9 question. I didn't understand what you just  
10 said.

11 What is the date of this, did you  
12 say?

13 MR. NKWONTA: The date of this  
14 transcript?

15 MR. BOPP: Yes. You gave a date.

16 MR. NKWONTA: August 13, 2021.

17 MR. BOPP: Okay, all right, thank  
18 you. Sorry, I didn't understand what you  
19 said.

20 MR. NKWONTA: Joe, can you go to the  
21 second page of this transcript.

22 BY MR. NKWONTA:

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1 Q. Ms. Engelbrecht, can you read this  
2 second paragraph into the record.

3 A. "Of interest here, we have a new  
4 initiative called Continue to Serve which is  
5 about recruiting veterans and first responders to  
6 work inside the polls. You want to talk about  
7 people who understand and respect law and order  
8 and chain of command, you get Seals in the polls.

9 "And they're going to say no, no,  
10 that is not -- this is what it says and this is,  
11 this is how we're going to play the show. And  
12 that's what we need."

13 Q. When you were making this statement  
14 and when you were referring to Seals in the  
15 polls, who did you envision them referring to or  
16 interacting with?

17 A. Well -- I'm sorry. Can you repeat  
18 the question?

19 Q. Sure. Who did you envision -- when  
20 you were making the statement, who did you  
21 envision the Seals interacting with or talking  
22 to?

1           A.       Depending upon the capacity in which  
2 they were working, things can get very confusing  
3 in polling places. And the thought was just the  
4 individuals that are, as I say here, familiar  
5 with that kind of law of order and chain of  
6 command and understanding process are very  
7 decisive in their, this is how we need to do  
8 this, this is what the rules say.

9                       So, I'm familiar with this entire  
10 situation and how this came about. And I would  
11 say that, you know, it was taken out of context.  
12 That is, what I have just explained to you was  
13 the, the rationale behind the comment.

14           Q.       And you anticipate that these Seals  
15 would be interacting with people in the polling  
16 place including voters or election officials; is  
17 that correct?

18           A.       I would say that veterans and first  
19 responders, working inside the polls, depending  
20 upon their capacity, may interact with voters,  
21 also depending upon the state.

22                       If they were serving in the capacity

1 of poll watcher, they would not engage with  
2 anyone. If they were working as a judge or a  
3 clerk, then they may.

4 And certainly with one another as  
5 part of the team working at the polls which can  
6 get very confusing, they would interact together  
7 working with others there at the polling place.

8 Q. Who is Ed Hiner? H-I-N-E-R is the  
9 last name.

10 A. He temporarily was the spokesperson  
11 for Continue to Serve.

12 Q. You say temporarily. Did he stop  
13 being a spokesperson at some point?

14 A. He did, yes.

15 Q. Why is that?

16 A. He also had a program that was a  
17 leadership program for after school, like after  
18 school programs.

19 And that -- in California. And that  
20 really got busy. And he was also writing a book  
21 or had written a book and was promoting that  
22 book. And, you know, the oversight of an effort

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1 like this is, takes a lot of time. And he just  
2 didn't have that time to devote because there  
3 were so many other interests in play for him.

4 Q. Have you seen or are you familiar  
5 with news articles or news reports in which Ed  
6 Hiner claimed that he withdrew after realizing  
7 how partisan the program had become?

8 A. No, I'm not aware of that.

9 Q. Do you have any reason to dispute  
10 that those were his reasons for withdrawing?

11 A. Well, the reasons for his withdrawal  
12 were, as I have stated, he didn't have the time.

13 He was shocked by how mean spirited  
14 comments can be about these kinds of efforts.  
15 And he didn't have any political background and  
16 didn't want it to -- he didn't, he didn't want  
17 the, the animus that comes oftentimes,  
18 unfortunately, with detractors who are looking to  
19 try to find a partisan angle here when there is  
20 none. But that is not what the media will  
21 report.

22 Q. And did you discuss Mr. Hiner's

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1 concerns with him?

2 A. Yes, I recall that we talked about  
3 it and I understand. I mean it is a lot.

4 Q. And when you talked about it with  
5 him did he relay the concerns about the program  
6 being partisan?

7 A. Not the program. No, our program  
8 was not partisan. He was shocked at, you know,  
9 how could it be that the comments were taken and  
10 twisted in a way that made things seem negative.  
11 That was a shock to him.

12 Q. I want to ask you about a different  
13 program. Have you heard or used the phrase,  
14 Validate the Vote?

15 A. Yes.

16 Q. And where did that phrase come from?

17 A. It was a recommended name given to,  
18 or suggested to me, by a consultant of a donor  
19 that had come to us and had suggested, the  
20 consultant suggested the name, Validate the Vote,  
21 and I have used it.

22 Q. Is that phrase -- is that name, is

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1 that specific to True the Vote?

2 A. I don't know.

3 Q. Have you heard of any other  
4 organizations that have used that phrase for any  
5 of their programs?

6 A. I have. I have.

7 Q. Which ones?

8 A. The consultant who suggested that we  
9 use that name went on to start his own  
10 organization or had some other affiliation with  
11 an organization that was using that name.  
12 Whether or not they are still doing anything I  
13 don't know.

14 But I recall seeing the -- I was  
15 shocked to see that that had occurred.

16 Q. When did the consultant recommend  
17 this name to you?

18 A. On November the 5th.

19 Q. What year?

20 A. Oh, sorry, 2020.

21 Q. And when did you see the consultant  
22 start a different organization and use that same

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1 phrase?

2 A. I do not recall. Shortly  
3 thereafter, but I do not recall.

4 Q. Other than that, do you recall any  
5 other instances of organizations announcing sort  
6 of Validate the Vote issues?

7 A. I do -- I cannot give you a specific  
8 organization to direct your intentions to, but  
9 that term I have seen many times, often with the,  
10 you know, with the state attached to it, Validate  
11 the Vote in a certain state or something like  
12 that.

13 So, my recollection is I have read  
14 it and seen it other places, but I can't give you  
15 any other specifics about where to look.

16 Q. And during the 2020 election cycle  
17 and the lead up to the 2021, the January 2021  
18 runoff in Georgia, was Validate the Vote or the  
19 phrase or the name of one of the programs that  
20 True the Vote was initiating in Georgia and  
21 elsewhere?

22 A. Validate the Vote was used broadly.



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1 We had an election integrity hotline, and it  
2 didn't have a name so to speak. So we named it  
3 Validate the Vote.

4 And then when the attentions turned  
5 towards Georgia, as I recall, we would say  
6 Validate the Vote Georgia, but it was still a  
7 national effort.

8 Does that answer your question?

9 Q. Yes, it does. You have used the  
10 word, bounty on fraud, before, correct? In  
11 discussing the Validate the Vote program?

12 A. I don't -- I have read through this  
13 in the preparation for this. I don't recall  
14 saying that but -- I don't recall saying that,  
15 but -- well, I will leave it at that. I don't  
16 recall saying it.

17 MR. NKWONTA: Joe, can you pull up  
18 Exhibit 64, please. And if we can go to  
19 Page 3 of Exhibit 64.

20 (Exhibit 64 marked for  
21 identification.)

22 BY MR. NKWONTA:

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1 Q. Ms. Engelbrecht, can you look -- can  
2 you read into the record that starting with the  
3 first full sentence -- or starting on the second  
4 line, first full sentence, could you read that  
5 sentence into the record?

6 A. Sure, sure. "And what Validate the  
7 Vote is about is putting a bounty on the fraud.  
8 Creating an environment for whistleblowers to  
9 come forward and tell the story, make sure that  
10 they have protections, make sure that they have  
11 compensation, and further, creating a space for  
12 people to come and share what they know or share  
13 with us what they know and then let us try to  
14 aggregate it."

15 Q. So, Exhibit 64 is a transcript of  
16 some remarks you gave during a podcast.

17 Do you recall this podcast?

18 A. I did host a podcast for a brief  
19 period of time. I absolutely recall that.

20 Q. When you used the term, Validate the  
21 Vote and the Bounty on Fraud here, can you  
22 describe what you were referring to?

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1           A.     Sure.  These were extemporaneous  
2     unscripted, just me talking.

3                     And, I used that word for -- clearly  
4     it is there.  I don't recall saying it, but  
5     clearly it was there.  It was very much just sort  
6     of a riff of trying to explain, you know, what  
7     Validate the Vote was going to try to do.

8                     And that is the nature of all of the  
9     comments, which is just sort of a riff of trying  
10    to explain it.

11           Q.     In addition to the protection that  
12    you mentioned that you wanted to offer to  
13    whistleblowers, did that also include legal  
14    support?  Did you also discuss offering legal  
15    support to whistleblowers?

16           A.     I do recall in other instances  
17    saying that it would be -- you know, legal  
18    support would be one of the things that we would  
19    hope to be able to offer.

20           Q.     And why did you want to offer legal  
21    support to whistleblowers?

22           A.     There were people coming to us and

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1 just over the years, you know, people that have  
2 information that they would like to share and are  
3 concerned.

4 And want to not be left hanging if  
5 they say something that, you know, would lead to  
6 a place of needing counsel, you know, needing  
7 some kind of representation. And, you know, I  
8 can appreciate that.

9 So we just wanted to create an  
10 environment where if they wanted to say something  
11 we would, we would be with them.

12 Q. Did you offer that in order to, in  
13 order to encourage whistleblowers to come  
14 forward?

15 A. Is the question did we offer to pay  
16 for legal counsel in order to encourage the  
17 whistleblowers to come forward? Is that -- I'm  
18 sorry --

19 MR. BOPP: Catherine, Catherine --

20 THE WITNESS: Could you repeat it?

21 Could you repeat the question?

22 MR. BOPP: Excuse me, I am speaking.

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1 MR. NKWONTA: She is speaking as  
2 well, but you have to assert an objection.  
3 What is your objection?

4 MR. BOPP: If you stop talking, I  
5 will interpose my objection.

6 My objection is, Catherine, you are  
7 not to rephrase the question. You are to  
8 answer the question.

9 If you don't know the -- if you  
10 can't answer the question because it is  
11 unclear or whatever, then ask him to rephrase  
12 the question. And that is my objection.

13 THE WITNESS: Could you repeat the  
14 question?

15 BY MR. NKWONTA:

16 Q. Certainly.

17 MR. NKWONTA: Before I do, I want to  
18 state for the record, Mr. Bopp's objections  
19 are actually not objections under any  
20 definition of the federal rules. It is  
21 actually coaching the witness.

22 So, I object to you coaching your

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1 witness during the testimony. And I ask that  
2 you refrain from doing that further in this  
3 deposition.

4 You have not asserted any objections  
5 to my questions. You don't get to object to  
6 your witness's own testimony.

7 BY MR. NKWONTA:

8 Q. Ms. Engelbrecht, I will repeat my  
9 question. Did you offer legal support because  
10 you thought it would encourage whistleblowers to  
11 come forward?

12 A. Thank you. I thought that by making  
13 it known that there would be legal support for  
14 people who came forward, that it may encourage  
15 people who were otherwise concerned about not  
16 being able to withstand the whirlwind that these  
17 things came to elicit.

18 Q. So, was it your view that concerns  
19 about legal ramifications would keep some  
20 whistleblowers from coming forward?

21 A. I'm sorry, can you repeat the  
22 question?

1 Q. Sure. Was it your view that  
2 concerns about potential legal ramifications  
3 would keep some whistleblowers from coming  
4 forward?

5 A. It was my concern that, or my belief  
6 that, in the environment in which we find  
7 ourselves, it seems that it doesn't take too much  
8 to end up being caught into a lawsuit.

9 And that we have all watched as  
10 people who never thought they would find  
11 themselves involved in anything like this do.  
12 And that keeps a lot of people -- that has a very  
13 chilling effect.

14 And so the thought was to try to  
15 create an environment, as I say here on this  
16 exhibit that is on the screen, to create a space  
17 for people to come to and know that they wouldn't  
18 be alone.

19 Q. So, and just to make sure I am fully  
20 understanding, I think I am following what you  
21 are saying.

22 A. Sure. Sure.

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1 Q. To make sure I'm fully  
2 understanding.

3 Was it your concern that without  
4 providing that legal support people may not come  
5 forward because they were concerned about  
6 potential legal ramifications?

7 MR. BOPP: I object. Asked and  
8 answered now multiple times. You are  
9 harassing the witness.

10 But you may answer if you, you know,  
11 and if you -- you may answer.

12 THE WITNESS: Yeah, I feel like I  
13 have answered it. I feel like I have  
14 answered the question.

15 We thought that creating or making  
16 it known that if people came forward and  
17 needed some kind of legal support that we  
18 would help support that. That was the reason  
19 that I said what I said.

20 BY MR. NKWONTA:

21 Q. I understand that you feel like you  
22 have answered the question. I do, I do want to



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1 get clarity on your answer.

2 A. Sure.

3 Q. Just to make sure that I am  
4 following. And I understand that Mr. Bopp has  
5 objected that it is asked and answered.

6 MR. NKWONTA: I am willing to take  
7 that as a standing objection, unless you want  
8 to interject again.

9 BY MR. NKWONTA:

10 Q. But I want to just ask the question  
11 once more and just make sure that I get, I fully  
12 understand your answer.

13 The question I'm asking is slightly  
14 different, I think. What I am asking is not just  
15 why you offered legal support, but whether you  
16 felt like the potential legal ramifications of  
17 being a whistleblower or coming forward might  
18 prevent people from whistleblowing or from coming  
19 forward?

20 A. I don't want to rephrase the  
21 question, but no, that -- as I understand the  
22 question again repeated, no, that that was not

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1 Q. You make the statement there of the  
2 last paragraph. It says, "That is going to be a  
3 standing offer and the dollars will continue to  
4 increase as awareness grows."

5 What did you mean by that?

6 A. Give me one second to read the  
7 preceding paragraph.

8 Q. Sure.

9 A. Again these were just, you know,  
10 riffs, but I, having read the preceding  
11 paragraph, when I said that is going to be a  
12 standing offer, that would have necessarily tied  
13 to my previous comments about how they could  
14 reach to the various outlets, the websites, the  
15 phone number, support, financial support, legal  
16 support. I used the term, whistleblower  
17 immunity.

18 So, so that is what I was referring  
19 to.

20 Q. So, I want to break that down --

21 A. Oh, I'm sorry -- okay. Yes, please.

22 Q. No. Please continue.

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1           A.     You also asked about the dollars  
2 will continue to grow.

3                     That was a -- the more that these  
4 types of services or types of supports are  
5 required, the more expensive that would become.

6                     And there was nothing behind that  
7 other than to say, you know, more people would be  
8 willing to support and donate and help if that  
9 became necessary.

10                    And that was my opinion and that is  
11 I'm sure what was going through my mind at the  
12 time.

13            Q.     So, more people would be willing to  
14 support and donate to what exactly?

15            A.     It's in the instance that people  
16 were sharing information, that lawsuits were, you  
17 know, on the radar. That a broad support was  
18 potentially necessary of a variety of types, I  
19 would imagine.

20                    That the people that support the  
21 work that True the Vote does, would have a part  
22 for seeing the, you know, the people that came

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1 forward would be taken care of and not just left.

2 Q. So, is one way to read this then is  
3 that the dollars or the support, the financial  
4 support or donations or dollars of True the  
5 Vote -- and True the Vote's efforts will increase  
6 as awareness of the Validate the Vote program and  
7 these other efforts grows.

8 Is that, is that a fair reading?

9 A. Yes, I think that is fair.

10 Q. You also had a Validate the Vote  
11 program hotline; is that right?

12 A. Yes.

13 Q. Was it called a Validate the Vote  
14 Program Hotline or was there a specific name for  
15 it?

16 A. Well, not initially. Every election  
17 cycle we host a hotline that is both available  
18 online, and then we have a toll free number that  
19 people can call and share any manner of things.

20 And that has been consistent over a  
21 number of cycles.

22 In the most recent cycle, we had

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1 started the hotline in late September. And we  
2 didn't begin to use the name Validate the Vote  
3 until, as I mentioned, November 5th or 6th,  
4 something like that.

5 Q. But the hotline itself doesn't have  
6 a specific name separate from Validate the Vote;  
7 is that right?

8 A. Just the Election Integrity Hotline.

9 Q. And someone didn't have any ideas  
10 for that?

11 A. No.

12 Q. Well, it is the Validate the Vote  
13 hotline that you initiated, when did that hotline  
14 take off for the 2020 election? Or when was that  
15 hotline officially opened?

16 A. In, in, the hotline itself, just the  
17 election integrity hotline, that is actually up  
18 on our website right now. But we added the -- we  
19 expanded the use of it for, to host live, live  
20 operators taking calls and so forth. That  
21 started in late September of 2020.

