

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA**

ATLANTA DIVISION

<p>MARK ANDREWS,</p> <p>Plaintiff,</p> <p>v.</p> <p>DINESH D’SOUZA, et al.,</p> <p>Defendants.</p>	<p>Case No. 1:22-cv-04259-SDG</p> <p>JURY TRIAL DEMANDED</p> <p>Supplemental Complaint</p>
--	--

Pursuant to Rule 15(d) of the Federal Rules of Civil Procedure, Plaintiff Mark Andrews, through his attorneys, hereby supplements his First Amended Complaint (the “Complaint”), Dkt. 27, with the following “transaction[s], occurrence[s], or event[s]” that took place after the filing of the Complaint. The facts set forth below in this Supplemental Complaint are in addition to, and do not supersede or replace, the facts and claims alleged in the Complaint.

INTRODUCTION

1. This lawsuit seeks accountability on behalf of an innocent Georgia voter, Mark Andrews, whom Defendants falsely accused, and continue to accuse, of ballot fraud in their multi-million dollar-grossing film *2000 Mules*, in the accompanying book, and in related promotional appearances.

2. Defendants Dinesh D’Souza, D’Souza Media LLC, True the Vote, Inc., Catherine Engelbrecht, Gregg Phillips, Salem Media Group, Inc., Regnery Publishing, Inc., and John Does (collectively “Defendants”), are the architects and amplifiers of a widely circulated false narrative about alleged ballot fraud in the 2020 election. Through their false statements about voters, including about Mr. Andrews and using an image of Mr. Andrews’ face, they have profited financially and reputationally within certain circles while causing significant harm to Mr. Andrews.

3. Mr. Andrews supplements his Complaint to include new, relevant, factual information.

4. As alleged in the Complaint, notwithstanding findings by a law enforcement investigation that Mr. Andrews was legally voting in the video clip of him Defendants excerpted to include in the book and film, and despite Mr. Andrews repeatedly put them on notice that their allegations about him are false

and defamatory, Defendants have continued to promote and amplify their 2000 Mules narrative and the lie that Mr. Andres was a “mule” engaged in ballot fraud, via the film, book, and related appearances.

5. In recent months, Defendants have amped up their defamatory campaign against Mr. Andrews.

6. Defendants Engelbrecht, Phillips, and True the Vote (collectively, “TTV Defendants”) have recently published multiple copies of a document on their website that include Mr. Andrews’ date of birth and other personally identifying information, as well as unblurred images of his face and an image of his SUV (with the license plate redacted, but also including his printed license plate number), describing the documents as evidence and research supporting *2000 Mules*. At the same time, they have been arguing to the Court that the Complaint should be dismissed because they assert that Mr. Andrews was not identifiable in the images of him they promoted and that their portrayals were of “mules” generally and not Mr. Andrews specifically. *See generally*, TTV Defendants’ Motion to Dismiss (MTD), [Dkt. 58](#).

7. In recent interviews, TTV Defendants have been actively promoting this website with his information in response to questions specifically about Mr.

Andrews and in connection with the false allegations of ballot fraud that they make against him.

PARTIES

8. The allegations stated in paragraphs 17 through 27 of the First Amended Complaint are adopted and incorporated by reference, pursuant to Federal Rules of Civil Procedure 10(b) and 10(c).

JURISDICTION & VENUE

9. The allegations in paragraphs 28 through 31 of the First Amended Complaint are adopted and incorporated by reference, pursuant to Federal Rules of Civil Procedure 10(b) and 10(c).

SUPPLEMENTAL FACTUAL ALLEGATIONS

Open.ink Is a Website Created and Promoted by Defendants True The Vote, Engelbrecht, And Phillips

10. Defendant TTV's primary website, [truehevote.org](https://www.truehevote.org), describes open.ink as a website that "we will roll out" and on which "we've posted all of our findings."¹

¹ True the Vote, *Another Whipsaw Week* (Aug. 15, 2021), <https://www.truehevote.org/another-whipsaw-week/>.

11. During an August 16, 2022, video interview with RSBN (Right Side Broadcast Network), an online media outlet, Defendants Engelbrecht and Phillips both identified open.ink as the website on which they would be posting the “evidence” in support of *2000 Mules*.²

12. In that RSBN interview, Defendant Phillips stated: “We are launching today something called open.ink.”³ Defendant Engelbrecht said, “that’s the place that we’re going to continue to load [documents] into.”

13. In the same RSBN interview, Defendant Engelbrecht stated: “This is very much a repository” for the evidence from *2000 Mules*. “Open.ink is the site where you’re going to be able to go” to download the so-called evidence.⁴

14. This interview, and the TTV website open.ink, was widely reported on at the time and is discussed in Plaintiff’s Complaint in paragraphs 113 and 179, which are adopted and incorporated by reference pursuant to Federal Rules of Civil Procedure 10(b) and 10(c).

