

MUELLER & ASSOCIATES, INC.
CRAIG A. MUELLER, ESQ.
Nevada Bar No. 4703
808 S. 7th Street
Las Vegas, NV 89101
Telephone: (702) 382-1200
Facsimile: (702) 637-4817
Email: electronicservice@craigmuellerlaw.com
Attorney for *Contestant Joey Gilbert*

FIRST JUDICIAL DISTRICT COURT

CARSON CITY, NEVADA

JOEY GILBERT, an individual,

Plaintiff,

vs.

JOSEPH LOMBARDO, putative Republican
candidate for Governor of Nevada.

Defendant.

CASE NO. 22 OC 000851B

DEPARTMENT 2

**APPENDIX FOUR TO CONTESTANT’S OPPOSITION TO
DEFENDANT’S MOTION FOR SANCTIONS**

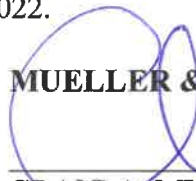
COMES NOW, Contestant, Joey Gilbert, by and through his attorney CRAIG MUELLER, ESQ. of MUELLER & ASSOCIATES, INC., and hereby submits his APPENDIX TO CONTESTANT’S OPPOSITION TO DEFENDANT’S MOTION FOR SANCTIONS, as follows:

EX.	APPX.	DESCRIPTION	PAGES
1.	I.	Statement of Contest filed July 15, 2022	On File
2.	I.	Deposition Transcript of Mark Wlaschin (Excerpts)	001-007
3.	I.	Deposition Transcript of Joe Gloria (Excerpts)	008-011
4.	I.	(Initial) Expert Report of Oliver A. Hemmers, Ph.D. dated July 2, 2022	012-016
5.	I.	Deposition Transcript of Oliver A. Hemmers (Excerpts)	017-032
6.	I.	(Initial) Expert Declaration of Walter C. Daugherty, Ph.D. dated July 14, 2022, and C.V. of Walter C. Daugherty, Ph.D.	033-054
7.	I.	Deposition Transcript of Walter C. Daugherty (Excerpts)	055-066
8.	I.	(Initial) Expert Declaration of G. Donald Allen, Ph.D. (undated)	067-071

9.	II.	C.V. of G. Donald Allen, Ph.D.	072-121
10.	II.	Clark County, 2022, Primary Precinct Analysis, by Edward Solomon	122-162
11.	II.	(Revised) Expert Declaration of G. Donald Allen (undated)	163-169
12.	II.	Deposition Transcripts of G. Donald Allen (Excerpts)	170-185
13.	III.	(Revised) Expert Declaration of Walter C. Daugherty, dated July 25, 2022	186-193
14.	III.	Deposition Transcript of Walter C. Daugherty (Excerpts)	194-210
15.	III.	Deposition Transcript of Michael C. Herron (Excerpts)	211-221
16.	III.	Expert Report of Michael C. Herron, dated August 1, 2022 (without Appendices)	222-273
17.	III.	Amended Expert Report of Oliver C. Hemmers, dated August 9, 2022	274-278
18.	IV.	Expert Report of Justin R. Grimmer, dated August 1, 2022	279-283
19.	IV.	Transcript of Aug. 10, 2022 Hearing on Motion for Summary Judgment	284-334
20.	IV.	Demand Letter to Contestant's Counsel, dated July 27, 2022	335-336

DATED this 2nd day of September 2022.

MUELLER & ASSOCIATES, INC.



 CRAIG A. MUELLER, ESQ.
 Nevada Bar No. 4703
 808 S. 7th Street
 Las Vegas, Nevada 89101
Counsel for Contestant, Joey Gilbert

DECLARATION OF CRAIG A. MUELLER, ESQ.

I, CRAIG A. MUELLER, ESQ., declare under penalty of perjury as follows:

1. I am an attorney licensed to practice law in the State of Nevada, the owner of the law firm of MUELLER & ASSOCIATES, INC., and I represent the Contestant in this matter. I make this declaration in support of Contestant's Opposition to Defendant's Motion for Sanctions. I am over eighteen years of age, have personal knowledge of the facts set forth herein, and am competent to testify to the facts stated herein.

1 2. Attached hereto as Exhibit 1 is a true and correct copy of the Statement of
2 Contest, filed with the Court on July 15, 2022 (the Statement of Contest is on file with the
3 Court and therefore is not reproduced with these exhibits).

4 3. Attached hereto as Exhibit 2 is a true and correct copy of excerpts from the
5 deposition transcript of Mark Wlaschin.

6 4. Attached hereto as Exhibit 3 is a true and correct copy of excerpts from the
7 deposition transcript of Joe Gloria.

8 5. Attached hereto as Exhibit 4 is a true and correct copy of the (Initial) Expert
9 Report of Oliver A. Hemmers, Ph.D. dated July 2, 2022.

10 6. Attached hereto as Exhibit 5 is a true and correct copy of excerpts from the
11 deposition transcript of Oliver A. Hemmers.

12 7. Attached hereto as Exhibit 6 are true and correct copies of the (Initial) Expert
13 Declaration of Walter C. Daugherty, Ph.D. dated July 14, 2022, and the C.V. of Walter C.
14 Daugherty, Ph.D.

15 8. Attached hereto as Exhibit 7 is a true and correct copy of excerpts from the
16 deposition transcript of Walter C. Daugherty.

17 9. Attached hereto as Exhibit 8 is a true and correct copy of the (Initial) Expert
18 Declaration of G. Donald Allen, Ph.D.

19 10. Attached hereto as Exhibit 9 is a true and correct copy of the C.V. of G. Donald
20 Allen, Ph.D.

21 11. Attached hereto as Exhibit 10 is a true and correct copy of the Clark County,
22 2022, Primary Precinct Analysis, prepared by Edward Solomon.

23 12. Attached hereto as Exhibit 11 is a true and correct copy of the (Revised) Expert
24 Declaration of G. Donald Allen.

1 13. Attached hereto as Exhibit 12 is a true and correct copy of excerpts from the
2 deposition transcripts of G. Donald Allen.

3 14. Attached hereto as Exhibit 13 is a true and correct copy of the (Revised) Expert
4 Declaration of Walter C. Daugherty, dated July 25, 2022.
5

6 15. Attached hereto as Exhibit 14 is a true and correct copy of excerpts from the
7 deposition transcript of Walter C. Daugherty.

8 16. Attached hereto as Exhibit 15 is a true and correct copy of excerpts from the
9 deposition transcript of Michael C. Herron.
10

11 17. Attached hereto as Exhibit 16 is a true and correct copy of the Expert Report of
12 Michael C. Herron, dated August 1, 2022, without appendices.

13 18. Attached hereto as Exhibit 17 is a true and correct copy of the Amended Expert
14 Report of Oliver C. Hemmers, dated August 9, 2022.

15 19. Attached hereto as Exhibit 18 is a true and correct copy of the Report of Justin
16 R. Grimmer, dated August 1, 2022.
17

18 20. Attached hereto as Exhibit 19 is a true and correct copy of the Transcript of
19 August 10, 2022 Hearing on Motion for Summary Judgment.

20 21. Attached hereto as Exhibit 20 is a true and correct copy of a letter sent by J.
21 Colby Williams, Esq. to Craig Mueller, Esq. on July 27, 2022.
22

23 I declare under penalty of perjury under the law of the State of Nevada that the
24 foregoing is true and correct.

25 DATED this 2nd day of September 2022.



26
27
28 CRAIG A. MUELLER, ESQ.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the service of the foregoing **APPENDIX TO CONTESTANT’S OPPOSITION TO DEFENDANT’S MOTION FOR SANCTIONS** was served on the 2nd day of August 2022 via email to all parties on the e-service list as follows:

- CAMPBELL & WILLIAMS
- DONALD J. CAMPBELL, ESQ. (1216)
- djc@cwlawlv.com
- J. COLBY WILLIAMS, ESQ. (5549)
- djc@cwlawlv.com
- PHILIP R. ERWIN, ESQ. (11662)
- pre@cwlawlv.com
- SAMUEL R. MIRKOVICH, ESQ. (11662)
- srm@cwlawlv.com
- Attorneys for Defendant Joseph Lombardo

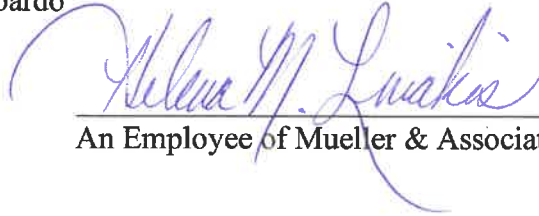

An Employee of Mueller & Associates, Inc.

EXHIBIT 18

EXHIBIT 18

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

FIRST JUDICIAL DISTRICT COURT
CARSON CITY, NEVADA

JOEY GILBERT, an individual
Plaintiff,

vs.

Case No.
22 OC 000851B

STEVE SISOLAK, in his official
capacity as Governor of Nevada;
BARBARA CEGAVSKE, in her official
capacity as Secretary of State;
and JOSEPH GLORIA in his official
capacity as Clark County Registrar
of Voters, JAMES B. GIBSON, in his
official capacity as Chairman of
the CLARK COUNTY BOARD OF COUNTY
COMMISSIONERS, and DEANNA SPIKULA
in her official capacity as Washoe
County Registrar of Voters and
VAUGHN HARTUNG in his official
capacity as Chair of the WASHOE
BOARD OF COUNTY COMMISSIONERS, and
JOSEPH LOMBARDO, putative Republican
candidate for Governor of Nevada,
and DOES 1-10 and ROES 1-10,

Defendants.

REMOTE VIDEOCONFERENCE DEPOSITION OF

JUSTIN R. GRIMMER, PhD

Taken on Thursday, August 4, 2022

By a Certified Court Reporter and Legal Videographer

At 8:58 a.m.

Reported by: Becky J. Parker, RPR, CCR No. 934

Job No. 50297, Firm No. 061F

1 Q. Oh, your first. Okay. Let me go through the
2 basics then. Deposition is the same as is courtroom
3 testimony.

4 Do you understand that?

5 A. Yes.

6 Q. And penalty of perjury applies to
7 depositions.

8 Do you understand that?

9 A. Yes.

10 Q. All right. This electronic format has its
11 limitations. If you do not understand something, please
12 stop me at the next -- or at the next breath and ask me
13 to explain. You're -- I'm entitled -- you're entitled
14 to a fair question that you can answer and I'm entitled
15 to a full and complete answer. And if there's any
16 miscommunication, please let me know. There's nothing
17 here to do to try to trick you.