22 Q. So, that hotline started in late

1 September 2020, and it is still ongoing or is  
2 there a period in which the hotline stopped  
3 receiving calls?

4 A. It is still available. People still  
5 report things. Certainly the focus is no longer  
6 what it was then, but we do still have that up.  
7 And it is a useful way for people to help  
8 organize their thoughts about their questions and  
9 what it is that they are seeking help with.

10 Q. Did you keep track of the reports  
11 that came in through the hotline?

12 A. As best as we could, yes.

13 Q. And what did you do with those  
14 reports?

15 A. They were provided to me and to the  
16 True the Vote team on a routine basis to review,  
17 and I'm sure they have been archived somewhere.

18 MR. NKWONTA: Joe, can you pull up  
19 Document 35 or Exhibit 35. And we are going  
20 to need to blow that up significantly or  
21 magnify that so we can look at some of these  
22 entries.

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1 (Exhibit 35 marked for  
2 identification.)

3 BY MR. NKWONTA:

4 Q. Do you recognize Exhibit 35,  
5 Ms. Engelbrecht?

6 A. I recognize it from the package of  
7 exhibits that was included for the purposes of  
8 this deposition. So, I reacquainted myself. I  
9 couldn't read it myself when I was looking at it  
10 but --

11 Q. Is this one of the -- sorry. Were  
12 you finishing your answer?

13 A. Yes.

14 THE WITNESS: Is it possible maybe  
15 to enlarge it a little bit more? Perfect.  
16 Can you scroll to the right so I can see the  
17 headings?

18 Yes. I'm sorry. Could you repeat  
19 your question?

20 BY MR. NKWONTA:

21 Q. I wanted to ask, is this the list of  
22 the report of the incidents that you received

1           A.     I would have to -- I can't confirm  
2     that. I would have to -- I can't confirm that.  
3     It should have just been a, you know, dump out to  
4     fulfill the requirement, but I can't confirm it.

5           MR. NKWONTA: Let's see if we can  
6     blow up a document. That might help.

7           Can we pull up Exhibit 79?

8                     (Exhibit 79 marked for  
9                     identification.)

10          MR. NKWONTA: And can you enlarge  
11         that a little bit and scroll to Page 8.

12     BY MR. NKWONTA:

13          Q.     Ms. Engelbrecht, Exhibit 79 is the  
14     Second Amended Response -- True the Vote's Second  
15     Amended Response to Plaintiff's Second Request  
16     for Production.

17                     Do you recognize this document?

18          A.     Yes.

19          Q.     Now, if you look at the Request  
20     Number 18, Request Number 18 seeks, "All  
21     documents and communications relating to True the  
22     Vote's Election Integrity Hotline as described in



1 your responses to Interrogatories 2 and 3,  
2 including, but not limited to, all documents and  
3 communications surrounding the launch of the  
4 hotline, follow-up with users of the hotline,  
5 vetted reports, and follow-up with the  
6 authorities charged with investigating such  
7 claims as described in your response to  
8 Interrogatory Number 3."

9 Is that a correct reading of Request  
10 Number 18?

11 A. That is a correct reading, yes.

12 Q. And in your response you state that,  
13 "The defendant True the Vote has produced the  
14 record of all hotline contacts relevant to  
15 Georgia during the time frame of the runoff  
16 election." Is that correct?

17 A. Yes. And that would be relevant to  
18 Georgia at the time of the runoff collection --  
19 runoff election, yes.

20 Q. You also state that, in the second  
21 paragraph, "None of these contacts resulted in  
22 the need for True the Vote to follow up or report

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1 the contact information to appropriate  
2 authorities."

3 Is that correct?

4 THE WITNESS: Can we -- I apologize.  
5 Could we just scroll down so I can see that  
6 in the response?

7 MR. NKWONTA: Keep scrolling.

8 THE WITNESS: I can go -- yes.

9 MR. NKWONTA: The next page.

10 THE WITNESS: The next page.

11 MR. NKWONTA: And then the paragraph  
12 starting with None of these concepts.

13 Can you scroll down a little bit  
14 more, Joe?

15 THE WITNESS: Yes. Yes.

16 BY MR. NKWONTA:

17 Q. Is it accurate that none of the  
18 reports to your election integrity hotline or  
19 Validate the Vote hotline resulted in the need  
20 for True the Vote to report anything to  
21 authorities?

22 A. Specific to this request for

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1 production around the Georgia runoff and the  
2 exhibit that we have looked at, that would be the  
3 case, yes.

4 MR. NKWONTA: You can pull that  
5 down, Joe. I would like to ask about some of  
6 your other election related efforts.

7 If we could pull up Exhibit 61. And  
8 can we scroll to the next page.

9 (Exhibit 61 marked for  
10 identification.)

11 BY MR. NKWONTA:

12 Q. Do you recognize this document,  
13 Ms. Engelbrecht?

14 A. Yes.

15 Q. What is it?

16 A. This was, based on its formatting,  
17 this would have been taken from our website. And  
18 it just describes that we launched the Election  
19 Integrity Hotline specific to the runoff period.

20 Q. And this is a press release issued  
21 by True the Vote, correct?

22 A. Yes. Or a blog post, but yes.

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1 Q. Or a blog post?

2 A. Or a blog post. I'm not certain  
3 that this was a press release, but it most  
4 certainly was posted on our website.

5 Q. Now, this press release makes  
6 reference to efforts to provide signature  
7 verification along with -- sorry, signature  
8 verification training, absentee ballot drop box  
9 monitoring, and other nonpartisan election  
10 integrity initiatives.

11 Is that correct?

12 A. Yes.

13 Q. I want to explore each of those.  
14 What signature training did you provide or what  
15 signature verification training did you provide?

16 A. We posted online a signature  
17 verification training course.

18 For that program particularly we had  
19 worked with a signature verification specialist,  
20 someone who is accredited in that field and has  
21 worked in law enforcement and even in elections.

22 And so, she led the course, again

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1 online, but led the course in describing for  
2 volunteers who would be potentially working in  
3 that capacity what to look for.

4           And, you know, when you are looking  
5 at signature verifications, how do you, if you  
6 are going to compare two signatures, what are  
7 some key traits that to an untrained eye you  
8 might want to look at first. These are people  
9 that -- most of them had never worked in that  
10 capacity before.

11           So, just some basic understandings  
12 of signature verification. And then the process  
13 behind that.

14           So, taking the actual process of  
15 looking at the signature and then in the greater  
16 context of what that means inside of an election.  
17 And the standards particularly in Georgia were  
18 changing and how to do as best as you could to,  
19 as a volunteer to be useful in that -- for the  
20 state in that capacity.

21           Q.     Who provided the training?

22           A.     I do not remember her name. We

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1 training what did that entail?

2 A. How to -- again, recognizing that  
3 every state handles this process differently, but  
4 a broad overview of the definition of an absentee  
5 ballot, what one might expect to experience from  
6 the different elements of the absentee ballot.

7 Package from the carrier envelope to  
8 the ballot. Just very high level explanations  
9 that the goal of which was to share with the  
10 volunteer that, you know, this is probably what  
11 happens but every state has their own process.

12 Q. What was the target audience for the  
13 training?

14 A. Anybody that wanted to take the  
15 training.

16 Q. And what was the purpose of the  
17 training?

18 A. To create a transparency that would  
19 encourage volunteers, of which there are not  
20 enough, to get a basic understanding of what they  
21 might be able to expect, and direction on how  
22 they can connect with the locality to serve if

1 they so chose.

2 Q. And in what way would these  
3 individuals serve that would allow them to  
4 implement this training?

5 A. They would -- if they had watched  
6 the election or the absentee ballot training and  
7 they went on to serve in the Absentee Ballot  
8 Review Board, that would be, you know, a point of  
9 connection or a point of familiarity of the broad  
10 process.

11 But there are any number of  
12 positions that they may end up working in.

13 Q. You also referenced monitoring  
14 absentee ballot drop boxes in this press release.  
15 And I'm still referring to Exhibit 61.

16 What did that entail?

17 A. I don't recall. I'm glad to review  
18 the exhibit again, but I don't recall.

19 MR. NKWONTA: One second. Can we  
20 put that exhibit back up, Joe? That is  
21 Exhibit 61. So, if we can scroll to the last  
22 page, to Page 3.

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1 BY MR. NKWONTA:

2 Q. Ms. Engelbrecht, can you read that  
3 last paragraph, starting with this week, into the  
4 record?

5 A. "The week, True the Vote also  
6 announced its partnership with the Georgia  
7 Republican party, in addition to the Georgia  
8 Election Integrity Hotline. True the Vote will  
9 assist with the Senate runoff election process,  
10 including publicly available signature  
11 verification training, monitoring absentee ballot  
12 drop boxes and other nonpartisan election  
13 integrity initiatives."

14 Q. To cue up my question again, what  
15 did monitoring absentee ballot drop boxes entail?

16 A. We did not do any monitoring of  
17 absentee ballot drop boxes for -- that is a  
18 misstatement.

19 Q. And why did True the Vote announce  
20 that it was conducting absentee ballot drop  
21 boxes -- or absentee ballot drop box monitoring?

22 A. I do not recall. There was no



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1 monitoring of absentee ballot drop boxes. Just,  
2 it is not what volunteers did.

3 Q. Has True the Vote monitored absentee  
4 ballot drop boxes in prior elections or during  
5 the 2020 general election or outside of Georgia?

6 A. No. No.

7 Q. Can you think of an instance in the  
8 past where True the Vote monitored absentee  
9 ballot drop boxes?

10 MR. BOPP: Excuse me, I object.

11 That goes beyond the six states that are  
12 specified in the court's order that you are  
13 directed to limit your questions to.

14 It also goes to the history of the  
15 world as opposed to being confined to 2012.

16 And I will instruct her not to  
17 answer it because that would violate the  
18 court order.

19 MR. NKWONTA: Are you also  
20 instructing the witness not to answer in her  
21 individual capacity?

22 MR. BOPP: I have been, no -- well,

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1           excuse me. Yes. Because the -- you are  
2           obligated to comply with the court order.  
3           You are violating the court order.

4                     And so you can't ask about things  
5           that are not permitted. And you are to  
6           adhere to the limits of the court's discovery  
7           order.

8                     MR. NKWONTA: I think you are  
9           actually misreading and violating the court  
10          order. And I also think that regardless of  
11          what you feel about the scope of the topics,  
12          there are no 30(b)(6) topics for  
13          Ms. Engelbrecht in her individual capacity.

14                    So, I will ask her -- I understand  
15          that you have instructed her not to answer as  
16          a 30(b)(6) witness for True the Vote which I  
17          will object to as improper.

18                    But I will ask Ms. Engelbrecht, in  
19          her individual capacity --

20          BY MR. NKWONTA:

21                    Q.       Whether you are aware of any  
22          instance in which True the Vote or any of its

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1 Our website is full of nonpartisan  
2 information. There was information around --  
3 specific to Georgia, there was information around  
4 dates for when you can vote and drop box  
5 locations. And things that you would, you know,  
6 just good guidance kinds of stuff.

7 Maybe that is -- would qualify for  
8 other initiatives.

9 Q. Other than materials posted on the  
10 True the Vote website, are there any other  
11 election integrity initiatives that True the Vote  
12 engaged in?

13 A. Can you define the time frame? I  
14 want to make sure I'm answering properly.

15 Q. Certainly. So, the time frame would  
16 have been the same time frame in which this press  
17 release was issued. So in that period through  
18 the runoff election. It is between the November  
19 general election and the runoff election.

20 A. Well, the -- we were working on  
21 the -- we had, we had had individuals that had  
22 requested support for knowing, because they knew

1 that the rolls had not been cleaned.

2 So, we were looking at the project  
3 around -- during this time we have been looking  
4 at the project around the elector challenges.

5 Q. Which individuals had requested  
6 assistance or noted that the rolls had not been  
7 cleaned?

8 A. I mean, it was broadly known that  
9 the rolls hadn't been cleaned. That was well  
10 publicized.

11 Just, you know, various people,  
12 volunteers, people who follow True the Vote  
13 had -- we received e-mails saying could we do  
14 anything because the rolls aren't clean. I mean  
15 very loose sort of realizations that people  
16 wanted to do something about it.

17 Q. All right. Well, let's turn to some  
18 of those activities and some of the folks  
19 involved with those activities.

20 How do you know Gregg Phillips?

21 A. Gregg Phillips and I were introduced  
22 in late 2013, early 2014, because he -- at the

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1 time I was undergoing some pretty extensive  
2 targeting by the government.

3 And he had had his information, some  
4 of his donations released to -- kind of in the  
5 same vein. And so there was an introduction  
6 based on that sort of common, this was happening  
7 to a lot of people.

8 From -- so then that is how I know  
9 him. I was introduced in that vein of shared,  
10 just shared experience.

11 Q. And when did True the Vote start  
12 working with OPSEC Group?

13 A. It would have been late, late summer  
14 of 2020.

15 Q. And True the Vote had worked with  
16 OPSEC Group before the late summer of 2020; is  
17 that right?

18 A. No.

19 Q. Had True the Vote worked with Gregg  
20 Phillips before the late summer of 2020?

21 A. Yes.

22 Q. And am I right that True the Vote

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1 worked with Gregg Phillips to conduct similar  
2 data and voter analysis to the landmark election  
3 challenge that True the Vote launched in the 2021  
4 runoff; is that correct?

5 A. I'm sorry, could you ask that again?

6 Q. Sure. Did True the -- I will  
7 rephrase the question.

8 Did True the Vote work with Gregg  
9 Phillips on data analysis and voter analysis  
10 before September of -- or the summer of 2020?

11 A. Yes.

12 Q. Can you describe the types of voter  
13 analysis and data analysis that True the Vote  
14 worked with Gregg Phillips on?

15 A. We reviewed a variety of things  
16 including reviewing how the changing laws  
17 around -- or changing guidance around the 2020  
18 election was impacting voters' engagements, you  
19 know, with respect to absentee ballots and so  
20 forth.

21 So, that was an example.

22 We have looked at, in the State of

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1 Texas, we looked at the distinctions between the  
2 way that counties managed their rolls or reported  
3 actions taken during the election via the voter  
4 rolls versus what counties were reporting to the  
5 secretaries of state, those kinds of data  
6 projects.

7 Q. Did True the Vote work with Gregg  
8 Phillips on identifying voters who may have  
9 changed their addresses or who may have filed  
10 notices of a change of address with the Postal  
11 Service?

12 A. We did, we worked -- yes, yes. But  
13 it -- yes. Yes.

14 Q. When was that?

15 A. That would have been probably  
16 starting the second week of December of 2020.

17 Q. Before that, had True the Vote done  
18 any of that type of work with Gregg Phillips,  
19 meaning identifying voters who had moved or who  
20 had filed change of address notices?

21 A. I don't recall.

22 Q. Let me ask it this way.

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1                   Was December 2020 the first time  
2                   that True the Vote had attempted to identify  
3                   voters who had changed their address or had moved  
4                   out of their current voting jurisdiction?

5                   A.       It was not the first time True the  
6                   Vote had done that, no.

7                   Q.       When had True the Vote done that in  
8                   the past?

9                   A.       In Texas, True the Vote in 2020, had  
10                  reviewed voter records that -- for that type of  
11                  disqualification potential.

12                  And done so recognizing the voter  
13                  challenge that enabled citizens to ask those  
14                  questions of their counties, encourage their  
15                  counties to take a look at the record.

16                  Q.       When in 2020 did that occur?

17                  A.       I'm sorry. I didn't -- if I said  
18                  2020 that was a mistake. I meant 2012. I  
19                  apologize.

20                  Q.       When True the Vote conducted that  
21                  analysis in 2012, what did True the Vote do with  
22                  that information?



1 you have been told?

2 A. That is my personal knowledge.

3 Q. Have you used Smarty Streets before?

4 A. Yes.

5 Q. And did you use Smarty Streets to  
6 refine an NCOA list?

7 A. Yes.

8 Q. And in what context? For the  
9 Georgia election law challenges?

10 A. Yes. I should say, I did not  
11 personally do that, but that was my understanding  
12 as part of what was being used to, broadly to  
13 refine the NCOA list itself.

14 Q. And you mentioned other databases  
15 like the Social Security database and a few  
16 others. Do you know if OPSEC conducted all of  
17 those -- all of that analyses internally or  
18 whether it outsourced some of that analysis?

19 A. I do not know.

20 Q. How did you first get in contact  
21 with Mark Williams?

22 A. Mark Williams is a printer that

1 OPSEC was introduced to and that was the extent  
2 of my introduction.

3 Q. Who introduced OPSEC to Mark  
4 Williams?

5 A. I do not know.

6 MR. NKWONTA: Could we pull up  
7 Document 15. Could we zoom in a little bit  
8 on the document below the redacted portion.

9 (Exhibit 15 marked for  
10 identification.)

11 BY MR. NKWONTA:

12 Q. Ms. Engelbrecht, Document 15 or now  
13 Exhibit 15 is an e-mail from Mark Williams to  
14 Gregg Phillips and you are copied as well. Is  
15 that your e-mail address on the cc line?

