

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

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

Plaintiffs,

v.

JASON KESSLER, RICHARD SPENCER,
CHRISTOPHER CANTWELL, JAMES
ALEX FIELDS, JR., VANGUARD
AMERICA, ANDREW ANGLIN,
MOONBASE HOLDINGS, LLC, ROBERT
“AZZMADOR” RAY, NATHAN DAMIGO,
ELLIOTT KLINE a/k/a ELI MOSLEY,
IDENTITY EVROPA, MATTHEW
HEIMBACH, MATTHEW PARROTT a/k/a
DAVID MATTHEW PARROTT,
TRADITIONALIST WORKER PARTY,
MICHAEL HILL, MICHAEL TUBBS,
LEAGUE OF THE SOUTH, JEFF SCHOEP,
NATIONAL SOCIALIST MOVEMENT,
NATIONALIST FRONT, AUGUSTUS SOL
INVICTUS, FRATERNAL ORDER OF THE
ALT-KNIGHTS, LOYAL WHITE KNIGHTS
OF THE KU KLUX KLAN, and EAST
COAST KNIGHTS OF THE KU KLUX
KLAN a/k/a EAST COAST KNIGHTS OF
THE TRUE INVISIBLE EMPIRE,

Defendants.

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

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

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PRELIMINARY STATEMENT

After 22 months of Defendant Elliott Kline stonewalling Plaintiffs on discovery, receiving and squandering many opportunities to course-correct, violating at least 10 discovery orders issued by two federal judges, being held in civil contempt, and failing to preserve critical evidence in this civil conspiracy case, Plaintiffs respectfully renew their request that the Court enter evidentiary sanctions against Kline. *See* Order Finding Elliott Kline in Civil Contempt 13–14, Nov. 27, 2019, ECF No. 599 (“Contempt Order”); Hr’g Tr. 81, Nov. 25, 2019, ECF No. 600 (“Contempt Hr’g Tr.”); *see also* Pls.’ Mot. for Sanctions against Defs. Kline and Heimbach 2, Apr. 3, 2019, ECF No. 457 (“First Sanctions Motion”); Pls.’ Mot. for Sanctions against Def. Kline 1, Sept. 26, 2019, ECF No. 565 (“Second Sanctions Motion”); Pls.’ Resp. to Judge Hoppe’s Order & Certification 10 & App. A, Nov. 21, 2019, ECF No. 592 (“Show Cause Response”).

Specifically, Plaintiffs request (1) that the Court deem certain facts listed in Appendix A to this Motion established; (2) that the Court deem authentic for purposes of Rule 901 of the Federal Rules of Evidence (“Fed. R. Evid.”) any documents that Plaintiffs have a good-faith basis to believe that Kline created, including all documents from the social media accounts listed in Appendix A to this Motion, as well as any photographs taken by or depicting Kline; and (3) 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 Unite the Right.

BACKGROUND

I. Kline Was Central to the Conspiracy to Commit Racially-Motivated Violence at Unite the Right.

By his own admission, Kline had a central role in the planning and execution of the events known as Unite the Right in Charlottesville, Virginia, in August 2017. *See* Contempt Hr’g Tr. 56–57 (admitting that he planned Unite the Right); Ex. A at 26, Deposition of Elliott Kline (“Kline Dep.”), Aug. 7, 2019 (“Q. . . . Were you one of the organizers of Unite the Right? A. Yes.”); *id.* at 106 (“Q. You testified earlier . . . that there was, quote, a plan on how everything was going to happen? A. Yes.”); *see also* First Sanctions Motion, Ex. 3, at 237, Deposition of Jason Kessler, May 16, 2018, ECF No. 457-3 (“Q. Mr. Kessler . . . you and Eli Mosley were the principal coordinators for the Unite the Right rally on August 11 and 12, 2017, correct? A. Yes.”); First Sanctions Motion, Ex. 2, at 158 (“I think Eli was one of the main people, Eli Mosley.”), 189, Deposition of Erica Alduino (“Alduino Dep.”), Dec. 3, 2018, ECF No. 457-2.¹

Kline set the goals and tone for the weekend of August 11–12, 2017, and was engaged in the planning at a granular level on a daily basis throughout the spring and summer of 2017. He, along with Jason Kessler, was responsible for approving details as specific as the words that their coconspirators chanted that weekend, including “You will not replace us.” Alduino Dep. 239–40. He worked on every aspect of the Unite the Right weekend, including the torchlight march on Friday, August 11. He instructed Defendants and others where to go, when to be there, and what to bring. Second Am. Compl. (“SAC”) ¶¶ 146–47, 151, ECF No. 557. He was also a member of Defendant and coconspirator Identity Evropa, which participated in and helped organize the events of the weekend. *Id.* ¶¶ 29–30; *see* Kline Dep. 28–29 (“Q. You were formerly a member of Identity

¹ Kline conceded that his alter ego during the relevant period was “Eli Mosley.” Kline Dep. 48.

