

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
Charlottesville Division**

ELIZABETH SINES, SETH WISPELWEY,  
MARISSA BLAIR, TYLER MAGILL,  
APRIL MUNIZ, HANNAH PEARCE,  
MARCUS MARTIN, NATALIE ROMERO,  
CHELSEA ALVARADO, JOHN DOE, and  
THOMAS BAKER,

Plaintiffs,

v.

JASON KESSLER, et al.,

Defendants.

**Civil Action No. 3:17-cv-00072-NKM**

**PLAINTIFFS' MOTION FOR SANCTIONS AGAINST  
DEFENDANT ELLIOTT KLINE A/K/A ELI MOSLEY**

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## **PRELIMINARY STATEMENT**

Plaintiffs respectfully submit this Motion for Sanctions against Defendant Elliott Kline a/k/a Eli Mosley (“Kline”). As described below and in Plaintiffs’ prior Motion for Sanctions against Defendants Elliot Kline a/k/a Eli Mosley and Matthew Heimbach, *see* ECF Nos. 457 (“First Sanctions Motion” or “First Sanctions Mot.”), 528 (“Supp. to First Sanctions Mot.”), Plaintiffs respectfully request that the Court immediately impose the following sanctions against Kline under Fed. R. Civ. P. 37 and the Court’s inherent authority:

1. A daily fine imposed on Kline for each day that he remains in contempt of the Court’s Orders;
2. The issuance of a bench warrant for Kline’s immediate arrest and detention until he becomes in full compliance with the Court’s Orders;
3. That the Court deem the facts listed in the attached Appendix A established for purposes of this action;
4. That the Court deem “authentic” for purposes of satisfying Rule 901 of the Federal Rules of Evidence any document Plaintiffs have a good-faith basis to believe were in fact created by Kline, including, but not limited to, all documents from the social media accounts listed in Appendix A;
5. That the Court instruct the jury that Kline chose to intentionally withhold his documents and that the jury may draw adverse inferences from that fact, including that Kline chose to withhold such documents because he was aware that such documents contained evidence that Kline conspired to plan racially motivated violence at the Unite the Right event; and
6. Reasonable expenses, including attorneys’ fees and costs.

## **BACKGROUND**

### **I. Kline’s Crucial Role in the Conspiracy**

As the Court has recognized, Kline was one of the two “principal coordinators for the Unite the Right rally on August 11 and 12, 2017.” Memorandum Opinion 8, Aug. 9, 2019, ECF No. 539 (“Mem. Op.”) (internal quotation marks and citation omitted). Indeed, Kline was a key decisionmaker in nearly every aspect of planning the events in Charlottesville in August 2017,

approving details as specific as the words that attendees chanted that weekend. *See id.*; First Sanctions Mot. 3. He influenced and monitored daily communication about Unite the Right through Discord and other social media platforms. First Sanctions Mot. 4. Kline, along with other Defendants, also “organized a ‘secret’ torchlight parade through the University of Virginia’s grounds on the night of Friday, August 11, 2017.” Mem. Op. 8. And “Kline communicated with others on the ground in Charlottesville on August 12,” including instructing attendees to “form a ‘white bloc barrier’” and seeking “shooters” “with long rifles” to return to Emancipation Park in defiance of police orders. *Id.* at 9. Getting discovery from Kline is thus critical to Plaintiffs’ case.

## **II. Kline’s Pattern of Willful Misconduct**

Despite his pivotal role in Unite the Right and his importance to this litigation, Kline has “continually failed to fulfil even [his] most basic obligations to this Court, [his] counsel, and the other parties to this case.” Mem. Op. 2. Indeed, as the Court has explained, Kline’s “continued contumacious behavior,” *id.* at 33 (alterations and internal quotation marks omitted), has included the following egregious misconduct over a period of more than a year and a half, despite numerous interventions by the Court, Plaintiffs, and Kline’s own prior counsel, James Kolenich:

1. Defying numerous Court Orders, including on March 26, 2018; July 25, 2018; November 13, 2018; November 19, 2018; March 4, 2019; June 21, 2019; July 3, 2019; and August 8, 2019;
2. Failing to appear at numerous Court hearings, including on November 9, 2018; January 4, 2019; February 8, 2019; February 12, 2019; February 21, 2019; March 18, 2019; and June 3, 2019;
3. Simply ignoring numerous communications from Plaintiffs and the Court throughout both 2018 and 2019;
4. Failing to respond to Plaintiffs’ Requests for Production of Documents and Interrogatories (collectively, Plaintiffs’ “Discovery Requests”), to which responses were first due on February 26, 2018;

5. Failing to execute consent forms pursuant to the Stored Communications Act (“SCA”) allowing Discord and Twitter, among other social media providers, to produce discoverable documents; and

6. Failing to disclose his electronic devices and social media account credentials or to turn over his devices to the Third-Party Discovery Vendor (“Vendor”).

*See id.* at 12–28; Order to Def. Elliot Kline, July 3, 2019, ECF No. 516 (“Order to Kline”); Third Order to Def. Elliot Kline, Aug. 8, 2019, ECF No. 538 (“Third Order to Kline”).

On April 3, 2019, Plaintiffs filed the First Sanctions Motion. ECF No. 457. At a June 3, 2019, hearing, the Court found that Kline’s pattern of misconduct was “clearly sanctionable,” but that “production was preferable to evidentiary sanctions at this point in the litigation.” Mem. Op. 26 (internal quotation marks omitted). Accordingly, the Court proposed that “issuing one more very specific discovery order—this time under threat of arrest and detention—could provide a way to ‘get the information that [Plaintiffs were] entitled to’ and clearly still wanted.” *Id.* at 27 (citations omitted). The Court also ordered Kline to appear for a deposition. *Id.* The Court made clear, however, that if Kline “failed in any way to comply” with the Court’s forthcoming Order, “the Court could immediately issue a bench warrant directing the [U.S. Marshals Service (‘USMS’)] to arrest him, transport him to this judicial district, and hold him in custody until he purged himself of civil contempt.” *Id.*

### **III. Kline’s Brief Reappearance in This Litigation**

The Court’s threat of arrest proved enough to cause Kline to resurface, however briefly, and to contact his former counsel on or around June 7, 2019. *Id.* at 27; *see* Decl. of Jessica E. Phillips (“Phillips Decl.”) ¶ 3 & Ex. A, at 3 (Kolenich Email to Plaintiffs, June 7, 2019, stating, “The word ‘arrest’ has had a near magical effect on my former clients. . . . [Kline] has been fully informed of the discovery/ESI expectations.”). On June 21, 2019, the Court issued an Order outlining discovery-related issues for an upcoming telephonic hearing on July 2. Mem. Op. 28.

Kline appeared for the July 2, 2019, hearing. *Id.* He confirmed to the Court that he had “received each of the Orders, discovery requests, and Stored Communications Act (“SCA”) consent forms that explain [his] outstanding discovery obligations.” *Id.* (quoting Order to Kline

1). Kline also made the following representations:

- The only electronic device that he had with relevant documents was an “old cell phone,” which was “currently not activated” and “just kind of sitting here”;
- He was “totally fine with” consenting to the production of his social media accounts so that his social media providers could “hand over [his] information”;
- He had received and was, at that very moment, reading a July 1, 2019, email from Plaintiffs’ counsel attaching relevant Orders, Discovery Requests, and forms for Kline to complete; and
- A week would be “sufficient time” for him to complete the SCA consents and Certification Form.

Hr’g Tr. 19:01–06, 19:19–21, 20:01–02, 20:08–10, 21:17–19, 32:03–07, 32:25–33:04, 33:25–34:02, July 2, 2019, ECF No. 519.

On July 3, 2019, the Court issued an individual Order to Kline—the Order with which the Court had warned that non-compliance could result in an “immediate[]” bench warrant for Kline’s arrest. *See* Mem. Op. 27. The individual Order directed Kline to comply with certain steps and deadlines over the next several weeks, including completing the Certification Form, disclosing and making available his electronic devices and social media accounts, responding to the Discovery Requests, and sitting for his deposition on August 7. *See id.* 28–29 & n.10; Order to Kline. Also on July 2, 2019, the Vendor sent Kline the contract via DocuSign that he was ordered to execute by July 10, 2019. *See* Phillips Decl. ¶ 4 & Ex. B, at 5 (Vendor Email to Kline, July 22, 2019).

Kline failed to timely comply with a single deadline set by the individual Order, which Plaintiffs brought to the Court’s attention in a filing on July 23, 2019. *See* Supp. to First Sanctions Mot. 5–7. On August 2, 2019, the Court issued another Order, instructing Kline to appear for a

telephonic hearing on August 8, and making clear its expectation of “Kline’s good-faith participation” at his deposition. Second Order to Def. Elliot Kline, Aug. 2, 2019, ECF No. 533.

On August 1, 2019—three weeks after the Court-ordered deadline—Kline complied with exactly one of his requirements under the Court’s July 3 Order: he executed the Vendor contract, which the Vendor had sent to him nearly a month earlier. *See* Phillips Decl. ¶ 5 & Ex. B, at 2. Otherwise, until the date of his deposition, and despite Plaintiffs’ repeated attempts to contact him, Kline ignored all of his other obligations ordered by the Court. *See* Phillips Decl. ¶ 6.

#### **IV. Kline’s Continued Misconduct under Oath**

On August 7, 2019, Kline sat for the Court-ordered discovery-focused deposition. At his deposition, at Plaintiffs’ counsel’s direct request, Kline signed an SCA consent form enabling Discord to produce his data and completed portions of the Certification Form and an SCA consent form for Twitter. With those minimal exceptions, Kline’s deposition aggravated the depth of his misconduct. Kline’s testimony was repeatedly internally inconsistent and contradicted by the evidence produced by others in the case. His explanations for his failure to participate in the litigation ranged from implausible to nonsensical. Most concerning, Kline’s testimony strongly suggested that he has withheld and continues to withhold, if he has not outright destroyed, documents and electronic devices central to this litigation. In short, Kline’s misconduct under oath made even clearer the need for the severest possible sanctions.

##### **A. Kline’s Testimony Regarding His Electronic Devices and Social Media Accounts**

###### **1. Kline’s Phones**

Kline testified throughout his deposition that he used only two phones during the relevant period, “over the course of this whole thing”: an iPhone connected to the number 610-406-2229 (the “iPhone”), and a prepaid phone he bought from Walmart (the “Walmart phone”) when his



iPhone was not working. *See, e.g.,* Phillips Decl. Ex. C (Tr. 31:19–32:08, 32:23–25).<sup>1</sup> In particular, Kline testified unequivocally that he had only one phone in 2017, which was the iPhone. Tr. 388:25–389:15. He testified that he had recently bought a new phone with a new number, which he had not yet activated at the time of the deposition. Tr. 72:24–73:14.

Kline’s testimony conflicted with statements he had previously made on Discord in which he admitted to having multiple phones in 2017. On March 31, 2017, Kline stated on Discord (under his alias “Eli Mosley”) that he had not one phone but *three*: “I have 3 phones”—“one for work, one for personal shit, and one for the alt right[.]” Phillips Decl. ¶ 8 & Ex. D, at 3. Kline did not deny, nor could he credibly, that he had made these posts on Discord. Tr. 394:11–15. And he had no explanation as to why he would have made that statement if it was not true:

I mean, I did – I mean, I said I have three phones, right. And I said that one for each thing. But I don’t know – I definitely didn’t have three phones. I never had three phones. I don’t know why I would say that. I don’t know if it was – if I was joking.

Tr. 394:11–19; *see id.* at 395:04–07 (“So, it could be that we were joking about something. I don’t know. I definitely didn’t have three phones though.”).

On that same day in 2017, Kline advised followers on Discord that they should, like him, “get a separate [*sic*] phone for alt right stuff, then arm it with a kill password to go off between noon and 1pm each day. I activate it before I go out and do things.” Phillips Decl. ¶ 9 & Ex. D, at 2. Kline again admitted to making this statement but had no plausible explanation for his inconsistent testimony: “Yeah, I don’t – I mean, that was – I mean, that was a lie. I lied to them on Discord. That is not true.” Tr. 391:13–24. When asked why he would have made this statement

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<sup>1</sup> All cited portions of the Kline deposition transcript (“Tr.”) are contained within Exhibit C to the Declaration of Jessica Phillips.

if it were untrue, Kline tossed up his hands, resorting to the assertion that he needed to see the message “in context” to determine whether it was a “joke” or a “lie”:

I don’t know the – I don’t know the – I could have been joking. There is no – I have no way of knowing, because there is nothing before this. I have to see it in context. . . . I mean, it could have been a joke, could have been a lie. I don’t know.

Tr. 392:09–16.

These were not the only ways in which Kline’s testimony regarding his phones suggested that he was hiding or withholding something. For example, Kline testified several times (including when asked why he had been non-responsive to Mr. Kolenich for substantial periods of the litigation) that he had told Mr. Kolenich that he was using the Walmart phone, and in fact that he had provided Mr. Kolenich with the number for the Walmart phone. Tr. 41:21–24, 98:18–22, 254:11–14, 263:18–24. This was news to Mr. Kolenich, who informed Plaintiffs that he had “no record of Mr. Kline providing me any other phone number than 610-406-2229.”<sup>2</sup> Phillips Decl. ¶ 10 & Ex. E (Kolenich Email to Plaintiffs, Sept. 3, 2019).<sup>3</sup>

Kline’s testimony also raised concerns over the integrity of the data on the iPhone he claims was the only phone he utilized in 2017.<sup>4</sup> Kline testified throughout the deposition that his iPhone

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<sup>2</sup> Mr. Kolenich noted that Kline had provided Plaintiffs and the Court with a new number in August of 2019 to replace his 610-406-2229 number. Phillips Decl. ¶ 10 & Ex. E.

<sup>3</sup> Adding further implausibility, Kline testified that, although he had supposedly used the Walmart phone for months, he could not remember the phone number. Tr. 32:08–09, 98:23–25, 155:19–24. In what was a consistent pattern during his deposition, Kline promised to check the number for the Walmart phone during a break in the deposition but then said later that he had been unable to find it. Tr. 155:10–15. Similarly, Kline claimed to have Thomas Ryan Rousseau’s phone number and promised to provide it to Plaintiffs; when asked to locate the number, however, Kline was suddenly unable to find it. Tr. 222:12–17, 224:10–12, 262:24–263:02.

<sup>4</sup> While this motion focuses on Kline’s non-compliance with discovery, Plaintiffs reserve all of their rights, in light of the growing body of evidence of spoliation by Kline, to bring a separate motion against Kline regarding spoliation, and intend to seek appropriate evidentiary sanctions, including further jury instructions and adverse inferences, in the future.

had been at points nonfunctional due to water damage and other unspecified problems. *See, e.g.*, Tr. 94:07–10. Although Kline testified that he “went through” the phone and “[e]verything was fine,” he also admitted that the iPhone is “clearly a broken phone” and “a messed up phone,” and contradicted himself by testifying that “stuff might have gotten deleted for all I know.” Tr. 94:17–20, 361:13–14. Indeed, at one point during the deposition, Kline represented that he suddenly could not view emails that he had reviewed earlier that day because his phone was only displaying messages from September 21, 2018, to June 11, 2019, purportedly due to a problem Kline was having entering his password. Tr. 357:09–14, 358:13–16, 359:11–15, 359:24–361:02. Bizarrely, Kline testified that although the emails that he had allegedly looked at earlier that day were suddenly not available to be viewed, “I am sure they are still in the inbox. It is not like I went through – I didn’t go through and delete the e-mails, or whatever.” Tr. 362:05–08.<sup>5</sup>

Kline’s testimony was also wildly inconsistent as to when his phone had been nonfunctional or not activated, as well as when he had used the Walmart phone. Kline variously stated that his iPhone did not work (or that he was using the Walmart phone) “somewhere [in] 2017”; in December 2017 or January 2018; in the spring or summer of 2018; in mid-2018 (when his former counsel, Mr. Kolenich, was unable to communicate with him); and in 2019, including when Kline participated in the July 2, 2019, teleconference. Tr. 32:11–22, 70:22–71:06, 95:04–16, 95:24–96:20, 98:01–12, 155:19–22, 253:02–18, 255:18–257:08. When Kline was asked how

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<sup>5</sup> Taken at face value, Kline’s testimony indicates that emails somehow simply disappeared from his Gmail account on his phone during the course of his deposition, whether temporary or permanently, leading at a minimum to a concern regarding the integrity of the data on his phone. Alternatively, it is possible that Kline’s phone in fact never had messages from after June 11, 2019, which is a possibility suggested by Kline’s testimony that his nonfunctional Identity Evropa email address was somehow preventing him from signing into his personal Gmail account. Tr. 38:23–39:09. If that were the case, however, the only reasonable inference would be that Kline is hiding at least one other device that he has used to access his Gmail account.

he had called in for the July 2, 2019, teleconference despite owning a single phone that was not activated at the time, Kline gave an all-too-convenient answer:

Umm, what phone was that? Might have been my sister's phone. I have to check. I don't know exactly what it was. It might have been – might have been my sister's phone. I am not sure what I was using. . . . Like I said, I don't even know – I don't know if it was my sister's phone. I used some – I used someone else's phone that was in my house. We had family over at the time. . . . I just used – we had family over because it was summer, or whatever. I was, like, hey, can I use someone's phone, or whatever. I just grabbed it. They were all in the pool. I just grabbed the phone. It was just to call you guys, or whatever.

Tr. 101:10–16, 102:01–05, 102:19–103:01.

Kline's testimony regarding his phones was evasive and strongly suggestive of duplicity. And even if Kline were telling the truth that his iPhone is his only device relevant to this litigation (which is hard to believe given his own previous statements), that makes the iPhone all the more important: Kline claimed that he used the iPhone leading up to and “during Unite the Right,” including to communicate with other Defendants. Tr. 72:07–21, 73:15–19, 86:25–87:02, 87:17–89:20. Whatever documents exist on the iPhone are therefore, by Kline's admission, crucial to this case. As outlined below, however, Kline failed for weeks to turn over his phone to the Vendor—despite stating that he was ready to send it out “tomorrow or even tonight,” Tr. 245:07–09—and, to date, he has refused to provide the Vendor with his phone passcode or his various account passwords so that the Vendor can determine whether any documents exist on it.

## **2. Kline's Computer**

Kline's testimony regarding his computer was also contradicted by the evidence in the case, and lacked even the most basic plausibility or credibility. Kline testified that he had no computer in 2017, the period most relevant to the planning of Unite the Right. Tr. 397:07–18. Instead, Kline testified that the only computers he used in all of 2017 belonged to Richard Spencer and Kline's girlfriend's neighbor, as well as that he had used an Internet café to check his email. Tr. 115:08–

17, 116:12–16, 397:10–15. Kline testified that although he had owned a computer in 2016, he left his computer behind when he moved to South Carolina in late 2016 or early 2017 because the computer did not fit in his car. Tr. 112:05–13, 112:18–22, 114:06–09, 395:13–20, 396:24–397:06.

This testimony is also directly contradicted by Kline’s repeated statements on Discord, which he admitted making, confirming that Kline had at least one computer in 2017.<sup>6</sup> On March 22, 2017, Kline wrote, “[A]n hour after my video came out with the kike and the sign he commented on it with ‘Echo American?’ I have the screen cap on my home PC[.]” Phillips Decl. ¶ 11 & Ex. F. Kline did not dispute making the statement on Discord, nor could he, but complained merely that it was “taken without any context.” Tr. 400:21–23. In another message that same day, Kline wrote, “if he comes in and i [*sic*] have to defend myself all they have to do is look through my computer and im [*sic*] fucked so not really a good option[.]” Phillips Decl. ¶ 12 & Ex. G; *see* Phillips Decl. ¶ 13 & Ex. H (Kline Discord message referring to “my computer”). Kline admitted posting this message as well but claimed that the references he made to his “computer” were in fact references to “a computer screen that I would – at my girlfriend’s house, we didn’t have a TV. We used a computer screen to watch Netflix and stuff like that on.” Tr. 402:06–16.<sup>7</sup>

Not only did Kline’s testimony regarding his computers explicitly contradict statements he had made on Discord, but it was also overtly non-credible, especially in light of his Discord

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<sup>6</sup> Kline’s testimony regarding his computer lacked credibility in smaller ways as well. For example, Kline testified early in his deposition that his old computer “[p]robably” still works; later in the deposition, he testified that his computer was “broken,” that it may have stopped working as early as 2015, and that he was keeping the computer, though broken, “for parts.” Tr. 113:08–09, 404:18–19, 408:17–21, 409:22–25, 411:04–12, 20–25.

<sup>7</sup> On March 31, 2017, Kline wrote on Discord, “well its [*sic*] not a huge deal cause the phone is backed up on my PC[.]” Phillips Decl. ¶ 14 & Ex. I. Kline again did not deny making the statement, but testified that it referred to his old computer that was in Pennsylvania. Tr. 404:08–12. Kline admitted, when confronted with this message, that his earlier testimony that he had never backed up his phone was untrue. *See, e.g.*, Tr. 91:03–09, 216:06–08, 404:25–405:15, 406:18–21.

statements. For example, Kline admitted that he had created a document integral to the planning of the Unite the Right, titled “Operation Unite the Right Charlottesville 2.0,” which laid out plans for the event, provided specific instructions to followers, and was circulated on Discord. Tr. 52:10–53:10, 106:14–107:05, 120:08–25, 175:05–24, 376:15–22. Kline testified that he had created and edited at least “five or six” versions of the document, and that it was “really long.” Tr. 175:18–176:08. He testified that he had distributed the document “frequently”; “the closer we got to the event, the more frequent [*sic*] I sent them out.” Tr. 371:02–372:03, 373:09–13.<sup>8</sup> However, despite making various versions of the “really long” document, Kline testified that he never used a computer to make this document (or any other documents regarding Unite the Right), and instead typed and edited it on his phone. Tr. 107:23–108:02, 120:18–21, 122:10–19, 376:15–22.

### **3. Kline’s Social Media Accounts**

As with his testimony concerning his phones and computers, Kline’s testimony regarding his social media accounts and email addresses lacked credibility. For example, Kline acknowledged using the email address [deplorabletruth@gmail.com](mailto:deplorabletruth@gmail.com), but claimed never to have used it to communicate regarding Unite the Right. Tr. 119:09–23. Yet Kline acknowledged that he had listed that precise email address on the planning document as a way to make himself available to numerous Discord followers for the specific purpose of communicating about Unite the Right. Tr. 122:23–123:15, 124:03–10, 281:07–13.<sup>9</sup>

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<sup>8</sup> Kline testified that after making and revising the document on his phone, either he would post it on Discord himself, or he would send the document to another individual to “put it in this format like this” and to post on Discord, though he claimed he could not remember who else would have posted it. Tr. 120:18–121:17, 175:09–21.

<sup>9</sup> At another point, Kline admitted to having used the Twitter account NotEliMosley, but testified that it had been hacked—and yet was able to unable to provide any detail whatsoever regarding that supposed hacking. Tr. 162:19–24. Kline testified that he could not remember when the hacking occurred; that he did not report the hacking to Twitter; that he had spoken with others

## **B. Kline's Testimony Regarding His Failure to Comply with Discovery**

Kline testified throughout the deposition that Plaintiffs and the Court have used the correct email address to contact him, eli.f.mosley@gmail.com (the "Gmail account"), and promised to respond to emails sent to that address going forward. *See, e.g.*, Tr. 38:16–25, 270:24–271:15, 297:24–298:01, 302:23–25.<sup>10</sup> Kline also testified that Plaintiffs and the Court had used the correct phone number to reach him, and that he checks and listens to his voicemails "pretty frequently." Tr. 293:20–24, 294:23–295:09, 297:21–23, 302:17–22. Kline further testified that that he has received documents mailed to him by the Court at his parents' house, and that he has picked up and reviewed that mail. Tr. 35:18–36:10, 269:25–270:02, 270:12–18.

And yet, as further described below, Kline admitted over and over again—as he must—that although Plaintiffs and the Court have consistently contacted him at his correct email address, phone number, and physical address, he has nonetheless failed to comply with his discovery obligations and largely failed to respond at all. Yet Kline repeatedly stated his desire—wholly implausibly, given his pattern of non-compliance throughout this litigation—to comply with his discovery obligations in the future. *See, e.g.*, Tr. 209:01–04, 218:01–07, 218:18–22, 219:19–23, 226:12–14, 227:12–14, 228:09–11, 237:02–06, 239:23–240:07, 245:04–09, 285:17–24. As further described below, Kline's repeated alleged commitment was merely another empty promise.

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about the hacking, but could not remember who; and that he either had deleted the hacked account or been banned, but could not remember which. Tr. 162:25–163:24, 164:19–166:05.

<sup>10</sup> Although Kline for the most part admitted that he has had access to his Gmail account, he also testified occasionally that he does *not* have access to his Gmail account on his phone because his nonfunctional Identity Evropa address somehow prevents him from signing into his Gmail account. Tr. 38:23–39:09 (Identity Evropa account "will not let me sign in another Gmail account. So, I don't have Gmail on my phone"), 360:03–17. If Kline does *not* have access to his Gmail account on his phone, then that provides further evidence that Kline is hiding additional devices, given that Kline clearly has had access to his Gmail account on *some* device. At a minimum, Kline's conflicting testimony provides yet another example of his evasiveness.

## **1. Kline's Failure to Appear at Court Hearings**

Kline admitted that he failed to appear at Court conferences until July 2, 2019, and that he “didn’t start responding to what was going on until . . . Patrick Casey [of Identity Evropa] reached out to me” prior to the July 2 hearing. Tr. 266:20–23, 295:25–296:11, 297:11–19. Kline had no plausible explanation as to his failure to appear, testifying that he “didn’t know I was requested for any of the conferences or anything like that,” and that he “didn’t know which ones I was supposed to attend.” Tr. 266:24–267:02, 267:16–17. Kline also claimed that he had not received phone calls or emails from Plaintiffs or the Court regarding conferences and hearings, despite acknowledging that the phone number and email address that Plaintiffs and the Court had used were correct. Tr. 144:25–145:15, 290:18–292:12, 293:17–19, 303:01–05.<sup>11</sup>

Kline admitted that the evidence showed that the Court and Plaintiffs had repeatedly contacted him, but had no plausible explanation for not responding, testifying variously that he “didn’t receive any of it or read any of that”; that he “didn’t answer any of [the Court’s] calls”; that he did not “remember reading this or seeing this”; and that he “started receiving messages – or I started noticing these messages were for me, or whatever, for the hearing for me after I talked with Patrick Casey.” Tr. 291:17–20, 292:17–20, 303:06–12, 305:06–07.<sup>12</sup> Confronted with

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<sup>11</sup> Kline similarly testified that he did not know that the First Sanctions Motion had been pending against him, although he admitted that Plaintiffs had emailed him regarding a hearing on the motion and that he “should have received it.” Tr. 299:21–301:13, 305:03–14.

<sup>12</sup> Kline testified that Mr. Kolenich’s description to Plaintiffs of Kline’s conversation with Casey was “100 percent” wrong; he then offered to show Plaintiffs evidence of his call with Casey, but was unable to find a record of the call on his phone. Tr. 306:24–308:01, 309:16–25. This was not the only time that Kline contradicted Mr. Kolenich’s statements to the Court or Plaintiffs. For example, Kline stated that Mr. Kolenich’s description of Kline’s non-responsiveness was wrong: “I am 100 percent telling you I told them I could do [a deposition in] Harrisburg whenever is convenient.” Tr. 260:10–18, 261:20–25. Kline also called Mr. Kolenich’s statement that Kline had been “fully informed of the discovery/ESI expectations” “not true.” Tr. 311:24–312:12. And Kline testified that he had told Mr. Kolenich the number of his Walmart phone, yet Mr. Kolenich informed Plaintiffs he had “no record” of this communication. Phillips Decl. ¶ 10 & Ex. E.



evidence of these repeated efforts to contact him, Kline essentially tossed up his hands: “I mean, almost all of [the emails] are read right now. I went through and read most of them, or opened them. I just don’t know how I would have missed so many of these.” Tr. 301:20–25.

In one bizarre episode during the deposition concerning an email from Plaintiffs regarding an upcoming hearing, Kline testified that he had “definitely responded” to the Plaintiffs’ email, although in fact Plaintiffs never received a response. Tr. 319:20–320:16. When confronted with a follow-up email from Plaintiffs stating that they had received no response, Kline examined his iPhone during the deposition, claimed that the email was “literally [in] my drafts,” and said that he had inadvertently never sent it. Tr. 321:05–16. When asked to share the draft with Plaintiffs, however, Kline was suddenly unable to find the draft, instead presenting Plaintiffs’ counsel with what he conceded was a blank email. Tr. 322:11–323:20 (“Q. Are you not able to find the draft that you just told us about 60 seconds ago? . . . A. . . . No, I couldn’t find the draft.”).

## **2. Kline’s Failure to Disclose His Electronic Devices and Social Media Accounts and to Submit His Devices for Imaging**

Kline admitted that he had failed to complete the Certification Form or otherwise to disclose or make available his electronic devices and social media accounts. Kline’s repeated explanation for this deficiency was that he had never received the form and was not given instructions on how to share this information, which was categorically false because Plaintiffs had emailed Kline the Certification Form and instructions for submitting it. *Compare, e.g.*, Tr. 138:17–25 (“I have never received, like – like, a paper in the mail or something that says what’s your social media accounts, or I never got any e-mails or anything like that.”), 140:15 (“I wasn’t given a means to do it.”), 141:13–18, 142:06–15, 211:22–25, 264:21–23, 286:04–12, 344:06–15 (“I didn’t receive a certification form.”), 346:05–06, *with, e.g.*, Tr. 318:16–19 (“Q. . . . [Y]ou received the forms and instructions in an e-mail from Michael Bloch on July 1, right? A. Correct.”).

Extraordinarily, Kline even testified that he had “been waiting for the Court or for somebody, the discovery company, to contact me,” and that he had “been waiting for . . . something like this explaining what I needed to do with the form, being able to write out my accounts or whatever.” Tr. 141:21–23, 317:23–318:02. Even after admitting that Plaintiffs *had* in fact sent him the Certification Form, Kline still claimed ignorance: “I received this, but I did not – I did not know this was what this was in here. . . . I didn’t see this specific – these specific attachments or anything like that. This is the kind of thing I have been looking for, as far as just to comply with the Court’s Orders.” Tr. 318:16–23, 319:10–19.<sup>13</sup>

### **3. Kline’s Failure to Respond to Plaintiffs’ Discovery Requests**

Kline admitted that he never responded to Plaintiffs’ Discovery Requests. *See, e.g.*, Tr. 209:01–04, 217:22–218:03, 219:19–21, 226:08–14, 227:12–14, 233:20–22, 242:11–15, 245:04–06, 264:09–15, 346:23–347:04. Kline acknowledged, however, that he had in his possession responsive documents or communications, and that he understood his obligation to produce those documents to Plaintiffs. *See, e.g.*, Tr. 217:17–25, 219:11–18, 220:05–09, 221:07–11, 225:19–25, 226:24–227:11, 244:09–21, 245:14–25. Kline also testified that he understood his preservation obligations and that Mr. Kolenich had discussed those obligations with him, though Kline had never taken steps to preserve his documents such as backing up his emails or the contents of his phone. Tr. 82:03–17, 91:03–09, 92:04–10, 214:08–215:22, 216:06–217:01, 229:20–230:02 (“He said don’t delete – you know, don’t delete your stuff, or whatever.”), 273:13–16 (“[H]e said things, like, don’t delete your stuff, it is part of discovery.”).

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<sup>13</sup> Kline even testified that filling out the Certification Form “would have been super easy.” Tr. 239:19–22. Kline also claimed, again falsely, that no one had told him how to turn over his phone for imaging. Tr. 274:15–23 (“I have no idea how to get that started or what I need to do.”).

Kline's general explanation for his failure to respond to Plaintiffs' Discovery Requests was that he had not received them, or, if he had received them, he had not read them. *See, e.g.*, Tr. 203:02–203:21, 206:09–21 (“I don’t think I went through this e-mail. . . . It looks like a PDF I could have just filled out, which I obviously would have done.”), 207:14–23 (“I never seen [*sic*] either of these then, yeah.”), 207:24–208:02 (“Q. [The Discovery Requests] were e-mailed to your e-mail address? A. I mean, it says they were. But I didn’t read it.”). Kline did admit that, on July 1, 2019, Plaintiffs had emailed him all outstanding Discovery Requests, as well as the forms that he had been ordered to complete, but he claimed that he was not sure whether he had received the email and in any case had not read it. Tr. 204:09–25, 205:23–206:04 (“Q. So, you did receive this e-mail? A. I don’t know. But if I did, I haven’t read it.”). When questioned about his representation to the Court during the July 2, 2019, hearing that he *had* read the July 1 email and its attachments, Kline testified that he had been “referring to a different e-mail,” and that there had been a “misunderstanding” as to which email was under discussion during the hearing. *See, e.g.*, Tr. 205:04–11, 323:23–324:09, 324:25–325:07, 326:14–25, 328:16–19.<sup>14</sup>

Despite his general claims of ignorance, Kline admitted receiving and reading at least some of Plaintiffs' Discovery Requests as early as January 2018, and acknowledged that Mr. Kolenich had informed him of at least certain of his discovery obligations. *See, e.g.*, 139:20–23, 209:19–210:09, 230:25–231:17, 232:19–23, 233:12–19, 235:20–22, 248:17–21. Kline, however, had no satisfactory explanation for his failure to respond. Instead, he testified that he did not know how

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<sup>14</sup> When asked which email Kline had read instead of Plaintiffs' July 1, 2019, email, he was noticeably vague. Tr. 324:04–09 (“[The Court] was referring to Exhibit 11, but I was referring to a different e-mail that was a different court form. I don’t know what it was. I would have to go back and look. But it was a different thing I had been sent the day before.”). Notably, although Kline referred to a “different thing I had been sent the day before,” the only email that Plaintiffs had sent Kline the day before the hearing was the email attaching all outstanding discovery requests (although Plaintiffs also copied Kline on an email to the Court attaching the same email).

to respond, and blamed at turns Mr. Kolenich, Plaintiffs, and even the Court for failing to instruct him on exactly what to do. *See, e.g.*, Tr. 141:21–24, 239:04–07 (“[I] don’t know, like, where am I sending this to? Am I responding to this e-mail? Am I sending a postcard? Like, how am I supposed to answer the Interrogatory?”), 250:18–24, 251:19–21, 318:16–23.<sup>15</sup>

#### **4. Kline’s Belated Completion of the SCA Consent Form and Third-Party Vendor Contract**

When pressed by Plaintiffs’ counsel during his deposition, Kline completed and signed an SCA consent form enabling Discord to produce his documents. *See* Tr. 279:22–283:20. Kline admitted, however, that he had never submitted the form before the deposition (and certainly not by any of the deadlines set by the Court prior to his deposition). Tr. 287:22–288:04, 289:12–18. His only explanation was that he had never received or seen the form before. Tr. 316:13–16.<sup>16</sup> When confronted with evidence that Plaintiffs *had* previously provided the form to him, he claimed nonsensically, “I didn’t even see that this e-mail existed, or I don’t remember about this e-mail,” and that, although he had been provided the form, “it was attached to – it was attached to something else I hadn’t seen.” Tr. 289:19–22, 317:07–15.

Kline also testified, as he had told the Court on July 2, 2019, that Discord had emailed him and asked him to comply with discovery: “They asked me if they could send the stuff for discovery, and I e-mailed them back and said yes. And they never e-mailed me back anything. They never – they never sent anything to me.” Tr. 159:19–23, 160:25–161:06.<sup>17</sup> Kline testified

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<sup>15</sup> At the same time, Kline also admitted that the Requests for Production looked “like a PDF I could have just filled out, which I obviously would have done.” Tr. 206:09–24.

<sup>16</sup> Kline’s testimony regarding the Twitter consent forms was similar: he admitted that he had not completed the consents, despite being “more than happy” to do so, because he hadn’t “been asked anything or given anything.” Tr. 169:20–170:12.

<sup>17</sup> Kline also claimed that Twitter “sent [him] an e-mail like that, too,” or that “somebody forwarded me an e-mail from Twitter with the same idea.” Tr. 159:24–160:04.

that he still had these emails, and that he would, within 24 hours after the deposition, locate his emails with Discord and forward them to Plaintiffs. Tr. 161:17–19, 278:14–279:18, 290:02–05. (As described below, Kline was, unsurprisingly, later unable to find these emails.)

Prior to the deposition but three weeks after the deadline imposed by the Court’s July 3, 2019, Order, Kline finally signed the Vendor contract via DocuSign. Phillips Decl. ¶ 5 & Ex. B, at 2. (During his deposition, Kline falsely claimed that he signed the contract “a couple days” or “maybe five or six days” after the July 1, 2019, hearing. Tr. 334:18–25, 336:04–09, 341:11–18.)<sup>18</sup> Inexplicably, Kline appeared to testify that he understood signing the DocuSign contract to cover all of his discovery obligations. Tr. 332:04–08 (“I thought that was consenting to all my things.”). As Kline admitted, however, this conclusion was “weird,” as the contract did not actually ask him, among other steps, to disclose his devices and social media accounts. Tr. 332:09–13.

## **V. The Third Order to Kline**

On August 8, 2019, the day after the deposition, Kline appeared for the telephonic hearing ordered by the Court. Hr’g Tr., Aug. 8, 2019, ECF No. 543. Kline represented that:

- He “already ha[d] a new phone set up” and would be “ready to hand this [old] phone in tomorrow” (*i.e.*, on August 9);
- He had looked for the emails that he had exchanged with Discord described above but had been unable to find them;
- Responding to Plaintiffs’ Discovery Requests by August 16 was “definitely doable”;
- Plaintiffs had “a good phone number and a good email address” at which to contact him; and
- He would provide his new phone number to Plaintiffs’ counsel and the Court by August 9, 2019.

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<sup>18</sup> When confronted with evidence that he had not signed the contract until August 1, 2019 (after multiple follow-up communications from the Vendor), Kline testified that he thought that he had already signed the contract, but “didn’t know it wasn’t done” until belatedly reading the Vendor’s emails, which had been sent on July 22, 25, and 29. Tr. 337:01–340:13, 341:11–342:02.

*Id.* at 7:13–18, 9:16–25, 13:17–18, 15:04–05, 15:13–17.

On August 8, 2019, in yet another Order to Kline, the Court set the following deadlines:

- By August 9, Kline was to provide his new cell phone number to the Court Clerk’s Office and Plaintiff’s counsel;
- On or before August 14, Kline was to make his electronic devices and social media account credentials available to the Vendor; and
- On or before August 16, Kline was to respond to the Discovery Requests.

Third Order to Kline.

On August 9, 2019, the Court issued the Memorandum Opinion awarding Plaintiffs attorneys’ fees as a sanction against Kline, while continuing to take Plaintiffs’ requested evidentiary sanctions under advisement. Mem. Op. 35. Also on August 9, the Vendor followed up on Kline’s incomplete Certification Form to request the passwords for his social media accounts. Phillips Decl. ¶ 15 & Ex. J, at 3 (Vendor Email to Kline, Aug. 9, 2019).

## **VI. Kline’s Renewed Disappearance from the Litigation**

Predictably, Kline missed all three deadlines set by the Court’s August 8, 2019, Order. On August 14, 2019, five days late, Kline emailed Plaintiffs’ counsel stating that he had “just got [his] new phone up and running” and providing his new phone number. Phillips Decl. ¶ 16 & Ex. K, at 3 (Kline Email to Plaintiffs, Aug. 14, 2019). Also on August 14, 2019, Kline emailed the Vendor claiming he had already “sent out the phone this afternoon” and he was “still working on” his computer (which allegedly he had left in Pennsylvania). Phillips Decl. ¶ 17 & Ex. J, at 3 (Kline Email to Vendor, Aug. 14, 2019). Although the Vendor had previously asked Kline for his social media passwords, Kline did not provide the Vendor any passwords. Phillips Decl. ¶ 17 & Ex. J, at 3. The Vendor responded to Kline, asking him to (1) provide a tracking number for the shipment

containing his phone; (2) provide his passwords for his social media accounts; and (3) ship his computer as well. Phillips Decl. ¶ 18 & Ex. J, at 2. Kline never responded. Phillips Decl. ¶ 19.

On August 19, 2019, Plaintiffs’ counsel emailed Kline to note deficiencies in the Certification Form that Kline completed during his deposition—including that the form was missing certain social media accounts and email addresses as well as his passwords—and requested a new, complete version of the form. Phillips Decl. ¶ 20 & Ex. K, at 2 (Plaintiffs Email to Kline, Aug. 19, 2019). Kline never responded. Phillips Decl. ¶ 21.

On August 27, 2019—nearly two weeks late, and without Kline having ever provided the Vendor with tracking information—the Vendor received a mobile device from “Bruce Kline.” Phillips Decl. ¶ 22 & Ex. L, at 2 (Vendor Email to Kline, Sept. 5, 2019). On September 5, 2019, the Vendor emailed Kline to request confirmation that this was Kline’s device, to request that Kline provide the passcode so that the Vendor could access the phone’s contents, and for a third time to request the passwords to Kline’s social media accounts. Phillips Decl. ¶ 22 & Ex. L, at 2. Kline never responded. Phillips Decl. ¶ 23.

Kline has also failed to provide Plaintiffs with his answers to Plaintiffs’ Discovery Requests, which were first served on Kline in January 2018 and to which Kline’s responses were due to Plaintiffs under the most recent Order on or before August 16, 2019. Phillips Decl. ¶ 24.

### **ARGUMENT**

Kline is, yet again, in willful defiance of “his long overdue discovery obligations.” *See* Third Order to Kline. Despite the Court’s repeated Orders, the Court’s imposition of attorneys’ fees, and even the Court’s warning that Kline’s continued misconduct could result in arrest, Kline continues to ignore the Court’s Orders and Plaintiffs’ communications with impunity. Kline repeatedly promised during his deposition that, despite having complied with essentially none of his discovery obligations (other than executing the Discord consent form), he “would like to”

comply, and that he intended to do so going forward. *See, e.g.*, Tr. 209:04, 218:03, 219:21, 226:14, 227:14, 228:11, 237:02, 239:25–240:01, 242:15, 245:06, 264:12. Yet, in the seven weeks since Kline’s deposition, although Kline has given permission to Discord to disclose his data, Plaintiffs have still received not a single document or discovery response from Kline himself. In addition, although the Vendor has apparently received a device from Kline, it has no ability to access the data on that device without Kline’s passcode and account passwords, which he has failed to provide despite numerous communications from the Vendor. There is also no sign of the other devices that Kline’s Discord messages and his testimony indicate that he has lied about, concealed, or possibly even destroyed. In other words, despite this Court’s repeated Orders, Plaintiffs have no greater access to Kline’s documents (other than his Discord posts) today than when this case began almost two years ago.

For the reasons given by the Court in its Memorandum Opinion and given in Plaintiffs’ First Sanctions Motion, Kline’s deliberate disobedience of the Court’s Orders and his contempt for the Court require the imposition of sanctions. In assessing the proper sanctions, the “court must consider: (1) ‘whether the non-complying party acted in bad faith’; (2) the kind and degree of prejudice that noncompliance caused its adversary; (3) the need to deter the specific sort of noncompliance; and (4) ‘whether [any] less drastic sanctions’ would be effective.” Mem. Op. 5–6 (alterations in original) (quoting *Belk v. Charlotte-Mecklenburg Bd. of Educ.*, 269 F.3d 305, 348 (4th Cir. 2001) (en banc)).<sup>19</sup> Plaintiffs respectfully request that the Court (1) impose a daily fine against Kline for every day he remains in contempt of Court; (2) issue a bench warrant for Kline’s arrest and detention until he purges himself of his contempt; (3) deem established the facts listed

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<sup>19</sup> Sanctions are also appropriate under the similar factors considered in determining whether to sanction parties under the Court’s inherent authority. *See Projects Mgmt. Co. v. Dyncorp Int’l LLC*, 734 F.3d 366, 373–74 (4th Cir. 2013).



in Appendix A; (4) deem authentic any document Plaintiffs have a good-faith basis to believe Kline created; (5) instruct the jury that Kline chose to intentionally withhold his documents and that the jury may draw adverse inferences from that fact; and (6) grant Plaintiffs reasonable expenses, including attorneys' fees. It is abundantly clear that nothing less will induce Kline's compliance.

*First*, as the Court has recognized, Kline's "'continued disregard'" for the Court and its Orders cannot be interpreted "'as anything other than bad faith.'" Mem. Op. 31 (quoting *Young Again Prods., Inc. v. Acord*, 459 F. App'x 294, 302 (4th Cir. 2011)). The Court has, indeed, "patiently afforded" Kline numerous opportunities over the last two years to comply with his obligations. Mem. Op. 29–30. Yet Kline *still* has essentially produced zero documents to Plaintiffs, despite his many (wholly implausible) excuses for his past deficiencies and his repeated empty promises at his deposition to comply with his obligations going forward. "No one . . . should count on more than three chances to make good a discovery obligation." *Lee v. Max Int'l, LLC*, 638 F.3d 1318, 1319 (10th Cir. 2011) (Gorsuch, J.). And Kline's testimony under oath—riddled with implausible statements, absurdities, and inconsistencies that can only realistically be regarded as lies—makes even clearer the depth of Kline's "bad faith." *Belk*, 269 F.3d at 348.<sup>20</sup>

*Second*, Kline's "'repeated and ongoing discovery misconduct' so far has caused 'significant procedural . . . prejudice' to Plaintiffs' ability to resolve their claims in a just, speedy, and inexpensive manner." Mem. Op. 33 (alteration in original) (quoting *First Mariner Bank v. Resolution Law Grp.*, Civ. No. MJG-12-1133, 2014 WL 1652550, at \*19 (D. Md. Apr. 22, 2014)).

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<sup>20</sup> As the Court observed, Kline was "active on social media—even commenting about this litigation—when [he] should have been participating in discovery and other pretrial proceedings," providing yet further evidence of Kline's bad faith. Mem. Op. 30 & n.11. At his deposition, Kline admitted that he had used each of the Twitter user names that were posting messages during the course of litigation, including "Eli Mosley" and "Sheli Shmosley." Tr. 162:16–20, 166:09–167:10.

This prejudice mounts as, day by day, plaintiffs are forced to expend ever-greater time, effort, and resources in pursuing discovery from Kline.

*Third*, as the Court has also remarked, “[S]talling and ignoring the direct orders of the court with impunity is misconduct that must obviously be deterred.” Mem. Op. 31 (quoting *Young Again Prods.*, 459 F. App’x at 303) (internal quotation marks omitted). Clear evidence of the need for deterrence can be found in recent comments by another Defendant in this litigation. In a filing to the Court responding to his counsel’s request to withdraw, Defendant Christopher Cantwell asserted: “I’ve done my best to cooperate with these proceedings, just like I cooperated with law enforcement before and after the events in dispute. Many of my codefendants blew off these proceedings to avoid finding themselves in this position, and ***perhaps they will be proven to have had the better idea.***” ECF No. 560 (emphasis added). To allow Kline to disappear from this litigation without holding him to account would encourage other Defendants to engage in the same outrageous misconduct, and confirm that Kline did, indeed, have the “better idea.”

*Fourth*, “less drastic sanctions” than those requested here—Kline’s arrest and detention, a daily fine for every day Kline remains in non-compliance with his obligations, evidentiary sanctions, and attorneys’ fees—plainly would be ineffective. *See Belk*, 269 F.3d at 348.

Only the Court’s previous warning that Kline would be arrested if he failed to comply with the Court’s prior Orders was enough to cause Kline to participate, though fleetingly, in the litigation. *See* Mem. Op. 27. Kline has now yet again “failed . . . to comply” with the Court’s Orders: he is again entirely ignoring Plaintiffs’ communications; he has failed to take any steps to enable Plaintiffs to access his documents on his device; and he has failed to respond to Plaintiffs’ Discovery Requests. *See id.* Therefore, the Court should follow through on its prior warning and “immediately issue a bench warrant directing the USMS to arrest [Kline], transport him to this

judicial district, and hold him in custody until he purge[s] himself of civil contempt.”<sup>21</sup> *See id.*; *see, e.g., United States v. Carter*, No. 3:16-CV-00673-FDW-DCK, 2018 WL 4387635, at \*2 (W.D.N.C. Sept. 14, 2018) (bench warrant issued where party failed to appear at hearing); *In re Reid*, No. 15-00195-DD, 2016 WL 6989748, at \*1 (Bankr. D.S.C. Nov. 28, 2016) (bench warrant issued where party failed to comply with Court orders); *Reaves v. Rhodes*, No. CA 4:10-125-TLW-TER, 2011 WL 826358, at \*2 (D.S.C. Jan. 26, 2011) (bench warrant issued where party failed to respond to Court orders to show cause) (subsequent history omitted).

A daily fine for every day during which Kline continues to disobey the Court’s Orders is also appropriate. *See In re Gen. Motors Corp.*, 61 F.3d 256, 259 (4th Cir. 1995) (“The appropriate remedy for civil contempt is within the court’s broad discretion.”); *ePlus Inc. v. Lawson Software, Inc.*, 946 F. Supp. 2d 449, 453 (E.D. Va. 2013) (sanctions appropriate “to coerce the contemnor into complying in the future with the court’s order, or to compensate the complainant for losses resulting from the contemnor’s past noncompliance”). Such a fine should be made retroactive to August 16, 2019, the most recent deadline with which Kline has failed to comply.

Plaintiffs further seek the evidentiary sanctions previously requested in the First Sanctions Motion. As the Court has already found, “evidentiary sanctions—including the adverse inference and an order deeming some of [Plaintiffs’] proposed facts established—would be available, and certainly could be appropriate in this case, if Kline . . . fail[s] to produce the discovery from this point forward. . . . Should [Kline] not follow through [with adherence to the Court’s Orders], the Court will likely have run out of options other than to impose significant evidentiary sanctions.” Mem. Op. 34–35. Specifically, Plaintiffs request that the Court deem the facts listed in Appendix

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<sup>21</sup> All of the requirements for the Court to treat Kline’s disobedience as contempt of Court pursuant to Fed. R. Civ. P. 37(b)(2)(A)(vii) are met. *See, e.g., JTH Tax, Inc. v. H & R Block E. Tax Servs., Inc.*, 359 F.3d 699, 705 (4th Cir. 2004).

A established for purposes of this action; deem “authentic” for purposes of satisfying Fed. R. Evid. 901 any document Plaintiffs have a good-faith basis to believe were in fact created by Kline, including, but not limited to, all documents from the social media accounts listed in Appendix A; and instruct the jury that Kline chose to intentionally withhold his documents and that the jury may draw adverse inferences from that fact, including that Kline chose to withhold such documents because he was aware that such documents contained evidence that Kline conspired to plan racially motivated violence at the Unite the Right event.

Finally, Plaintiffs request an award of their continued expenses for their ongoing effort to pursue discovery from Kline, including attorneys’ fees and costs.

### **CONCLUSION**

As Kline’s misconduct has repeatedly demonstrated, he is not to be trusted to participate in good faith in this litigation. The Court should issue the strongest possible sanctions to make clear, in no uncertain terms, that such behavior cannot and will not be tolerated. For these reasons, Plaintiffs respectfully request that the Court grant this Motion for Sanctions against Kline in its entirety, order the requested relief, and order such other relief as the Court deems just and proper.

Respectfully submitted,

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## **APPENDIX A**

### **I. Facts to Be Deemed Established**

Plaintiffs respectfully request that the following facts be established for purposes of this action:

1. Defendant Kline was a member of Identity Evropa from April 2017 through at least August 2017.

2. Defendant Kline was one of the leaders of Identity Evropa from April 2017 through at least August 2017.

3. Defendant Kline entered into an agreement with one or more co-conspirators to plan the Unite the Right event that took place in Charlottesville, Virginia on August 11 and 12, 2017.

4. Defendant Kline entered into an agreement with one or more co-conspirators to engage in racially motivated violence in Charlottesville, Virginia on August 11, 2017.

5. Defendant Kline entered into an agreement with one or more co-conspirators to engage in racially motivated violence at the Unite the Right event in Charlottesville, Virginia on August 12, 2017.