16 A. Yes.

17 Q. Do you recognize this e-mail?

18 A. I do not.

19 Q. But you don't dispute that this was  
20 an e-mail that was sent to you, right?

21 A. No, I don't dispute it. I just  
22 don't recall it.

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1 Q. And then in the e-mail below, it is  
2 actually forwarding an e-mail or adding you to an  
3 e-mail chain below.

4 It says -- the e-mail from below is  
5 from Gregg Phillips. And it says, "Mark, you  
6 were referred to us by the chairman of the GOP.  
7 We have a large print job for which we need help.  
8 Please let me know if you have ten minutes to  
9 discuss."

10 Is that a correct reading of the  
11 e-mail from Gregg Phillips?

12 A. Yes.

13 Q. And the reference to Chairman of  
14 GOP -- of the GOP, is that the same individual,  
15 David Shafer, whom you spoke with before  
16 announcing True the Vote's partnership with the  
17 GOP in the press release that we discussed  
18 earlier?

19 A. David Shafer is the Chairman of the  
20 GOP, yes.

21 Q. And that was the same individual  
22 that you spoke with before True the Vote

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1 announced its partnership with the GOP?

2 A. Yes.

3 MR. NKWONTA: You can pull that  
4 down, Joe.

5 BY MR. NKWONTA:

6 Q. How did you first get in contact  
7 with Mr. James Cooper?

8 A. James Cooper I have never met. I  
9 have been in e-mail communication with him. And  
10 he was a friend or an acquaintance of Mark  
11 Williams.

12 Q. And how did you first get in contact  
13 with James Cooper?

14 A. I don't recall.

15 Q. What was James Cooper's role in the  
16 Georgia elector challenges?

17 And by the Georgia elector  
18 challenges I'm referring to the landmark voter  
19 challenge program that True the Vote launched?

20 A. Sure. He was interested in  
21 participating and was interested in, knew other  
22 Georgians who were also interested in

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1 participating. That was my connection.

2 Q. When you say interested in  
3 participating, what do you mean by that?

4 A. Interested in participating in the  
5 cleaning of their rolls, locally -- or not  
6 cleaning, but the elector challenges, to be more  
7 to the point.

8 And was interested in what could be  
9 accomplished in that regard.

10 Q. And he expressed that interest to  
11 you?

12 A. No. He expressed that interest to  
13 Mark Williams which led to that introduction to  
14 OPSEC.

15 Q. And what did you discuss with  
16 Mr. Cooper regarding his participation in the  
17 elector challenges?

18 A. I do not specifically recall.

19 Q. Did you ask him to be a challenger?

20 A. I don't specifically recall.

21 Q. How about Ron Johnson, when did you  
22 first get connected with Ron Johnson?

1           A.     My headphones are going dead so I  
2     may have to -- give me a second if I have to  
3     switch out.

4                     Same situation, he was an  
5     acquaintance of Mark Williams. And that was the  
6     extent of my introduction. He was interested in  
7     participating in the program to look at their  
8     local voter rolls.

9           Q.     What was Ron Johnson's role in the  
10    challenges?

11          A.     He was a challenger. He was an  
12    elector challenger. And then he, he was very  
13    familiar with other people in the state and  
14    had -- there was e-mail back and forth between  
15    Ron and other -- others.

16          Q.     What was James Cooper's role in the  
17    challenges?

18          A.     I do not recall. I do not recall if  
19    he was a challenger.

20          Q.     Do you recall if he had any other  
21    role?

22          A.     He was sort of proximate to the

1 initiative, and as I mentioned, knew other people  
2 who had expressed interest in being elector  
3 challengers in their county. I just don't  
4 remember if he himself participated.

5 Q. How did you first get in contact  
6 with Derek Somerville?

7 A. Through OPSEC, through Gregg who had  
8 been referred to him. And then Gregg suggested  
9 that I reach out to Derek.

10 Q. Who referred Gregg to  
11 Mr. Somerville?

12 A. I am not certain; I don't recall.

13 Q. When was your first communication  
14 with Mr. Somerville?

15 A. I don't recall that either. Around  
16 that time, but I don't recall the date.

17 Q. Was there a phone call or was there  
18 an e-mail or a text?

19 A. It was a phone call and then we --  
20 yes, it was a phone call and then we had dinner.

21 Q. And what did you discuss with  
22 Mr. Somerville at that dinner?

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1           A.       They were also -- he and another  
2 individual were also working through elector  
3 challenges and the thought was not to be at cross  
4 purposes. And, you know, that is really the  
5 extent of it.

6           Q.       Was that other individual Mark  
7 Davis?

8           A.       Yes.

9           Q.       In what way were the challenges  
10 potentially at cross purposes?

11          A.       They were doing a much smaller  
12 challenge scope that included different -- a  
13 different approach to counties that I -- you  
14 know, a different approach to counties and a  
15 different approach to the registry as a whole,  
16 looking at only active voters where we looked at  
17 both active and inactive voters.

18          Q.       And in what ways was their challenge  
19 effort at cross purposes with True the Vote?

20          A.       I think only inasmuch as the fact  
21 that these challenges were going to be submitted  
22 around the same time and certainly for the same



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1 concerns. And to not cause any undue, you know,  
2 consternation or just general confusion, because  
3 they had already been at work at, you know, at  
4 their project.

5 MR. NKWONTA: Could we pause for a  
6 second maybe to announce a counsel who just  
7 joined.

8 MS. SIEBERT: Good afternoon. Yeah,  
9 my name is Melena Siebert. I will be  
10 representing Ms. Engelbrecht and True the  
11 Vote here.

12 MR. NKWONTA: Hi, Melena.

13 MS. SIEBERT: Hello.

14 BY MR. NKWONTA:

15 Q. I will go back to my question,  
16 Ms. Engelbrecht. Was there any potential for  
17 confusion between the two challenges?

18 Was that the concern, or were you  
19 concerned with confusion among election  
20 officials?

21 A. We were just being observant that  
22 what they were doing, we could not, you know,

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1 attest to or confirm whether or not their  
2 methodology was, you know, based upon, for  
3 example, the active versus inactive, those kinds  
4 of things, because certainly with it all  
5 happening so proximate to one another, we were  
6 just aware, just broadly aware.

7 Q. Did you all discuss the differences  
8 in methodology?

9 A. To a limited degree. I'm not sure  
10 exactly how their process worked.

11 But those examples that I gave, I  
12 was aware of.

13 Q. Other than the distinction between  
14 inactive and active voters, what other, what  
15 other differences in methodology created the  
16 different sizes and scope of the challenges that  
17 True the Vote submitted versus --

18 A. I'm not sure other than to say that  
19 we reviewed the entire state. And they, to the  
20 best of my understanding, did not review the  
21 entire state.

22 I don't have any more information

1 about why.

2 Q. Did you have any concerns about  
3 Mr. Somerville's and Mr. Davis's methodology?

4 A. My observation was that for our  
5 purposes the way to be most exacting was to not  
6 limit anything. Any record that was available  
7 for review should be reviewed equally.

8 And so, to the extent that any other  
9 group did not do that, you know, they -- that was  
10 just not our choice. We wanted to look at  
11 everything equally.

12 Q. In other words you wanted to include  
13 as many people as possible within your challenge?

14 A. We wanted to review as many records,  
15 recognizing that the state hadn't cleaned their  
16 rolls in two years. And recognizing all of the  
17 new rules around the election process that would  
18 have impact. We wanted to do as much as we could  
19 to afford an even review.

20 Q. And affording that even  
21 comprehensive review, that meant including as  
22 many records as possible within your challenge?

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1 A. Correct.

2 Q. Did Mr. Somerville or Mr. Davis  
3 express any concerns about True the Vote's  
4 methodology?

5 A. They -- as I recall, Mr. Somerville,  
6 did want to know the methodology. But beyond  
7 that I don't, I don't believe so.

8 Q. Other than Mr. Somerville and  
9 Mr. Davis, was anyone else at that dinner?

10 A. It was just Mr. Somerville and  
11 myself and Gregg Phillips.

12 Q. And aside from the methodologies,  
13 what else did you discuss at the dinner relating  
14 to the challenges?

15 A. I don't recall anything else.

16 Q. What role did Mr. Somerville and  
17 Mr. Davis take going forward in the challenges?

18 A. As the challenges began to be  
19 submitted, we became aware of some of the  
20 volunteers who had, who had indicated they wanted  
21 to be a part of challenging the records with the  
22 True the Vote project were also working with the

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1 other projects.

2 So, we were aware of that. And that  
3 caused some need to try to understand how to  
4 avoid that.

5 And then beyond that, when the  
6 animus around the project became more extreme,  
7 and our challengers were being threatened and  
8 more confused about what would have seemed to  
9 have been a very simple process that took a very  
10 different turn, we then were in communication  
11 with Derek and Mark as a broader group of, you  
12 know, people that were just generally involved in  
13 elector challenges and trying to understand what  
14 was happening.

15 Q. What do you mean by a simple process  
16 that --

17 MR. BOPP: Excuse me, excuse me.

18 I'm sorry, I don't mean to interrupt, but I  
19 am bowing out. Melena will take over here  
20 and defend the deposition, so good luck and  
21 thank you. And we will -- I will talk to  
22 you, Melena after everything is done. All

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1 right?

2 MS. SIEBERT: Sounds good.

3 MR. BOPP: I am logging off. Bye

4 Cathy.

5 THE WITNESS: All right.

6 BY MR. NKWONTA:

7 Q. Ms. Engelbrecht, could you explain  
8 what you meant by what should have been a simple  
9 process that, I forget your exact words, but went  
10 off the rails or something along those lines?

11 A. Sure, sure. Would you like me to  
12 describe the process as I understood it should  
13 have been conducted?

14 Q. Yes, please.

15 A. Okay. So, the way that the standard  
16 reads and what we were expecting was -- and this  
17 was informed by a meeting we had with the  
18 Secretary of State, which I'm sure we will get  
19 to.

20 But the elector challenges should  
21 have been taken in by the -- or accepted by the  
22 counties. They should have been reviewed for the

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1                   There is reason for concern that  
2                   there would be no way to know whether or not an  
3                   absentee ballot was sent to an inaccurate address  
4                   because the basic maintenance requirement had not  
5                   been fulfilled by the state.

6                   THE WITNESS: Give me one second.  
7                   Hang on guys.

8                   MR. NKWONTA: Can we just take a  
9                   minute and go off the record while  
10                  Ms. Engelbrecht changes her headphones.

11                  THE VIDEOGRAPHER: We are now going  
12                  off the video record. The time is 12:34 p.m.

13                  (Recess taken -- 12:34 p.m.)

14                  (After recess -- 12:35 p.m.)

15                  THE VIDEOGRAPHER: We are now going  
16                  back on the video record. The time is  
17                  12:35 p.m.

18                  BY MR. NKWONTA:

19                  Q. Ms. Engelbrecht, you took issue with  
20                  my phrasing according to plan so let me rephrase  
21                  that.

22                  If the challenges had been addressed

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1 the way you had expected them to, or the way you  
2 envisioned they would have been, all 364,000  
3 challenged voters would have been required to  
4 provide evidence of their residence if they  
5 attempted to vote in Georgia. Is that correct?

6 A. They would have been expected to  
7 show an identification that shows their residence  
8 which is also Georgia law, so they wouldn't have  
9 had to do anything other than what they would  
10 have normally had to have done in casting a  
11 ballot.

12 Q. Well, you just indicated that would  
13 not have been required for absentee voters.  
14 Absentee voters would not have been required to  
15 present identification, right?

16 So, and, and that may not have been  
17 required for in-person voters, if their  
18 identification was from, you know, from somewhere  
19 else.

20 So, let me pose my question again.  
21 Not having addressed those sort of underlying  
22 assumptions, let me pose my question again.



1           If the challenges had gone according  
2 to the way you had envisioned them being  
3 addressed, it would have resulted in 364,000-plus  
4 challenged voters being required to present  
5 evidence of residency before voting in the  
6 Georgia runoff elections; is that correct?

7           A.     Well, for those voters that were  
8 voting in-person, they would have, by law, been  
9 required to show identification that supports  
10 their residency. That is -- that would have been  
11 true in any case, whether or not a challenge  
12 would have been issued.

13           You are right, with respect to  
14 absentee ballots. This was a change in standard  
15 where the absentee ballot recipient did not have  
16 to show any form of identification.

17           And so, there, what -- that, in that  
18 instance, had somebody been challenged. But it  
19 is important to remember that the only records  
20 that were challenged were those records that the  
21 elector had also notified the United States  
22 Postal Service that they had permanently changed

1 their residence.

2 So, this was not without, you know,  
3 causation. But yes, then in the case of absentee  
4 ballots, that would have been given the curing  
5 process -- or resolved during the curing process.

6 Q. And what would -- we'll return to  
7 the specific operation of the curing process and  
8 of the challenge process. I do want to get back  
9 to the meeting between you and Mr. Davis and  
10 Mr. Somerville.

11 MR. NKWONTA: Joe, could we pull up  
12 Exhibit 19. And can we enlarge that a little  
13 bit as well. Great.

14 (Exhibit 19 marked for  
15 identification.)

16 BY MR. NKWONTA:

17 Q. Do you recognize Exhibit 19,  
18 Ms. Engelbrecht?

19 A. Yes.

20 Q. What is it?

21 A. That was a notice that was sent from  
22 True the Vote to all the elector challengers who

1 we were working with.

2 And this, as I mentioned earlier,  
3 was part of the discussions that we had with  
4 Derek, because of the confusion and concern that  
5 was being experienced by the elector challengers  
6 who were a part of our project.

7 And so this was an invitation to  
8 participate in a Zoom call where we could talk  
9 about what people were experiencing.

10 Q. And what did you all discuss during  
11 those Zoom calls?

12 A. The process that was to have been  
13 followed. And the people shared their concerns  
14 of threats that they were receiving. And we gave  
15 direction as to where to submit those to so that  
16 we would have them on record.

17 Q. And where did you ask them to submit  
18 the threats to?

19 A. I don't recall. Somewhere, within  
20 True the Vote. I don't recall the specific  
21 e-mail address or whatever.

22 Q. And do you still have a record of

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1 those threats?

2 A. Yes.

3 MR. NKWONTA: Could we pull that  
4 down and pull up Exhibit 30.

5 (Exhibit 30 marked for  
6 identification.)

7 MR. NKWONTA: And then before I get  
8 into this, I will note that I have referred  
9 to these documents as either document number  
10 or exhibit number interchangeably.

11 We will just say either Document  
12 Number 30 or Exhibit Number 30. I'm  
13 referring to the exhibits.

14 BY MR. NKWONTA:

15 Q. So, Exhibit Number 30 is an e-mail  
16 from you Ms. Engelbrecht to Brian Robinson. And  
17 beneath it an e-mail to Senator Williams; is that  
18 correct?

19 A. Yes.

20 Q. Do you recognize that e-mail?

21 A. Yes.

22 Q. And what was the date of that

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1 the following week I reached out to the  
2 Democratic Party.

3 So, it is accurate to say that the  
4 introduction to the Georgia Republican Party  
5 came, preceded my outreach to the Democratic  
6 Party, but we did not initiate that outreach to  
7 the Republican Party, sorry.

8 MR. NKWONTA: Could we pull up  
9 Exhibit 81, please.

10 (Exhibit 81 marked for  
11 identification.)

12 BY MR. NKWONTA:

13 Q. Ms. Engelbrecht, Exhibit 81 is the  
14 response that True the Vote filed to Plaintiffs'  
15 First Interrogatories.

16 MR. NKWONTA: And, Joe, can you go  
17 to Page 25. Can you scroll up a little bit  
18 to catch the Interrogatory No. 8? Scroll up  
19 a little bit to the end of Page 24. Okay.

20 BY MR. NKWONTA:

21 Q. Ms. Engelbrecht, Interrogatory No. 8  
22 says, "Describe your self-proclaimed partnership

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1 with the Georgia Republican Party to assist with  
2 the Senate runoff election process as announced  
3 in your December 14, 2020 press release,  
4 including but not limited to the names and  
5 contact information of each of the entities and  
6 individuals with whom True the Vote has been and  
7 intends to work with in this partnership and the  
8 approximate date when the partnership began and  
9 the purpose and/or goals of the partnership."

10 Is that a correct reading of  
11 Interrogatory No. 8?

12 THE WITNESS: Can we advance to the  
13 Page 25?

14 Yes.

15 BY MR. NKWONTA:

16 Q. And the response, the first sentence  
17 of the response says, "The partnership with the  
18 Georgia Republican Party was announced on  
19 December 14, 2020, shortly after a meeting with  
20 David Shafer, Executive Director Stewart Bragg,  
21 and Florida Elections Day Operations Director  
22 Alyssa Gonzalez Specht."