Evropa; is that correct? A. Yes.”), 68 (“Q. The members of Identity Evropa, whether individually or as part of the organization, did work on organizing Unite the Right, correct? A. Yes.”). Photographs of the August 12 event show Kline rushing in, personally ensuring that his and his coconspirators’ violent plans would play out at that weekend, and smiling gleefully with the blood of counter-protestors on his clothes. First Sanctions Motion, Ex. 5, ECF No. 457-5. It is no exaggeration to say that without Kline, Unite the Right may not have occurred.

The single document that Kline has produced, as well as other versions of that document and other documents that Plaintiffs have received in discovery, confirms Kline’s role. Early in the planning stages of Unite the Right, Kline drafted and circulated to “group leaders” a working document titled “Operation Unite the Right Charlottesville 2.0.” Ex. B (Operation Unite the Right Charlottesville 2.0, June 11, 2017); *see* Kline Dep. 120. Part battle cry, part playbook, that document laid out rules, guidelines, and roles for coconspirators. The seeds for the racially-motivated violence Charlottesville ultimately endured were planted in that foundational document, which explicitly attempted to unify white supremacist groups around the concept of aggression toward so-called “anti-white” protestors: “We will send the message that we will not be divided, we will not allow them to erase history without a fight” Ex. B at 1.

Kline also influenced and monitored the daily communication about the Charlottesville events on the primary communication platform used to plan the weekend events, the “Charlottesville 2.0” Discord server. *See* Kline Dep. 66, 85. In addition to posting thousands of messages himself, Kline was the moderator of the “Charlottesville 2.0” server, and had the ability to invite others to participate, to delete messages from the platform, and to kick people off the server at his discretion. *Alduino* Dep. 122, 126. In other words, Kline was able to control the content of communications surrounding the planning of the weekend events and who had access

to those communications. Moreover, Kline made a concerted effort to keep any evidence of his and his coconspirators' plans intensely secret. He told fellow Defendant and coconspirator Jason Kessler, "DO NOT open the discord to the public guys," and told Discord users involved in planning Unite the Right, "Sharing information publicly from this discord or about this event or who is attending outside of closed circles or this discord will get you immediately banned from all future alt right events." Ex. C (Kline Text Message to Kessler and Alduino, June 7, 2017) at 1; Ex. D (Kline Discord Message, July 11, 2017) at 8.

Kline made himself available to communicate with coconspirators through various social media platforms, including Discord and multiple accounts on Twitter, as well as multiple phone numbers and an email account, which he disseminated on the Charlottesville 2.0 server. *See, e.g.*, Kline Dep. 166–67 (listing Twitter accounts); Ex. B at 5 (listing Discord account, phone number, and email address). Kline urged his followers to "[f]eel free to msg/call whenever," Ex. B at 5, posting the same phone number through which Plaintiffs and the Court have repeatedly attempted, largely fruitlessly, to contact him throughout this litigation. *See, e.g.*, Kline Dep. 302, 306–07, 367; Order for Elliot Kline to Show Cause & Certification 6–8, 10, Oct. 30, 2019, ECF No. 584 ("Show Cause Order"); Hr'g Tr. 15, Aug. 8, 2019, ECF No. 543 ("THE COURT: . . . Mr. Kline, do the plaintiffs['] attorneys have – have a good cell phone number and email address for you and one that you will respond to? MR. KLINE: Yes. Yes, Your Honor. They have both a good phone number and a good email address.").² Kline also posted a separate phone number, which Plaintiffs recently found through discovery but which Kline has never admitted having, for the express

² Kline changed his phone number in August 2019. *See* Declaration of Jessica E. Phillips ("Phillips Decl."), Ex. K (Kline Email to Bloch and Kolenich, Aug. 14, 2019), ECF No. 566-11. Kline has never contacted Plaintiffs and, to Plaintiffs' knowledge, Kline has never contacted the Court using that new phone number.

purpose of communicating regarding Unite the Right. Ex. E at 3 (Operation Unite the Right Charlottesville 2.0, Aug. 8, 2017) (listing a (347) area code number at which to contact Kline); Ex. F at 3 (Operation Unite the Right Charlottesville 2.0, Aug. 10, 2017) (same).³ In short, Kline was not only deeply involved in planning and executing Unite the Right, but was in frequent communication with coconspirators and easily reachable via multiple different communication channels during the planning process.

II. Kline Was Held in Contempt after 22 Months of Stonewalling Plaintiffs and the Court.

At the November 25, 2019, hearing on the Court’s Order to Show Cause (the “Contempt Hearing”) and in a subsequent November 27, 2019, written order, the Court found Kline in civil contempt of Court based on his “non-compliance with a multitude of court orders.” Contempt Order 2; *see id.* at 4 (describing “pattern of Kline’s repeated failures to respond to discovery or discovery orders”); *id.* at 9–10 (identifying that Kline’s obligations had been set forth in “[n]umerous valid orders issued by Judge Hoppe, including those dated July 3 and August 8, 2019, and that issued by this Court on November 14, 2019”). Plaintiffs will not recite here the extensive history of Kline’s “[c]ontinued contumacious behavior,” Show Cause Order 12 (alteration in original, internal marks omitted), that led to the Court’s finding of civil contempt but refer back to their prior filings and this Court and Judge Hoppe’s multiple orders. *See generally* First Sanctions Motion; Second Sanctions Motion; Show Cause Response; Mem. Op., Aug. 9, 2019, ECF No. 539 (“Sanctions Order”); Show Cause Order; Contempt Order.