² Matt Shuham, *WATCH: The Moment When The ‘2,000 Mules’ Folks Admit Their Supposed Evidence Is Nonsense*, TPM (Aug. 16, 2022, 4:21 PM), <https://talkingpointsmemo.com/news/watch-the-moment-when-the-2000-mules-folks-admit-their-supposed-evidence-is-nonsense>.

³ *Id.*

⁴ *Id.*

15. More recently, in a July 28, 2023, interview on “CrossPolitic,” an online video podcast, Defendant Engelbrecht described open.ink as a website that she asked Defendant Phillips to build for Defendant TTV. Engelbrecht stated: “open.ink started out as . . . a site where True The Vote could put its research.” She then continued “I tasked Gregg and his team to build” the website.⁵

TTV Defendants Posted Mr. Andrews’ Personal Identifying Information On Open.Ink

16. Multiple copies of the document about Mr. Andrews have been posted to Defendants’ open.ink website, which they have described as a repository of their research supporting 2000 Mules. These documents, which appear to be copies of the Georgia State Elections Board file concerning the investigation into the allegation that Mr. Andrews had engaged in voter fraud, include Mr. Andrews’ image alongside his personal identifying information, namely:

- His first name, middle initial, and last name
- His home address
- His voter registration number
- The voter registration numbers of four of his family members
- His date of birth

⁵ CrossPolitic, *Thrown in Prison for not Snitching: Injustice & 2000 Mules*, Rumble (July 28, 2023, 9:00 PM), <https://rumble.com/v330nok-thrown-in-prison-for-not-snitching-injustice-and-2000-mules.html>.

- His license plate number along with a description of his car's make, model, and color
- Multiple images of Mr. Andrews' car, with the license plate redacted (although his full license plate number is also printed in the documents), which match the images contained in the *2000 Mules* book and/or film
- Multiple images of Mr. Andrews where his face is not blurred or redacted, which match the images contained in the *2000 Mules* book and/or film

17. Defendant Phillips recently promoted and referred viewers and listeners to this website in a July 24, 2023, interview on Stephen Bannon's "War Room," an online video podcast. In the interview, Bannon asked about *2000 Mules* and a recent Wall Street Journal editorial⁶ discussing how no evidence has been provided that would support the assertions made in *2000 Mules*. In response, Phillips stated, "we have so many documents," including "the data and the research that we did for ultimately what became the movie." The conversation then continued:

Bannon: "How do people get to find out all of the information? Because *2000 Mules* is as relevant today as it was when they first found out about it."

⁶ The Editorial Board, '2000 Mules' but No Evidence, WSJ (July 23, 2023, 6:15 pm), <https://www.wsj.com/articles/true-the-vote-georgia-lawsuit-subpoena-2000-mules-ballot-harvesting-2020-election-donald-trump-eb331058>.

Phillips: “We built a new platform called open.ink . . . we released all of the [data about a different lawsuit] . . . We’re going to take all of this information . . . we’re just going to dump it into open.ink.”

Engelbrecht: “. . . we’re finally now at a place where we can start posting heavy duty stuff and it’s coming.”⁷

18. At the end of the interview, both Phillips and Engelbrecht list the social media handles and websites where listeners/viewers can find more information, and Phillips identifies truethetvote.org and open.ink as their websites.

19. In addition to acknowledging that they operate open.ink and are responsible for its content, Defendants Engelbrecht and Phillips also continue to direct listeners/viewers to the website for more information about the so-called evidence in support of their allegations specifically against Mr. Andrews.

20. In the July 28, 2023, video interview on CrossPolitic, the hosts discussed *2000 Mules* and the recent WSJ editorial that noted the lack of any evidence to support the allegations of the film, including those made against

⁷ Bannon’s War Room, *Gregg Phillips And Catherine Engelbrecht: "That (WSJ) article is end to end inaccurate"*, Rumble (July 24, 2023), <https://rumble.com/v324ki6-gregg-phillips-and-catherine-engelbrecht-that-wsj-article-is-end-to-end-ina.html>.

Mr. Andrews. In response, Defendant Phillips said, “We have just short of two petabytes of data” in support of the theories in *2000 Mules*.

21. Later in the same interview, the hosts specifically referenced Mr. Andrews by name and asked about the evidence against him. Defendant Phillips then said, “There’s a lot more to that story than just what they published here.” Later, as part of a continued discussion about the so-called evidence, he said, “We have all of this data and there’s nothing they can do about it,” and “we built a platform called open.ink.” He then said, “We dropped all of our information” about a different case into open.ink and “we may just do that in Georgia.”⁸

TTV Defendants Posted This Information After They Filed Their Motion to Dismiss Arguing that They Had Not Specifically Targeted Mr. Andrews or Published Identifying Information About Him

22. Upon information and belief, based on the metadata available on open.ink, the documents containing Mr. Andrews’ image and personally identifying information were posted on open.ink on or about April 15, 2023, at 12:37 PM Eastern Time.