6. Defendant Kline was motivated by animus against racial minorities, Jewish people, and their supporters when conspiring to engage in acts of intimidation and violence on August 11 and 12, 2017 in Charlottesville, Virginia.

7. It was reasonably foreseeable to Defendant Kline and intended by him that coconspirators would commit acts of racially motivated violence and intimidation at the torchlight event in Charlottesville, Virginia on August 11, 2017.

8. It was reasonably foreseeable to Defendant Kline and intended by him that coconspirators would commit acts of racially motivated violence and intimidation at the Unite the Right event in Charlottesville, Virginia on August 12, 2017.

9. It was reasonably foreseeable to Defendant Kline and intended by him that a coconspirator would engage in racially motivated violence by intentionally driving a car into a crowd of counter-protestors on August 12, 2017.

10. Defendant Kline committed multiple overt acts in furtherance of the conspiracy he entered into to commit racially motivated violence at the Unite the Right event in Charlottesville.

11. Defendant Kline attended the torchlight march on August 11, 2017 and committed acts of intimidation and violence in furtherance of the conspiracy.

12. Defendant Kline attended the Unite the Right event on August 12, 2017 and committed acts of intimidation and violence in furtherance of the conspiracy.

13. After the Unite the Right event in Charlottesville, Virginia on August 11 and 12, 2017, Defendant Kline ratified the racially motivated violence that occurred at the event.

## **II. Documents to Be Deemed Authentic**

Plaintiffs respectfully request that all documents Plaintiffs have a good-faith basis to believe were in fact created by Defendant Kline be deemed “authentic” for purposes of satisfying Rule 901 of the Federal Rules of Evidence. In particular, Plaintiffs have a good-faith basis to believe that the following social media accounts, identified by the platform name, followed by the handle (or username), belong to Defendant Kline. Plaintiffs respectfully request that all documents from the following social media accounts be deemed “authentic” for purposes of satisfying Rule 901 of the Federal Rule of Evidence:

1. Discord - Eli Mosley#5269

2. Discord - Sayer
3. Discord - Sayer#5269
4. YouTube - Eli Mosley
5. Facebook - Eli Mosley
6. Twitter - @EliMosleyIE
7. Twitter - @ThatEliMosley
8. Twitter - @EliMosleyOH
9. Twitter - @EliMosleyIsBack
10. Twitter - @Sheli\_Shmosley
11. Twitter - @Eli\_Mosley\_
12. Gab - @EliMosley



## CERTIFICATE OF SERVICE

I hereby certify that on September 26, 2019, I filed the foregoing with the Clerk of Court through the CM/ECF system, which will send a notice of electronic filing to:

Elmer Woodard  
5661 US Hwy 29  
Blairs, VA 24527  
isuecrooks@comcast.net

James E. Kolenich  
Kolenich Law Office  
9435 Waterstone Blvd. #140  
Cincinnati, OH 45249  
jek318@gmail.com

*Counsel for Defendants Jason Kessler,  
Christopher Cantwell, Robert Ray, Nathan  
Damigo, Identity Europa, Inc. (Identity  
Evropa), Matthew Parrott, and Traditionalist  
Worker Party*

Justin Saunders Gravatt  
David L. Campbell  
Duane, Hauck, Davis & Gravatt, P.C.  
100 West Franklin Street, Suite 100  
Richmond, VA 23220  
jgravatt@dhdglaw.com  
dcampbell@dhdglaw.com

*Counsel for Defendant James A. Fields, Jr.*

William Edward ReBrook, IV  
The ReBrook Law Office  
6013 Clerkenwell Court  
Burke, VA 22015  
edward@rebrooklaw.com

*Counsel for Defendants Jeff Schoep, National  
Socialist Movement, and Nationalist Front*

John A. DiNucci  
Law Office of John A. DiNucci  
8180 Greensboro Drive, Suite 1150  
McLean, VA 22102  
dinuccilaw@outlook.com

*Counsel for Defendant Richard Spencer*

Bryan Jones  
106 W. South St., Suite 211  
Charlottesville, VA 22902  
bryan@bjoneslegal.com

*Counsel for Defendants Michael Hill, Michael  
Tubbs, and League of the South*

I further hereby certify that on September 26, 2019, I also served the following non-ECF participants, via electronic mail, as follows:

Elliot Kline a/k/a Eli Mosley  
eli.f.mosley@gmail.com

Matthew Heimbach  
matthew.w.heimbach@gmail.com

Vanguard America  
c/o Dillon Hopper  
dillon\_hopper@protonmail.com

/s/ Robert T. Cahill

Robert T. Cahill (VSB 38562)  
COOLEY LLP

*Counsel for Plaintiffs*

**UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
Charlottesville Division**

ELIZABETH SINES, SETH WISPELWEY,  
MARISSA BLAIR, TYLER MAGILL,  
APRIL MUNIZ, HANNAH PEARCE,  
MARCUS MARTIN, NATALIE ROMERO,  
CHELSEA ALVARADO, JOHN DOE, and  
THOMAS BAKER,

Plaintiffs,

**Civil Action No. 3:17-cv-00072-NKM**

v.

JASON KESSLER, et al.,

Defendants.

**DECLARATION OF JESSICA E. PHILLIPS**

I, Jessica E. Phillips, pursuant to 28 U.S.C. § 1746, declare as follows:

1. I am a Partner at the law firm Boies Schiller Flexner LLP, one of the law firms representing Plaintiffs in this action.

2. I submit this Declaration in support of Plaintiffs' Motion for Sanctions against Defendant Elliott Kline a/k/a Eli Mosley.

3. Attached as Exhibit A to this Declaration is a true and correct copy of an email from James Kolenich to Plaintiffs' counsel dated June 7, 2019, stating, in part, "The word 'arrest' has had a near magical effect on my former clients. Eli Mosely (Elliott Kline) can be reached at 610-406-2229. He reached out to IE upon seeing a news article referencing the arrest discussion in Court. You can text that number or call him. He has been fully informed of the discovery/ESI expectations."

4. Attached as Exhibit B to this Declaration is a true and correct copy of an email from iDiscovery Solutions (the “Third-Party Discovery Vendor” or “Vendor”) to Kline dated July 22, 2019, stating, in part, “I am reaching out to you to follow up on your signature with the attached Supplemental Contract. It was emailed to you on July 2nd through DocuSign.”

5. Exhibit B also contains a true and correct copy of an email from the Vendor to Kline and Plaintiffs’ counsel dated August 1, 2019, stating, in part, “We just got confirmation that Elliot Kline signed the updated contract today.”

6. From July 3, 2019, when the Court issued the Order to Defendant Elliot Kline, ECF No. 516, to August 7, 2019, when Kline sat for a deposition, Kline did not (1) provide Plaintiffs with an SCA consent form for Discord or Twitter; (2) provide Plaintiffs’ counsel with the Certification Form disclosing his electronic devices and social media account credentials; (3) make his electronic devices and social media account credentials available to the Vendor; or (4) respond to Plaintiffs’ First Set of Interrogatories and Requests for Production of Documents.

7. Attached as Exhibit C to this Declaration is a true and correct copy of excerpts from the transcript of the deposition of Elliott Kline dated August 7, 2019.

8. Attached as Exhibit D to this Declaration is a true and correct copy of Discord messages by user Eli Mosley#5269 dated March 31, 2017, stating, “I have 3 phones,” and “one for work, one for personal shit, and one for the alt right[.]”

9. Exhibit D also contains a true and correct copy of Discord messages by user Eli Mosley#5269 dated March 31, 2017, stating, “You should get a seperate [sic] phone for alt right stuff then arm it with a kill password to go off between noon and 1pm each day. I activate it before I go out and do things[.]”

10. Attached as Exhibit E to this Declaration is a true and correct copy of an email from Mr. Kolenich to Plaintiffs' counsel dated September 3, 2019, stating, in part, "I have no record of Mr. Kline providing me any other phone number than 610-406-2229."

11. Attached as Exhibit F to this Declaration is a true and correct copy of a Discord message by user Eli Mosley#5269 dated March 22, 2017, stating, "@<Convo#5941> an hour after my video came out with the kike and the sign he commented on it with 'Echo American?' I have the screen cap on my home PC[.]"

12. Attached as Exhibit G to this Declaration is a true and correct copy of a Discord message by user Eli Mosley#5269 dated March 22, 2017, stating, "if he comes in and i [sic] have to defend myself all they have to do is look through my computer and im [sic] fucked so not really a good option[.]"

13. Attached as Exhibit H to this Declaration is a true and correct copy of a Discord message by user Eli Mosley#5269 dated March 22, 2017, stating, "they share the wall with my computer[.]"

14. Attached as Exhibit I to this Declaration is a true and correct copy of a Discord message by user Eli Mosley#5269 dated March 31, 2017, stating, "well its not a huge deal cause the phone is backed up on my PC[.]"

15. Attached as Exhibit J to this Declaration is a true and correct copy of an email from the Vendor to Kline dated August 9, 2019, stating, in part, "Would you please assist us by confirming or correcting the spelling of your accounts in the below chart and also by providing passwords where indicated in the highlighted cells?"

16. Attached as Exhibit K to this Declaration is a true and correct copy of an email from Kline to Plaintiffs' counsel and Mr. Kolenich dated August 14, 2019, stating, in part, "I just

got my new phone up and running,” and providing Kline’s new phone number. Kline’s email also stated, in part, “I sent out my old phone for discovery but I will still maintain that phone for a bit longer before shutting it off.”

17. Exhibit J also contains a true and correct copy of an email from Kline to the Vendor dated August 14, 2019, stating, in part, “I just wanted to let you know that I sent out the phone this afternoon during lunch. The PC I am still working on and I’m not even sure it still will turn on.” The email did not contain Kline’s passwords for his social media accounts, as had been requested by the Vendor in an email contained in Exhibit J dated August 9, 2019.

18. Exhibit J also contains a true and correct copy of an email from the Vendor to Kline dated August 14, 2019, stating, in part, “Thank you very much for shipping your phone. Do you have a tracking number for the shipment? If so, would you please send it to us? Also, would you please fill in the passwords for each of the accounts listed in the below chart as well as a PIN, if any, for the iPhone. Finally, please send us the computer so that we can image it as well.”

19. As of today, Kline has not responded to the Vendor’s August 14, 2019, email.

20. Exhibit K also contains a true and correct copy of an email from Plaintiffs’ counsel to Kline dated August 19, 2019, stating, in part, “We also need you to fill out a new Certification Form, as the Certification Form that you signed at your deposition is incomplete and does not list your email addresses, passwords for your social media accounts, or the Walmart phone that you testified about during your deposition.”

21. As of today, Kline has not responded to Plaintiffs’ August 19, 2019, email.

22. On August 27, 2019, the Vendor informed Plaintiffs’ counsel that it had received a device from “Bruce Kline.” On September 24, 2019, the Vendor informed Plaintiffs’ counsel that the device was an iPhone 6S. Attached as Exhibit L to this Declaration is a true and correct copy

of an email from the Vendor to Kline dated September 5, 2019, stating, in part, “We received a package last week from a ‘Bruce Kline’ containing a mobile device. Can you please confirm that this is your device that you shipped for collections? And, if so, can you please provide the passcode and iTunes password as well?”

23. As of today, Kline has not responded to the Vendor’s September 5, 2019, email.

24. As of today, Kline has not responded to Plaintiffs’ First Set of Interrogatories or Plaintiffs’ Requests for Production of Documents.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on: September 26, 2019  
Washington, D.C.

/s/ Jessica E. Phillips  
Jessica E. Phillips

# **EXHIBIT A**



**From:** James Kolenich <jek318@gmail.com>  
**Sent:** Wednesday, June 26, 2019 2:23 PM  
**To:** Michael Bloch  
**Cc:** Gabrielle E. Tenzer  
**Subject:** Re: Eli Mosely

Kline responded. Said email is correct and he will check it when he gets home.

On Wed, Jun 26, 2019, 12:11 PM Michael Bloch <[mbloch@kaplanhecker.com](mailto:mbloch@kaplanhecker.com)> wrote:

Thanks.

**Michael Bloch | Kaplan Hecker & Fink LLP**  
Counsel  
350 Fifth Avenue | Suite 7110  
New York, New York 10118  
(W) 929.367.4573 | (M) 646.398.0345  
[mbloch@kaplanhecker.com](mailto:mbloch@kaplanhecker.com)

**From:** James Kolenich <[jek318@gmail.com](mailto:jek318@gmail.com)>  
**Sent:** Wednesday, June 26, 2019 12:09 PM  
**To:** Michael Bloch <[mbloch@kaplanhecker.com](mailto:mbloch@kaplanhecker.com)>  
**Cc:** Gabrielle E. Tenzer <[gtenzer@kaplanhecker.com](mailto:gtenzer@kaplanhecker.com)>  
**Subject:** Re: Eli Mosely

Don't know. I texted him to inquire. Will advise if/when he answers.

Jim

On Wed, Jun 26, 2019 at 12:04 PM Michael Bloch <[mbloch@kaplanhecker.com](mailto:mbloch@kaplanhecker.com)> wrote:

Jim, as far as you're aware, is Kline's email address still [eli.f.mosley@gmail.com](mailto:eli.f.mosley@gmail.com)? I tried to e-mail him about the court call.

**Michael Bloch | Kaplan Hecker & Fink LLP**  
Counsel  
350 Fifth Avenue | Suite 7110



New York, New York 10118  
(W) 929.367.4573 | (M) 646.398.0345  
[mbloch@kaplanhecker.com](mailto:mbloch@kaplanhecker.com)

**From:** James Kolenich <[jek318@gmail.com](mailto:jek318@gmail.com)>  
**Sent:** Friday, June 7, 2019 12:40 PM  
**To:** Michael Bloch <[mbloch@kaplanhecker.com](mailto:mbloch@kaplanhecker.com)>  
**Subject:** Eli Mosely

The word "arrest" has had a near magical effect on my former clients. Eli Mosely (Elliott Kline) can be reached at 610-406-2229. He reached out to IE upon seeing a news article referencing the arrest discussion in Court. You can text that number or call him. He has been fully informed of the discovery/ESI expectations.

Jim

--

**James E. Kolenich**

**Kolenich Law Office**

**9435 Waterstone Blvd. #140**

**Cincinnati, OH 45249**

**513-444-2150**

**513-297-6065(fax)**

**513-324-0905 (cell)**

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--  
**James E. Kolenich**

**Kolenich Law Office**

**9435 Waterstone Blvd. #140**

**Cincinnati, OH 45249**

**513-444-2150**

**513-297-6065(fax)**

**513-324-0905 (cell)**

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# **EXHIBIT B**

**From:** Ken Kim [<mailto:kkim@idsinc.com>]  
**Sent:** Thursday, August 1, 2019 12:50 PM  
**To:** Eli Mosley; Jessica Phillips  
**Cc:** Avani Patel; Michael Bloch; iDS\_SINKS-02678  
**Subject:** RE: RE: Sines v. Kessler

Thank you. We just got confirmation that Elliot Kline signed the updated contract today.

**Kenneth Kim**  
Project Manager  
Mobile: 267.847.4876



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[https://www.chambersandpartners.com/12788/2817/editorial/58/1#22770855\\_editorial](https://www.chambersandpartners.com/12788/2817/editorial/58/1#22770855_editorial)



**From:** Eli Mosley <[eli.f.mosley@gmail.com](mailto:eli.f.mosley@gmail.com)>  
**Sent:** Thursday, August 1, 2019 12:37 PM  
**To:** Jessica Phillips <[jphillips@bsflp.com](mailto:jphillips@bsflp.com)>  
**Cc:** Avani Patel <[apatel@idsinc.com](mailto:apatel@idsinc.com)>; Ken Kim <[kkim@idsinc.com](mailto:kkim@idsinc.com)>; Michael Bloch <[mbloch@kaplanhecker.com](mailto:mbloch@kaplanhecker.com)>;  
iDS\_SINKS-02678 <[ids\\_sinks-02678@idsinc.com](mailto:ids_sinks-02678@idsinc.com)>  
**Subject:** Re: RE: Sines v. Kessler

[EXTERNAL SENDER]

The Docusign says its expired. Can you please resend it?

On Mon, Jul 29, 2019 at 5:55 PM Jessica Phillips <[jphillips@bsflp.com](mailto:jphillips@bsflp.com)> wrote:

You have the right email address.

**Jessica E. Phillips**  
Partner

---

## BOIES SCHILLER FLEXNER LLP

1401 New York Ave., NW

Washington, DC 20005

(t) +1 202 895 7592

(m) +1 312 493 7114

[jphillips@bsflp.com](mailto:jphillips@bsflp.com)

[www.bsflp.com](http://www.bsflp.com)

---

**From:** Avani Patel [mailto:[apatel@idsinc.com](mailto:apatel@idsinc.com)]  
**Sent:** Monday, July 29, 2019 5:54 PM  
**To:** [eli.f.mosley@gmail.com](mailto:eli.f.mosley@gmail.com)  
**Cc:** Ken Kim; Michael Bloch; Jessica Phillips; iDS\_SINKS-02678  
**Subject:** RE: RE: Sines v. Kessler

Dear Michael and Jessica,



We have not been able to get in touch with Eli Mosley. Can you confirm that we have the correct email address? The contract expires in a couple of days.

Thanks,

**Avani Patel, Esq.** 

Business Development Manager

**iDiscovery Solutions**

3000 K Street NW, Suite 330

Washington, DC 20007

Direct: 202.249.7870

Cell: 202.597.2004



**From:** Avani Patel

**Sent:** Thursday, July 25, 2019 11:04 AM

**To:** [eli.f.mosley@gmail.com](mailto:eli.f.mosley@gmail.com)

**Cc:** Ken Kim <[kkim@idsinc.com](mailto:kkim@idsinc.com)>; Michael Bloch <[mbloch@kaplanhecker.com](mailto:mbloch@kaplanhecker.com)>; Jessica Phillips <[jphillips@bsflp.com](mailto:jphillips@bsflp.com)>; IDS\_SINKS-02678 <[ids\\_sinks-02678@idsinc.com](mailto:ids_sinks-02678@idsinc.com)>

**Subject:** RE: RE: Sines v. Kessler

Dear Mr. Kline-

I am following up on our email below. Please provide an update on signing the engagement letter as soon as possible.

Thanks and regards,

Avani Patel, Esq. 

Business Development Manager

**iDiscovery Solutions**

3000 K Street NW, Suite 330

Washington, DC 20007

Direct: 202.249.7870

Cell: 202.597.2004



**From:** Avani Patel

**Sent:** Monday, July 22, 2019 4:08 PM

**To:** [eli.f.mosley@gmail.com](mailto:eli.f.mosley@gmail.com)

**Cc:** Ken Kim <[kkim@idsinc.com](mailto:kkim@idsinc.com)>; Michael Bloch <[mbloch@kaplanhecker.com](mailto:mbloch@kaplanhecker.com)>; Jessica Phillips <[jphillips@bsfllp.com](mailto:jphillips@bsfllp.com)>; IDS\_SINKS-02678 <[ids\\_sinks-02678@idsinc.com](mailto:ids_sinks-02678@idsinc.com)>

**Subject:** RE: Sines v. Kessler

Dear Mr. Kline,

By way of introduction, my name is Avani Patel and I am a business development/account manager at iDiscovery Solutions(iDS). I am reaching out to you to follow up on your signature with the attached Supplemental Contract. It was emailed to you on July 2<sup>nd</sup> through DocuSign. All parties except for you have signed the contract. It was emailed to you through DocuSign on July 2, 2019. Please electronically sign this contract through DocuSign as soon as possible as it is set to expire on July 31<sup>st</sup>.

Please let me know if you have any questions. I look forward to hearing from you.



Thanks and regards,

Avani Patel, Esq. 

Business Development Manager

iDiscovery Solutions

3000 K Street NW, Suite 330

Washington, DC 20007

Direct: 202.249.7870

Cell: 202.597.2004



*Our firm and CEO were ranked **Band 1** on the 2018 updated Chambers and Partners eDiscovery Ranking!*

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# EXHIBIT C

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
CHARLOTTESVILLE DIVISION

Civil Action - Law  
No. 3:17-cv-00072-NKM

-----X

ELIZABETH SINES, SETH WISPELWEY, :  
MARISSA BLAIR, TYLER MAGILL, :  
APRIL MUNIZ, HANNAH PEARCE, :  
MARCUS MARTIN, NATALIE ROMERO, :  
CHELSEA ALVARADO, and JOHN DOE, :

Plaintiffs, :

- vs - :

JASON KESSLER, et al., :

Defendants. :

-----X

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Deposition of ELLIOTT KLINE

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228 Walnut Street	Wednesday, August 7, 2019
Harrisburg, PA	10:05 a.m.

---

IT IS HEREBY STIPULATED and agreed that the  
sealing of the within transcript is waived.

IT IS FURTHER STIPULATED and agreed that all  
objections except as to the form of the question  
are reserved to the time of trial.

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<p style="text-align: right;">Page 30</p> <p>1 your capacity as a member of Identity Evropa, 2 were you also personally represented in this 3 case? 4 A. Yes. By -- by Mr. Kolenich, and I 5 guess at the time Mr. Woodard. But I don't 6 think he is still in the case, or not. 7 Q. Did you personally pay them? 8 A. No. 9 Q. Have you ever personally paid for 10 their representation? 11 A. No. 12 Q. Were you involved in retaining them as 13 attorneys? 14 A. No. I was told it was all taken care 15 of. 16 Q. Did you personally communicate with 17 Mr. Kolenich and Mr. Woodard? 18 A. Yes. 19 Q. Did you communicate them by -- 20 communicate with them by phone? 21 A. Yes. 22 Q. Did you speak on the phone with them? 23 A. Yes. 24 Q. Did you exchange text messages with 25 them?</p>	<p style="text-align: right;">Page 31</p> <p>1 A. Just hey, can I call, kind of. Yes -- 2 yes, I am free, or whatever. 3 Q. Did you use -- did you communicate 4 with them by e-mail? 5 A. No. 6 Q. You have never communicated with Mr. 7 Kolenich or Mr. Woodard by e-mail? 8 A. Not that I -- not that I recall or 9 anything like that. I think maybe them sending 10 me something like this and me just receiving it. 11 But I don't remember ever -- I never really 12 e-mailed them back, like, anything other than 13 maybe thanks for the document, or something like 14 that. But I don't use e-mail a lot. 15 So, I don't think -- no, I -- I don't 16 think I ever e-mailed them. The only thing it 17 would be would be, like, a thanks for the 18 document, or whatever. 19 Q. When you communicated with Mr. 20 Kolenich and Mr. Woodard by phone, what kind of 21 phone did you use? 22 A. Just, like, a crappy Walmart phone 23 and, like, an iPhone. 24 Q. Two phones? 25 A. I had two different phones over the</p>
<p style="text-align: right;">Page 32</p> <p>1 course of this whole thing. 2 Q. Did those two phones have different 3 phone numbers? 4 A. Yes, yes. 5 Q. Was one of the phone numbers (610) 6 406-2229? 7 A. Yes, that is the iPhone. And then the 8 Walmart one was, like, a prepaid phone. I don't 9 even remember what the number was. I only used 10 it for, like, maybe four or five months. 11 Q. When were those four or five months? 12 A. Umm, it was when I was moving from 13 Virginia back to Pennsylvania. So, right when I 14 left Identity Evropa. So, somewhere 2017. 15 Q. Did you use that prepaid phone during 16 August of 2017? 17 A. No. I didn't even have it then. 18 Q. When was the last time you remember 19 using the prepaid Walmart phone? 20 A. Umm, like, that summer. Like I said, 21 I used it from the beginning of the summer, 22 maybe end of spring to the end of 2017 summer. 23 It was just while I was moving, because my 24 iPhone had issues and kept dying, so I just had 25 to get a new phone so I had one.</p>	<p style="text-align: right;">Page 33</p> <p>1 Q. Your iPhone kept dying so you got a 2 prepaid phone from Walmart? 3 A. Yeah. 4 Q. Did the prepaid phone offer text 5 messages? 6 A. Yes. 7 Q. Voicemails? 8 A. Umm, I think so. Probably. 9 Q. E-mails? 10 A. I never set it up or anything like 11 that. 12 Q. Was your iPhone set up to use e-mails? 13 A. My iPhone was set up to use one e-mail 14 address. It was Elliott or 15 EliMosley@IdentityEvropa1. But when I left the 16 organization, they shut my e-mail off. So, the 17 only e-mail that was on my phone was that one. 18 And I never had access to it because the account 19 shut down. Like, I always get pop-ups saying 20 this account doesn't work, or whatever, on my 21 phone. 22 Q. Your iPhone was only set up to use the 23 Identity Evropa address, but not your Gmail 24 address; is that correct? 25 A. Correct. It might have been set up to</p>

<p style="text-align: right;">Page 34</p> <p>1 use other e-mail addresses that were, like, not  2 related to any Alt-Right stuff. Like, one of my  3 e-mail addresses, I think, that might have been  4 used on there was, like, an old one I had from  5 high school I never even used, or anything like  6 that. So, there might be, like, other e-mails  7 on -- e-mail addresses on there. But they were  8 old ones that I didn't even use anymore, or  9 didn't have anything to do with Alt-Right stuff.  10 Q. You have other e-mail addresses aside  11 from your Identity Evropa and Gmail addresses  12 that you never used for, quote, Alt-Right stuff?  13 A. Yeah. I mean, like, e-mails from when  14 I was in high school. E-mail addresses when I  15 was in high school and things like that. Or  16 college or in the Army and things like that.  17 Q. Did you ever use those e-mail  18 addresses to discuss Unite the Right?  19 A. No.  20 Q. When was the last time that you  21 remember using your own e-mail addresses?  22 A. Far before I did anything Alt-Right.  23 Q. And approximately when would that be?  24 A. I guess 2015, 2014 would be the very  25 latest. But I didn't start doing Alt-Right</p>	<p style="text-align: right;">Page 35</p> <p>1 stuff until 2016. So --  2 I would say probably it is even  3 earlier than that. I haven't used those e-mail  4 addresses since 2012, 2013, or something like  5 that.  6 Q. When Mr. Kolenich and Mr. Woodard were  7 representing you, there were times when they  8 sent you documents, right?  9 A. Correct.  10 Q. Did they send you documents via  11 e-mail?  12 A. Yes.  13 Q. Did they send you documents via  14 physical U.S. Mail?  15 A. Umm, I don't believe so. I think all  16 the physical documents I have gotten have been  17 from the Court itself.  18 Q. You have received physical documents  19 from the Court, is that correct?  20 A. They get sent to my parents' house.  21 So, whenever I am around or near whatever, I  22 just swing by to pick up my mail, stuff like  23 that. I'll get it from -- I'll get it from them  24 then.  25 Q. How often do you swing by to pick up</p>
<p style="text-align: right;">Page 36</p> <p>1 your mail?  2 A. It is really sporadic. Sometimes it  3 is once a month, sometimes it is multiple times  4 a week I'll be there. It just depends what's  5 going on.  6 Q. You have testified that your parents  7 have contacted you to let you know you have mail  8 waiting for you, right?  9 A. They have done that in the past. They  10 don't always do that though.  11 Q. Do Mr. Kolenich and Mr. Woodard still  12 represent you?  13 A. No.  14 Q. Why do they no longer represent you?  15 A. Because they feel like I wasn't being  16 communicative with them as their -- I guess  17 their side of what happened. From what I  18 understand or what was going on at the time,  19 they -- we were going through the discovery  20 stuff and they asked me -- Mr. Kolenich had  21 asked me to produce things like Twitter accounts  22 that I don't have access to, Facebook accounts,  23 things like that. The discovery stuff.  24 And I had explained to him that I  25 didn't have access to it or anything like that</p>	<p style="text-align: right;">Page 37</p> <p>1 anymore. And then weeks later he called me back  2 and he actually said to me -- or him and a  3 couple other people. I think it was -- what's  4 his name?  5 One of the other members of Identity  6 Evropa had called me and let me know that, hey,  7 they are going to stop this lawsuit, they are  8 ending it, so you got to call the lawyer and let  9 him know if you would be okay with, like, a plea  10 deal or like a -- I don't know, some sort of  11 agreement. So, I said yes to that. And then  12 the week later or two weeks later I found out  13 from a news article that they had filed a motion  14 to remove me.  15 So, I was under the information that I  16 was -- I was being told there was going to be a  17 deal or that the case is going to be done with  18 or I was going to be dropped from it. In  19 reality, I was being dropped as a Defendant from  20 their law -- their legal team, I guess.  21 Q. Who is the other member of Identity  22 Evropa who called you?  23 A. Umm, Patrick Casey.  24 Q. Are you in communication with Patrick  25 Casey?</p>



<p style="text-align: right;">Page 38</p> <p>1 A. Very, very little. Umm, I spoke to  2 him a couple weeks ago when originally, umm, you  3 guys had -- I guess there was a hearing on the  4 discovery stuff. And he called me to let me  5 know, hey, you need to do -- you need to call  6 the lawyer and let him know what's going on.  7 Before that, I hadn't spoken to him  8 for maybe seven or eight months.  9 Q. When you have communicated with  10 Patrick Casey, has it just been over phone call?  11 A. Mm-hmm.  12 Q. Have you texted with him?  13 A. Umm, yes.  14 Q. E-mailed with him?  15 A. No.  16 Q. When Mr. Kolenich has sent you  17 documents via e-mail, what e-mail address has he  18 used?  19 A. The same one you guys used, the Eli F.  20 Mosley one --  21 Q. You have --  22 A. -- Gmail.com.  23 Q. You have access to that e-mail  24 address, right?  25 A. Yes, yes.</p>	<p style="text-align: right;">Page 39</p> <p>1 Q. Your --  2 A. I didn't for a long time, because I  3 only had -- I only had access to the e-mail  4 through my phone, and my phone -- that e-mail  5 account will not log in on my phone because of  6 the other account that I said earlier, the  7 Elliott.Kline@IdentityEvropa.com. That one will  8 not let me sign in another Gmail account. So, I  9 don't have Gmail on my phone.  10 Q. Earlier you testified that your  11 Identity Evropa e-mail address was, I believe,  12 EliMosley@IdentityEvropa.com?  13 A. I believe it was Eli Mosley or  14 Eli.Mosley. One of the two.  15 Q. Not Elliott.Kline@IdentityEvropa?  16 A. I don't think it was Elliott.Kline.  17 It might have been Elliott.Kline as well. Like  18 I said, I mean, my phone is off right now. I  19 could try to check it right now. But, like I  20 said, it is -- I believe they had an at name  21 through, like, Google or something like that.  22 When I got removed from the organization, they  23 deleted the e-mail address without letting me  24 pull that e-mail off my phone. So, now every  25 time I try to log in, it tells me you can only</p>
<p style="text-align: right;">Page 40</p> <p>1 log in with that e-mail address. And I don't --  2 it is a dead e-mail address. There is nothing  3 -- there is nothing I can do with it.  4 (Exhibit 4, Motion in Support of  5 Motion to Withdraw as Counsel, marked for  6 identification.)  7 BY MR. BARKAI:  8 Q. Mr. Kline, you have been handed  9 Exhibit No. 4.  10 Do you recognize this document?  11 A. Yes. This is the document that Mr.  12 Woodard and the other attorneys, that they put  13 together to drop me from the case, as with them  14 as my lawyers.  15 Q. Do you see where this document states  16 Mr. Kline had been unresponsive to counsel's  17 attempts to communicate throughout this  18 litigation?  19 A. Yes.  20 Q. Do you see that the brief states that  21 you refused to answer your counsel's calls or  22 e-mails?  23 A. Yes, I see that.  24 Q. Turning to the second page of this  25 document, do you see that you were advised by</p>	<p style="text-align: right;">Page 41</p> <p>1 your counsel to let them know about your  2 availability for a deposition?  3 A. Yes.  4 Q. Do you see in Paragraph 6, quote, Mr.  5 Kline's, quote, response, end quote, has been  6 complete and nonresponsive silence, end quote?  7 A. Yes, I see that.  8 Q. Do you see in Paragraph 10,  9 undersigned currently do not even know with any  10 certainty how to contact Mr. Kline, quote?  11 A. Yes.  12 Q. Were you unresponsive to your  13 counsel's attempts to communicate with you?  14 A. Umm, this is during the time where I  15 was switching those phones and moving my phones  16 around. I finally got back to my original  17 number, which was the (610) 406-2229 number.  18 But, yeah, we had serious communication issues  19 for a long time. We finally -- it finally got  20 worked out when I got my new phone.  21 Q. Did you ever tell your counsel that  22 you were switching phones?  23 A. Yes. They knew that I was having  24 issues the whole time.  25 Q. Did you continue communicating with</p>

<p style="text-align: right;">Page 42</p> <p>1 your counsel via e-mail while you were having</p> <p>2 issues communicating via phone?</p> <p>3 A. Umm, no. It was -- it was still all</p> <p>4 on the phone.</p> <p>5 Q. Do you disagree with your counsel's</p> <p>6 statement that you were completely silent in</p> <p>7 response to their attempts to communicate with</p> <p>8 you?</p> <p>9 A. Umm, it depends on when it was. So,</p> <p>10 yes, sometimes I was silent because I didn't</p> <p>11 have a phone when they were trying to call me.</p> <p>12 And other times they would call me and I would</p> <p>13 pick up the phone right away. It was depending</p> <p>14 what was going on with my phone at the time.</p> <p>15 Q. Did you ever try to communicate with</p> <p>16 them some other way, such as borrowing someone</p> <p>17 else's phone?</p> <p>18 A. No. Because, first of all, I didn't</p> <p>19 want to get anyone else mixed up in this whole</p> <p>20 thing, as far as phones go. The other issue was</p> <p>21 is I would call -- I would call them, I would</p> <p>22 leave a message, like, hey, can you call me back</p> <p>23 at this number, that number, and they would</p> <p>24 never return that call.</p> <p>25 So, I originally tried to do something</p>	<p style="text-align: right;">Page 43</p> <p>1 like that, but I didn't get a call back then.</p> <p>2 They would only really communicate with me on my</p> <p>3 -- my phone number, the 610 one.</p> <p>4 Q. I am going to return to questions</p> <p>5 regarding your phone a little bit later.</p> <p>6 A. Mm-hmm.</p> <p>7 Q. Besides Mr. Kolenich and Mr. Woodard,</p> <p>8 has anyone else given you legal advice in this</p> <p>9 case?</p> <p>10 A. Umm, no, not really.</p> <p>11 Q. Has -- when you say not really, has</p> <p>12 anyone given you --</p> <p>13 A. Not official legal advice, no.</p> <p>14 Q. Unofficial legal advice?</p> <p>15 A. I have spoken to people who are</p> <p>16 familiar with this type of litigation. But they</p> <p>17 are not lawyers or anything like that, just</p> <p>18 dealing with the business world, I guess.</p> <p>19 Q. Have you had any legal training?</p> <p>20 A. No.</p> <p>21 Q. Who were the people who are familiar</p> <p>22 with the litigation whom you have spoken to?</p> <p>23 A. Umm, people I just -- umm, I am trying</p> <p>24 to think of how I could explain. The people I</p> <p>25 played -- I talk with online, play games with</p>
<p style="text-align: right;">Page 44</p> <p>1 online. I don't even know their real names.</p> <p>2 Just people I play games with online that I know</p> <p>3 one of them owns his own business. He has had a</p> <p>4 similar -- like, not a similar lawsuit, but a</p> <p>5 lawsuit. I asked him today before I left, hey,</p> <p>6 what is a deposition like, or whatever. And he</p> <p>7 just -- he has been -- he did -- he had a big</p> <p>8 lawsuit with his company. So, it was just like</p> <p>9 that. Nothing -- I haven't spoken with anybody</p> <p>10 as, like, legal advice or anything like that.</p> <p>11 Q. What is that person's name to whom you</p> <p>12 spoke?</p> <p>13 A. I have no idea.</p> <p>14 Q. Do you know what his handle is online?</p> <p>15 A. Umm, Char Char Binks.</p> <p>16 Q. How do you spell that?</p> <p>17 A. I -- Char Char. So, C-H-A-R C-H-A-R.</p> <p>18 Then Binks is B-I-N-K-S.</p> <p>19 Q. How did you speak to him online? Was</p> <p>20 that in a forum of some kind?</p> <p>21 A. No, it is just in-game chat.</p> <p>22 Q. What game?</p> <p>23 A. Umm, a game on Steam called Squad.</p> <p>24 Q. So, you spoke to, quote, Char Char</p> <p>25 Binks in Squad in the game chat about this</p>	<p style="text-align: right;">Page 45</p> <p>1 deposition; is that right?</p> <p>2 A. Yeah. Just in voice chat.</p> <p>3 Q. In the voice chat?</p> <p>4 A. Yeah.</p> <p>5 Q. Have you spoken to others through</p> <p>6 Squad?</p> <p>7 A. No.</p> <p>8 Q. How else have you spoken to people</p> <p>9 online about this lawsuit?</p> <p>10 A. Umm, on my original Discord account</p> <p>11 that got banned, that is the only other kind of</p> <p>12 communication online that I ever do, was on</p> <p>13 Discord. But that got banned.</p> <p>14 Q. We'll return to that later as well.</p> <p>15 Anyone else on Steam?</p> <p>16 A. No.</p> <p>17 Q. Are chats through Steam saved?</p> <p>18 A. It is not a chat. It is -- it is,</p> <p>19 like, when you are in the game, you can talk to</p> <p>20 the person across from you. It is not, like, a</p> <p>21 typing chat. It is just voice communication</p> <p>22 that is, like, live. And none of it is saved or</p> <p>23 anything. It is just -- like I said, it is just</p> <p>24 -- we were just shit talking or talking about</p> <p>25 what's going on in our lives while we are</p>



<p style="text-align: right;">Page 50</p> <p>1 Q. When were you most recently employed?</p> <p>2 A. Umm, I mean, technically by Identity</p> <p>3 Evropa, I guess. Most of the work I have been</p> <p>4 doing was just kind of odd stuff, you know.</p> <p>5 Because it is really hard for me to find a job</p> <p>6 right now.</p> <p>7 Q. What kind of odd stuff?</p> <p>8 A. Like, house sitting, pet sitting. You</p> <p>9 know, cleaning cars. Stuff like that.</p> <p>10 Q. Were you being paid for your work for</p> <p>11 Identity Evropa?</p> <p>12 A. Yes.</p> <p>13 Q. What kind of work was that you were</p> <p>14 being paid for?</p> <p>15 A. Administrative organizational-type</p> <p>16 work. Yeah.</p> <p>17 Q. Did administrative organizational-type</p> <p>18 work involve making documents for Identity</p> <p>19 Evropa?</p> <p>20 A. Umm, yes. But I wasn't the only -- I</p> <p>21 wasn't the only one who did it. Most of the</p> <p>22 documents that were made were made by Nathan</p> <p>23 Damingo.</p> <p>24 Q. What kind of documents did you make?</p> <p>25 A. Umm, I am trying to think of what kind</p>	<p style="text-align: right;">Page 51</p> <p>1 of documents I would have made. I made things</p> <p>2 that were sort of, like -- so, after</p> <p>3 Charlottesville -- I mean, what happened at</p> <p>4 Charlottesville freaked me out, as far as the</p> <p>5 violent stuff. So, I kind of made -- one of the</p> <p>6 documents I know is -- and I made it with Nathan</p> <p>7 -- was Identity Evropa moving forward's peaceful</p> <p>8 protesting and how to, you know, communicate our</p> <p>9 ideas peacefully kind of thing.</p> <p>10 Other than that, I can't remember any</p> <p>11 specific documents other than that one.</p> <p>12 Q. Did you make documents before Unite</p> <p>13 the Right for Identity Evropa?</p> <p>14 A. Umm, no. Not that I -- no.</p> <p>15 Q. Where -- where is the document that</p> <p>16 you remember making saved?</p> <p>17 A. The old Discord server, I believe, is</p> <p>18 the best place to find it, is they -- Identity</p> <p>19 Evropa had a Discord server where documents and</p> <p>20 things like that were -- it wasn't documents,</p> <p>21 yeah. But mostly it was just people posting</p> <p>22 things like that on Discord. And one of those</p> <p>23 things was the document.</p> <p>24 I believe Discord deleted the whole</p> <p>25 server. But that was after I had already left.</p>
<p style="text-align: right;">Page 52</p> <p>1 So, I don't -- I don't know exactly what the</p> <p>2 status of the server is. But I believe -- I</p> <p>3 have heard they deleted everything. From the</p> <p>4 news, actually. Not even --</p> <p>5 Q. So, your testimony is the document was</p> <p>6 posted on Discord, right?</p> <p>7 A. Correct.</p> <p>8 Q. Identity Evropa's Discord server?</p> <p>9 A. Correct.</p> <p>10 Q. Was the document itself made on a</p> <p>11 computer though?</p> <p>12 A. Umm, I think that specific one I made</p> <p>13 on Google docs, and then sent the Google doc to</p> <p>14 somebody who made it into a Word document and</p> <p>15 posted it. So, it was Google docs on my phone</p> <p>16 kind of thing on my -- just the Google app or</p> <p>17 whatever. With the EliMosley@IdentityEvropa.com</p> <p>18 Gmail address.</p> <p>19 Q. Which e-mail address was that?</p> <p>20 A. The @IdentityEvropa one. So, if it</p> <p>21 was Eli Mosley, which I think is what it was, or</p> <p>22 Elliott Kline, whatever it was.</p> <p>23 I am pretty sure it was</p> <p>24 EliMosley@IdentityEvropa.com, though. I made it</p> <p>25 on that Google documents drive or whatever.</p>	<p style="text-align: right;">Page 53</p> <p>1 Q. On your phone?</p> <p>2 A. Yeah.</p> <p>3 Q. Correct?</p> <p>4 A. Mm-hmm.</p> <p>5 Q. So, you logged into Google docs on</p> <p>6 your phone --</p> <p>7 A. Mm-hmm.</p> <p>8 Q. -- and made the document on your</p> <p>9 phone, right?</p> <p>10 A. Yeah. And it was -- it was a</p> <p>11 collaborative thing. There was other people</p> <p>12 that were adding -- like, other people that were</p> <p>13 in the organization that were putting it</p> <p>14 together, or whatever.</p> <p>15 Q. Who were the other people who were</p> <p>16 putting it together?</p> <p>17 A. Nathan and Patrick, obviously. I</p> <p>18 can't really remember anyone else's names that</p> <p>19 would have been involved. But --</p> <p>20 Q. Did you communicate with Mr. Damingo</p> <p>21 and Mr. Casey via e-mail?</p> <p>22 A. No.</p> <p>23 Q. Via phone call?</p> <p>24 A. Yeah.</p> <p>25 Q. Via text?</p>

<p style="text-align: right;">Page 70</p> <p>1 as, like, information that I have retained, the  2 only thing I have left from then is my old cell  3 phone. It is currently not activated, it is  4 just kind of sitting here.  5 A. Yes, that is the iPhone.  6 Q. That is the iPhone whose phone number  7 begins with 610, correct?  8 A. Correct.  9 Q. What model iPhone is that?  10 A. Umm, I have it with me right now. Let  11 me see. I don't even know. iPhone S.  12 Q. iPhone S?  13 A. Mm-hmm.  14 Q. That is what it says on the back?  15 A. Yeah. I don't know if it is, like, a  16 six or what. Doesn't say. Doesn't say.  17 Q. You told the Court that it is  18 currently not activated, right?  19 A. Yes. It has been reactivated since  20 then specifically for you guys to get your stuff  21 off it or whatever, I guess.  22 Q. You reactivated the phone?  23 A. Yes.  24 Q. When did you do that?  25 A. Probably a day or two after this phone</p>	<p style="text-align: right;">Page 71</p> <p>1 call. After -- from Exhibit 5.  2 Q. A day or two after the July 2  3 hearing --  4 A. Yes.  5 Q. -- you reactivated the phone?  6 A. Yeah.  7 Q. Are you using that as your main phone  8 now?  9 A. Right now, yes. But I am getting a  10 new phone, like, with a new number, new  11 everything. Because my phone number has been  12 leaked to the public, so I just get phone calls  13 all day, nonstop, from people I don't want to be  14 calling me.  15 Q. Before you reactivated the phone,  16 where were you keeping it?  17 A. In my room. Just -- or with me in my  18 car, wherever I was at. It just traveled with  19 me.  20 Q. You were keeping your old phone in the  21 car traveling with you, even though it wasn't  22 activated?  23 A. Yeah. For the discovery stuff, so you  24 guys had it, or whatever.  25 Q. Were you -- strike that.</p>
<p style="text-align: right;">Page 72</p> <p>1 When did you first get that phone?  2 A. This phone?  3 Q. Correct.  4 A. Years ago. I don't even know how old  5 this phone is. Probably four years old --  6 four-year-old phone, I would say.  7 Q. Was that the phone that you were using  8 in the months leading up to Unite the Right?  9 A. Yes.  10 Q. Did you use that phone in August of  11 2017?  12 A. Yes.  13 Q. And that phone is connected to the  14 phone number (610) 406-2229?  15 A. Mm-hmm, yes.  16 Q. How long has that been your phone  17 number?  18 A. Since middle school.  19 Q. So, it was your phone number at the  20 time of Unite the Right?  21 A. Yes.  22 Q. It is still your phone number?  23 A. Yes.  24 Q. Do you have other phone numbers?  25 A. I will very soon, in the next couple</p>	<p style="text-align: right;">Page 73</p> <p>1 days. I just signed up for a new phone plan.  2 Q. Who is your phone provider?  3 A. AT&amp;T.  4 Q. Have you bought your new phone yet?  5 A. Yes.  6 Q. What kind of new phone did you buy?  7 A. It is an iPhone. I don't know what  8 model it is. I think it is a 10.  9 Q. Have you received it?  10 A. I have it. I just haven't activated  11 it yet.  12 Q. And you don't have a phone number for  13 that phone yet?  14 A. No.  15 Q. You have testified that you use your  16 old iPhone to communicate regarding Unite the  17 Right, right?  18 A. Yes. This is the phone I used right  19 here to talk to people during Unite the Right.  20 Q. Has anyone else used that phone?  21 A. No.  22 Q. So, communications that were made  23 using that phone are yours; is that correct?  24 A. Yes.  25 Q. How did you use that old cell phone</p>

<p style="text-align: right;">Page 82</p> <p>1 against you, correct?</p> <p>2 A. Correct.</p> <p>3 Q. Did you ever save any of those e-mails</p> <p>4 anywhere else?</p> <p>5 A. No. I never thought that I would have</p> <p>6 to. I thought it would be on whatever they had,</p> <p>7 or whatever. I didn't think I was going to get</p> <p>8 my access taken away.</p> <p>9 Q. Did you ever take any screen shots of</p> <p>10 any e-mails?</p> <p>11 A. No.</p> <p>12 Q. Did you ever back up those e-mails</p> <p>13 onto any external device?</p> <p>14 A. No.</p> <p>15 Q. Did you ever save any of those e-mails</p> <p>16 onto any type of cloud service?</p> <p>17 A. No.</p> <p>18 Q. You testified that you had a weekly</p> <p>19 phone call with others regarding the planning of</p> <p>20 Unite the Right, correct?</p> <p>21 A. Mm-hmm.</p> <p>22 Q. You testified those phone calls</p> <p>23 including Jason Kessler?</p> <p>24 A. Umm, yeah.</p> <p>25 Q. Did they include Richard Spencer?</p>	<p style="text-align: right;">Page 83</p> <p>1 A. Sometimes. Not often.</p> <p>2 Q. Did they include Christopher Cantwell?</p> <p>3 A. No.</p> <p>4 Q. Did they include James Alex Fields,</p> <p>5 Jr.?</p> <p>6 A. No. I didn't know who that was until</p> <p>7 after the whole thing happened.</p> <p>8 Q. Did they include members of Vanguard</p> <p>9 America?</p> <p>10 A. Umm, yes.</p> <p>11 Q. Which members?</p> <p>12 A. I wouldn't know their names. I</p> <p>13 wouldn't -- I don't even know the names they</p> <p>14 went by. I can't remember their names. They</p> <p>15 had a weird leadership thing going on at the</p> <p>16 time where they were changing leaders. So,</p> <p>17 whoever their old leader was, is I assume who it</p> <p>18 would be. Not the one that they have now.</p> <p>19 Whoever it would have been at the time. Whoever</p> <p>20 who that is. I don't remember his name.</p> <p>21 Q. Did the weekly phone calls include</p> <p>22 Andrew Anglin?</p> <p>23 A. No.</p> <p>24 Q. Did the weekly phone calls include</p> <p>25 Robert Azzmador Ray?</p>
<p style="text-align: right;">Page 84</p> <p>1 A. No.</p> <p>2 Q. Did they include Mr. Damingo?</p> <p>3 A. Umm, no.</p> <p>4 Q. Did they include other members of</p> <p>5 Identity Evropa?</p> <p>6 A. Umm, not that I really remember. Not</p> <p>7 that I remember specifically. No.</p> <p>8 Q. Did they include Michael Hill?</p> <p>9 A. Umm, yes. From Southern -- League of</p> <p>10 the South, or whatever, right? That's who</p> <p>11 Michael Hill is, correct?</p> <p>12 Q. To the best of your recollection.</p> <p>13 A. Yeah, I think Michael Hill is from --</p> <p>14 yeah, yes.</p> <p>15 Q. Did they include Matthew Parrott?</p> <p>16 A. No.</p> <p>17 Q. Did they include Michael Tubbs?</p> <p>18 A. I don't know who that is.</p> <p>19 Q. Did they include Jeff Schoep?</p> <p>20 A. No.</p> <p>21 Q. Did they include Augustus Sol Invictus?</p> <p>22 A. Sometimes.</p> <p>23 Q. Did they include Michael Peinovich,</p> <p>24 known as Mike Enoch?</p> <p>25 A. Umm, no.</p>	<p style="text-align: right;">Page 85</p> <p>1 Q. Did they include Andrew Anglin?</p> <p>2 A. No.</p> <p>3 Q. You have testified at -- both today</p> <p>4 and you told the Court that your old cell phone</p> <p>5 that you have there on the table has text</p> <p>6 messages, right?</p> <p>7 A. Mm-hmm, yes.</p> <p>8 Q. And those text messages include text</p> <p>9 messages about Unite the Right, correct?</p> <p>10 A. Yes.</p> <p>11 Q. With whom did you send and receive</p> <p>12 text messages regarding Unite the Right?</p> <p>13 A. Umm, there is -- like I said before,</p> <p>14 there was very few text messages that I</p> <p>15 remember. Most of it was done through Discord.</p> <p>16 Like, 95 percent or more of our communication</p> <p>17 was done through Discord. Like, most of it was.</p> <p>18 The only time I can think of text</p> <p>19 messages, umm, being sent would have been when</p> <p>20 -- I know Friday night was the Torch Rally, the</p> <p>21 Torch March, and Saturday was the rally. And I</p> <p>22 know the -- after what happened at the Torch</p> <p>23 Rally happened, or Torch March happened, Chris</p> <p>24 Cantwell texted me and asked if he could call</p> <p>25 me. So, there would be a text there. Then he</p>