18 Do you understand?

19 A. I understand.

20 Q. Any questions?

21 A. No questions.

22 Q. All right. I'm assuming you got a paper and
23 pencil there in case I challenge you to do some math.

24 A. I just have the copy of my brief. I have a
25 pen over in the corner. So if you need me to do some

1 math, I can do what I can do. I'm pretty good at -- I'm
2 pretty good in my head, so...

3 Q. I appreciate it. But my math professor -- I
4 suspect when you get a break or have somebody in the
5 room there to get you a pad of paper and pencil, we're
6 going to challenge you I think on a couple pieces of
7 mathematics. But we'll get back to that.

8 Any other questions, sir?

9 A. No other questions.

10 Q. All right. Now, sir, you're -- have been
11 hired by Mr. Lombardo's campaign as an expert witness;
12 correct?

13 A. I was approached by Mr. Mirkovich to evaluate
14 the reports, and I believe that is through Mr. Lombardo
15 and his campaign.

16 Q. Got it. So you've had no contact directly
17 with Lombardo. You're working through his retained
18 counsel.

19 A. That's correct. I have had no contact with
20 Mr. Lombardo.

21 Q. All right. Now, sir, I want to go through a
22 few basics here and then I want to get right to the
23 heart of the matter.

24 You're a mathematician; correct?

25 A. I am not a mathematician. I am a political

1 scientist who works in areas of applied statistics,
2 machine learning.

3 Q. Applied statistics. Now, you've reviewed the
4 work of other experts with experience in mathematics,
5 computer science in mathematics, and in advanced
6 physics; correct?

7 A. That is my understanding of where the -- the
8 experts have their -- what field the other experts have
9 their degree in, yes.

10 Q. Okay. Now, I want to get right to the heart
11 of the matter here. Being a political science major,
12 you would agree that if there's a formula that can
13 predict with statistical certainty the outcome of the
14 mail-in ballots, that's not a fair election.

15 A. I would not agree to that at all. I would
16 need to know a lot more about what was going into the
17 prediction, how it was formulated, what the formula
18 looks like, what information was used in order to make
19 that formula. It really is not a supposition you can
20 make a priori without considerable more details.

21 Q. All right. Well, let's back up, sir. We can
22 do polling and predict with some degree of certainty the
23 outcome of election in most circumstances; correct?

24 A. You can do polling but it's actually quite
25 interesting to note how difficult it is to make a

1 that be a fair election?

2 A. There's just no way to adjudicate whether an
3 election is fair based on the predictive accuracy of
4 some hypothetical algorithm. I'm sorry, but that's two
5 unrelated issues.

6 Q. All right. So I grew up in Las Vegas. Let's
7 talk about statistics for a moment.

8 If I flip a coin I've got what percentage
9 chance of getting heads?

10 A. Is it a fair coin?

11 Q. It's a fair coin. We'll assume a fair coin.
12 And for the record, we'll all stipulate a fair game is a
13 game that is mathematically correct and determined to be
14 done randomly in accordance with the rules of physics.
15 Correct?

16 I want to make sure -- I want the term "fair"
17 to be defined in this deposition so I don't have to
18 explain it to you later.

19 A. So I would assume that -- so I'm not going to
20 be an expert in the definition of the word "fair" when
21 it comes to gambling. I don't get to hang out in Vegas
22 as much as you all. I will however agree that if you're
23 flipping a coin and it is a fair coin; that is, a 50/50
24 coin, then there's a 50 percent chance of obtaining
25 heads in flipping that coin.

EXHIBIT 19

EXHIBIT 19

In the Matter Of:

Gilbert vs Lombardo, et al

AUDIO OF HEARING

Job Number: 908935

1

2

3

4

5

6

7

TRANSCRIPT OF VIDEO-RECORDED

8

HEARING IN THE MATTER OF

9

GILBERT V. LOMBARDO, ET AL.

10

11

12

13

14

15

16

17

18

19

20

21 Job Number 908935

22

23

24

25

1 THE COURT: This is being recorded on the
2 court's recording system. Mr. Williams, it's, uh,
3 your motion this is the time set for hearing on the
4 motion for summary judgment. Go ahead.

5 MR. WILLIAMS: Thank you, Your Honor. I
6 appreciate it and I know we've -- we've dumped a lot
7 of paper on you in a relatively short amount of
8 time. So I appreciate both, uh -- uh, Your Honors
9 and Your Honors' staff, uh, accommodation of -- of
10 these unique proceedings.

11 Uh, and in light of that, uh, short of unique
12 proceeding that we've -- we've, uh, engaged in thus
13 far, we didn't submit a reply brief, obviously,
14 given the time constraints with the, uh -- the
15 schedule that we're on.

16 So I think it would probably be most effective
17 for me to just jump in and address what was
18 contained in, uh, Mr. Gilbert's opposition, because
19 I know His Honor has read everything and is
20 prepared, but, uh -- but the one thing you haven't
21 heard anything on yet is -- is our response to that.

22 So with The Court's, uh, permission, I'll go
23 ahead and start there and I know, uh, if you have
24 any questions, feel free to stop me and, uh, I'll be
25 happy to answer them. Uh, the opposition --

1 THE COURT: I have --

2 MR. WILLIAMS: Go ahead.

3 THE COURT: -- I ju- -- just want to confirm
4 that I have read everything except for a reply,
5 which I'm not even -- has that been filed?

6 MR. HILTON: Uh, it hasn't, Your Honor. The --
7 The -- The Court's order didn't require one and
8 given the time constraints, I -- I -- frankly, I --
9 I didn't get one done and I didn't know if The Court
10 would've had a chance to read it anyway, but, uh --

11 THE COURT: Okay.

12 MR. WILLIAMS: -- but we're happy to -- to take
13 that -- that issue on right now and I think we'll be
14 able to answer any of The Court's questions. The --
15 the focus of the opposition, Your Honor, is -- is
16 essentially, uh, two-fold, I would submit. The --
17 the first, uh, and frankly the largest portion of
18 the opposition is devoted to the issue of the math
19 and that there is a -- you know, a dispute -- a
20 genuine issue of disputed fact with respect to the
21 math.

22 And Your Honor, um -- and something that may be
23 surprising to you, I would agree with -- with Mr.
24 Mueller and Mr. Gilbert that there likely would be a
25 disputed issue with respect to the math. We

1 vehemently dispute the math and what the underlying
2 theory for the math is, that being that there is a -
3 - uh, a fundamental assumption that vote share
4 across the different methods of voting should be
5 relatively equal.

6 We -- we absolutely dispute that and we dispute
7 the math that flows from it, but frankly, whether --
8 whether there's a dispute on the math or not is not
9 a genuine issue of fact that prevents summary
10 judgment based on what we have filed. Most
11 respectfully, uh, if Your Honor wants to accept, for
12 the purposes of this argument, that there is, you
13 know, an issue with the math, please go ahead and do
14 so.

15 What we have focused on is what is step two of
16 Mr. Gilbert's contest and it's not us that
17 characterizes it as step two, it's Mr. Gilbert in
18 the contest itself. Step one is -- is showing that
19 there is a problem with the math. Step two is
20 restoring the votes based on that problematic math
21 and Your Honor, there's now been an effort in the
22 reply brief -- or excuse me, in the opposition, to
23 downplay the role of restoration in this case.

24 And -- and what you see in the opposition are -
25 - are a variety of statements, all of which are to

1 the effect that restoration's just a remedy, Your
2 Honor and we've asked for a bunch of different
3 remedies. And so, you know, that's not really
4 something that can be the proper subject of summary
5 judgment and -- and most respectfully, we disagree
6 with that, Your Honor, because restoration is really
7 at the heart of this election contest and it has to
8 be for a reason.

9 Election contests filed under NRS 293.417
10 Subpart 1 -- what -- the -- the -- the point of a
11 contest is to determine who got the most votes, Your
12 Honor and the way that -- and -- and that has to be
13 based on the evidence presented at the hearing or in
14 this context, um, in -- in the motion practice.

15 And Your Honor, the way that they say that they
16 got the most votes is through restoration and -- and
17 -- and it's not some passing reference to
18 restoration. I -- I went through, before the
19 hearing, Your Honor, and I counted the concept of
20 restoration appears in 18 paragraphs of this
21 complaint or statement of contest, if you will.

22 It is the subs- -- it is an -- and en- -- there
23 is an entire section, Subpart 9, of the -- of the
24 statement that is devoted solely to restoration,
25 Your Honor and -- and -- and this isn't, you know,

1 just some -- one remedy among many. The -- the
2 argument is in the statement that after step one,
3 that being you proved that there is a mathematical
4 flaw, then a remedy is a -- is applied to restore
5 the election results.

6 And Your Honor, it -- it -- it's not -- the
7 restoration isn't something that can be done by a
8 layperson, most respectfully. If -- if you look at
9 the complaint, specifically paragraphs 39 through
10 45, the first part of restoration, according to Mr.
11 Gilbert and his attorneys are that you have to first
12 go restore the sheriff's primary before you can even
13 restore the governor's primary -- the gubernatorial
14 primary, I should say.

15 And then once you do that, then you can restore
16 the gubernatorial primary and it is, and I'm quoting
17 here, "After restoration" -- this is -- I'm reading
18 from paragraph 48, Your Honor, of the statement,
19 "After the restoration, we learned that Gilbert
20 Siselak [ph] and Lombardo [ph] received 83,812,
21 62,102 and 44,083 ballots."

22 So restoration is critical and a critical part
23 of their proof in -- as far as showing who got the
24 most votes, as required under NRS 293.417, Subpart
25 1. Now, I say that expert testimony is required for

1 this, because it all flows from Solomon's [ph]
2 report, just like everything in this case does and
3 despite what my, uh, colleague, you know, says on
4 that subject everything in this case flows from Ed
5 Solomon's report, Exhibit A to the statement.

6 Your Honor, he spends 31 pages of that report
7 addressing restoration. He restores several
8 elections purportedly and only then does he move on
9 to restore the gubernatorial primary and as I say,
10 lay witnesses can't testify to this, because this is
11 something that requires, and I'm quoting from the
12 complaint in different spots, paragraph 43, "It is a
13 -- you use a rotation matrix."

14 Paragraph 47, "It is a geometric translation
15 and rotation of the abnormally disputed --
16 distributed percentages." Paragraph 51, "It is a
17 restorative statistical formulae." Paragraph 51,
18 Subpart 6C, "It is an election restorative
19 algorithm." It goes on, paragraph 52, "It requires
20 mathematical recovery."

21 Paragraph 67, "Statistical application of
22 standard formula." And finally, paragraph 72,
23 "Mathematical correction." Now, Your Honor, I go
24 through all of those, because the point that we have
25 made is that there is no expert testimony to support

1 the concept of restoration regardless of the -- the
2 issue of the math.