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1                   Is that a correct reading of the  
2 first sentence of the response?

3           A.     Yes.

4           Q.     Is it your testimony that that is  
5 not outreach to the GOP?

6           A.     We did not -- we were introduced. I  
7 was introduced. I did not initiate that  
8 introduction.

9           Q.     But at some point you would have to  
10 have reached out in order to schedule a meeting  
11 and conduct a meeting, correct?

12          A.     I mean, yes, we could say it that  
13 way, yes.

14          Q.     So, it is fair to say that True the  
15 Vote had some outreach with the GOP before  
16 reaching out to any Democratic Party official or  
17 legislator and announced the partnership with the  
18 GOP before reaching out to any Democratic  
19 official or legislator?

20          A.     We -- I would say that the outreach  
21 consisting of acknowledgment that we would meet  
22 or be at a place where these folks were. And

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1 inasmuch as partnership meant them, to make them  
2 aware of the, of the election integrity  
3 initiatives that were already posted on line,  
4 then yes.

5 MR. NKWONTA: You can pull down  
6 Exhibit 81.

7 BY MR. NKWONTA:

8 Q. I would like to talk about True the  
9 Vote's coordination with the Secretary of State's  
10 office. Did True the Vote reach out to the  
11 Secretary of State's office before launching the  
12 challenge effort?

13 A. Yes.

14 Q. Can you walk me through how that  
15 outreach occurred?

16 A. We were working with a  
17 communications consultant who knew the staff at  
18 the Secretary of State's office.

19 And so, through him I asked to set  
20 up a meeting. And we attended that meeting -- or  
21 I attended take meeting.

22 Q. Who was the communications



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1 consultant?

2 A. Brian Robinson.

3 Q. And when you attended that meeting,  
4 who was present at the meeting?

5 A. Jordan Fuchs, Ryan Germany, Brian  
6 Robinson, for a brief period of time Secretary  
7 Raffensperger, and myself. And that is all I  
8 recall.

9 Q. When did this meeting occur?

10 A. I don't recall specifically. It was  
11 in, you know, mid-December, somewhere in there.

12 Q. How long did it last?

13 A. I don't recall that, either.

14 Q. What did you all discuss at this  
15 meeting?

16 A. I went with the express purpose of  
17 describing the elector challenge and the wanting  
18 to make sure that we understood, as best as we  
19 could, what that process would look like at the  
20 county level for the electors who wanted to  
21 participate in their -- with their counties to  
22 avoid any friction or inappropriate process.

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1                   And, I expressed that I was  
2 concerned about the size of the number, how large  
3 it was. And I expressed that, you know, even  
4 though we had done what we could to refine the  
5 list so to be, you know, as exact as possible,  
6 but the number was still large.

7                   Secretary Raffensperger quickly  
8 commented that he thought the number was about  
9 right because they hadn't been able to clean the  
10 list and so people move. And he did some fast  
11 math in his head, yeah, XYZ, it should be about  
12 that number.

13                   And I remember the feeling of  
14 saying, you know, this is a -- the only way we  
15 can see to do this is to run the whole list, and  
16 he agreed.

17                   And again it is a process that  
18 electors can participate in, and it is afforded  
19 in state law. And that was kind of it. And then  
20 we went through the specific steps of what would  
21 happen.

22                   Another thing I recall crisply is my

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1 requires standardization. That is the reference  
2 to ETL.

3 And then you know they indicate here  
4 analyses, so that would come back to us over time  
5 in the form of analysis.

6 And litigation support, which was  
7 another, you know, a manner, a matter of their  
8 involvement.

9 Q. When did this work start?

10 A. I am not sure. I don't know.

11 Q. Did this work start before  
12 December 7th?

13 A. I don't recall.

14 Q. So, it is possible this work started  
15 after December 7th?

16 A. No, because litigation support would  
17 have occurred in November.

18 Q. What does that term, litigation  
19 support, mean? Litigation support for what  
20 exactly?

21 A. We had served in support of OPSEC's  
22 analyses for lawsuits that were filed post the

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1 general election that were heavily dependent on  
2 OPSEC's ability to review data that should have  
3 been made available by the state.

4 And, so that was their -- that was  
5 their role and we were supporting that effort.

6 Q. Are you referring to the lawsuits  
7 filed in battle ground states like Georgia,  
8 Michigan, Pennsylvania, Wisconsin?

9 A. Yes.

10 Q. And the lawsuits filed shortly after  
11 the November general election?

12 A. Yes.

13 Q. So, part of this invoice includes  
14 work that was done in connection with lawsuits  
15 that were filed shortly after the November  
16 presidential election?

17 A. Yes.

18 Q. Can you identify other line items  
19 that relate to the November general election,  
20 aside from litigation support?

21 A. Well, all of the data acquisition  
22 could conceivably have been used for the

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1 litigation support.

2 Q. So, this invoice and all of the  
3 analysis is not specific to the Georgia runoff  
4 election?

5 A. No.

6 Q. It is all combined; it is all one  
7 invoice?

8 A. Yeah, just a listing of all manner  
9 of things.

10 Q. But in terms of the work OPSEC was  
11 doing for True the Vote, was it sort of all one  
12 combined project?

13 In other words, the analyses for the  
14 general election or the November presidential  
15 election and the analyses for the runoff, was it  
16 all one combined project?

17 A. No, the analyses for the lawsuits  
18 that were filed post election would have been in  
19 support of those lawsuits specifically.

20 And True the Vote was, you know,  
21 the, financially supporting the effort, but it  
22 was being used in lawsuits or should have been

1 used in lawsuits.

2 Q. Right. I'm saying there is no  
3 differentiation here between analysis for those  
4 lawsuits and the analysis for the Georgia elector  
5 challenges suit?

6 So I'm asking whether there was all  
7 one project, at least as far as OPSEC was  
8 concerned?

9 A. Yeah, I don't, I don't recall.

10 Q. So, I understand you may not recall  
11 exactly how it was set up.

12 But, the invoice does reflect --  
13 they are combined on the invoices; is that  
14 correct?

15 A. Yes. I mean there is an element of  
16 combination here, yes.

17 Q. What does Eyes on Georgia mean?

18 A. That was the term that OPSEC had,  
19 and I guess they in their system set that up for  
20 part of the description.

21 Q. What were they describing?

22 A. At that point it would have -- I

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1 mean their terminology for looking at what could  
2 be, what could be addressed in Georgia or what  
3 could be -- let me say that a little differently.

4           What could be done to address the  
5 concerns of Georgians relative to citizen  
6 engagement. What could be done. And that is  
7 where you see where it says Georgia Code  
8 Analysis. That is kind of the beginning of  
9 figuring out, you know, what could we do for  
10 citizens.

11           Q.     What other types of analyses did  
12 OPSEC conduct aside from generating a list of  
13 challenged voters in Georgia?

14           A.     I know that they looked at, looked  
15 post the -- sorry guys, post -- my apologies,  
16 give me a second. A rogue pet. Hang on.

17                   They looked at other data  
18 elements -- I'm sorry. Can you repeat the  
19 question?

20           Q.     Sure. What other types of analyses  
21 did OPSEC conduct in Georgia aside from preparing  
22 challenge lists for the runoff election?

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1           A.       They looked at other data elements  
2       that are tracked in the Georgia file.  When it  
3       was mentioned that there was bias, we wanted to  
4       see what the records of the state would show, so  
5       they did that analysis.

6           Q.       What other analysis did they  
7       conduct?

8           A.       Relative to all of this, I don't  
9       recall.

10          Q.       Is there anyone from True the Vote  
11       who would recall?  Are there any -- sorry, let  
12       me -- you were -- I think you were shaking your  
13       head but I will let you answer.

14          A.       Sorry, no.  I'm sorry, no.  I'm --  
15       that is my thinking nod.  No, I don't think so.  
16       No.

17          Q.       Are there any documents that you  
18       could review that would help refresh your  
19       recollection of any other analyses that you  
20       conducted?

21          A.       No.  I don't recall.  I don't think  
22       so.



1 challenges was to bring to the -- to help  
2 electors bring to the attention of their local  
3 counties, records that appeared not to comply  
4 with eligibility standards.

5 And it is within state law for them  
6 to -- for citizens to participate in that way to  
7 ask that question. And that is the extent of the  
8 elector challenge.

9 Q. And if the challenges, as True the  
10 Vote claims, does not result in a person be  
11 removed, then why go through the effort of  
12 scrubbing military addresses?

13 A. As I have said, it was just a choice  
14 that we made to not -- I mean, there are, you  
15 know, deployments. There are different ways in  
16 which addresses are identified.

17 And because there is a filter that  
18 exists within the expanded NCOA, we just chose to  
19 remove them.

20 Q. You chose to remove them because  
21 there are a lot of valid reasons why someone in  
22 the military might file a notice of change of

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1 address even while maintaining permanent  
2 residence in Georgia; is that right?

3 A. No. To be clear, NCOA is in the  
4 database of, that is NCOA is the result of the  
5 resident notifying -- ostensibly is the result of  
6 the resident notifying the United States Postal  
7 Service that they have permanently moved their  
8 residence.

9 It is also worth noting that inside  
10 of the expanded NCOA you can, you can as a  
11 resident or as a reviewer of the data, you can  
12 select a temporary move, right, so who moved only  
13 temporarily. And there are classifications  
14 around all of that.

15 So, we only looked at permanence.  
16 Nonetheless, I just, our recognition that  
17 military, because of the nature of the military,  
18 can fall outside of some of the stricter  
19 standards in postal and in the delivery services,  
20 it was really just a choice to not take that --  
21 not include them.

22 Q. So, according to True the Vote's

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1 claims then, the challenge list would have only  
2 included members of the military who indicated or  
3 provided a notice of permanent address changes;  
4 is that right?

5 A. That would have been true for the  
6 entire list. That we would have only been given  
7 notice based upon our aggregation of the data  
8 from USPS as they provide it.

9 They are attestation through that  
10 data is that the selection had been made by the  
11 resident. That the move -- the residential move  
12 to a new address was permanent.

13 Q. And that would be true for -- that  
14 would be true for members of the military as  
15 well, right?

16 A. For everyone. According to what we  
17 were provided, uh-huh.

18 Q. So, what I am -- the question I am  
19 trying to get at is what prompted the exception  
20 for members of the military who had already  
21 indicated that their move was permanent?

22 A. As I said, it is just a -- I think

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1 being aware of the sensitivities around the  
2 military, because they do move so often. And as  
3 I have mentioned, because of the number of  
4 elector challenges, because the rolls had not  
5 been cleaned in two years, the number was already  
6 so large that that seemed like -- and because the  
7 filters were available, that seemed like an  
8 appropriate action to take.

9 Q. Did -- what is the difference  
10 between a temporary move and a permanent move  
11 when it comes to reporting through the NCOA?

12 A. Um --

13 Q. Let me rephrase it this way. I  
14 think I can make my question a little bit  
15 clearer.

16 A. Sure.

17 Q. Am I right that any move that lasts  
18 longer than a year is considered a temporary --  
19 is considered a permanent move?

20 A. I'm not certain what time lines are  
21 put on the -- I'm not sure what time lines govern  
22 the actual input when a resident goes to USPS or

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1 through some other forum, puts the date in. I  
2 don't know if the year is the governance or not.

3 I think -- I should leave it at  
4 that. I'm not certain. But there are  
5 distinctions between permanent and temporary.

6 We chose only to look at permanent.  
7 And we chose only to look at permanent with the  
8 date that was at minimum 90 days -- how do I say,  
9 90 days pre the generals. So that it would have  
10 been a substantial period of time, so that when  
11 we rescreened everything, if there was a change,  
12 we would have caught that.

13 I hope that makes sense. That is  
14 confusing.

15 Q. If an individual wanted to change  
16 their address for 18 months, would they be able  
17 to do that by filing a temporary address change,  
18 or would they be forced to file a permanent  
19 address change and then file another address  
20 change when they return home?

21 A. I know that you can submit the dates  
22 that you want the change to be effective for.

1 I'm not certain what other guidance USPS may  
2 follow.

3 Q. As you sit here today, you can't  
4 tell me what definition of a permanent move is  
5 according to the USPS guidelines or according to  
6 the reporting on the NCOA database?

7 A. I can't affirm exactly what their  
8 statutes or their guidelines say, no.

9 Q. Did you scrub the challenge list for  
10 college students as well who tend to move often?

11 A. I, I, it was discussed. I'm not  
12 sure whether or not that was done in whole or in  
13 part. I'm not sure.

14 Q. Has True the Vote participated in  
15 challenges involving students in the past in  
16 Georgia?

17 A. Not that I recall.

18 MR. NKWONTA: Could we pull up  
19 Exhibit 46, please. I would like to show you  
20 Exhibit 46 to see if you recall this.

21 (Exhibit 46 marked for  
22 identification.)

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1 BY MR. NKWONTA:

2 Q. Ms. Engelbrecht, do you recognize  
3 that e-mail?

4 A. Can you enlarge --

5 Q. E-mail in Exhibit 9 from you to  
6 Gregg Phillips -- or from you to Mark Williams,  
7 copying Gregg Phillips.

8 THE WITNESS: An you enlarge just a  
9 bit.

10 THE VIDEOGRAPHER: I apologize,  
11 Catherine. It is stuck. Bear with me for  
12 one second. Sorry.

13 MR. NKWONTA: Keep scrolling. Keep  
14 scrolling, there we go.

15 BY MR. NKWONTA:

16 Q. Do you recognize this e-mail,  
17 Ms. Engelbrecht?

18 A. It is my e-mail.

19 Q. And this was addressed to Mark  
20 Williams?

21 A. Uh-huh, yes.

22 Q. And Mark Williams is the printer,

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1 right? Or he owns the print shop, right?

2 A. The print, yes.

3 Q. In the e-mail in the third  
4 paragraph, or the third line, fourth line, it  
5 says, "Also please remove addresses that would  
6 suggest that they are military bases." And lists  
7 some potential military bases; is that correct?

8 A. Yes.

9 Q. So, as you were sending the  
10 challenge list to the printer, you were also  
11 instructing him to remove the addresses that  
12 would suggest that they are military bases; is  
13 that right?

14 A. Yes.

15 Q. That would suggest that they were  
16 not scrubbed; is that right? At least not in the  
17 analysis?

18 A. No, that would have suggested that,  
19 if they saw anything that slipped through, just  
20 to try to notate it and remove it.

21 Q. In other words, was it your view  
22 that there may have been some military addresses



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1 or addresses on military bases that still  
2 remained on the list when the list went to  
3 Mr. Williams?

4 A. It would -- conceivably, yes.

5 MR. NKWONTA: Could we pull up  
6 Exhibit 13 now.

7 BY MR. NKWONTA:

8 Q. Exhibit 13 is Mark's response. And  
9 it says, "We will replace them on our files as we  
10 go forward. It's not going to matter enough on  
11 the printed ones to back up and reprint. Just  
12 remove them from the electronic copy as you send  
13 them."

14 Do you know whether those military  
15 addresses were ever removed?

16 A. As I stated, we did all of the  
17 filtering out on our side and gave Mark notice  
18 that if they were to see any, remove them. That  
19 is really all I can attest to.

20 This also has to do with, you know,  
21 whether or not anything even needed to be  
22 printed. Whether or not Mark even needed to be

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1 involved because we have been given indication  
2 from the Secretary of State that they didn't need  
3 printed copies.

4 So, there is a lot of there is a lot  
5 that is inherent within this trying to understand  
6 what the process was going to be going forward.

7 Q. Are you able to testify today that  
8 your challenge list did not include voters who  
9 lived on military installations?

10 A. No. I can testify that we did -- we  
11 put the data through all of the filters and  
12 followed the process that I have described.

13 But, data is data. It is possible.

14 MR. NKWONTA: We can pull down  
15 Exhibit 9 -- or Exhibit 13.

16 BY MR. NKWONTA:

17 Q. Ms. Engelbrecht, how did you go  
18 about recruiting challengers to submit these  
19 challenges in various counties in Georgia?

20 A. Some had already -- some Georgians  
21 had already come to us which was really the  
22 impetus behind the idea that there might be

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1 something that we could help them with.

2 And Georgia's elector challenge laws  
3 are unique in that it did afford an opportunity  
4 for citizens to engage in that way.

5 So, there were some that had come to  
6 us initially.

7 And our thought was that others that  
8 would be interested would either come to us or be  
9 referred if that was something that was of  
10 interest.

11 Q. Were some of these voters referred  
12 by Republican Party officials?

13 A. They were referred by, that group of  
14 James Cooper and Mark Williams as people that  
15 they knew for different counties, but we never  
16 did any deeper dives into their affiliations.