<p style="text-align: right;">Page 86</p> <p>1 called me. Because he wanted to ask me advice 2 on what to do. 3 Q. Besides Mr. Cantwell, with whom -- 4 A. That is the only person I can think of 5 from text messages and things like that I would 6 have. There might be more. Like I said, I 7 can't remember anything I would have had. 8 Q. You don't remember a single other text 9 message regarding Unite the Right? 10 A. No. Like I said, most of the time we 11 used Discord. 12 Q. Umm -- 13 A. And if it was a text, it would be with 14 -- it would be -- I can't think of -- I can't 15 think of a reason I would text anybody. It was 16 all Discord, pretty much. 17 Q. I am going to ask you again just to go 18 through a list of individuals. I am going to 19 ask you if you exchanged text messages with 20 them. 21 A. Text messages, yeah. 22 Q. Did you exchange -- exchange, excuse 23 me, text messages with Mr. Kessler? 24 A. Yes. 25 Q. You did exchange text messages about</p>	<p style="text-align: right;">Page 87</p> <p>1 Unite the Right with Mr. Kessler? 2 A. Yes. I would say out of all the 3 Discord messages, 95 percent of it was Discord. 4 The rest -- like, any text messages I had were 5 probably with Jason, actually. 6 Q. So, earlier when you testified that 7 Mr. Cantwell was the only person you could think 8 of -- 9 A. During the rally, yeah. That was -- 10 because I didn't -- communication with me and 11 Jason would have been on the phone during the 12 rally. But during the rally as far as text 13 messages go, during the event or whatever, Chris 14 is the only one I can think of. 15 But, yeah, I communicated before the 16 event with Kessler through text message, yes. 17 Q. Before the event or after the event, 18 did you communicate regarding Unite the Right 19 via text message with Mr. Spencer? 20 A. Yes. 21 Q. With Mr. Anglin? 22 A. No. 23 Q. With Mr. Fields? 24 A. No. 25 Q. With Mr. Ray?</p>
<p style="text-align: right;">Page 88</p> <p>1 A. No. 2 Q. With Mr. Damingo? 3 A. Maybe. I don't know. Maybe. I don't 4 know. I have no idea. I would have to go back 5 through and look. 6 Q. With Mr. Heimbach? 7 A. Umm, yes. 8 Q. With Mr. Parrott? 9 A. No. 10 Q. Mr. Hill? 11 A. No. 12 Q. Mr. Tubbs? 13 A. No. 14 Q. Mr. Schoep? 15 A. Who is Mr. Tubbs? Where is that name 16 at? 17 Q. The name is Michael Tubbs. 18 A. He is a League of the South. Okay. 19 That makes sense. Okay. 20 Q. Mr. Schoep? 21 A. No. 22 Q. Mr. Invictus? 23 A. No. 24 Q. Mr. Peinovich? 25 A. Yes.</p>	<p style="text-align: right;">Page 89</p> <p>1 Q. When you were discussing Unite the 2 Right via text message with certain of these 3 individuals, did you discuss the planning of 4 Unite the Right? 5 A. Umm, mostly just, like, call times or 6 call dates for those weekly calls. Or 7 complaining about, hey, this person's being a 8 jerk or whatever about -- like, hey, they want 9 to do this way or that way, that way is stupid. 10 So, just stuff like that. 11 Q. So, you did discuss the planning of 12 Unite the Right via text message, correct? 13 A. Yes, yes, yes. 14 Q. Did you discuss speakers at Unite the 15 Right? 16 A. Yes. On -- that was mostly Discord. 17 But, yes. 18 Q. Did you discuss who should attend 19 Unite the Right? 20 A. Yes. 21 MR. DiNUCCI: (Inaudible.) -- 22 deposition by Plaintiffs' counsel exclusively to 23 the conduct in pretrial discoveries and his 24 efforts to preserve any documents, information, 25 material that are potentially relevant to</p>



<p style="text-align: right;">Page 90</p> <p>1 litigation.</p> <p>2 I object to the extent we are going</p> <p>3 beyond the scope of what Judge Hoppe has allowed</p> <p>4 at deposition. Please proceed.</p> <p>5 MR. BARKAI: Okay. Going forward, we</p> <p>6 request that objections not be speaking</p> <p>7 objections.</p> <p>8 BY MR. BARKAI:</p> <p>9 Q. Did you discuss how people should</p> <p>10 behave at Unite the Right via text message?</p> <p>11 A. Via text message, no. That was</p> <p>12 Discord.</p> <p>13 Q. Did you discuss what you -- what your</p> <p>14 goals were with Unite the Right?</p> <p>15 A. On Discord.</p> <p>16 Q. Via text message?</p> <p>17 A. No.</p> <p>18 Q. Did you send and receive text messages</p> <p>19 regarding the Torch March on August 11?</p> <p>20 A. Yes.</p> <p>21 Q. What is the most recent time that you</p> <p>22 sent a text message about the events in this</p> <p>23 case?</p> <p>24 A. Umm, I haven't texted anybody or</p> <p>25 talked to anybody about the event for almost a</p>	<p style="text-align: right;">Page 91</p> <p>1 year now, really. Like, I haven't spoken to</p> <p>2 anyone in the Alt-Right, or anything like that.</p> <p>3 Q. When you were using your old cell</p> <p>4 phone there that's been reactivated, were you</p> <p>5 saving or backing up the contents of the phone?</p> <p>6 A. No. Everything that is on the phone</p> <p>7 is how it has always been. I haven't deleted</p> <p>8 anything, I haven't saved it to external, or</p> <p>9 anything like that.</p> <p>10 Q. When you say you haven't deleted</p> <p>11 anything, you have never deleted anything?</p> <p>12 A. Umm, to make room I might delete,</p> <p>13 like, photos, like -- you know, photos I have</p> <p>14 taken of nothing. Like, if you accidentally hit</p> <p>15 the picture button on the side. But I haven't</p> <p>16 deleted anything on that phone for as long as I</p> <p>17 can remember.</p> <p>18 There is -- I get, like, a notice</p> <p>19 saying you have not plugged this phone into a</p> <p>20 computer to back it up for 487 days, or</p> <p>21 something like that. So, I very -- I don't -- I</p> <p>22 don't use the phone like that.</p> <p>23 Q. So, you have not backed up your phone</p> <p>24 for at least 487 days?</p> <p>25 A. Something crazy like that I think was</p>
<p style="text-align: right;">Page 92</p> <p>1 the last time. Like I said, I am getting a new</p> <p>2 phone because this hasn't really worked that</p> <p>3 well.</p> <p>4 Q. During that time when you were not</p> <p>5 backing up your phone, were you saving the</p> <p>6 contents of the phone somewhere else?</p> <p>7 A. No.</p> <p>8 Q. Were you taking screen shots of</p> <p>9 anything on your phone?</p> <p>10 A. No.</p> <p>11 Q. When you said that you might delete</p> <p>12 photos that you have taken of nothing, have you</p> <p>13 ever deleted a photo regarding Unite the Right?</p> <p>14 A. No.</p> <p>15 Q. Regarding the planning of Unite the</p> <p>16 Right?</p> <p>17 A. No, no. Never deleted anything on</p> <p>18 that phone or anywhere that dealt with anything</p> <p>19 Unite the Right.</p> <p>20 Q. Have you ever deleted an e-mail from</p> <p>21 your phone?</p> <p>22 A. No.</p> <p>23 Q. Have you ever deleted a text message</p> <p>24 from your phone?</p> <p>25 A. I have deleted a text message from my</p>	<p style="text-align: right;">Page 93</p> <p>1 phone, but not in regards to Unite the Right.</p> <p>2 Q. Before you stopped using that phone,</p> <p>3 did you have automatic deletion turned on?</p> <p>4 A. For -- for what? For text messages?</p> <p>5 Q. For example, did you have an automatic</p> <p>6 deletion feature for your text messages turned</p> <p>7 on?</p> <p>8 A. No, I don't think so. I think there</p> <p>9 is text messages in there from years ago. So, I</p> <p>10 don't think that is a thing on my phone.</p> <p>11 Q. But you don't know for sure, is that</p> <p>12 right, whether you had automatic deletion turned</p> <p>13 on?</p> <p>14 A. I didn't even know that was a feature,</p> <p>15 so I am going to say it wasn't on.</p> <p>16 Q. Has anyone ever instructed you to</p> <p>17 delete anything relating to Unite the Right?</p> <p>18 A. No.</p> <p>19 Q. Have you ever instructed anyone to</p> <p>20 delete anything related to Unite the Right?</p> <p>21 A. No.</p> <p>22 Q. I want to understand now what happened</p> <p>23 with the phone that you had subsequent to that</p> <p>24 phone. So, you have testified today that you</p> <p>25 had a separate Walmart phone, correct?</p>

<p style="text-align: right;">Page 94</p> <p>1 A. Yes.</p> <p>2 Q. Why did you get that Walmart phone?</p> <p>3 A. It was because this phone was not</p> <p>4 working at the time. So -- and I kept getting</p> <p>5 phone calls from people I didn't want to get</p> <p>6 phone calls from.</p> <p>7 Q. In what way was that phone not</p> <p>8 working?</p> <p>9 A. It wasn't receiving any connection to</p> <p>10 -- it was water damaged. So, I had to get a</p> <p>11 part in it replaced, then it was fixed, like, a</p> <p>12 month or two after it happened.</p> <p>13 Q. When the phone was damaged by water,</p> <p>14 was any of the content of it lost?</p> <p>15 A. No, everything on it was still on it.</p> <p>16 Q. How do you know?</p> <p>17 A. Because -- I mean, it might -- stuff</p> <p>18 might have gotten deleted for all I know. But</p> <p>19 like I said, I went through it. Everything was</p> <p>20 fine. All the photos were still there, all the</p> <p>21 text messages were still there that I -- nothing</p> <p>22 -- contacts were still there. Nothing changed</p> <p>23 on the phone. All my apps were still there. No</p> <p>24 memory change happened on the phone.</p> <p>25 Q. So, at that time you had two phones.</p>	<p style="text-align: right;">Page 95</p> <p>1 You had the iPhone and you had the Walmart</p> <p>2 phone, correct?</p> <p>3 A. Mm-hmm, yes.</p> <p>4 Q. And how long did you have the Walmart</p> <p>5 phone for?</p> <p>6 A. Only maybe two, three months, maybe.</p> <p>7 Something like that. I don't know. It wasn't</p> <p>8 very long.</p> <p>9 Q. When was this?</p> <p>10 A. It was me leaving Virginia. So, like,</p> <p>11 a year-and-a-half ago. So -- whenever I left</p> <p>12 Virginia. So, that would have been 2018, spring</p> <p>13 of 2018.</p> <p>14 Q. It was in the spring of 2018 that you</p> <p>15 had the Walmart phone?</p> <p>16 A. Spring, summer of 2018. Yeah.</p> <p>17 Q. When did you stop using the Walmart</p> <p>18 phone?</p> <p>19 A. The moment I got this fixed. So, it</p> <p>20 was -- like I said, it was maybe three months, I</p> <p>21 would say, if I had to guess, I used that phone.</p> <p>22 But I didn't really use it that much, the</p> <p>23 Walmart phone.</p> <p>24 Q. Mr. Kline, you have testified that you</p> <p>25 got that phone fixed this year, correct?</p>
<p style="text-align: right;">Page 96</p> <p>1 A. Umm, I have gotten that phone fixed</p> <p>2 multiple times. This phone -- I got the water</p> <p>3 damage replaced. That was between, I guess,</p> <p>4 2018 -- spring, summer of 2018. And then just a</p> <p>5 couple weeks ago this wasn't working and I got</p> <p>6 it fixed again. And I just got this new phone</p> <p>7 that I haven't activated yet.</p> <p>8 Q. So, in spring of 2018, your iPhone was</p> <p>9 water damaged?</p> <p>10 A. Mm-hmm.</p> <p>11 Q. And you got a Walmart phone, right?</p> <p>12 A. Correct.</p> <p>13 Q. You used the Walmart phone for --</p> <p>14 A. About three months.</p> <p>15 Q. -- three months. And then -- umm --</p> <p>16 A. I started using this phone again.</p> <p>17 Q. Then you started using that phone</p> <p>18 again, the iPhone that you told the Court about,</p> <p>19 correct?</p> <p>20 A. Correct.</p> <p>21 Q. What happened to the Walmart phone</p> <p>22 then?</p> <p>23 A. I still have it. I would have to look</p> <p>24 exactly where it is at. It somewhere in one of</p> <p>25 my bags. I have a bunch of boxes from when I</p>	<p style="text-align: right;">Page 97</p> <p>1 moved. It is in one of those.</p> <p>2 Q. When was the last time you saw the</p> <p>3 Walmart phone?</p> <p>4 A. Months ago. Like, three or four</p> <p>5 months ago. Maybe -- maybe longer.</p> <p>6 Q. Was the Walmart phone -- is the</p> <p>7 Walmart phone also a smart phone?</p> <p>8 A. Umm, I guess technically it is, I</p> <p>9 think. But I didn't have any of that stuff</p> <p>10 turned on it, like the internet, browser,</p> <p>11 anything like that.</p> <p>12 Q. Which phone number was connected to</p> <p>13 that Walmart phone?</p> <p>14 A. I don't remember the phone number for</p> <p>15 it. I mean, I might have -- I don't even have</p> <p>16 it -- it is not on. But I don't remember what</p> <p>17 the phone number for it was. It was a Virginia</p> <p>18 number. That is all I know.</p> <p>19 Q. It was not your 610 number?</p> <p>20 A. No.</p> <p>21 Q. After your iPhone was fixed, was that</p> <p>22 then the only phone you were using?</p> <p>23 A. Correct.</p> <p>24 Q. When did you stop using that phone?</p> <p>25 A. The iPhone? This iPhone?</p>

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1 Q. When did you stop using the old iPhone  
2 that you told the Court about?  
3 A. Umm, just very recently I stopped  
4 using it because it stopped working completely  
5 and I got it fixed again. So, maybe couple  
6 months ago. Two, three months ago. Around the  
7 time they -- it was -- it started breaking again  
8 around the time they issued this -- this order.  
9 So, that would be -- when was this? Umm, so, in  
10 July. This was July. So, June, July, and  
11 August, this phone was, like, off and on  
12 working.  
13 Q. When you got a new phone number, did  
14 you tell your attorneys that you had a new phone  
15 number?  
16 A. On the old Walmart phone you mean?  
17 Yes, yes. On the Walmart phone.  
18 Q. Your testimony is that when you got  
19 your new phone number from Walmart, that you  
20 told your attorneys about that phone number,  
21 correct?  
22 A. Yes.  
23 Q. But you don't remember that phone  
24 number?  
25 A. I don't remember the phone number. I

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1 phone for my move back to Pennsylvania, as well  
2 as trying to find a job and stuff like that.  
3 So, there is literally nothing on that phone.  
4 I don't think I gave anyone in the  
5 Alt-Right that phone number, even. Just to be  
6 clear, like, I did have another phone. I am not  
7 hiding a phone, or whatever. So, there is not  
8 going to be anything on that phone relevant to  
9 the case. But I did have another phone.  
10 Q. Are there text messages on that phone?  
11 A. Yeah, I am sure there are.  
12 Q. Are there communications on that phone  
13 with Mr. Kolenich or Mr. Woodard?  
14 A. There might be. Might be a phone  
15 call, yeah. There might be a phone call. Maybe  
16 a text message, like, saying, hey, can I call  
17 you, or something like that. But I would have  
18 to go through and look at it to know exactly  
19 what was on it. But they did have that number.  
20 Q. You told the Court that your iPhone,  
21 the one that you have with you today, was,  
22 quote, currently not activated, right?  
23 A. Yeah. When we had that call a couple  
24 weeks ago, it was when it was complete -- I was  
25 trying to get the new phone that I have now.

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1 could figure it out. But, like I said, my phone  
2 is off right here. I don't think it is even  
3 saved on that one. They might actually have it  
4 -- the attorneys might actually have the number.  
5 Q. When you --  
6 A. It should also be on the back of the  
7 phone. But --  
8 Q. That phone is somewhere in your bags  
9 or boxes, correct?  
10 A. Yeah, yeah. Like, I have a bunch of  
11 moving boxes. It is just in one of my moving  
12 boxes.  
13 Q. Where are those moving boxes?  
14 A. In a storage shed.  
15 Q. Where is that storage shed?  
16 A. In Reading, where my family is from.  
17 Q. Do you have access to that storage  
18 shed?  
19 A. Yeah, yeah.  
20 Q. You have not told the Court about that  
21 Walmart phone, correct?  
22 A. No, I haven't been asked about it.  
23 Like I said, it was -- it was -- I used it --  
24 so, from the time -- that was the time I left  
25 the Alt-Right. So, I was mostly using that

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1 But the issue was they wanted me to turn that  
2 phone in. So, I told them, no, I am not turning  
3 the phone in. Because you guys need it, or  
4 whatever.  
5 So, I had to get a new contract with a  
6 new company, a new phone company. Then I am  
7 keeping this one. I have it activated right now  
8 so that you guys can do whatever you need to do.  
9 And I haven't activated my newest one yet.  
10 Q. What phone were you using to make the  
11 call to the Court?  
12 A. Umm, what phone was that? Might have  
13 been my sister's phone. I have to check. I  
14 don't know exactly what it was. It might have  
15 been -- might have been my sister's phone. I am  
16 not sure what I was using.  
17 Q. What kind of phone was that?  
18 A. I think she also has an iPhone.  
19 Q. And what phone number is that?  
20 A. I have no idea. I mean, my phone is  
21 off right now. You have to turn the phones off,  
22 so I just have to turn it on.  
23 Q. When we go off the record, we'll ask  
24 for the phone numbers and the e-mail addresses,  
25 yes.

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1 A. Okay. Like I said, I don't even know  
 2 -- I don't know if it was my sister's phone. I  
 3 used some -- I used someone else's phone that  
 4 was in my house. We had family over at the  
 5 time.  
 6 Q. Do you have access to your sister's  
 7 phone now?  
 8 A. No, no.  
 9 Q. Does your sister still have that  
 10 phone?  
 11 A. Yeah.  
 12 Q. Where is your sister located?  
 13 A. She goes to college in Kutztown.  
 14 Q. What is your sister's name?  
 15 A. Hailey Kline. Like I said, I don't  
 16 know if that is whose phone I used or not. I  
 17 think I just used --  
 18 MR. BLOCH: A month ago.  
 19 THE WITNESS: Yeah, it was a month  
 20 ago. I just used -- we had family over because  
 21 it was summer, or whatever. I was, like, hey,  
 22 can I use someone's phone, or whatever. I just  
 23 grabbed it. They were all in the pool. I just  
 24 grabbed the phone.  
 25 It was just to call you guys, or

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1 (Exhibit 6, a photograph, marked for  
 2 identification.)  
 3 BY MR. BARKAI:  
 4 Q. Mr. Mosley, you have been handed a  
 5 document marked as Exhibit 6.  
 6 Do you recognize this?  
 7 A. Yes.  
 8 Q. What is it?  
 9 A. It is a picture of me at the Unite the  
 10 Right rally on my phone.  
 11 Q. You are speaking on a phone in this  
 12 photo, correct?  
 13 A. Yes.  
 14 Q. Was this on August 12, 2017?  
 15 A. Yes. It was this phone right here.  
 16 Q. It is that iPhone that you told the  
 17 court about?  
 18 A. Yes.  
 19 Q. And that you brought with you today?  
 20 A. Yes.  
 21 Q. Do you recall this conversation?  
 22 A. Umm, I think that is me talking with  
 23 the police, maybe. But I am not entirely sure  
 24 who it would be at the time. But I am pretty  
 25 sure that is me talking to the police. Just

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1 whatever.  
 2 BY MR. BARKAI:  
 3 Q. Have you had any phones yourself  
 4 besides the iPhone here and the Walmart phone?  
 5 A. No. Well, I just got a new phone  
 6 just, like, two or three days ago, I think it  
 7 came in the mail. I just haven't activated it  
 8 yet.  
 9 Q. The new phone, the old iPhone here,  
 10 and the Walmart phone?  
 11 A. Those are the phones, yes.  
 12 Q. But you also used your sister's phone,  
 13 for example?  
 14 A. I used hundreds of people's phones.  
 15 People for work, and stuff like that.  
 16 Q. Who else?  
 17 A. For -- I don't know. Other people for  
 18 work. I don't know. What do you mean.  
 19 Q. Who are other people whose phones you  
 20 have used --  
 21 A. Umm --  
 22 Q. -- to discuss this lawsuit and Unite  
 23 the Right?  
 24 A. Just that one. Just that one. The  
 25 phone I grabbed to make the phone call.

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1 based on that day I was talking to them, like I  
 2 said, every five, ten minutes.  
 3 Q. Do you recall who at the police you  
 4 were talking to?  
 5 A. No. It was a female. I can't  
 6 remember what her name was though.  
 7 Q. You said that you had conversations  
 8 with the police every five or ten minutes?  
 9 A. Yeah. I was constantly in contact  
 10 with them on what was going on, updating them  
 11 with what was going on.  
 12 Q. What exactly were you updating them  
 13 on?  
 14 A. Umm, people coming in, the issues we  
 15 were having. I mean, basically, we had come up  
 16 with a plan on how everything was going to  
 17 happen, and they changed it all last minute.  
 18 Q. Which police department were you  
 19 speaking with?  
 20 A. I -- I know at the Torch Rally I was  
 21 speaking to UVA police. So, the campus police.  
 22 I know that for a fact. Umm, but the day of, I  
 23 don't remember exactly who that was I was  
 24 speaking to. Whoever it was, they told me they  
 25 were able to speak to multiple different -- I



<p style="text-align: right;">Page 106</p> <p>1 guess there was multiple different departments</p> <p>2 and things like that there, police departments</p> <p>3 and things. They said they were able to</p> <p>4 communicate to multiples, to whoever it was.</p> <p>5 Q. You don't remember whether it was</p> <p>6 Charlottesville Police?</p> <p>7 A. No. I think it was, but I am not</p> <p>8 entirely sure.</p> <p>9 Q. Or State Police?</p> <p>10 A. Umm, sounds like to me like that would</p> <p>11 have been something State Police would do, kind</p> <p>12 of overseeing everybody. But I don't know for</p> <p>13 sure who that was.</p> <p>14 Q. You testified earlier that there were</p> <p>15 -- that there was, quote, a plan on how</p> <p>16 everything was going to happen?</p> <p>17 A. Yes.</p> <p>18 Q. Right? Are there any documents</p> <p>19 regarding that plan?</p> <p>20 A. Yes.</p> <p>21 Q. What are those documents?</p> <p>22 A. They are the documents that were</p> <p>23 already leaked all over the internet. Umm, the</p> <p>24 planning document that was put on the Discord.</p> <p>25 Umm, and, like I said, it was leaked everywhere.</p>	<p style="text-align: right;">Page 107</p> <p>1 So, I am sure you guys have seen it or have it.</p> <p>2 Q. Do you have those documents?</p> <p>3 A. I mean, I have them on the Google</p> <p>4 drive for Identity Evropa, or whatever. I don't</p> <p>5 have physical copies or anything like that.</p> <p>6 Q. You have never produced any documents</p> <p>7 regarding those plans, right?</p> <p>8 A. Umm --</p> <p>9 Q. To Plaintiffs.</p> <p>10 A. Oh, no, no.</p> <p>11 Q. Are there other documents besides what</p> <p>12 you called, quote, the plan document? Any other</p> <p>13 documents?</p> <p>14 A. No.</p> <p>15 Q. I am going to ask you a couple</p> <p>16 questions about the use of computers to</p> <p>17 communicate and make documents regarding Unite</p> <p>18 the Right.</p> <p>19 You testified that you -- that you</p> <p>20 primarily used your iPhone, the iPhone that you</p> <p>21 have with you here to create documents, right?</p> <p>22 A. Mm-hmm, yes.</p> <p>23 Q. Have you ever used a computer to make</p> <p>24 documents regarding Unite the Right?</p> <p>25 A. No.</p>
<p style="text-align: right;">Page 108</p> <p>1 Q. Not a single time?</p> <p>2 A. No.</p> <p>3 Q. Have you ever used a computer to</p> <p>4 communicate regarding Unite the Right?</p> <p>5 A. Umm, maybe Mr. Spencer -- Richard</p> <p>6 Spencer's computer. Maybe I used his once or</p> <p>7 twice while I was at his place. But it would</p> <p>8 have been to either type something up or print</p> <p>9 something out.</p> <p>10 Q. When would that have been?</p> <p>11 A. Leading up to the Unite the Right.</p> <p>12 So, months before.</p> <p>13 Q. You testified that it would have been</p> <p>14 to type something up, right?</p> <p>15 A. Yeah. Like, not necessarily related</p> <p>16 to Unite the Right. Like, just typed something</p> <p>17 unrelated up.</p> <p>18 Q. Have you ever used Richard Spencer's</p> <p>19 computer to type something up related to Unite</p> <p>20 the Right?</p> <p>21 A. No, I don't think so.</p> <p>22 Q. You are not sure?</p> <p>23 A. Umm --</p> <p>24 MR. DiNUCCI: Objection,</p> <p>25 characterization.</p>	<p style="text-align: right;">Page 109</p> <p>1 You may answer.</p> <p>2 THE WITNESS: Not -- I am not sure.</p> <p>3 BY MR. BARKAI:</p> <p>4 Q. What were the circumstances under</p> <p>5 which you were going to Mr. Spencer's --</p> <p>6 A. I was just at Mr. Spencer's house.</p> <p>7 Q. -- place?</p> <p>8 A. And his computer would be out and we</p> <p>9 were putting movies on or whatever on the TV</p> <p>10 through his computer.</p> <p>11 Q. When was that?</p> <p>12 A. I mean, all the time whenever we would</p> <p>13 be at his place. So, before Unite the Right or</p> <p>14 after Unite the Right.</p> <p>15 Q. In the months leading up to Unite the</p> <p>16 Right; is that correct?</p> <p>17 A. Yes.</p> <p>18 Q. And afterwards?</p> <p>19 A. Yes.</p> <p>20 Q. It would have been under those</p> <p>21 circumstances at Mr. Spencer's house when you</p> <p>22 may have used a computer to type something up?</p> <p>23 A. Yes.</p> <p>24 Q. It may have been related to Unite the</p> <p>25 Right?</p>

<p style="text-align: right;">Page 110</p> <p>1 A. No, I don't think any of it was. The</p> <p>2 only -- the only document typing or anything</p> <p>3 like that, creation that I did, was on my Google</p> <p>4 drive to Google docs, copying it and pasting it</p> <p>5 and making it into that -- putting it on</p> <p>6 Discord, was that document explaining the rules</p> <p>7 and what everyone was doing, the planning</p> <p>8 document that got leaked.</p> <p>9 That is the only documents that I made</p> <p>10 or created for the event.</p> <p>11 Q. Did you make any promotional</p> <p>12 materials, such as a poster?</p> <p>13 A. I didn't make any of that. Somebody</p> <p>14 else did.</p> <p>15 Q. Did you discuss with others who made</p> <p>16 promotional materials, what those materials</p> <p>17 were?</p> <p>18 A. I believe Jason Kessler handled all</p> <p>19 that stuff.</p> <p>20 Q. When you say somebody else made</p> <p>21 promotional materials, who would that have been?</p> <p>22 A. I have no idea who made -- who made</p> <p>23 the stuff. Like I said, Jason Kessler handled</p> <p>24 that kind of thing. The promotion, the</p> <p>25 promotional stuff, the speakers, things like</p>	<p style="text-align: right;">Page 111</p> <p>1 that.</p> <p>2 Q. Did you write any articles about Unite</p> <p>3 the Right?</p> <p>4 A. Articles for what? For -- no, I</p> <p>5 didn't produce any -- publish any articles or</p> <p>6 anything like that.</p> <p>7 Q. Did you write any kind of blog post</p> <p>8 about Unite the Right?</p> <p>9 A. Umm, not that I can remember.</p> <p>10 Q. Have you used a computer to send</p> <p>11 e-mails regarding Unite the Right?</p> <p>12 A. Other than the court case stuff, no.</p> <p>13 Q. But you have used a computer to send</p> <p>14 e-mails regarding the court case?</p> <p>15 A. Just, like, responding -- when the</p> <p>16 phone wasn't working, I would just use, like,</p> <p>17 whatever computer I could get. Like, I went to</p> <p>18 a -- I think I went to -- I don't even know what</p> <p>19 the hell they are called. One of those internet</p> <p>20 cafe places just to get to my e-mail once. I</p> <p>21 don't remember where it was. It was in</p> <p>22 Lancaster City. But it was just trying to get</p> <p>23 to my e-mail, to e-mail them back.</p> <p>24 Q. When was that?</p> <p>25 A. I don't know. Sometime before all the</p>
<p style="text-align: right;">Page 112</p> <p>1 -- before they filed this. So, before July.</p> <p>2 Q. Which e-mail address would that have</p> <p>3 been?</p> <p>4 A. The Eli F. Mosley one.</p> <p>5 Q. Did you own a computer in 2017?</p> <p>6 A. Umm, in 2017. So, that is the year of</p> <p>7 the rally and stuff. Yes, I did. But I didn't</p> <p>8 -- basically what happened with me was I had</p> <p>9 gotten let go of my job in late 2016 and I moved</p> <p>10 down to South Carolina with my girlfriend at the</p> <p>11 time. I wasn't able to bring any of my stuff,</p> <p>12 which included my computer and lots of other</p> <p>13 stuff.</p> <p>14 Q. What job had you gotten let go of in</p> <p>15 late 2016?</p> <p>16 A. I was an HR manager for a company</p> <p>17 called JC Ehrlich.</p> <p>18 Q. When you moved down to South Carolina,</p> <p>19 why were you not able to bring your computer?</p> <p>20 A. I couldn't fit all my stuff in the</p> <p>21 car. I just brought my clothes and stuff like</p> <p>22 that.</p> <p>23 Q. So, what happened to your computer</p> <p>24 then?</p> <p>25 A. It was set in my parents' storage</p>	<p style="text-align: right;">Page 113</p> <p>1 shed, I think. It was -- it was a computer I</p> <p>2 used for work, for when I had the job at JC</p> <p>3 Ehrlich.</p> <p>4 Q. Where is that computer now?</p> <p>5 A. At my parents' place.</p> <p>6 Q. Do you use that computer now?</p> <p>7 A. No.</p> <p>8 Q. Does the computer still work?</p> <p>9 A. I think so. Probably.</p> <p>10 Q. When did you first get that computer?</p> <p>11 A. Probably 2012.</p> <p>12 Q. What kind of computer is it?</p> <p>13 A. Just a -- I don't know, desktop</p> <p>14 computer.</p> <p>15 Q. Do you know the brand of computer it</p> <p>16 is?</p> <p>17 A. No. I think it is custom -- it is</p> <p>18 just kind of a Frankenstein machine.</p> <p>19 Q. You used that computer in 2017, right?</p> <p>20 A. No, no, no. No. Like I said --</p> <p>21 Q. Excuse me, you used that computer in</p> <p>22 2016, right?</p> <p>23 A. Yes. But it was -- like I said, it</p> <p>24 was before most of the Alt-Right stuff.</p> <p>25 Q. When was the last time that you used</p>

<p style="text-align: right;">Page 114</p> <p>1 that computer?</p> <p>2 A. Late 2016.</p> <p>3 Q. It has been sitting in the storage</p> <p>4 shed since then?</p> <p>5 A. Yes.</p> <p>6 Q. So, when you moved to South Carolina,</p> <p>7 you testified that you were not able to bring</p> <p>8 your computer, right?</p> <p>9 A. No, which was why I used my phone.</p> <p>10 Q. Did you get another computer once you</p> <p>11 were in South Carolina?</p> <p>12 A. No.</p> <p>13 Q. Did you use someone else's computer in</p> <p>14 South Carolina?</p> <p>15 A. The only time I used my computer is</p> <p>16 when I went to print stuff off, which was, like,</p> <p>17 rarely, because I didn't -- I didn't need paper</p> <p>18 when I was down there. I didn't need anything</p> <p>19 printed out for me, or whatever. It wasn't like</p> <p>20 I was handing it out to anybody down there.</p> <p>21 So, the only time I had to print</p> <p>22 something off was -- I had some sort of meeting</p> <p>23 where I had to be on the phone and I had to look</p> <p>24 at what I was looking at. So, I couldn't look</p> <p>25 at it while I was on the phone.</p>	<p style="text-align: right;">Page 115</p> <p>1 Q. When was that?</p> <p>2 A. Late -- or early 2017. By the spring,</p> <p>3 summer 2017, I guess.</p> <p>4 Q. So, what computer were you using in</p> <p>5 2017 then?</p> <p>6 A. I wasn't using a computer. What do</p> <p>7 you mean?</p> <p>8 Q. Well, you testified that in 2017 you</p> <p>9 had some kind of meeting where you had to be on</p> <p>10 the phone, that you couldn't look at what was on</p> <p>11 your phone, so you used a computer to print</p> <p>12 something.</p> <p>13 A. That was the neighbor's computer I</p> <p>14 said I used to print something off. I literally</p> <p>15 just -- all I did was plug my phone into her</p> <p>16 computer and send it to the printer, or</p> <p>17 whatever.</p> <p>18 Q. You don't know that neighbor's name?</p> <p>19 A. I don't remember her name at all, no.</p> <p>20 I don't even remember -- I don't remember the</p> <p>21 address we even lived at or anything.</p> <p>22 Q. You don't remember the address that</p> <p>23 you lived at --</p> <p>24 A. No.</p> <p>25 Q. -- in South Carolina?</p>
<p style="text-align: right;">Page 116</p> <p>1 A. I was only there for, like, two or</p> <p>2 three months, then we moved.</p> <p>3 Q. Do you remember anything about where</p> <p>4 you were living in South Carolina?</p> <p>5 A. It was in Greenville. It was on,</p> <p>6 like, a popular road. I don't know. It was on</p> <p>7 a busy road. I don't know.</p> <p>8 Q. Did you ever use anyone else's</p> <p>9 computer or your own computer to -- umm, to send</p> <p>10 e-mails regarding Unite the Right?</p> <p>11 A. To send e-mails, no.</p> <p>12 Q. You did testify that you used an</p> <p>13 internet cafe, right, in Lancaster City to send</p> <p>14 e-mails regarding --</p> <p>15 A. That was to check my e-mails, to see</p> <p>16 if I got anything for this. And I hadn't.</p> <p>17 Q. Have you used anyone else's computer,</p> <p>18 yours or anyone else's, to check your e-mails to</p> <p>19 see if you had gotten e-mails regarding this</p> <p>20 case?</p> <p>21 A. No. Just that one.</p> <p>22 Q. What about your neighbor's computer?</p> <p>23 A. Umm, no. That was -- we left there</p> <p>24 before Unite the Right even happened.</p> <p>25 Q. What about Mr. Spencer's computer?</p>	<p style="text-align: right;">Page 117</p> <p>1 A. Like I said, his computer was always,</p> <p>2 like, out or whatever, I guess, you can say.</p> <p>3 Like, I didn't use it for e-mails or anything</p> <p>4 like that, no. I never signed into my e-mail</p> <p>5 address on his computer or anything, no.</p> <p>6 Q. What about family members' computers?</p> <p>7 A. No.</p> <p>8 Q. Does your sister have a computer, for</p> <p>9 example, that you used?</p> <p>10 A. No.</p> <p>11 Q. What about to send or check social</p> <p>12 media messages regarding Unite the Right? Did</p> <p>13 you ever use anyone's computer to do that?</p> <p>14 A. No, just my cell phone.</p> <p>15 Q. Not a single time you can remember</p> <p>16 using anyone's computer --</p> <p>17 A. No.</p> <p>18 Q. -- to check --</p> <p>19 A. No.</p> <p>20 Q. -- or send messages regarding Unite</p> <p>21 the Right?</p> <p>22 A. No. I always used my phone.</p> <p>23 Q. When you used computers to print</p> <p>24 documents, which documents were those?</p> <p>25 A. I don't remember what they were for.</p>

<p style="text-align: right;">Page 118</p> <p>1 I think it was -- I don't remember what it was  2 for. We had -- we had a phone call and it was  3 about -- might have been about one of Mr.  4 Spencer's speaking engagements. And it might  5 have been about that we were on the phone for.  6 I don't remember exactly what it was.  7 Q. What did you do with the document to  8 get it onto the computer from which you printed  9 it?  10 A. I had it on my phone, my Google drive.  11 I think I -- I don't even -- maybe I didn't even  12 plug it in. I think I had it on my Google  13 drive. I got on the neighbor's computer just to  14 hit print. Just, like, signed -- like, signed  15 in -- I signed in on the account I don't have  16 access to anymore and hit print.  17 Q. I am going to ask you some questions  18 about your e-mail addresses.  19 A. Okay.  20 Q. Now, you have testified that you have  21 used e-mail addresses to discuss Unite the  22 Right, correct?  23 A. Mostly just the court stuff, the court  24 case stuff.  25 Q. Umm --</p>	<p style="text-align: right;">Page 119</p> <p>1 A. I don't think there is any e-mails  2 planning or discussing the actual event. We  3 didn't use e-mail. We used Discord.  4 Q. The e-mail address that would have on  5 it e-mails regarding this case or Unite the  6 Right is Eli.F.Mosley@Gmail.com, correct?  7 A. Yes. And I --  8 Eli.Mosley@IdentityEvropa.  9 Q. Have you used the e-mail address  10 DeplorableTruth@Gmail.com?  11 A. That is another one, yes.  12 Q. Would that e-mail address contain  13 e-mails regarding Unite the Right or this case?  14 A. No. That is something I used to sign  15 up for, like, free trials and stuff. That is  16 nothing --  17 Q. So, your testimony is you did not use  18 the e-mail address, quote,  19 DeplorableTruth@Gmail.com to communicate  20 regarding Unite the Right?  21 A. No.  22 Q. Not a single time?  23 A. No.  24 (Exhibit 7, 6/11/2017 Operation Unite  25 the Right Charlottesville 2.0, marked for</p>
<p style="text-align: right;">Page 120</p> <p>1 identification.)  2 BY MR. BARKAI:  3 Q. Mr. Kline, you are being handed a  4 document that's been marked Exhibit 7.  5 Do you recognize this document?  6 A. Yes. This is the planning document  7 that I referenced earlier.  8 Q. This is a planning document regarding  9 Operation Unite the Right Charlottesville 2.0;  10 is that right?  11 A. Correct.  12 Q. Did you write this document?  13 A. Yes.  14 Q. Did anyone else write this document?  15 A. Umm, I believe Jason might have helped  16 me make this. But it was mostly me and maybe  17 him editing it.  18 Q. You wrote this document on your  19 iPhone; is that right?  20 A. I wrote this and I sent it to  21 somebody. I don't remember who I sent it to.  22 And they put it in this format like this.  23 Q. How did you send it to someone else?  24 A. I had it on the Google drive on my  25 phone.</p>	<p style="text-align: right;">Page 121</p> <p>1 Q. But when you say you sent it to  2 someone else, how did you, quote, send it?  3 A. Oh, just send them, like, the share  4 link on Gmail, on Google.  5 Q. So, you e-mailed a share link; is that  6 right?  7 A. No. I hit copy on the link for Gmail,  8 and then pasted it in a Discord message to that  9 person. Then they clicked it and then they  10 opened it and reformatted it in, I guess, Word,  11 or whatever they use.  12 Q. Who is that person to whom you sent  13 it?  14 A. I don't remember who it was. It would  15 be in Discord -- like, in Discord logs, or  16 whatever. It was two years ago. I don't really  17 remember who it was.  18 Q. When Mr. Kessler edited the document,  19 how did he edit it?  20 A. I don't know how much he edited it. I  21 just know I sent these to him before I sent it  22 to anybody else, so he was on the same page.  23 Q. So, when you say that you shared this  24 document with someone else, were you sharing it  25 with Mr. Kessler or with someone aside from Mr.</p>



<p style="text-align: right;">Page 122</p> <p>1 Kessler?</p> <p>2 A. So, this was sent out to everybody</p> <p>3 that was in that Discord, I believe, the Unite</p> <p>4 the Right Discord. So, first I would kind of go</p> <p>5 over what's going on, or, like, the plan or</p> <p>6 whatever. Then I would send -- send it to</p> <p>7 Jason, he would look over it, and be, like, that</p> <p>8 looks fine, or whatever, then I would post it on</p> <p>9 Discord, or have someone post it on Discord.</p> <p>10 Q. When you wrote this document, you</p> <p>11 wrote this as a Google doc on your phone; is</p> <p>12 that right?</p> <p>13 A. Yes. On the Identity Evropa e-mail</p> <p>14 address, I think that is the one this would be</p> <p>15 on. I think so, yeah.</p> <p>16 Q. Did you use any other app on your</p> <p>17 phone to write this?</p> <p>18 A. No. Just the Google docs, or</p> <p>19 whatever.</p> <p>20 Q. Could you please turn to Page 5 of</p> <p>21 this planning document?</p> <p>22 A. Okay.</p> <p>23 Q. Do you see under contact information,</p> <p>24 Eli Mosley - Discord?</p> <p>25 A. Mm-hmm.</p>	<p style="text-align: right;">Page 123</p> <p>1 Q. That sentence?</p> <p>2 A. Yes.</p> <p>3 Q. Do you recognize that as your contact</p> <p>4 information?</p> <p>5 A. Yeah. I see that my Deplorable Truth</p> <p>6 e-mail on there. I don't think I ever got</p> <p>7 anything on there. I think by that time I had</p> <p>8 started using the Identity Evropa e-mail. But I</p> <p>9 don't think I got anything on there. You guys</p> <p>10 can check that e-mail, too. That is still</p> <p>11 active. There is nothing on there.</p> <p>12 Q. You -- you told people on the Discord</p> <p>13 server, quote, feel free to message slash call</p> <p>14 whenever, unquote, correct?</p> <p>15 A. Mm-hmm.</p> <p>16 Q. And you put on this planning document</p> <p>17 DeplorableTruth@Gmail.com, correct?</p> <p>18 A. And out of putting all that contact</p> <p>19 information, still 95 percent or more of all</p> <p>20 communication went to Discord.</p> <p>21 Q. But some communication to you came not</p> <p>22 through Discord, correct?</p> <p>23 A. Umm, the only other noncommunication</p> <p>24 through Discord would have been through Kessler,</p> <p>25 through text messages. But no one used e-mail,</p>
<p style="text-align: right;">Page 124</p> <p>1 and I can't think of a single person who just</p> <p>2 called me out of the blue.</p> <p>3 Q. Your testimony is that you never</p> <p>4 received a single e-mail at</p> <p>5 DeplorableTruth@Gmail.com, despite putting this</p> <p>6 e-mail address here?</p> <p>7 A. I don't think so, no. I can't -- I</p> <p>8 don't remember a single time responding or</p> <p>9 getting a single e-mail from anybody on that --</p> <p>10 on that address.</p> <p>11 Q. When --</p> <p>12 A. Or any address. I don't think I</p> <p>13 e-mailed relating to Unite the Right at all. I</p> <p>14 think all my e-mails have been related to the</p> <p>15 court case stuff.</p> <p>16 Q. Earlier I asked you, have you used the</p> <p>17 e-mail address DeplorableTruth@Gmail.com and you</p> <p>18 agreed that you had. And you said that you used</p> <p>19 that address to sign up for free trials and</p> <p>20 stuff, correct?</p> <p>21 A. Yeah. Like I said, that was a</p> <p>22 throwaway e-mail. That is why I put it there,</p> <p>23 because I wasn't intending to use it after or</p> <p>24 anything, you know what I mean? Because I knew</p> <p>25 -- I figured this kind of stuff would get out,</p>	<p style="text-align: right;">Page 125</p> <p>1 right. Like, this document would get leaked,</p> <p>2 and things like that. So, I used my throwaway</p> <p>3 e-mail address to put on there so people didn't</p> <p>4 contact me.</p> <p>5 Like I said, I don't think I have</p> <p>6 gotten anything on that e-mail address about</p> <p>7 Unite the Right.</p> <p>8 Q. But you did put forward that e-mail</p> <p>9 address --</p> <p>10 A. Yes, correct.</p> <p>11 Q. -- as an e-mail address that people</p> <p>12 could use to talk to you --</p> <p>13 A. Yes.</p> <p>14 Q. -- about Unite the Right, correct?</p> <p>15 A. So, nobody -- like I said, I don't</p> <p>16 think I got any communication from it.</p> <p>17 Like I said, I have -- this is one of</p> <p>18 the few accounts I still have access to, I</p> <p>19 haven't been banned from. So, you guys are more</p> <p>20 than welcome to go through that. There is</p> <p>21 nothing in there that is -- there is nothing in</p> <p>22 there that is part of this case though.</p> <p>23 Q. Have you deleted any e-mails from</p> <p>24 DeplorableTruth@Gmail.com?</p> <p>25 A. No.</p>

<p style="text-align: right;">Page 138</p> <p>1 A. Yes.</p> <p>2 Q. But until today, you never actually</p> <p>3 provided any of your social media accounts to</p> <p>4 Plaintiffs, did you?</p> <p>5 A. I have never been -- when we</p> <p>6 originally talked on the phone here, I assumed</p> <p>7 that packet you guys sent me to sign was going</p> <p>8 to have, like, put in what your accounts are. I</p> <p>9 have never been asked.</p> <p>10 Outside of the lawyers -- the lawyer</p> <p>11 -- what's his name? Umm, what the hell's his</p> <p>12 name? I always forget his name. Umm, outside</p> <p>13 of the lawyer that I originally had, there is --</p> <p>14 no one's asked me to -- like, I have never been</p> <p>15 given, like, the opportunity to tell you guys or</p> <p>16 give you guys the accounts, or whatever.</p> <p>17 Q. You are testifying that you have never</p> <p>18 been given the opportunity to tell us the</p> <p>19 accounts?</p> <p>20 A. Not that I have any awareness of, or</p> <p>21 anything like that. I have never been given</p> <p>22 them. Like, I have never received, like --</p> <p>23 like, a paper in the mail or something that says</p> <p>24 what's your social media accounts, or I never</p> <p>25 got any e-mails or anything like that.</p> <p style="text-align: right;">Page 140</p> <p>1 Q. How did he inform you of that?</p> <p>2 A. He told me that I had to provide that</p> <p>3 information. Not how to do it, just I had to do</p> <p>4 it.</p> <p>5 Q. Did you testify earlier your friend is</p> <p>6 a lawyer? Did I mishear that?</p> <p>7 A. Yeah, I don't remember saying --</p> <p>8 Q. Aside from Mr. Kolenich telling you</p> <p>9 that you had been asked to provide Plaintiffs</p> <p>10 with your social media accounts, your testimony</p> <p>11 is that you were never told by Plaintiffs that</p> <p>12 you had to provide your social media accounts?</p> <p>13 A. No, no. That is not -- I am not</p> <p>14 saying that I wasn't told I have to provide it.</p> <p>15 I am saying I wasn't given a means to do it.</p> <p>16 Q. Your testimony is that you were</p> <p>17 expecting to be given a means to provide your</p> <p>18 social media accounts and you were never --</p> <p>19 A. Yeah. Like, tell the computer that's</p> <p>20 doing the discovery, hey, I am available at this</p> <p>21 time, or whatever. Like, I never got anything</p> <p>22 like that.</p> <p>23 Q. When did Mr. Kolenich tell you that</p> <p>24 you had been asked to provide Plaintiffs with</p> <p>25 your social media accounts?</p>	<p style="text-align: right;">Page 139</p> <p>1 Q. You just testified outside of the</p> <p>2 lawyers -- excuse me, outside of the lawyer that</p> <p>3 I originally had, no one has asked you to give</p> <p>4 Plaintiffs the accounts.</p> <p>5 Who is the lawyer that you had?</p> <p>6 A. Umm, what is his name? I can never</p> <p>7 remember his name. Kaplan, I think, right?</p> <p>8 Q. Is that Mr. Kolenich?</p> <p>9 A. Or Mr. Kolenich, rather. Yes. I</p> <p>10 think. I don't -- I don't know the names of</p> <p>11 some of the lawyers.</p> <p>12 He is literally my friend's lawyer.</p> <p>13 Umm, so, I don't remember his name all the time.</p> <p>14 But, yeah, the -- I have never -- like I said, I</p> <p>15 have never had to, like, give over the account,</p> <p>16 or whatever. The only times I have even</p> <p>17 mentioned to the lawyers is explaining to them</p> <p>18 the status of the accounts. Not even what the</p> <p>19 specific accounts are.</p> <p>20 Q. Did Mr. Kolenich inform you that you</p> <p>21 had been asked to provide Plaintiffs with your</p> <p>22 social media accounts?</p> <p>23 A. Yes.</p> <p>24 Q. Mr. Kolenich did inform you of that?</p> <p>25 A. Yes.</p> <p style="text-align: right;">Page 141</p> <p>1 A. I don't know. Before that call, a</p> <p>2 couple weeks before that call. I don't know. I</p> <p>3 have known that we have had to put this part of</p> <p>4 discovery for awhile. Like I said, I have never</p> <p>5 been given the means to do it.</p> <p>6 Q. You were told a couple weeks before</p> <p>7 the July 3 call that -- excuse me, the July 2</p> <p>8 call that you had to provide Plaintiffs with</p> <p>9 your accounts?</p> <p>10 A. Yes.</p> <p>11 Q. And you also have known that this was</p> <p>12 part of discovery for awhile, right?</p> <p>13 A. Yes. Like I said, I have never been</p> <p>14 given the means to do it. Like, where do I go?</p> <p>15 Who do I give this to? I don't have a lawyer.</p> <p>16 So, how do I give this information to you guys?</p> <p>17 I have never been -- I have never been told how</p> <p>18 to do it, or given anything to actually do it.</p> <p>19 I have been --</p> <p>20 Q. Did you --</p> <p>21 A. I have been waiting for the Court or</p> <p>22 for somebody, the discovery company, to contact</p> <p>23 me to get that taken care of. I have never</p> <p>24 gotten anything.</p> <p>25 Q. You never received an e-mail from the</p>
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<p style="text-align: right;">Page 142</p> <p>1 discovery vendor regarding providing your social 2 media accounts? 3 A. They sent me -- basically a release 4 form, but it didn't say, like, list your 5 accounts. 6 Q. You have never received an e-mail from 7 Plaintiffs' counsel regarding how to provide 8 your social media accounts? 9 A. No, not that I -- I mean, if I have 10 received an e-mail like that saying, hey, this 11 is how -- this is how we want you to hand it 12 over, I either completely missed it or misread 13 it or something. Like I said, I have been 14 looking for something like that. I never got 15 anything like that. 16 Q. You have never received an e-mail from 17 the Court regarding providing your social media 18 accounts? 19 A. No, not that I can remember. Not that 20 I -- not that I have. 21 Q. You have never been called about 22 providing your social media accounts? 23 A. No, not that I -- not that I know of. 24 Q. No voicemail has ever been left for 25 you?</p>	<p style="text-align: right;">Page 143</p> <p>1 A. I have had voicemails, but not in 2 regards to discovery. I have had voicemails 3 saying, hey, there is a conference call 4 tomorrow, you know, show up at this time. Here 5 is the information. 6 But none -- not that I can remember 7 or, you know, anything like that, did I ever get 8 a call saying, hey, to -- hey, send me a list of 9 your social media accounts and cell phone 10 numbers or whatever. 11 Q. Your testimony is that no one has ever 12 left you a voicemail regarding -- 13 A. Not that I remember, no. 14 Q. I need you to stop interrupting me, 15 please. 16 Your testimony is that no one has ever 17 left you voicemail regarding how to provide your 18 social media accounts to Plaintiffs; is that 19 correct? 20 A. Not that I remember, no. 21 Q. Has anyone ever left you a voicemail 22 regarding your obligations in discovery, aside 23 from joining conference calls? 24 A. From the Court, umm, I believe they 25 tried to get in touch with me. I don't know who</p>
<p style="text-align: right;">Page 144</p> <p>1 it was, tried to get me to call in or whatever. 2 And that is how I got back in touch with 3 everybody, when I got that voicemail. Other 4 than that, no. 5 Q. You have never received a voicemail 6 from Mr. Bloch regarding your obligations in 7 discovery? 8 A. Not that I remember. 9 Q. Have you ever received a voicemail 10 from Jessica Phillips regarding your obligations 11 in discovery? 12 A. I am not sure who that is. 13 Q. Have you ever received an e-mail from 14 Mr. Bloch regarding your obligations in 15 discovery? 16 A. I think on the Eli F. Mosley account. 17 But I am not sure that it had -- I am not sure 18 it was in regards to how to give them my 19 information. 20 Q. Have you received an e-mail from Miss 21 Phillips regarding your obligations in 22 discovery? 23 A. I am not sure who that is. I don't 24 remember her, who that is. 25 Q. Have you received an e-mail from the</p>	<p style="text-align: right;">Page 145</p> <p>1 Court regarding your obligations in discovery? 2 A. Umm, other than the Order they sent me 3 that says to sign over -- sign the discovery 4 thing, discovery release, or whatever. No. 5 After we got off that phone call on July 3, or 6 whatever it was. 7 Q. Have you received an e-mail from Karen 8 Dotson regarding your conduct in discovery? 9 A. I don't -- off the top of my head, I 10 don't know who that is. 11 Q. Have you received a phone call or 12 voicemail from Miss Dotson? 13 A. Again, off the top of my head, I don't 14 know who that is. I might have. But I don't -- 15 I don't remember who that is. 16 Q. I am going to ask you a few questions 17 about a social media service known as Discord. 18 And you are familiar with that, 19 correct? 20 A. Yes. 21 Q. What is it? 22 A. Umm, it is a mostly voice chat system 23 that you can make your own server on and you can 24 invite people to, and you can have your own chat 25 areas and voice areas and post various things in</p>