³ The version of the August 10, 2017, planning document produced by Kline in discovery on December 5, 2019, does not include the “Emergency Contact Information/Comms” section containing this (347) number. *See* Ex. G (Kline Email to Barkai, Dec. 5, 2019) at 7–15. Nor did Kline identify this (347) number in his responses to the Interrogatories that he provided on December 5, 2019. *See id.* at 16.

III. Even if Kline Purges Himself of His Contempt, Plaintiffs Are Unlikely Ever to Obtain Full Discovery of Kline's Documents.

Kline's utter failure to comply with discovery obligations, more than two years after this case was filed, alone warrants evidentiary sanctions. Even more concerning, however, the record and evidence in the case, as described below, have already made clear that, even if Kline were to finally purge himself of his contempt, Plaintiffs are extremely unlikely ever to obtain anywhere close to full discovery of Kline's critical documents and communications. Moreover, the following evidence must be considered in light of the Court's express findings at the Contempt Hearing that Kline's representations were "not credible" or "unbelievable." Contempt Order 2, 4–6; *see* Contempt Hr'g Tr. 50–51 ("THE COURT: You know that what you're saying just doesn't make any sense, don't you? . . . I mean, it's just contemptuous to even sit and tell the stories like you're telling and expect somebody to believe it.").⁴ Plaintiffs are thus left with a severe evidentiary gap of Kline's making: an absence of evidence from one of the most critical members of the conspiracy.

A. Kline Has Admitted That He Failed to Preserve Evidence.

Kline admitted under oath at the Contempt Hearing that, although he had been informed of his discovery obligations, he had failed to preserve evidence. *See* Contempt Hr'g Tr. 36 ("Q Okay. And Mr. Kolenich told you, while he still represented you, about your discovery obligations, correct? A Yes. Q Okay. But you didn't, in fact, preserve all of your documents and communications, did you? A I didn't."). For example, although Kline testified that he had sent

⁴ Judge Hoppe likewise certified facts to the Court providing that Kline's testimony during his deposition was "evasive, internally inconsistent, or simply not believable." Show Cause Order 10. Kline's history of untruthfulness is further established outside of this litigation. *See* Emma Cott, *How Our Reporter Uncovered a Lie That Propelled an Alt-Right Extremist's Rise*, N.Y. Times, Feb. 5, 2018, <https://www.nytimes.com/2018/02/05/insider/confronting-a-white-nationalist-eli-mosley.html> (detailing Kline's public lies regarding his military service).

private Discord messages to other Defendants in the case and that he had used an Identity Evropa email account to communicate regarding Unite the Right, he also conceded that he had failed to preserve the messages in both accounts. *See id.* at 36–38 (failure to preserve Identity Evropa emails), 38–39 (failure to preserve private Discord messages sent to other Defendants). Kline made similar concessions at his deposition. *See, e.g.,* Kline Dep. 215–16.

Furthermore, Kline conceded that he used “burner” email addresses rather than real email addresses to create numerous social media accounts, including his many Twitter accounts, and that he does not remember those “burner” email addresses. *See* Contempt Hr’g Tr. 29 (“The biggest issue, I would say, for Facebook and Twitter would be both of those I used under, you know, burner e-mails, I guess you would say, like, not real e-mail addresses.”); Kline Dep. 283–84 (“But, like I said, I don’t know the e-mail addresses”); Ex. G (Kline Email to Barkai, Dec. 5, 2019) at 2 (“As I’ve said before, I do not have the email address or know what they were for my Twitter accounts. I used burner email addresses to set them up that didn’t have real inboxes that I could gain access to.”). Plaintiffs will not get access to those accounts because of Kline’s actions.

B. The Integrity of the Data on Kline’s iPhone 6S Is in Doubt.

Kline’s admissions and conduct at his deposition further called into question the integrity of the data on his iPhone 6S, which he has repeatedly claimed was the only phone he used in 2017. *See* Second Sanctions Motion 6–8. For example, Kline testified repeatedly that his iPhone had been at points nonfunctional due to water damage and other unspecified problems. *See, e.g.,* Kline Dep. 94. 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.” *Id.* at 94, 361. Indeed, at one point during his deposition, Kline represented that he suddenly could not view emails that he had purportedly reviewed earlier that day because his phone was only displaying

messages from September 21, 2018, to June 11, 2019, supposedly due to a problem Kline was having entering his password.⁵ *Id.* at 357–59.

C. The Record Strongly Suggests that Kline Has Concealed and Continues to Conceal Relevant Communication Devices.

As described below and in Plaintiffs’ prior filings, Plaintiffs have deep, well-founded concerns that Kline has withheld and lied to Plaintiffs and the Court about his possession of relevant communication devices. *See* Second Sanctions Motion 5–11; Show Cause Response 9–10. Indeed, as discovery continues (even if at a snail’s pace), Plaintiffs continue to discover further evidence that indicates that Kline has withheld, if not outright destroyed or deleted, electronic devices and responsive documents. Specifically, contrary to his sworn testimony, Kline appears to have had more than one phone during 2017 and a computer.