17 Q. Were any of the voters who  
18 approached you, were any of them referred by the  
19 Republican Party officials?

20 A. I don't recall. I don't think so,  
21 but I don't recall specifically.

22 Q. When the voters approached you or

1 Williams 374, at the bottom of Page 1 of  
2 Exhibit 36.

3 MR. NKWONTA: Can you scroll down so  
4 we can get the full e-mail. The other way.  
5 Great.

6 THE WITNESS: I'm sorry, could you  
7 ask your question again?

8 BY MR. NKWONTA:

9 Q. Well, I wanted you to take a minute  
10 to review the e-mail.

11 A. Oh, sure. Okay.

12 Q. And this is a communication that  
13 went to potential challengers, correct?

14 A. I can't, I can't confirm that -- let  
15 me, let me state that differently.

16 I guess if we looked at the address  
17 and if that was one of the challengers, but there  
18 are some things in this e-mail that give me pause  
19 sufficient to not be able to confirm that this  
20 came from Amy yet. I'm not sure.

21 Q. Okay. Well, let's scroll down to  
22 Page 4 of this exhibit. And is part of that

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1 because of the redactions in the e-mail?

2 A. No.

3 THE WITNESS: Would you continue to  
4 scroll? This is just a different take on it.

5 MR. NKWONTA: Yes. If you could  
6 stop there.

7 BY MR. NKWONTA:

8 Q. It shows on December 17th, 2020, Amy  
9 Holsworth wrote, and it shows Amy's e-mail  
10 address there.

11 And this document was produced, by  
12 the way, by one of the defendants.

13 A. Yeah, I mean it appears in this, in  
14 this exhibit as though it came from Amy's e-mail  
15 address. There are a number of things that stand  
16 out to me as not being normal.

17 But, it does appear, according to  
18 this, that it came from Amy's e-mail address.

19 MR. NKWONTA: And can you scroll a  
20 little bit so we can see the full e-mail? I  
21 think there are a few more lines down.  
22 Perfect.

1 BY MR. NKWONTA:

2 Q. Do you want to take a minute just to  
3 read that e-mail?

4 A. Okay.

5 Q. How many challengers did the True  
6 the Vote reach out to?

7 How many potential challengers did  
8 True the Vote reach out to in order to seek  
9 assistance in submitting these challenges?

10 A. I don't know.

11 Q. Did True the Vote try to recruit  
12 challengers in all Georgia counties?

13 A. We were open to that for sure and  
14 prepared the analysis to support that.

15 But as far as the individuals and  
16 the voters who wanted to participate that was --  
17 you know, as much as people coming to us as it  
18 was people being referred that were also coming  
19 to us, so --

20 Q. So this e-mail that went to  
21 potential challengers stated that True the Vote  
22 has identified over 500,000 people on the Georgia

1 voter list that shouldn't be there.

2 Is that correct that True the Vote  
3 identified over 500,000 people in the Georgia  
4 voter lists?

5 A. They are in -- yeah, there are a  
6 number of things in this e-mail that are not  
7 correct which is what is giving me pause, so --

8 Q. Okay. So, we will start first with  
9 that 500,000 figure. Is that correct?

10 A. Sure. Um, that is not the number  
11 that we had for our challenges, no.

12 Q. And states that the 500,000 people  
13 should not be on the challenge list.

14 Is it True the Vote's position that  
15 all individuals on those challenges should not be  
16 registered in Georgia or should not be on the  
17 voter list?

18 A. It was and is our position that  
19 according to the analysis that we provided, or  
20 that we supported, records corresponded with  
21 individual decisions to permanently change their  
22 residence.

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1                   And therefore it would have made  
2 their record ineligible and appropriate in the  
3 scope of an elector challenge.

4                   That sentence is -- doesn't indicate  
5 those nuances that I think are critical.

6           Q.       At that point had True the Vote  
7 concluded that these voters should not be on the  
8 voter rolls or that they were not legally  
9 registered?

10           A.       Well, again on the basis of our  
11 analysis, the, all that is and should have been  
12 done was the recognition of the information that  
13 was available and the provision of that to the  
14 counties.

15                   This is, you know -- this e-mail is,  
16 doesn't clearly make those distinctions known or  
17 understood.

18           Q.       The e-mail also, I think the fourth  
19 paragraph down asked the voter to take a photo of  
20 and scan your signature and e-mail it with their  
21 voter registration information.

22                   But it doesn't offer the voter an



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1 opportunity to review the list, does it?

2 A. This e-mail does not offer that, no.

3 Q. At the third paragraph from the  
4 bottom, in the last sentence of that paragraph,  
5 it says, "True the Vote has assured me that the  
6 list that they are challenging is 99.9 percent  
7 likely to be incorrectly registered."

8 Do you have any way of knowing  
9 whether 99.9 percent of your challenge list is  
10 incorrectly registered?

11 A. No. And my data background would  
12 never make that kind of statement. And the  
13 statement itself is odd in the way the sentence  
14 is written, "True the Vote has assured me that  
15 the list."

16 It seems odd that Amy would have  
17 written that because Amy was part of the True the  
18 Vote team. That is a distinction that you  
19 probably didn't -- well, you didn't ask for, no.

20 But specific to your inquiry about  
21 the 99.9, this data is -- data is data. You  
22 shouldn't make assertions like that.

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1 Q. And regardless of who wrote it, you  
2 don't dispute that Amy sent it, right?

3 A. I, according to what I'm looking at  
4 on the screen, the markings are there to support  
5 it.

6 It just does not --

7 Q. If Amy testified that she sent it,  
8 would you have any reason to --

9 A. No, if Amy testified that she sent  
10 it, if she said she sent it, then she sent it.

11 Q. And if this document was produced by  
12 defendants, would you have any reason to doubt  
13 that this was sent by defendants?

14 A. I mean if they said they did this,  
15 then they did this.

16 MR. NKWONTA: Can we go to Page 16  
17 of Exhibit 36. And can you scroll a little  
18 bit so we get that full e-mail below from  
19 James Cooper.

20 THE VIDEOGRAPHER: Sorry, guys. It  
21 is just -- stand by.

22 MR. NKWONTA: Okay.

1 THE VIDEOGRAPHER: And then you said

2 Page 16 of 36?

3 MR. NKWONTA: Yes, Page 16.

4 THE VIDEOGRAPHER: Roger that.

5 BY MR. NKWONTA:

6 Q. And then you see that the e-mail  
7 from James Cooper is also on -- in Exhibit 36,  
8 and also includes similar language?

9 A. Yes.

10 Q. And if you look at the second  
11 paragraph, second to the last sentence, there is  
12 an additional sentence there that says, "If this  
13 very type action" -- I think there is a typo. I  
14 will start again.

15 "If this very type action had been  
16 taken back in October, it is very likely Trump  
17 would have won Georgia." Do you see that there?

18 A. I do.

19 Q. At the very top, do you see the  
20 response from the voter to James Cooper that  
21 says, "True the Vote has my permission to use my  
22 signature to challenge the illegal votes in Cobb

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1 County."

2 Is that right?

3 A. That is what it says, yes.

4 Q. You mentioned that the challenges  
5 were not technically meant to remove voters from  
6 the voter rolls.

7 But isn't it true that some voters  
8 got that impression from the communications that  
9 were issued to these voters?

10 MS. SIEBERT: Objection. You are  
11 asking her to testify about other people's  
12 state of mind.

13 Catherine, go ahead.

14 THE WITNESS: I mean, this is what  
15 James Cooper wrote. It is really all I can  
16 say. It is what somebody else wrote.

17 MR. NKWONTA: Could we pull up  
18 Exhibit 39, please.

19 (Exhibit 39 marked for  
20 identification.)

21 BY MR. NKWONTA:

22 Q. Exhibit 39 is a little bit clearer.

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1 And you will see at the top of Exhibit 39, James  
2 Cooper forwards the e-mail chain below to a  
3 number of individuals, including yourself.

4 And you can see that the body of the  
5 e-mail below that he forwarded is similar; is  
6 that right?

7 A. Yes.

8 Q. And in response to James Cooper's  
9 e-mail, the perspective challenger responds,  
10 "James, Here is my," it is redacted. I'm  
11 assuming it is a registration number.

12 "I give True the Vote permission to  
13 use my name and signature in the pursuit of  
14 purging the rolls of the deceased, nonexistent  
15 and nonresidents of my county."

16 Is that a correct reading of the  
17 proposed challenger's response?

18 THE WITNESS: Can you scroll up a  
19 little bit, Joe? Or down. Sorry. Yes.

20 So, that is what you just read and  
21 that is what the document says, yes.

22 BY MR. NKWONTA:

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1 Q. So, you would agree that that  
2 proposed challenger was of the belief that he or  
3 she was purging the voter rolls?

4 A. I -- that is what that statement  
5 indicates.

6 MR. NKWONTA: Can we pull that down  
7 and pull up Exhibit 38.

8 (Exhibit 38 marked for  
9 identification.)

10 BY MR. NKWONTA:

11 Q. Exhibit 38 is an e-mail that was  
12 also forwarded to you, Ms. Engelbrecht?

13 Do you see that?

14 A. Yes.

15 Q. And do you recognize this exhibit?

16 A. I don't recall this, but --

17 Q. Do you dispute that you received  
18 this e-mail?

19 A. I mean, all of the indications in  
20 this exhibit would suggest that I would have  
21 received this e-mail, yes.

22 Q. And the response to James Cooper's

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1 e-mail below, the one that he forwarded to you  
2 and others states, the voters name is redacted.  
3 "Has agreed to be the designated challenger for  
4 Jones County and True the Vote has expressed  
5 permission to use her attached digital signature  
6 for the limited and specific purpose of  
7 challenging voter registrations in Jones County."

8 Is that an accurate reading of the  
9 proposed challenger's response?

10 A. That is what it says.

11 Q. And this e-mail came from the Jones  
12 County GOP Chairman, right?

13 MR. NKWONTA: Could you scroll to  
14 the bottom.

15 THE WITNESS: To James Cooper, yes.

16 MR. NKWONTA: Could we take that  
17 down and pull up Exhibit 40.

18 (Exhibit 40 marked for  
19 identification.)

20 BY MR. NKWONTA:

21 Q. Exhibit 40 is another e-mail that  
22 was forwarded to a number of folks, including

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1 yourself.

2 Do you see that?

3 A. Yes.

4 Q. And the response from the proposed  
5 challenger or the challenger below says, "True  
6 the Vote has my permission to use my name for  
7 challenging the voters in my county that I  
8 believe voted illegally."

9 And then the voter provides their  
10 address.

11 Is that a correct reading of that  
12 prospective challenger's response?

13 A. That is a correct reading, yes.

14 MR. NKWONTA: Could we take that  
15 down and pull up Exhibit 37.

16 (Exhibit 37 marked for  
17 identification.)

18 BY MR. NKWONTA:

19 Q. Exhibit 37 is another e-mail that  
20 James Cooper forwarded to a number of people,  
21 including yourself.

22 MR. NKWONTA: If you scroll down to



1 the response from the prospective challenger.

2 BY MR. NKWONTA:

3 Q. It says, "James, Please find my  
4 digital signature and in the body of this e-mail  
5 you will find the necessary information you  
6 requested. You and True the Vote have my  
7 permission to use my name, digital signature and  
8 other necessary information to challenge voter  
9 registrations in my County of Dodge."

10 Is that a correct reading of the  
11 prospective challenger's response?

12 A. Yes.

13 Q. These prospective challengers that  
14 are shown, would you agree that they believed  
15 they were either purging voters or asserting  
16 challenges to purge voters from the rolls or to  
17 accuse voters of voting illegally?

18 MS. SIEBERT: Again, objection to  
19 the extent that you are asking her for  
20 somebody's state of mind.

21 But, go ahead, Catherine.

22 THE WITNESS: Yeah, I mean this

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1 is -- this is between what James sent out and  
2 the response.

3 If those people for whom the, their  
4 information has been redacted went on to be  
5 associated with, as an elector in their  
6 county and work through the True the Vote  
7 arrangement, there would have been  
8 distinctions throughout.

9 So at this point I can't state to  
10 their state of mind, but this is between  
11 James Cooper and people, other people. So, I  
12 don't know.

13 BY MR. NKWONTA:

14 Q. In their responses, they are  
15 expressly providing permission to challenge voter  
16 registrations, to challenge illegal voting, or to  
17 purge the voter rolls; is that correct?

18 A. That is what these e-mails, you  
19 know, how they read, yes.

20 MR. NKWONTA: We can pull down  
21 Exhibit 37. I want to ask you a little bit  
22 about the data analysis once again. And I

1 want to return to Exhibit 8.

2 (Exhibit 8 marked for  
3 identification.)

4 BY MR. NKWONTA:

5 Q. I guess this is the first time you  
6 are seeing Exhibit 8 in this deposition.

7 Ms. Engelbrecht, do you recognize  
8 Exhibit 8?

9 A. This is the first time I have seen  
10 it.

11 Q. And you have never seen any analysis  
12 of any political party breakdown or racial or  
13 demographic breakdown of the challenge lists?

14 A. No, I have seen that. I have seen  
15 that.

16 Q. Where did you see that?

17 A. It was provided when there were  
18 comments being made of, you know, as I mentioned  
19 earlier of bias being entered in. And because  
20 Georgia uniquely tracks those elements, you can  
21 run, you know, the data or an analysis around  
22 whether or not that was true or whether or not

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1 the, what the data shows.

2 So, I knew that that had occurred.

3 Q. Do you know when this analysis was  
4 first conducted?

5 A. The analysis on this exhibit? Or --

6 Q. The analysis of the demographic  
7 breakdown of the challenge list.

8 A. I don't know exactly. It came later  
9 as a form of reputation of the assertion that  
10 there was -- that that was part of this.

11 But, I don't know the date, no.

12 Q. True the Vote announced its  
13 challenge program on December 18th, 2020; is that  
14 correct?

15 A. I don't recall exactly. It would  
16 have been around then, yes.

17 Q. And if I told you the date was --  
18 the date that had been provided by defendants was  
19 December 18th, would you have any reason to  
20 dispute that?

21 A. No real reason to dispute it, no.

22 Q. And if you look at this file here,

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1 Q. And would this analysis have been  
2 conducted by Gregg Phillips or OPSEC?

3 A. Yeah, I would believe so, yes.

4 Q. Would that have been done at True  
5 the Vote's direction?

6 A. I just, I don't recall. It is -- I  
7 don't recall. It is possible. I don't recall.

8 MR. NKWONTA: We can pull this down.

9 BY MR. NKWONTA:

10 Q. The text file you were referring to,  
11 under what circumstances did you have a chance to  
12 review that text file?

13 A. You asked me if I had ever seen  
14 anything. I'm just saying I recall seeing  
15 something like that. And it would have been -- I  
16 mean I just from the recesses of my mind I recall  
17 seeing it.

18 And in my, in my background in data  
19 and technology, I associate the look of something  
20 a little bit different than what I just saw.

21 But, I hope that is helpful.

22 MR. NKWONTA: I would like to turn

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1 next to the press release, the launch that we  
2 have discussed, the December 18th launch of  
3 the elector challenges. Could we pull up  
4 Exhibit 62, please.

5 (Exhibit 62 marked for  
6 identification.)

7 MR. NKWONTA: And could we go to the  
8 second page, Exhibit 2 or Exhibit 62.

9 BY MR. NKWONTA:

10 Q. Ms. Engelbrecht, do you recognize  
11 Exhibit 62?

12 A. Yes.

13 Q. What is it?

14 A. A post to our website that describes  
15 the challenge of, the elector challenge.

16 Q. The title of the post says, "True  
17 the Vote partners with Georgians in Every County  
18 to preemptively challenge 364,541 potentially  
19 ineligible voters."

20 When you issued this post, had you  
21 in fact partnered with Georgians in Every County  
22 to preemptively challenge 364,000-plus voters?

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1           A.     No.    This was just the beginnings of  
2   the -- I mean this is the first announcement.  We  
3   had people that had come to us, but we were, you  
4   know, had already -- we were prepared to,  
5   certainly.  But, no.

6           Q.     So, why does it say True the Vote  
7   partners with Georgians in Every County to  
8   preemptively challenge 364,000 potentially  
9   ineligible voters?

10          A.     Partnering in the sense of capable  
11   of partnering with, it is the best I can explain.

12          Q.     Would it be fair to say that it is  
13   not accurate?

14          A.     No.  I wouldn't, I wouldn't think  
15   that is fair.  This is sort of a forward looking  
16   statement of the willingness to partner with  
17   Georgians in Every County.

18          Q.     And the next paragraph you state,  
19   "We are proud to be working alongside patriots  
20   across the Peach State, Derek Sommerville of  
21   Forsyth County and Mark Davis of Gwinnett County  
22   who have been leading citizen efforts to

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1 highlight issues in Georgia's voter rolls."