<p style="text-align: right;">Page 154</p> <p>1 primary method of communication regarding Unite 2 the Right. 3 Q. Did you make public posts on Discord? 4 A. Yes. 5 Q. Did you make public posts or send 6 private messages to Jason Kessler? 7 A. Yes. 8 Q. Mr. Spencer? 9 A. Umm, on Discord, no. 10 Q. Mr. Cantwell? 11 A. Discord, no. No. 12 Q. Mr. Fields? 13 A. No. 14 Q. Mr. Anglin? 15 A. No. 16 Q. Mr. Ray? 17 A. No. Umm, wait. Who was Mr. Ray? 18 Q. Robert Azzmador Ray. 19 A. Yes, I did talk to him on Discord. 20 Q. Via public posts or private messages? 21 A. Private messages. 22 Q. When you spoke to Mr. Kessler, was 23 that through public posts or private messages or 24 both? 25 A. Both. Mostly -- mostly private. He</p>	<p style="text-align: right;">Page 155</p> <p>1 is also one of the few people I text messaged. 2 Q. You exchanged text messages with Mr. 3 Kessler? 4 A. Yeah. Like I said earlier, he is one 5 of the few people I actually text. 6 Q. From the 610 phone number? 7 A. Yes. 8 Q. From your iPhone? 9 A. Yes. 10 Q. When we were off the record earlier 11 you said that you were going to check which 12 phone number your Walmart phone that you 13 temporarily had -- 14 A. It wasn't in my phone -- it wasn't in 15 my phone book. So, I am going to have to get 16 that out of my storage area or whatever and try 17 to get it out and figure out the number and 18 stuff like that is. 19 Q. This was the phone you were using for 20 several months, right? 21 A. Like, two or three months. Like, a 22 year after Unite the Right. 23 Q. You don't remember the phone number? 24 A. No. 25 Q. Umm --</p>
<p style="text-align: right;">Page 156</p> <p>1 A. Like I said, I only used it to call 2 places for work and get calls back. That was -- 3 that was all that was for. 4 Q. Did you exchange Discord messages, 5 whether public or private, with Mr. Damingo? 6 A. Yes. 7 Q. What about Mr. Heimbach? 8 A. Umm, I don't think so. 9 Q. Mr. Parrott? 10 A. No. 11 Q. Mr. Hill? 12 A. Umm, no. 13 Q. Mr. Tubbs? 14 A. No. 15 Q. Mr. Schoep? 16 A. No. 17 Q. Mr. Invictus? 18 A. Uh, maybe. I am not sure. 19 Q. You may have? 20 A. I may have. I remember I had 21 conversations with him. I don't know if it was 22 on Discord. 23 Q. And Mr. Peinovich? 24 A. Umm, no, not on Discord. 25 Q. When you said earlier that you</p>	<p style="text-align: right;">Page 157</p> <p>1 exchanged Discord messages with Mr. Damingo, 2 were those public or private or both? 3 A. Mostly private. 4 Q. You do not have access to Discord 5 today, right? 6 A. No. 7 Q. Because you were banned? 8 A. Yes. 9 Q. Before you were banned from Discord, 10 did you ever save any of your Discord messages 11 anywhere? 12 A. Umm, no. I don't know -- I don't 13 think there is a way to save them, other than a 14 screen shot or something like that. But, no. 15 Q. Did you take any screen shots of any 16 Discord messages? 17 A. No. 18 Q. Did you save any documents that have 19 been circulated on Discord? 20 A. Umm, they might be on my phone. But I 21 don't think -- I think most of the documents 22 that were put out on Discord were ones I made on 23 my Google drive. So, I wouldn't have taken them 24 off. Like, downloaded them off of Discord or 25 anything like that.</p>



<p style="text-align: right;">Page 158</p> <p>1 Q. Did you ask Discord at any time to 2 send you the content of your account? 3 A. I am not -- I don't know -- 4 Q. Did you ever contact the company that 5 runs Discord to ask them to send you anything 6 from your account? 7 A. Like, send what though? What do you 8 mean, send stuff from my account? 9 The only communication I had with 10 Discord was they had banned me -- banned my 11 account and I asked them if I could have -- I 12 was an admin on nonpolitical -- it was, like, a 13 gaming community, or whatever. I asked them to 14 switch over the admin when I got banned to 15 somebody else. And they didn't answer me back. 16 But that is the only kind of 17 communication I had with Discord. 18 Q. Your Discord account had messages in 19 it, right? 20 A. Yeah. 21 Q. And it had documents that had been 22 circulated? 23 A. Not -- no. No. 24 Q. But it had messages? 25 A. Yes.</p>	<p style="text-align: right;">Page 159</p> <p>1 Q. Did you ever ask Discord to send you 2 copies of those messages after you were banned? 3 A. No. 4 Q. Do you still have the Discord app on 5 your phone? 6 A. Yes. 7 Q. Before you were banned from Discord, 8 did you delete any Discord messages related to 9 Unite the Right? 10 A. No. 11 Q. Not a single one? 12 A. Nope. 13 Q. Ever? 14 A. No. 15 Q. You told the Court at the July 2 16 hearing that Discord had sent you an e-mail 17 regarding this case, correct? 18 A. Yeah, they had sent me e-mails asking 19 -- this was a long -- this was awhile ago. They 20 asked me if they could send the stuff for 21 discovery, and I e-mailed them back and said 22 yes. And they never e-mailed me back anything. 23 They never -- they never sent anything to me. 24 I think it was -- what other -- 25 somebody else sent me an e-mail like that, too.</p>
<p style="text-align: right;">Page 160</p> <p>1 I can't remember who it was. Oh, Twitter, I 2 think sent me an e-mail like that, too. Or 3 somebody forwarded me an e-mail from Twitter 4 with the same idea. 5 Q. Which e-mail address did you receive 6 these e-mails on? 7 A. I think the Eli F. Mosley one. 8 Q. When did Discord send you this e-mail? 9 A. Uh, before I was banned. About two 10 months before I was banned, or a month before I 11 was banned. So, probably the beginning of this 12 summer, end of spring. 13 Q. When were you banned from Discord? 14 A. I don't -- I don't remember. I want 15 to say I was banned in the spring. I think that 16 is when -- I think I was banned in the spring -- 17 no, I was banned -- they sent me the e-mail -- 18 sent me the message asking about do you want -- 19 or can we send the information in. And then, 20 like, a month or two later I was banned. 21 So, I think that was probably the 22 beginning or middle of spring when they asked me 23 if they could do that. And then I think they 24 banned me, like, a month or two later. 25 Q. You told the Court that Discord sent</p>	<p style="text-align: right;">Page 161</p> <p>1 you an e-mail saying, quote, hey, do you want to 2 comply with the discovery of this case, yada, 3 yada, yada, quote. 4 A. Yes. That is -- they basically asked 5 me if I was willing to comply, and I said yes to 6 them. Which I thought at the time -- because it 7 was awhile ago. I thought at the time was part 8 of the means of which I shared the discovery 9 with you guys. Oh, I see what's going to 10 happen, I am going to get e-mails from the 11 companies that my accounts are deleted from. 12 Q. What exactly did you tell Discord in 13 response to this e-mail? 14 A. I have to check to see what the exact 15 e-mail was. I said -- I approved the -- I 16 approved the -- what they asked me. 17 Q. You still have this e-mail in your 18 Gmail account, right? 19 A. Yes. 20 Q. You have no other active account on 21 Discord now? 22 A. Umm, no, I don't. Not that is active. 23 I have an account, but it was one from before, 24 and I just -- I never used it. 25 Q. Which account is that?</p>

<p style="text-align: right;">Page 162</p> <p>1 A. I don't even know the name of it. I 2 think it is -- the name is -- I think it is also 3 Sayer, but I don't know the number for it, or 4 anything like that. It is a really old account. 5 I don't know what it is though. 6 Q. You didn't use it to discuss Unite the 7 Right? 8 A. No. It was, like, an account when 9 Discord first came out. 10 Q. You used Twitter also to communicate 11 regarding Unite the Right, correct? 12 A. Correct, yes. 13 Q. Do you currently have a Twitter 14 username? 15 A. No. 16 Q. Have you used in the past the username 17 That Eli Mosley? 18 A. Yes. 19 Q. Have you used Not Eli Mosley? 20 A. Yes. 21 Q. You testified earlier today that -- 22 A. Well, just for the record, the Not Eli 23 Mosley one was hacked. Just so -- that was very 24 -- that was an account that got hacked. 25 Q. When was that hacked?</p>	<p style="text-align: right;">Page 163</p> <p>1 A. I -- it was before Unite the Right, I 2 believe. I don't remember exactly what the 3 timeline was. But they were posting stuff on 4 there that wasn't me, the Not Eli Mosley one. 5 Q. Who hacked it? 6 A. I have no idea. But I was able to 7 delete the account after they were posting 8 whatever. 9 Q. Your testimony is you deleted the Not 10 Eli Mosley account because it was hacked? 11 A. It was either I deleted it or I 12 changed the password, then got banned right 13 after for what the person was posting. That 14 actually might be how it happened. I think 15 that's what happened. 16 So, I think what happened was -- is 17 that the person got ahold of the account 18 somehow, and then was posting stuff. It wasn't 19 me. I deleted those messages and changed the 20 password. But then the account got banned 21 because of the messages that person posted. 22 That was the Not -- I just remember that about 23 the Not Eli Mosley account, that somebody took 24 it. 25 Q. You have been banned from other times,</p>
<p style="text-align: right;">Page 164</p> <p>1 right? 2 A. Probably 30 times. Yeah. 3 Q. Have you ever had a Twitter account 4 that has not been banned? 5 A. No. 6 Q. Not Eli Mosley was not the account 7 that was banned, it was all of your accounts? 8 A. All of my accounts I ever had have 9 been banned. I don't remember them all. Like I 10 said, the only one I know was compromised was 11 that Not Eli Mosley one. All the rest of them, 12 I had access to, I was the only one with access 13 to. 14 Like I said, they were all deleted. I 15 don't remember the names of all of them. 16 Q. You don't have access to any of these 17 Twitter accounts now? 18 A. No. I was removed from all of them. 19 Q. Did you report the hacking of Not Eli 20 Mosley when it occurred? 21 A. No, because I knew Twitter wouldn't 22 care. It was -- I knew from what they posted, 23 they posted some really bad stuff. And I knew 24 right then and there as soon as it was posted 25 the account was going to get deleted anyway.</p>	<p style="text-align: right;">Page 165</p> <p>1 I don't even remember exactly what 2 they said. I just remember reading it and 3 being, like, holy shit, this is the stupidest 4 thing, I can't believe that somebody is posting 5 this. People were calling me and asking me, 6 like, did you post that? It was only up, like, 7 a minute. 8 Q. Who contacted you -- who contacted you 9 to ask if you had posted it? 10 A. I don't know. I think it might have 11 been just friends of mine at the time. I don't 12 remember who it was. Someone saw them on their 13 Twitter feed. They knew I wouldn't have posted 14 it. 15 Q. Have you ever told anyone else that 16 this account was hacked? 17 A. Umm, at the time I told people. But I 18 knew it was another account that was going to 19 get banned. So, it wasn't, like, an important 20 thing. 21 Q. Whom did you tell it had gotten 22 hacked? 23 A. Umm, like I said, I don't know who. 24 Friends at the time, people I would be talking 25 to. I don't know exactly who.</p>

<p style="text-align: right;">Page 166</p> <p>1 Q. Can you name a single person you told 2 that your account had been hacked? 3 A. I mean, I probably told Richard, I 4 probably told -- I don't know. Other people. I 5 don't know. Whoever I was with at the time. 6 Q. Richard, does that refer to Mr. 7 Spencer? 8 A. Yeah, yeah. 9 Q. You have used the account EliMosleyIE 10 on Twitter, right? 11 A. Yes. 12 Q. Have you used Eli_Mosley_? 13 A. Uh, Yes. 14 Q. Have you used Sheli_Shmosley? 15 A. Yes. 16 Q. Have you used Eli Mosley? 17 A. Yes. 18 Q. Have you used Eli Mosley is Back? 19 A. Yes. 20 Q. Have you used EliMosleyOH? 21 A. Umm -- oh, yes. 22 Q. Have I named -- excuse me. Are there 23 any other Twitter usernames besides the 24 usernames that I have named that you have used? 25 A. I am sure there are, but not that I</p>	<p style="text-align: right;">Page 167</p> <p>1 remember the names of. There are more 2 transformations of Eli and Eli Mosley or 3 whatever. But none that I remember. 4 Q. There are other Twitter usernames that 5 feature the name Eli Mosley in some form? 6 A. I am sure there are. But, like I 7 said, I don't know what they would be. As you 8 can see, that list -- you can't differentiate 9 between one or the other usually. So, it is 10 kind of hard to remember them all. 11 Q. You had a password for each Twitter 12 account, right? 13 A. Uh, Yes. 14 Q. Did anyone else have those passwords? 15 A. No. 16 Q. Did anyone else use your Twitter 17 accounts? 18 A. No. 19 Q. So, would you agree that the messages 20 posted on Twitter were posted by you? 21 A. Yes. Except for the Not Eli Mosley 22 account. 23 Q. Other than the Not Eli Mosley account, 24 which you have testified was hacked, would you 25 agree that the messages posted on Twitter under</p>
<p style="text-align: right;">Page 168</p> <p>1 each of the other usernames were posted by you? 2 A. Yes. 3 Q. Which device did you use to post 4 messages on Twitter? 5 A. My iPhone. 6 Q. Did you ever use anything aside from 7 your iPhone? 8 A. No. 9 Q. Now, you told the Court that you did 10 not sign up for Twitter with your real e-mail 11 address, but that you used burner e-mails, 12 right? 13 A. Yes. I don't even know -- go ahead. 14 Q. What is a burner e-mail? 15 A. You can go on, like, a website and 16 say, hey, I need an e-mail address to confirm an 17 account. And they'll give you like random 18 letters and numbers together, and they'll say 19 here, this is going to be an e-mail for ten 20 minutes. And then you sign up for the Twitter 21 account or whatever it is, you get your 22 activation code, put it in. Then that e-mail, 23 you just don't ever use it again. 24 So, it is -- like I said, it is like a 25 burner phone, but for an e-mail.</p>	<p style="text-align: right;">Page 169</p> <p>1 Q. You told the Court that the burner 2 e-mails were, quote, not real e-mail addresses? 3 A. Correct. 4 Q. When you were referring to, quote, 5 real e-mail addresses, are there any others 6 besides the ones we discussed today, 7 Eli.F.Mosley@Gmail.com, 8 DeplorableTruth@Gmail.com, and your Identity 9 Evropa e-mail address? 10 A. No. 11 Q. Those are the only three you have? 12 A. Correct. 13 Q. Does Identity Evropa have its own 14 Twitter account? 15 A. I don't believe it does anymore. I 16 think it did at one point. 17 Q. Did you administer that Twitter 18 account? 19 A. No. 20 Q. You told the Court that you were, 21 quote, more than happy to go through with the 22 process so that Twitter could hand over 23 information to the Court, right? 24 A. Yes. 25 Q. You haven't actually executed anything</p>

<p style="text-align: right;">Page 170</p> <p>1 to enable Twitter to hand over information to 2 the Court, right?</p> <p>3 A. Well, I haven't been asked anything or 4 given anything. If I had a document right now 5 from Twitter saying, hey, can we hand over the 6 information or whatever, I would sign it right 7 now and give it to you guys.</p> <p>8 Q. Aside from a document right now from 9 Twitter, in your words, your testimony is that 10 you have never been given any means of handing 11 over information to the Court from Twitter?</p> <p>12 A. No.</p> <p>13 Q. Before you were banned from all of 14 your Twitter accounts, did you save any of the 15 tweets for your accounts?</p> <p>16 A. No.</p> <p>17 Q. Did you ever take any screen shots of 18 the messages?</p> <p>19 A. Not that I know of. Not that I know 20 of.</p> <p>21 Q. Not that you know of?</p> <p>22 A. No.</p> <p>23 Q. You have never taken any screen shots 24 of your messages?</p> <p>25 A. Not that I know of, no. Not that I</p>	<p style="text-align: right;">Page 171</p> <p>1 can -- nothing that stands out, whatever. 2 Nothing I can remember, or anything like that.</p> <p>3 Q. Is it possible that you have taken a 4 screen shot of your Twitter messages?</p> <p>5 A. If I did, it would be on my phone. 6 So --</p> <p>7 Q. It would be on your iPhone?</p> <p>8 A. Yes.</p> <p>9 Q. Did you delete tweets from your 10 Twitter accounts before you were banned?</p> <p>11 A. Oh, yeah.</p> <p>12 Q. Did those relate to Unite the Right?</p> <p>13 A. No. It was mostly tweets, like, where 14 I -- I tweeted I didn't want to get banned for, 15 or something like that.</p> <p>16 Q. Why would you get banned for the 17 tweets that you deleted?</p> <p>18 A. Oh, I -- the Twitter's policy was to 19 ban anyone who was Alt-Right, or not even 20 Alt-Right, you know, at the time. So, they were 21 banning anyone. So, any kind of hint at that 22 kind of thing.</p> <p>23 Q. So, you deleted tweets that had a hint 24 of Alt-Right; is that accurate?</p> <p>25 A. No. I would say the only time I would</p>
<p style="text-align: right;">Page 172</p> <p>1 delete tweets is when I would think they would 2 get me banned from Twitter. But I wasn't 3 someone who deleted a lot of tweets, either.</p> <p>4 You asked if I deleted any tweets. 5 Yes, I did. The reason was because I didn't 6 want to get banned. But I don't know which ones 7 there were or how many. It wasn't very many, I 8 know that. That was from before Unite the 9 Right. Because I got -- I got banned from 10 Twitter, umm, the day after Unite the Right, and 11 I didn't get a new account for maybe a month or 12 two. Like, awhile, if I remember correctly. 13 So --</p> <p>14 Q. What was the -- what was the account 15 that you had after Unite the Right?</p> <p>16 A. I believe it went -- I am not entirely 17 sure. But I think it went -- I don't even have 18 my Twitter on the contact me page. So, my 19 Twitter account was banned before it even 20 happened -- like, Unite the Right even happened. 21 But I don't know which account would be right 22 afterwards. Maybe -- I don't know. Maybe 23 Sheli Shmosley. That is a guess.</p> <p>24 Q. Your Twitter account was banned before 25 the Unite the Right?</p>	<p style="text-align: right;">Page 173</p> <p>1 A. Yeah. That is why there is no -- that 2 is why there is no Twitter account in the 3 contact me spot.</p> <p>4 Q. So, you did not have a Twitter account 5 operating at the time of Unite the Right?</p> <p>6 A. No. I mean, I don't think it's -- I 7 don't think I did, and that is why I don't have 8 my Twitter listed as a contact for me.</p> <p>9 Or perhaps when this document was 10 made, it was banned. Because this is -- this 11 document is from 6/18. So, this is two months 12 before Unite the Right. So, maybe it was banned 13 two months before Unite the Right, but I had one 14 during Unite the Right. I don't remember.</p> <p>15 (Exhibit 8, 8/10/2017 Operation Unite 16 the Right Charlottesville 2.0, marked for 17 identification.)</p> <p>18 BY MR. BARKAI:</p> <p>19 Q. You are being handed an exhibit marked 20 as Exhibit 8. Is this another version of the 21 planning document that we have seen before?</p> <p>22 A. Yeah. This is the, umm -- the one, I 23 think, that is right before. Yes. Yes, this is 24 the one, I think, was right before. So, yes, I 25 did have a Twitter account, it looks like. So,</p>



<p style="text-align: right;">Page 174</p> <p>1 it would have been Not Eli Mosley.  2 Q. So, that was the Twitter account that  3 you had at the time of Unite the Right, correct?  4 A. Correct, yes. So, this other one was  5 from two months before. Clearly my account was  6 banned. Not Eli Mosley would be the new one.  7 Q. You have no active account on Twitter  8 right now; is that true?  9 A. No, I haven't had one for probably two  10 years, or a year-and-a-half.  11 Q. Do you see the top of this version of  12 the operational documents, which is Exhibit 8,  13 do you see the sentence this version of the  14 document is to only be shared in extremely  15 vetted circles, do not post on social media?  16 A. Yes.  17 Q. What were the extremely vetted circles  18 in which this document was shared?  19 A. Well, looking back, that is kind of a  20 joke. It was meant to be logistical.  21 MR. DiNUCCI: Note my objection from  22 earlier based on Judge Hoppe's Order. Thank  23 you.  24 BY MR. BARKAI:  25 Q. You may answer.</p>	<p style="text-align: right;">Page 175</p> <p>1 A. It was just the, umm -- it was just  2 Discord, is what it meant. Discord was supposed  3 to have people vetted before they could join it.  4 So, that is what I was talking about.  5 Q. How is the document shared within  6 Discord?  7 A. Just post it. Like you would on  8 Facebook or -- just put it in a channel.  9 Q. Who posted it?  10 A. Umm, maybe me. But I don't know.  11 Like I said, the way I made these, is I made  12 them on Google drive and I sent them to somebody  13 usually. I don't remember who each one. Some  14 -- each one was different. They would format it  15 like this. Then either they would post it, or I  16 would -- they would send it back to me and I  17 would post it.  18 Q. How many versions of this document did  19 you make?  20 A. Umm, probably five or six. And they  21 were all posted in Discord.  22 Q. You made five or six versions of this  23 document?  24 A. Yes.  25 Q. This document is several pages long,</p>
<p style="text-align: right;">Page 176</p> <p>1 correct?  2 A. Yes.  3 Q. This document appears to be nine pages  4 long, right?  5 A. Yeah. The final one was really long.  6 Yeah.  7 Q. The final version was very long?  8 A. Yes.  9 Q. You typed out these very long  10 documents on your phone?  11 A. Yes. It was mostly editing old stuff  12 and changing it out. It wasn't like I made it  13 all at once. It was, oh, I dealt with this part  14 of this, let me type this part up. And then,  15 you know, save another document, or whatever.  16 Oh, I fixed -- this part needs to be done. It  17 was kind of, like, a living document, I guess  18 you could say.  19 Q. So, you had one version of the  20 document that you edited?  21 A. Yes, yes.  22 Q. You did not create multiple documents?  23 A. Correct.  24 Q. And, again, you did all this on your  25 phone?</p>	<p style="text-align: right;">Page 177</p> <p>1 A. Yes.  2 Q. When you -- strike that.  3 At the top of this page, Page 1 of  4 Exhibit 8, do you see reported version  5 8/10/2017, general orders?  6 A. Yes.  7 Q. What are general orders?  8 A. Just like the general -- the way  9 people were supposed to behave and act at the  10 thing, which basically no one followed, as most  11 people can tell. This thing clearly outlines  12 that people aren't supposed to be violent and  13 that -- basically this whole document wasn't  14 followed from the beginning to end.  15 Q. You also used Facebook to communicate  16 about Unite the Right, correct?  17 A. Yes.  18 Q. Which is -- what is your Facebook  19 username?  20 A. I was banned from Facebook as well,  21 and I don't know what the name of the account or  22 -- is it -- I think Facebook is saved by e-mail  23 address, if I am not mistaken. But I don't know  24 what e-mail address I would have been using.  25 Q. Would it have been</p>

<p style="text-align: right;">Page 202</p> <p>1 discuss Unite the Right before Unite the Right 2 occurred? 3 A. Yes. 4 Q. Did you meet in person with Mr. -- did 5 you meet in person with Mr. Cantwell to discuss 6 Unite the Right before Unite the Right occurred? 7 A. No. 8 (Exhibit 10, Plaintiffs' Corrected 9 First Set of Requests for Production of 10 Documents to all Defendants, marked for 11 identification.) 12 BY MR. BARKAI: 13 Q. Mr. Kline, you have been handed a 14 document marked Exhibit 10. 15 Do you recognize this document? 16 A. No, I don't. 17 Q. You have never seen this before? 18 A. No. 19 Q. This has never been provided to you 20 before? 21 A. Not that I have seen, no. I have 22 never seen this. Especially this appendix at 23 the back. 24 Q. This has never been e-mailed to you? 25 A. It might have, but I don't -- I don't</p>	<p style="text-align: right;">Page 203</p> <p>1 recall seeing this ever. 2 Q. Do you see that this document is 3 called Plaintiffs' Corrected First Set of 4 Requests for Production of Documents to all 5 Defendants? 6 A. Yes. 7 Q. Do you understand all Defendants to 8 include you? 9 A. Yes. 10 Q. This is the first time you have 11 received this document? 12 A. Umm -- 13 Q. That is your testimony? 14 A. I might have gotten in e-mail. But I 15 don't -- I never -- I don't remember seeing this 16 ever, no. 17 Q. You might have received it in an 18 e-mail; is that right? 19 A. I might have. But I have never seen 20 this. I have never seen this, no. I would have 21 remembered the -- the table at the back. 22 (Exhibit 11, 7/1/2019 Bloch e-mail, 23 marked for identification.) 24 BY MR. BARKAI: 25 Q. You are being given, Mr. Kline, a</p>
<p style="text-align: right;">Page 204</p> <p>1 document marked as Exhibit 11. 2 Do you recognize this document? 3 A. This is the -- is this the -- maybe I 4 haven't seen this. This was sent before our 5 call, is what this shows. I might have received 6 this, but I don't really remember what the 7 context of it is. I think this was -- I am not 8 exactly sure what this was. 9 Q. Do you see that it is an e-mail 10 addressed to you? 11 A. Yes. 12 Q. Do you see that it is addressed to 13 Eli.F.Mosley@Gmail.com? 14 A. Yes. 15 Q. Is that you? 16 A. Yes. 17 Q. You are not sure whether you received 18 this e-mail? 19 A. I mean, I am assuming I did receive 20 it. I don't remember reading through this. 21 But, umm, I just noticed it was the day before 22 that call. So, I should have seen it when I 23 went through. 24 Q. But you are not sure if you read it? 25 A. Correct.</p>	<p style="text-align: right;">Page 205</p> <p>1 Q. Could you turn to what you have in 2 front of you as Exhibit 5, please, on Page 21? 3 A. Okay. 4 Q. Do you see where the Judge in the 5 middle of Page 21, Line 14, asks you, Mr. Kline, 6 did you receive that e-mail? 7 A. Yeah, I think I was at the time 8 scanning through a different document than this 9 one. Because this one has -- it is formatted 10 totally differently than what I was scanning 11 through at that time. 12 Q. Aside from the fact that it was 13 formatted entirely differently -- 14 A. I just remember the one that I had 15 read -- the one that I had gotten -- or that I 16 read through, or whatever, was, like, a -- it 17 was a DocuSign document that I was talking about 18 here. It wasn't like this, if that makes sense. 19 Q. Putting aside the DocuSign contract, 20 this is an e-mail that was sent to you at 21 Eli.F.Mosley@Gmail.com on July 1, 2019, right? 22 A. Yes. 23 Q. Your testimony is that you have never 24 received this e-mail before? Or if you have, 25 you never read it?</p>

<p style="text-align: right;">Page 206</p> <p>1 A. Correct.</p> <p>2 Q. So, you did receive this e-mail?</p> <p>3 A. I don't know. But if I did, I haven't</p> <p>4 read it.</p> <p>5 Q. Okay. So, if you did receive this,</p> <p>6 you didn't read it?</p> <p>7 A. Correct. I don't know -- I don't know</p> <p>8 if I did receive it or not.</p> <p>9 Q. Do you see in the attachments on this</p> <p>10 exhibit, at the end of the list of attachments,</p> <p>11 Plaintiffs' Corrected First Set of Document</p> <p>12 Requests.pdf?</p> <p>13 A. Yeah -- see -- that is another --</p> <p>14 yeah, no. I do see that. But, like I said, I</p> <p>15 don't -- I don't think I went through this</p> <p>16 e-mail. This is exactly what I was talking</p> <p>17 about earlier when you guys -- I said I didn't</p> <p>18 have the means to give it. That's what this</p> <p>19 looks like. It looks like a PDF I could have</p> <p>20 just filled out, which I obviously would have</p> <p>21 done.</p> <p>22 But I didn't -- I didn't -- I don't</p> <p>23 think I read through this, or I would have done</p> <p>24 that.</p> <p>25 Q. Turning back to what you have in front</p>	<p style="text-align: right;">Page 207</p> <p>1 of you as Exhibit 10, you did receive this set</p> <p>2 of Requests for Production, correct?</p> <p>3 A. Umm, is this the one with the table at</p> <p>4 the end? I don't recognize this one, either,</p> <p>5 no.</p> <p>6 Q. Putting aside whether you recognize it</p> <p>7 right now or not, you were e-mailed this</p> <p>8 document on July 1, 2019, right?</p> <p>9 A. Maybe. I don't know. I have no way</p> <p>10 of confirming that.</p> <p>11 I mean, was this sent with this?</p> <p>12 Because then, yeah, because it says July 1 on</p> <p>13 it. But this doesn't have a date on it.</p> <p>14 Q. On Exhibit 11, do you see that the</p> <p>15 e-mail attached Plaintiffs' Corrected First Set</p> <p>16 of Documents.pdf?</p> <p>17 A. Yes. Is that what this is?</p> <p>18 Q. Do you see on Exhibit 10 the document</p> <p>19 is titled Plaintiffs' Corrected First Set of</p> <p>20 Requests for Production of Documents to all</p> <p>21 Defendants?</p> <p>22 A. Yes. I never seen either of these</p> <p>23 then, yeah.</p> <p>24 Q. But they were e-mailed to your e-mail</p> <p>25 address?</p>
<p style="text-align: right;">Page 208</p> <p>1 A. I mean, it says they were. But I</p> <p>2 didn't read it.</p> <p>3 Q. At the end of these Requests for</p> <p>4 Production, the date on Page 10 is January 25,</p> <p>5 2018, right?</p> <p>6 A. Okay.</p> <p>7 Q. Do you see that?</p> <p>8 A. Yes.</p> <p>9 Q. So, the first time that these requests</p> <p>10 were first issued was in January 2018, right?</p> <p>11 A. Okay, yes.</p> <p>12 Q. On the first page of Exhibit 10, do</p> <p>13 you see that the deadline to respond to these</p> <p>14 was 30 days from when they were served?</p> <p>15 A. Correct. But I didn't -- like I said,</p> <p>16 I haven't seen these documents. But that makes</p> <p>17 sense.</p> <p>18 Q. You haven't responded to these</p> <p>19 Requests for Production, right?</p> <p>20 A. No. Because I haven't -- like I said,</p> <p>21 I haven't read through them.</p> <p>22 Q. You haven't produced a document to</p> <p>23 Plaintiffs before --</p> <p>24 A. No. But I am more than happy -- I am</p> <p>25 more than happy to.</p>	<p style="text-align: right;">Page 209</p> <p>1 Q. Putting aside -- putting that aside,</p> <p>2 you have not produced a document to Plaintiffs,</p> <p>3 correct?</p> <p>4 A. No. I would like to.</p> <p>5 Q. Why was it that you didn't provide</p> <p>6 Plaintiffs with any documents?</p> <p>7 A. I didn't -- I didn't read through -- I</p> <p>8 didn't see this -- that's what these were.</p> <p>9 Because I get so many e-mails from these, they</p> <p>10 must have gotten mixed up with some other ones.</p> <p>11 Every time somebody makes a -- does</p> <p>12 anything in the case, I get an e-mail. So, I</p> <p>13 thought that -- these might -- this might have</p> <p>14 been attached to something else when it was</p> <p>15 first sent. I don't know.</p> <p>16 Q. Did you hear about these Requests for</p> <p>17 Production at any time?</p> <p>18 A. What do you mean, hear?</p> <p>19 Q. Did anyone ever tell you about these</p> <p>20 Requests for Production?</p> <p>21 A. Umm, originally the lawyer told me,</p> <p>22 and I explained to him the situation with my</p> <p>23 accounts being banned and things like that. But</p> <p>24 other than that, no.</p> <p>25 Q. When you say the lawyer, who are you</p>

<p style="text-align: right;">Page 210</p> <p>1 referring to?</p> <p>2 A. The original lawyer I had with Mr.</p> <p>3 Almer. That is -- the lawyer that Identity</p> <p>4 Evropa has.</p> <p>5 Q. Are you referring to Mr. Kolenich?</p> <p>6 A. Yes.</p> <p>7 Q. So, Mr. Kolenich did tell you about</p> <p>8 these Requests for Production?</p> <p>9 A. Umm, yeah. He told me about them. He</p> <p>10 didn't tell me how I would actually go about</p> <p>11 doing -- turning them in.</p> <p>12 Q. When did he tell you about them?</p> <p>13 A. Umm, well, he originally told me when</p> <p>14 he explained to me that they were going to be</p> <p>15 filing a motion against him, I guess, or a</p> <p>16 motion against certain parts -- parts.</p> <p>17 Q. That was the only time that he ever</p> <p>18 told you about these Requests for Production?</p> <p>19 A. Umm, maybe once more. Just -- nothing</p> <p>20 I can think of, like, specific. Like, hey, you</p> <p>21 got to send this in or anything like that, no.</p> <p>22 Q. Your testimony is that he never told</p> <p>23 you that you would have to submit documents?</p> <p>24 A. He did. But, like I said, the first</p> <p>25 time we spoke about it, he was saying that we</p>	<p style="text-align: right;">Page 211</p> <p>1 were going to be filing a motion to get rid of</p> <p>2 them or do whatever with them. I don't remember</p> <p>3 what it was.</p> <p>4 And then I never got anything else</p> <p>5 about it, I guess. He has talked to me about it</p> <p>6 before. But it wasn't, like, hey, I need you to</p> <p>7 fill out this form and, like, hand it in to</p> <p>8 them, or whatever.</p> <p>9 Q. He never told you you had to fill out</p> <p>10 a form?</p> <p>11 A. No, nothing specific like that.</p> <p>12 Because it would have been done.</p> <p>13 Q. If you had ever been told to fill out</p> <p>14 a form, you would have done it?</p> <p>15 A. Yes. If there was ever a form that I</p> <p>16 was -- someone would have called me or e-mailed</p> <p>17 me and said, hey, if you fill this out with</p> <p>18 whatever your e-mails are, I would have done it.</p> <p>19 That's what this looks like, the</p> <p>20 Exhibit 11. That's what this looks like. But,</p> <p>21 like I said, I have never seen this.</p> <p>22 Q. But no one ever called or e-mailed you</p> <p>23 to ask you to fill out a form with e-mails; is</p> <p>24 that right?</p> <p>25 A. No, no.</p>
<p style="text-align: right;">Page 212</p> <p>1 Q. Do you see on Page 3 of Exhibit No. 10</p> <p>2 the definition of events?</p> <p>3 A. Yeah, I see that.</p> <p>4 Q. So, events has a definition that means</p> <p>5 the activities described in Paragraphs 45 to 335</p> <p>6 of the Complaint, right?</p> <p>7 A. Yes.</p> <p>8 Q. Do you understand that events includes</p> <p>9 Unite the Right?</p> <p>10 A. Yes.</p> <p>11 Q. Do you know what the protests in</p> <p>12 Berkeley in 2017 were?</p> <p>13 A. Oh, yeah. Yes.</p> <p>14 Q. Including the Battle of Berkeley?</p> <p>15 A. Yes.</p> <p>16 Q. Were you present for any of those?</p> <p>17 A. No.</p> <p>18 Q. Do you understand that those events</p> <p>19 are included within the definition of events?</p> <p>20 A. I didn't realize that, no.</p> <p>21 Q. You know what Charlottesville 1.0 was,</p> <p>22 right?</p> <p>23 A. Yes.</p> <p>24 Q. Were you present there?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 213</p> <p>1 Q. Do you understand that the definition</p> <p>2 of events in the Request for Production means</p> <p>3 activities before Unite the Right, not just</p> <p>4 Unite the Right itself?</p> <p>5 A. Yes, yes. Like I said, I just didn't</p> <p>6 know that Berkeley was part of that. But --</p> <p>7 Q. Do you understand that the definition</p> <p>8 of events includes Charlottesville 1.0?</p> <p>9 A. Yes, I knew that.</p> <p>10 Q. Do you know what the KKK rally in July</p> <p>11 of 2017 in Charlottesville was?</p> <p>12 A. I knew what it was, yes.</p> <p>13 Q. Were you there?</p> <p>14 A. No.</p> <p>15 Q. Do you understand that the KKK rally</p> <p>16 would also be included in the definition of</p> <p>17 events?</p> <p>18 A. Yes. I had no contact with them.</p> <p>19 Q. Do you know what the Torch March on</p> <p>20 August 11 was?</p> <p>21 A. Yes.</p> <p>22 Q. You were present, right?</p> <p>23 A. Yes.</p> <p>24 Q. Do you understand that the Torch</p> <p>25 March is also included in the definition of</p>



<p style="text-align: right;">Page 214</p> <p>1 events --</p> <p>2 A. Yes.</p> <p>3 Q. -- in the Complaint?</p> <p>4 Turning to Page 5 of Exhibit No. 10,</p> <p>5 please. Do you see Paragraph G at the bottom of</p> <p>6 that page?</p> <p>7 A. Yes.</p> <p>8 Q. Do you see that Paragraph G states</p> <p>9 whether or not you object, you must preserve all</p> <p>10 documents and communications relevant to the</p> <p>11 lawsuit, including all documents and</p> <p>12 communications responsive to these requests?</p> <p>13 A. Yep.</p> <p>14 Q. Have you read that before?</p> <p>15 A. Uh, not here on this page. But I</p> <p>16 think there was another one where I did read,</p> <p>17 like, that you can't dispose of or get rid of</p> <p>18 anything, which is why I kept the phone and all</p> <p>19 that other stuff.</p> <p>20 Q. Did your attorney speak to you</p> <p>21 about --</p> <p>22 A. Yes.</p> <p>23 Q. -- that requirement?</p> <p>24 A. Yes.</p> <p>25 Q. Was that Mr. Kolenich?</p>	<p style="text-align: right;">Page 215</p> <p>1 A. Yes.</p> <p>2 Q. When did he speak to you about that</p> <p>3 requirement?</p> <p>4 A. When I first started working with him.</p> <p>5 So, probably before this was even sent out. So,</p> <p>6 before January 2018.</p> <p>7 Q. Would that have been in October of</p> <p>8 2017?</p> <p>9 A. Yeah, probably.</p> <p>10 Q. You were instructed to preserve all</p> <p>11 documents, right?</p> <p>12 A. Yes.</p> <p>13 Q. Do you understand that that means you</p> <p>14 are obligated to keep all documents and</p> <p>15 communications relevant to the case?</p> <p>16 A. Yes.</p> <p>17 Q. Do you understand that you are</p> <p>18 obligated not to delete anything?</p> <p>19 A. Yes.</p> <p>20 Q. Not to delete anything relevant to the</p> <p>21 case, that is?</p> <p>22 A. Yes.</p> <p>23 Q. Have you taken any steps to make sure</p> <p>24 that all documents and communications relative</p> <p>25 to the lawsuit are preserved?</p>
<p style="text-align: right;">Page 216</p> <p>1 A. Well, I kept my cell phone when it was</p> <p>2 broken, and I fixed it when it was broken. Umm,</p> <p>3 but that is really the only thing I have -- any</p> <p>4 information I can retrieve, other than the</p> <p>5 social media accounts.</p> <p>6 Q. You have never backed up any of your</p> <p>7 documents to a separate device, right?</p> <p>8 A. No, no.</p> <p>9 Q. You never turned on any kind of cloud</p> <p>10 back up?</p> <p>11 A. No.</p> <p>12 Q. You never made any screen shots of any</p> <p>13 of your messages?</p> <p>14 A. No.</p> <p>15 Q. You never forwarded any of your</p> <p>16 messages to anyone else?</p> <p>17 A. No.</p> <p>18 Q. Did you ever make any copies of any of</p> <p>19 the information relevant to Unite the Right?</p> <p>20 A. No.</p> <p>21 Q. Did you store your broken iPhone in</p> <p>22 any kind of secure location?</p> <p>23 A. No.</p> <p>24 Q. Did you store your Walmart phone in</p> <p>25 any kind of secure location?</p>	<p style="text-align: right;">Page 217</p> <p>1 A. No.</p> <p>2 Q. Your iPhone was water damaged, right?</p> <p>3 A. Correct.</p> <p>4 Q. How did that water damage occur?</p> <p>5 A. I think it was literally raining one</p> <p>6 night and I was outside, coming home. And it</p> <p>7 was in my back pocket and it got wet.</p> <p>8 Q. On Page 8 of this Exhibit No. 10, do</p> <p>9 you see the Request for Production No. 1</p> <p>10 requests all documents and communications</p> <p>11 concerning the events?</p> <p>12 A. Yes.</p> <p>13 Q. Do you see there is a list of</p> <p>14 different types of documents and communications</p> <p>15 which are included as examples?</p> <p>16 A. Yes.</p> <p>17 Q. Do you understand that you are</p> <p>18 obligated to produce to Plaintiffs all documents</p> <p>19 and communications you have in your possession</p> <p>20 concerning the events?</p> <p>21 A. Yes.</p> <p>22 Q. And you have at various times had</p> <p>23 documents and communications concerning the</p> <p>24 events, right?</p> <p>25 A. Yes.</p>

<p style="text-align: right;">Page 218</p> <p>1 Q. You have never produced any of those 2 to Plaintiffs, right? 3 A. No. But I would like to, using the 4 PDF or whatever you guys have that looks like 5 from this e-mail. 6 Q. You are ready to do that today? 7 A. Yes. 8 Q. You are ready to turn over your 9 devices -- 10 A. Umm -- 11 Q. -- for imaging? 12 A. I could turn the -- I would like to 13 not do the cell phone today, just because I use 14 it to get home on GPS. I have somewhere to go 15 that I am not familiar with. But I could, like, 16 do it right after I get home and activate the 17 new cell phone I just got. 18 Q. You are ready to provide consents for 19 social media accounts -- 20 A. Yes. 21 Q. -- to be disclosed? 22 A. Yes. 23 Q. Did you ever at any time have 24 documents and communications relevant to the 25 events in the Complaint that you no longer have?</p>	<p style="text-align: right;">Page 219</p> <p>1 A. No. 2 Q. Do you see Request for Production No. 3 2 at the bottom of Page 8 of this document? 4 A. Number -- okay, I see that, yes. 5 Q. Do you see that it asks there for you 6 to produce all documents and communications 7 concerning events, meetings, rallies, 8 conferences, or conversations held prior to the 9 events that relate to the events in any way? 10 A. Yeah. 11 Q. Do you understand you are obligated to 12 produce all such documents to Plaintiffs? 13 A. Yep. 14 Q. And you have at various times had 15 documents and communications concerning such 16 events, right? 17 A. Yes. And it is all in my phone, or 18 Discord. 19 Q. You haven't produced any of those yet, 20 have you? 21 A. No. But I would like to today, if 22 that is possible. Or consent for the social 23 media ones today. 24 Q. On Page 9 of this document, do you see 25 Request for Production No. 3 --</p>
<p style="text-align: right;">Page 220</p> <p>1 A. Yes. 2 Q. -- which asks for documents concerning 3 and communications with various groups? 4 A. Yes. 5 Q. Did you understand that you are 6 obligated to produce all documents and 7 communications you have concerning or with these 8 groups? 9 A. Yes. 10 Q. Do you have, or have you had in the 11 past documents concerning or communications 12 concerning or with East Coast Knights of the 13 KKK? 14 A. No. 15 Q. What about Fraternal Order of the Alt 16 Knights? 17 A. No. 18 Q. Identify Evropa you do, correct? 19 A. Yes. 20 Q. What about League of the South? 21 A. Umm, yes, on Discord. 22 Q. What about Loyal White Knights of the 23 KKK? 24 A. No. 25 Q. What about Moonbase Holdings, LLC?</p>	<p style="text-align: right;">Page 221</p> <p>1 A. I don't know what that is. No. 2 Q. What about Nationalist Socialist 3 Movement? 4 A. No. 5 Q. What about Nationalist Front? 6 A. No. 7 Q. What about Traditionalist Worker 8 Party? 9 A. Yes. 10 Q. What about Vanguard America? 11 A. Yes. 12 Q. With respect to Traditionalist Worker 13 Party, what sorts of documents are those? 14 A. Just communication between us on 15 Discord. 16 Q. Between you and who? 17 A. Umm, it wasn't -- it wasn't Matt 18 Heimbach at the time, it was somebody else I was 19 dealing with. I can't remember his name. I 20 can't remember the guy's name. But it was 21 somebody that was on Discord. They were, like, 22 the -- they were marked as the communication 23 liaison for the Traditionalist Worker Party. 24 Q. What about Vanguard America? 25 A. I spoke to one or two guys. One of</p>

<p style="text-align: right;">Page 222</p> <p>1    them became the new leader. I can't remember  2    his name. Umm, it is not -- it is not -- it is  3    not the guy that I was on the phone with the  4    other day. Umm, it is -- what's his name?  5    What's the current -- Hopper. Mr. Hopper. It  6    was not Mr. Hopper, it was somebody else from  7    Vanguard America.  8        Then just somebody I knew, umm, that  9    was from Texas from Vanguard America. I don't  10   remember who it was. I just know they were from  11   Texas.  12       Q. Did you communicate with Thomas Russo?  13       A. Yes. That's who I'm talking about.  14       Q. How did you communicate with Mr.  15   Russo?  16       A. Uh, on Discord mostly. And I also had  17   his phone number. And I think I texted him  18   afterwards or whatever, just saying hey, like.  19   And I think it was just, like, a hi thing.  20       Q. You exchanged text messages with Mr.  21   Russo?  22       A. Yes. But it was very brief. I think  23   it was one sided. I think I messaged him, he  24   never messaged me back.  25       Q. Did you communicate with Mr. Russo</p>	<p style="text-align: right;">Page 223</p> <p>1    before Unite the Right occurred?  2       A. Briefly, yes.  3       Q. You stated earlier in your testimony  4   that you were on the phone with a guy the other  5   day?  6       A. What do you mean?  7       Q. Earlier in your testimony a minute ago  8   you stated --  9       A. Just now?  10       Q. Just now, a minute ago --  11       A. When we were on the phone, the guy I  12   was on the phone with, Mr. Hopper. I couldn't  13   remember his name. We were on the phone on --  14   talking about discovery and stuff.  15       Q. You spoke with Mr. Hopper on the phone  16   about discovery stuff?  17       A. No. What I was saying was when we  18   were on the phone talking with me, Heimbach, and  19   Hopper, that was the -- it wasn't him, is what I  20   was saying. It wasn't Hopper that I talked to  21   before, it was Mr. Russo.  22       Q. You are referring to the Court call?  23       A. Yes.  24       Q. Do you have Mr. Russo's phone number?  25       A. I don't know. Maybe. I don't think</p>
<p style="text-align: right;">Page 224</p> <p>1    so. Maybe. I don't know. I have no idea. I  2   should still have it.  3       Q. You exchanged -- you spoke with him on  4   the phone, right?  5       A. Yeah, yeah. I mean, I have a text  6   message exchange with him. But that doesn't --  7   so, I guess I have his phone. But I don't know  8   if that is his current number or anything like  9   that.  10       Q. Can you provide Plaintiffs with that  11   number?  12       A. Yeah.  13       Q. When we go off the record, we'll ask  14   you to do that.  15       A. Well, I mean, can't you guys just get  16   that when you do the discovery stuff?  17       Q. Umm --  18       A. Won't that come up in discovery?  19       Q. Do you see on Page 9 of this document,  20   Request for Production No. 4?  21       A. Yeah.  22       Q. Do you see that requests all the  23   documents and communications concerning  24   violence, intimidation, or harassment of persons  25   on basis of race, religion, or ethnicity?</p>	<p style="text-align: right;">Page 225</p> <p>1       A. Yes.  2       Q. Then the sentence continues, including  3   but not limited to certain examples?  4       A. Yes.  5       Q. Do you understand you are obligated to  6   produce all such documents and communications  7   that you have?  8       A. Yes.  9       Q. Do you have any such documents?  10       A. No. Other than what's in Discord.  11   But those are on the Discord servers.  12       Q. Do you see Request for Production No.  13   5 on this page?  14       A. Yes.  15       Q. Do you see that the Request for  16   Production seeks uses of social media that  17   reference or concern the events or Defendants?  18       A. Yes.  19       Q. Do you understand that you are  20   obligated to produce such messages to  21   Plaintiffs?  22       A. Yes.  23       Q. You have made such messages in the  24   past, correct?  25       A. Yes.</p>

<p style="text-align: right;">Page 226</p> <p>1 Q. You have made messages regarding the</p> <p>2 events in the Complaint through Discord?</p> <p>3 A. Yes.</p> <p>4 Q. And through Twitter?</p> <p>5 A. Yep.</p> <p>6 Q. And through Facebook?</p> <p>7 A. Yep.</p> <p>8 Q. You haven't produced those messages</p> <p>9 before?</p> <p>10 A. Well, I am banned from all of them, so</p> <p>11 I can't.</p> <p>12 Q. You have not made any efforts to</p> <p>13 enable the production of those documents before?</p> <p>14 A. No, but I would like to.</p> <p>15 Q. On the next page, Page 10 of this list</p> <p>16 of Requests for Production, do you see that</p> <p>17 Request for Production 6 seeks all the documents</p> <p>18 concerning and all communications concerning or</p> <p>19 with any Plaintiff or Defendant other than you</p> <p>20 named in the Amended Complaint, and any other</p> <p>21 person who attended, planned, or was involved in</p> <p>22 the events?</p> <p>23 A. Yes.</p> <p>24 Q. Do you understand that you are</p> <p>25 obligated to produce all such documents and all</p>	<p style="text-align: right;">Page 227</p> <p>1 such communications?</p> <p>2 A. Yes.</p> <p>3 Q. You have had such documents and</p> <p>4 communications in the past, right?</p> <p>5 A. Yes.</p> <p>6 Q. You have had text messages, for</p> <p>7 example?</p> <p>8 A. Yes.</p> <p>9 Q. You have had social media messages,</p> <p>10 for example?</p> <p>11 A. Yes.</p> <p>12 Q. You have not produced any of those,</p> <p>13 right?</p> <p>14 A. No, but I would like to.</p> <p>15 Q. Do you see Request for Production 7 on</p> <p>16 Page 10?</p> <p>17 A. Yes.</p> <p>18 Q. That Request for Production asks for</p> <p>19 documents and communications concerning any</p> <p>20 lawsuits, claims of violence, or arrests</p> <p>21 relating to or arising out of racially,</p> <p>22 ethnically, or religiously-motivated conduct by</p> <p>23 you or any Defendant named in the Amended</p> <p>24 Complaint.</p> <p>25 Do you see that?</p>
<p style="text-align: right;">Page 228</p> <p>1 A. Yes.</p> <p>2 Q. You have such documents, right?</p> <p>3 A. Not that I know of. Never mind. It</p> <p>4 says something about lawsuits. Yes. But</p> <p>5 violence, no. But the lawsuits, yes.</p> <p>6 Q. You do have documents concerning</p> <p>7 lawsuits, right?</p> <p>8 A. The lawsuits, yes.</p> <p>9 Q. You have not produced any of those</p> <p>10 documents, right?</p> <p>11 A. No, but I would like to.</p> <p>12 Q. On the same page, Request for</p> <p>13 Production 8. Do you see that the request seeks</p> <p>14 documents and communications concerning the</p> <p>15 steps that you have taken to preserve documents</p> <p>16 and communications relative to the lawsuit?</p> <p>17 A. Yes.</p> <p>18 Q. Do you have any such documents?</p> <p>19 A. No.</p> <p>20 Q. You don't have any documents</p> <p>21 concerning the steps you have taken to preserve</p> <p>22 documents and communications relative to the</p> <p>23 lawsuit?</p> <p>24 A. No. That would be like -- no, I don't</p> <p>25 have anything like that.</p>	<p style="text-align: right;">Page 229</p> <p>1 Q. Is that because aside from keeping</p> <p>2 your old --</p> <p>3 A. Cell phone.</p> <p>4 Q. -- cell phone, you don't have any</p> <p>5 steps that you have taken to preserve documents</p> <p>6 and communications?</p> <p>7 A. Other than telling -- the only other</p> <p>8 thing would be social media, right. So, I don't</p> <p>9 have any documents related to that, so I can't</p> <p>10 preserve it.</p> <p>11 Q. Have you made comments on social media</p> <p>12 regarding your preservation obligations?</p> <p>13 A. No, I don't think so.</p> <p>14 Q. Have you sent any e-mails regarding</p> <p>15 your preservation obligations?</p> <p>16 A. No.</p> <p>17 Q. Have you sent any text messages</p> <p>18 regarding your preservation obligations?</p> <p>19 A. No, no.</p> <p>20 Q. But Mr. Kolenich did speak to you</p> <p>21 regarding your preservation obligations, right?</p> <p>22 A. Yeah. When the case first opened up,</p> <p>23 he explained, like, the broad strokes that was</p> <p>24 going to happen. He said don't delete -- you</p> <p>25 know, don't delete your stuff, or whatever.</p>