3 Let's assume there's a problem with the math
4 for purposes of this motion, nobody is going to come
5 in from Mr. Gilbert's side and be able to present to
6 you, with admissible evidence, on the issue of
7 restoration. None of their experts address it,
8 Judge. The only one who does is Ed Solomon. Now, Mr.
9 Gilbert tells you something different in his
10 opposition.

11 He says, my experts have addressed it. Well,
12 let's take a look at that. Mr. Dougherty - [ph] --
13 Dr. Dougherty, excuse me, I don't mean any
14 disrespect to him -- Dr. Daugherty admittedly says
15 nothing about restoration. He admits in his
16 deposition he has no opinions on it and I don't
17 think that Mr. Gilbert contests that, because they
18 don't say anything about Dr. Daugherty supporting
19 restoration in their papers.

20 They say that Dr. Allen [ph] does and they say
21 that Dr. Hemmers [ph] does. Let's talk about Dr.
22 Allen first. What they say about Dr. Allen is that
23 he testified that, "The math works like crazy." He
24 did -- he -- he did testify to that, Your Honor.

25 But I would encourage The Court to read the

1 very next question and answer, which is to say, and
2 -- and let me make sure that I get it right,
3 question, and I'm reading now, Your Honor, from
4 Exhibit 3 to the opposition, this is at Page 117
5 starting at line 23, "But you don't know how or why
6 it supposedly works; is that correct?"

7 Answer, "No. I don't." So contrary to the
8 representation that Dr. Allen has offered some
9 independent opinion on restoration, he's done
10 nothing of the sort, Judge. All he has done is to
11 pay -- is say that Solomon's math works, but that's
12 witness vouching, Your Honor. M- -- Dr. Allen
13 testified when he tried to do it in a traditional
14 mathematic way, he could not recreate Solomon's
15 results.

16 Now, that's an issue frankly for another day
17 with respect to, uh, the -- the overall
18 qualifications for Dr. Allen, but -- but for
19 purposes of this, he has offered no testimony in
20 support of restoration. What he actually said when
21 he was questioned at length on restoration was to
22 say that he has no opinion on what the vote share
23 tallies should have been, because he doesn't even
24 know if it's possible to do such a calculation.

25 And Your Honor, that's in support -- that's an

1 exhibit filed in support of our motion for summary
2 judgment, Dr. Allen, uh, was at Exhibit, uh, B and
3 the particular lines that I was reading from were at
4 Page 105, lines 15 to 23 where he says -- you know,
5 he's offering no opinion on that, because he doesn't
6 know how you even do it.

7 So that leaves us with Dr. Hemmers and they say
8 Dr. Hemmers supports the concept of restoration.
9 Well, let's take a look at Dr. Hemmers. I found it
10 notable that in the opposition, they don't cite an
11 ounce of deposition testimony from Dr. Hemmers, not
12 one word. What they refer to is his report, Your
13 Honor.

14 His report was attached to the statement of
15 contest, as you'll recall and as we know on summary
16 judgment motions, you can't rely on the contents of
17 your complaint. You've got to come forward with
18 evidence and proof. And so to say, oh, well, his
19 report talks about restoration, frankly, that's not
20 enough.

21 But let's look at what the testimony is on his
22 report, because we did cite that to Your Honor and
23 it's Exhibit D to our motion for summary judgment,
24 specifically Pages 56 to 57 and then 63 to 67 where
25 my colleague, Mr. Merkovitch [ph] examined Dr.

1 Hemmers about all -- this lengthy section on
2 restoration.

3 And what Dr. Hemmers told Mr. Merkovitch is
4 that he didn't do any of the underlying calculations
5 to restore elections.

6 In fact, one of the underlying elections that
7 Dr. -- or that Mr. Solomon test- -- put in his, uh,
8 report when -- when asked of Dr. Hemmers what --
9 what election was that, he -- he had no idea,
10 because he simply just looked at what Mr. Solomon
11 did and he blessed it and he cut and pasted portions
12 of it and he put it into his own report as if it was
13 his and it's not, Judge, it's just regurgitating the
14 inadmissible hearsay opinion of Ed Solomon.

15 It's improper because it's hearsay and it's
16 improper because it's witness vouching, once again,
17 and there is no independent evidence from Dr.
18 Hemmers on the issue of restoration, there's none.
19 If there was, they would've cited it to you from his
20 deposition, Your Honor. They didn't and that's
21 because it doesn't exist.

22 So the -- the final thing -- or the final point
23 I'll address, Your Honor, before turning it over,
24 uh, to my colleague or -- or entertaining any
25 questions from The Court is this notion that

1 restoration is just one of a dozen remedies that The
2 Court could issue. And so, uh, it's really not that
3 big of a deal.

4 Your Honor, let's -- if you take a look at
5 their request for relief, it starts on Page 26 of
6 the statement and it does list, admittedly, a -- a -
7 - a number of bullet points of the relief that --
8 that Mr. Gilbert is seeking, but it starts off with
9 two.

10 The first one is it says that Mr. Gilbert wants
11 the election results annulled or set aside and then
12 it says, and conjunctive, not or, in the
13 alternative, but also what we want is we want
14 certification denied until the votes can be
15 mathematically corrected and mathematically
16 restored. Okay. That's what this is all about.

17 This entire case is about restoring, allegedly
18 if it could be done, the vote count. Now, the rest
19 of the requested relief, Your Honor, are things like
20 Mr. Gilbert wants a hearing within a certain amount
21 of time, he wants the right to do discovery, he
22 wants the right to conduct certain inspections of
23 voting machines and equipment and things of that
24 nature, he wants, you know, to -- an investigation
25 to be conducted and all of these other things.

1 Well, Your Honor, frankly, you know, those
2 other things aren't substitutes for restoration.
3 They aren't going to tell you, you know, who won;
4 okay? But even if they did, Your Honor, that -- that
5 relief can't be provided by Mr. Lombardo; okay?

6 If that's what the focus of this case was
7 really going to be about, then perhaps Mr. Gilbert
8 shouldn't have dismissed out the state actors who
9 were defendants in this case, because those are the
10 parties that would have to address those types of
11 request for relief. So that's why restoration is
12 important and -- and I would close with this, you
13 know, to say that restoration is just a remedy, and
14 so it's not a proper subject for summary judgment,
15 Your Honor, that's just simply not true.

16 I would analogize this remedy of restoration to
17 the type of remedy that you're undoubtedly familiar
18 with in countless cases where a civil litigant is
19 seeking damages and a lot of times damages have to
20 be proven up by an expert and if you can't prove
21 those damages as an element of your cause of action,
22 you're out; okay?

23 If that summary judgment -- if you don't come
24 forward with the required proof on damages, that is
25 a proper basis, in and of itself, to dismiss a case

1 or a claim that is dependent on that element. I
2 would submit that statement of contest here is
3 dependent on the element of restoration, because
4 that is how they argue purportedly Mr. Gilbert got
5 the most votes, but they have no qualified expert to
6 say that, because the only person saying it is Mr.
7 Solomon.

8 His report is inadmissible hearsay for reasons
9 we've argued in other papers, he's not a qualified
10 expert, as everybody acknowledges and what Mr.
11 Gilbert's other experts aren't permitted to do is
12 just come in and say, yeah, he got it right, his
13 numbers are good. He can't do it. So for all those
14 reasons, Your Honor, we would request that the
15 motion be granted.

16 THE COURT: I do not have any questions. So Mr.
17 Mueller?

18 MR. MUELLER: Thank you, Your Honor. And thank
19 you to my colleague for his presentation. And I'm
20 going to abandon my notes and pick up on a couple
21 key points. He said, "Assume for a moment there's a
22 problem with the math." That's the word he used and
23 I wrote it down word for word, "Assume for a moment
24 there's a problem with the math."

25 So let's take his assertion and take it to its

1 logical conclusion, the reason this, uh, election
2 contest should be granted let alone the summary
3 judgment denied is I can tell you with mathematical
4 certainty, not more likely than not, mathematical
5 certainty that there was a formula that was used to
6 generate the mail-in ballots, they were not counted.

7 I say that again, mail-in ballots in Clark and
8 Washoe County were not counted. There's 900
9 precincts in Clark County and Washoe with more than
10 100 votes. I've had three PhDs in math go county by
11 counties, precinct by precinct and they will tell
12 you on elec- -- on this hearing on Friday that if
13 you tell them the numbers from the street and early
14 voting -- or early voting, uh, and vot- -- election
15 day voting, they will tell, without looking --

16 They don't even look. They will tell you what
17 the reported mail-in ballots were. That is a
18 mathematic formula that exists in 900 precincts in
19 Nevada where it could not possibly exist. The only
20 way you get these numbers is by a formula that was
21 used to generate these numbers, three -- and my
22 colleague doesn't want to address this.

23 He's trying to go to -- to Solomon again. There
24 are three mathematicians, a PhD from the Max Planck
25 Institute, a PhD in mathematics from, uh, Harvard

1 and a PhD from College Station all of whom say the
2 exact same thing, the formula has been derived, but
3 for the late arrival of the Washoe County data in
4 the middle of this already abbreviated proceeding,
5 we would be able to have a much more complete
6 report, which is why we attempted to set the
7 depositions for the other three experts today.

8 My colleague is missing a key point,
9 restoration is one remedy, one of many remedies. You
10 can also, under the statute, order a new election
11 and it's increasingly -- as the, uh, discovery and
12 the process has developed, it's increasingly clear
13 to me that your only practicable alternative is
14 going to be to order another election, this time
15 entirely with paper ballots, 900 precincts, Judge,
16 900 of them.

17 All of them have the exact same mathematical
18 formula generating the mail-in ballots. That's like
19 flipping a coin 900 times and getting it heads every
20 time, it can't happen. It can't happen randomly, it
21 can't happen any other way other than someone has
22 made these numbers up and they did not count the
23 mail-in ballots.

24 So my colleague is right, assume that there's a
25 problem with the math. If there's a problem with the

1 math, then the very next logical conclusion is the
2 mail-in ballots were not counted in which case that
3 is more than enough for the summary judgment motion
4 to be defeated and it is more than enough for this,
5 uh, election con- -- cont- -- contest to go on
6 Friday and it is more than enough, when established
7 on Friday, that you should grant Mr. Gilbert a new
8 election or other appropriate relief as the evidence
9 develops.

10 Nobody -- nobody from his side, and I --
11 granted, it's a sh- -- it's abbreviated proceedings,
12 no one at his side has said that the formulas are
13 wrong or that they generate errors in the
14 mathematical computations of the purported mail-in
15 ballots. So respectfully, Judge, my colleague and I
16 -- I do criminal law day in and day out, my
17 colleague does civil law day in and day out and we
18 all kind of go back to the reference, he wants to go
19 back and wants to analogize this to a civil lawsuit.