⁸ CrossPolitic, *Thrown in Prison for not Snitching: Injustice & 2000 Mules*, Rumble (July 28, 2023, 9:00 PM), <https://rumble.com/v330nok-thrown-in-prison-for-not-snitching-injustice-and-2000-mules.html>.

23. April 15, 2023, is more than two months after TTV Defendants filed their Motion to Dismiss, [Dkt. 58](#), on February 6, 2023.

24. In their Motion to Dismiss, TTV Defendants repeatedly assert that they never made any publication that identified Mr. Andrews by name, image, or in any other way; that their portrayals were of “mules” generally and not Mr. Andrews specifically; and they had not taken any steps to try to intimidate him, specifically. *See, e.g.*, TTV MTD at 4-5, 7-10. They tried to absolve themselves of responsibility by blaming others for publication of Mr. Andrews’ image and his vehicle with its license plate visible and by accusing Mr. Andrews of improper group pleading. *See* TTV MTD at 7-12.

25. The TTV Defendants’ most recent actions described in this Supplemental Complaint—namely, posting documents with Mr. Andrews’ unblurred image and personal identifying information on their website and directing listeners/viewers to that website in response to questions about their “evidence” regarding Mr. Andrews—provide further support for Mr. Andrews’ claims as stated in the Complaint.

26. The allegations stated in Paragraphs 32 through 257 of the First Amended Complaint are adopted and incorporated by reference, pursuant to [Federal Rules of Civil Procedure 10\(b\)](#) and 10(c).

CLAIMS FOR RELIEF & PRAYER FOR RELIEF

27. Plaintiff does not bring any additional claims for relief in this Supplemental Complaint. Rather, the allegations and claims for relief stated in Paragraphs 258 through 322, and the subsequent Prayer for Relief, of the First Amended Complaint are adopted and incorporated by reference, pursuant to Federal Rules of Civil Procedure 10(b) and 10(c).

Dated: August 7, 2023

Respectfully submitted,

/s/ Sara Chimene-Weiss

Sara Chimene-Weiss*

PROTECT DEMOCRACY PROJECT

7000 N. 16th Street, Suite 120, #430

Phoenix, AZ 85020

Tel: (202) 934-4237

sara.chimene-weiss@protectdemocracy.org

/s/ Von A. DuBose

Von A. DuBose

DUBOSE MILLER

Georgia Bar No. 231451

75 14th Street NE, Suite 2110

Atlanta, GA 30309

Tel: (404) 720-8111

dubose@dubosemiller.com

Rachel F. Homer*

PROTECT DEMOCRACY PROJECT

2020 Pennsylvania Avenue NW, #163
Washington, DC 20006
Tel: (202) 579-4582
rachel.homer@protectdemocracy.org

Rachel E. Goodman*
PROTECT DEMOCRACY PROJECT
82 Nassau Street, #601
New York, NY 10038
Tel: (202) 579-4582
rachel.goodman@protectdemocracy.org

Jared Fletcher Davidson*
PROTECT DEMOCRACY PROJECT
3014 Dauphine Street, Suite J
New Orleans, LA 70117
Tel: (202) 579-4582
jared.davidson@protectdemocracy.org

Lea Haber Kuck*
One Manhattan West
New York, NY 10001-8602
Tel: (212) 735-3000
lea.kuck@probonolaw.com

Rajiv Madan*
Paige Braddy*
1440 New York Avenue NW
Washington, DC 20005
Tel: (202) 371-7000
raj.madan@probonolaw.com
paige.braddy@probonolaw.com

Vernon Thomas*
155 N. Wacker Drive
Chicago, IL 60606-1720
Tel: (312) 407-0648
vernon.thomas@probonolaw.com

Counsel for Plaintiff Mark Andrews
**Admitted Pro Hac Vice*

RETRIEVED FROM DEMOCRACYDOCKET.COM

CERTIFICATE OF COMPLIANCE

Pursuant to Local Rule 7.1D, counsel certifies that the foregoing was prepared in Times New Roman, 14-point font, in compliance with Local Rule 5.1C.

/s/ Sara Chimene-Weiss

Sara Chimene-Weiss*

RETRIEVED FROM DEMOCRACYDOCKET.COM

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the within and foregoing was electronically filed with the Clerk of Court using CM/ECF system, which will automatically send email notification of such filing to all attorneys of record.

Dated: August 7, 2023

/s/ Sara Chimene-Weiss

Sara Chimene-Weiss*

RETRIEVED FROM DEMOCRACYDOCKET.COM