<p style="text-align: right;">Page 230</p> <p>1 Q. He did that over the phone?</p> <p>2 A. Yes.</p> <p>3 Q. Have you ever deleted any document or</p> <p>4 communication that is responsive to any of these</p> <p>5 Requests for Production?</p> <p>6 A. No.</p> <p>7 Q. Have you ever lost any document or</p> <p>8 communication responsive to any of these --</p> <p>9 A. No.</p> <p>10 Q. -- requests?</p> <p>11 A. No.</p> <p>12 Q. How do you know that for sure?</p> <p>13 A. Because it is all in my phone, and I</p> <p>14 don't delete things off my phone. Like I said,</p> <p>15 the only thing I could possibly delete would be,</p> <p>16 like, non-picture pictures or whatever, just</p> <p>17 trying to free up some space.</p> <p>18 But other than that, I have not</p> <p>19 deleted anything. No photos or things that have</p> <p>20 to deal with this case, or anything like that.</p> <p>21 (Exhibit 12, Plaintiffs' First Set of</p> <p>22 Interrogatories to All Defendants, marked for</p> <p>23 identification.)</p> <p>24 BY MR. BARKAI:</p> <p>25 Q. Mr. Kline, you have just been handed a</p>	<p style="text-align: right;">Page 231</p> <p>1 document marked Exhibit 12.</p> <p>2 Have you seen this before?</p> <p>3 A. I am not sure yet. Hold on.</p> <p>4 I am not sure I have seen this one</p> <p>5 before. But it looks kind of familiar as far as</p> <p>6 -- yeah, I think I have seen this one before.</p> <p>7 Q. How have you seen it?</p> <p>8 A. Via e-mail. Maybe this one was sent</p> <p>9 to me. I think this one was sent to me,</p> <p>10 actually. Some of them I get by e-mail, some I</p> <p>11 get sent to me.</p> <p>12 For some reason not all of -- somebody</p> <p>13 -- I don't remember who. Somebody else involved</p> <p>14 in this, I get all of -- anything he does sent</p> <p>15 to my parents' house. When I get home, it is</p> <p>16 all his stuff. And none of this kind of thing.</p> <p>17 But I think I was given this one.</p> <p>18 Q. Who is the person --</p> <p>19 A. Umm --</p> <p>20 Q. -- who sends you things that get sent</p> <p>21 to your parents' house?</p> <p>22 A. No, it is from the Court. But it is</p> <p>23 -- Mr. Regnery, I think is -- stuff that deals</p> <p>24 with him. I get things all the time that deal</p> <p>25 with what he has said or done in the case, I</p>
<p style="text-align: right;">Page 232</p> <p>1 guess.</p> <p>2 Q. Mr. Regnery?</p> <p>3 A. Yeah. I think is his name, Bill</p> <p>4 Regnery. I have to look at the things again. I</p> <p>5 constantly get -- more than 75 percent of the</p> <p>6 stuff I get from the Court is stuff that has</p> <p>7 his, like, name on it. It is, like, interviews</p> <p>8 or whatever, I guess. I don't know. Or his</p> <p>9 motions or something. I don't know.</p> <p>10 Q. You think that you were sent this</p> <p>11 document, right?</p> <p>12 A. I think I was, yes. I think I was</p> <p>13 sent this one.</p> <p>14 Q. When you were sent this document, were</p> <p>15 you sent it by your attorney?</p> <p>16 A. Umm, I am not sure. I think it showed</p> <p>17 up in an orange envelope. It was either sent by</p> <p>18 the Court or by the attorney.</p> <p>19 Q. When you received this document, did</p> <p>20 you read it?</p> <p>21 A. Umm, yes.</p> <p>22 Q. Did you read it all the way through?</p> <p>23 A. I believe so.</p> <p>24 Q. What do you understand this document</p> <p>25 to be?</p>	<p style="text-align: right;">Page 233</p> <p>1 A. It is going over what constitutes a</p> <p>2 document, if I remember correctly. And, like,</p> <p>3 what needs to be produced, and defining the</p> <p>4 various things that need to be produced.</p> <p>5 Q. Do you see on the first page of this</p> <p>6 document it is called Plaintiffs' First Set of</p> <p>7 Interrogatories to All Defendants?</p> <p>8 A. Yes.</p> <p>9 Q. Do you understand all Defendants to</p> <p>10 include you?</p> <p>11 A. Yes.</p> <p>12 Q. Do you see the last page of this</p> <p>13 document the document is dated January 25, 2018?</p> <p>14 A. Yes.</p> <p>15 Q. Do you have a recollection of when you</p> <p>16 were sent this document?</p> <p>17 A. No. It was probably somewhere around</p> <p>18 there, but I am not entirely sure. I don't</p> <p>19 remember.</p> <p>20 Q. You didn't respond to these</p> <p>21 Interrogatories, did you?</p> <p>22 A. Umm, no. But, I mean, I don't know --</p> <p>23 I mean, even reading through this now, it</p> <p>24 doesn't -- it is just defining things. Like, I</p> <p>25 mean, I didn't really know what I was supposed</p>



<p style="text-align: right;">Page 234</p> <p>1 to do with this.</p> <p>2 Q. Turning to Page 5, do you see --</p> <p>3 excuse me, turning to Page 3. Do you see</p> <p>4 Paragraph 5, the definition of events?</p> <p>5 A. Yes.</p> <p>6 Q. Do you understand that events for</p> <p>7 purposes of this document includes Unite the</p> <p>8 Right, as well as the events before Unite the</p> <p>9 Right?</p> <p>10 A. Yes.</p> <p>11 Q. Including the planning of Unite the</p> <p>12 Right?</p> <p>13 A. Yes.</p> <p>14 Q. Turning to Page 8, do you see a list</p> <p>15 of Interrogatories?</p> <p>16 A. Yeah.</p> <p>17 Q. Do you see where this document states,</p> <p>18 identify all means of communication used by you</p> <p>19 to communicate concerning the events, whether</p> <p>20 before, during, or after the events. And for</p> <p>21 each means of communication, identify all names,</p> <p>22 aliases, e-mail addresses, phone numbers, and</p> <p>23 social media handles you used in connection with</p> <p>24 such communications, including the 18-digit</p> <p>25 account identifier associated with any Discord</p>	<p style="text-align: right;">Page 235</p> <p>1 account used by you.</p> <p>2 Do you see that?</p> <p>3 A. Mm-hmm, yes.</p> <p>4 Q. So, this Interrogatory asks you to</p> <p>5 identify all means of communication that you had</p> <p>6 used to communicate concerning the events,</p> <p>7 right?</p> <p>8 A. Yes.</p> <p>9 Q. Did you understand that when you read</p> <p>10 this document?</p> <p>11 A. Yeah, but it doesn't really say how,</p> <p>12 like, how -- am I supposed to reply to the</p> <p>13 e-mail? It doesn't really make sense to me.</p> <p>14 Like, this one, this other one you</p> <p>15 sent makes sense. I mean, it literally just</p> <p>16 says respond to this e-mail with what you need</p> <p>17 or what you have. This one doesn't really -- it</p> <p>18 literally just says identify. It doesn't say</p> <p>19 how to actually do it.</p> <p>20 Q. You stated that you received this</p> <p>21 document, you think, around January 2018, right?</p> <p>22 A. Yes.</p> <p>23 Q. You were represented by Mr. Kolenich</p> <p>24 at that time, right?</p> <p>25 A. Umm, I am not sure. I think that was</p>
<p style="text-align: right;">Page 236</p> <p>1 around the date. Maybe.</p> <p>2 Q. You think you were represented by Mr.</p> <p>3 Kolenich at that time?</p> <p>4 A. I think so. Maybe. I don't know the</p> <p>5 date that him and I -- he stopped representing</p> <p>6 me. I believe we have the date on this though.</p> <p>7 Hold on. He stopped -- he filed to drop me --</p> <p>8 Q. I think you are looking for Exhibit 4.</p> <p>9 A. Yes, I found it. That was July 23.</p> <p>10 So, yes, that was under him.</p> <p>11 Q. Did you ever ask Mr. Kolenich how to</p> <p>12 respond to these interrogatories?</p> <p>13 A. No, I didn't know that I had to</p> <p>14 respond. I think this might have been one of</p> <p>15 those things where they filed the motion in</p> <p>16 response to this asking for something. I don't</p> <p>17 remember what it was. So, it was delayed. Or</p> <p>18 whatever had -- didn't have to be done because</p> <p>19 they were filing a motion, is my understanding.</p> <p>20 Q. You have never been told that you had</p> <p>21 to respond to these Interrogatories?</p> <p>22 A. I don't even know how to respond to</p> <p>23 them.</p> <p>24 Q. Has anyone ever told you to respond to</p> <p>25 these Interrogatories?</p>	<p style="text-align: right;">Page 237</p> <p>1 A. No, not that I remember. Like I said,</p> <p>2 I don't -- I would like to -- like I said, I</p> <p>3 want to take care of whatever my obligation is,</p> <p>4 give you guys the clearance to get the social</p> <p>5 media accounts and to get on my phone and get</p> <p>6 imaged, or whatever. That is totally fine. But</p> <p>7 I don't know -- I don't know how I would do this</p> <p>8 with the Interrogatories.</p> <p>9 But I do know around that time, around</p> <p>10 January, that's when I remember they said they</p> <p>11 were going to be filing a motion against</p> <p>12 something here. So, I think it was supposed to</p> <p>13 be delayed. That is all I remember about that</p> <p>14 specific -- this specific page.</p> <p>15 Q. Your testimony that you have never</p> <p>16 been told to respond to these Interrogatories,</p> <p>17 including by the Court, right?</p> <p>18 A. Not that I remember, no. Or that -- I</p> <p>19 shouldn't -- I mean, I shouldn't say I was never</p> <p>20 told, because I obviously was. But I don't know</p> <p>21 how to do it.</p> <p>22 Q. Do you see --</p> <p>23 A. Reading it now even, I don't know how</p> <p>24 to do it.</p> <p>25 Q. Do you see in Paragraph 1 on this page</p>

<p style="text-align: right;">Page 238</p> <p>1 that means of communication include telephone</p> <p>2 calls, in-person meetings, and all means of</p> <p>3 electronic communication, including, for</p> <p>4 example, social media, e-mail, SMS images,</p> <p>5 podcasts, and online video?</p> <p>6 A. Yes.</p> <p>7 Q. Do you understand that this</p> <p>8 Interrogatory requires you to identify all</p> <p>9 relevant means of communication?</p> <p>10 A. Yes.</p> <p>11 Q. Do you see Interrogatory 2, identify</p> <p>12 any channel or server on Discord to which you</p> <p>13 had access?</p> <p>14 A. Yes.</p> <p>15 Q. You have not done that, have you?</p> <p>16 A. No, but I can. I mean, it is really</p> <p>17 easy, because I was one of the admins on the</p> <p>18 server. So, the answer is all.</p> <p>19 Q. The answer to this Interrogatory is</p> <p>20 that you had all -- you had access to all</p> <p>21 channels or servers?</p> <p>22 A. I had vision access, at least. Not</p> <p>23 necessarily the ability to post. But I had</p> <p>24 vision access to all of them.</p> <p>25 Q. Returning to Interrogatory No. 1 for a</p>	<p style="text-align: right;">Page 239</p> <p>1 moment. You have said that you don't know how</p> <p>2 to respond to this because you don't know how to</p> <p>3 identify all means of communication, right?</p> <p>4 A. No, i don't know, like, where am I</p> <p>5 sending this to? Am I responding to this</p> <p>6 e-mail? Am I sending a postcard? Like, how am</p> <p>7 I supposed to answer the Interrogatory?</p> <p>8 Q. Have you ever asked anyone how to</p> <p>9 answer this Interrogatory?</p> <p>10 A. At the time I got sent this was when</p> <p>11 we were filing the motion to delay, so it wasn't</p> <p>12 necessary. In the time I have gotten this, I</p> <p>13 don't have a lawyer.</p> <p>14 But this, this page right here, this</p> <p>15 one I said I never saw before, if I had seen</p> <p>16 this, it would have made a lot of sense. I</p> <p>17 would have been able to go right ahead and take</p> <p>18 care of it.</p> <p>19 Because, like I said, this form right</p> <p>20 here clearly says fill out this form and e-mail</p> <p>21 it back to us with all your accounts. And I</p> <p>22 would have -- that would have been super easy.</p> <p>23 Q. You did not do that, right? You did</p> <p>24 not fill out that form?</p> <p>25 A. No. I would like to though. I would</p>
<p style="text-align: right;">Page 240</p> <p>1 like to do that though.</p> <p>2 Q. You didn't do it at the time?</p> <p>3 A. I didn't know how to do it at the</p> <p>4 time, because I didn't -- this page right here,</p> <p>5 Exhibit 11, I hadn't even seen. So, umm, I</p> <p>6 didn't really have a choice to do it at the</p> <p>7 time. But I would like to.</p> <p>8 Q. Exhibit 11 was sent to</p> <p>9 Eli.F.Mosley@Gmail.com, right?</p> <p>10 A. Correct.</p> <p>11 Q. That is your e-mail address, right?</p> <p>12 A. Correct.</p> <p>13 Q. On which channels or servers on</p> <p>14 Discord did you post messages? Did you post</p> <p>15 messages on Charlottesville 2.0?</p> <p>16 A. Yes.</p> <p>17 Q. Vibrant Diversity?</p> <p>18 A. I am not sure.</p> <p>19 Q. Trad Worker?</p> <p>20 A. No.</p> <p>21 Q. Charlottesville 1.0?</p> <p>22 A. Yes.</p> <p>23 Q. altright.com?</p> <p>24 A. Uh, yes.</p> <p>25 Q. AnteCom?</p>	<p style="text-align: right;">Page 241</p> <p>1 A. No.</p> <p>2 Q. Southern Front?</p> <p>3 A. No.</p> <p>4 Q. Front and Center?</p> <p>5 A. No.</p> <p>6 Q. MI Goy Scouts?</p> <p>7 A. No.</p> <p>8 Q. Identity Evropa?</p> <p>9 A. Yes.</p> <p>10 Q. New Byzantium?</p> <p>11 A. No.</p> <p>12 Q. IRL Networking Events?</p> <p>13 A. Yes.</p> <p>14 Q. Operation Wolverine?</p> <p>15 A. No.</p> <p>16 Q. Far Right Escape Pod Alpha One?</p> <p>17 A. No.</p> <p>18 Q. Do you see on Page 8 of this list of</p> <p>19 Interrogatories, Interrogatory No. 3, identify</p> <p>20 all persons, natural or non-natural, with whom</p> <p>21 you communicated concerning the events, whether</p> <p>22 before, during, or after the events?</p> <p>23 A. Mm-hmm, yes.</p> <p>24 Q. Have you read that before?</p> <p>25 A. Yeah. I actually have, yeah. I just</p>



<p style="text-align: right;">Page 242</p> <p>1 don't know -- like, just give a list of all the  2 people I have talked to about the events? It  3 doesn't make sense to me. But --  4 Q. What does not make sense to you about  5 giving a list of people with whom you  6 communicated?  7 A. Right. Like, I understand that is  8 something I need to do, right. So, is that  9 going to be in this PDF I got sent, a spot to  10 list all the people?  11 Q. Are you prepared to identify the  12 persons with whom you communicated now?  13 A. Yes.  14 Q. But you haven't done it before?  15 A. No, but I would like to.  16 Q. Have you communicated concerning the  17 events, whether before, during, or after the  18 events, with Jason Kessler?  19 A. Yes.  20 Q. Erika Alduino?  21 A. Yes.  22 Q. Richard Spencer?  23 A. Yes.  24 Q. Christopher Cantwell?  25 A. Yes.</p>	<p style="text-align: right;">Page 243</p> <p>1 Q. James Alex Fields, Jr.?  2 A. No.  3 Q. Andrew Anglin?  4 A. No.  5 Q. Robert Azzmador Ray?  6 A. Yes.  7 Q. Nathan Damingo?  8 A. Yes.  9 Q. Matthew Heimbach?  10 A. Yes.  11 Q. Matthew Parrott?  12 A. No.  13 Q. Michael Hill?  14 A. Uh, no.  15 Q. Michael Tubbs?  16 A. No.  17 Q. Jeff Schoep?  18 A. No.  19 Q. Augustus Sol Invictus?  20 A. Yes.  21 Q. Michael Peinovich?  22 A. Yes.  23 Q. Identify -- is there anyone else with  24 whom you communicated concerning the events,  25 whether before, during, or after them?</p>
<p style="text-align: right;">Page 244</p> <p>1 A. No, not -- no.  2 Q. Not a single person?  3 A. I mean, I have talked to people about  4 it, obviously. But, like, I talked about, like,  5 hey, this crazy thing happened, or whatever. I  6 don't know -- like, everyone I have communicated  7 with. I mean, that is a list of thousands of  8 people.  9 Q. You have not made a list of people you  10 communicated with concerning the events, have  11 you?  12 A. No, but I can. I can make a list of  13 the people I have communicated with concerning  14 the events. I mean, more than half of them I  15 won't even know their real names. Most people  16 operate anonymously. I can give pseudonyms or  17 fake names or whatever that they use if I  18 remember them. But --  19 Q. Do you understand Interrogatory No. 3  20 is asking you to identify all those persons?  21 A. Yes. And I would be fine with doing  22 that. Like I said, it is going to be a  23 difficult task.  24 Q. Do you see Interrogatory No. 4, that  25 asks you to identify all electronic devices used</p>	<p style="text-align: right;">Page 245</p> <p>1 by you to communicate concerning the events,  2 whether before, during, or after the events?  3 A. Yes.  4 Q. You have not done that in the past,  5 have you?  6 A. No, but I would like to. I have my  7 cell phone ready to do that. Not today. But  8 literally, like, tomorrow or even tonight I  9 would send it out. It doesn't matter.  10 Q. You understand that this Interrogatory  11 asks you to identify all electronic devices that  12 you used, even if you no longer use them, right?  13 A. Yes.  14 Q. Do you understand that this  15 Interrogatory asks you to identify all  16 electronic devices that you used, even if they  17 did not belong to you?  18 A. Yes.  19 Q. For example, if you borrowed someone  20 else's phone, that would be included, right?  21 A. Yes.  22 Q. So, Mr. Spencer's computer, for  23 example, would be included if you used it to  24 communicate concerning the events, right?  25 A. Correct.</p>

<p style="text-align: right;">Page 246</p> <p>1 MR. BARKAI: How much time is left on</p> <p>2 the tape?</p> <p>3 THE VIDEOGRAPHER: About 15 minutes.</p> <p>4 MR. BARKAI: 15 minutes. We'll go for</p> <p>5 another approximately 15 minutes, then we'll</p> <p>6 break for lunch.</p> <p>7 THE WITNESS: Okay. How much longer</p> <p>8 do you think this is going to be?</p> <p>9 MR. BARKAI: I think you should</p> <p>10 anticipate being here for basically the whole</p> <p>11 day.</p> <p>12 THE WITNESS: Okay. So, not tomorrow?</p> <p>13 Because it did say it could go multiple days.</p> <p>14 Not tomorrow?</p> <p>15 MR. BARKAI: We are not making a</p> <p>16 commitment one way or the other. We'll see how</p> <p>17 it goes.</p> <p>18 THE WITNESS: Okay.</p> <p>19 MR. BARKAI: You can keep your</p> <p>20 microphone on. We are still going for</p> <p>21 another --</p> <p>22 THE WITNESS: I thought you said you</p> <p>23 were taking a break.</p> <p>24 MR. BARKAI: -- 15 minutes. We'll</p> <p>25 take a break in about 15 minutes.</p>	<p style="text-align: right;">Page 247</p> <p>1 (Exhibit 13, 3/26/2018 Order, marked</p> <p>2 for identification.)</p> <p>3 BY MR. BARKAI:</p> <p>4 Q. Mr. Kline, you have been handed a</p> <p>5 document that's been marked as Exhibit 13.</p> <p>6 Have you seen this before?</p> <p>7 A. I don't think so, but maybe. I</p> <p>8 believe so.</p> <p>9 Q. At this time when this document was</p> <p>10 created -- well, first, do you see this document</p> <p>11 was created in March of 2018?</p> <p>12 A. Yes.</p> <p>13 Q. You were still being represented by</p> <p>14 Mr. Kolenich at the time, right?</p> <p>15 A. Correct.</p> <p>16 Q. Do you see that this document is an</p> <p>17 Order by Judge Hoppe?</p> <p>18 A. Yes.</p> <p>19 Q. You don't remember Mr. Kolenich ever</p> <p>20 speaking to you about this Order?</p> <p>21 A. No, I have never seen this Order. I</p> <p>22 am not too sure what it is saying yet, either.</p> <p>23 Is this declining the motion they did to delay</p> <p>24 or change the discovery, I guess? I don't know.</p> <p>25 Q. Do you see on Page 3 that the Order</p>
<p style="text-align: right;">Page 248</p> <p>1 states that Defendant Peinovich's motion to --</p> <p>2 excuse me -- Defendant Peinovich's motion to</p> <p>3 stay discovery is denied?</p> <p>4 A. I do, yes.</p> <p>5 Q. Do you see further down on Page 3 the</p> <p>6 Defendants are directed to answer, respond, or</p> <p>7 object to Plaintiffs' First Set of Discovery</p> <p>8 Requests within 21 days from the date of this</p> <p>9 Order?</p> <p>10 A. Yes.</p> <p>11 Q. So, the Court ordered you as well as</p> <p>12 other Defendants to respond to Plaintiffs'</p> <p>13 Discovery Requests within 21 days, right?</p> <p>14 A. Yep. I never seen this -- I never</p> <p>15 seen this document for sure. I have never seen</p> <p>16 this one.</p> <p>17 Q. Did Mr. Kolenich ever inform you that</p> <p>18 you were being ordered to respond to Plaintiffs'</p> <p>19 Discovery Requests?</p> <p>20 A. Yes. But, again, I was never told how</p> <p>21 to go through and do that.</p> <p>22 Q. When did Mr. Kolenich inform you of</p> <p>23 that requirement?</p> <p>24 A. I am not too sure. Before they</p> <p>25 dropped me, obviously. But I don't know exactly</p>	<p style="text-align: right;">Page 249</p> <p>1 when.</p> <p>2 Q. Did Mr. Kolenich inform you that you</p> <p>3 were being instructed to respond to Plaintiffs'</p> <p>4 Discovery Requests in March of 2018?</p> <p>5 A. Uh, no. I actually didn't know -- I</p> <p>6 didn't know what ended up happening with that</p> <p>7 motion that Mike filed. I never followed up or</p> <p>8 saw what happened with it. So, I mean, I</p> <p>9 figured it got blocked or whatever, or whatever</p> <p>10 happened with it. But I never actually saw the</p> <p>11 paperwork saying that.</p> <p>12 Q. When you were referring to Mike, you</p> <p>13 mean Mr. Peinovich?</p> <p>14 A. Yes.</p> <p>15 Q. Does this -- do you now see based on</p> <p>16 this Order that Mr. Peinovich's order to stay</p> <p>17 discovery was denied?</p> <p>18 A. Yes.</p> <p>19 Q. Does this refresh your recollection at</p> <p>20 all as to whether Mr. Kolenich discussed with</p> <p>21 you that you are required to submit to</p> <p>22 Plaintiffs' Discovery Requests?</p> <p>23 A. No, it doesn't.</p> <p>24 Q. Your testimony is that you were not</p> <p>25 aware that was a requirement?</p>

<p style="text-align: right;">Page 250</p> <p>1 A. No. My testimony is that I knew I had 2 to do discovery, I just didn't know how to do it 3 and then where to send it to. 4 Again, this paper just says, again -- 5 here it says send it in within 21 days. Okay, 6 well, what -- who -- like, what, in send what? 7 The -- this is the closest thing, this -- 8 Exhibit 11 is the closest thing I have seen to 9 actually telling me how to follow through with 10 my discovery obligations. 11 Q. You were being -- 12 A. No. 11, and whatever this -- I guess 13 it is 12. 14 Q. You were being represented by Mr. 15 Kolenich at the time that this motion to stay 16 discovery was denied, correct? 17 A. Yes. 18 Q. Did you ask Mr. Kolenich how to comply 19 with your discovery obligations? 20 A. I didn't -- I didn't receive this one. 21 But, yes, I believe I did. And I didn't really 22 get a straight answer. I never got a straight 23 answer out of anyone I asked about how to comply 24 with discovery. 25 Q. You asked Mr. Kolenich and you never</p>	<p style="text-align: right;">Page 251</p> <p>1 got a straight answer? 2 A. Well, no. I don't know -- what I am 3 saying is he had sent me -- or he had told me 4 about this motion to the discovery motion, and I 5 have never seen that this was dismissed. On my 6 next communication with him or my further 7 communication with him was on the basis this was 8 still going. I didn't know -- I didn't know 9 this had happened. 10 Q. You testified just a few minutes ago 11 that Mr. Kolenich did tell you that you had to 12 comply with discovery requirements? 13 A. Yes. When the case first started, he 14 explained to me what discovery was and what I 15 would have to do in general. But as far as the 16 specific send this document or send this to this 17 person or do that, the very specifics of it, I 18 never got anything. 19 Q. No one's ever told you how to do 20 anything specific? 21 A. No, no. 22 (Exhibit 14, transcript of 4/19/2018 23 telephonic hearing, marked for identification.) 24 BY MR. BARKAI: 25 Q. Mr. Kline, does this appear to you to</p>
<p style="text-align: right;">Page 252</p> <p>1 be the transcript of a hearing before Judge 2 Hoppe in this case? 3 A. Yes. 4 Q. Does this appear to you to be a 5 transcript from April 19, 2018? 6 A. Yes. 7 Q. Would you please turn to Page 4? 8 A. Yes. 9 Q. Do you see at the bottom of Page 4 a 10 statement from Mr. Kolenich to the Court, quote, 11 since very early on in this litigation, I have 12 had an inability to communicate with Mr. Kline. 13 And I have communicated with him through members 14 of a group, Identity Evropa, and they recently 15 have had difficulty communicating with him as 16 well. And neither I nor they have been able to 17 get him to participate in this litigation. 18 Do you see that? 19 A. Yes. 20 Q. Then do you see a few lines later at 21 Line 12, do you see that Mr. Kolenich told the 22 Court, and we just have had no communication 23 with him at all. It is not as if we haven't 24 tried. He is just not participating, closed 25 quote.</p>	<p style="text-align: right;">Page 253</p> <p>1 A. Yes, I see that. 2 Q. Mr. Kolenich told the Court that he 3 had become unable to communicate with you, 4 right? 5 A. Yes. 6 Q. He couldn't get you to participate in 7 the litigation, right? 8 A. That's what he says, yes. 9 Q. Even though he had tried to 10 communicate with you, correct? 11 A. Yes. That's what he says again. 12 Q. Why was he unable to communicate with 13 you? 14 A. The phone issues that I talked about 15 earlier. I had been having phone issues. That 16 is the reason I got that Walmart phone. And 17 then I finally fixed the phone and I just -- I 18 wasn't able to communicate with him, apparently. 19 THE VIDEOGRAPHER: I'm sorry, could 20 you fix the mic? It is about to fall off. 21 THE WITNESS: Yeah, yeah. 22 BY MR. BARKAI: 23 Q. Mr. Kolenich was unable to communicate 24 with you due to phone issues in April 2018 and 25 prior to that, right?</p>

<p style="text-align: right;">Page 254</p> <p>1 A. From April all through -- yeah,  2 through -- for awhile, through that whole  3 summer, in the middle of that summer when that  4 phone -- until I used that phone, or whatever,  5 the Walmart one.  6 Q. Did you give Mr. Kolenich the phone  7 (sic) of your temporary Walmart --  8 A. Yes.  9 Q. -- phone?  10 A. And I never got anything from him.  11 Q. Your testimony is that you gave Mr.  12 Kolenich the number of your Walmart phone?  13 A. Yes. The new phone number, yeah, I  14 did.  15 Q. But he never called you?  16 A. No. Not that I know of. I mean, I  17 have to go through the phone to check to see. I  18 mean, it was a year ago. But I don't remember  19 him ever calling that phone.  20 Q. You don't remember Mr. Kolenich ever  21 trying to get in touch with you?  22 A. Not on that phone. I mean, I know  23 when I finally got the phone, the iPhone working  24 again, I went through, I had missed calls from  25 him, voicemail -- a couple voicemails. But</p>	<p style="text-align: right;">Page 255</p> <p>1 nothing on the new phone I sent them.  2 I would have to go back and check to  3 see if he called me on that phone to be sure or  4 not.  5 Q. Did you try to check your voicemail  6 from any other phone to see if anyone had tried  7 to call you?  8 A. No.  9 Q. Did you try to check your e-mail  10 address from any other device to see if anyone  11 had tried to e-mail you?  12 A. No.  13 Q. Do you see at the bottom of Page 4 in  14 Line 24 Mr. Kolenich said since very early on in  15 this litigation, I had had an inability to  16 communicate with Mr. Kline?  17 A. Yes.  18 Q. When did your phone issues first occur  19 where you were not able to use your iPhone?  20 A. Like, January.  21 Q. Your phone issues occurred in January?  22 A. Yeah. My -- my -- yeah, phone has  23 been -- my phone -- the water damage happened in  24 January, I believe. Maybe December, even. I  25 just know it was snowing outside. It was -- or</p>
<p style="text-align: right;">Page 256</p> <p>1 it was snow on the ground. It was, like, wet  2 raining or whatever.  3 Q. When did you fix your iPhone?  4 A. Well, there has been multiple times I  5 have had to fix it. I fixed it --  6 Q. From your water damage.  7 A. The water damage would be the end of  8 the summer, end of that summer, I guess.  9 Q. You were using your Walmart phone from  10 January 2018 to the end of the summer?  11 A. No, I still used the phone until the  12 beginning or the end of spring. It wasn't  13 totally broken. For some reason it just wasn't  14 receiving all calls or all texts. So, I kept  15 using it for awhile. So, it was from the middle  16 of spring, I guess, until the middle of summer.  17 Q. So, your water damage occurred in  18 January; is that right?  19 A. I mean, yeah. Middle of winter.  20 Q. And then your phone continued to work  21 for awhile afterwards?  22 A. Yeah, it basically worked. But for  23 some reason I wasn't getting calls or  24 voicemails. Or sometimes I would get a text  25 message and it would, like -- or I would send a</p>	<p style="text-align: right;">Page 257</p> <p>1 text message, it would send multiple times,  2 things like that. It was a wonky issue with the  3 phone.  4 Then it stopped working altogether.  5 That is when I got the new Walmart phone.  6 Q. When did it stop working altogether?  7 A. Middle of spring -- or middle of  8 spring that year.  9 THE VIDEOGRAPHER: Five minutes.  10 MR. BARKAI: Thank you.  11 BY MR. BARKAI:  12 Q. Mr. Kline, is -- could you turn to  13 Exhibit 4 again, please?  14 A. I got it.  15 Q. Do you see in Paragraph 3 that Mr.  16 Kolenich and Mr. Woodard informed the Court that  17 they asked for other clients who used to know  18 Mr. Kline to reach out and advise we would have  19 to withdraw if we did not hear from him?  20 A. Yes, I see that.  21 Q. Do you remember being informed by  22 anyone that --  23 A. No.  24 Q. -- your attorneys would have to  25 withdraw if they did not hear from you?</p>



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1 A. No.

2 Q. In Paragraph 4, do you see that Mr.

3 Kolenich and Mr. Woodard informed the Court,

4 quote, Mr. Kline was told that we would need to

5 speak with him regularly to defend him in this

6 and other litigation and he has to stay in touch

7 in order for us to properly represent him. Mr.

8 Kline agreed, end quote.

9 A. Yes.

10 Q. Do you remember that?

11 A. Yeah.

12 Q. When did that occur?

13 A. Umm, I think it was the same

14 conversation we had just explaining the

15 discovery process. Not saying hey, you need to

16 turn something in. But just saying hey, don't

17 delete your stuff, and that kind of thing. Just

18 having a general conversation.

19 Q. Your understanding of this document is

20 that was a general conversation in the beginning

21 of the discovery process?

22 A. No, at the beginning of when we first

23 -- when they first took the case and when they

24 spoke -- I spoke to them, they said they would

25 have to keep in regular touch, or whatever. And

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1 when this conversation was. Because I don't --

2 I don't know when that was.

3 Q. You don't remember this conversation

4 with Mr. Kolenich and Mr. Woodard?

5 A. I just don't know when -- I was never

6 on the phone with both of them, ever. I was

7 only ever talking to one or the other.

8 Umm, but I don't even know when that

9 conversation was.

10 Q. In Paragraph 5 you see that Mr.

11 Woodard and Mr. Kolenich stated Plaintiffs

12 requested to set the deposition of Mr. Kline.

13 Mr. Kline was advised by the undersigned more

14 than once to let us know what a convenient time

15 and place for his deposition would be.

16 A. And I told them it would be

17 Harrisburg, and I told them any time. That is

18 100 percent what I told them.

19 Q. The date on this document is July 23,

20 2018. Do you see that?

21 A. Mm-hmm, yes.

22 Q. So, this is not referring to the

23 deposition we are here today. This is referring

24 to a prior deposition, correct?

25 A. And I told them for that deposition, I

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1 they also -- in that same conversation they also

2 said don't delete anything, anything like that,

3 for the discovery process.

4 Q. Looking back at Paragraph 3, which is

5 on the prior page, do you see that Mr. Kolenich

6 and Mr. Woodard informed the Court, only at the

7 last minute and after we requested other clients

8 who used to know Mr. Kline to reach out and

9 advise we would have to withdraw if we did not

10 hear from him, did Mr. Kline respond and allow

11 us to respond to discovery?

12 A. Mm-hmm, yes. I don't even know who it

13 was that reached out to me. But -- I don't know

14 who that would have been.

15 Q. Then in Paragraph 4, Mr. Woodard and

16 Mr. Kline told the Court -- sorry, Mr. Woodard

17 and Mr. Kolenich told the Court at that, Mr.

18 Kline was told that we would need to speak with

19 him regularly to defend him in this and other

20 litigation, and he has to stay in touch for us

21 to properly represent him. Mr. Kline agreed.

22 So, Mr. Woodard and Mr. Kolenich

23 informed the Court that you had a conversation

24 with them after --

25 A. I would just be -- I would be curious

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1 told them that they can have it in Harrisburg.

2 And I said that it is up to them when they

3 wanted it. I was very open.

4 Q. In July of 2018 --

5 A. Yes.

6 Q. -- you told your attorneys that you

7 were open for a deposition in Harrisburg at any

8 time?

9 A. Yes.

10 THE VIDEOGRAPHER: About a minute.

11 MR. BARKAI: Okay.

12 BY MR. BARKAI:

13 Q. So, Mr. Kline, when Mr. Woodard and

14 Mr. Kolenich said you responded with, quote,

15 complete and nonresponsive silence, is that not

16 true?

17 A. I mean, obviously not. They are

18 talking about how I responded to them. So, I

19 was in communication with them for awhile.

20 Q. They said that you did not respond to

21 their request for your availability for a

22 deposition.

23 A. And I am 100 percent telling you I

24 told them I could do Harrisburg whenever is

25 convenient.

<p style="text-align: right;">Page 262</p> <p>1 Q. So, they are wrong?</p> <p>2 A. Yes. I 100 percent told them that. I</p> <p>3 know I told them verbally over the phone. I</p> <p>4 wouldn't be surprised if I have text messages</p> <p>5 saying that.</p> <p>6 Q. Text messages on your iPhone?</p> <p>7 A. I probably do have -- I don't know.</p> <p>8 Like I said, I have to check. But I wouldn't be</p> <p>9 surprised if my text messages said Harrisburg</p> <p>10 and whenever. But I know I told them that</p> <p>11 verbally.</p> <p>12 MR. BARKAI: I think this is a good</p> <p>13 time to break for lunch.</p> <p>14 THE WITNESS: Okay.</p> <p>15 MR. BARKAI: Let's go off the record.</p> <p>16 THE VIDEOGRAPHER: Time is now 2:13</p> <p>17 p.m., we are going off the video record.</p> <p>18 (Lunch recess was taken.)</p> <p>19 THE VIDEOGRAPHER: The time is now</p> <p>20 3:00 p.m., we are back on the video record.</p> <p>21 BY MR. BARKAI:</p> <p>22 Q. Welcome back, Mr. Kline.</p> <p>23 A. Hi.</p> <p>24 Q. When we were going off the record, you</p> <p>25 had said that you were going to check to see if</p>	<p style="text-align: right;">Page 263</p> <p>1 you had Mr. Russo's phone number?</p> <p>2 A. I couldn't find it. The only way I</p> <p>3 could think it would be in there is if I never</p> <p>4 saved it as his phone number and it is in there</p> <p>5 as a number. Do you know what I mean? Like, if</p> <p>6 you have text messages, they show up as numbers.</p> <p>7 I didn't want to go through every single one of</p> <p>8 those numbers, you know what I mean? I</p> <p>9 shouldn't say I didn't want to. There are just</p> <p>10 so many of them, that I have numbers -- text</p> <p>11 messages from numbers that aren't contacts in my</p> <p>12 phone.</p> <p>13 So, I went through a couple of them,</p> <p>14 but I couldn't find it. But I do have text</p> <p>15 messages from him somewhere. When you image the</p> <p>16 phone or whatever, it'll show up. It'll be</p> <p>17 obvious it is him.</p> <p>18 Q. You had told us before lunch that you</p> <p>19 had provided Mr. Kolenich with the phone number</p> <p>20 for your temporary Walmart phone --</p> <p>21 A. Yes.</p> <p>22 Q. -- that you used while your iPhone was</p> <p>23 broken, correct?</p> <p>24 A. Correct.</p> <p>25 Q. Do we have your permission to ask Mr.</p>
<p style="text-align: right;">Page 264</p> <p>1 Kolenich for the phone number that you provided</p> <p>2 him?</p> <p>3 A. Yeah. If you want, yeah.</p> <p>4 Q. Before we broke for lunch, we were</p> <p>5 speaking about the Request for Production in the</p> <p>6 Interrogatories that Plaintiffs had served on</p> <p>7 you before.</p> <p>8 A. Yes.</p> <p>9 Q. Do you remember that? You have never</p> <p>10 responded to any of those Requests for</p> <p>11 Production, correct?</p> <p>12 A. No, not yet. But I would like to.</p> <p>13 Q. You have never responded to any of</p> <p>14 those Interrogatories, have you?</p> <p>15 A. No. But I want to respond to those</p> <p>16 and get this taken care of, get the discovery</p> <p>17 portion taken care of.</p> <p>18 Q. You testified that Mr. Kolenich never</p> <p>19 informed you how to respond to the Request for</p> <p>20 Production, right?</p> <p>21 A. No, no. I never got any, like, step</p> <p>22 one do this, or send an e-mail to this person,</p> <p>23 or here is a form, or anything like that, no.</p> <p>24 Q. The Court never informed you how to</p> <p>25 comply with your discovery obligations?</p>	<p style="text-align: right;">Page 265</p> <p>1 A. There is an e-mail in one of these</p> <p>2 exhibits that looks like it was. But I never --</p> <p>3 I never read that e-mail. The one from July 1,</p> <p>4 I believe it is. So, it is -- hold on a second.</p> <p>5 Q. Is that Exhibit 11?</p> <p>6 A. Umm, hold on. Let me put these back</p> <p>7 in order so I can find them.</p> <p>8 Yes, Exhibit 11 is the one I am</p> <p>9 talking about.</p> <p>10 Q. Aside from Exhibit 11, you have never</p> <p>11 been told how to comply with your discovery</p> <p>12 obligations?</p> <p>13 A. No, not the actual means. But I would</p> <p>14 like to.</p> <p>15 Q. When Google removed your</p> <p>16 IdentityEvropa.com e-mail address, did it</p> <p>17 remove, as far as you know, all</p> <p>18 IdentityEvropa.com e-mail addresses?</p> <p>19 A. So, I first got my e-mail address</p> <p>20 removed by Identity Evropa itself. So, by</p> <p>21 Nathan Damingo. Then I heard on a news article</p> <p>22 that they had their Google stuff taken away a</p> <p>23 couple months later. So, I don't know the terms</p> <p>24 of them removing -- Google removing their stuff.</p> <p>25 Q. Was it your understanding when Google</p>

<p style="text-align: right;">Page 266</p> <p>1 removed, quote, the Google stuff, that that was  2 all of Identity Evropa's data that Google was  3 hosting?  4 A. I am unsure. Like I said, I never  5 touched the back end or anything. I never did  6 anything with the websites or anything like  7 that, or any data stuff.  8 Q. When did Mr. Damingo remove --  9 A. So, I --  10 Q. -- your Identity Evropa e-mail  11 address?  12 A. I left Identity Evropa in the spring  13 of 2018 and it was done the next day. So,  14 spring of 2018. Umm, if you -- I don't know the  15 exact date. But it was done in spring of 2018,  16 I believe.  17 Q. Mr. Kolenich stopped representing you  18 at a certain point, right?  19 A. Yes.  20 Q. And after he stopped representing you,  21 you did not appear at conferences with the  22 Court, right, until July 2, 2019?  23 A. Correct.  24 Q. Why did you fail to appear at those  25 conferences with the Court?</p>	<p style="text-align: right;">Page 267</p> <p>1 A. I didn't know I was requested for any  2 of the conferences or anything like that.  3 Q. Only --  4 A. The only things I had gotten in the  5 mail, like I said before, were things about a  6 Bill Regnery. That was, like -- they were,  7 like, Court documents like this being sent to my  8 house. Like I said, more than 75 percent of the  9 things I get are things with his name on it.  10 Q. How do you spell Regnery?  11 A. I am unsure. It is -- umm, I don't  12 know how to spell it.  13 Q. So, your testimony is that you were  14 never informed of the Court conferences that you  15 were supposed to attend?  16 A. No, I didn't know which ones I was  17 supposed to attend. Because I was getting -- I  18 am getting ones that say, hey, you have to be on  19 this call, and it is literally just, like, some  20 kind of conference call about Bill Regnery's  21 thing.  22 Q. Is that related to Sines versus  23 Kessler?  24 A. I thought it was, but maybe it is not.  25 Maybe it is something separate. I don't know.</p>
<p style="text-align: right;">Page 268</p> <p>1 Q. Have you appeared on conference calls  2 about Bill Regnery?  3 A. No, no. Because I knew it had nothing  4 to do with me.  5 Q. Did you tell anyone when you got those  6 notices that this had nothing to do with you?  7 A. No.  8 Q. How often did you receive notices  9 about Bill Regnery?  10 A. Umm, probably once or twice a month.  11 Q. When did those notices begin?  12 A. Since the beginning of this whole --  13 the whole court case I have been getting them.  14 Probably summer or spring, after the initial  15 thing was filed.  16 Q. How did you receive those notices?  17 A. When I would come back to my parents'  18 place, they would have my stack of mail and it  19 was in there.  20 Q. You received stacks of mail at your  21 parents' place?  22 A. Right. Yeah. I would go through it  23 would say something, like, you know, Bill  24 Regnery files motion to do blah, blah, blah.  25 Like, this whole -- you know what I mean? The</p>	<p style="text-align: right;">Page 269</p> <p>1 whole thing. I was, like, okay. And I would  2 read through the whole thing and I was, like,  3 why is this something that matters to me?  4 Q. When you --  5 A. I always assumed it was part of the  6 discovery for this case, that he was being asked  7 questions for discovery and he was filing  8 motions to not be part of discovery.  9 Q. Were you sued in another lawsuit?  10 A. I might be. I don't know, actually.  11 It might be another case. Or I might be called  12 as a witness for another case. But this was the  13 only lawsuit that I know that my name was on.  14 Q. Have you been --  15 A. It might also be that Identity Evropa  16 was being sued and my name was on it when that  17 lawsuit went through. So, maybe I am getting  18 mail for it. I am unsure.  19 But all the mail that is related to  20 that has been from -- or has been related to  21 Bill Regnery is whatever is going on with that.  22 As soon as I see one of these court cases and I  23 saw Bill Regnery, blah, blah, blah, blah, blah,  24 I didn't know what to do with it.  25 Q. When you receive mail at your parents'</p>



<p style="text-align: right;">Page 270</p> <p>1 house, you reviewed that mail?</p> <p>2 A. Most of it. Like I said --</p> <p>3 Q. Most of the mail?</p> <p>4 A. I would come home after, like, a month</p> <p>5 of being gone, or two months being gone, and</p> <p>6 there would be, you know, five or six brown</p> <p>7 envelope court documents, all with Bill Regnery</p> <p>8 stuff on it. So, obviously I didn't read all of</p> <p>9 it. They were -- some of them were, you know,</p> <p>10 50 pages long, 60 pages long. None of them had</p> <p>11 my name on it anywhere.</p> <p>12 Q. Was there also mail at your parents'</p> <p>13 house involving this case --</p> <p>14 A. Yes.</p> <p>15 Q. -- Sines v. Kessler?</p> <p>16 A. Yes.</p> <p>17 Q. Did you read that mail?</p> <p>18 A. Yes. When I -- when I -- when I saw</p> <p>19 -- like I said, some of the exhibits in here, I</p> <p>20 called out I never received and I never saw.</p> <p>21 So, I don't know if that means that they were</p> <p>22 just e-mailed to me and I didn't see them, or</p> <p>23 what.</p> <p>24 Q. Is there any e-mail address that we</p> <p>25 should be using to contact you, besides</p>	<p style="text-align: right;">Page 271</p> <p>1 Eli.F.Mosley@Gmail.com?</p> <p>2 A. No, that is the best one.</p> <p>3 Q. You are able to log into that account?</p> <p>4 A. Yes.</p> <p>5 Q. You receive e-mails at that account?</p> <p>6 A. Yes.</p> <p>7 Q. Do you read those e-mails?</p> <p>8 A. Yes.</p> <p>9 Q. Do you respond to those e-mails?</p> <p>10 A. Yes. I mean, I am able to now. So,</p> <p>11 yes. I finally was able to get my -- that</p> <p>12 e-mail address on this phone. So --</p> <p>13 Q. You'll respond to those e-mails going</p> <p>14 forward?</p> <p>15 A. Yes.</p> <p>16 Q. Is there a phone number that we should</p> <p>17 be using to reach you besides the 610 phone</p> <p>18 number?</p> <p>19 A. I don't know that phone number. But I</p> <p>20 can let you know -- like I said, I have a new</p> <p>21 phone. It is ready to be activated. I was</p> <p>22 talking with my dad on the way out and I asked</p> <p>23 him, hey, what's that new phone number. He</p> <p>24 didn't know what it is, because I was going to</p> <p>25 give it to you guys so you have it. He doesn't</p>
<p style="text-align: right;">Page 272</p> <p>1 know that. I can give it to you guys as soon as</p> <p>2 I get it.</p> <p>3 Q. Will you provide that phone number to</p> <p>4 us as soon as you get it?</p> <p>5 A. Yes.</p> <p>6 Q. How will you do that?</p> <p>7 A. Umm, how do you guys want? I can --</p> <p>8 what, e-mail you guys back on one -- one of the</p> <p>9 e-mails, e-mail addresses you guys sent.</p> <p>10 Q. Umm, will you e-mail that phone number</p> <p>11 to us in response to the e-mails -- inbox from</p> <p>12 Michael Bloch?</p> <p>13 A. Yeah, exactly. When I get an e-mail</p> <p>14 from you guys, I'll respond by the way, my new</p> <p>15 number is whatever. The Court will have it, you</p> <p>16 guys will have it. And then hopefully everyone</p> <p>17 has it, or whatever.</p> <p>18 Q. Are you aware that Plaintiffs filed a</p> <p>19 motion in October 2018 to get the Judge to have</p> <p>20 your electronic devices imaged?</p> <p>21 A. No, I did not know that. I knew that</p> <p>22 it was part of the discovery process, getting</p> <p>23 devices imaged. Like I said, there was nothing,</p> <p>24 like -- there was no means for me to do that. I</p> <p>25 didn't know how we were supposed to be doing</p>	<p style="text-align: right;">Page 273</p> <p>1 that.</p> <p>2 Q. But you were aware that you were</p> <p>3 supposed to have your devices imaged?</p> <p>4 A. Yes. I knew that was part of the</p> <p>5 process, which is why I saved the phone.</p> <p>6 Q. Who told you that you needed to have</p> <p>7 your devices imaged?</p> <p>8 A. Mr. Kolenich, when I -- like I said,</p> <p>9 when he originally picked up the case.</p> <p>10 Q. When did he tell you that you needed</p> <p>11 to have your devices imaged?</p> <p>12 A. It was just part of a general</p> <p>13 conversation of how discovery works. Like I</p> <p>14 said before, when he first picked up the case,</p> <p>15 he said things, like, don't delete your stuff,</p> <p>16 it is part of discovery. And they are going to</p> <p>17 take your phone and image it, or whatever.</p> <p>18 That is how -- then it goes to, I</p> <p>19 guess, a third-party company he explained. They</p> <p>20 put it in some database that queries all the</p> <p>21 information, or something. I don't know. He</p> <p>22 was explaining it to me then. It was awhile</p> <p>23 ago.</p> <p>24 Q. You had that conversation when Mr.</p> <p>25 Kolenich originally pinged up the case?</p>