20 It's not a civil lawsuit, it's an election
21 contest and as far as what I know from the
22 literature, there's been very few of them in our
23 state and the only one I could find was one that was
24 handled last election cycle on your bench and I got
25 an unreported decision from that. This is a case of

1 first impression.

2 I have mathematical proof beyond a reasonable
3 doubt, certainty, that there is an incorrect
4 tallying of the mail-in votes and that's what three
5 experts are going to testify to on Friday. I'd ask
6 that the motion be denied.

7 THE COURT: Thank you. Just, uh, one moment,
8 Mr. Williams and I'll get back to you.

9 MR. WILLIAMS: Okay.

10 THE COURT: Go ahead.

11 MR. WILLIAMS: Thank you, Your Honor. So I
12 heard Mr. Mueller say a few things. What I didn't
13 hear him say is that anyone supports this theory of
14 restoration, not one word and -- and because nobody
15 does.

16 What I've heard him talk about, again, is the
17 math and -- and again, for purposes of this hearing
18 only, uh, we -- we absolutely dispute the math, we
19 dispute everything Mr. Mueller is saying about the
20 math and the notion that no one has disputed it is
21 crazy to me that he re- -- make that representation,
22 but none of that's important, because what he hasn't
23 told you and what there's no evidence of, Your
24 Honor, is that what the meaning of that flawed math
25 is.

1 To say that mail-in ballots weren't counted,
2 okay, to say that there's a mathematical form- --
3 does it mean Mr. Gilbert got more votes than Mr.
4 Lombardo? No. It doesn't mean it, because you have
5 to do the second step, Judge. That was what their
6 entire contest is about, you've got to restore these
7 votes.

8 So now recognizing the -- the flaw what they
9 now tell you is Judge, order a new election, that's
10 what you're going to have to do. Uh, Judge, Pages 26
11 and 27 is that anywhere in the requested relief,
12 ordering a new election?

13 Uh -- uh, I mean, uh, this is emblematic of
14 what's gone on in this entire case albeit in its
15 short life is arguments are made, we rebut those
16 arguments and show why they're completely flawed and
17 what happens is Mr. Gilbert and his counsel then try
18 to move the goalpost and say, no, no, no, no, no,
19 this is what it should be, this -- now this is what
20 we're asking.

21 Just like his two experts told us it was clear
22 and convincing evidence, that there was an algorithm
23 that was impacting the votes in their original
24 declarations and the day before they were both
25 deposited in come new declarations, because they got

1 the math wrong. Remember, it's just math, we've
2 heard that all along.

3 I mean, it's -- it's -- Your Honor, I -- I'm
4 smiling, because it -- it's -- it's almost comical
5 at times what is going on in this case and most
6 respectfully, this is an incredibly serious matter
7 and it needs to be delt with now, most respectfully,
8 summary judgment should be granted on it, Your
9 Honor.

10 THE COURT: Thank you. I, uh -- we're going to
11 take a short recess, I want to consider what I've
12 heard. Um, I'm not sure exactly how long that will
13 take, it's not going to be very long. Uh, is there
14 anything else, Mr. Mueller, before we take the
15 recess?

16 MR. MUELLER: Your Honor, I -- my colleague is
17 -- is trying to ridicule and diminish mathematics
18 and -- and I fundamentally don't understand this
19 concept. Math doesn't [inaudible] --

20 THE COURT: Okay. So excuse me for just -- just
21 a moment. So I -- I wasn't asking for a reply, I was
22 just wondering if there were any other issues that
23 you wanted to bring up before we recess.

24 MR. MUELLER: No, Your Honor. I just want to,
25 uh, make sure we're taking live testimony on Friday,

1 I would like to make plane tickets.

2 THE COURT: It depends on the outcome of the
3 summary judgment, which I intend to rule on here
4 shortly. Mr. Williams, are there any other issues
5 before we take the recess?

6 MR. WILLIAMS: Not that I'm aware of, Your
7 Honor, not related to this motion.

8 THE COURT: All right. We will be in recess
9 then, um, until I return. Thank you.

10 MR. WILLIAMS: Thank you.

11

12 [recess]

13

14 THE COURT: There we go. Okay.

15 CLERK: [inaudible]

16 MR. WILLIAMS: There it is. There we go.

17 THE COURT: I can hear you, Mr. Williams. Mr.
18 Mueller, try again now.

19 MR. MUELLER: Yes. I can hear you loud and
20 clear. Thank you, Judge.

21 THE COURT: All right. All right. I can hear
22 you as well. The, uh, Court has just given a serious
23 consideration to this as, um, can be done. Mr.
24 Mueller, I -- I would like to clarify, for the
25 record, uh, the specific portion of 293.410 that,

1 um, the contestant is relying on. Um, it -- it's my
2 understanding that you are not relying on 293.410,
3 Subsection 2A or B; is that correct so far?

4 MR. MUELLER: I'm going to go to a banker's box
5 of material on my desk, I don't have it all pulled
6 up.

7 THE COURT: I -- I can read it for you. So A
8 is, um, that the election board for any member
9 thereof was guilty of malfeasance.

10 MR. MUELLER: I have [inaudible] --

11 THE COURT: Are you relying --

12 MR. MUELLER: -- uh, Your Honor, I -- I want --
13 as an officer of The Court, I don't know how or why
14 these numbers are they are. I can tell you to a
15 mathematical certainty that they do not reflect
16 reality.

17 THE COURT: So it could be A?

18 MR. MUELLER: It could possibly be A.

19 THE COURT: That would be --

20 MR. MUELLER: If this were a normal lawsuit, it
21 would be six months of discovery before I could get
22 you an answer, but at the moment, uh, with a week
23 and a half's worth of work, I can tell you only that
24 mathematically the results cannot be had that have
25 been reported.

1 THE COURT: B is that the person who has been
2 declared elected to an office was not, at the time
3 of election, eligible to that office.

4 MR. MUELLER: I do not assert that.

5 THE COURT: I'm going to skip over C. Uh, D is
6 that the election board, in conducting the election
7 or in canvassing the returns, made errors sufficient
8 to change the result of the election as to any
9 person who has been declared elected.

10 MR. MUELLER: Yes, sir. That would be a logical
11 conclusion from the evidence that we've uncovered.

12 THE COURT: E is that the defendant or any
13 person acting either directly or indirectly on
14 behalf of the defendant has given or offered to give
15 to any person anything of value for the purpose of
16 manipulating or altering the outcome of the
17 election.

18 MR. MUELLER: I have absolutely no evidence of
19 that.

20 THE COURT: And, uh, so I'm going to read to
21 you, uh, I'm understanding that this is one that
22 you're relying on and that is I'm going to go back
23 to the beginning of the sentence in Subsection 1, a
24 statement of contest shall not be dismissed by any
25 court for want of form if the grounds of contest are

1 alleged with sufficient certainty to inform the
2 defendant of the charges the defendant is required
3 to meet.

4 That's not the sentence I meant to read, I
5 apologize. It's number -- Subsection 2, an election
6 may be contested upon any of the following grounds.
7 Subsection C of that subsection is C, that illegal
8 or improper votes were cast and counted and I
9 understand that is one of your arguments; is that
10 right?

11 MR. MUELLER: Yes, sir. Yes, sir. There were
12 clearly, uh, improper counting.

13 THE COURT: And D is legal and proper votes
14 were not counted.

15 MR. MUELLER: I cannot argue the negative, I
16 don't know about that, sir.

17 THE COURT: Or three, a combination of the
18 circumstances described in Subparagraphs 1 and 2
19 occurred. So, uh, I'm just going to go that far. Is
20 that being asserted by the contestant?

21 MR. MUELLER: Yes, sir. I can prove beyond a
22 doubt that the mathematical results -- the results
23 are not mathematically sound and not possible.

24 THE COURT: All right. And then I'm going to
25 read the rest of Subsection 2 just so that it's

1 together in the record. So if it's A, um -- excuse
2 me, C1, 2 or 3 and/or 3, then it needs to be in an
3 amount that is equal to or greater than the margin
4 between the contestant the defendant or otherwise in
5 an amount sufficient to raise reasonable amount as
6 to the outcome of the election.

7 The standard for summary judgment, under NRC
8 60.56(a), uh, is that the movant, uh, for summary
9 judgment shows that there's no genuine dispute as to
10 any material fact and movant is entitled to judgment
11 as a matter of law.

12 The Court finds that there is no competent
13 evidence that -- and election board or any member
14 thereof was guilty of malfeasance, that there was
15 illegal or improper votes cast but not count- -- or
16 illegal improper votes were cast and counted, no
17 competent evidence that legal and proper votes were
18 not counted or a combination of those two.

19 Regarding the Subsection, uh, D, that requires
20 that there be a showing that the, uh, election
21 board, in conducting the election or in canvassing
22 the returns, made errors and this is the -- the
23 significant part in my mind for this particular one,
24 sufficient to change the result of the election as
25 to any person who has been declared elected.

1 F is that there was a malfunction of any voting
2 device or electronic tabulator, counting device or
3 computer in a manner, again, sufficient to raise
4 reasonable doubt as to the outcome of the election.
5 The Court finds that the math calculations, whether
6 they are correct for the purpose of this, assuming
7 that they are correct, um, I agree with Mr.
8 Williams' argument that that is not enough.

9 Um, the statute specifically requires, uh,
10 reasonable doubt to the outcome of the election
11 sufficient out, um, as to the -- uh, or sufficient
12 to raise a reasonable doubt.

13 Um, so The Court finds that, uh, there -- that
14 no competent evidence has been provided on the issue
15 of restoration. Restoration is necessary to show
16 that the, uh, defects were sufficient to change the
17 result, um, that there was, under Subsection C, in
18 an amount equal, uh, to or greater than the margin
19 between the contestant and the defendant or
20 otherwise in an amount sufficient to raise a
21 reasonable doubt as to the outcome of the election.

22 The Court does have -- not have any, um,
23 competent evidence about if the math is correct,
24 that that made a difference in the election. The
25 experts that were propounded by the contestant, Mr.

1 Daugherty, Mr. Allen, Mr. Hemmer, um, stated in
2 their depositions, and that -- this is -- part's
3 quoted by Mr. Williams in the motion, that they did
4 not do independent calculations, that they used the
5 Solomon report.

6 Um, the Solomon report is not -- it is hearsay,
7 first of all and not -- not the type of information
8 that, um, is relied upon by experts. There's no
9 showing that, um, the admitted nonexpert, Mr.
10 Solomon, um, has a, uh -- that the -- the
11 information he provided is the product of a reliable
12 methodology.

13 The Court concludes that there is no genuine
14 dispute as to any, uh, material fact and that the
15 movant is entitled to judgment as a matter of law
16 and The Court orders that the, uh, contest is denied
17 and dismissed. Mr. Williams, I have reviewed the
18 proposed order that you sent.