2 And you also mention Mark Williams  
3 and Ron Johnson and James Cooper.

4 What did you mean by working  
5 alongside these individuals?

6 A. Just that they were also involved  
7 in -- in the case of Derek and Mark Davis, they  
8 were -- you know, they were working through their  
9 own elector challenges. And in the case of the  
10 other gentlemen, you know, the Mark Williams'  
11 support with helping to work on the printing and  
12 the fact that he had connected the other  
13 gentlemen who were, you know, interested in  
14 participating.

15 And frankly, it was a comment meant  
16 more to show just support for the engagement of  
17 citizens.

18 Q. So, at the time you issued this  
19 press release, is it fair to say that you had not  
20 submitted 364,541 elector challenges?

21 A. That is correct. We did not do  
22 that.



1 Q. And at the time you issued this  
2 press release is it fair to say that you had not  
3 identified challengers in all 159 counties?

4 A. Yeah, I think that is fair to say,  
5 yes.

6 Q. How many challengers had you  
7 identified at the time True the Vote issued this  
8 press release?

9 A. That I do not recall.

10 Q. Do you know how many counties or how  
11 many challenges True the Vote had submitted at  
12 the time that it issued this press release or  
13 website post?

14 A. At this point I don't believe that  
15 there had been any submitted. But I do not --  
16 let me rephrase that.

17 I do not specifically recall that.  
18 I have a general recollection, but I do not  
19 specifically recall.

20 Q. How many challenges did True the  
21 Vote end up filing for the, for the runoff  
22 election?

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1           A.       We ended up with electors that  
2       wanted to challenge, totaling 65 total counties.  
3       And, so submissions were made in those counties  
4       on behalf of those electors.

5           Q.       And why didn't True the Vote file  
6       challenges in all 159 counties as it stated in  
7       the press release?

8           THE WITNESS:   Guys, I just got a  
9       password required notice. Can you all see  
10      that on the screen or is it just me?

11          THE VIDEOGRAPHER:   Sorry, Catherine.  
12      This is Joe. That might be on your end. I'm  
13      not sure what it is relating to.

14          THE WITNESS:   It is, it is. I  
15      apologize. I just Xed out of it and it is  
16      gone. I apologize.

17          THE VIDEOGRAPHER:   Okay.

18          THE WITNESS:   I'm sorry, could you  
19      repeat the question?

20      BY MR. NKWONTA:

21          Q.       Sure.

22          MR. NKWONTA:   Can the court reporter

1 read back the question, please.

2 (Whereupon, the record was read by  
3 the reporter as requested.)

4 THE WITNESS: Again, I think the  
5 press release was meant to acknowledge that  
6 we had done the analysis to support that.  
7 The reason that we didn't ultimately is  
8 because it wasn't for us to do.

9 It was for electors in the, in their  
10 respective counties. And that is just the  
11 way the process works.

12 BY MR. NKWONTA:

13 Q. But True the Vote said it was going  
14 to do this in the press release, in the very  
15 first line, right?

16 A. Yeah. Again, I think that the  
17 intent of the line was to suggest that we -- that  
18 True the Vote was prepared to do that and do that  
19 in every county.

20 But, you know, we go quickly into  
21 the description of an elector challenge. And it  
22 is, you know, the qualifications therein, so that

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1 is, that is what was -- that is how it was meant  
2 to be taken.

3 Q. So, True the Vote did not actually  
4 intend to file challenges in all 159 counties?

5 A. Oh, no. We were definitely prepared  
6 to do that, but it was up to electors.

7 I mean the reason the True the Vote  
8 exists is to help support citizens who want to  
9 engage in their process. And this is a process  
10 in Georgia that is afforded to electors and, you  
11 know, that is -- we were ready to do that.

12 But, the process is that you only  
13 work with electors from their specific counties.

14 MR. NKWONTA: Can we take a brief  
15 five-minute break?

16 THE VIDEOGRAPHER: We are now going  
17 off the record --

18 MR. NKWONTA: Is that okay with you  
19 all?

20 MS. SIEBERT: Sure.

21 THE VIDEOGRAPHER: The time is  
22 3:00 p.m.

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1 Q. Who would be able to confirm whether  
2 Time For A Hero has a Facebook page?

3 A. The last person who ran the  
4 organization managed all of the social media, so  
5 he would be able to.

6 Q. And who was that person?

7 A. I couldn't recall his name earlier,  
8 but his name is Ty Bathurst.

9 Q. How do you spell that?

10 A. T-Y, B-A-T-H-U-R-S-T.

11 Q. And do you have any reason to doubt  
12 that this is Time for a Hero's Facebook page?

13 A. Well, Time for A Hero is no longer  
14 an organization that I am connected with. I  
15 filed their closing tax return a couple years  
16 ago. If this was still there I, I am -- I can't  
17 say that I have reason to doubt it, but I  
18 can't -- I don't know about it.

19 MR. NKWONTA: Can we go to Page 19.

20 But before we do, I noticed some sound issues  
21 when Ms. Engelbrecht was responding. I just  
22 want to make sure that we were able to

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1 capture the response. If there is anything to  
2 resolve.

3 THE REPORTER: I'm happy to read  
4 back the answer if you'd like or do you want  
5 her -- do you want me to read back what I  
6 have?

7 MR. NKWONTA: Yes, please.

8 (Whereupon, the record was read by  
9 the reporter as requested.)

10 BY MR. NKWONTA:

11 Q. And you have no reason to doubt that  
12 Time For A Hero created a Facebook page? In fact  
13 you acknowledged that Time For A Hero created a  
14 Facebook page?

15 A. I, acknowledge that when the  
16 organization was active, we had somebody that was  
17 managing, or, you know, overseeing social media.

18 And so, it is not outside of the  
19 realm of possibility, but I can't confirm it.

20 I mean I can confirm that I'm  
21 looking at a document that says Time For A Hero,  
22 but I can't confirm anything past that.

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1 MR. NKWONTA: Could we go to Page 19  
2 of the Facebook page, of Exhibit 72.

3 BY MR. NKWONTA:

4 Q. Is that -- is that you in that  
5 Facebook post from August 8, 2020?

6 A. That is me, that is me.

7 MR. NKWONTA: And could we go to the  
8 next post on the following page, Page 20.

9 BY MR. NKWONTA:

10 Q. It says, "Crusade for Freedom coming  
11 soon."

12 What is the Crusade for Freedom?

13 A. I don't, I don't know. I don't have  
14 any affiliation with Crusade for Freedom.

15 I, I guess that Ty was posting some  
16 stuff from True the Vote here just to keep stuff  
17 on social media. I don't know about Crusade for  
18 Freedom.

19 Q. So, he was posting stuff from where?

20 A. From True the Vote. But, I don't  
21 know about this.

22 Q. Uh-huh. Have you heard that phrase

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1 before?

2 A. Have I heard the phrase, Crusade for  
3 Freedom?

4 Q. Yes.

5 A. I don't recall.

6 Q. Have you seen this symbol before?

7 A. This --

8 Q. This diagram, this symbol here, this  
9 Crusade for Freedom symbol?

10 A. Not specific to this. I feel like I  
11 have seen it broadly before. May I ask, is this  
12 current? Is this currently -- I don't know if I  
13 can ask that.

14 But, is this currently on Facebook?

15 Q. Yes, if you look at the top left  
16 corner, you will see the download date.

17 A. I didn't know if that is when it  
18 was.

19 Q. Yes.

20 A. Okay. Well, okay. Thank you.

21 MR. NKWONTA: So, we can pull down  
22 Exhibit 72. Could we pull up Exhibit 73.



1 (Exhibit 73 marked for  
2 identification.)

3 BY MR. NKWONTA:

4 Q. And could we go to the second page.

5 Ms. Engelbrecht, do you recognize  
6 that tweet in Exhibit 73, the tweet at the top?

7 A. No.

8 Q. The Twitter handle and the name on  
9 top of it states Crusade for Freedom, right?

10 A. Uh-huh.

11 Q. It is the same -- it is the same  
12 slogan that was on the Time For A Hero Facebook  
13 page; is that right?

14 A. Yes.

15 Q. And that symbol, the logo or the  
16 symbol for that Twitter handle, that is the same  
17 or similar logo that was on the Time For A Hero  
18 Facebook page, correct?

19 A. Yes.

20 Q. And the tweet says, "We have just  
21 prospectively challenged the eligibility of  
22 360,000 voters in Georgia." Is that right?

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1 A. That is what it says, yes.

2 Q. Are you aware of any other groups  
3 that challenged the eligibility of approximately  
4 360,000 voters in Georgia during the runoff  
5 elections?

6 A. No.

7 Q. The hashtag, Eyes on Georgia, that  
8 was the same slogan that has appeared on several  
9 True the Vote documents, I think including that  
10 invoice from OPSEC, correct?

11 A. Yes.

12 Q. And then the second hashtag,  
13 Validate the Vote Georgia, that was the slogan  
14 that was recommended to you by the consultant; is  
15 that correct?

16 A. Yes, yes.

17 Q. And that tweet was followed up by  
18 the one right under it. It says, "If the Georgia  
19 counties refuse to handle the challenges of  
20 366,000 ineligible voters in accordance with the  
21 law, I plan to release the entire list so America  
22 can do the QC."

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1                   Is that a correct reading of the  
2 tweet underneath?

3                   A.     It is a correct reading of it, yes.

4                   Q.     And this tweet also has a Crusade  
5 for Freedom Twitter handle name and symbol that  
6 appeared on the Time For A Hero page?

7                   A.     Yes.

8                   Q.     And the hashtags underneath say  
9 Validate the Vote Georgia, which is the slogan  
10 that is the True the Vote uses, correct?

11                   And Eyes on Georgia, which is  
12 another slogan that True the Vote uses, correct?

13                   A.     During that period, yes, that is  
14 correct.

15                   Q.     And this tweet was dated  
16 December 20, 2020, correct?

17                   A.     Correct.

18                   Q.     So, moving on from those tweets, I  
19 wanted to ask you specifically about the Validate  
20 the Vote program.

21                   And I wanted to explore that in a  
22 little bit more depth.

1 MR. NKWONTA: Could we pull up  
2 Exhibit 1, please. Can we -- is there any  
3 way to enlarge that a little bit?

4 (Exhibit 1 marked for  
5 identification.)

6 BY MR. NKWONTA:

7 Q. Ms. Engelbrecht, do you recognize  
8 this document?

9 A. Yes.

10 Q. What is it?

11 A. This is a one-page document that was  
12 asked for by, asked to be provided to a donor who  
13 had come to True the Vote and wanted a one-page  
14 document to describe some of the activities that  
15 we were planning to work through.

16 Q. And did the donor have any requests  
17 or any suggestions for activities that True the  
18 Vote should engage in?

19 A. This donor is connected with the  
20 consultant that I mentioned earlier.

21 So, the contribution was to use the  
22 name Validate the Vote and to put a one-pager

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1 together for this donor's use.

2 Q. And is this, this one pager, is this  
3 essentially the framework for the Georgia elector  
4 challenge or the activities that occurred in  
5 Georgia afterward?

6 A. I -- no. This doesn't have any -- I  
7 mean, we could look at it. I would like to look  
8 at the whole thing. But, I don't believe so, no.

9 Q. So, this document -- let's look at  
10 the first sentence underneath which says, "Goal:  
11 To ensure the 2020 election returns reflect one  
12 vote cast by one eligible voter and therefore  
13 protect the right to vote and the integrity of  
14 the election."

15 Is that correct? Does that reflect  
16 your understanding?

17 A. Yes.

18 Q. And, underneath that, the Problem,  
19 it says, "There is significant evidence that  
20 there are numerous instances of illegal ballots  
21 being cast and counted in the 2020 general  
22 election. Most of these illegal votes are being

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1 counted in Democratic counties and are  
2 suppressing legitimate results."

3 Do you see that first paragraph  
4 underneath Problem?

5 A. I do.

6 Q. And who wrote that?

7 A. Pardon me, sorry. I don't, I don't  
8 specifically recall.

9 Q. But the document came from True the  
10 Vote, right?

11 A. That is correct, yes.

12 Q. How did True the Vote determine that  
13 most of the illegal votes were being counted in  
14 Democratic counties?

15 A. I would not know why that would have  
16 been written that way.

17 Q. This was prepared shortly after the  
18 November presidential election, correct?

19 A. Yes.

20 Q. Before new results had been  
21 published --

22 A. That's correct.

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1 Q. -- or certified I should say; is  
2 that correct?

3 A. That is correct.

4 Q. And by then True the Vote had  
5 indicated in this Validate the Vote document that  
6 there is significant evidence of illegal ballots,  
7 most of which were being counted in Democratic  
8 counties; is that right?

9 A. That is what this says, yes.

10 Q. The next paragraph starts with,  
11 "This is a result of Democrat official's refusal  
12 to obey state election laws and counting illegal  
13 votes." Is that --

14 A. That is what it says, yes.

15 Q. How did True the Vote reach that  
16 conclusion?

17 A. I, as a -- you know, as a  
18 promotional piece, this was, you know, those --  
19 that phraseology was used. I, you know, I don't  
20 really have much more to say about that than  
21 that.

22 Q. The next sentence says, "It is also

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1 the result of deliberate election fraud."

2 What evidence did True the Vote have  
3 to make that statement?

4 A. I don't recall.

5 Q. The next sentence, "The situation  
6 has been aided by the Democrat's deliberate  
7 effort to radically expand mail-in balloting,  
8 creating myriad opportunities for voter fraud  
9 that does not exist with in-person voting."

10 Did True the Vote have any evidence  
11 to support that statement?

12 A. That statement in particular I would  
13 say yes in that the -- there was an effort to  
14 radically expand mail-in balloting or mail-in  
15 voting.

16 And it has been documented over time  
17 that mail-in balloting, mail-in voting does  
18 increase the opportunity for vote fraud or  
19 election fraud.

20 Q. Had True the Vote identified any  
21 flood of illegal votes as referenced in that  
22 following paragraph?



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1           A.       This was a promotional piece. I  
2 believe that the third paragraph there was to tie  
3 to the one above saying that there was a radical  
4 expansion and therefore it would precipitate a  
5 flood.

6           Q.       It says, "This flood of illegal  
7 votes violates the U.S. Constitution's right to  
8 vote," and the sentence continues, "by diluting  
9 the votes of legitimate voters."

10                   But, had True the Vote identified  
11 any flood of illegal votes at this point?

12           A.       No, this was a promotional piece  
13 that was written.

14           Q.       And then we get to the plan. It  
15 says, "Solicit whistleblower testimonies for  
16 those impacted by or involved in election fraud."

17                   Did True the Vote obtain those  
18 whistleblower testimonies?

19                   MS. SIEBERT: I'm sorry. I'm just  
20 going to object one more time. And maybe it  
21 is just a point of clarification.

22                   Are you limiting these questions to

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1 the six states, the jurisdictions?

2 MR. NKWONTA: I don't believe I have  
3 to. This is specifically about the Validate  
4 the Vote program which is -- so this is in --  
5 in other words I don't read our deposition  
6 notice or the court's order to say every  
7 single topic is constrained to these six  
8 states.

9 So, if I ask Ms. Engelbrecht, for  
10 instance, what Validate the Vote program  
11 means, you can't limit her testimony to six  
12 states.

13 MS. SIEBERT: Well, the court's  
14 order says that "True the Vote shall present  
15 a witness that is adequately prepared to  
16 answer questions relating to topics listed in  
17 the plaintiff's respective 30(b)(6)  
18 deposition notice with the following  
19 limitations:

20 "Plaintiff shall limit their  
21 questions regarding True the Vote's and OPSEC  
22 Group LLC's pre and post-election activities

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1 to 2012, onward, and the following states:  
2 Georgia, Texas, Ohio, Pennsylvania, Michigan,  
3 Wisconsin."

4 So, the court specifically stated  
5 the topics listed in the 30(b)(6) were to be  
6 limited and would include that following  
7 limitation.

8 So that is directly part of the  
9 court's order.

10 MR. NKWONTA: I understand your  
11 point. I disagree that we cannot ask her  
12 about soliciting whistleblower testimonies  
13 unless we say soliciting whistleblower  
14 testimonies in a specific state, because we  
15 are literally asking to explain a document.

16 So, if -- my question to you is are  
17 you instructing her not to answer this  
18 question with respect to any state outside of  
19 the target jurisdictions that we have  
20 identified?

21 MS. SIEBERT: Yes, I am.

22 BY MR. NKWONTA:

1 Q. Ms. Engelbrecht, are you going to  
2 follow your counsel's instruction?

3 A. Yes, I will.

4 Q. So, can you answer my question with  
5 respect to the six target states that we  
6 discussed?

7 A. Can you repeat the question?

8 Q. Sure.

9 MR. NKWONTA: Can the court reporter  
10 read back the question.

11 (Whereupon, the record was read by  
12 the reporter as requested.)