1. Kline’s Phones

Kline has for months maintained unequivocally that he had only one phone in 2017, which was the iPhone 6S that Kline turned into the third-party discovery vendor in August 2019. *E.g.*, Kline Dep. 388–89. Kline testified unequivocally at his deposition and again at the Contempt Hearing that he had only one phone in 2017, which was the iPhone 6S. *E.g.*, Kline Dep. 389 (“Q. . . . [Y]ou had one phone in 2017? A. Correct.”); Contempt Hr’g Tr. 55 (“A Most of the communication that went out to Unite the Right was done using the phone I’ve already sent in. . . . 99 percent of it, maybe even a hundred percent.”); Ex. G at 16 (“The primary communication device I used before, during and after the event was the 610-406-2229 iPhone that has already been sent in for discovery.”). This testimony is flatly contradicted by a March 31, 2017, post that Kline

⁵ Kline was aware of the clear implication of this bizarre episode. He 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.*” Kline Dep. 362 (emphasis added).

concedes that he made on Discord in which he stated that “***I have 3 phones . . . one for work, one for personal shit, and one for the alt right[.]***” Phillips Decl., Ex. D, at 3, ECF No. 566-4 (emphasis added). Kline had no explanation as to why he would have made that statement on Discord 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.

Kline Dep. 384; *see id.* at 395 (“So, it could be that we were joking about something. I don’t know. I definitely didn’t have three phones though.”).

In that same conversation on Discord, Kline advised followers, “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. . . . So if I dont [sic] put in the password between noon and 1pm while I am out trolling jews [sic] it will erase the phone.” Phillips Decl., Ex. D, at 2, ECF No. 566-4 (emphasis added).⁶ Kline again admitted to making these statements 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.” Kline Dep. 391. When asked why he would have referred to a “seperate [sic] phone for alt right stuff” on Discord if it were

⁶ In addition to openly acknowledging the existence of a “seperate phone” that Kline has never admitted having and has never turned over, Kline’s assertion that he was able to arm his iPhone with a “kill password” that would “erase the phone” also raises self-evident concerns regarding the possibility of spoliation and deletion of relevant documents. This admission also confirms Kline’s technical competence and expertise with phones, to which he further testified at the Contempt Hearing. *See* Contempt Hr’g Tr. 55–57 (“Q . . . And were you savvy with your phone? A Relatively speaking, yes.”). Accordingly, there can be no question that Kline is now and always has been capable—when he chooses to—of communicating with the Court and Plaintiffs, and of resolving any necessary communications or technical issues in order to comply with his discovery obligations.

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.

Id. at 392.

In addition to Kline's “inconsistent” and “not believable” testimony, Show Cause Order 10, Plaintiffs have continued to find evidence in the course of discovery contradicting Kline's repeated claim that he only used the iPhone 6S. For example, the June 11, 2017, version of the “Operation Unite the Right Charlottesville 2.0” document (which Kline has admitted authoring) provided in a section titled “Contact Information” the number for Kline's iPhone 6S (610-406-2229), which was the phone that Kline testified repeatedly was his only phone during the relevant period. Ex. B at 6. However, the August 8 and August 10, 2017, versions of the planning document—though *not* the version that Kline produced to Plaintiffs on December 5, 2019—provided to Discord followers a (347) phone number that Kline has never before admitted using and that does not appear to be associated with any device that Kline has disclosed during discovery. Ex. E at 3 (Operation Unite the Right Charlottesville 2.0, Aug. 8, 2017); Ex. F at 3 (Operation Unite the Right Charlottesville 2.0, Aug. 10, 2017).⁷ This strongly suggests that Kline did indeed

⁷ Plaintiffs also learned of a fourth email address, eli.r.kline@gmail.com, which Kline had never before admitted having, for the first time at the Contempt Hearing. *Compare* Contempt Hr'g Tr. 64–65 (“And in the course of allowing us to review his iPhone that he still maintains in his possession, we discovered a fourth e-mail address that he had never identified for us, and that's new information to us.”) *with* Kline Dep. 34, 126–27, 169 (“Q. When you were referring to, quote, real e-mail addresses, are there any others besides the ones we discussed today, Eli.F.Mosley@Gmail.com, DeplorableTruth@Gmail.com, and your Identity Evropa e-mail address? A. No. Q. Those are the only three you have? A. Correct.”).

have multiple phones in 2017 and that those undisclosed phones contained responsive material that, even now, Kline does not want Plaintiffs to see.

2. Kline's Computer

Kline testified that he had no computer in 2017 and that he never used a computer to communicate or make documents regarding Unite the Right. Kline Dep. 107–10, 395–97. Instead, Kline testified that the only computers he used in 2017 belonged to Richard Spencer and Kline's girlfriend's neighbor. He also testified that on one occasion he had used an Internet café to check his email. *Id.* at 115–17, 397. Kline testified that although he had owned a personal 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. *Id.* at 112, 114, 395–96. The Court has ordered Kline to turn that computer over to the vendor for imaging. Contempt Order 15.