19 MR. WILLIAMS: Yes.

20 THE COURT: I would like for you to add, um,
21 just, uh, the differences between what's in your
22 order currently and what I have just indicated on
23 the record.

24 MR. WILLIAMS: Yes, sir.

25 THE COURT: Um, also, I would like for you to

1 strike, um, and I'll make amended order to this
2 effect that the, um, respondents or defendants other
3 than Joseph Lombardo be, uh, stricken from the --
4 the title of the case. So it will be Joy Gilbert, an
5 individual, versus Joseph Lombardo, punitive
6 Republican candidate.

7 MR. WILLIAMS: Understood. Will do.

8 THE COURT: And also, on the, uh, order, it is
9 a proposed order. If you would strike the word
10 proposed and otherwise -- is that something that can
11 be done in -- how long would it take to have that
12 done?

13 MR. WILLIAMS: Uh, I think we can probably have
14 it to you by the end of the day, Your Honor, or
15 first thing in the morning.

16 THE COURT: I would like to have it filed today
17 if possible.

18 MR. WILLIAMS: Okay.

19 THE COURT: Um, you could -- you can email that
20 to my judicial assistant, I think that's what you've
21 been doing with the other things.

22 MR. WILLIAMS: Right.

23 THE COURT: Um, I will review that and if you
24 could send it electronically so if I want to make
25 any changes to it, I will be able to do that --

1 MR. WILLIAMS: Of course.

2 THE COURT: -- but I would like to have it on
3 file today so that this matter can move on to where
4 it's going to move on to.

5 MR. WILLIAMS: Understood and agreed.

6 THE COURT: All right. Anything else, Mr.
7 Mueller?

8 MR. MUELLER: Yes, Judge. Thank you for your
9 time and your consideration and clearly, some
10 thoughtfulness. Uh, the practical problem is -- and
11 I respect The Court's err- -- or reasoning, I
12 believe it is an error. There's a, uh, fundamental
13 problem that you have reached, which is specifically
14 you are blaming Mr. Gilbert for not being able to
15 ascertain what exactly was -- happened despite the
16 fact that I can prove what happened is not proper.

17 Now, therein lies the rub. The answer is is --
18 is there enough evidence to prove that it would've
19 out- -- changed the outcome of the election. You are
20 deciding these pleadings before we begin discovery
21 and then denied the discovery request after Washoe
22 County gave us the data midway through the
23 proceedings.

24 I don't believe -- and, uh, respectfully,
25 you've done a very thorough analysis and -- and I

1 appreciate the work that's gone into it, but in this
2 area, I believe it has, uh, led you to an,
3 uh, incorrect ruling and I believe, uh, Mr. Gilbert
4 has been denied his day in court.

5 THE COURT: So I may have been unclear. Um, I'm
6 not finding that Mr. Gilbert didn't show a specific,
7 um, cause for it, um, I'm relying upon the fact that
8 I don't have any information, if all of the math is
9 correct, that there's a difference in voting of 1 or
10 1,000 or 10,000 or any other number, uh, and the
11 statute, the way that I am reading it, indicates
12 that that is necessary information.

13 Um, the discovery request you're referring to,
14 are you talking about re-deposing the experts?

15 MR. MUELLER: Yes, sir. After we got the Washoe
16 County data, we wanted to -- we noted the ex- -- our
17 expert depositions, uh, that was going to be for
18 today.

19 THE COURT: So I'm going to let Mr. Williams,
20 um, speak in just a moment, but -- and I -- I do
21 want Mr. Williams -- for you to include this in your
22 order, in the very first hearing we had, um, and
23 that was before Mr. Lombardo had been served and Mr.
24 Lombardo was not represented during that first
25 hearing, The Court attempted to make it clear that

1 this case was going to be presented as set forth in
2 NRS 293.415, that the matter shall be tried and
3 submitted so far as may be possible upon deposition
4 to written/oral argument as The Court may order.

5 So the depositions of Mr. Gilbert's three
6 experts were taken, um, and Mr. Gilbert had an
7 opportunity to examine those witnesses at that time,
8 um, and for whatever reason did not.

9 Um, there hasn't been a showing that, uh, re-
10 depositing them would provide any evidence that, uh,
11 they did work on restoration, that they could show
12 that because of the allegations by Mr. Gilbert that,
13 um, there would've been a vote difference of any
14 amount, uh, one way or the other. Mr. Williams, is
15 there anything that you want to state on the record
16 regarding that?

17 MR. WILLIAMS: Sure, Your Honor, just briefly.
18 We -- we put it in our papers with respect to our
19 position as to why Mr., uh, Gilbert should not be
20 entitled to re-depose his own experts a second time.
21 For clarity of the record, um, Mr. Mueller did in
22 fact examine those witnesses. So it wasn't even a
23 situation where we asked our questions and then Mr.
24 Mueller sat silent thinking, you know, I don't need
25 to do anything.

1 He affirmatively questioned all three of those
2 experts. And so to the extent that he didn't perform
3 the examination he now wishes he would have, you
4 know, respectfully, that's not, uh, The Court's
5 fault and it's not Mr. Lombardo's fault. So, um, I
6 don't think I have anything else more to say on
7 that, but I'm happy to include this additional point
8 -- these additional points in the order.

9 THE COURT: And I -- if I misspoke again, I
10 apologize, but I'm aware that Mr. Mueller did
11 question the three experts but that that was a
12 relatively brief exam, um, and that there were no
13 questions regarding restoration. That -- that's my
14 primary point.

15 MR. WILLIAMS: Right.

16 THE COURT: So anything else, Mr. Mueller?

17 MR. MUELLER: No, Your Honor.

18 THE COURT: Mr. Williams?

19 MR. WILLIAMS: No, Your Honor. We'll, uh, get
20 to work on this order and get it to you as promptly
21 as we can.

22 THE COURT: All right. Thank you, both. I'm
23 going to go ahead and discontinue the call.

24 MR. WILLIAMS: Thank you, everyone.

25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

I, Chris Naaden, a transcriber, hereby declare under penalty of perjury that to the best of my ability the above 32 pages contain a full, true and correct transcription of the tape-recording that I received regarding the event listed on the caption on page 1.

I further declare that I have no interest in the event of the action.

August 19, 2022

Chris Naaden



(Hearing in Re: Gilbert v. Lombardo, et al)

1 HEALTH INFORMATION PRIVACY & SECURITY: CAUTIONARY NOTICE
2 Litigation Services is committed to compliance with applicable federal
3 and state laws and regulations ("Privacy Laws") governing the
4 protection and security of patient health information. Notice is
5 hereby given to all parties that transcripts of depositions and legal
6 proceedings, and transcript exhibits, may contain patient health
7 information that is protected from unauthorized access, use and
8 disclosure by Privacy Laws. Litigation Services requires that access,
9 maintenance, use, and disclosure (including but not limited to
10 electronic database maintenance and access, storage, distribution/
11 dissemination and communication) of transcripts/exhibits containing
12 patient information be performed in compliance with Privacy Laws.
13 No transcript or exhibit containing protected patient health
14 information may be further disclosed except as permitted by Privacy
15 Laws. Litigation Services expects that all parties, parties'
16 attorneys, and their HIPAA Business Associates and Subcontractors will
17 make every reasonable effort to protect and secure patient health
18 information, and to comply with applicable Privacy Law mandates,
19 including but not limited to restrictions on access, storage, use, and
20 disclosure (sharing) of transcripts and transcript exhibits, and
21 applying "minimum necessary" standards where appropriate. It is
22 recommended that your office review its policies regarding sharing of
23 transcripts and exhibits - including access, storage, use, and
24 disclosure - for compliance with Privacy Laws.

25 © All Rights Reserved. Litigation Services (rev. 6/1/2019)

-	27 19:11	5	9	acknowledges 14:10
-[ph 8:12	293.410 21:25 22:2	51 7:16,17	9 5:23	across 4:4
1	293.415 31:2	52 7:19	900 15:8,18 16:15,16,19	acting 23:13
1 5:10 6:25 23:23 24:18 30:9	293.417 5:9 6:24	56 10:24	908935 1:21	action 13:21
1,000 30:10	2A 22:3	57 10:24	A	actors 13:8
10,000 30:10	3	6	abandon 14:20	actually 9:20
100 15:10	3 9:4 25:2	60.56(a) 25:8	abbreviated 16:4 17:11	add 27:20
105 10:4	31 7:6	62,102 6:21	able 3:14 8:5 16:5 28:25 29:14	additional 32:7,8
117 9:4	39 6:9	63 10:24	abnormally 7:15	address 2:17 8:7 11:23 13:10 15:22
15 10:4	4	67 7:21 10:24	absolutely 4:6 18:18 23:18	addressed 8:11
18 5:20	43 7:12	6C 7:18	accept 4:11	addressing 7:7
2	44,083 6:21	7	accommodati on 2:9	admissible 8:6
2 24:5,18,25 25:2	45 6:10	72 7:22	according 6:10	admits 8:15
23 9:5 10:4	47 7:14	8		admitted 27:9
26 12:5 19:10	48 6:18	83,812 6:20		admittedly

8:14 12:6	allegations 31:12	analogize 13:16 17:19	appreciate 2:6,8 30:1	28:20
affirmatively 32:1	alleged 24:1	analysis 29:25	appropriate 17:8	assume 8:3 14:21,23 16:24
after 6:2,17, 19 29:21 30:15	allegedly 12:17	and/or 25:2	area 30:2	assuming 26:6
again 11:16 15:7,23 18:16,17 21:18 26:3 32:9	Allen 8:20,22 9:8,12,18 10:2 27:1	annulled 12:11	argue 14:4 24:15	assumption 4:3
agree 3:23 26:7	almost 20:4	another 9:16 16:14	argued 14:9	attached 10:14
agreed 29:5	along 20:2	anyone 18:13	argument 4:12 6:2 26:8 31:4	attempted 16:6 30:25
ahead 2:4,23 3:2 4:13 18:10 32:23	already 16:4	anything 2:21 8:18 20:14 23:15 29:6 31:15,25 32:6,16	arguments 19:15,16 24:9	attorneys 6:11
albeit 19:14	also 12:13 16:10 27:25 28:8	anyway 3:10	arrival 16:3	aware 21:6 32:10
algorithm 7:19 19:22	altering 23:16	anywhere 19:11	ascertain 29:15	<hr/> B <hr/>
all 4:25 7:1,24 9:10 11:1 12:16,25 14:13 16:1,17 17:18 20:2 21:8,21 22:5 24:24 27:7 29:6 30:8 32:1,22	alternative 12:13 16:13	apologize 24:5 32:10	aside 12:11	back 17:18,19 18:8 23:22
	amended 28:1	appears 5:20	assert 23:4	ballots 6:21 15:6,7,17 16:15,18,23 17:2,15 19:1
	among 6:1	application 7:21	asserted 24:20	banker's 22:4
	amount 2:7 12:20 25:3,5 26:18,20 31:14	applied 6:4	assertion 14:25	
			assistant	