<p style="text-align: right;">Page 274</p> <p>1 A. Yes.</p> <p>2 Q. Have you had any conversations with</p> <p>3 Mr. Kolenich since then about imaging your</p> <p>4 phone?</p> <p>5 A. No.</p> <p>6 Q. Never since he picked up the case?</p> <p>7 A. No.</p> <p>8 Q. Approximately when was it that he</p> <p>9 picked up the case?</p> <p>10 A. Umm, I want to say winter 2018, but I</p> <p>11 really don't know that date when he actually</p> <p>12 picked it up. This lawsuit was filed a couple</p> <p>13 months after Charlottesville. So, it would have</p> <p>14 been a month or two after that.</p> <p>15 Q. So, since 2017 when the lawsuit was</p> <p>16 filed and Mr. Kolenich picked up the case, since</p> <p>17 that time you haven't had any further</p> <p>18 conversations about imaging your phone?</p> <p>19 A. No. I have no idea how to get that</p> <p>20 started or what I need to do.</p> <p>21 Q. Mr. Kolenich didn't tell you?</p> <p>22 A. No.</p> <p>23 Q. Did Plaintiffs tell you?</p> <p>24 A. Not that I -- no -- nothing I know of.</p> <p>25 Like I said, this Exhibit 11 is the closest</p>	<p style="text-align: right;">Page 275</p> <p>1 thing I have gotten to this is how you do this,</p> <p>2 A, B, C.</p> <p>3 (Exhibit 15, Discord consent form,</p> <p>4 marked for identification.)</p> <p>5 BY MR. BARKAI:</p> <p>6 Q. Mr. Kline, you have been handed a</p> <p>7 document marked Exhibit 15.</p> <p>8 Do you recognize this?</p> <p>9 A. Yes, actually I do.</p> <p>10 Q. What is this?</p> <p>11 A. This is -- I mean, it didn't look like</p> <p>12 this when they sent it to me. But Discord, I</p> <p>13 believe, sent this to me. And I e-mailed them</p> <p>14 back with it signed, or whatever. They e-mailed</p> <p>15 this to me in PDF form, and I said yes. And</p> <p>16 then they banned my account, like, two weeks</p> <p>17 later, or something like that.</p> <p>18 Q. When was this?</p> <p>19 A. I think this is -- I don't know. I</p> <p>20 have no idea what time -- when that was. My</p> <p>21 Discord account was banned this -- I guess in</p> <p>22 late 2018, early 2019.</p> <p>23 Q. Your Discord account was banned in</p> <p>24 2018 or 2019?</p> <p>25 A. I don't know exactly when it was</p>
<p style="text-align: right;">Page 276</p> <p>1 banned. I think it was somewhere in there, late</p> <p>2 '18, early '19 was that Discord account ban.</p> <p>3 Is this -- yeah, I believe this is</p> <p>4 something that they sent me. Because, like I</p> <p>5 said, I responded to this. I did not get one of</p> <p>6 these from Twitter, because they did not have my</p> <p>7 e-mail address, I guess. I did get one of these</p> <p>8 from Discord.</p> <p>9 Q. Do you recognize this document as a --</p> <p>10 A. I think anyway.</p> <p>11 Q. Do you recognize this document as a</p> <p>12 consent form for Discord to disclose your data?</p> <p>13 A. Yes.</p> <p>14 Q. You stated earlier that you are</p> <p>15 prepared to execute whatever consents you need</p> <p>16 to execute --</p> <p>17 A. Yes.</p> <p>18 Q. -- in discovery, right?</p> <p>19 A. This is one of the things I thought I</p> <p>20 had already done.</p> <p>21 Q. Are you prepared to execute this</p> <p>22 today?</p> <p>23 A. Yes.</p> <p>24 Q. What e-mail account did Discord send</p> <p>25 this e-mail to?</p>	<p style="text-align: right;">Page 277</p> <p>1 A. It was probably the Deplorable Truth</p> <p>2 one. I -- I assume so. Maybe you guys know. I</p> <p>3 assume probably that.</p> <p>4 Q. How did --</p> <p>5 A. But it might have been Eli F. Mosley,</p> <p>6 because the Court gave it to them. I don't</p> <p>7 know.</p> <p>8 Q. You used either</p> <p>9 DeplorableTruth@Gmail.com or</p> <p>10 Eli.F.Mosley@Gmail.com to respond?</p> <p>11 A. Yes, it was one of those two.</p> <p>12 Q. Mr. Kline, are you -- do you have</p> <p>13 access to those e-mails now?</p> <p>14 A. Like, right now? On my phone, maybe.</p> <p>15 I might. I don't know. I would have to go</p> <p>16 through and look.</p> <p>17 Q. You might have access to the e-mails</p> <p>18 on your phone?</p> <p>19 A. I mean, I -- the Deplorable Truth and</p> <p>20 Eli Mosley are both on there. The fact would be</p> <p>21 can I go through and find the e-mail, or</p> <p>22 whatever.</p> <p>23 But, yeah, I have -- like I said, I</p> <p>24 e-mailed them back saying, yes, I approve. And</p> <p>25 I remember, I was waiting -- I was waiting for</p>

<p style="text-align: right;">Page 278</p> <p>1 them to send it, or whatever. Then I actually  2 got an e-mail on my phone and it was from  3 Discord. I was like oh, they finally got,  4 responded. It was two weeks later. I looked  5 down, it said your account has been banned from  6 Discord. I was, like, okay, I signed this  7 release form and you banned me two weeks later.  8 It didn't make any sense. So, it was that  9 account.</p> <p>10 Q. Are you prepared to produce to  11 Plaintiffs your e-mails with Discord that you  12 are describing?</p> <p>13 A. Yes.</p> <p>14 Q. We would like you to, within the next  15 24 hours, search through your e-mails and locate  16 the e-mails that you have with Discord and to  17 forward them to us.</p> <p>18 A. Sure. Yeah, I'll just forward them  19 right over to you guys. Like I said, it was  20 literally just -- it was literally me just  21 saying yes -- yes to this form. I consent for  22 them to go through whatever it was.</p> <p>23 Q. We would like you to search through  24 your e-mails, locate the e-mails that you have  25 with Discord, whether they are ones that they</p>	<p style="text-align: right;">Page 279</p> <p>1 sent to you or the ones you sent to them, and to  2 send them -- to forward them to us.</p> <p>3 A. Yeah, that makes sense. They were a  4 mess over there, too. Like I said, I e-mailed  5 them afterwards and said, did you get the  6 consent form or whatever. And, also, can you  7 change the admin privileges on all of the  8 accounts I was on to somebody else. And they  9 e-mailed me back and said we are not reversing  10 your ban. That is all they said. I was, like,  11 that is not the answer to either of my  12 questions.</p> <p>13 Q. Do you commit to looking for --</p> <p>14 A. Yes.</p> <p>15 Q. -- e-mails and sending them to us?</p> <p>16 A. Yes. That is super easy for me to do.  17 Umm, I'll just -- yeah, I should be able to find  18 those.</p> <p>19 Q. Are you prepared to fill this form out  20 and sign it today?</p> <p>21 A. Yes.</p> <p>22 Q. If I give this to you right now, are  23 you prepared to write here --</p> <p>24 A. The only issue is going to be is I  25 don't know which e-mail address it was used for.</p>
<p style="text-align: right;">Page 280</p> <p>1 Q. But you --</p> <p>2 A. I can put both of them right there.  3 Eli Mosley -- Eli F. Mosley or Deplorable Truth.  4 You know what I mean? Do you have a pen?  5 Thanks.</p> <p>6 One for each?</p> <p>7 Q. Do one for each e-mail account.</p> <p>8 A. What was the --</p> <p>9 Q. The username is --</p> <p>10 A. The Eli Mosley one.</p> <p>11 Q. Eli Mosley. And, also, Sayer.</p> <p>12 A. Okay. I have to get the number that  13 is next to it. You can have the name username,  14 just different numbers.</p> <p>15 Q. 5269.</p> <p>16 A. 5269. Thank you.</p> <p>17 Umm, Sayer. There is one of them.</p> <p>18 Then can -- that should be good. Here  19 is those two.</p> <p>20 Q. Thank you.</p> <p>21 A. Those should be what you guys are  22 saying, right?</p> <p>23 Q. Thank you. In addition, Mr. Kline,  24 are you prepared to submit those consent forms  25 from your e-mail address to Discord?</p>	<p style="text-align: right;">Page 281</p> <p>1 A. Yes.</p> <p>2 Q. Are you prepared to do that right now?</p> <p>3 A. I mean, I have to turn my phone on and  4 send -- like, find the e-mail and send it back,  5 I guess.</p> <p>6 Q. You can go ahead and turn your phone  7 on. Mr. Bloch sent you via e-mail this same  8 consent filled in with your information to your  9 DeplorableTruth@Gmail.com e-mail address.</p> <p>10 You have access to that e-mail  11 address, right?</p> <p>12 A. The Deplorable Truth one?</p> <p>13 Q. Correct.</p> <p>14 A. Yes, yes.</p> <p>15 Okay, so, I received it. And you just  16 want me to respond --</p> <p>17 Q. We would like you to forward that  18 e-mail --</p> <p>19 A. Okay.</p> <p>20 Q. -- to the following e-mail address.  21 It is sca --</p> <p>22 A. Should I include you guys or anything  23 right?</p> <p>24 Q. You can just do this e-mail address.</p> <p>25 A. Okay.</p>

<p style="text-align: right;">Page 282</p> <p>1 Q. sca@bsflp --</p> <p>2 A. bsflp --</p> <p>3 Q. .com.</p> <p>4 A. .com, okay. That is it?</p> <p>5 Q. Yes.</p> <p>6 A. All right.</p> <p>7 Q. Could you also just reply to the</p> <p>8 e-mail as well from Mr. Bloch?</p> <p>9 A. Mm-hmm.</p> <p>10 Q. And just say you received it. You can</p> <p>11 just type in the word received.</p> <p>12 A. This e-mail address -- okay. So, just</p> <p>13 for your information, the Gab account that I</p> <p>14 have is signed up -- is on the Deplorable Truth</p> <p>15 e-mail. It says my last log in was two years</p> <p>16 ago. So, I just haven't -- like, I am just</p> <p>17 going through the e-mails right now. That is</p> <p>18 what I have.</p> <p>19 The Deplorable Truth one is literally</p> <p>20 -- like, it is my spot -- it is, like, Spotify,</p> <p>21 Hulu, PayPal, stuff. You know what I mean? It</p> <p>22 is not really a lot of Alt-Right stuff. Like I</p> <p>23 said, I use that e-mail like that on the</p> <p>24 document because I -- I didn't think anyone was</p> <p>25 going to use it anyway.</p>	<p style="text-align: right;">Page 283</p> <p>1 Q. Thank you, Mr. Kline. We received</p> <p>2 that.</p> <p>3 A. So, just to be clear then, that is</p> <p>4 basically telling Discord that they can send</p> <p>5 over all the stuff that deals with that account.</p> <p>6 And then I believe I got one from Twitter, I</p> <p>7 think, at one point. But I can't remember.</p> <p>8 (Exhibit 16, Twitter consent form,</p> <p>9 marked for identification.)</p> <p>10 THE WITNESS: This is going to be the</p> <p>11 issue with this one. I remember when I saw</p> <p>12 this, that was an issue. It is asking for,</p> <p>13 like, username and e-mail addresses. But I</p> <p>14 don't know either, outside the list of usernames</p> <p>15 you guys have.</p> <p>16 BY MR. BARKAI:</p> <p>17 Q. Mr. Kline, you are referring to</p> <p>18 Exhibit 16; is that right?</p> <p>19 A. Correct.</p> <p>20 Q. You recognize this to be a consent to</p> <p>21 disclose data from Twitter; is that right?</p> <p>22 A. Correct.</p> <p>23 Q. You are willing to fill this out?</p> <p>24 A. Yes. But, like I said, I don't know</p> <p>25 the e-mail addresses or the account names, other</p>
<p style="text-align: right;">Page 284</p> <p>1 than the list you guys have of the account</p> <p>2 names.</p> <p>3 Q. The issue with the e-mail addresses is</p> <p>4 that they were, quote, burner e-mails; is that</p> <p>5 right?</p> <p>6 A. Yes, yes. It is random letters and</p> <p>7 numbers at whatever website.</p> <p>8 Q. Was there any Twitter account that you</p> <p>9 created using an e-mail address that was not a</p> <p>10 burner e-mail address?</p> <p>11 A. Not that I recall, no.</p> <p>12 Q. Never a Twitter account that was</p> <p>13 created using Eli.F.Mosley?</p> <p>14 A. I don't believe so, no.</p> <p>15 Q. Or --</p> <p>16 A. I have to go back and check. If I</p> <p>17 did, it would have been way, way long ago.</p> <p>18 Q. And never a Twitter account associated</p> <p>19 with the e-mail address</p> <p>20 DeplorableTruth@Gmail.com?</p> <p>21 A. No, I don't think I would have made a</p> <p>22 Twitter account with that one.</p> <p>23 Q. Are you willing to complete this form</p> <p>24 to the best of your ability, even if you don't</p> <p>25 remember all --</p>	<p style="text-align: right;">Page 285</p> <p>1 A. If I could just e-mail a list -- you</p> <p>2 guys had that list earlier of all my Twitter</p> <p>3 accounts that you guys had, that you guys knew</p> <p>4 of. That is the best list I have seen of ones I</p> <p>5 would remember, from what I would remember.</p> <p>6 Q. When we go off the record, we'll ask</p> <p>7 you to complete the Twitter form to the best of</p> <p>8 your ability.</p> <p>9 Are you prepared to do that?</p> <p>10 A. That's fine. Yeah.</p> <p>11 Q. You said earlier, Mr. Kline, that you</p> <p>12 were prepared to turn over all of your</p> <p>13 electronic devices for imaging, right?</p> <p>14 A. Yes. Just not tonight, because I have</p> <p>15 to use the GPS to get somewhere. But after</p> <p>16 that, yeah.</p> <p>17 Q. But you are -- are you prepared to</p> <p>18 today identify all of your electronic devices?</p> <p>19 A. Yes. It is my phone. I don't --</p> <p>20 there is nothing else that I would have used.</p> <p>21 Q. Are you prepared today to identify all</p> <p>22 of your social media accounts that may contain</p> <p>23 potentially relevant documents?</p> <p>24 A. Yes.</p> <p>25 (Exhibit 17, social media and</p>



<p style="text-align: right;">Page 286</p> <p>1 electronic devices consent form, marked for 2 identification.) 3 BY MR. BARKAI: 4 Q. You are being handed a document marked 5 Exhibit 17. 6 Do you recognize this document? 7 A. No, I have never seen this. But I can 8 understand what it is asking. 9 Q. Do you see you are being asked to 10 certify your social media accounts and 11 electronic devices? 12 A. Yes. 13 Q. Are you prepared to fill this form out 14 as well? 15 A. Yes. I am just trying to think of 16 what other social media accounts, or how I would 17 denote them. We already have Discord and 18 Twitter. The only other one is Facebook, but 19 that was deleted. I don't know what the account 20 username for a Facebook account would be. 21 Q. When we go off the record, we are 22 going to ask you to fill that form out. 23 A. Okay. 24 Q. You are prepared to do so? 25 A. Yes.</p>	<p style="text-align: right;">Page 287</p> <p>1 (Exhibit 18, 11/27/2018 Greene e-mail, 2 marked for identification.) 3 BY MR. BARKAI: 4 Q. Mr. Kline, you are being handed an 5 exhibit marked Exhibit 18. 6 Do you recognize this e-mail? 7 A. Yeah. I think this is the e-mail that 8 I responded to. Maybe this is. I am not -- 9 maybe not. 10 Q. You think that you responded to this 11 e-mail? 12 A. No, this doesn't look the same. 13 Because it is -- the bottom part looks similar. 14 The form, I guess you could say. The form looks 15 similar. But the body of the e-mail above it 16 does not. 17 Q. You recognize the form below as the 18 Discord consent that you have just signed? 19 A. Yeah. I think Discord itself sent 20 this to me, and this is not from Discord. This 21 is from you guys, I guess. 22 Q. This is the Discord consent that you 23 were asked to sign -- 24 A. Correct. 25 Q. -- that you signed just now?</p>
<p style="text-align: right;">Page 288</p> <p>1 A. That I just signed now, yes. 2 Q. So, you never signed that form before 3 today, right? 4 A. No. But the original e-mail I got, I 5 believe, was from Discord asking me for my 6 permission, and I said yes to them. 7 Q. Do you see above the form that you 8 have just signed for the first time an e-mail 9 from Christopher Greene to 10 Eli.F.Mosley@Gmail.com? 11 A. Yes. 12 Q. Is that your e-mail address? 13 A. Yes. 14 Q. The subject of this e-mail is Sines 15 versus Kessler, right? 16 A. Yes. 17 Q. And you understand that to be the name 18 of this lawsuit? 19 A. Yeah. 20 Q. Do you remember receiving this e-mail? 21 A. No, I don't. Or if I did, I had -- it 22 was -- maybe -- maybe I got this e-mail, and 23 then Twitter -- or Discord sent me their -- I 24 don't know. I would have to go through and look 25 at it.</p>	<p style="text-align: right;">Page 289</p> <p>1 The only other thing I could think of 2 is that you guys sent this to me, and then 3 Discord sent something to me, and I responded to 4 Discord, thinking it was, like, the same thing, 5 or goes to the same person. 6 Q. You didn't respond to this e-mail, 7 right? 8 A. Not to this e-mail, definitely not. 9 Like I said, I -- I don't recognize the body of 10 it, or whatever. But this, like -- the bottom 11 part of Exhibit 18, that looks familiar. 12 Q. Do you see the paragraph that states 13 Plaintiffs request that you send the below 14 consent e-mail to sca@bsflp.com no later than 15 Friday, November 30? 16 A. Yes. 17 Q. You didn't do that, right? 18 A. No. 19 Q. Why didn't you do that? 20 A. Because, like I said, I didn't even 21 see that this e-mail existed, or I don't 22 remember about this e-mail. Umm, and I -- like 23 I said, Discord is one of the companies that I 24 sent back an e-mail to saying I approve, then 25 they banned me. So, I thought this part was</p>

<p style="text-align: right;">Page 290</p> <p>1 taken care of.</p> <p>2 Q. Those e-mails with Discord are e-mails</p> <p>3 that you will produce to us in the next 24</p> <p>4 hours, right?</p> <p>5 A. Yes, yes.</p> <p>6 (Exhibit 19, civil docket sheet,</p> <p>7 marked for identification.)</p> <p>8 BY MR. BARKAI:</p> <p>9 Q. You have been handed a document marked</p> <p>10 Exhibit 19.</p> <p>11 Have you seen this document before?</p> <p>12 A. Definitely not.</p> <p>13 Q. This document states that it is a</p> <p>14 civil docket sheet for this case at the top of</p> <p>15 Page 1.</p> <p>16 Do you see that?</p> <p>17 A. Yes.</p> <p>18 Q. Turning to the third page of this</p> <p>19 document, you had stated earlier that you never</p> <p>20 received a phone call from the Court regarding</p> <p>21 Court conferences in which you were supposed to</p> <p>22 appear, right?</p> <p>23 A. Yes.</p> <p>24 Q. Did you receive an e-mail from the</p> <p>25 Court regarding Court conferences in which you</p>	<p style="text-align: right;">Page 291</p> <p>1 were supposed to appear?</p> <p>2 A. I might have. I would have to go back</p> <p>3 and check. But it wouldn't be something that I</p> <p>4 would remember, like, right now.</p> <p>5 Q. Do you see Docket Entry 402, quote,</p> <p>6 clerk called and e-mailed Elliott Kline, a/k/a</p> <p>7 Eli Mosley, and Matthew Heimbach three times</p> <p>8 regarding setting a telephone -- telephonic</p> <p>9 hearing an outstanding discovery issue. After</p> <p>10 no response from either, clerk set hearing.</p> <p>11 Clerk called and left voicemails, mailed and</p> <p>12 e-mailed notice of hearing to both Defendants.</p> <p>13 A. I mean, I see that. I just don't know</p> <p>14 -- I don't know if that was a call I received --</p> <p>15 I guess not. They said they left voicemails.</p> <p>16 But I don't have anything.</p> <p>17 Q. Is that wrong, what it states here?</p> <p>18 A. I mean, I am not saying they didn't do</p> <p>19 that. But I didn't receive any of it or read</p> <p>20 any of that. I didn't know -- you know what I</p> <p>21 mean? It is, like, it is saying that -- telling</p> <p>22 the outstanding discovery issues, and this was</p> <p>23 in February. I don't remember having any issues</p> <p>24 in February, as far as discovery goes.</p> <p>25 I think that -- wasn't that near the</p>
<p style="text-align: right;">Page 292</p> <p>1 time where they did the motion as well? I mean,</p> <p>2 is that in here? I don't even know. No, I</p> <p>3 don't know. But, no, that -- the Court may have</p> <p>4 done that. But, like I said, I didn't know what</p> <p>5 I was supposed to be doing.</p> <p>6 Q. Did you receive any e-mails from the</p> <p>7 Court regarding your attendance at a hearing?</p> <p>8 A. Possibly. I am not sure.</p> <p>9 Q. Did you receive any phone calls from</p> <p>10 the Court regarding your attendance at a</p> <p>11 hearing?</p> <p>12 A. Possibly.</p> <p>13 Q. Did you receive any voicemails from</p> <p>14 the Court regarding your attendance at a</p> <p>15 hearing?</p> <p>16 A. Possibly. Like I said, I am not sure.</p> <p>17 Q. You didn't respond to any e-mail or</p> <p>18 phone call or voicemail from the Court, right?</p> <p>19 A. Correct. I assume I didn't answer any</p> <p>20 of their calls.</p> <p>21 Q. Why didn't you answer any of their</p> <p>22 calls?</p> <p>23 A. Because - first of all, like I said</p> <p>24 earlier, I -- my phone number was leaked awhile</p> <p>25 ago, so I get phone calls all the time, every</p>	<p style="text-align: right;">Page 293</p> <p>1 day, from people who I don't want calling me.</p> <p>2 And second of all, I didn't -- like I said, I</p> <p>3 didn't know I got any calls from the Court here,</p> <p>4 or I would have picked up or answered it if I</p> <p>5 knew they were from the Court.</p> <p>6 Q. This is the first time that you have</p> <p>7 ever found out you have gotten a call from the</p> <p>8 Court?</p> <p>9 A. I knew I got calls from the Court for</p> <p>10 things like the July 2. I got that phone call</p> <p>11 about the teleconference. I had that with all</p> <p>12 the information. And then I got one today,</p> <p>13 actually, reminding me about the call tomorrow.</p> <p>14 But as far as going back, like, you</p> <p>15 know, February 2019, I don't remember getting</p> <p>16 any calls then.</p> <p>17 Q. You don't remember getting any e-mails</p> <p>18 from the Court regarding this hearing?</p> <p>19 A. No.</p> <p>20 Q. Do you check your voicemails that you</p> <p>21 receive?</p> <p>22 A. Yes, pretty frequently.</p> <p>23 Q. You do check your voicemails?</p> <p>24 A. Yes. That's how I noticed -- I just</p> <p>25 checked when we went for lunch. That is how I</p>

<p style="text-align: right;">Page 294</p> <p>1 saw the voicemail about tomorrow with the 2 information on the call for tomorrow. 3 Q. You received a voicemail about the 4 conference call tomorrow? 5 A. Yes. 6 Q. You never received a voicemail about 7 the conference call on February 2019? 8 A. No. I mean -- not that -- no, not 9 that I remember. I literally get phone calls 10 that are just people screaming into the 11 microphone, like, kill yourself, and then they 12 hang up, right. 13 So, I get those, like, all day, all 14 the time. I just never changed my number. And, 15 so, when I get calls from numbers I don't know, 16 I generally don't answer them right away. But 17 if it is a call from, like, the Court, and I can 18 -- I go to my voicemail and it puts it in text, 19 I can see right away that is the Court. 20 So, like I said, I have gotten -- I 21 have gotten the last two calls they sent me. 22 But before that, I haven't gotten anything. 23 Q. So, you do respond to calls from the 24 Court; is that right? 25 A. Yeah, yeah. I mean, I shouldn't say I</p>	<p style="text-align: right;">Page 295</p> <p>1 respond. I mean, I acknowledge them. Because 2 -- I don't call them back and say, hey, I got 3 your call for the teleconference tomorrow, or 4 whatever. She sent me the code or whatever. 5 Q. You do receive voicemails from the 6 Court? 7 A. Yes. 8 Q. And you do listen to those voicemails? 9 A. Yes. 10 Q. Do you check when the voicemail comes 11 in what phone number it is from, and if it is 12 from the Court, you listen to it? 13 A. If it is a Charlottesville number, I 14 can tell you. Or Virginia number. 15 (Exhibit 20, 3/4/2019 Order, marked 16 for identification.) 17 BY MR. BARKAI: 18 Q. Mr. Kline, you do check when the 19 voicemail comes in whether it is from the Court, 20 right? 21 A. Yes. 22 Q. You know it is from the Court because 23 of the phone number? 24 A. Yes. 25 Q. But, nonetheless, you have not</p>
<p style="text-align: right;">Page 296</p> <p>1 appeared on any conference calls with the Court 2 from the time that Mr. Kolenich was no longer 3 representing you until July 2, 2019, right? 4 A. Like I said before, I didn't notice or 5 see or get any of those calls that I had -- like 6 I said, I never -- I mean, I can go through my 7 phone and see maybe I missed some or something. 8 But I never saw any of those calls. 9 I didn't start responding to what was 10 going on until -- the first thing was -- was 11 Patrick Casey reached out to me. I was, like -- 12 first of all, he called me and I knew right away 13 who it was because I had it in my cell phone. 14 So, I answered it. He was, like, hey, you got 15 to appear on this call for the Court case. And 16 you haven't done any of the discovery stuff. I 17 said -- I told him I thought that it was taken 18 care of, I already responded to the Discord guy, 19 I think I responded to the Twitter guy -- or the 20 form or whatever. And then I told them to let 21 me know what they want to do with the phone. 22 Umm, that is what I told Mr. Kolenich. 23 And he was, like, no, you have to do all this 24 other stuff. Like, you haven't responded to 25 anything. And I didn't even know there was</p>	<p style="text-align: right;">Page 297</p> <p>1 anything I wasn't responding to. 2 Q. When was that conversation with Mr. 3 Casey? 4 A. Umm, I want to say, like, a week or 5 two before July 2. 6 Q. The conversation with Mr. Casey was a 7 week or two before July 2? 8 A. Before -- yeah, before the phone 9 conference that we had that we set the dates for 10 discovery. 11 Q. I asked you a question earlier, Mr. 12 Kline, and you gave a long response about a 13 conversation you had with Mr. Casey, but you 14 didn't answer the question. 15 You have not appeared on any 16 conference calls with the Court from the time 17 that Mr. Kolenich was no longer representing you 18 until July 2, 2019, right? 19 A. Correct. I didn't know I had any. I 20 didn't know I had a responsibility for any. 21 Q. You did testify that you listened to 22 your voicemails, right? 23 A. Yes. 24 Q. And your e-mail address is 25 Eli.F.Mosley@Gmail.com, right?</p>



<p style="text-align: right;">Page 298</p> <p>1 A. Yes.</p> <p>2 Q. You have been handed a document marked</p> <p>3 Exhibit 20.</p> <p>4 A. Mm-hmm.</p> <p>5 Q. Have you seen this before?</p> <p>6 A. No.</p> <p>7 Q. Do you see this is an Order from Judge</p> <p>8 Hoppe?</p> <p>9 A. Yes.</p> <p>10 Q. You have never -- you have never been</p> <p>11 provided this?</p> <p>12 A. It looks like it is to, umm, the --</p> <p>13 what are they -- I don't know what they are</p> <p>14 called anymore -- National Socialist Movement.</p> <p>15 Doesn't look like -- it doesn't say me anywhere,</p> <p>16 does it?</p> <p>17 Q. If you could turn to Page 3 of this</p> <p>18 Order. Do you see in the second bullet point</p> <p>19 that the Court ordered all Defendants, quote on</p> <p>20 quote, to produce their electronic devices and</p> <p>21 social media account credentials to access</p> <p>22 electronically stored information to the third</p> <p>23 party vendor by the end of the day on Friday,</p> <p>24 March 8, 2019?</p> <p>25 A. Yeah, I see that. But I have never</p>	<p style="text-align: right;">Page 299</p> <p>1 seen this -- this form, or this -- this page.</p> <p>2 Q. You understand all Defendants to</p> <p>3 include you?</p> <p>4 A. Yes.</p> <p>5 Q. You did not produce your electronic</p> <p>6 devices and social media account credentials by</p> <p>7 Friday, March 8, 2019, did you?</p> <p>8 A. No. But like I said, if I would have</p> <p>9 known how to, I would have been more than happy</p> <p>10 to.</p> <p>11 Q. Are you aware that earlier this year</p> <p>12 Plaintiffs moved for sanctions against you?</p> <p>13 A. Yes. That's what Patrick Casey told</p> <p>14 me.</p> <p>15 Q. A hearing was scheduled regarding that</p> <p>16 motion for sanctions, right?</p> <p>17 A. I guess. I don't -- I don't -- I am</p> <p>18 not too sure how that works. But I guess you</p> <p>19 guys had a hearing about it, or whatever. But I</p> <p>20 didn't know about it.</p> <p>21 Q. You did not know that the hearing was</p> <p>22 happening?</p> <p>23 A. No.</p> <p>24 Q. No one ever told you that the hearing</p> <p>25 was happening?</p>
<p style="text-align: right;">Page 300</p> <p>1 A. No.</p> <p>2 Q. Plaintiffs never told you that the</p> <p>3 hearing was happening?</p> <p>4 A. I mean, they might have e-mailed me,</p> <p>5 but I didn't see it.</p> <p>6 (Exhibit 21, 5/14/2019 e-mail</p> <p>7 exchange, marked for identification.)</p> <p>8 BY MR. BARKAI:</p> <p>9 Q. You are being handed a document marked</p> <p>10 Exhibit No. 21.</p> <p>11 Do you recognize this e-mail?</p> <p>12 A. No, I don't. Honestly.</p> <p>13 Q. Do you see your e-mail address in the</p> <p>14 CC?</p> <p>15 A. Yeah, I see it on there. But, like I</p> <p>16 said, I don't know -- I don't remember -- I</p> <p>17 don't recognize this as something that was sent</p> <p>18 to me.</p> <p>19 Q. But this was sent to the correct</p> <p>20 e-mail address?</p> <p>21 A. Yes.</p> <p>22 Q. Is there any reason that you can think</p> <p>23 of why you would not have received this at your</p> <p>24 e-mail address?</p> <p>25 A. No. I mean, I should have received</p>	<p style="text-align: right;">Page 301</p> <p>1 it. But, I don't -- like I said, I don't --</p> <p>2 Q. Do you see that this is an e-mail</p> <p>3 scheduling an argument on the motion for</p> <p>4 sanctions against Elliott Kline, a/k/a Eli</p> <p>5 Mosley?</p> <p>6 A. Yeah, I do see that. But, like I</p> <p>7 said, I didn't know that was happening. I</p> <p>8 didn't know there was a hearing. Like I said, I</p> <p>9 didn't recognize -- I didn't receive -- I mean,</p> <p>10 I probably -- it is my e-mail address, but I</p> <p>11 didn't -- I didn't read through this one. I</p> <p>12 didn't know I had a motion, like I said, until</p> <p>13 Patrick Casey had called me.</p> <p>14 Q. Did you not know that there was a</p> <p>15 motion regarding you until Patrick Casey called</p> <p>16 you because you were ignoring e-mails?</p> <p>17 A. No, I wasn't ignoring them. I was --</p> <p>18 like I said, I was getting e-mails. But none of</p> <p>19 the e-mails pertained to me that I read.</p> <p>20 Q. Were you choosing which e-mails to</p> <p>21 read?</p> <p>22 A. No. I mean, almost all of them are</p> <p>23 read right now. I went through and read most of</p> <p>24 them, or opened them. I just don't know how I</p> <p>25 would have missed so many of these.</p>

<p style="text-align: right;">Page 302</p> <p>1 Q. You also missed the e-mail in Exhibit</p> <p>2 11, right --</p> <p>3 A. Yes.</p> <p>4 Q. -- that we had looked at earlier?</p> <p>5 A. That one is after I had been</p> <p>6 contacted. That was the one that the Judge had</p> <p>7 said are you -- do you see that paper, and I</p> <p>8 said yes. I was looking at a different one that</p> <p>9 was sent to me that day instead of the one the</p> <p>10 day before. Because that one, Exhibit 11, was</p> <p>11 from July 1, the day before the phone call.</p> <p>12 Q. You testified earlier that you had --</p> <p>13 you had missed messages from the Court regarding</p> <p>14 your court hearing, right?</p> <p>15 A. I believe so. Maybe. I don't know.</p> <p>16 For what?</p> <p>17 Q. You testified earlier that you check</p> <p>18 your voicemails, right?</p> <p>19 A. Yes.</p> <p>20 Q. And that the 610 phone number is the</p> <p>21 correct phone number?</p> <p>22 A. Yes.</p> <p>23 Q. And Eli.F.Mosley@Gmail.com is the</p> <p>24 correct e-mail address?</p> <p>25 A. Yes.</p>	<p style="text-align: right;">Page 303</p> <p>1 Q. You testified earlier that you agreed</p> <p>2 that it appeared to you that the Court had been</p> <p>3 attempting to reach you regarding your upcoming</p> <p>4 court hearings, right?</p> <p>5 A. Yes.</p> <p>6 Q. Do you have any explanation as to why</p> <p>7 you did not receive those messages?</p> <p>8 A. I just -- I have -- I started</p> <p>9 receiving messages -- or I started noticing</p> <p>10 these messages were for me, or whatever, for the</p> <p>11 hearing for me after I talked with Patrick</p> <p>12 Casey. And then we had the July 2 phone call.</p> <p>13 Q. Were you --</p> <p>14 A. Before that, I didn't realize that --</p> <p>15 I didn't know these -- I didn't know that there</p> <p>16 was actions I needed to take. I thought I was</p> <p>17 good.</p> <p>18 Q. Did you receive this e-mail, Mr.</p> <p>19 Kline, or did you not?</p> <p>20 A. What, this?</p> <p>21 Q. Exhibit 21.</p> <p>22 A. Exhibit 21. I mean, obviously it says</p> <p>23 -- it says it was sent to me. But I don't</p> <p>24 recognize it.</p> <p>25 Q. Do you not recognize it because you</p>
<p style="text-align: right;">Page 304</p> <p>1 didn't read it at the time when it came into</p> <p>2 your inbox?</p> <p>3 A. I am not sure. I don't have access to</p> <p>4 my inbox right now to look and see if it was</p> <p>5 read or not. I assume I looked at this. The</p> <p>6 subject is Sines versus Kessler, so I assume I</p> <p>7 saw it.</p> <p>8 Like I said, I did not know back in</p> <p>9 May there was a motion against me. I didn't</p> <p>10 know that.</p> <p>11 Q. This is an e-mail about that motion,</p> <p>12 right?</p> <p>13 A. Right. I didn't know that was a</p> <p>14 thing.</p> <p>15 Q. The e-mail was informing you that</p> <p>16 there was a motion about you in effect, right?</p> <p>17 A. Correct. Like I said, I didn't know</p> <p>18 -- I didn't know that until Patrick Casey called</p> <p>19 me several weeks after this, or a couple weeks</p> <p>20 after this.</p> <p>21 Q. But this e-mail was in advance of the</p> <p>22 hearing and in advance of when Mr. Casey talked</p> <p>23 to you, and this e-mail is about that motion,</p> <p>24 right?</p> <p>25 A. Right. That is what I am saying. I</p>	<p style="text-align: right;">Page 305</p> <p>1 didn't find out from this e-mail, I found out</p> <p>2 from Casey, from Patrick Casey.</p> <p>3 Q. If you had read this e-mail, this</p> <p>4 e-mail would have revealed to you that there was</p> <p>5 a hearing coming up on your motion, right?</p> <p>6 A. Right. But what I am saying is, I</p> <p>7 don't remember reading this or seeing this. So,</p> <p>8 if I would have read it, I would have known that</p> <p>9 it was -- I would have known there was a motion</p> <p>10 against me. Like I said, I didn't know that. I</p> <p>11 didn't know that was a thing.</p> <p>12 Patrick Casey called me, what, a week</p> <p>13 or two after this. So, like I said, I just</p> <p>14 didn't know there was a motion against me.</p> <p>15 Q. When exactly did Mr. Casey call you?</p> <p>16 A. Probably a week or two before the July</p> <p>17 2 call. Maybe -- maybe even a little longer</p> <p>18 than that. Maybe three weeks, a month. I am</p> <p>19 not entirely sure.</p> <p>20 Q. You -- during this time was anyone</p> <p>21 informing you of your obligations in discovery?</p> <p>22 A. No.</p> <p>23 Q. Were -- well, were you in touch with</p> <p>24 Mr. Kolenich at all?</p> <p>25 A. Patrick Casey told -- Patrick Casey</p>

<p style="text-align: right;">Page 306</p> <p>1 told me to call Mr. Kolenich and get in touch  2 with him. And he essentially said that I am  3 going to have to get on a call with you guys and  4 the Court and work out how to fix the discovery  5 issues. And that was, like, the extent of our  6 conversation. That was the first time I had  7 spoken to him for awhile.  8 (Exhibit 22, 6/26/2019 e-mail  9 exchange, marked for identification.)  10 BY MR. BARKAI:  11 Q. You are being handed a document marked  12 Exhibit 22. I would like you to turn to the  13 second page of this document. Do you see an  14 e-mail from James Kolenich on June 7, 2019 to  15 Michael Bloch regarding Eli Mosley?  16 A. Umm, no. You mean this part right  17 here? Yeah, okay. I see it. You said the  18 second page?  19 Q. On the second page there is an e-mail  20 from Mr. Kolenich to Mr. Bloch --  21 A. Yes.  22 Q. -- regarding you?  23 A. Yes.  24 Q. This e-mail states the word arrest has  25 had a near magical effect on my former client.</p>	<p style="text-align: right;">Page 307</p> <p>1 Eli Mosley, Elliott Kline, can be reached at  2 (610) 406-2229. He reached out to IE upon  3 seeing a news article referencing the arrest  4 discussion in court. You can text that number  5 or call him. He has been fully informed of the  6 discovery/ESI --  7 A. He knows Patrick Casey called me. So,  8 I mean, that is just wrong. He knows Patrick  9 Casey called me.  10 Q. Mr. Kolenich is wrong about this?  11 A. 100 percent. Patrick Casey called me  12 and informed me of what was going on. And I  13 read a news article about what was going on, and  14 then I called Mr. Kolenich. That is how I knew  15 about the news article that he is referencing.  16 Because in the news article the Judge had -- it  17 said right in the news article the Judge was  18 talking about possible arrests. And I said --  19 so I asked Mr. Kolenich, I said, I didn't know  20 any of this was going on. Like, how did -- you  21 didn't inform me, or no one informed me, and I  22 read it in the news. So, that is what he is  23 referencing in the e-mail.  24 But Patrick Casey is the one who  25 called me and reached out to me about what was</p>
<p style="text-align: right;">Page 308</p> <p>1 going on. Before that, I thought that  2 everything was going -- going on. And I was  3 still waiting for you guys to try to get my  4 phone, which I was just sitting on, waiting for  5 you guys to take -- or get the image of.  6 And I thought -- like I said, at the  7 time I thought the Discord and the Twitter stuff  8 was taken care of. Or at least the Discord  9 stuff. I wasn't sure about the Twitter stuff.  10 Q. So, you told Mr. Kolenich that you  11 didn't know any of this was going on, even  12 though there had been e-mails and calls to you  13 about your attendance at hearings, right?  14 A. Right. Like I said, I didn't know  15 those hearings were hearings for me. Like, if I  16 saw them. Most of them I don't think I saw  17 though. I didn't know they were for me.  18 Q. You told Mr. Kolenich that you didn't  19 know any of this was going on, even though there  20 had been --  21 A. I didn't know the motions were filed  22 against me.  23 Q. Do we have your permission to ask Mr.  24 Kolenich about this?  25 A. Ask him what?</p>	<p style="text-align: right;">Page 309</p> <p>1 Q. Do we have permission to ask Mr.  2 Kolenich about your conversations that are  3 referenced in the June 7 e-mail?  4 A. I mean, I have -- I'll show you right  5 now that Patrick Casey called me.  6 THE VIDEOGRAPHER: Can we go off the  7 record for a second?  8 MR. BARKAI: Sure. We are going off  9 the record.  10 THE VIDEOGRAPHER: Time is 3:48 p.m.,  11 going off the video record.  12 (Recess was taken.)  13 THE VIDEOGRAPHER: The time is now  14 3:56 p.m., we are back on the video record.  15 BY MR. BARKAI:  16 Q. Mr. Kline, before we took a break you  17 had testified that you were going to show us  18 where the -- where in the call log Patrick Casey  19 called you regarding the hearing before the  20 Court, right?  21 A. Correct.  22 Q. Were you able to find that?  23 A. No. My phone calls only go back to --  24 until July. Like, the beginning of July. So,  25 it doesn't go back that far.</p>

<p style="text-align: right;">Page 310</p> <p>1 I don't know if -- when -- if they</p> <p>2 image the phone if they are able to pull that up</p> <p>3 or not. But it doesn't go back far enough.</p> <p>4 Q. Your call log --</p> <p>5 A. I am 100 percent sure that is exactly</p> <p>6 how that happened.</p> <p>7 Q. Your call logs go back to the</p> <p>8 beginning of July, you said?</p> <p>9 A. It goes back to -- the last one is</p> <p>10 7/9/2019.</p> <p>11 Q. We asked you earlier whether we have</p> <p>12 your permission to ask Mr. Kolenich for the</p> <p>13 phone number of your temporary Walmart phone</p> <p>14 that you were using when your iPhone was</p> <p>15 temporarily broken.</p> <p>16 Do you remember that?</p> <p>17 A. Yes.</p> <p>18 Q. You had said earlier that you have</p> <p>19 granted us permission to do that, right?</p> <p>20 A. Umm, what, just ask him if -- for the</p> <p>21 phone number?</p> <p>22 Q. Correct.</p> <p>23 A. I mean, sure. I don't understand -- I</p> <p>24 don't understand the question.</p> <p>25 Q. Do you mind if we ask Mr. Kolenich</p>	<p style="text-align: right;">Page 311</p> <p>1 what that phone number was for the Walmart</p> <p>2 phone?</p> <p>3 A. Does that have any implications or</p> <p>4 anything like that? I mean -- I just heard --</p> <p>5 Q. Mr. Kolenich, to the extent that you</p> <p>6 may have attorney-client privilege that covers</p> <p>7 that issue --</p> <p>8 A. Mm-hmm.</p> <p>9 Q. -- do you waive that privilege as to</p> <p>10 that issue?</p> <p>11 A. No, no. I'll provide you guys that</p> <p>12 phone number when I get it out of storage.</p> <p>13 Q. Looking at Exhibit 22 --</p> <p>14 A. Which one was that?</p> <p>15 Q. That is an e-mail from Mr. Kolenich --</p> <p>16 A. I got it.</p> <p>17 Q. -- to Mr. Bloch on June 26.</p> <p>18 We were looking at Page 2 and we were</p> <p>19 discussing whether you had reached out to</p> <p>20 Identity Evropa as Mr. Kolenich said, or whether</p> <p>21 Mr. Casey had called you.</p> <p>22 Do you remember that?</p> <p>23 A. Yes.</p> <p>24 Q. This e-mail states, quote, he has been</p> <p>25 fully informed of the discovery/ESI</p>
<p style="text-align: right;">Page 312</p> <p>1 expectations, closed quote.</p> <p>2 A. That -- that is also not true. He</p> <p>3 literally said that we are going to set a call,</p> <p>4 and we'll talk about it on the call, or</p> <p>5 whatever. And then after the July 2 call, he</p> <p>6 never called me or contacted me again. So, the</p> <p>7 only thing that I knew was coming down the</p> <p>8 pipeline was the -- umm, the DocuSign form.</p> <p>9 Q. So, Mr. Kolenich is wrong here?</p> <p>10 A. I mean, he says I have been fully</p> <p>11 informed of discovery expectations. That is not</p> <p>12 true. That would imply that I knew how to give</p> <p>13 you guys my phone, that would imply I knew how</p> <p>14 to give you -- you know, fill out these forms,</p> <p>15 these Twitter forms or Discord forms. I didn't</p> <p>16 know anything about those.</p> <p>17 (Exhibit 23, 6/21/2019 Order, marked</p> <p>18 for identification.)</p> <p>19 BY MR. BARKAI:</p> <p>20 Q. This document is being marked as</p> <p>21 Exhibit 23.</p> <p>22 Do you recognize this?</p> <p>23 A. No, but it looks like this is the</p> <p>24 motion against me, I guess.</p> <p>25 Q. Does this appear to be an Order on</p>	<p style="text-align: right;">Page 313</p> <p>1 Plaintiffs' motion for sanctions against you?</p> <p>2 A. Correct.</p> <p>3 Q. You don't remember ever receiving this</p> <p>4 e-mail -- I mean, excuse me, you don't remember</p> <p>5 ever receiving this Order?</p> <p>6 A. No, I don't. Because I would have --</p> <p>7 like I said, I didn't know there was a motion</p> <p>8 against me until I got that call. Which was --</p> <p>9 I mean, it might have been, like, the day of --</p> <p>10 this was filed. This was -- that is pretty</p> <p>11 close to it. This was filed 6/21.</p> <p>12 (Exhibit 24, 6/25/2019 Bloch e-mail,</p> <p>13 marked for identification.)</p> <p>14 BY MR. BARKAI:</p> <p>15 Q. I am handing you a document that's</p> <p>16 being marked as Exhibit 24.</p> <p>17 Do you recognize this document?</p> <p>18 A. Yes. This is something I was sent,</p> <p>19 umm, to confirm the July 2 call we had.</p> <p>20 Q. Do you see that Mr. Bloch sent you</p> <p>21 this e-mail on June 25, and that Mr. Bloch</p> <p>22 attached -- do you see that Mr. Bloch sent you</p> <p>23 this e-mail on June 25 attaching an Order on</p> <p>24 Plaintiffs' motion for sanctions?</p> <p>25 A. Yes.</p>



<p style="text-align: right;">Page 314</p> <p>1 Q. Does this refresh your recollection as 2 to whether you received the Order on the motion 3 for sanctions? 4 A. I mean, yes. Yeah, I received it. 5 But what I was saying earlier is that 6 I -- this was on 6/21. That may be the day that 7 Patrick Casey called me. The motion was filed 8 on 6/21. 9 Q. The Order on the motion for 10 sanctions -- 11 A. Correct. 12 Q. -- was filed by the Court on June 21? 13 A. Yes. And then the call was, what, a 14 week-and-a-half later, or on -- on July 2. So, 15 I believe it was either the 21st, 22nd, or 23rd 16 that Patrick Casey called me. 17 But, yes, I recognize -- once he sent 18 me that, I saw -- yes, I saw this. I saw what 19 was going on. I knew what was going on. I 20 didn't know beforehand, before that phone call. 21 Q. Did you read this Order? 22 A. Yes. 23 Q. You read this Order all the way 24 through? 25 A. Yes. When I got it, I did.</p>	<p style="text-align: right;">Page 315</p> <p>1 Explaining I need to basically provide the stuff 2 for discovery. And do the phone -- attend the 3 phone call. 4 Q. Do you see on Page 3 where the Court 5 ordered you to, quote, provide complete and 6 accurate written answers or responses to 7 Plaintiffs' First Set of Interrogatories and 8 Request for Production of Documents? 9 A. Yes, I see that. 10 Q. So, did you understand when you 11 received this document that you were being 12 ordered to respond to those Interrogatories and 13 Request for Production of Documents? 14 A. Yes. And that was part of why I 15 wanted to go through with the phone call and 16 figure out how to do that. 17 Like I said earlier, the DocuSign 18 document that I got, when I first got it sent to 19 me, I thought it was going to be -- I thought it 20 was going to be these forms, the ones that tell 21 you, you know, list your username and all the 22 devices. I still -- I still haven't gotten 23 this. 24 Q. You still have not -- 25 A. I got them. I have them now. But --</p>
<p style="text-align: right;">Page 316</p> <p>1 Q. But until today, you -- and still not 2 at this moment, you have not filled out those 3 forms, right? 4 A. Correct. But, like I said, I always 5 wanted to and intended to. That was -- like I 6 said, that is what I wanted to do. I just never 7 had the means sent to me. 8 Q. Do you see in the next bullet that you 9 were being ordered to give Plaintiffs' counsel a 10 complete and accurate SCA consent form, allowing 11 Discord to produce documents? 12 A. Yes. 13 Q. You did not do that until today, 14 right? 15 A. I didn't even have that form until 16 today. I haven't seen the form until today. 17 Q. You testified earlier that -- 18 A. Other than -- other than the one I 19 sent back to Discord. But, like I said, seeing 20 this led me to believe oh, maybe Discord never 21 sent it to them. Or maybe them banning me, my 22 account afterwards screwed something up in their 23 communication pipeline. I don't know. 24 Q. You testified earlier that Discord had 25 sent you the form before?</p>	<p style="text-align: right;">Page 317</p> <p>1 A. Yes. Discord sent me a form. It 2 might not have been that exact form, but it was 3 a form basically asking for permission for -- 4 for the case to use my information. And I 5 responded I approved that. Like I said, they 6 banned me two weeks later. 7 Q. Earlier today we looked together at an 8 exhibit in which Plaintiffs' counsel had 9 previously sent you the Discord form, right? 10 A. Umm, yes. I think so, yes. 11 Q. You had been provided that form 12 before, right? 13 A. Correct. But I don't know if it was 14 provided -- I think it was attached to -- it was 15 attached to something else I hadn't seen. 16 Q. Do you see in the next bullet that you 17 were being ordered to complete SCA consent forms 18 giving Plaintiffs' counsel access to any other 19 social media accounts? 20 A. Yes. 21 Q. You also have not done that yet, 22 right? 23 A. I am doing it right now. But, like I 24 said, I have been waiting for this -- something 25 like this explaining what I needed to do with</p>

<p style="text-align: right;">Page 318</p> <p>1 the form, being able to write out my accounts,  2 or whatever. Since the very beginning I was  3 told about discovery. I never have gotten those  4 specific forms or instructions.  5 Q. You received those forms and  6 instructions in an e-mail from Mike Bloch on  7 July 1, right?  8 A. Umm, which exhibit is that?  9 Q. Exhibit 11.  10 A. Yes. This is that -- yeah, this goes  11 back to that e-mail -- like I said, this is the  12 one where the Judge had said are you looking at  13 this, and I responded yes on the phone. But I  14 was looking at a different form as the day  15 before. I had not seen this one.  16 Q. But you did -- my question was, you  17 received the forms and instructions in an e-mail  18 from Michael Bloch on July 1, right?  19 A. Correct. With the July 2 meeting  20 already -- already scheduled, or whatever. But  21 I didn't know -- like I said, I received this,  22 but I did not -- I did not know this was what  23 this was in here.  24 Q. But you did not complete any of the  25 forms that were attached to Mr. Bloch's July 1</p>	<p style="text-align: right;">Page 319</p> <p>1 e-mail --  2 A. No, I didn't see this --  3 Q. Correct, right?  4 A. No, I did not see this e-mail. Like I  5 said, when the Judge asked me, do you see this  6 e-mail, he was referencing this one. I thought  7 he was referencing a different one I had  8 received probably, you know, July 1 or the  9 morning of July 2, I think it was.  10 Q. That is your e-mail address, right,  11 Eli.F.Mosley@Gmail.com?  12 A. Yes.  13 Q. So, that e-mail did arrive in your  14 inbox, right?  15 A. Correct. But I didn't see this  16 specific -- these specific attachments or  17 anything like that. This is the kind of thing I  18 have been looking for, as far as just to comply  19 with the Court's Orders.  20 Q. Exhibit No. 24 was an e-mail from Mr.  21 Bloch to you regarding a hearing date, right?  22 A. Yes.  23 Q. Did you respond to that e-mail?  24 A. Umm, I think I told him any day.  25 Q. You remember responding to Mr. Bloch</p>
<p style="text-align: right;">Page 320</p> <p>1 saying any day?  2 A. Umm, yeah, I think that is what -- I  3 think I just said yes. Like, yes, that works.  4 I am pretty sure I responded like that.  5 Q. You are pretty sure you said yes, that  6 works?  7 A. Yeah, I am pretty sure. I think it  8 was very short of me saying that works.  9 Q. That e-mail would be in your Gmail  10 account?  11 A. Yes. That would be in the Eli F.  12 Mosley account. I definitely responded to this  13 e-mail saying yes.  14 Q. You said you definitely responded to  15 that?  16 A. Yeah.  17 (Exhibit 25, 6/25/2019 &amp; 6/26/2019  18 Bloch e-mails, marked for identification.)  19 BY MR. BARKAI:  20 Q. You are being handed Exhibit 25. This  21 is an e-mail from Mr. Bloch to  22 Eli.F.Mosley@Gmail.com on June 26.  23 Do you see that?  24 A. Yes.  25 Q. Do you remember receiving this e-mail?</p>	<p style="text-align: right;">Page 321</p> <p>1 A. Not this one, no. He is asking me if  2 he -- he is basically asking me if I am going to  3 show up to the thing. But I know I responded to  4 him at some point saying yes.  5 Q. Do you see where in this e-mail Mr.  6 Bloch states to you, we have not heard back from  7 you regarding your availability for a court  8 conference on July 2 at 12:00 p.m.?  9 A. Yes, I see that. I can check to see  10 which e-mail I responded to. But I know I  11 responded to him.  12 Q. Was Mr. Bloch wrong in this statement?  13 A. What is his -- oh, wow. It is in my  14 -- it is literally my drafts, yes, this time  15 works for me. Okay. Well, I didn't send that  16 e-mail. So --  17 Q. Could you share that draft with us  18 now?  19 A. I mean, it is literally just --  20 Q. Are you typing something, Mr. Kline?  21 A. No, I am using one hand. I am just  22 trying to find it. Okay. It is not coming up.  23 Hold on. I have too many inboxes on this thing.  24 Q. Which inboxes do you have on that  25 phone?</p>