As with his phones, Kline's testimony regarding his use and ownership of computers in 2017 is also directly contradicted by his repeated statements on Discord. On March 22, 2017, Kline referred to having a computer at least three times in three Discord messages: “they share the wall with *my computer*”; “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”; and “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*.” Phillips Decl., Exs. F–H, ECF Nos. 566–6–566–8 (emphasis added). A week later, Kline wrote on Discord, “[W]ell its [sic] not a huge deal cause the phone is backed up on *my PC*[.]” Phillips Decl., Ex. D, at 3, ECF No. 566–4 (emphasis added).⁸

⁸ This message—indicating that even if a “kill password” had “erase[d] the phone,” the phone's contents would be available on the computer because “the phone is backed up on my PC”—underscores even more conspicuously that Kline's computer likely contains responsive documents.

Kline admitted making these statements on Discord but complained principally that the messages were “taken without any context.” Kline Dep. 400. Kline also testified, implausibly, that 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.” *Id.* at 402. Needless to say, Kline’s attempts to explain away his admissions are unconvincing, particularly in light of Kline’s track record of “unbelievable” statements. *See* Contempt Order 2.

Adding further implausibility to his story that he did not have a computer in 2017, Kline admitted that he had created at least “five or six” versions of the “Operation Unite the Right Charlottesville 2.0,” which he distributed “frequently,” and that the document was “really long.” Kline Dep. 175–76, 371–73. However, despite admitting to making various versions of the “really long” document, one of which Kline finally produced on December 5, 2019, Kline testified implausibly that he had never used a computer to make this document (or any other documents regarding Unite the Right), and instead that he had typed and edited the document on his phone. Kline Dep. 107–08, 120–22, 376.

As with Kline’s phones, recent developments have continued to undermine Kline’s testimony. For example, at the Contempt Hearing, Plaintiffs learned, for the first time in this litigation, of a “family computer” to which Kline suddenly admitted having access. Contempt Hr’g Tr. 21–22, 30–31.⁹

⁹ Conveniently, the first time that Kline ever acknowledged the existence of a “family computer” was in response to being asked how he had been able to send emails from his eli.f.mosley@gmail.com account despite turning his iPhone 6S—supposedly the only phone with access to that account—over to the third-party discovery vendor. *See* Contempt Hr’g Tr. 21–22 (“Q Okay. And yet take a look at the e-mail address that you’re sending this from. This is eli.f.mosley@gmail.com; the e-mail address you just represented to the Court that you did not have access to once you got rid of your other phone to the vendor? A Correct. I was able to get into a

IV. As of this Filing, Kline Has Failed to Purge Himself of His Civil Contempt.

Both at the Contempt Hearing and in the following Contempt Order, the Court clearly explained and laid out Kline's unfulfilled discovery obligations, with which Kline was required to comply "in order to purge himself of contempt." Contempt Order 14–15; *see* Contempt Hr'g Tr. 79. However, notwithstanding the clarity of the Court's order, Kline has still not brought himself into compliance with his outstanding discovery obligations and purged himself of contempt.

Plaintiffs set forth the status of each of Kline's current discovery obligations as set forth in the Contempt Order more specifically below.

- a. *"Kline must respond in writing fully and completely to Plaintiffs' First Set of Interrogatories and Plaintiffs' Requests for Production of Documents. When those are complete, Kline must send them to Plaintiffs and email them to this Court's Chambers account (moon.ecf@vawd.uscourts.gov) as well as that of Judge Hoppe (hoppe.ecf@vawd.uscourts.gov)."*

On December 5, 2019, Kline produced a single document in response to the Requests for Production: an August 10, 2017, version of the "Operation Unite the Right Charlottesville 2.0." *See* Ex. G at 7–15. Kline did not produce any other version of that document that Plaintiffs have received in discovery. Kline represented to Plaintiffs, "Other than that there were no other documents used as described on the First Set of Document Request form." *Id.* at 2. To Plaintiffs' knowledge, Kline did not serve his responses on the Court or Judge Hoppe.

Also on December 5, 2019, Kline provided, via a Google Documents link, a single page in response to Plaintiffs' First Set of Interrogatories. *Id.* To Plaintiffs' knowledge, Kline did not serve his responses on the Court or Judge Hoppe. Kline's responses to the Interrogatories are deficient in at least the following ways:

family computer, and I was able to get into the eli.f.mosley account still; but when I went back to try to get into it, it gave me the two-factor authentication issue that we talked about earlier.").