based 4:10, 20 5:13	29:14	call 32:23	12:14	Clark 15:7,9
basis 13:25	blessed 11:11	can't 7:10 10:16 13:5,20 14:13 16:20, 21	chance 3:10	clear 16:12 19:21 21:20 30:25
before 5:18 6:12 11:23 19:24 20:14, 23 21:5 22:21 29:20 30:23	board 22:8 23:6 25:13,21	candidate 28:6	change 23:8 25:24 26:16	clearly 24:12 29:9
begin 29:20	both 2:8 19:24 32:22	cannot 22:24 24:15	changed 29:19	CLERK 21:15
beginning 23:23	box 22:4	canvassing 23:7 25:21	changes 28:25	close 13:12
behalf 23:14	brief 2:13 4:22 32:12	case 4:23 7:2, 4 12:17 13:6, 9,25 17:2,25 19:14 20:5 28:4 31:1	characterizes 4:17	coin 16:19
being 2:1 4:2 6:3 24:20 29:14	briefly 31:17	cases 13:18	charges 24:2	colleague 7:3 10:25 11:24 14:19 15:22 16:8,24 17:15,17 20:16
believe 29:12, 24 30:2,3	bring 20:23	cast 24:8 25:15,16	Chris 33:3	College 16:1
bench 17:24	bullet 12:7	cause 13:21 30:7	circumstance s 24:18	combination 24:17 25:18
between 25:4 26:19 27:21	bunch 5:2	certain 12:20, 22	cite 10:10,22	come 8:4 10:17 13:23 14:12 19:25
beyond 18:2 24:21	C	certainty 15:4,5 18:3 22:15 24:1	cited 11:19	comical 20:4
big 12:3	C1 25:2	certification	civil 13:18 17:17,19,20	competent 25:12,17 26:14,23
blaming	calculation 9:24		claim 14:1	
	calculations 11:4 26:5 27:4		clarify 21:24	
			clarity 31:21	

complaint 5:21 6:9 7:12 10:17	confirm 3:3	8:17	24:12 26:2	criminal 17:16
complete 16:5	conjunctive 12:12	context 5:14	countless 13:18	critical 6:22
completely 19:16	consider 20:11	contrary 9:7	county 15:8, 9,10 16:3 29:22 30:16	currently 27:22
computations 17:14	consideration 21:23 29:9	convincing 19:22	couple 14:20	cut 11:11
computer 26:3	constraints 2:14 3:8	correct 9:6 22:3 26:6,7, 23 30:9	course 29:1	cycle 17:24
con- 17:5	cont- 17:5	corrected 12:15	court 2:1 3:1, 3,9,11 8:25 11:25 12:2 14:16 18:7,10 20:10,20 21:2,8,14,17, 21,22 22:7, 11,13,17,19 23:1,5,12,20, 25 24:13,17, 24 25:12 26:5,13,22 27:13,16,20, 25 28:8,16, 19,23 29:2,6 30:4,5,19,25 31:4 32:9,16, 18,22	D
concept 5:19 8:1 10:8 20:19	contained 2:18	correction 7:23	court's 2:2,22 3:7,14 29:11 32:4	damages 13:19,21,24
concludes 27:13	contents 10:16	counsel 19:17	data 16:3 29:22 30:16	Daugherty 8:14,18 27:1
conclusion 15:1 17:1 23:11	contest 4:16, 18 5:7,11,21 10:15 14:2 15:2 17:5,21 19:6 23:24,25 27:16	count 12:18 16:22	day 9:16 15:15 17:16, 17 19:24 28:14 30:4	
conduct 12:22	contestant 22:1 24:20 25:4 26:19,25	count- 25:15	deal 12:3	
conducted 12:25	contested 24:6	counted 5:19 15:6,8 17:2 19:1 24:8,14 25:16,18	deciding 29:20	
conducting 23:6 25:21	contests 5:9	counties 15:11	decision 17:25	
		counting		

declarations 19:24,25	deposition 8:16 10:11 11:20 31:3	27:21	distributed 7:16	effective 2:16
declare 33:3	depositions 16:7 27:2 30:17 31:5	different 4:4 5:2 7:12 8:9	done 3:9 6:7 9:9,10 12:18 21:23 28:11, 12 29:25	effort 4:21
declared 23:2,9 25:25	derived 16:2	diminish 20:17	doubt 18:3 24:22 26:4, 10,12,21	either 23:13
defeated 17:4	described 24:18	directly 23:13	Dougherty 8:12,13	elec- 15:12
defects 26:16	desk 22:5	disagree 5:5	down 14:23	elected 23:2, 9 25:25
defendant 23:12,14 24:2 25:4 26:19	despite 7:3 29:15	discontinue 32:23	downplay 4:23	election 5:7,9 6:5 7:18 11:9 12:11 15:1,14 16:10,14 17:5,8,20,24 19:9,12 22:8 23:3,6,8,17 24:5 25:6,13, 20,21,24 26:4,10,21,24 29:19
defendants 13:9 28:2	determine 5:11	discovery 12:21 16:11 22:21 29:20, 21 30:13	dozen 12:1	elections 7:8 11:5,6
delt 20:7	developed 16:12	dismiss 13:25	dumped 2:6	electronic 26:2
denied 12:14 15:3 18:6 27:16 29:21 30:4	develops 17:9	dismissed 13:8 23:24 27:17	during 30:24	electronically 28:24
dependent 14:1,3	device 26:2	dispute 3:19 4:1,6,8 18:18, 19 25:9 27:14	E	element 13:21 14:1,3
depends 21:2	devoted 3:18 5:24	disputed 3:20,25 7:15 18:20	early 15:13, 14	eligible 23:3
deposed 19:25	difference 26:24 30:9 31:13	disrespect 8:14	Ed 7:4 8:8 11:14	email 28:19
deposing 31:10	differences		effect 5:1 28:2	

emblematic 19:13	errors 17:13 23:7 25:22	exactly 20:12 29:15	32:2,11	finding 30:6
en- 5:22	essentially 3:16	exam 32:12	extent 32:2	finds 25:12 26:5,13
encourage 8:25	established 17:6	examination 32:3	F	first 3:17 6:10,11 8:22 12:10 18:1 27:7 28:15 30:22,24
end 28:14	even 3:5 6:12 9:23 10:6 13:4 15:16 31:22	examine 31:7,22	fact 3:20 4:9 11:6 25:10 27:14 29:16 30:7 31:22	flaw 6:4 19:8
engaged 2:12	every 16:19	examined 10:25	familiar 13:17	flawed 18:24 19:16
enough 10:20 17:3,4,6 26:8 29:18	everybody 14:10	except 3:4	far 2:13 6:23 17:21 22:3 24:19 31:3	flipping 16:19
entertaining 11:24	everyone 32:24	excuse 4:22 8:13 20:20 25:1	fault 32:5	flows 4:7 7:1, 4
entire 5:23 12:17 19:6,14	everything 2:19 3:4 7:2,4 18:19	exhibit 7:5 9:4 10:1,2,3	feel 2:24	focus 3:15 13:6
entirely 16:15	evidence 5:13 8:6 10:18 11:17 17:8 18:23 19:22 23:11, 18 25:13,17 26:14,23 29:18 31:10	exist 11:21 15:19	few 17:22 18:12	focused 4:15
entitled 25:10 27:15 31:20	exists 15:18	expert 6:25 7:25 13:20 14:5,10 30:17	file 29:3	following 24:6
equal 4:5 25:3 26:18	ex- 30:16	experts 8:7, 11 14:11 16:7 18:5 19:21 26:25 27:8 30:14 31:6,20	filed 3:5 4:10 5:9 10:1 28:16	form 23:25
equipment 12:23	exact 16:2,17		final 11:22	form- 19:2
err- 29:11			finally 7:22	formula 7:22 15:5,18,20 16:2,18
error 29:12			find 17:23	

formulae 7:17	genuine 3:20 4:9 25:9 27:13	governor's 6:13	happy 2:25 3:12 32:7	Honor 2:5,19 3:6,15,22 4:11,21 5:2,6, 12,15,19,25 6:6,18 7:6,23 8:24 9:3,12, 25 10:13,22 11:20,23 12:4,19 13:1, 4,15 14:14,18 18:11,24 20:3,9,16,24 21:7 22:12 28:14 31:17 32:17,19
formulas 17:12	geometric 7:14	grant 17:7	Harvard 15:25	Honors 2:8
forward 10:17 13:24	getting 16:19	granted 14:15 15:2 17:11 20:8	heads 16:19	Honors' 2:9
found 10:9	Gilbert 1:9 3:24 4:17 6:11,19 8:9, 17 12:8,10,20 13:7 14:4 17:7 19:3,17 28:4 29:14 30:3,6 31:6, 12,19	greater 25:3 26:18	hear 18:13 21:17,19,21	<hr/> I <hr/>
frankly 3:8,17 4:7 9:16 10:19 13:1	Gilbert's 2:18 4:16 8:5 14:11 31:5	grounds 23:25 24:6	heard 2:21 18:12,16 20:2,12	idea 11:9
free 2:24	give 23:14	gubernatorial 6:13,16 7:9	hearing 1:8 2:3 5:13,19 12:20 15:12 18:17 30:22, 25	illegal 24:7 25:15,16
Friday 15:12 17:6,7 18:5 20:25	given 2:14 3:8 21:22 23:14	guilty 22:9 25:14	hearsay 11:14,15 14:8 27:6	impacting 19:23
fundamental 4:3 29:12	goalpost 19:18	<hr/> H <hr/>	heart 5:7	important 13:12 18:22
fundamentall y 20:18	goes 7:19	half's 22:23	Hemmer 27:1	impression 18:1
<hr/> G <hr/>	gone 19:14 30:1	handled 17:24	Hemmers 8:21 10:7,8,9, 11 11:1,3,8, 18	improper
gave 29:22	good 14:13	happen 16:20,21	here 6:17 14:2 21:3	
generate 15:6,21 17:13		happened 29:15,16	HILTON 3:6	
generating 16:18		happens 19:17		