<p style="text-align: right;">Page 322</p> <p>1 A. Uh, just the one for Deplorable Truth 2 and Eli F. Mosley. But it is bugged because of 3 the Identity Evropa account. 4 Q. What do you mean, it is bugged because 5 of the Identity Evropa account? 6 A. Because the Identity Evropa account 7 keeps trying to get me to sign in, because it 8 was signed in before they pulled that account. 9 So, my phone is always trying to get me to sign 10 into it every time I go to e-mail. 11 Q. Are you not able to find the draft 12 that you just told us about 60 seconds ago? 13 A. No, I am trying to find it right now. 14 Q. You were just looking at that draft a 15 minute ago, right? 16 A. Well, I hit drafts. And it -- it is, 17 like, messed up. 18 Q. What does it is, like, messed up mean? 19 A. I can show it to you. This is what it 20 was. I have this. I have this, right. So, 21 this is the -- this is my -- this is me 22 responding to Discord. I have this right here. 23 And then -- 24 Q. That is a blank e-mail, right? 25 A. I know. But there was a draft right</p>	<p style="text-align: right;">Page 323</p> <p>1 above this, right here. 2 Q. When was there a draft above it? 3 A. Just now when I was talking to you. 4 Q. Is the draft gone? 5 A. I have no -- I am trying to find it. 6 I am trying to see if maybe I go into the 7 specific e-mail it was sent to, I can find it. 8 Q. You were just looking at a draft a 9 minute ago, right? 10 A. It was literally just a draft that 11 said I understand and can make that time. That 12 is all it was. 13 Q. Is the draft gone now? 14 A. I mean, I am trying to find it. Hold 15 on. 16 I mean, you can -- you can find that 17 in the discovery. Regard -- regardless, I 18 showed up for this -- this call at the given 19 time. I don't understand what the issue is. 20 No, I couldn't find the draft. 21 Q. You couldn't find the draft? 22 A. No. 23 Q. We have spoken a couple of times about 24 your comment to the Judge at the July 2, 2019 25 hearing stating that you had received an e-mail</p>
<p style="text-align: right;">Page 324</p> <p>1 from Plaintiffs' counsel, correct? 2 A. Yes. 3 Q. Which e-mail were you referring to? 4 A. Umm, well, he -- he was referring to 5 Exhibit 11, but I was referring to a different 6 e-mail that was a different court form. I don't 7 know what it was. I would have to go back and 8 look. But it was a different thing I had been 9 sent the day before. 10 So, I was sent Exhibit 11 and then 11 something the same day. He was asking if I had 12 received Exhibit 11. I said yes, thinking that 13 what I was looking at was Exhibit 11, when it 14 wasn't. 15 Q. It was a different e-mail that was 16 sent? 17 A. Yes. 18 Q. What date was that e-mail sent on? 19 A. Umm, I am not sure. 20 Q. Who sent that e-mail? 21 A. Umm, someone -- I don't know. It was 22 -- it was the subject of the Sines versus 23 Kessler e-mail. It was for the court case. I 24 don't know. 25 Like I said, he asks if I have the</p>	<p style="text-align: right;">Page 325</p> <p>1 page in front of me, and I said yes. And I was 2 looking at a totally different page. I know it 3 wasn't this page, or I would have known -- I 4 would have been able to follow through with it. 5 Q. So, you were looking at some other 6 e-mail? 7 A. Yes. 8 Q. But you don't know who sent that 9 e-mail? 10 A. I mean, it was one of the e-mails you 11 guys -- like, from the Court. It was either 12 from you guys or the Court. 13 Q. It was either from Plaintiffs or from 14 the Court? 15 A. Correct. 16 Q. You don't know what date that e-mail 17 was sent on? 18 A. It was sent the day before or the day 19 of, the Exhibit 11. 20 Q. It was sent on July 1; is that right? 21 A. July 1 or the morning of July 2, yes. 22 Which is why I was looking at that one instead 23 of the one he was looking at. 24 Q. You were looking at a different e-mail 25 sent from Plaintiffs or from the Court sent on</p>

<p style="text-align: right;">Page 326</p> <p>1 July 1 or July 2?</p> <p>2 A. Correct.</p> <p>3 Q. You were not looking at Exhibit 11,</p> <p>4 right?</p> <p>5 A. Correct. And, like I said, he said do</p> <p>6 you see the form we sent you. And I was just</p> <p>7 looking at a different one of them.</p> <p>8 Q. I would like to look at Exhibit 5,</p> <p>9 which is the transcript of the July 2 call that</p> <p>10 we have been looking at before. If you could</p> <p>11 please turn to Page 21 of Exhibit 5.</p> <p>12 A. Page 1, you said?</p> <p>13 Q. Yes. Sorry, Page 21 of Exhibit 5.</p> <p>14 Did you see that the Court asked you</p> <p>15 at Line 14 of Page 21, Mr. Kline, did you</p> <p>16 receive that e-mail and were you able -- do you</p> <p>17 know what I am talking about with the -- you</p> <p>18 know, the certification? You responded, yeah, I</p> <p>19 received the e-mail. I am just scanning through</p> <p>20 it right now, Your Honor, trying to catch up to</p> <p>21 speed what it is talking about, what it is</p> <p>22 asking for.</p> <p>23 A. Yes. So, I was -- like I said, I</p> <p>24 thought he was talking about one document, and I</p> <p>25 was reading another one.</p>	<p style="text-align: right;">Page 327</p> <p>1 Q. You told the Court that you had</p> <p>2 received an e-mail with a certification, right?</p> <p>3 A. Well, I -- I misunderstood what</p> <p>4 certification meant. I just thought he was -- I</p> <p>5 mean, I don't know. I am guessing at the time I</p> <p>6 thought he was asking me if I was reading</p> <p>7 through the document that was a certified</p> <p>8 document, not necessarily the certification of</p> <p>9 the discovery items.</p> <p>10 Q. On Page 31 of that document do you see</p> <p>11 that the Court asked you about documents that</p> <p>12 you had received from Plaintiffs' counsel? That</p> <p>13 is at Line 23.</p> <p>14 A. Yes. What was the question?</p> <p>15 Q. Do you see that the Court asked you</p> <p>16 about documents you had received from</p> <p>17 Plaintiffs' counsel?</p> <p>18 A. Yes.</p> <p>19 Q. Do you see on Page 32 that you</p> <p>20 informed the Court that you had received consent</p> <p>21 forms for Discord and stipulations about</p> <p>22 electronically stored information and</p> <p>23 certification documents for the accounts and</p> <p>24 devices?</p> <p>25 A. Yes.</p>
<p style="text-align: right;">Page 328</p> <p>1 Q. You told the Court that you had</p> <p>2 received that, right?</p> <p>3 A. Right. But whatever I was looking at</p> <p>4 -- I have to go back and look. Whatever I was</p> <p>5 looking at had stuff about discovery. That is</p> <p>6 when he asked me that stuff, I was like, yeah,</p> <p>7 that has discovery on it. I didn't realize that</p> <p>8 it was exact -- when he said certification</p> <p>9 documents, I didn't know he meant exactly, you</p> <p>10 know, the forms I have been filling out today.</p> <p>11 Q. You didn't fill out any of the forms</p> <p>12 that you have been filling out today or any</p> <p>13 other forms after this call, right?</p> <p>14 A. No, I wanted to. But I didn't know --</p> <p>15 I just didn't have the means to do it.</p> <p>16 Q. But you told the Judge you had</p> <p>17 received the documents, right?</p> <p>18 A. Correct. A misunderstanding which</p> <p>19 documents he was talking about.</p> <p>20 Q. So, your testimony is that you had not</p> <p>21 received the documents, even though you told the</p> <p>22 Judge that you had?</p> <p>23 A. No. My testimony is that I thought he</p> <p>24 was talking about one set of documents, when I</p> <p>25 had possession of a different set of documents.</p>	<p style="text-align: right;">Page 329</p> <p>1 Q. Which documents did you have -- did</p> <p>2 you have possession of?</p> <p>3 A. Ones that were sent to me the day</p> <p>4 before.</p> <p>5 Q. Which documents were you sent the day</p> <p>6 before?</p> <p>7 A. I am not sure. But they were talking</p> <p>8 about discovery and things like -- that he is</p> <p>9 talking about in here, electronically stored</p> <p>10 information.</p> <p>11 Q. At this time -- this was on July 2.</p> <p>12 At this time you have received the e-mail from</p> <p>13 Mr. Bloch attaching all of the Orders and</p> <p>14 certifications, right, in Exhibit 11?</p> <p>15 A. In Exhibit 11?</p> <p>16 Q. Correct.</p> <p>17 A. I received it, but I didn't -- I</p> <p>18 didn't -- I hadn't seen it. Like I said, I was</p> <p>19 looking at different -- a different e-mail.</p> <p>20 Q. So, you told the Court that you had</p> <p>21 received a number of documents, referring to</p> <p>22 documents other than the ones that you had</p> <p>23 actually received from Mr. Bloch?</p> <p>24 A. No. I had received multiple -- many</p> <p>25 sets of documents. I was reading one set that</p>

<p style="text-align: right;">Page 330</p> <p>1 was dealing with the electronic and the 2 discovery stuff. And I was reading through them 3 and skimming through, because that is what we 4 were talking about on the phone. He asked me if 5 I had that in front of me, I said yes. Not 6 realizing that he was talking about Exhibit 11 7 and I was looking at a different page. 8 Q. Notwithstanding -- umm, strike that. 9 You did not fill out any 10 certifications after that call, right? 11 A. I wasn't -- I wasn't expected to. At 12 the end of the call, they said that you'll be 13 receiving a document to sign, and then that will 14 push forward the electronic -- umm, the 15 electronic imaging, which was the -- the 16 DocuSign agreement. 17 Q. You received the DocuSign agreement? 18 A. Yeah, and I signed it. 19 Q. You also received from Mr. Bloch a 20 number of documents, right? A number of 21 certifications and forms. 22 You see that now? 23 A. I see it now, the Exhibit 11. But, 24 like I said, I didn't know about it. I didn't 25 see it until today. This is the first time I</p>	<p style="text-align: right;">Page 331</p> <p>1 have seen this Exhibit 11. 2 Q. You knew during that call with the 3 Court that you were expected to fill out some 4 forms, right? 5 A. Yes. 6 Q. And you were waiting to receive the 7 forms? Is that your testimony? 8 A. I was awaiting and I filled them out, 9 the ones I was sent, after the call. 10 Q. You were never sent anything other 11 than the DocuSign contract? Is that your -- is 12 that what you are saying? 13 A. After the call, correct. After the 14 call I got a DocuSign contract that I signed. I 15 thought that was what I was supposed to sign. 16 Then the next part would be, I guess, the 17 company -- what I thought was the company reach 18 out for the discovery stuff. 19 Q. You told the Court that you would fill 20 -- that you were happy to fill out some consents 21 regarding your devices, right? 22 A. Yes. 23 Q. That you were happy to identify your 24 social media accounts, right? 25 A. Correct.</p>
<p style="text-align: right;">Page 332</p> <p>1 Q. That you were happy to turn over your 2 devices for imaging? 3 A. Yes. 4 Q. Did you understand the DocuSign 5 contracts to cover your devices for imaging and 6 your social media accounts and your consents? 7 A. I thought that's what that was, yes. 8 I thought that was consenting to all my things. 9 I thought it was weird because it 10 didn't ask me what they were. Then I went 11 through and I read the whole thing, I was, like, 12 that is not what this is at all, but I still 13 need to sign it. 14 Q. Did you ever ask anyone for 15 clarification? 16 A. I mean, who I am going to ask? The -- 17 my lawyer? Like, there was no -- there was no 18 clarification. So -- 19 Q. Did you ever ask anyone for 20 clarification? 21 A. I mean, like I said, I thought the 22 DocuSign document was what they were all talking 23 about. 24 Q. Did you ask Mr. Kolenich for 25 clarification of your obligations?</p>	<p style="text-align: right;">Page 333</p> <p>1 A. No. 2 Q. Did you ask Mr. Bloch for 3 clarification of your obligations? 4 A. No, because I thought my obligations 5 were fulfilled. 6 Q. But you just testified that when you 7 reviewed the DocuSign contract you thought it 8 was strange because it didn't ask you about your 9 specific social media accounts. 10 A. Right. I thought that was the first 11 step, and the next step would be them asking for 12 specifics. 13 Q. Did you ever ask anyone whether there 14 would be follow-up steps? 15 A. No, because I had a hearing today. 16 And I knew -- I thought that DocuSign document I 17 signed was it. 18 Q. Do you see at Page 33 in Line 25 -- 19 A. On -- 20 Q. We are still on the same exhibit. I'm 21 sorry, the transcript, which is Exhibit 5. 22 A. Five? 23 Q. Correct. 24 A. You said 22? 25 Q. It is Page 33, Line 25.</p>

<p style="text-align: right;">Page 334</p> <p>1 A. Yes.</p> <p>2 Q. Do you see there that -- well, first</p> <p>3 of all, I'll refer you to the bottom of Page 32,</p> <p>4 which is the prior page. The Court said -- you</p> <p>5 were on this call, right?</p> <p>6 A. Yes.</p> <p>7 Q. The Court said I think that, you know,</p> <p>8 if it is a -- because it really just concerns a</p> <p>9 matter of executing some consents then</p> <p>10 identifying the accounts and devices, I think a</p> <p>11 week is enough time to be able to do that.</p> <p>12 At the bottom of Page 33 the Court</p> <p>13 said, Mr. Kline, is a week -- will a week give</p> <p>14 you sufficient time? Page 34. Mr. Kline, yes,</p> <p>15 Your Honor.</p> <p>16 Do you see that?</p> <p>17 A. Yes.</p> <p>18 Q. You told the Court that a week would</p> <p>19 be enough time to -- to execute consents and</p> <p>20 identify accounts and devices, correct?</p> <p>21 A. Correct.</p> <p>22 Q. When did you sign the DocuSign</p> <p>23 contract?</p> <p>24 A. Umm, I am not sure. A little bit</p> <p>25 after that, I think. Maybe a couple days.</p>	<p style="text-align: right;">Page 335</p> <p>1 Q. Your testimony is that you signed the</p> <p>2 DocuSign contract a couple days after this call?</p> <p>3 A. I am not entirely sure. That was when</p> <p>4 I was -- I was traveling during that. So, it</p> <p>5 was really tough for me to be able to do a</p> <p>6 DocuSign on my phone.</p> <p>7 Q. How did you end up doing the DocuSign?</p> <p>8 A. On my phone. It really sucked. I had</p> <p>9 to, like, tilt the phone to get it to sign</p> <p>10 right.</p> <p>11 Q. Where were you traveling?</p> <p>12 A. I was house-sitting for somebody. So,</p> <p>13 I was up in Hazleton, I think.</p> <p>14 Q. You think that you signed the contract</p> <p>15 on August 1 -- I'm sorry, that you signed the</p> <p>16 contract within a couple of --</p> <p>17 A. I don't know. I don't know when I</p> <p>18 signed it. But I know I first opened it up and</p> <p>19 I went through and hit sign, and then I thought</p> <p>20 it was weird I didn't get anything back. I</p> <p>21 didn't get -- you know how when you sign</p> <p>22 something with DocuSign, how it sends it back,</p> <p>23 kind of like a receipt. I didn't receive</p> <p>24 anything like that. So, I went and tried it</p> <p>25 again, then I finally got a receipt.</p>
<p style="text-align: right;">Page 336</p> <p>1 Q. My question was, when did you sign the</p> <p>2 DocuSign contract?</p> <p>3 A. I am not -- I am not sure when.</p> <p>4 Q. You previously said that you signed</p> <p>5 the DocuSign contract a couple days after the</p> <p>6 call?</p> <p>7 A. I feel like it was a couple of days.</p> <p>8 I mean, I think I originally -- I originally</p> <p>9 signed it maybe five or six days after the call.</p> <p>10 And then, like I said, I didn't get a receipt,</p> <p>11 so I went and did it again and it worked the</p> <p>12 second time.</p> <p>13 I don't know how many days it was</p> <p>14 though.</p> <p>15 Q. You told the Court that you had signed</p> <p>16 the contract within a week, right?</p> <p>17 A. Yes.</p> <p>18 Q. That you would sign the contract</p> <p>19 within a week?</p> <p>20 A. Yes.</p> <p>21 (Exhibit 26, 7/25/2019 - 8/1/2019</p> <p>22 e-mail exchange, marked for identification.)</p> <p>23 BY MR. BARKAI:</p> <p>24 Q. You are being handed Exhibit 26. This</p> <p>25 document -- do you recognize this document?</p>	<p style="text-align: right;">Page 337</p> <p>1 A. Yes. I had responded to this -- this</p> <p>2 person. Because I was at -- I had already</p> <p>3 signed it and I got an e-mail from them saying</p> <p>4 this hasn't been signed. So, I messaged them</p> <p>5 back and I said DocuSign says it is expired, can</p> <p>6 you resend it? And then right when I sent that</p> <p>7 e-mail I went back to try it again, I was, like,</p> <p>8 what the hell is going on with this thing. And</p> <p>9 then I got an e-mail from her saying, hey, it</p> <p>10 worked. And I didn't even do anything. I</p> <p>11 didn't click any -- I didn't click final sign on</p> <p>12 my phone or anything. It just said this</p> <p>13 document has expired.</p> <p>14 Q. When did you go back to try it again?</p> <p>15 A. Several times. I mean, I noticed -- I</p> <p>16 think -- I think it was a couple days before</p> <p>17 this. And they sent me -- no, it was actually a</p> <p>18 long time before this.</p> <p>19 It went -- I signed the -- I signed</p> <p>20 the DocuSign document and it didn't -- and I</p> <p>21 didn't get a receipt. I tried again a couple</p> <p>22 days after that. So, that might have been a</p> <p>23 week or so after the call. And then I didn't</p> <p>24 know it wasn't done until I got these e-mails.</p> <p>25 I am following up on our e-mail below, please</p>



<p style="text-align: right;">Page 338</p> <p>1 provide an update on signing the engagement 2 letter. This is July 25. I didn't see this 3 e-mail until, I don't know, the -- I guess 4 August 1. And I said -- that's when I went to 5 go re-sign it. Like, what is going on? When I 6 clicked it, it says expired. 7 I said it was expired and she 8 responded you got -- you signed it. So, the 9 document -- the document website said it was 10 expired, even though she said I signed it. But 11 on my screen it said it was expired. 12 Like I said, I didn't know that they 13 didn't receive me signing this until this July 14 29, August 1. I don't know which day I saw that 15 e-mail. I guess it was August 1. 16 Q. Do you see on the fourth page of this 17 exhibit a July 22 e-mail? 18 A. July 22 e-mail. Umm, yes, I see this. 19 Q. Do you see that your signature had not 20 been received as of July 22? 21 A. Yeah, I didn't see this e-mail until 22 the August 1 date. 23 Q. Was this e-mail sent to your correct 24 e-mail address? 25 A. Yes, it was.</p>	<p style="text-align: right;">Page 339</p> <p>1 Q. But you didn't see this e-mail? 2 A. No, I did not see this e-mail. 3 Q. You didn't see any e-mails regarding 4 your signing the engagement letter? 5 A. No. Like I said, I thought I had 6 signed this. So, I didn't -- I didn't know I 7 hadn't until I saw her e-mail from the 29th. 8 And then when I went into it, it said it was 9 expired. So, I re-signed it, or whatever. 10 Q. So, on July 29 -- I'm sorry, you went 11 to -- on August 1 you received these July 29 12 e-mails? 13 A. Well -- 14 Q. You then went to DocuSign again? Is 15 that your testimony? 16 A. Yes. On August 1 I -- I went and 17 checked my e-mails on August 1 and I went and 18 saw, oh, she e-mailed me on the 29th, and that 19 is when I saw the 25th e-mail as well. And when 20 I went into the document to -- on DocuSign to 21 sign it, it said it was expired, because she 22 said it wasn't done. 23 So, I went into DocuSign, clicked 24 sign, it said you can't sign this, it is 25 expired. I asked her to re-send it. Like I</p>
<p style="text-align: right;">Page 340</p> <p>1 said, she responded to me, oh, no, you did sign 2 it. 3 Like, you understand what I am saying? 4 So, I clicked sign on the week it happened and I 5 never got a receipt. So, I went back through 6 and did it again. I thought it was done, okay. 7 And then I got an e-mail from them on August 1 8 saying, hey, this isn't done. So, I opened the 9 DocuSign back up and it said it is expired. I 10 asked her to re-send it. Her response was, oh, 11 you already signed it. 12 So, on August 1, I didn't even sign 13 it. It was already done. 14 Q. Is that response from DocuSign 15 something that is in your Gmail? 16 A. Yes. This whole conversation is in 17 Gmail, yes. 18 Q. It'll be there on your phone? 19 A. Yes. And the receipt and everything. 20 I finally got a receipt and everything after 21 that happened. 22 Q. Turning to Page 1 of Exhibit 26, do 23 you see the e-mail from Ken Kim on August 1, 24 2019? 25 A. Yes.</p>	<p style="text-align: right;">Page 341</p> <p>1 Q. Do you see it states we just got 2 confirmation that Elliott Kline signed the 3 updated contract today? 4 A. Yes. That is what I am saying, that 5 is the response to me saying it is expired. 6 Q. This e-mail states that you signed the 7 updated contract today, on August 1, right? 8 A. At -- at 12:50. At 12:37 I had 9 e-mailed them and said, hey, this is expired. 10 Like, what's going on. 11 Q. This e-mail states that you signed the 12 contract on August 1, right? 13 A. Correct. 14 Q. Is that wrong? 15 A. No, that is -- I mean, I know I signed 16 it -- I originally signed it, like, six days 17 after the call. I didn't get a receipt so I 18 went back to sign it again. And I thought I was 19 good to go until I got the e-mail -- until I saw 20 the e-mail on August 1. 21 But I didn't even sign the document on 22 August 1, is what I am telling you. I opened 23 DocuSign and it said it was expired. I sent her 24 an e-mail asking her to re-send it. And the 25 response was, no, you are good, you signed it.</p>

<p style="text-align: right;">Page 342</p> <p>1 So, I didn't even sign the document on</p> <p>2 August 1, is what I am saying.</p> <p>3 Does that make sense?</p> <p>4 (Exhibit 27, 7/3/2019 Order, marked</p> <p>5 for identification.)</p> <p>6 BY MR. BARKAI:</p> <p>7 Q. You are being handed a document marked</p> <p>8 Exhibit 27.</p> <p>9 Do you recognize this Order?</p> <p>10 A. This is the Order we got after the</p> <p>11 phone call.</p> <p>12 Q. Did you receive this at the time?</p> <p>13 A. Yes.</p> <p>14 Q. You did receive this at the time?</p> <p>15 A. Yes.</p> <p>16 Q. Did you read it all the way through?</p> <p>17 A. Yes.</p> <p>18 Q. Do you see that the Court ordered you</p> <p>19 within seven days of the date of this Order to</p> <p>20 give Plaintiffs' counsel, SCA, consent forms for</p> <p>21 Discord, Twitter, and any other social media</p> <p>22 provider?</p> <p>23 A. Yes.</p> <p>24 Q. Did you do that within seven days of</p> <p>25 this Order?</p>	<p style="text-align: right;">Page 343</p> <p>1 A. I thought that is what the DocuSign</p> <p>2 document was. So, I mean, yes, to my knowledge</p> <p>3 I had done it.</p> <p>4 Q. The DocuSign contract which the vendor</p> <p>5 stated you signed on August 1, right?</p> <p>6 A. Yes. But I was under the impression I</p> <p>7 had signed it before that.</p> <p>8 Q. This Order, Exhibit 27, states that</p> <p>9 you were being ordered to execute the third</p> <p>10 party discovery vendor contract within seven</p> <p>11 days, right?</p> <p>12 A. Correct. Which I -- yes.</p> <p>13 Q. That is signing the DocuSign --</p> <p>14 A. Yes.</p> <p>15 Q. -- contract?</p> <p>16 This Order also states that you were</p> <p>17 to complete and give to Plaintiffs' counsel the</p> <p>18 certification form attached as Exhibit A to the</p> <p>19 imaging order, right?</p> <p>20 A. Yes.</p> <p>21 Q. Within seven days?</p> <p>22 A. Yes.</p> <p>23 Q. You didn't do that within seven days,</p> <p>24 did you?</p> <p>25 A. Well, I didn't -- I didn't have that</p>
<p style="text-align: right;">Page 344</p> <p>1 -- this certification form. Like, when -- none</p> <p>2 of the e-mails they sent me had that attached.</p> <p>3 Unless it is this Exhibit 11 from before the</p> <p>4 phone call. That wouldn't have made sense to</p> <p>5 me.</p> <p>6 Q. Did you complete this certification</p> <p>7 form within seven days of the Order?</p> <p>8 A. I didn't receive a certification form.</p> <p>9 Q. Did you complete the certification</p> <p>10 form within seven days of the Order?</p> <p>11 A. I didn't receive a certification form.</p> <p>12 Q. So, is that yes or no. Did you</p> <p>13 complete it or no?</p> <p>14 A. The answer is I didn't receive a</p> <p>15 certification form.</p> <p>16 Q. So, you did not complete it, right?</p> <p>17 A. I didn't -- I didn't receive one.</p> <p>18 Q. So, you did not complete it, right?</p> <p>19 A. I didn't receive one.</p> <p>20 Q. It is a very simple question.</p> <p>21 Did you --</p> <p>22 A. I am giving you the answer. I can't</p> <p>23 complete something that I am not given.</p> <p>24 Q. So, it is your testimony that you did</p> <p>25 not complete the certification form?</p>	<p style="text-align: right;">Page 345</p> <p>1 A. I did not receive a certification</p> <p>2 form.</p> <p>3 Q. Is the answer yes or no? You did</p> <p>4 complete it or you did not complete the</p> <p>5 certification form?</p> <p>6 A. I didn't receive it.</p> <p>7 Q. On Page 2 of this Order, continuing</p> <p>8 further down, do you see that the Court ordered</p> <p>9 you within 14 days to make available to the</p> <p>10 third party discovery vendor for imaging and</p> <p>11 collection any electronic devices or social</p> <p>12 media account credentials identified in the</p> <p>13 certification form?</p> <p>14 A. Yes, I see that.</p> <p>15 Q. Did you do that?</p> <p>16 A. I never had a certification form. So,</p> <p>17 no, I wasn't able to do this because I never</p> <p>18 received that form.</p> <p>19 Q. Did you --</p> <p>20 A. The first time I am receiving this</p> <p>21 form is today.</p> <p>22 Q. Did you make your electronic -- excuse</p> <p>23 me. Did you make your electronic devices and</p> <p>24 social media account credentials available to</p> <p>25 the third party discovery vendor within 14 days</p>



<p style="text-align: right;">Page 346</p> <p>1 of this Order?</p> <p>2 A. Oh, I didn't receive a certification</p> <p>3 form, so I wasn't able to do that.</p> <p>4 Q. That is yes or no.</p> <p>5 A. I mean, I didn't receive a</p> <p>6 certification form, so I wasn't able to do that.</p> <p>7 Q. It is just a yes or no question.</p> <p>8 Did you make your devices and accounts</p> <p>9 available to the vendor?</p> <p>10 A. I didn't receive them from the vendor,</p> <p>11 so I wasn't able to complete it.</p> <p>12 Q. Is that a no?</p> <p>13 A. I mean, it is me telling you I didn't</p> <p>14 receive that form at all to be able to complete</p> <p>15 it.</p> <p>16 Q. It is just a yes or no question. I am</p> <p>17 looking for a yes or a no.</p> <p>18 A. It is not a yes or no question.</p> <p>19 Because you are asking me if I completed a form</p> <p>20 that I hadn't received. And I have to tell you</p> <p>21 I didn't receive that form, to give a complete</p> <p>22 answer.</p> <p>23 Q. Do you see that this Order within 21</p> <p>24 days ordered you to provide complete and</p> <p>25 accurate written answers to Plaintiffs' First</p>	<p style="text-align: right;">Page 347</p> <p>1 Set of Interrogatories?</p> <p>2 A. Yes.</p> <p>3 Q. Did you do that?</p> <p>4 A. No, I did not do that. But, like I</p> <p>5 said again, I hadn't received this for sure. I</p> <p>6 mean, this is saying that -- see Order of June</p> <p>7 21, 2019. Is that one of these, June 21 -- I</p> <p>8 don't even know which one that would be.</p> <p>9 But, no, I didn't -- I didn't -- like</p> <p>10 I said, again, this is another certification or</p> <p>11 form that I had never received.</p> <p>12 Q. If I refer to Exhibit 11, you know</p> <p>13 which e-mail that is, right?</p> <p>14 A. Umm, which what?</p> <p>15 Q. Which e-mail Exhibit 11 is?</p> <p>16 A. Yes, I know --</p> <p>17 Q. That is July 1, 2019, from Mr. Bloch?</p> <p>18 A. Correct.</p> <p>19 Q. That e-mail attached the certification</p> <p>20 form, right?</p> <p>21 A. Right. That is the one I hadn't --</p> <p>22 that the Judge thought I was looking at, that I</p> <p>23 wasn't looking at this.</p> <p>24 Q. That e-mail also attached Plaintiffs'</p> <p>25 First Set of Interrogatories, right?</p>
<p style="text-align: right;">Page 348</p> <p>1 A. I -- yes, I guess so.</p> <p>2 Q. This Order from Judge Hoppe dated July</p> <p>3 3, 2019 also ordered you within 21 days to</p> <p>4 provide complete and accurate written responses</p> <p>5 to the Plaintiffs' Request for Production of</p> <p>6 Documents, right?</p> <p>7 A. Yes.</p> <p>8 Q. Within 21 days?</p> <p>9 A. Correct.</p> <p>10 Q. Did you do that?</p> <p>11 A. I didn't receive the -- whatever this</p> <p>12 is called, the discovery vendors -- the Order,</p> <p>13 the production of documents. I didn't have</p> <p>14 that.</p> <p>15 Q. You had not received the Request for</p> <p>16 Production of Documents?</p> <p>17 A. No. It was on the Exhibit 11, which</p> <p>18 we have already talked about. I hadn't realized</p> <p>19 was the form everyone was talking about.</p> <p>20 Q. So, you would agree that Exhibit 11</p> <p>21 included all of the forms that are discussed in</p> <p>22 this Order, right?</p> <p>23 A. Yeah, that is what it looks like.</p> <p>24 Q. But you had not read the e-mail at</p> <p>25 Exhibit 11?</p>	<p style="text-align: right;">Page 349</p> <p>1 A. I didn't realize that it was talking</p> <p>2 about the same thing, because the Judge and I --</p> <p>3 the Judge was talking about one form, and I was</p> <p>4 talking about another. And I didn't realize</p> <p>5 that.</p> <p>6 Q. That wasn't my question. Did you read</p> <p>7 the e-mail Mr. Bloch sent you July 1, 2019?</p> <p>8 A. I am unsure if I read that e-mail or</p> <p>9 not. There was multiple e-mails that day. I am</p> <p>10 assuming I read that one. But there was a bunch</p> <p>11 of them that day. The day before the phone call</p> <p>12 I got probably six or seven e-mails related to</p> <p>13 the case.</p> <p>14 Q. You are assuming that you read the</p> <p>15 e-mail that Mr. Bloch sent you on July 1?</p> <p>16 A. Correct. But I don't -- I didn't know</p> <p>17 what those attachments were. Whatever is on</p> <p>18 there, I didn't know what they were.</p> <p>19 Q. Did you read the attachments?</p> <p>20 A. No, because it was the day before that</p> <p>21 phone call, and this is when the Judge asked me,</p> <p>22 are you looking through this -- are you looking</p> <p>23 through the page. I said yes, because I was</p> <p>24 looking through a totally different one.</p> <p>25 Q. So, you did not read the attachments?</p>

<p style="text-align: right;">Page 354</p> <p>1 A. I -- I recognize -- I don't recognize  2 the name at all. But, yeah, I mean, I see  3 someone named Jessica Phillips sent me  4 something. I just didn't recognize the name.  5 Q. Who were you house-sitting for on July  6 15?  7 A. My cousin.  8 Q. What is your cousin's name?  9 A. Aaron Ward.  10 Q. Aaron Ward?  11 A. Yeah.  12 Q. Where does he live?  13 A. Macungie.  14 Q. What is Macungie?  15 A. It is a town called Macungie.  16 Q. How long were you house-sitting for?  17 A. Like, a week-and-a-half, two weeks.  18 Q. What is his address?  19 A. I don't know off the top of my head.  20 Q. You don't know the address where you  21 were house-sitting for a week-and-a-half or two  22 weeks?  23 A. No, because I didn't leave the house.  24 I was basically watching the dogs.  25 Q. Did you receive any calls or e-mails</p>	<p style="text-align: right;">Page 355</p> <p>1 regarding a conference call tomorrow, August 8?  2 A. Yes.  3 Q. Who called you or e-mailed you?  4 A. Umm, I don't know. I have a voicemail  5 I just checked that was done this morning while  6 we were in here. And I haven't checked the  7 e-mail.  8 Q. You have one voicemail?  9 A. I have a voicemail, and then -- I saw  10 I had an e-mail. I just haven't looked at it  11 yet.  12 Q. Who is the e-mail from?  13 A. I -- I have no idea. Umm, umm, it is  14 from -- there is no way that is right.  15 Q. What are you doing right now?  16 A. Like, the last -- the last e-mail I  17 have, it says, is from 6/11. But that is not --  18 Q. On your phone -- the last e-mail on  19 your phone --  20 A. This is obviously wrong. Like, 6/11  21 is not the earliest e-mail I have.  22 Q. What is --  23 A. Do you see what I am saying?  24 Q. The earliest e-mail on your phone is  25 from June 11?</p>
<p style="text-align: right;">Page 356</p> <p>1 A. It is trying -- that is what I am  2 saying. It is trying to set -- I have already  3 received that e-mail. I have seen it. But I am  4 saying the newest one it is showing is wrong.  5 So, I don't know who sent me the  6 newest e-mail.  7 Q. The newest e-mail on your phone is  8 from June 11?  9 A. No. What I am saying is that right  10 now, when I looked at it, it is showing June 11.  11 Earlier when we took our break, when I was going  12 through, I saw I had two missed -- I had new  13 e-mails from today.  14 Q. You had two e-mails from today?  15 A. The other one might have been from  16 yesterday. But definitely one from today.  17 Q. Who sent you the e-mails from today or  18 yesterday?  19 A. I don't know. I didn't get to look at  20 them yet. I definitely have a phone call from  21 somebody telling me, umm, the code for the  22 conference call tomorrow.  23 Q. You said just now in your testimony  24 that the earliest e-mail on your phone right now  25 is June 11. You also said that the latest</p>	<p style="text-align: right;">Page 357</p> <p>1 e-mail on your phone is June 11.  2 Could you please clarify?  3 A. Right now when I am going onto my  4 phone, it is showing June 11 is the newest  5 e-mail I have. However, earlier when we took a  6 break I had seen what e-mails I received today  7 and it showed I received e-mails today. So,  8 there is something wrong with the phone.  9 Q. You can't see those e-mails now?  10 A. The ones from today are not showing  11 up, no. I mean, we have documents here that are  12 from later date than 6/11. So, I mean, and you  13 can see it. I am not -- you can see 6/11 is the  14 latest. It is not letting me -- you see this?  15 It is not --  16 Q. Did your phone just ask you to enter  17 the password for Eli.F.Mosley@Gmail.com?  18 A. Yes. That is the same thing it does  19 for the, umm -- the same thing it does for the  20 Identity Evropa account as well.  21 Q. Are you not logged into your Gmail  22 account?  23 A. I am definitely logged into the Gmail  24 account. I just sent the e-mail to you guys  25 from it.</p>

<p style="text-align: right;">Page 358</p> <p>1 Q. You sent an e-mail to us from 2 DeplorableTruth@Gmail.com. 3 A. Did I? Maybe I have to re-sign into 4 Eli F. Mosley. I definitely received an e-mail 5 earlier today. 6 Q. Are you not logged into your 7 Eli.F.Mosley@Gmail.com account on your phone 8 right now? 9 A. I believe I am. I mean, I am able to 10 go into my inbox. Why wouldn't -- how would I 11 be able to go to the inbox if I wasn't logged 12 in? 13 Q. The last e-mail in your 14 Eli.F.Mosley@Gmail.com inbox appearing on your 15 phone is from June 11, right? 16 A. Yeah. 17 Q. Do e-mails just disappear from your 18 phone periodically? 19 A. I mean, that is strange. I don't know 20 what's going on with it. Like I said, earlier I 21 had a pop-up that an e-mail showed up. 22 Q. My question was, do e-mails just 23 disappear from your phone periodically? 24 A. No. 25 Q. Do texts disappear from your phone</p>	<p style="text-align: right;">Page 359</p> <p>1 periodically? 2 A. No. 3 Q. What is the oldest 4 Eli.F.Mosley@Gmail.com e-mail on your -- in your 5 inbox? 6 A. 9/21/18. 7 Q. So, right now your Gmail -- 8 A. That it is showing. I don't know -- 9 maybe it is -- maybe it goes back further. I 10 don't know. 11 Q. So, on your phone right now your 12 Eli.F.Mosley@Gmail.com e-mail address displays 13 e-mails from September 21, 2018 to June 11, 14 2019, right? 15 A. Correct. But I am pretty sure I had 16 the account before that, and I have obviously 17 gotten e-mails after that. 18 Q. You are pretty sure you had the 19 account before that? 20 A. Yeah, I am pretty sure I had the 21 account before that. Probably 2017. Like I 22 said, it just might be what the phone is 23 displaying right now. 24 Q. But you -- your password needs to be 25 entered into your phone right now?</p>
<p style="text-align: right;">Page 360</p> <p>1 A. I just entered it again. It kicked me 2 right back out. 3 Q. You entered your password and it 4 kicked you out? 5 A. Well, when I entered the password, it 6 asked for the Identity Evropa e-mail password. 7 That is what I told you before, when they wrote 8 me out of Identity Evropa e-mail, service, it 9 messed with the e-mail on my phone. 10 Q. After you entered your password for 11 your Eli.F.Mosley@Gmail.com account, did the 12 rest of the e-mails for that account show up? 13 A. No. A pop-up came up, said sign into 14 Eli.Mosley@IdentityEvropa.com. And I can't. If 15 I hit sign in or yes, it says this account 16 doesn't exist and takes me right back to where I 17 was. 18 Q. You did enter your password for your 19 Gmail account, right? 20 A. Correct. And the next question it 21 asked me was the account information for the 22 Identity Evropa e-mail, which I no longer can 23 get into. 24 Q. Your e-mails for your Gmail account 25 are still stopped at June 11?</p>	<p style="text-align: right;">Page 361</p> <p>1 A. Yeah. But I have been receiving all 2 these other things. So, like I said, I don't 3 know what is going on with it. Maybe when I get 4 my -- you know, my new phone, when I activate my 5 new phone, it'll fix it, or whatever. 6 Q. How have you been receiving them? 7 A. I am receiving them on that phone, is 8 what I am telling you. 9 Q. Where are they now then? 10 A. I don't know. I don't understand what 11 is going on with the phone. 12 Q. They just disappeared? 13 A. It is clearly a broken phone. It is 14 clearly, like, a messed up phone. 15 Q. It is a messed up phone? 16 A. I mean, the phone I have already 17 explained to you guys has had issues. 18 Q. It has had issues, right? 19 A. Yeah. But it hasn't lost any, like, 20 data or anything like that. It is still full. 21 Q. But the e-mails are not showing up 22 right now, right? 23 A. No. But I know I have those e-mails. 24 Because, like I said, I have received them 25 before. I have looked at them on that phone.</p>

<p style="text-align: right;">Page 362</p> <p>1 Q. You have looked at them on your phone?</p> <p>2 A. Yes.</p> <p>3 Q. And since then, now they are not able</p> <p>4 to be viewed?</p> <p>5 A. No, but I am sure they are still in</p> <p>6 the inbox. It is not like I went through -- I</p> <p>7 didn't go through and delete the e-mails, or</p> <p>8 whatever.</p> <p>9 (Exhibit 29, 8/6/2019 e-mail exchange,</p> <p>10 marked for identification.)</p> <p>11 BY MR. BARKAI:</p> <p>12 Q. You are being handed a document marked</p> <p>13 Exhibit 29. Now, you had testified earlier that</p> <p>14 you had received some e-mails and voicemails</p> <p>15 regarding a court hearing tomorrow, right?</p> <p>16 A. Yes.</p> <p>17 Q. You couldn't remember who sent them to</p> <p>18 you?</p> <p>19 A. Correct.</p> <p>20 Q. And you couldn't remember how many you</p> <p>21 received?</p> <p>22 A. No.</p> <p>23 Q. And when you looked for them on your</p> <p>24 phone, you couldn't find them, right?</p> <p>25 A. The voicemails? No, I have it.</p>	<p style="text-align: right;">Page 363</p> <p>1 Q. Also e-mails?</p> <p>2 A. Well, right now my phone is not</p> <p>3 showing any e-mails. But, like, this is from</p> <p>4 August 6, so it is not showing for whatever</p> <p>5 reason. I can see the voicemail on my phone.</p> <p>6 Q. Do your voicemails get sent to your</p> <p>7 e-mails?</p> <p>8 A. No.</p> <p>9 Q. Excuse me, do your voicemails get sent</p> <p>10 to your e-mail address?</p> <p>11 A. No.</p> <p>12 Q. They are just accessible through your</p> <p>13 phone?</p> <p>14 A. Correct.</p> <p>15 Q. Do you recognize the e-mails in this</p> <p>16 exhibit?</p> <p>17 A. 29, yes.</p> <p>18 Q. Correct. You do recognize these?</p> <p>19 A. Yes.</p> <p>20 Q. What are they?</p> <p>21 A. They are e-mails asking me what time</p> <p>22 and day I can do this -- I can do the next call.</p> <p>23 Q. Did you receive this e-mail from</p> <p>24 KarenD@vawd.uscourts.gov on August 22, 2019, at</p> <p>25 12:24 p.m.?</p>
<p style="text-align: right;">Page 364</p> <p>1 A. Yes. That is not when I read it. I</p> <p>2 read it little bit after that. But, yes.</p> <p>3 Q. You did receive it?</p> <p>4 A. Yes.</p> <p>5 Q. Do you see when Miss Dotson asks, what</p> <p>6 time works best for you and I'll get the call</p> <p>7 set up?</p> <p>8 A. Uh, yes.</p> <p>9 Q. Did you respond to her?</p> <p>10 A. Umm, I don't know if I did or not.</p> <p>11 But I think -- no, I don't think I responded to</p> <p>12 her. But I definitely seen this e-mail.</p> <p>13 I think by the time I saw this -- yes,</p> <p>14 that's what it is. The next e-mail is three</p> <p>15 days later, and I didn't see that e-mail until</p> <p>16 she had already sent back that'll take place at</p> <p>17 3:30. So, by that time I didn't respond to her,</p> <p>18 because I didn't realize -- or I -- you know,</p> <p>19 the time was already set and that is a fine time</p> <p>20 for me.</p> <p>21 Q. You did not respond to Mrs. Dotson's</p> <p>22 e-mail because you didn't see it until August 5,</p> <p>23 2019 when Mr. Bloch sent the e-mail?</p> <p>24 A. Correct.</p> <p>25 Q. Do you see where Mr. Bloch told Miss</p>	<p style="text-align: right;">Page 365</p> <p>1 Dotson, we reached out to Mr. Kline on Friday</p> <p>2 regarding this conference call, we have not</p> <p>3 received any response?</p> <p>4 A. Yes, I see that.</p> <p>5 Q. Is that wrong?</p> <p>6 A. I mean, I guess. I -- I don't know</p> <p>7 who we would be. The only person that called me</p> <p>8 or that would have called me would be -- I guess</p> <p>9 that is from you guys. But I don't know -- is</p> <p>10 it 929 is the number up there? I don't -- I</p> <p>11 don't recognize anyone calling me from that</p> <p>12 number.</p> <p>13 Q. You have not received a phone call --</p> <p>14 A. The only --</p> <p>15 Q. -- from a number beginning 929; is</p> <p>16 that right?</p> <p>17 A. No. The numbers that I am receiving</p> <p>18 -- the calls I am receiving from are -- are 540</p> <p>19 numbers, which are Virginia.</p> <p>20 Q. What about an e-mail from Mr. Bloch?</p> <p>21 Did you receive an e-mail from Mr. Bloch?</p> <p>22 A. Yeah. But it was after they had</p> <p>23 already confirmed the time and date.</p> <p>24 Q. It was this e-mail here?</p> <p>25 A. Yes.</p>



<p style="text-align: right;">Page 370</p> <p>1 this document now and will send it to you guys  2 after it is done?  3 A. Yes.  4 Q. Does that refer to the same  5 operational document of which we have seen  6 copies before?  7 A. I imagine so. I mean, I don't know  8 for sure. But I imagine that is what it is.  9 Because there is no other types of documents I  10 put together.  11 Q. Did you send planning documents to  12 Jason Kessler and Erika Alduino?  13 A. Both on Discord, yes.  14 Q. You send them --  15 A. The copy paste, or the -- I'm sorry,  16 the link for G -- like, Google docs, or  17 whatever.  18 Q. You sent the link via Discord?  19 A. Yes.  20 Q. Did you share the documents with  21 anyone else?  22 A. After it was done -- I mean, I don't  23 know which one they are talking about here. But  24 usually when I was done sending it to those  25 guys, then we would post it on the Discord. So,</p>	<p style="text-align: right;">Page 371</p> <p>1 like, everyone can see it, or whatever.  2 Q. How many versions of that document  3 existed?  4 A. Like I said, it was kind of, like, a  5 living document. So, there is no really way to  6 say, like, if something changed day-to-day. I  7 would edit it. Then once a week I would send it  8 to these guys, make sure they knew what was  9 going on.  10 Q. You sent the documents to Mr. Kessler  11 and Miss Alduino once a week?  12 A. Uh, I mean, not -- sometimes it was  13 every other week, depending on how close it was  14 to the event, or every three weeks, or whatever  15 it was.  16 Q. Did you send the documents to other  17 people?  18 A. It was post -- whenever there was a  19 document, it was posted on Discord.  20 Q. Did you send the documents to other  21 people also approximately once a week or once  22 every other week?  23 A. It is -- like I said, at the beginning  24 when we first started planning it, it was maybe  25 once every three weeks. Then towards -- closer</p>
<p style="text-align: right;">Page 372</p> <p>1 we got to the day of the event, it was, like,  2 every week, you know, or every couple days --  3 every couple days I would send one out.  4 Every time I had one, I would post it  5 on Discord.  6 Q. You have in front of you Exhibit 7,  7 right? Exhibit 7 is a --  8 A. Oh, yeah.  9 Q. -- is what we have discussed before as  10 the planning document?  11 A. Yes. This is one version.  12 Q. This is one version?  13 A. Yeah. Like I said, it was a living  14 document that kept going. This is one of the  15 earlier versions. This might be the version  16 from what they are talking about here. Umm, I  17 don't know what the date is on this though.  18 Q. Do you see on Page 1 of this document  19 that the date is June 11, 2017?  20 A. Yeah, okay. Perfect. This is June  21 11, and this one is June 7. So, yeah, that  22 makes sense.  23 Q. On Page 4 of this document, do you see  24 the sentence --  25 A. Which one?</p>	<p style="text-align: right;">Page 373</p> <p>1 Q. Page 4 of Exhibit 7, about halfway  2 down the page. This report states there will be  3 two different reports like this every week  4 leading up to the event where it will switch to  5 every day.  6 A. That ended up being not accurate.  7 That was the original intention. But we didn't  8 need to send that out as often as that.  9 Q. But you still sent it out frequently;  10 is that right?  11 A. Yes. Like I said, just like this  12 says, the closer we got to the event, the more  13 frequent I sent them out.  14 Q. And this document states the first  15 version will be for leadership and Alt-Right  16 groups. The second version will be for the  17 general attendees and Alt-Right/New Right  18 groups?  19 A. Yes.  20 Q. So, there were two versions?  21 A. Again, that was something that was  22 originally planned. But the -- I mean, this  23 was, what, like, two months before the event.  24 There ended up only ever being one version.  25 Q. There ended up only ever being one?</p>

<p style="text-align: right;">Page 374</p> <p>1 A. Yes.</p> <p>2 Q. But on different dates you created</p> <p>3 other versions, right?</p> <p>4 A. Umm, yes. So, there is -- there is</p> <p>5 one of these -- like, there is one in here for</p> <p>6 6/11. There is another one that got posted</p> <p>7 probably two or three weeks after this. It was</p> <p>8 posted in Discord.</p> <p>9 Q. Were there two versions on June 11?</p> <p>10 A. No, no.</p> <p>11 Q. Only one version on June 11?</p> <p>12 A. Yeah, I don't think I ever did two</p> <p>13 versions, if I remember correctly. If I did,</p> <p>14 again, both versions would be posted, right.</p> <p>15 So, one of the channels in the Discord was</p> <p>16 leadership, where only leaders had access to, I</p> <p>17 guess. And it would have been posted there for,</p> <p>18 like, a leadership one, if I did that. But I</p> <p>19 don't think I ever did that. I think I --</p> <p>20 originally that was the plan, but we ended up</p> <p>21 not doing that.</p> <p>22 Q. You stated you created a living</p> <p>23 document that you edited on an ongoing basis,</p> <p>24 right?</p> <p>25 A. Mm-hmm.</p>	<p style="text-align: right;">Page 375</p> <p>1 Q. Did you have multiple living</p> <p>2 documents?</p> <p>3 A. No. It was just one -- it was</p> <p>4 literally just one -- one document the whole</p> <p>5 time.</p> <p>6 Q. Do you see at the top of this document</p> <p>7 on all pages it states, this version of the</p> <p>8 document is to only be shared by and with group</p> <p>9 leaders. Do not share with other attendees.</p> <p>10 Another version will be released for them?</p> <p>11 A. Yes. This is something on this one,</p> <p>12 like I said, on the earlier version, these</p> <p>13 versions, that was the intention, umm, was to</p> <p>14 have multiple versions. We ended up -- I don't</p> <p>15 think doing that anymore.</p> <p>16 MR. BARKAI: Let's go off the record</p> <p>17 just for a moment.</p> <p>18 THE VIDEOGRAPHER: The time is 5:12</p> <p>19 p.m., we are going off the video record.</p> <p>20 (A discussion off of the record took</p> <p>21 place.)</p> <p>22 THE VIDEOGRAPHER: The time is now</p> <p>23 5:13 p.m., we are back on the video record.</p> <p>24 BY MR. BARKAI:</p> <p>25 Q. Mr. Kline, you described that the</p>
<p style="text-align: right;">Page 376</p> <p>1 intent was to have multiple versions on a given</p> <p>2 date, but you ended up with only one version on</p> <p>3 each given date; is that right?</p> <p>4 A. Yeah, I believe. Yes, yes. That's</p> <p>5 how I believe we went through that. But like I</p> <p>6 said, if it ended up changing, and we -- or if I</p> <p>7 ended up doing two versions, they would be both</p> <p>8 on Discord.</p> <p>9 Q. All versions of this document would be</p> <p>10 on Discord?</p> <p>11 A. Yes. Every iteration of this document</p> <p>12 would be on Discord, on the server.</p> <p>13 Q. Would the document be anywhere else?</p> <p>14 A. No.</p> <p>15 Q. You created this document on your</p> <p>16 phone?</p> <p>17 A. Yes.</p> <p>18 Q. Only ever on your phone?</p> <p>19 A. Yes.</p> <p>20 Q. You never used any -- any other device</p> <p>21 to make this document?</p> <p>22 A. No.</p> <p>23 (Exhibit 31, Discord messages from Eli</p> <p>24 Mosley in Charlottesville, marked for</p> <p>25 identification.)</p>	<p style="text-align: right;">Page 377</p> <p>1 BY MR. BARKAI:</p> <p>2 Q. You are being handed a document that's</p> <p>3 been marked Exhibit 31.</p> <p>4 Do you recognize what this is?</p> <p>5 A. One second. I guess these are Discord</p> <p>6 excerpts.</p> <p>7 Q. Do you see messages here under the --</p> <p>8 under the name Eli Mosley?</p> <p>9 A. Yes.</p> <p>10 Q. Do you recognize those messages as</p> <p>11 yours?</p> <p>12 A. Yes.</p> <p>13 Q. Could you please turn to Page 6?</p> <p>14 A. They are not labeled. Is it this one?</p> <p>15 I think it is the same. Okay.</p> <p>16 Q. Do you see a message on that page from</p> <p>17 Eli Mosley?</p> <p>18 A. Yes.</p> <p>19 Q. Is this a message that you posted?</p> <p>20 A. Yeah.</p> <p>21 Q. Does this appear to be accurate?</p> <p>22 A. Yes.</p> <p>23 Q. Do you see that you asked for one</p> <p>24 representative from each group to jump on a</p> <p>25 meeting?</p>