- The responses are unsworn, although the instructions required Kline to answer them “under oath.”
- Kline’s response to Interrogatory 1 (“Identify all means of communication used by you to communicate concerning the Events, whether before, during, or after the Events”) mentions only Kline’s Discord and Twitter accounts. *Id.* at 16. Accordingly, his response lacks at least four email addresses of which Plaintiffs are aware¹⁰ as well as a Facebook account, Gab account, and YouTube account (all three of which Kline included on his certification form).
- In his response to Interrogatory 3 (“Identify all persons (natural or non-natural) with whom you communicated concerning the Events, whether before, during, or after the Events.”), Kline appears to have interpreted the question to be limited to “people that I communicated with in the Alt Right” and to excuse him from the obligation to identify anyone with whom he communicated only by pseudonym.¹¹ *Id.*
 - In addition, Kline’s response, which lists only 12 individuals with whom he communicated, *id.*, is not only facially implausible but also lacks certain individuals with whom Kline has already admitted he communicated, including at least a member of Vanguard America, Thomas Ryan Rousseau, and members of the Charlottesville Police Department.¹²
- Kline’s response to Interrogatory 4 (“Identify all Electronic Devices used by you to communicate concerning the Events, whether before, during, or after the Events.”) states that the only phones he used were his iPhone 6S, Walmart phone, and new iPhone. *Id.* Accordingly, his response lacks at least one phone of which Plaintiffs are aware (the phone associated with the (347) phone number).
 - Additionally, Kline’s response to Interrogatory 4 refers to a laptop owned by Defendant Damigo, of which Kline has never informed Plaintiffs or the Court.¹³ Kline’s response to Interrogatory 4 also does not include his

¹⁰ These are eli.f.mosley@gmail.com, deplorabletruth@gmail.com, elimosley@identityevropa.com, and eli.r.kline@gmail.com.

¹¹ Kline previously testified that he understood his obligations under this Interrogatory to include *all* people with whom he had communicated concerning the events. *See* Kline Dep. 244 (“A. . . . I can make a list of the people I have communicated with concerning the events. I mean, more than half of them I won’t even know their real names. Most people operate anonymously. I can give pseudonyms or fake names or whatever that they use if I remember them. But – Q. Do you understand Interrogatory No. 3 is asking you to identify all those persons? A. Yes. And I would be fine with doing that. Like I said, it is going to be a difficult task.”).

¹² *E.g.*, Kline Dep. 77–78, 220–23.

¹³ *Compare* Ex. G at 16 with Kline Dep. 397 (“You testified that the only computers that you used in 2017 were Richard Spencer’s and your girlfriend’s neighbor’s computer? A. Correct.”).

girlfriend's neighbor's computer, which Kline previously testified that he had used.¹⁴ *Id.*

Plaintiffs have received no response to their Second Set of Interrogatories, which were first served on Kline via email at eli.f.mosley@gmail.com on October 30, 2019; of which Plaintiffs provided Kline an additional paper copy on November 25, 2019; and to which responses were due on November 29, 2019.

b. *“Kline must provide the Third Party Discovery Vendor his email and social media credentials, including his passwords, for every account he identified on his Certification Form, or that should have been included on such Form originally.”*

The following is the known status of Kline's social media credentials:

Social Media Platform	Status
Email – deplorabletruth@gmail.com	Kline provided a working credential at the Contempt Hearing.
Email – eli.f.mosley@gmail.com	Kline provided a non-working credential at the Contempt Hearing. Kline provided a working credential on December 4, 2019.
Email – elimosley@identityevropa.com	Kline has not provided any credential, instead informing Plaintiffs and the vendor, “I do not know the password for the Identity Evropa email address as my account information was deleted.”
Email – eli.r.kline@gmail.com (of which Kline did not inform Plaintiffs until the Contempt Hearing on November 25, 2019)	Kline has not provided any credential.
Discord	Kline has completed a Discord consent form. ¹⁵

¹⁴ Kline Dep. 115–16, 397.

¹⁵ Although Kline completed a Discord consent form belatedly (at his deposition in August 2019), thus enabling Discord to produce certain of Kline's data to Plaintiffs, Kline has not produced any document himself aside from the planning document that he produced on December 5, 2019.

Social Media Platform	Status
Facebook (included on Certification Form)	Kline has not provided any credential, instead informing Plaintiffs and the vendor, "Unknown, Account Deleted." ¹⁶
Gab (included on Certification Form)	Kline provided a credential.
Twitter (included on Certification Form) – various accounts	Kline has not provided any credentials, instead informing Plaintiffs and the vendor, "Unknown, Account Deleted." ¹⁷
YouTube	Kline has not provided any credential.

- i. *"Kline must further conduct a diligent search of his electronic and any other records to confirm that the list of credentials he included on his Certification Form is complete, and to uncover his credentials (including passwords), to any of these accounts."*

To Plaintiffs' knowledge, Kline has not conducted such a search.

- ii. *"For any and all accounts to which Kline confirms he does not have the credentials, he will submit a declaration under oath and under penalty of perjury, to that effect, and which states with specificity the reasons why such credentials are unavailable to Kline."*

To Plaintiffs' knowledge, Kline has submitted no such declaration.

- c. *"Kline must provide his Walmart phone he described, as well as his home computer that he identified, to the Third Party Discovery Vendor for imaging."*

Kline provided his Walmart phone to Plaintiffs in person at the Contempt Hearing. On December 4, 2019, Kline informed Plaintiffs and the vendor, "PC non recoverable." To Plaintiffs' knowledge, Kline has submitted no declaration regarding the reasons why the computer is "non recoverable."