11:15,16 24:8,12 25:15,16	28:5	5	last 17:24	life 19:15
inadmissible 11:14 14:8	inform 24:1	Joy 28:4	late 16:3	light 2:11
inaudible 20:19 21:15 22:10	information 27:7,11 30:8, 12	ju- 3:3	law 17:16,17 25:11 27:15	like 7:2 8:23 12:19 16:18 19:21 21:1,24 27:20,25 28:16 29:2
include 30:21 32:7	inspections 12:22	Judge 8:8 9:10 11:13 16:15 17:15 19:5,9,10 21:20 29:8	lawsuit 17:19, 20 22:20	likely 3:24 15:4
incorrect 18:3 30:3	Institute 15:25	judgment 2:4 4:10 5:5 10:2, 16,23 13:14, 23 15:3 17:3 20:8 21:3 25:7,9,10 27:15	lay 7:10	line 9:5
increasingly 16:11,12	intend 21:3	judicial 28:20	layperson 6:8	lines 10:3,4
incredibly 20:6	into 11:12 30:1	jump 2:17	lea- 30:2	list 12:6
independent 9:9 11:17 27:4	investigation 12:24	judicial 28:20	learned 6:19	literature 17:22
indicated 27:22	issue 3:13,18, 20,25 4:9,13 8:2,6 9:16 11:18 12:2 26:14	key 14:21 16:8	leaves 10:7	litigant 13:18
indicates 30:11	issues 20:22 21:4	kind 17:18	led 30:2	live 20:25
indirectly 23:13	J	L	legal 24:13 25:17	logical 15:1 17:1 23:10
individual	Job 1:21	largest 3:17	length 9:21	Lombardo 1:9 6:20 13:5 19:4 28:3,5 30:23,24
	Joseph 28:3,		lengthy 11:1	Lombardo's 32:5
			let 9:2 30:19	
			let alone 15:2	
			lies 29:17	

long 20:12,13 28:11	malfunction 26:1	mathematicall y 12:15 22:24 24:23	10:25 11:3	motion 2:3,4 5:14 8:4 10:1, 23 14:15 17:3 18:6 21:7 27:3
looked 11:10	manipulating 23:16	mathematicia ns 15:24	methodology 27:12	motions 10:16
looking 15:15	manner 26:3	mathematics 15:25 20:17	methods 4:4	movant 25:8, 10 27:15
lot 2:6 13:19	many 6:1 16:9	matrix 7:13	middle 16:4	move 7:8 19:18 29:3,4
loud 21:19	margin 25:3 26:18	matter 1:8 20:6 25:11 27:15 29:3 31:2	mind 25:23	much 16:5
M	material 22:5 25:10 27:14	Max 15:24	missing 16:8	Mueller 3:24 14:17,18 18:12,19 20:14,16,24 21:18,19,24 22:4,10,12, 18,20 23:4, 10,18 24:11, 15,21 29:7,8 30:15 31:21, 24 32:10,16, 17
M- 9:12	math 3:18,21, 25 4:1,2,7,8, 13,19,20 8:2, 3,23 9:11 14:22,24 15:10 16:25 17:1 18:17, 18,20,24 20:1,19 26:5, 23 30:8	may 3:22 24:6 30:5 31:3,4	misspoke 32:9	moment 14:21,23 18:7 20:21 22:22 30:20
machines 12:23	mathematic 9:14 15:18	mean 8:13 19:3,4,13 20:3	months 22:21	more 15:4,9 16:5 17:3,4,6 19:3 32:6
made 7:25 16:22 19:15 23:7 25:22 26:24	mathematical 6:3 7:20,23 15:3,4 16:17 17:14 18:2 19:2 22:15 24:22	meaning 18:24	morning 28:15	N
mail-in 15:6, 7,17 16:18,23 17:2,14 18:4 19:1	mathematic 9:14 15:18	meant 24:4	most 2:16 4:10 5:5,11, 16 6:8,24 14:5 20:5,7	Naaden 33:3
make 9:2 18:21 20:25 21:1 28:1,24 30:25	mathematic 9:14 15:18	meet 24:3	nature 12:24	necessary
malfeasance 22:9 25:14	mathematic 9:14 15:18	member 22:8 25:13		
		Merkovitch		

26:15 30:12	9:10	officer 22:13	32:8,20	16:15
need 31:24	notion 11:25 18:20	once 6:15 11:16	ordering 19:12	papers 8:19 14:9 31:18
needs 20:7 25:2	NRCP 25:7	one 2:20 3:7, 9 4:18 6:1,2 8:8 10:12 11:6 12:1,10 16:9 17:12,23 18:7,14,20 23:21 24:9 25:23 31:14	orders 27:16	paragraph 6:18 7:12,14, 16,17,19,21, 22
negative 24:15	NRS 5:9 6:24 31:2		original 19:23	
Nevada 15:19	number 1:21 12:7 24:5 30:10		otherwise 25:4 26:20 28:10	paragraphs 5:20 6:9
new 16:10 17:7 19:9,12, 25	numbers 14:13 15:13, 20,21 16:22 22:14	only 7:8 8:8 14:6 15:19 16:13 17:23 18:18 22:23	ounce 10:11	part 6:10,22 25:23
next 9:1 17:1			out- 29:19	part's 27:2
nobody 8:4 17:10 18:14	<hr/> O <hr/>	opinion 9:9, 22 10:5 11:14	outcome 21:2 23:16 25:6 26:4,10,21 29:19	particular 10:3 25:23
none 8:7 11:18 18:22	obviously 2:13	opinions 8:16	over 11:23 23:5	parties 13:10
nonexpert 27:9	occurred 24:19	opportunity 31:7	overall 9:17	passing 5:17
normal 22:20	off 12:8	opposition 2:18,25 3:15, 18 4:22,24 8:10 9:4 10:10	own 11:12 31:20	pasted 11:11
notable 10:10	offered 9:8,19 23:14		<hr/> P <hr/>	pay 9:11
noted 30:16	offering 10:5	order 3:7 16:10,14 19:9 27:18,22 28:1,8,9 30:22 31:4	pages 7:6 10:24 19:10	percentages 7:16
notes 14:20	office 23:2,3		paper 2:7	perform 32:2
nothing 8:15				perhaps 13:7

permission 2:22	portions 11:11	5:13 31:1	18:2	23:15 26:6
permitted 14:11	position 31:19	prevents 4:9	proper 5:4 13:14,25 24:13 25:17 29:16	purposes 4:12 8:4 9:19 18:17
person 14:6 23:1,9,13,15 25:25	possible 9:24 24:23 28:17 31:3	primary 6:12, 13,14,16 7:9 32:14	proposed 27:18 28:9,10	put 11:7,12 31:18
ph 6:20 7:1 8:20,21 10:25	possibly 15:19 22:18	probably 2:16 28:13	propounded 26:25	Q
Phd 15:24,25 16:1	practicable 16:13	problem 4:19 8:3 14:22,24 16:25 29:10, 13	prove 13:20 24:21 29:16, 18	qualifications 9:18
Phds 15:10	practical 29:10	problematic 4:20	proved 6:3	qualified 14:5,9
pick 14:20	practice 5:14	proceeding 2:12 16:4	proven 13:20	question 9:1, 3 32:11
Planck 15:24	precinct 15:11	proceedings 2:10 17:11 29:23	provide 31:10	questioned 9:21 32:1
plane 21:1	precincts 15:9,18 16:15	process 16:12	provided 13:5 26:14 27:11	questions 2:24 3:14 11:25 14:16 31:23 32:13
pleadings 29:20	prepared 2:20	product 27:11	pulled 22:5	quoted 27:3
point 5:10 7:24 11:22 16:8 32:7,14	present 8:5	promptly 32:20	punitive 28:5	quoting 6:16 7:11
points 12:7 14:21 32:8	presentation 14:19	proof 6:23 10:18 13:24	purported 17:14	R
portion 3:17 21:25	presented		purportedly 7:8 14:4	
			purpose	raise 25:5

26:3,12,20	29:11	30:13	6:1,4 13:13, 16,17 16:9	6:24,25 13:24 24:2
randomly 16:20	reasons 14:8, 14	reflect 22:15	Remember 20:1	requires 7:11, 19 25:19 26:9
re- 18:21 31:9	rebut 19:15	regarding 25:19 31:16 32:13	reply 2:13 3:4 4:22 20:21	respect 3:20, 25 9:17 29:11 31:18
re-depose 31:20	recall 10:15	regardless 8:1	report 7:2,5,6 10:12,14,19, 22 11:8,12 14:8 16:6 27:5,6	respectfully 4:11 5:5 6:8 17:15 20:6,7 29:24 32:4
re-deposing 30:14	received 6:20	regurgitating 11:13	reported 15:17 22:25	respondents 28:2
reached 29:13	recess 20:11, 15,23 21:5,8, 12	related 21:7	representatio n 9:8 18:21	response 2:21
read 2:19 3:4, 10 8:25 22:7 23:20 24:4,25	recognizing 19:8	relatively 2:7 4:5 32:12	represented 30:24	rest 12:18 24:25
reading 6:17 9:3 10:3 30:11	record 21:25 25:1 27:23 31:15,21	reliable 27:11	Republican 28:6	restoration 4:23 5:6,16, 18,20,24 6:7, 10,17,19,22 7:7 8:1,7,15, 19 9:9,20,21 10:8,19 11:2, 18 12:1 13:2, 11,13,16 14:3 16:9 18:14 26:15 31:11 32:13
reality 22:16	recorded 2:1	relied 27:8	request 12:5 13:11 14:14 29:21 30:13	restoration's
really 5:3,6 12:2 13:7	recording 2:2	relief 12:5,7, 19 13:5,11 17:8 19:11	requested 12:19 19:11	
reason 5:8 15:1 31:8	recovery 7:20	rely 10:16	require 3:7	
reasonable 18:2 25:5 26:4,10,12,21	recreate 9:14	relying 22:1, 2,11 23:22 30:7	required	
reasoning	refer 10:12	remedies 5:3 12:1 16:9		
	reference 5:17 17:18	remedy 5:1		
	referring			

5:1	rotation 7:13, 15	2:15	19:15 20:11	Siselak 6:20
restorative 7:17,18	rub 29:17	second 19:5 31:20	shortly 21:4	situation 31:23
restore 6:4, 12,13,15 7:9 11:5 19:6	rule 21:3	section 5:23 11:1	should 4:4 6:14 9:23 15:2 17:7 19:19 20:8 31:19	six 22:21
restored 12:16	ruling 30:3	seeking 12:8 13:19	shouldn't 13:8	skip 23:5
	S	send 28:24		smiling 20:4
restores 7:7	said 9:20 14:21 17:12	sent 27:18	show 19:16 26:15 30:6 31:11	solely 5:24
restoring 4:20 12:17	same 16:2,17	sentence 23:23 24:4	showing 4:18 6:23 25:20 27:9 31:9	Solomon 8:8 11:7,10,14 14:7 15:23 27:5,6,10
result 23:8 25:24 26:17	sat 31:24	serious 20:6 21:22	shows 25:9	Solomon's 7:1,5 9:11,14
results 6:5 9:15 12:11 22:24 24:22	say 5:15 6:14, 25 7:9 8:18, 20,22 9:1,11, 22 10:7,18 13:13 14:6,12 15:7 16:1 18:12,13 19:1,2,18 32:6	served 30:23	side 8:5 17:10,12	someone 16:21
return 21:9	saying 14:6 18:19	set 2:3 12:11 16:6 31:1	significant 25:23	something 3:22 5:4 6:7 7:11 8:9 28:10
returns 23:7 25:22	says 7:3 8:11, 14 10:4 12:10,12	several 7:7	silent 31:24	sort 9:10
review 28:23	schedule	sh- 17:11	simply 11:10 13:15	sound 24:23
reviewed 27:17		share 4:3 9:22	sir 23:10 24:11,16,21 27:24 30:15	speak 30:20
ridicule 20:17		sheriff's 6:12		specific
role 4:23		short 2:7,11		