<p style="text-align: right;">Page 386</p> <p>1 A. No. Because at that point what we did 2 is a lot of the groups had taken over their -- 3 so, you know, the groups were sent, okay, you 4 are going to be in this order, or whatever. Now 5 you take care of your own thing, your own 6 transportation, or whatever it was. A lot of 7 the groups did -- a lot of them were doing it 8 themselves.</p> <p>9 But the -- the collection of people 10 threatening the whole rally, or whatever, was 11 many, many people and putting -- putting it into 12 some -- one person put it together. I just 13 don't know who sent it in.</p> <p>14 Q. It was a list of many, many people, 15 right?</p> <p>16 A. I would say probably 20 people, yeah. 17 25 people that were threatening the rally.</p> <p>18 Q. Did you work on that list on a 19 computer?</p> <p>20 A. No.</p> <p>21 Q. Did you work on that list on a phone?</p> <p>22 A. I didn't work on -- all I did was -- I 23 looked through the list. I didn't actually put 24 together the list.</p> <p>25 Q. When you -- when you looked through</p>	<p style="text-align: right;">Page 387</p> <p>1 the list, how did you look through the list?</p> <p>2 A. It was on a Google doc, and I just 3 skimmed through it. I just scrolled through and 4 I saw, oh, I know this person, oh, I know that 5 person.</p> <p>6 Q. Who shared the Google doc with you?</p> <p>7 A. Umm, I might have put it together and 8 posted it in one of the channels and said, hey, 9 if you see people threatening the rally, post 10 the information here and we'll get it to the 11 police.</p> <p>12 Q. You might have put together the Google 13 doc?</p> <p>14 A. I think I just posted the Google doc 15 and people put it -- it was, like, a public 16 Google doc. You know what I mean? I think that 17 is how I made it.</p> <p>18 Q. And how did you --</p> <p>19 A. Or how I -- I shared it, or whatever 20 got done.</p> <p>21 Q. How did you post the Google doc? With 22 what device?</p> <p>23 A. On my phone.</p> <p>24 Q. You don't remember who sent that to 25 the police?</p>
<p style="text-align: right;">Page 388</p> <p>1 A. No. Like I said, I am not entirely 2 sure, but I want to say it was somebody from 3 League of the South, maybe, that was talking to 4 the police about that. But I don't remember who 5 it was that ended up being the person that 6 handed it off to the police.</p> <p>7 There was a lot of other stuff. That 8 was just one of the things.</p> <p>9 Q. But you are not able to testify 10 definitively that it was not you, right? You 11 thought you might have been the person who sent 12 it?</p> <p>13 A. It might have been me, it might have 14 been somebody else. But all I know is that -- I 15 did not send it to the police. I know that. I 16 know I did not -- I wasn't the one who sent it 17 to the police. I know that.</p> <p>18 But as far as putting the list 19 together, it was either me making a Google doc 20 and throwing it in a chat and people just making 21 it -- kind of, like, a lot of people together 22 making it, or some -- one person taking it upon 23 themselves to put it together. I just don't 24 remember how it was done.</p> <p>25 Q. Mr. Kline, you testified earlier that</p>	<p style="text-align: right;">Page 389</p> <p>1 you only had one phone in 2017, right?</p> <p>2 A. 2017. Yeah, I think 2018 is when I 3 got the Walmart phone. I think it was 2018 when 4 I got that.</p> <p>5 Q. The -- so, yes, you had one phone in 6 2017?</p> <p>7 A. Correct.</p> <p>8 Q. That phone you had in 2017 was your 9 personal phone, right?</p> <p>10 A. Correct.</p> <p>11 Q. It was your iPhone, right?</p> <p>12 A. Correct.</p> <p>13 Q. It was your iPhone with the 610 14 number, right?</p> <p>15 A. Yes.</p> <p>16 Q. That is the number that you have here 17 with you now?</p> <p>18 A. Correct.</p> <p>19 Q. Mr. Kline, isn't it true that you had 20 three phones in 2017?</p> <p>21 A. I don't believe so.</p> <p>22 Q. You had one phone for work in 2017?</p> <p>23 A. I am not sure I am following the 24 question.</p> <p>25 Q. Isn't it true that you had one phone</p>

<p style="text-align: right;">Page 390</p> <p>1 for work in 2017, and one for personal in 2017, 2 and one for the Alt-Right? 3 A. I am not sure. I don't think that is 4 accurate. I think I only ever had this phone. 5 I had a work phone before I got fired from my 6 job, but it wasn't a cell phone. It was just my 7 phone at work, my extension. 8 Q. So, is it your testimony, Mr. Kline, 9 that you did not have, in 2017, one phone for 10 work, one phone for personal matters, and one 11 phone for the Alt-Right matters? 12 A. I don't think that is accurate, no. 13 (Exhibit 33, 3/31/2017 Discord chat, 14 marked for identification.) 15 BY MR. BARKAI: 16 Q. You have been handed a document marked 17 Exhibit 33. 18 Do you see that? 19 A. Yes. I just don't know what I am 20 looking at. 21 Q. Those are Discord chats, right? 22 A. Yeah. I mean, I guess. 23 Q. On the top of Page 1, do you see a row 24 with the date March 31, 2017 at 6:37 p.m.? 25 A. Yes. But --</p>	<p style="text-align: right;">Page 391</p> <p>1 Q. Do you see -- 2 A. Go ahead. 3 Q. Do you see the username Eli Mosley 4 #5269? 5 A. Yes. 6 Q. That is your Discord username, right? 7 A. Yes. 8 Q. Do you see the message, you should get 9 a separate phone for Alt-Right stuff, then arm 10 it with a kill password to go off between noon 11 and 1:00 p.m. I activate it before I go out and 12 do things. 13 A. Yeah, I don't -- I mean, that was -- I 14 mean, that was a lie. I lied to them on 15 Discord. That is not true. 16 Q. You made that statement on Discord, 17 right? 18 A. Correct. I mean, I am saying this on 19 Discord to somebody. I don't -- I don't even 20 know how to -- I don't even know how to do that 21 on my phone. 22 Q. You agree that you said that on 23 Discord, right? 24 A. I did say that on Discord. But that 25 is not something I actually did.</p>
<p style="text-align: right;">Page 392</p> <p>1 Q. But you are saying -- you agree that 2 you said that on Discord. But when you said it, 3 it was a lie; is that correct? 4 A. Correct. 5 Q. Can you turn to Page 2 of that 6 exhibit, please? 7 Why did you lie on Discord in the 8 message we were looking at on Page 1 -- 9 A. I don't know the -- I don't know the 10 -- I could have been joking. There is no -- I 11 have no way of knowing, because there is nothing 12 before this. I have to see it in context. 13 Q. You previously said it was a lie, 14 right? 15 A. I mean, it could have been a joke, 16 could have been a lie. I don't know. I don't 17 have the context of it. It starts with that. 18 Q. You don't know if it was a lie or a 19 joke? 20 A. I mean, yeah. Like, it could have 21 been a joke, like, before this. I just have no 22 idea. This is just an out-of-context thing. 23 Q. Do you mind handing that back just for 24 a moment? Thank you. 25 A. Which one? This?</p>	<p style="text-align: right;">Page 393</p> <p>1 Q. The whole document, please. The 2 exhibit. Thank you. 3 Thank you. On Page 2 of that exhibit 4 in front of you -- 5 A. Yes. 6 Q. -- do you see a message from you, from 7 your Discord user account, where you state, I 8 have three phones? 9 A. Wait. Yeah, I see it. I see it. 10 Yeah, I definitely don't have three 11 phones. 12 Q. You made that statement on Discord, 13 right? 14 A. Correct. 15 Q. And you made that statement, I have 16 three phones, on March 31, 2017 at 6:38 p.m. 17 right? 18 A. Correct. I certainly do not have 19 three phones though. I never have. The only 20 two phones I have had has been the iPhone and 21 the Walmart one. 22 Q. Looking further down on that same 23 page, do you see a message March 31, 2017 at 24 6:38 p.m.? 25 A. When?</p>

<p style="text-align: right;">Page 394</p> <p>1 Q. 6:38 p.m.  2 A. Yes, I see.  3 Q. From Eli Mosley.  4 A. Which one? There is -- yeah, the PC  5 one? That is not a huge deal. That one?  6 Q. Do you see a message on March 31, 2017  7 from Eli Mosley stating one for work, one for  8 personal shit, and one for the Alt-Right?  9 A. Yeah, I see that. But, like I said, I  10 did not have multiple phones.  11 Q. Did you make that statement on  12 Discord? Did you write that?  13 A. Yeah. I mean, I did -- I mean, I said  14 I have three phones, right. And I said that one  15 for each thing. But I don't know -- I  16 definitely didn't have three phones. I never  17 had three phones. I don't know why I would say  18 that. I don't know if it was -- if I was  19 joking.  20 The guys that were in this chat -- I  21 don't know who deleted user, Unlimited Power,  22 is. But Gray and Wyatt, or whatever, I know we  23 -- we would constantly joke about stuff. I  24 don't know if that is what this is or not.  25 Q. Why would you say on Discord that you</p>	<p style="text-align: right;">Page 395</p> <p>1 had three phones if it wasn't true?  2 A. Like I said, I don't know -- I don't  3 know the context of these -- this conversation.  4 So, it could be that we were joking about  5 something. I don't know.  6 I definitely didn't have three phones  7 though. The only two phones I have ever had --  8 I mean, the 610 number I have had since, like,  9 seventh grade. And, like, it has only been on  10 two different phones. The other phone I got is  11 the, umm, the Walmart one. I definitely don't  12 have three phones.  13 Q. You testified, Mr. Kline, that you had  14 a computer in 2016, right?  15 A. In 2016, yes.  16 Q. And, Mr. Kline, you testified that you  17 left that computer at your parents' place in  18 2016; is that right?  19 A. In a storage unit, or whatever. I  20 haven't touched it for awhile.  21 Q. You stated that you moved to South  22 Carolina with your girlfriend in 2016, right?  23 A. Umm, it wasn't -- it was -- it was  24 2017, I think. It was the early part of 2017.  25 I think it was the spring of 2017.</p>
<p style="text-align: right;">Page 396</p> <p>1 Q. Did you testify that you moved to  2 South Carolina with your girlfriend in late  3 2016?  4 A. I might have -- it might have been  5 2017, is what I meant. I think it was 2017 when  6 I moved there. I would have to -- I don't know  7 the exact dates. I think it would be 2017  8 though. Because late -- maybe it was late 2016  9 into early 2017. That would make sense.  10 Because I was let go from my job in late 2016, I  11 believe. Which -- and I moved there with her,  12 like, three weeks afterwards. So, that would  13 actually make sense. Like, late -- either the  14 beginning of 2017 or late 2016.  15 Q. When were you let go from your job?  16 A. Umm, I don't know the exact date. It  17 was late 2016, I think it was. It was right  18 around Christmas, I think it was.  19 Q. Who was your employer at that time?  20 A. JC Ehrlich Rentokil.  21 Q. And it was after that point that you  22 moved to South Carolina with your girlfriend?  23 A. Correct.  24 Q. When you moved to South Carolina, you  25 had testified that you did not bring the</p>	<p style="text-align: right;">Page 397</p> <p>1 computer with you, right?  2 A. Right.  3 Q. And you testified that was because you  4 couldn't store it in the car; is that right?  5 A. Yeah. It is a huge -- it is, like, a  6 huge, old tower.  7 Q. So, you did not have a computer in  8 2017, right?  9 A. No.  10 Q. You testified that the only computers  11 that you used in 2017 were Richard Spencer's and  12 your girlfriend's neighbor's computer?  13 A. Correct. Just to print stuff off.  14 Q. Only those two computers?  15 A. Correct.  16 Q. You did not have a home PC in 2017,  17 correct?  18 A. No, not in 2017, no. 2016, like I  19 said, I had the big tower thing.  20 Q. Isn't it true that, in fact, you did  21 have a home PC in 2017?  22 A. What do you mean? I don't understand.  23 Q. Isn't it true that you did have a home  24 PC in 2017?  25 A. I wasn't even -- I don't understand</p>

<p style="text-align: right;">Page 398</p> <p>1 what you mean. I had, like, a desktop. Like, I  2 don't understand. The desktop I had that I left  3 in Pennsylvania while I went to South Carolina.  4 But I don't understand what you mean.  5 Q. Isn't it true that you did have a home  6 PC in 2017?  7 A. Yeah, the one that -- the big, giant  8 tower that is at my parents' place.  9 Q. Isn't it true that you also had a work  10 computer in 2017?  11 A. Not in 2017. In 2016, before I got  12 fired from my job, yes. I had a work laptop.  13 (Exhibit 34, 3/22/2017 Discord chat,  14 marked for identification.)  15 BY MR. BARKAI:  16 Q. You are being given an exhibit that  17 has been marked Exhibit 34.  18 Do you recognize that, Mr. Kline?  19 MR. CAMPBELL: This is just Dave  20 Campbell coming back. I got disconnected.  21 BY MR. BARKAI:  22 Q. Do you recognize that exhibit, Mr.  23 Kline?  24 A. I don't -- is this a Discord message?  25 Is this a Discord message? Is that what this</p>	<p style="text-align: right;">Page 399</p> <p>1 is?  2 Q. This is your Discord chat, right?  3 A. I mean, I don't know what-- I don't  4 know what I am referencing here.  5 Q. But this is your Discord chat, right?  6 A. Correct. But I don't know what I am  7 referencing here. This is just a single  8 message.  9 Q. Do you see, Mr. Kline, on March 22,  10 2017 at 8:42 p.m. you wrote, quote, an hour  11 after my video came out with the kike and the  12 sign, he commented on it with Echo American,  13 question mark. I have the screen cap on my home  14 PC, closed quote.  15 A. Yeah, I am not sure what that is in  16 reference to.  17 Q. Did you write that on Discord?  18 A. I mean, it looks like it might be  19 mine. But it says #Convo. I don't know what  20 that means. That is not me. That is another  21 person. Like, that is clearly not me.  22 Q. You didn't write this message?  23 A. No, that is not -- that is not even  24 the way I talked online. So, that is not me.  25 That is somebody else named Convo. I know who</p>
<p style="text-align: right;">Page 400</p> <p>1 that is. They got a number next to their name.  2 So, that is not me that said that. That name  3 was Convolution, is what we called him. But  4 that definitely wasn't me.  5 Q. Your testimony is that this was not  6 you, even though you just testified this was  7 your Discord chat?  8 A. No, I can't tell because the way this  9 is formatted. It says my name underneath it,  10 but that is not me. It says it right here. It  11 says it is from Convo.  12 Q. Do you see the beginning of the  13 message the at sign before Convo #5941?  14 A. Yes.  15 Q. Do you recognize that as making this  16 chat on Discord to someone named Convo #5941?  17 A. I mean, I guess. I don't know. Like  18 I said, the formatting of this doesn't look like  19 a Discord message.  20 Q. This is your Discord username, right?  21 A. @Convo, no. The one below that, yes,  22 that is mine. But, like I said, it is taken  23 without any context. So, I don't know what it  24 is talking about, or what this is in reference  25 to.</p>	<p style="text-align: right;">Page 401</p> <p>1 Q. Eli Mosley #5269 is your username,  2 right?  3 A. Correct.  4 Q. Earlier when I asked you if this is  5 your user -- excuse me, earlier when I asked you  6 if this was your Discord chat, you said it was,  7 right?  8 A. Well, that was before I really  9 understood what I was looking at, yeah.  10 (Exhibit 35, 3/22/2017 Discord chat,  11 marked for identification.)  12 BY MR. BARKAI:  13 Q. You are being given an exhibit marked  14 Exhibit 35.  15 Do you recognize this document?  16 A. Yeah. This is another one that is  17 totally out of the context. I don't know what  18 it is referencing.  19 Q. This is a Discord chat that you made,  20 right?  21 A. Umm, I actually I think I know what  22 this one is referencing.  23 Q. The question I asked you was, this is  24 a Discord chat you made, right?  25 A. Correct.</p>



<p style="text-align: right;">Page 402</p> <p>1 Q. This was your Discord chat?</p> <p>2 A. Yes.</p> <p>3 Q. You made this message on Discord on</p> <p>4 March 22, 2017 at 5:02 p.m., right?</p> <p>5 A. Yes.</p> <p>6 Q. And you wrote on Discord, quote -- you</p> <p>7 wrote, quote, if he comes in and I have to</p> <p>8 defend myself, all they have to do is look</p> <p>9 through my computer and I am fucked. So, not</p> <p>10 really a good option, closed quote.</p> <p>11 A. Yeah. So, the only thing I can think</p> <p>12 of I am referencing there is my computer screen.</p> <p>13 I had a computer screen that I would -- at my</p> <p>14 girlfriend's house, we didn't have a TV. We</p> <p>15 used a computer screen to watch Netflix and</p> <p>16 stuff like that on.</p> <p>17 But I don't know -- I don't know --</p> <p>18 you guys gave me -- are giving these to me with</p> <p>19 no context. So, I don't know what they are</p> <p>20 about, what it is talking about. It could be</p> <p>21 talking about something else entirely than what</p> <p>22 this conversation -- or what this single comment</p> <p>23 says.</p> <p>24 Q. You did make this statement on Discord</p> <p>25 in March of 2017, right?</p>	<p style="text-align: right;">Page 403</p> <p>1 A. Correct.</p> <p>2 Q. And your testimony is that this</p> <p>3 message has to do with a computer screen?</p> <p>4 A. I don't know, because my -- I can't</p> <p>5 give a testimony on something when it is</p> <p>6 literally one sentence. If you want me to look</p> <p>7 through the entire message, maybe I can get some</p> <p>8 context what's going on.</p> <p>9 Q. You just stated at the beginning of</p> <p>10 one of your prior answers the only thing I am</p> <p>11 referencing there is my computer screen.</p> <p>12 That is your testimony?</p> <p>13 A. I said that is -- I mean, that is</p> <p>14 probably what I am referencing there. I mean,</p> <p>15 that is when I am living at the house with my</p> <p>16 girlfriend. And I know that we had a computer</p> <p>17 screen as our only screen.</p> <p>18 But I don't know what I am referencing</p> <p>19 here with the if he comes in thing. It might</p> <p>20 totally be a joke. I don't know what it is</p> <p>21 talking about. I don't know what I am talking</p> <p>22 about there. I would need the full -- like I</p> <p>23 said, I would need the full context.</p> <p>24 (Exhibit 36, 3/31/2017 Discord chat,</p> <p>25 marked for identification.)</p>
<p style="text-align: right;">Page 404</p> <p>1 BY MR. BARKAI:</p> <p>2 Q. You are being handed Exhibit 36. This</p> <p>3 was also a Discord message that you made, right?</p> <p>4 A. Yes, it looks like it.</p> <p>5 Q. This Discord chat you posted in -- on</p> <p>6 March 31, 2017 at 10:38 p.m., right?</p> <p>7 A. Correct.</p> <p>8 Q. In this chat you wrote, well, it is</p> <p>9 not a huge deal, cause the phone is backed up on</p> <p>10 my PC, closed quote, right?</p> <p>11 A. I am probably talking about the old PC</p> <p>12 I left in Pennsylvania when I moved. Because</p> <p>13 this phone hasn't been backed up for 400-</p> <p>14 something days, or 600 days, or something like</p> <p>15 that.</p> <p>16 Like I said, I left the -- I left -- I</p> <p>17 left the computer -- you guys can go through if</p> <p>18 you want. It is, like, a shitty, like, broken</p> <p>19 computer.</p> <p>20 Q. Did you back up your phone on the</p> <p>21 computer?</p> <p>22 A. Oh, yeah. I mean, way before -- like,</p> <p>23 in 2016 I backed it up. I haven't backed it up</p> <p>24 again since, I don't think.</p> <p>25 Q. Earlier today when I asked you if you</p>	<p style="text-align: right;">Page 405</p> <p>1 had backed up your phone onto a computer or any</p> <p>2 other device and you said you had not done that,</p> <p>3 that wasn't true, right?</p> <p>4 A. Well, what I thought you meant at the</p> <p>5 time, or what I meant was I haven't backed up</p> <p>6 the -- I haven't backed up this phone before,</p> <p>7 like -- 2016 -- 2016, umm, Unite the Right</p> <p>8 wasn't even a thing yet. We haven't been</p> <p>9 talking about it. So, it wasn't really in</p> <p>10 reference to it.</p> <p>11 But now -- now that I -- obviously I</p> <p>12 have had this phone for years. It has been</p> <p>13 backed up at some point on a computer. But it</p> <p>14 was backed -- so, yeah, it was backed up on an</p> <p>15 old computer. But it was forever ago.</p> <p>16 Q. Earlier today I asked you if you had</p> <p>17 backed up your phone onto a computer and you</p> <p>18 said that you had not done that. That wasn't</p> <p>19 true, right?</p> <p>20 A. Well, not -- right. But when I said</p> <p>21 that, like I said, I was saying that with the</p> <p>22 thought of reference to Unite the Right.</p> <p>23 The phone was backed up before Unite</p> <p>24 the Right was even -- Unite the Right one even</p> <p>25 happened, let alone two. So, what I am talking</p>



<p style="text-align: right;">Page 406</p> <p>1 about when I said that, it wasn't backed up, I  2 didn't mean ever in the phone's life span. You  3 can't even -- you can't even activate a phone  4 without doing that.  5 Q. Is it your testimony that none of  6 these posts refer to a computer that you had in  7 2017?  8 A. I don't know. I did not own a  9 computer in 2017. The -- I mean, I shouldn't  10 say that, either. I did own a computer. I just  11 -- I didn't have access to it. It was in  12 Pennsylvania when I was in South Carolina. Then  13 when I moved to Virginia, it was still in  14 Pennsylvania.  15 (Exhibit 37, 3/22/2017 Discord chat,  16 marked for identification.)  17 BY MR. BARKAI:  18 Q. So, to be clear now for the record, in  19 fact, that phone was backed up to your computer?  20 A. To my -- yes. To my computer that was  21 in Pennsylvania at the time.  22 Q. You have been handed a document marked  23 Exhibit 37. Do you recognize this as your  24 Discord chat?  25 A. Yes.</p>	<p style="text-align: right;">Page 407</p> <p>1 Q. You made this chat on March 22, 2017,  2 at 1:05 a.m.?  3 A. Yes.  4 Q. This Discord chat states, quote, it  5 played over my work computer once, closed quote,  6 right?  7 A. Yes. I had a laptop when I worked at  8 the company I worked at.  9 Q. In 2017?  10 A. No, I didn't work there in 2017. But  11 I am talking about the past tense in this.  12 Again, this is a single comment with no context.  13 So, I don't really know what I am talking about  14 here. But it is in past tense. So, I am  15 talking about my work computer I had in 2016.  16 Q. That -- the computer that you have  17 said is in your parents' house, that you left  18 there when you moved in fall of 2016 or in early  19 2017 --  20 A. Mm-hmm.  21 Q. -- did you use that computer to  22 communicate regarding Identity Evropa?  23 A. No. I wasn't a member of Identity  24 Evropa when I used it last.  25 Q. Did you use that computer to</p>
<p style="text-align: right;">Page 408</p> <p>1 communicate regarding the Alt-Right?  2 A. No.  3 Q. Did you use that computer to  4 communicate regarding White Nationalism?  5 A. No.  6 Q. Or White Identitarianism?  7 A. Nothing.  8 Q. Did you use your social media accounts  9 on that computer?  10 A. None that were associated with the  11 Alt-Right or anything like that.  12 Q. Did you ever use any social media  13 accounts on that computer?  14 A. Yeah. Like, Facebook accounts when I  15 was in high school. It was my computer when I  16 was in high school. So --  17 Q. You used that computer in 2016 though,  18 right?  19 A. Probably middle to early 2016. Not  20 towards the end. It was on its last legs. It  21 was dying. I used my work laptop mostly.  22 Q. Did you use social media on that  23 computer in 2016 before it died?  24 A. Facebook. But nothing related to the  25 Alt-Right.</p>	<p style="text-align: right;">Page 409</p> <p>1 Q. You used Facebook on that computer,  2 right?  3 A. Yeah.  4 Q. Did you use Twitter on that computer?  5 A. No.  6 Q. When did you join the Alt-Right?  7 A. Umm, I don't know the exact date or  8 anything like that. Umm, I don't know.  9 Q. Approximately when?  10 A. Umm, a little bit before the election.  11 The 2016 election, I guess. I don't know.  12 Q. You joined the Alt-Right in 2016, a  13 little bit before the 2016 election?  14 A. Yeah. I don't know how that would  15 work. I have to think about how I joined it.  16 Umm --  17 Q. You were a member of the Alt-Right --  18 A. So, it would have been -- so, November  19 2016 was the inauguration. No, I'm sorry, the  20 election. Inauguration was in January. That  21 would have been 2017.  22 So, that computer stopped working in  23 -- probably, actually, fall of 2015. Of 2015  24 probably is when it stopped working, a year  25 before the election.</p>

<p style="text-align: right;">Page 410</p> <p>1 But I joined the Alt-Right in probably 2 the spring of 2016. So, before the election. 3 Not even a year before the election. 4 Q. Your testimony is that the computer 5 stopped working in the fall of 2015 -- 6 A. I don't -- 7 Q. -- and you joined the Alt-Right in the 8 spring of 2016? 9 A. Yeah, somewhere around there. The 10 reason I say that is because -- I just don't 11 know when the computer -- I just don't know when 12 the computer stopped working. I am trying to 13 remember. 14 I just know that, umm -- I just know I 15 used my work computer for a lot of stuff. Like, 16 all my, like, personal stuff, things like that, 17 leading up to the election. I know that. Once 18 the election happened, I stopped using the 19 computer and I started using my phone, because I 20 got fired shortly after. 21 Q. Did you use your work computer for 22 Alt-Right matters? 23 A. No. 24 Q. But you were using the work computer 25 while you were a member of the Alt-Right,</p>	<p style="text-align: right;">Page 411</p> <p>1 correct? 2 A. Correct. But I was only using it for 3 work -- work stuff. 4 Q. Your testimony is that the computer 5 stopped -- the personal computer stopped working 6 in the fall of 2015, right? 7 A. I want to say 2015 -- like, fall of 8 2015. But I don't know that for sure. I really 9 don't know when it stopped working. I just know 10 it stopped working a long time before the 11 election. Because I was just using my phone 12 after that. 13 Q. The computer that you backed your 14 phone up to was not working in 2016; is that 15 right? 16 A. I don't know. I don't think so. I 17 think it was dead by then, by 2016. 2015 or 18 2016 it died. Like I said, I don't know. 19 Q. Why do you still have that phone -- 20 excuse me. Why do you still have that computer 21 if it does not work? 22 A. Because I have it for parts, just in 23 case I need it. It's got fans in it. It is, 24 like, a big tower. It's got fans in it, it's 25 got, like, a power supply that's still good.</p>
<p style="text-align: right;">Page 412</p> <p>1 Q. You testified earlier that you posted 2 a Discord chat on March 31, 2017 where you 3 wrote, quote, the phone is backed up on my PC, 4 quote, right? 5 A. Correct. 6 Q. And that is -- you made that statement 7 in 2017, right? 8 A. Correct. I am not -- 9 Q. But your PC had not been working since 10 2015? 11 A. It wasn't even a PC I had on me. It 12 was a PC that was in Pennsylvania while I was -- 13 I think at that time probably in South Carolina. 14 I am saying if I don't -- I don't know 15 the context of what I am saying and the 16 conversation. I can't really -- I don't really 17 know. 18 Q. But you did testify that you posted a 19 chat in March of 2017 where you said that the 20 phone, quote, is, quote, backed up on my PC, 21 right? 22 A. Correct. Again, my phone, you can 23 look at it. It hasn't been backed up for, like, 24 500 days, or 600 days, something like that. 25 (Exhibit 38, 3/22/2017 Discord chat,</p>	<p style="text-align: right;">Page 413</p> <p>1 marked for identification.) 2 BY MR. BARKAI: 3 Q. You are being handed a document marked 4 Exhibit 38. Do you recognize that as a Discord 5 chat that you made? 6 A. Yeah, but that, I think, is probably 7 talking about the computer screen I was talking 8 about earlier. I don't know. Again, you have 9 these single messages. I can't see what it is 10 in reference to. I can't see, like, what I am 11 talking about. But if I am talking about they 12 share a wall with my computer, the computer 13 screen was up against a wall that we had. That 14 is what we watched Netflix or TV on, or 15 whatever. 16 Q. Do you -- 17 A. It was a computer screen. 18 Q. You made that statement on Discord, 19 right? 20 A. Yes. 21 Q. That is yours? 22 A. Correct. 23 Q. In 2017, right? 24 A. Correct. 25 Q. You made that post on Discord on March</p>

# **EXHIBIT D**

iggKike ar itzvah	general	2017/03/31 06:37 pm	Eli Mosley#5269	Sayer#5269/Sayer/Eli Mosley#5269	You should get a seperate phone for alt right stuff then arm it with a kill password to go off between noon and 1pm each day. I activate it before I go out and do things
iggKike ar itzvah	general	2017/03/31 06:37 pm	Gray#186	Gray#186	1-800-call-gray
iggKike ar itzvah	general	2017/03/31 06:37 pm	Deleted User 1995538e#9278	Deleted User 1995538e#9278	yeah, im surprised i missed that one
iggKike ar itzvah	general	2017/03/31 06:37 pm	wyatt#1030	wyatt#1030/wyatt	lol
iggKike ar itzvah	general	2017/03/31 06:37 pm	wyatt#1030	wyatt#1030/wyatt	i would fuck up and forget
iggKike ar itzvah	general	2017/03/31 06:38 pm	Gray#186	Gray#186	or some shit
iggKike ar itzvah	general	2017/03/31 06:38 pm	wyatt#1030	wyatt#1030/wyatt	and my phone would die
iggKike ar itzvah	general	2017/03/31 06:38 pm	Eli Mosley#5269	Sayer#5269/Sayer/Eli Mosley#5269	So if I dont put in the password between noon and 1pm while I am out trolling jews it will erase the phone
iggKike ar itzvah	general	2017/03/31 06:38 pm	Deleted User 1995538e#9278	Deleted User 1995538e#9278	Eli, do you mean you rooted your phone, unlocked it?





iggKike ar itzvah	general	2017/03/31 06:38 pm	FyInnGardian#1188	FyInnGardian#1188	I guess 1488 isn't a good password lol
iggKike ar itzvah	general	2017/03/31 06:38 pm	Eli Mosley#5269	Sayer#5269/Sayer/Eli Mosley#5269	well its not a huge deal cause the phone is backed up on my PC
iggKike ar itzvah	general	2017/03/31 06:38 pm	Deleted User 1995538e#9278	Deleted User 1995538e#9278	what kind of phone u got?
iggKike ar itzvah	general	2017/03/31 06:38 pm	Eli Mosley#5269	Sayer#5269/Sayer/Eli Mosley#5269	I have 3 phones
iggKike ar itzvah	general	2017/03/31 06:38 pm	Deleted User 1995538e#9278	Deleted User 1995538e#9278	welll which one we talkin bout foo
iggKike ar itzvah	general	2017/03/31 06:38 pm	<Unlimited Power<#17	<UnlimitedPower<#17/<Unlimited Power<#17	u rich nigga
iggKike ar itzvah	general	2017/03/31 06:38 pm	Gray#186	Gray#186	SET EVERY PASSWORD TO 31337NIGGERKILLER666
iggKike ar itzvah	general	2017/03/31 06:38 pm	Eli Mosley#5269	Sayer#5269/Sayer/Eli Mosley#5269	one for work, one for personal shit, and one for the alt right
iggKike ar itzvah	general	2017/03/31 06:38 pm	Eli Mosley#5269	Sayer#5269/Sayer/Eli Mosley#5269	Yea dont make you PW 1488 either lol



# **EXHIBIT E**

**From:** James Kolenich <jek318@gmail.com>  
**Sent:** Tuesday, September 3, 2019 11:50 PM  
**To:** Michael Bloch <mbloch@kaplanhecker.com>  
**Subject:** Re: E. Kline phone

In expanding my search to messages sent by Kline after I withdrew as Kline's attorney he did list phone number [REDACTED] in an email sent to you on August 14, 2019. I was cc'd on that email. It is the first and only mention of an alternate phone I am able to locate.

Jim

On Tue, Sep 3, 2019 at 11:29 PM James Kolenich <[jek318@gmail.com](mailto:jek318@gmail.com)> wrote:

Mike,

I have no record of Mr. Kline providing me any other phone number than 610-406-2229.

Jim

--

**James E. Kolenich**  
**Kolenich Law Office**  
**9435 Waterstone Blvd. #140**  
**Cincinnati, OH 45249**  
**513-444-2150**  
**513-297-6065(fax)**  
**513-324-0905 (cell)**

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**James E. Kolenich**  
**Kolenich Law Office**  
**9435 Waterstone Blvd. #140**  
**Cincinnati, OH 45249**  
**513-444-2150**  
**513-297-6065(fax)**  
**513-324-0905 (cell)**

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# **EXHIBIT F**

**NiggKike Bar Mitzvah - general**  
**Sayer#5269/Sayer/Eli Mosley#5269 at 2017-03-22 20:42:55 +0000**

@<Convo#5941> an hour after my video came out with the kike and the sign he commented on it with "Echo American?" I have the screen cap on my home PC

Sayer#5269/Sayer/Eli Mosley#5269  
2017-03-22 20:42:55 +0000

---





# **EXHIBIT G**

**NiggKike Bar Mitzvah - general**

**Sayer#5269/Sayer/Eli Mosley#5269 at 2017-03-22 17:02:34 +0000**

if he comes in and i have to defend myself all they have to do is look through my computer and im fucked so not really a good option

Sayer#5269/Sayer/Eli Mosley#5269

2017-03-22 17:02:34 +0000



# **EXHIBIT H**

**NiggKike Bar Mitzvah - general**  
**Sayer#5269/Sayer/Eli Mosley#5269 at 2017-03-22 16:59:35 +0000**

they share the wall with my computer

Sayer#5269/Sayer/Eli Mosley#5269  
2017-03-22 16:59:35 +0000

---



# **EXHIBIT I**

**NiggKike Bar Mitzvah - general**  
**Sayer#5269/Sayer/Eli Mosley#5269 at 2017-03-31 22:38:18 +0000**

well its not a huge deal cause the phone is backed up on my PC

Sayer#5269/Sayer/Eli Mosley#5269  
2017-03-31 22:38:18 +0000

---





# **EXHIBIT J**

**From:** Barbara Bibas <bbibas@idsinc.com>  
**Sent:** Wednesday, August 14, 2019 8:07 PM  
**To:** Eli Mosley  
**Cc:** iDS\_SINKS-02678  
**Subject:** RE: Sines v Kessler Kline Discovery

Hello,

Thank you very much for shipping your phone. Do you have a tracking number for the shipment? If so, would you please send it to us?

Also, would you please fill in the passwords for each of the accounts listed in the below chart as well as a PIN, if any, for the iPhone. Finally, please send us the computer so that we can image it as well. Let us know if you have any questions.

Here's the chart for the passwords. Please provide them at your earliest convenience.

Platform/Device	Username	Password
Facebook	Elliott Kline	
<a href="#">Gab.ai</a>	@EliMosley	
Twitter	@thatelimosley	
Twitter	@NotElimosley	
Twitter	@Elimosleyie	
Twitter	@Eli_mosley_	
Twitter	@Sheli_shmosley	
Twitter	@EliMosley	
Twitter	@EliMosleyISBack	
Twitter	@EliMosleyOH	
iPhone 5		
Broken PC		

Thank you,  
Barbara

----

**Barbara Bibas**  
Project Assistant  
Direct: 714.581.4830



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[https://www.chambersandpartners.com/12788/2817/editorial/58/1#22770855\\_editorial](https://www.chambersandpartners.com/12788/2817/editorial/58/1#22770855_editorial)

**From:** Eli Mosley <eli.f.mosley@gmail.com>  
**Sent:** Wednesday, August 14, 2019 10:14 AM  
**To:** Barbara Bibas <bbibas@idsinc.com>  
**Cc:** iDS\_SINKS-02678 <ids\_sinks-02678@idsinc.com>  
**Subject:** Re: Sines v Kessler Kline Discovery

[EXTERNAL SENDER]

Hello,

I just wanted to let you know that I sent out the phone this afternoon during lunch. The PC I am still working on and I'm not even sure it still will turn on.

Those usernames all look right except the last one I believe is @EliMosleyOH.

Thank you,

On Fri, Aug 9, 2019 at 1:16 PM Barbara Bibas <[bbibas@idsinc.com](mailto:bbibas@idsinc.com)> wrote:

Hello Mr. Kline,

Thank you for providing your Exhibit A to the Court's Stipulation and Order. I've attached it above for your reference.

Would you please assist us by confirming or correcting the spelling of your accounts in the below chart and also by providing passwords where indicated in the highlighted cells? We would also like to know the make and model of the computer.

Platform/Device	Username	Password
Facebook	Elliott Kline	
<a href="#">Gab.ai</a>	@EliMosley	
Twitter	@thatelimosley	
Twitter	@NotElimosley	
Twitter	@Elimosleyie	
Twitter	@Eli_mosley_	
Twitter	@Sheli_shmosley	
Twitter	@EliMosley	
Twitter	@EliMosleyISBack	
Twitter	@EliMosleyOff	
iPhone 5		

Broken PC		
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In order to collect from the mobile device and computer, we ask that you ship them to our office in Washington, DC. You may send them to Ken Kim's attention at the following address for delivery M – F during regular business hours. We recommend that you obtain a tracking number when sending the devices.

iDiscovery Solutions

ATTN: Ken Kim

3000 K Street NW, Suite 330

Washington, DC 20007

Phone: 202.249.7860

Please let us know if you have any questions.

Thank you,

Barbara

----

**Barbara Bibas**

Project Assistant

Direct: 714.581.4830



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**From:** Ken Kim <[kkim@idsinc.com](mailto:kkim@idsinc.com)>

**Sent:** Friday, August 9, 2019 10:03 AM

**To:** Eli Mosley <[eli.f.mosley@gmail.com](mailto:eli.f.mosley@gmail.com)>  
**Cc:** Barbara Bibas <[bbibas@idsinc.com](mailto:bbibas@idsinc.com)>  
**Subject:** RE: Sines v Kessler Kline Discovery

Mr. Kline:

Thank you for your email. I have copied my colleague Barbara Bibas who will be working with you to gather the necessary information to proceed with the collections.

Regards,

Ken

**Kenneth Kim**

Project Manager

Mobile: 267.847.4876



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**From:** Eli Mosley <[eli.f.mosley@gmail.com](mailto:eli.f.mosley@gmail.com)>  
**Sent:** Friday, August 9, 2019 12:58 PM  
**To:** Ken Kim <[kkim@idsinc.com](mailto:kkim@idsinc.com)>  
**Subject:** Sines v Kessler Kline Discovery

**[EXTERNAL SENDER]**

Hello Ken,

I am reaching out to you so that I may get my phone imaged for the discovery for the case. What steps must I take to get you guys the phone in a timely manner?

INFORMATION CLASSIFICATION NOTICE: This electronic communication (including any attachments) is intended to be viewed only by the individual(s) to whom it is addressed. It may contain information that is privileged, proprietary, confidential and/or protected from disclosure by applicable law. Any disclosure, dissemination, distribution, copying, exporting or other use of this communication or any attached document(s) other than for the purpose intended by the sender is strictly prohibited without prior written permission from the sender. If you have received this communication in error, please notify the sender immediately by reply e-mail and promptly destroy all electronic and printed copies of this communication and any attached documents.



# **EXHIBIT K**

**From:** Yotam Barkai  
**Sent:** Monday, August 19, 2019 11:11 AM  
**To:** Eli Mosley  
**Cc:** Jessica Phillips; Michael Bloch; James Kolenich; Yotam Barkai  
**Subject:** RE: Conference Call on 8/8/17  
**Attachments:** Exhibit A to Imaging Order.pdf

Mr. Kline:

Thank you for your email. We also need you to fill out a new Certification Form, as the Certification Form that you signed at your deposition is incomplete and does not list your email addresses, passwords for your social media accounts, or the Walmart phone that you testified about during your deposition. I have attached a new blank form to this email. Please follow these instructions:

1. Print and fill out the form.
2. When you fill out the form, list all of your email addresses and social media accounts that may contain relevant documents, whether or not you previously listed them, and list the passwords for each email address and social media account.
  - a. The email addresses that you are required to list include (but may not be limited to) [eli.f.mosley@gmail.com](mailto:eli.f.mosley@gmail.com), [deplorabletruth@gmail.com](mailto:deplorabletruth@gmail.com), and [eli.mosley@identityevropa.com](mailto:eli.mosley@identityevropa.com).
  - b. The Twitter accounts that you are required to list include (but may not be limited to) those that you listed on your prior form, which are ThatEliMosley, NotEliMosley, EliMosleyIE, Eli\_Mosley\_, Sheli\_Shmosley, EliMosley, EliMosleyIsBack, and EliMosleyOH.
  - c. The Facebook account that you listed on your prior form was Elliott Kline.
  - d. The Gab account that you listed on your prior form was EliMosley.
3. When you fill out the form, list all of your electronic devices that may contain relevant documents, whether or not you previously listed the device.
  - a. These devices include (but may not be limited to) your iPhone 5, your personal home computer, and the Walmart phone that you testified about during your deposition, which you did not previously list.
4. Sign and date the form.
5. Scan or take a picture of the form, and email it back to me.

Please let us know if you have any questions about how to comply with these instructions.

**Yotam Barkai**  
Associate

---

**BOIES SCHILLER FLEXNER LLP**  
(t) +1 212 303 3643

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**From:** Eli Mosley <[eli.f.mosley@gmail.com](mailto:eli.f.mosley@gmail.com)>  
**Sent:** Wednesday, August 14, 2019 1:15:42 PM  
**To:** Michael Bloch <[mbloch@kaplanhecker.com](mailto:mbloch@kaplanhecker.com)>  
**Cc:** James Kolenich <[jek318@gmail.com](mailto:jek318@gmail.com)>  
**Subject:** Re: FW: Conference Call on 8/8/17

Hello,

I just got my new phone up and running and the new number is [REDACTED]. I sent out my old phone for discovery but I will still maintain that phone for a bit longer before shutting it off.

Thanks,

On Fri, Aug 2, 2019 at 3:18 PM Michael Bloch <[mbloch@kaplanhecker.com](mailto:mbloch@kaplanhecker.com)> wrote:

Mr. Kline, please let us know as soon as possible which of the proposed times below work for you for a conference call with the Court so that we can let the Court know. Thanks.

**Michael Bloch | Kaplan Hecker & Fink LLP**  
Counsel  
350 Fifth Avenue | Suite 7110  
New York, New York 10118  
(W) 929.367.4573 | (M) 646.398.0345  
[mbloch@kaplanhecker.com](mailto:mbloch@kaplanhecker.com)

**From:** [KarenD@vawd.uscourts.gov](mailto:KarenD@vawd.uscourts.gov) <[KarenD@vawd.uscourts.gov](mailto:KarenD@vawd.uscourts.gov)>  
**Sent:** Friday, August 2, 2019 8:55 AM  
**To:** [alevine@cooley.com](mailto:alevine@cooley.com); Christopher Greene <[cgreene@kaplanhecker.com](mailto:cgreene@kaplanhecker.com)>; [dmills@cooley.com](mailto:dmills@cooley.com); [eashwell@woodsrogers.com](mailto:eashwell@woodsrogers.com); Gabrielle E. Tenzer <[gtenzer@kaplanhecker.com](mailto:gtenzer@kaplanhecker.com)>; [jphillips@bsflp.com](mailto:jphillips@bsflp.com); [brottenborn@woodsrogers.com](mailto:brottenborn@woodsrogers.com); [jlibling@bsflp.com](mailto:jlibling@bsflp.com); Joshua Matz <[jmatz@kaplanhecker.com](mailto:jmatz@kaplanhecker.com)>; Julie Fink <[jfink@kaplanhecker.com](mailto:jfink@kaplanhecker.com)>; [kdunn@bsflp.com](mailto:kdunn@bsflp.com); Michael Bloch <[mbloch@kaplanhecker.com](mailto:mbloch@kaplanhecker.com)>; [pbowman@bsflp.com](mailto:pbowman@bsflp.com); [rcahill@cooley.com](mailto:rcahill@cooley.com) [rcaplan](mailto:rcaplan@cooley.com); Seguin L. Strohmeier <[sstrohmeier@kaplanhecker.com](mailto:sstrohmeier@kaplanhecker.com)>; [wisaacson@bsflp.co](mailto:wisaacson@bsflp.co); [m\\_ybarkai@bsflp.co](mailto:m_ybarkai@bsflp.co); [eli.f.mosley@gmail.com](mailto:eli.f.mosley@gmail.com)  
**Subject:** Conference Call on 8/8/17  
**Importance:** High

Judge Hoppe would like to have a conference call with plaintiff's counsel and Mr. Kline on August 8 to address Mr. Kline's compliance with his order of July 3, ECF No. 516, including that Mr. Kline appear for a deposition on Aug. 7.

The judge is available on **Aug. 8th at 8:30, 9:00, 9:30, 3:00 or 3:30.**

Please let me know what time works the best for you and I'll get the call set up.

Thank you.

Respectfully,

Karen

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Karen L. Dotson  
Courtroom Deputy for  
Hon. Joel C. Hoppe  
U.S. Magistrate Judge  
(540) 434-3181 ext. 2

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**EXHIBIT A TO STIPULATION AND ORDER FOR THE  
IMAGING, PRESERVATION, AND PRODUCTION OF DOCUMENTS**

Consistent with the obligations under the “Stipulation and Order for the Imaging, Preservation, and Production of Documents,” I certify that:

1. The following are all the Social Media Accounts, as defined in ¶ 2(xi) of the Stipulation and Order, that contain potentially relevant Documents:

<b>Username</b>	<b>Provider/Platform</b>	<b>Nature of Responsive Documents on Account</b>

2. The following are all the Electronic Devices, as defined in ¶ 2(vi) of the Stipulation and Order, that I have possessed since January 1, 2017 that may contain any potentially relevant Documents or ESI:

<b>Device Type (e.g., iPhone 7)</b>	<b>Size (e.g., 32 GB)</b>	<b>Nature of Responsive Documents on Device</b>

I certify under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on \_\_\_\_\_.

\_\_\_\_\_  
Party

# **EXHIBIT L**



**From:** Ken Kim  
**Sent:** Thursday, September 5, 2019 12:16 PM  
**To:** Barbara Bibas <bbibas@idsinc.com>; Eli Mosley <eli.f.mosley@gmail.com>  
**Cc:** iDS\_SINKS-02678 <ids\_sinks-02678@idsinc.com>  
**Subject:** RE: Sines v Kessler Kline Discovery

Mr. Kline:

We received a package last week from a "Bruce Kline" containing a mobile device. Can you please confirm that this is your device that you shipped for collections? And, if so, can you please provide the passcode and iTunes password as well?

Thank you,  
Ken

Kenneth Kim  
Project Manager  
iDiscovery Solutions  
Mobile: 267.847.4876



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**From:** Barbara Bibas <[bbibas@idsinc.com](mailto:bbibas@idsinc.com)>  
**Sent:** Friday, August 9, 2019 1:17 PM  
**To:** Eli Mosley <[eli.f.mosley@gmail.com](mailto:eli.f.mosley@gmail.com)>  
**Cc:** IDS\_SINKS-02678 <[ids\\_sinks-02678@idsinc.com](mailto:ids_sinks-02678@idsinc.com)>  
**Subject:** RE: Sines v Kessler Kline Discovery

Hello Mr. Kline,

Thank you for providing your Exhibit A to the Court's Stipulation and Order. I've attached it above for your reference.

Would you please assist us by confirming or correcting the spelling of your accounts in the below chart and also by providing passwords where indicated in the highlighted cells? We would also like to know the make and model of the computer.

Platform/Device	Username	Password
Facebook	Elliott Kline	
<a href="#">Gab.ai</a>	@EliMosley	
Twitter	@thatelimosley	
Twitter	@NotElimosley	
Twitter	@Elimosleyie	
Twitter	@Eli_mosley_	
Twitter	@Sheli_shmosley	
Twitter	@EliMosley	
Twitter	@EliMosleyISBack	
Twitter	@EliMosleyOff	
iPhone 5		
Broken PC		

In order to collect from the mobile device and computer, we ask that you ship them to our office in Washington, DC. You may send them to Ken Kim's attention at the following address for delivery M – F during regular business hours. We recommend that you obtain a tracking number when sending the devices.

iDiscovery Solutions  
ATTN: Ken Kim  
3000 K Street NW, Suite 330  
Washington, DC 20007  
Phone: 202.249.7860

Please let us know if you have any questions.

Thank you,  
Barbara

----

**Barbara Bibas**  
Project Assistant

Direct: 714.581.4830



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**From:** Ken Kim <[kkim@idsinc.com](mailto:kkim@idsinc.com)>  
**Sent:** Friday, August 9, 2019 10:03 AM  
**To:** Eli Mosley <[eli.f.mosley@gmail.com](mailto:eli.f.mosley@gmail.com)>  
**Cc:** Barbara Bibas <[bbibas@idsinc.com](mailto:bbibas@idsinc.com)>  
**Subject:** RE: Sines v Kessler Kline Discovery

Mr. Kline:

Thank you for your email. I have copied my colleague Barbara Bibas who will be working with you to gather the necessary information to proceed with the collections.

Regards,  
Ken

**Kenneth Kim**  
Project Manager  
Mobile: 267.847.4876



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**From:** Eli Mosley <[eli.f.mosley@gmail.com](mailto:eli.f.mosley@gmail.com)>  
**Sent:** Friday, August 9, 2019 12:58 PM  
**To:** Ken Kim <[kkim@idsinc.com](mailto:kkim@idsinc.com)>  
**Subject:** Sines v Kessler Kline Discovery

[EXTERNAL SENDER]

Hello Ken,

I am reaching out to you so that I may get my phone imaged for the discovery for the case. What steps must I take to get you guys the phone in a timely manner?

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