¹⁶ Kline represented that he registered for Facebook with "burner emails" rather than "real email addresses." Hr'g Tr. 20, July 2, 2019, ECF No. 519.

¹⁷ Kline represented that he registered for Twitter with "burner emails" rather than "real email addresses." Hr'g Tr. 20, July 2, 2019, ECF No. 519.

- d. *“Kline must sign and provide to the Third Party Discovery Vendor the privacy and consent forms required by Twitter, as well as such forms required by the social media companies for the other accounts Kline listed or should have listed on his Certification Form. Plaintiffs’ counsel shall promptly re-send any missing forms to Kline for execution, and no later than Friday, November 29, 2019 at 12:00 p.m.*

On December 5, 2019, Kline informed Plaintiffs, “The Twitter Privacy form requires me to enter the email address for the account I am requesting information on. As I’ve said before, I do not have the email address or know what they were for my Twitter accounts. I used burner email addresses to set them up that didn’t have real inboxes that I could gain access to.” Ex. G at 2.

LEGAL STANDARDS

Rule 37 provides a nonexclusive list of substantive, case-related sanctions for failure to obey a discovery order, ranging from an order establishing certain facts to the entry of a default judgment. *See* First Sanctions Motion 14–15; Fed. R. Civ. P. 37(b)(2)(A); *Camper v. Home Quality Mgmt. Inc.*, 200 F.R.D. 516, 517–18 (D. Md. 2000). A court may also award sanctions for discovery violations pursuant to its inherent authority. *See, e.g., Projects Mgmt. Co. v. Dyncorp Int’l LLC*, 734 F.3d 366, 375 (4th Cir. 2013) (“[A] court acting under its inherent authority may impose sanctions for any conduct utterly inconsistent with the orderly administration of justice.” (citation and internal quotation marks omitted)); *Sampson v. City of Cambridge*, 251 F.R.D. 172, 178–79 (D. Md. 2008).

The Fourth Circuit has developed a four-part test for determining what sanctions to impose under Rule 37: “(1) whether the noncomplying party acted in bad faith, (2) the amount of prejudice that noncompliance caused the adversary, (3) the need for deterrence of the particular sort of non–

compliance, and (4) whether less drastic sanctions would be effective.” *Anderson v. Found. for Advancement, Educ. & Emp’t of Am. Indians*, 155 F.3d 500, 504 (4th Cir. 1998).¹⁸

ARGUMENT

I. Kline’s Misconduct Warrants Evidentiary Sanctions Due to the Evidentiary Gap Left by Kline’s Failure to Participate in Discovery and His Bad Faith.

Severe evidentiary sanctions are warranted given not only Kline’s “non-compliance with a multitude of court orders,” Contempt Order 2—a practice that even now, after two years, has *still* not “come to an end[,]” *id.*—but especially due to the many strong indications that Kline has withheld, lied about, and in all likelihood intends to continue withholding crucial documents and devices central to this litigation. *See Butler v. DirectSat USA, LLC*, No. 10-CV-2747, 2013 WL 6629240, at *1 (D. Md. Dec. 16, 2013) (“A party’s total failure to comply with the mandates of discovery, with no explanation for that failure, can certainly justify this harshest of sanctions.”); *Nucor Corp. v. Bell*, 251 F.R.D. 191, 194 (D.S.C. 2008) (“harsher sanctions” are permitted where “the spoliation was so prejudicial that it prevents the non-spoliating party from maintaining his case”). Rule 37 expressly provides for evidentiary sanctions that both remedy the substantial prejudice Plaintiffs have suffered and constitute the most appropriate disincentive to other Defendants contemplating similar transgressions. *See* Fed. R. Civ. P. 37(b)(2)(A)(i)–(ii).

The Court has already made factual findings relevant to the Rule 37 analysis. As to the first factor, “whether the noncomplying party acted in bad faith,” *Anderson*, 155 F.3d at 504, the

¹⁸ The factors courts consider in exercising their inherent authority largely mirror those courts apply under Rule 37: “(1) the degree of the wrongdoer’s culpability; (2) the extent of the client’s blameworthiness if the wrongful conduct is committed by its attorney, recognizing that [the court] seldom dismiss[es] claims against blameless clients; (3) the prejudice to the judicial process and the administration of justice; (4) the prejudice to the victim; (5) the availability of other sanctions to rectify the wrong by punishing culpable persons, compensating harmed persons, and deterring similar conduct in the future; and (6) the public interest.” *Projects Mgmt.*, 734 F.3d at 373–74 (internal quotation marks and citation omitted).

Court has already found Kline to be in contempt precisely because of his “non-compliance with a multitude of court orders” for which his excuses were “unbelievable, contradictory, and at odds with the plain facts in the record[.]” Contempt Order 2.