21:25 30:6	statistical 7:17,21	22:3 23:23 24:5,7,25 25:19 26:17	T	testimony 6:25 7:25 9:19 10:11,21 20:25
specifically 6:9 10:24 26:9 29:13	statute 16:10 26:9 30:11	substitutes 13:2	tabulator 26:2	than 15:4,9 16:21 17:3,4, 6 19:3 25:3 26:18 28:3
spends 7:6	step 4:15,17, 18,19 6:2 19:5	such 9:24	take 3:12 8:12 10:9 12:4 14:25 20:11, 13,14 21:5 28:11	their 6:23 8:7, 19 12:5 19:5, 23 27:2
spots 7:12	stop 2:24	sufficient 23:7 24:1 25:5,24 26:3, 11,16,20	taken 31:6	theory 4:2 18:13
staff 2:9	street 15:13	summary 2:4 4:9 5:4 10:1, 15,23 13:14, 23 15:2 17:3 20:8 21:3 25:7,8	taking 20:25	therein 29:17
standard 7:22 25:7	stricken 28:3	support 7:25 9:20,25 10:1	talk 8:21 18:16	thereof 22:9 25:14
start 2:23	strike 28:1,9	supporting 8:18	talking 30:14	thing 2:20 11:22 16:2 28:15
starting 9:5	subject 5:4 7:4 13:14	supports 10:8 18:13	talks 10:19	things 12:19, 23,25 13:2 18:12 28:21
starts 12:5,8	submit 2:13 3:16 14:2	supposedly 9:6	tallies 9:23	thinking 31:24
state 13:8 17:23 31:15	submitted 31:3	surprising 3:23	tallying 18:4	thorough 29:25
stated 27:1	Subparagrap hs 24:18	system 2:2	tells 8:9	thoughtfulnes s 29:10
statement 5:21,24 6:2, 18 7:5 10:14 12:6 14:2 23:24	Subpart 5:10, 23 6:24 7:18		test- 11:7	
statements 4:25	subs- 5:22		testified 8:23 9:13	
Station 16:1	subsection		testify 7:10 8:24 18:5	

three 15:10, 21,24 16:7 18:4 24:17 31:5 32:1,11	1:7	under 5:9 6:24 16:10 25:7 26:17	variety 4:25	28:24 30:21 31:15
through 5:16, 18 6:9 7:24 29:22	translation 7:14	underlying 4:1 11:4,6	vehemently 4:1	wanted 20:23 30:16
tickets 21:1	tried 9:13 31:2	understand 20:18 24:9	versus 28:5	wants 4:11 12:10,20,21, 22,24 17:18, 19
time 2:3,8,14 3:8 12:21 16:14,20 23:2 29:9 31:7,20	true 13:15	understandin g 22:2 23:21	VIDEO- RECORDED 1:7	Washoe 15:8, 9 16:3 29:21 30:15
times 13:19 16:19 20:5	try 19:17 21:18	Understood 28:7 29:5	vot- 15:14	way 5:12,15 9:14 15:20 16:21 30:11 31:14
title 28:4	trying 15:23 20:17	undoubtedly 13:17	vote 4:3 9:22 12:18 31:13	week 22:22
today 16:7 28:16 29:3 30:18	turning 11:23	unique 2:10, 11	votes 4:20 5:11,16 6:24 12:14 14:5 15:10 18:4 19:3,7,23 24:8,13 25:15,16,17	went 5:18
together 25:1	two 4:15,17, 19 12:9 19:21 25:18	unreported 17:25	voting 4:4 12:23 15:14, 15 26:1 30:9	whatever 31:8
told 11:3 18:23 19:21	two-fold 3:16	until 12:14 21:9	vouching 9:12 11:16	whether 4:7,8 26:5
traditional 9:13	type 13:17 27:7	use 7:13	whom 16:1	will 5:21 15:11,15,16 20:12 21:8 28:4,7,23,25
transcriber 33:3	types 13:10	used 14:22 15:5,21 27:4	Williams 2:2,	
TRANSCRIPT	U	V		
	unclear 30:5		want 3:3 12:13 15:22 20:11,24 22:12 23:25	
	uncovered 23:11	value 23:15		

<p>5 3:2,12 18:8, 9,11 21:4,6, 10,16,17 27:3,17,19,24 28:7,13,18,22 29:1,5 30:19, 21 31:14,17 32:15,18,19, 24</p> <p>Williams' 26:8</p> <p>wishes 32:3</p> <p>within 12:20</p> <p>without 15:15</p> <p>witness 9:12 11:16</p> <p>witnesses 7:10 31:7,22</p> <p>won 13:3</p> <p>wondering 20:22</p> <p>word 10:12 14:22,23 18:14 28:9</p> <p>work 22:23 30:1 31:11 32:20</p>	<p>works 8:23 9:6,11</p> <p>worth 22:23</p> <p>would've 3:10 11:19 29:18 31:13</p> <p>written/oral 31:4</p> <p>wrong 17:13 20:1</p> <p>wrote 14:23</p> <hr/> <p style="text-align: center;">Y</p> <hr/> <p>yet 2:21</p>	
-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--

EXHIBIT 20

EXHIBIT 20



July 27, 2022

VIA U.S. MAIL & E-MAIL

Craig Mueller, Esq.
Craig Mueller & Associates
808 South Seventh Street
Las Vegas, Nevada 89101
craig@craigmuellerlaw.com

Re: *Demand to Withdraw Statement of Contest in Gilbert v. Sisolak et al.*

Dear Mr. Mueller:

This letter shall serve as our demand that you and your client, Joey Gilbert (“Mr. Gilbert”), immediately withdraw his Statement of Contest and dismiss the election contest pending in the First Judicial District Court. It is readily apparent that Mr. Gilbert lacked any reasonable basis in fact or law for commencing the election contest based on the discredited theories of an amateur mathematician, Edward Solomon (“Mr. Solomon”), who you admit cannot qualify as an expert under Nevada law. Indeed, as evidenced by Mr. Lombardo’s Hearing Brief of yesterday’s date, Mr. Gilbert’s testifying expert witnesses are barred from relying on Mr. Solomon’s report under NRS 50.285(2) such that their attempts to validate Mr. Solomon’s formulas and conclusions are inadmissible as a matter of Nevada law. Thus, from the outset, Mr. Gilbert’s Statement of Contest could not clear the basic evidentiary hurdles to be admitted in court let alone satisfy the clear and convincing evidence standard required to prevail in the election contest.

Today’s deposition of G. Donald Allen (“Mr. Allen”) further confirmed that Mr. Gilbert’s Statement of Contest has no chance of success. While we have yet to receive his deposition transcript, we herewith provide a sample of Mr. Allen’s repudiation of the allegations contained in your Statement of Contest. For starters, Mr. Allen disavowed and retracted his sworn statement that Mr. Solomon’s report demonstrates “clear and convincing evidence that the election results analyzed in these reports were not produced by accurate counting of votes cast, but were instead artificially contrived according to a predetermined plan or algorithm.” Mr. Allen likewise refused to endorse Mr. Solomon’s assumption that there should be a strong linear correlation between a candidate’s election day, mail-in and early vote percentages. Mr. Allen also declined to validate Mr. Solomon’s vote restoration and further admitted that he was unable to restore the votes. Mr. Allen, in fact, admitted that he tried to recreate Mr. Solomon’s work using generally accepted mathematical and/or statistical methodologies and failed. And, most importantly, Mr. Allen refused to testify that Mr. Gilbert received more votes than Mr. Lombardo and would only go so far as to state that Mr. Solomon’s formulas and methods raise an “inference” that something could be wrong with the voter data.

710 SOUTH SEVENTH STREET, SUITE A
LAS VEGAS, NEVADA 89101

PHONE: 702/382-5222
FAX: 702/382-0540

Craig Mueller, Esq.
Craig Mueller & Associates
July 27, 2022
Page 2

Suffice it to say, Mr. Allen's testimony established that Mr. Gilbert cannot satisfy the clear and convincing evidence standard that is required to prevail in his election contest. Mr. Allen, moreover, either retreated from or flatly rejected many of the allegations and claims in Mr. Gilbert's Statement of Contest and the supporting expert reports. In sum, it is abundantly clear that you and Mr. Gilbert adopted a "ready, fire, aim" approach by filing the baseless Statement of Contest without any evidentiary support for Mr. Solomon's outlandish claims and conspiracy theories.


Should Mr. Gilbert refuse to withdraw the Statement of Contest and force Mr. Lombardo to continue to expend time, money, and other resources to defend this frivolous action, this letter constitutes notice that Mr. Lombardo intends to seek attorney's fees, costs and all other appropriate sanctions against you, your law firm and Mr. Gilbert. As you know, NRS 18.010(2)(b) permits the Court to award attorney's fees and costs where the opposing party (Mr. Gilbert) brought or maintained an action without any reasonable grounds. Similarly, NRS 7.085 provides that if the Court finds that you filed or maintained an action that is "not well-grounded in fact or is not warranted by existing law" then the Court *must* sanction you by requiring that you personally pay the reasonable costs and attorney's fees incurred as a result of such conduct. Notably, in enacting NRS 18.010 and NRS 7.085, the Nevada Legislature instructed that the Court shall liberally construe the statutes in favor of awarding attorney's fees and costs to punish and deter frivolous or vexatious litigation.

Given the substantial lack of evidence supporting Mr. Gilbert's Statement of Contest and the fact that Mr. Lombardo's will incur hundreds of thousands of dollars in attorney's fees and costs to defend this election contest through its conclusion, I sincerely hope that you and your client seriously consider this demand to withdraw the Statement of Contest and dismiss the election contest forthwith.

This letter should not be construed as a full expression of all rights, defenses and causes of action which may be asserted against you, your law firm and Mr. Gilbert, all of which are expressly reserved.

Very truly yours,

CAMPBELL & WILLIAMS



J. Colby Williams, Esq.