13 THE WITNESS: We did not obtain any  
14 whistleblower testimonies.

15 BY MR. NKWONTA:

16 Q. The second bullet in the plan says,  
17 "Build public momentum through broad publicity."

18 Does that include -- well, why don't  
19 you explain to me what type of broad publicity  
20 was anticipated.

21 A. Again, this is the first -- I have  
22 seen an orientation of a one-pager like this.

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1 This is the first time I have seen this one-pager  
2 with some of this language.

3 So, I can only respond to -- you  
4 know, I mean, to repeat back build public  
5 momentum through broad publicity. We didn't do  
6 any advertising of any sort. I had a podcast, I  
7 mean that was it.

8 Q. Would you consider a press  
9 release --

10 A. Oh, I'm so sorry. Yes, and if we  
11 did press releases, that would be considered in  
12 that, in that bullet, yes.

13 Q. The next bullet, "Galvanize  
14 Republican legislative support in key states."

15 Why the focus on Republican  
16 legislative support?

17 A. I, I don't know. I don't know why  
18 that was written that way.

19 Q. The next is, "Aggregate and analyze  
20 data to identify patterns of election  
21 subversion." And that task is assigned to OPSEC  
22 group. Do you see that?

1 THE WITNESS: Can you scroll up, can  
2 you scroll a little bit, Joe?

3 That would have been going back to  
4 the litigation support for the cases that  
5 were being filed shortly after the election.

6 BY MR. NKWONTA:

7 Q. So, the items that we discussed on  
8 that OPSEC invoice including litigation support,  
9 that was part of the aggregating and analyzing  
10 data to identify patterns of election subversion  
11 that we see in this document?

12 A. I mean I would, aggregate and  
13 analyze data to identify patterns full stop.  
14 But, that would have been part of that, yes.

15 Q. "File lawsuits in federal court with  
16 capacity to be heard by SCOTUS," the Supreme  
17 Court of the United States; is that correct?

18 A. That is what it says, yes.

19 Q. And is that referring to the  
20 lawsuits that were filed in Georgia,  
21 Pennsylvania, Michigan, Wisconsin, Arizona?

22 And also it lists the key states

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1 here below as well, Arizona, Nevada --

2 A. Uh-huh.

3 Q. Are those the lawsuits or legal  
4 actions that that plan is referring to?

5 A. Yes. Those would have been in that  
6 timeline of lawsuits.

7 Q. And then next it goes on to the  
8 legal strategy for the Validate the Vote program.

9 And it states that, "Jim Bopp will  
10 file federal suits in the seven closest  
11 battleground states to investigate voter fraud,  
12 expose it and nullify the results of the state's  
13 election so that the presidential electors can be  
14 selected in a special election or by the state  
15 legislature."

16 Why was the goal to nullify the  
17 results of the state's election even before the  
18 election had been certified?

19 A. I do not know why this was -- I  
20 don't -- that was not the goal. Let me answer it  
21 that way. That was not the goal.

22 As we discussed earlier the goal was

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1 Is that a correct reading of  
2 Paragraph 41?

3 A. Yes, it is a correct reading.

4 Q. And other than that link, did True  
5 the Vote have any evidence to support the  
6 allegation that noncitizens, or as many as  
7 70,000-plus noncitizens, voted for Joe Biden in  
8 Georgia?

9 A. I think it was just this link. No.  
10 No.

11 Q. Are you aware of any analysis or any  
12 study that has been done to confirm this or any  
13 additional corroborating evidence that has been  
14 provided to support this?

15 A. No.

16 Q. Do you believe this to be true?

17 A. I believe that Just Facts wrote that  
18 article. Yes, I would have to look at the  
19 underpinnings but I mean that is plausible,  
20 certainly.

21 Q. If we go to the Prayer for Relief,  
22 starting on Page 20 and which spills over to



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1 Page 21.

2 Under Paragraph 65, would you agree  
3 that that paragraph seeks to invalidate the  
4 defendant counties' presidential election  
5 results?

6 A. That is what that communicates, yes.

7 Q. And just the counties that were  
8 named as defendants in this lawsuit, correct?

9 A. I apologize. Can you restate the --

10 Q. Sure. So, this request to  
11 invalidate the results, this request is to  
12 invalidate the results of the counties that were  
13 named as defendants in this lawsuit; is that  
14 right?

15 A. Well, the -- what it says is in  
16 contested counties or in the state overall.

17 So that the -- oh, so that the  
18 counties -- yeah, I, I -- that appears to be what  
19 it communicates. I'm not a lawyer, but that  
20 appears to be what it communicates.

21 Q. The Validate the Vote program  
22 document that I showed you earlier made reference

1 to targeting Democratic counties.

2 Does this complaint carry out that  
3 that strategy?

4 A. I would have to, I guess look at --  
5 I mean I would have to run the numbers to see if  
6 the counties were leaning in that way. I  
7 don't -- it is certainly not part of my mindset  
8 on any of it, so --

9 Q. Why is True the Vote focused on  
10 enjoining the results of the presidential  
11 election in this lawsuit -- let me rephrase.

12 A. Sure.

13 Q. There were a number of elections  
14 that occurred in November, both elections for  
15 president -- both for the presidential race and  
16 there were a number of other state and federal  
17 races on the same ballot.

18 This lawsuit is focused on the  
19 presidential election results only. Why is that?

20 A. I don't know.

21 Q. The Validate the Vote program  
22 document that we just discussed, Exhibit 1, would

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1 you agree that was also focused on overturning  
2 the results of the presidential election?

3 A. That was the language on that page,  
4 yes.

5 MR. NKWONTA: Could we take a quick  
6 ten-minute recess, I just want to see how  
7 much I have left.

8 THE VIDEOGRAPHER: We are now going  
9 off the video record. The time is 3:49 p.m.

10 (Recess taken -- 3:49 p.m.)

11 (After recess -- 4:00 p.m.)

12 THE VIDEOGRAPHER: We are now going  
13 back on the video record the time is  
14 4:00 p.m.

15 BY MR. NKWONTA:

16 Q. Ms. Engelbrecht, we just took a  
17 short break. You understand you are still under  
18 oath?

19 A. Yes.

20 Q. So, before we went on break we  
21 discussed the Georgia lawsuit that was filed  
22 immediately after the November election.

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1 Did True the Vote also participate  
2 in filing a lawsuit in Pennsylvania shortly after  
3 the November general election?

4 A. Yes.

5 Q. And in that lawsuit True the Vote  
6 sued specific counties, correct?

7 A. I don't recall.

8 Q. Do you have any reason to dispute  
9 that?

10 A. No. I mean the briefing will show  
11 it. So, no, it is whatever the briefing says.

12 Q. And do you dispute that that lawsuit  
13 also sought to enjoin certification of the  
14 election results in specific counties?

15 A. If that is what the brief says,  
16 then --

17 Q. Does True the Vote have or did True  
18 the Vote submit any evidence to support the  
19 allegations of voter fraud in the Pennsylvania  
20 lawsuit?

21 A. There were a number of --

22 I'm sorry, could you repeat the

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1 question? I want to make sure I get it right.

2 MR. NKWONTA: Could the court  
3 reporter read the question back, please.

4 (Whereupon, the record was read by  
5 the reporter as requested.)

6 THE WITNESS: I'm aware that there  
7 were points added into the filing that  
8 supported the concerns around election fraud  
9 so that is what I would say.

10 BY MR. NKWONTA:

11 Q. Beyond what was written in the  
12 actual filings, are you aware of any evidence or  
13 have any additional evidence to support the  
14 claims of voter fraud in the Pennsylvania  
15 lawsuit?

16 A. At the time, what we had was what  
17 was put into the file with the -- yeah, that is  
18 at the time it was just what was filed.

19 Q. Did you obtain any additional  
20 evidence since then?

21 A. For the purposes of the lawsuit, no.

22 Q. I will ask you the same question

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1 about Michigan.

2 Did True the Vote participate in  
3 filing a lawsuit in Michigan shortly after the  
4 November election to challenge the election  
5 results or to prevent certain counties from  
6 certifying the election results?

7 A. Yes.

8 Q. And does True the Vote have any  
9 evidence, other than what was written in the  
10 filings, to support the claims of voter fraud  
11 asserted in the Michigan complaint?

12 A. What was put in the brief was what  
13 we had.

14 Q. And True the Vote hasn't obtained or  
15 does not have any additional evidence beyond?

16 A. None of the suits were dismissed, so  
17 no.

18 Q. I will ask you the same question for  
19 Wisconsin.

20 Did True the Vote participate in the  
21 filing of a lawsuit in Wisconsin shortly after  
22 the November general election?

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1 A. Yes.

2 Q. And does True the Vote have or did  
3 True the Vote collect any additional evidence  
4 beyond what was written in the complaints to  
5 support the allegations of voter fraud in the  
6 Wisconsin lawsuit?

7 A. No. Not beyond what was in the  
8 filing we didn't -- nothing else was done and  
9 then the case was dismissed.

10 Q. And that case -- those cases that I  
11 just mentioned, the Georgia case, the Michigan  
12 case, the Pennsylvania case, the Wisconsin case,  
13 all of those cases were voluntarily dismissed.  
14 Is that correct, by the plaintiffs?

15 A. Yes, or withdrawn. I'm not certain  
16 what the proper term is. But, yes.

17 Q. And those lawsuits were voluntarily  
18 dismissed without providing any additional  
19 evidence or support to the court; is that  
20 correct?

21 A. Correct.

22 Q. Why were those lawsuits dismissed

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1 shortly after they were filed?

2 A. The data that was necessary to be  
3 exacting in the support of the filing or in --  
4 not support necessarily but in the ongoing filing  
5 and the way that the case would naturally sort of  
6 unfold, that data was not available.

7 And that specifically would have  
8 been the complete record from the state of voters  
9 who actually voted in the 2020 election. And  
10 then we had quite a number of other documents  
11 that we were requesting, but most specifically it  
12 was the final register of who voted in the 2020  
13 election which was not available for months.

14 MR. NKWONTA: I would like to pull  
15 up another exhibit. Exhibit 71 please. And  
16 I would like to go to Page 246 of Exhibit 71.

17 (Exhibit 71 marked for  
18 identification.)

19 THE VIDEOGRAPHER: I'm so sorry, I  
20 missed that page. I apologize.

21 MR. NKWONTA: Sure. Page 246.

22 BY MR. NKWONTA:



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1 Q. Ms. Engelbrecht, do you recognize  
2 this document, Page 246 of Exhibit 71?

3 A. Yes.

4 Q. What is it?

5 A. This was an e-mail sent to me by  
6 Fred Eshelman -- excuse me. This is an e-mail  
7 sent to, sent by Fred Eshelman to his consultant  
8 and copied me.

9 Q. And was the e-mail directed to you?

10 A. I'm not sure.

11 THE WITNESS: Could we scroll down?

12 I don't know. It could have been  
13 either to me or his consultant who he worked  
14 very closely with.

15 MR. NKWONTA: Okay. Could you  
16 scroll backup to the first e-mail.

17 BY MR. NKWONTA:

18 Q. So first can you tell me who is Fred  
19 Eshelman?

20 A. Fred Eshelman is someone who, on  
21 November the 5th, ostensibly at the behest of his  
22 two consultants, Tom Crawford being one, called

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1 True the Vote, first the consultants and then  
2 they put Mr. Eshelman on, in the interests of  
3 making a donation.

4 And that was the first time I had  
5 ever heard of or spoken with any of the three of  
6 them, the two consultants or Mr. Eshelman.

7 Q. In Mr. Eshelman's e-mail, the second  
8 sentence says, "However I do want to know what  
9 money is accomplishing and where this is headed  
10 and the odds of winning."

11 What is he referring to?

12 A. I, I don't know specifically. I  
13 will say that his consultants, from what I  
14 gathered, had other activities going on that were  
15 more political that I don't know, I can't speak  
16 to.

17 Q. Was his goal to overturn the results  
18 of the election?

19 A. I don't know what his goal was.

20 Q. Did he express to you or to anyone  
21 at True the Vote that his interest in overturning  
22 the results of the election?

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1 THE VIDEOGRAPHER: Catherine, this  
2 is Joe. It is not your -- I don't think it  
3 is your headset. I'm checking your  
4 bandwidth. And when it dips low, you cut  
5 out. I don't think it is anything that you  
6 can control, but if you have a new set of  
7 headphones, we will try that.

8 Counsel just so everyone knows the  
9 bandwidth is dipping quite low and it is  
10 cutting her off.

11 THE WITNESS: Is this any better?

12 THE VIDEOGRAPHER: You sound great.

13 THE WITNESS: Okay. So the answer  
14 is not as far as I know with respect to what  
15 he communicated to True the Vote, no.

16 Whatever else they had going on, I  
17 don't know.

18 BY MR. NKWONTA:

19 Q. And if you look below at, there are  
20 a couple of references to the likelihood of a  
21 favorable outcome. What is that referring to,  
22 what outcome?

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1           A.     I'm going to make sure that I'm  
2 tracking with you. Likelihood of a favorable  
3 outcome.

4                     I, I don't know. I would presume  
5 this is what he is talking to his consultant  
6 about and I'm copied, but I don't specifically  
7 know.

8                     MR. NKWONTA: Can we jump to  
9 Page 300, please.

10 BY MR. NKWONTA:

11           Q.     Do you recognize the e-mail on  
12 Page 300, Ms. Engelbrecht?

13           A.     Yes, yes.

14           Q.     And can you tell me, you know, what  
15 is Mr. Eshelman seeking here in this e-mail?

16           A.     He is reaching out to me for  
17 information that -- actually let me take another  
18 second to read it because it has been a minute  
19 since I have seen this.

20           Q.     And actually can I ask that you read  
21 the e-mail out loud into the record.

22           A.     Sure. "Catherine, I hope we are all

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1           A.     I, I don't know. I don't know if  
2 that refers to other activities he had going on  
3 with Tom. I don't know. Or maybe that he is  
4 reacting to the news. I shouldn't speculate. I  
5 don't know. I do not know. That is my answer.  
6 I don't know.

7           Q.     If we go to Item Number 3, can you  
8 read into the record the action item there under  
9 Item Number 3?

10          A.     It says Number 3, "Status of Bopp  
11 cases by state, deal with Trump people and  
12 details, dates for orders by state, how long to  
13 implement. Who is forensic team deciding bases  
14 for tests to prove fraud and present to courts?  
15 Strategy still county by county  
16 disqualification?"

17          Q.     What does the reference to deal with  
18 Trump people and details mean?

19          A.     In this context I -- deal with  
20 details -- I don't recall.

21          Q.     Were there any communications or  
22 coordinations with the Trump campaign or the

1 Trump people relating to this effort?

2 A. I know that others, you know, were  
3 in touch with them. We were not.

4 So, yeah, I mean, further up in this  
5 you can see where there was a comment made that  
6 Jim, in his individual capacity, had been on a  
7 call, but we were not otherwise engaged in any of  
8 that.

9 MR. NKWONTA: Can we go to Page 314.

10 BY MR. NKWONTA:

11 Q. Ms. Engelbrecht, do you recognize  
12 Page 314?

13 A. Yes.

14 Q. What is it?

15 A. This is an e-mail that I sent to  
16 Mr. Eshelman post, post a call that we had.

17 Q. And this was dated  
18 November 16th, 2020?

19 A. Yes.

20 Q. Can you read the first paragraph of  
21 that e-mail into the record?

22 A. "Fred, I have attached the budget we

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1 provided to Tom and Dikran on November 5th. Our  
2 not having full funding was well known and often  
3 discussed. I had written in my 11/14 e-mail to  
4 you that it appeared our legal fees would have  
5 been covered by the Trump campaign which I  
6 described in a statement of our cash position,  
7 described as best as possible given the tight  
8 timeline with so many moving parts."

9 Q. What do you mean -- sorry, continue.

10 A. I didn't know if you wanted me to  
11 read the second paragraph.

12 Q. Sure.

13 A. Go ahead with your question.

14 Q. Sure, why don't you read the second  
15 paragraph.

16 A. "We have done a tremendous amount of  
17 work in the 11 days since we first met. Have  
18 talked with Tom routinely about status and  
19 provided him with access to all comms, press  
20 releases and briefings.

21 "Tom and Dikran both asked that I  
22 communicate directly through them and indicated

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1 that the information was being passed to you.  
2 Moving forward I will keep you directly apprised  
3 of continued developments in the whistleblower  
4 situation unless I hear otherwise from you."

5 Q. Now going back to the first  
6 paragraph and the second sentence, what did you  
7 mean that it appears that your legal fees would  
8 have been covered by the Trump campaign?

9 A. Initially we had thought that our  
10 lawsuits would be, would, you know, be very  
11 expensive and cost -- you know, we had a budget  
12 anticipated around those lawsuits.

13 This is, this is a -- that is a  
14 ham-handed way of saying that the research was --  
15 and I don't understand all of the legal  
16 maneuverings or how cases come together  
17 necessarily.

18 But that our research was possibly  
19 going to be used in the move forward of the cases  
20 that would have been part of the Trump defense, I  
21 guess, or cases.

22 And, what this was attempting to



1 communicate was that there would not be any legal  
2 fees.

3 So, when Mr. Eshelman was asking  
4 about the budget and so forth, I have -- you  
5 know, I had written this to say we would not have  
6 those expenses if the research was going to be  
7 used in a different direction. That is all that  
8 meant.

9 Q. So it was your belief that the Trump  
10 campaign would pay for True the Vote's legal fees  
11 to pursue evidence of voter fraud and to pursue  
12 the lawsuits that True the Vote had filed?

13 A. No, it was, this was just not --  
14 this was ill worded, but the intent was to say  
15 that we would not have legal expenses for these  
16 cases. The cases wouldn't -- we wouldn't be a  
17 part of those anymore.

18 That, the, you know, they would  
19 be -- we wouldn't have that expense.

20 Q. Because the phase would be covered  
21 by the Trump?

22 A. Again, it is a ham-handed way to say

1 it, but it was the research that was being done  
2 that we were covering the research for, we would  
3 no longer be a part of. If the Trump campaign  
4 wanted to use it, they would cover that and we'd  
5 be out, so we wouldn't have those expenses.

6 Q. Why was the Trump campaign  
7 interested in covering your fees?

8 A. Well, it wouldn't be covering our  
9 fees. It would just be -- well, it wouldn't be  
10 covering our fees. It would, we would have not  
11 needed to pursue the lawsuits.

12 Q. And we discussed earlier how the  
13 post election effort in Georgia, and when I say  
14 post election, I'm referring to post November  
15 presidential election, the immediate post  
16 election effort in Georgia and the data analysis  
17 conducted by OPSEC was combined with the analysis  
18 conducted by OPSEC in advance of the, of the  
19 elector challenges for the runoff election.

20 Do you recall that?

21 A. I recall us talking about broadly  
22 that in the context of that invoice and what it

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1 audiences and targeting based on the above."

2 Q. This seems to be another discussion  
3 about upcoming Georgia work.

4 Do you recognize any of that or is  
5 any of that related to the work that you did with  
6 Gregg Phillips?

7 A. Absolutely not, no. This is a --  
8 they are referring to -- Mr. Eshelman comes from  
9 North Carolina. I had a sense from conversations  
10 with Tom that they had done things in North  
11 Carolina. But, I don't know. We didn't do  
12 anything with them on any of this.

13 MS. SIEBERT: I'm sorry. Sorry to  
14 interrupt. What is the exhibit number here?  
15 I missed that.

16 MR. NKWONTA: 71.

17 MS. SIEBERT: Thank you.

18 BY MR. NKWONTA:

19 Q. Did Mr. Eshelman fund any of the  
20 post-election activities that True the Vote  
21 engaged in, in Georgia?

22 A. No.

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1 Q. I would like to turn back to True  
2 the Vote's statements about the election and  
3 activity and post election activities.

4 MR. NKWONTA: Can we pull this down  
5 and pull up Exhibit 63.

6 (Exhibit 63 marked for  
7 identification.)

8 BY MR. NKWONTA:

9 Q. Ms. Engelbrecht, do you recognize  
10 Exhibit 63?

11 A. That was a blog post to our website.

12 Q. And is that posted on  
13 November 10th, 2020?

14 A. According to this document, yes.

15 Q. And that would have been  
16 approximately a week after the November election?

17 A. Yes.

18 Q. And can you read the third paragraph  
19 on Page 2 into the record, starting with, "Never  
20 in our history".

21 A. "Never in our history has there been  
22 such blatant disregard for election integrity.

1 During these pivotal times we refuse to stand on  
2 the sidelines.

3 "True the Vote will keep fighting to  
4 ensure 2020 election returns reflect the  
5 principle of one vote for one voter and to repair  
6 our broken elections once and for all."

7 Q. And following that statement, the  
8 release makes reference to the Validate the Vote  
9 initiative that True the Vote recently launched;  
10 is that correct?

11 A. Yes.

12 Q. And that is the same initiative we  
13 discussed in Exhibit 1, correct?

14 A. Yes. Well, I'm not sure what  
15 Exhibit 1 was any longer, but we have discussed  
16 that, yes.

17 Q. But that Validate the Vote document,  
18 right?

19 A. I know the name is the same, yes.

20 Q. So, True the Vote announces that it  
21 is launching this initiative that was described  
22 in Exhibit 1, and announces a whistleblower fund

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1 in excess of \$1 million. Is that correct?

2 A. Yes.

3 Q. And was the purpose of that million  
4 dollars to reward people that came forward with  
5 evidence of voter fraud?

6 A. The fund was to -- or the idea of  
7 the fund was to support people that would come  
8 forward, as we discussed previously, to have  
9 funds available should they be necessary for  
10 their legal support.

11 Also through this we were funding  
12 the state election or county election lawsuits.

13 Q. Did you present any of the evidence  
14 that you obtained through this initiative to any  
15 of the courts or to -- or to Mr. Eshelman?

16 A. I don't recall. I talked to his  
17 consultants daily. I don't recall anything in  
18 specific.

19 Q. Did True the Vote obtain any  
20 evidence of -- any credible evidence of criminal  
21 malfeasance as referenced in this press release  
22 after announcing this initiative?

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1           A.     We did have some reports that we  
2     considered credible.

3           Q.     And did you submit those reports to  
4     anyone?

5           A.     Yes. They have been submitted.

6           Q.     Where did you submit those reports?

7           A.     There are active investigations in  
8     Georgia and in Arizona, and I guess, those are  
9     the two active states.

10          Q.     What was the criminal malfeasance or  
11     misconduct identified in those reports or alleged  
12     in those reports?

13          A.     I don't -- I mean those are active  
14     investigations and our approach to this point has  
15     been that we don't comment on active  
16     investigations.

17          Q.     So, you are not willing to disclose  
18     or identify the nature of any of the reports of  
19     fraud or evidence of fraud that you received?

20                 THE WITNESS: May I consult with  
21     counsel and just make sure I am answering the  
22     question properly? I just want to make sure

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1 I'm being respectful of all of the  
2 considerations here.

3 MS. SIEBERT: Um, okay. I'm sorry.  
4 I'm coming in -- I came in halfway through  
5 this deposition and so I'm a little bit  
6 behind the eight ball as far as what has been  
7 testified to or not, regarding that before  
8 and the objections made.

9 MR. NKWONTA: I can give you a quick  
10 playback of where this is coming from.

11 MS. SIEBERT: Thank you, yes.

12 MR. NKWONTA: So, Jim and I had  
13 several discussions about consulting with the  
14 witness regarding a pending question. And I  
15 objected on numerous occasions that it was  
16 improper to consult with the witness on a  
17 pending question, and I think that is  
18 probably where some of this is coming from.

19 But, I will caveat and say if the  
20 witness is consulting for the purpose of  
21 determining whether privilege applies, then  
22 you know, I for this, you know, one instance



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1 my question to be limited to the jurisdictions  
2 identified in the 30(b)(6) notice for True the  
3 Vote.

4 And you may answer. And you can  
5 also interpret my question to be limited to  
6 evidence obtained before this lawsuit was filed.

7 MS. SIEBERT: Thank you for that  
8 clarification.

9 MR. NKWONTA: Can the court reporter  
10 read back the last question before we went --  
11 before we went off the record.

12 (Whereupon, the record was read by  
13 the reporter as requested.)

14 THE WITNESS: Shall I answer? We  
15 have reported to the State of Georgia. We  
16 have filed three complaints about  
17 observations and concerns that we have  
18 witnessed.

19 But that is the extent of it as we  
20 have filed these complaints that are now  
21 under active investigation.

22 BY MR. NKWONTA:

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1 Q. Are you willing to disclose what  
2 those concerns are or what the subject of those  
3 complaints are?

4 MS. SIEBERT: Again, I just want to  
5 clarify my objection as far as scope and  
6 timeline and limited to the states in  
7 question.

8 Is that correct, are we still under  
9 that understanding?

10 MR. NKWONTA: Yes.

11 MS. SIEBERT: Okay.

12 THE WITNESS: Okay. So, to that end  
13 I would say that what we -- the basis of our  
14 filings were regarding things that, and  
15 information post the filing of this lawsuit.

16 MR. NKWONTA: I would like to turn  
17 your attention to Exhibit 47.

18 (Exhibit 47 marked for  
19 identification.)

20 BY MR. NKWONTA:

21 Q. This is an article published by Jim  
22 Hoft from the Gateway Pundit. Can you read the

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1 title of this article?

2 A. "It's now clear: Trump will win the  
3 election -- Democrats will steal -- True the Vote  
4 offers essential tips on what you can do to stop  
5 the steal."

6 Q. Do you recall offering comments or  
7 insight on this issue for this article?

8 A. I do not recall.

9 MR. NKWONTA: Can you scroll down to  
10 Page 2 and to the highlighted paragraph on  
11 Page 2 -- or sorry, the paragraph right --  
12 third paragraph from the bottom, starting  
13 with, "Tonight."

14 BY MR. NKWONTA:

15 Q. So the article says, "Tonight the  
16 Gateway Pundit reached out to Catherine  
17 Engelbrecht at True the Vote to offer tips to  
18 ordinary Americans to prevent the Democrat plan  
19 to steal the election in 2020. Catherine  
20 Engelbrecht wrote back with these essential  
21 tips."

22 Do you dispute this characterization

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1 or this statement from this article?

2 A. No, it is entirely possible that he  
3 called me.

4 Q. And it is possible that you  
5 responded with essential tips?

6 A. And it is possible that I responded,  
7 yes.

8 MR. NKWONTA: Could we pull up  
9 Exhibit 44.

10 (Exhibit 44 marked for  
11 identification.)

12 BY MR. NKWONTA:

13 Q. Ms. Engelbrecht, have you stated  
14 publicly or elsewhere before that some counties'  
15 ballots are counted in Spain?

16 A. I don't recall. I'm generally aware  
17 of the ballot counting software platforms that  
18 are multinational. But I don't, I don't -- I  
19 have never seen this document before and I'm not  
20 certain what it might contain.

21 Q. Have you expressed a view before  
22 that some states have their votes counted in

1 Spain?

2 A. I don't recall.

3 Q. Do you have any reason to dispute  
4 this quote in this Brightbart article?

5 A. I have no context around it. I'm  
6 aware of softwares that are used by states that  
7 have, as a practical matter of their structure,  
8 server ports in Spain. That is the extent of  
9 what I do know is true, but that is not at all  
10 uncommon in software.

11 So, I don't know what this -- you  
12 know, what else may be here. I don't know.

13 MR. NKWONTA: Can you scroll down to  
14 Page 3.

15 BY MR. NKWONTA:

16 Q. And Page 3 of this article quotes  
17 you. Can you read that quote into the record?

18 A. "There is a tabulation company  
19 called Sidel that does" --, jeez, spelling.

20 "There is a tabulation company  
21 called Sidel that does have Cloud, I guess,  
22 cold-based servers in Barcelona. And yes, it is

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1 true that the tabulation of votes occurs in that  
2 way in many states that could use that system."

3 Q. Is that an accurate quote?

4 A. There is a tabulation company called  
5 Sidel that has cloud-based servers in Barcelona,  
6 yes, that is true.

7 Q. And is it your view, based on that  
8 that, that some states have their ballots counted  
9 in Spain?

10 A. I think that that is a leap to a  
11 conclusion, but it is certainly true that if you  
12 are using a company that has cloud-based servers  
13 in Spain, and that is in Barcelona, that is a  
14 part of a process that may or may not impact the  
15 vote count. But it is part of a process  
16 nonetheless.

17 Q. Briefly I want to return back to the  
18 voter challenges.

19 Are you familiar or aware of any  
20 challengers who withdrew or asked to withdraw  
21 their challenges during the, during the --

22 A. Yes, I am familiar with one, yes.

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1 Sorry, sorry.

2 Q. And who is that challenger that  
3 asked to withdraw their challenge?

4 A. I don't recall his name.

5 Q. Was it Joe Martin?

6 A. That does sound familiar, yes. That  
7 sounds correct.

8 Q. And do you recall why Joe Martin  
9 chose to withdraw his challenge?

10 A. My general recollection is that in  
11 looking at names on a challenger list he  
12 identified that a couple of them were at long --  
13 were residents at long-term care facilities.

14 And he didn't -- for that purpose he  
15 didn't want to move forward. And he notified  
16 Amy. And we notified -- as I understand it, we  
17 notified the county. And that was -- that is the  
18 end of it as far as I know or as far as I recall.

19 Q. And did you determine or make any  
20 efforts to determine whether those voters were  
21 properly included in the challenge list?

22 A. We didn't submit the challenge list

1 after he declined to participate. We, on his  
2 behalf, just rescinded the challenges, as I  
3 recall.

4 Q. So you submitted the challenges, but  
5 then withdrew them after Mr. Martin requested  
6 that they be withdrawn; is that correct?

7 A. I believe that that is correct. I  
8 am not certain, but I believe that that is  
9 correct.

10 Q. Were there any other challengers who  
11 requested that their challenges be withdrawn?

12 A. None that I am aware of or that I  
13 recall.

14 Q. And you submitted, at some point in  
15 this case, a True the Vote and other defendants  
16 submitted a counterclaim or asserted a  
17 counterclaim for voter intimidation.

18 And can you explain -- can you  
19 explain what caused that intimidation?

20 MS. SIEBERT: I'm going to object to  
21 that. That counterclaim has been completely  
22 dismissed and it is no longer relevant or a



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1 part of this complaint.

2 The court has already dismissed  
3 those claims. It wouldn't be relevant to any  
4 claim or defense in this case.

5 BY MR. NKWONTA:

6 Q. You may answer, Ms. Engelbrecht.

7 A. I will just take advice of counsel  
8 on that.

9 MS. SIEBERT: Catherine, you can go  
10 ahead and answer. I'm sorry. I didn't make  
11 that clear. You can go ahead and answer but  
12 that is our objection.

13 THE WITNESS: Okay. I'm so sorry.  
14 I just want to make -- can you repeat the  
15 question again. I want to make sure I'm  
16 framing it properly in my mind.

17 BY MR. NKWONTA:

18 Q. Sure. And I will narrow the  
19 question a little bit.

20 In what way were -- was True the  
21 Vote and perhaps yourself as well intimidated by  
22 these legal proceedings?

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1           A.     Well, True the Vote, you know,  
2     received e-mails and calls particularly to the  
3     election hotline that were, you know, unkind.

4                     But that was really not the  
5     intimidation. The intimidation that I was most  
6     troubled by was that suffered by the electors who  
7     participated, and as a consequence of that had  
8     their, there were docs online, had businesses  
9     targeted, had threats sent to them in e-mail and  
10    calls, you know, to their businesses.

11           Q.     And so you've told me about the  
12    electors.

13                     And in talking about True the Vote  
14    and yourself specifically, were you intimidated  
15    by the legal proceedings or by the allegations in  
16    the lawsuit?

17                     MS. SIEBERT: Same objections. I  
18    will just make a continuing objection based  
19    upon the same -- for this entire line of  
20    questioning as earlier.

21                     THE WITNESS: Yeah, was I  
22    intimidated by the lawsuit? No. I mean, I'm

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1 just concerned about what was happening to  
2 the volunteers.

3 MR. NKWONTA: And can we take a  
4 quick five-minute break. I think I am just  
5 about done. I just want to make sure that we  
6 have covered everything.

7 THE VIDEOGRAPHER: We are now going  
8 off the video record. The time is 5:04 p.m.

9 (Recess taken -- 5:04 p.m.)

10 (After recess -- 5:09 p.m.)

11 THE VIDEOGRAPHER: We are now going  
12 back on the video record. The time is  
13 5:09 p.m.

14 BY MR. NKWONTA:

15 Q. Ms. Engelbrecht, we just took a  
16 short break. Do you understand you are still  
17 under oath?

18 A. Yes.

19 Q. I just have a couple of quick  
20 questions remaining.

21 First, can you explain to me the  
22 term or have you heard of the term the Photo

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1 Ernesto Program?

2 A. Yes.

3 Q. What is the Photo Ernesto  
4 Initiative?

5 A. That was an initiative we had, True  
6 the Vote had for a brief period of time, maybe, I  
7 don't recall the years, 2012/2013, somewhere in  
8 there.

9 And, it was led by someone. And her  
10 point and focus in the initiative was to --  
11 basically everything we did was translated into  
12 Spanish and focused on working in Latino  
13 communities in that regard.

14 And it was -- and the spokesperson  
15 for that was Latina and, you know, was very  
16 active in that community and speaking Spanish  
17 fluently so it was useful for those folks.

18 Q. What exactly was True the Vote doing  
19 in those Latino communities?

20 A. Everything from helping to do  
21 training for voter registration guides,  
22 clarifying on voter registration intake or how to