As to the second factor, “the amount of prejudice that noncompliance caused the adversary,” *Anderson*, 155 F.3d at 504, the Court has found, “Plaintiffs-Movants have suffered harm as a result of Kline’s continued violation of those Orders. This Court finds the harm Plaintiffs have suffered to be self-evident, but such financial harm and delay to their ability to timely develop and present Plaintiffs’ case was ably articulated by Plaintiffs’ counsel[.]” Contempt Order 12.

On the third factor, the need to deter the egregious misconduct in which Kline has engaged to date is manifest. *See Anderson*, 155 F.3d at 504. As Plaintiffs explained in the Second Sanctions Motion, sanctions are warranted to deter not only Kline’s own further discovery misconduct but other defendants’ misconduct as well. In a recent filing, Kline’s coconspirator, Christopher Cantwell, noted that “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.*” Cantwell Resp. 4, Sept. 24, 2019, ECF No. 560 (emphasis added); *see* Second Sanctions Motion 23.

Finally, on the fourth factor, “whether less drastic sanctions would [be] effective,” *Anderson*, 155 F.3d at 504, there can be no question at this point that evidentiary sanctions are the only way to properly “level[] the evidentiary playing field and . . . sanction[] the improper conduct[.]” *Vodusek v. Bayliner Marine Corp.*, 71 F.3d 148, 156 (4th Cir. 1995). Plaintiffs first requested evidentiary sanctions in the First Sanctions Motion, filed on April 3, 2019. Judge Hoppe made clear as early as June 3, 2019, that he would be willing to impose evidentiary sanctions if

other intermediary steps were not “effective.” Hr’g Tr. 21, June 3, 2019, ECF No. 504; *see also* Sanctions Order 34–35 (“Plaintiffs’ requested evidentiary sanctions—including the adverse inference and an order deeming some of their 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 [Defendants, including Kline] not follow through, the Court will likely have run out of options other than to impose significant evidentiary sanctions.”). At the Contempt Hearing on November 25, 2019, this Court then agreed that, “[a]s Judge Hoppe said, it is possible that the requested evidentiary sanctions will become the only recourse available to plaintiffs, and he and this Court have taken those under advisement[.]” Contempt Hr’g Tr. 78. However, like Judge Hoppe, the Court found that “at present it is preferable that the facts and evidence be uncovered rather than the case rely on evidentiary presumptions.” *Id.*

Unfortunately, it has become abundantly clear that, at least with regard to Kline, there is effectively no chance at this point that “the facts and evidence [will] be uncovered.” *Id.* Kline has failed to comply with his longstanding obligations even after being held in contempt. There is nothing to indicate that a less drastic sanction would lead to different results. *See Pruitt v. Bank of Am., N.A.*, No. 8:15-cv-01310, 2016 WL 7033972, at *3 (D. Md. Dec. 2, 2016) (applying sanctions to party that had been largely absent from the case, despite warnings). Moreover, the only reasonable inference from Kline’s testimony and the evidence in the record is that Kline has withheld and lied about his possession of responsive documents and devices and will continue to do so. Evidentiary sanctions are warranted now.

Plaintiffs have made three specific requests for evidentiary sanctions: (1) that the Court deem certain facts listed in Appendix A to this Motion established; (2) that the Court deem authentic for purposes of Fed. R. Evid. 901 any documents that Plaintiffs have a good-faith basis

to believe that Kline created, including all documents from the social media accounts listed in Appendix A to this Motion, as well as any photographs taken by or depicting Kline; and (3) 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 Unite the Right.

Regarding the first and second requested sanctions, Plaintiffs are simply asking that the Court deem certain facts established that Plaintiffs have a good-faith basis to believe they would in fact establish if Kline had produced their documents and continued to participate in this case. Rule 37 expressly contemplates this particular sanction for exactly this purpose, allowing a court to “direct[] that . . . designated facts be taken as established for purposes of the action, as the prevailing party claims.” Fed. R. Civ. P. 37(b)(2)(A)(i); *see, e.g., Wachtel v. Health Net, Inc.*, 239 F.R.D. 81, 104 (D.N.J. 2006) (holding certain facts “deemed admitted for all purposes” in light of “the significance of the documents withheld from Plaintiffs, the deliberate and willful nature of the non-disclosure, and the prejudice suffered by Plaintiffs”). Any lesser sanction would fail to alleviate the substantial prejudice Plaintiffs have suffered from the inability to obtain and authenticate Kline’s documents and place them before a jury. Moreover, any sanction that does not impose such a consequence would allow Defendants to avoid accountability entirely simply by opting out of the process. Kline should not be rewarded for his disobedience.

Plaintiffs’ request for a jury instruction that the jury may draw adverse inferences from Kline’s intentional withholding of documents is warranted because a wholesale failure to preserve and produce documents is, in effect, no different from intentional spoliation. “Under the spoliation of evidence rule, an adverse inference may be drawn against a party who destroys relevant

evidence.” *Vodusek*, 71 F.3d at 155; *see also Beaven v. U.S. Dep’t of Justice*, 622 F.3d 540, 555 (6th Cir. 2010) (“The district court did not abuse its discretion in imposing a non-rebuttable adverse inference after finding that the Defendants’ destruction of the folder ‘severely compromised’ the Plaintiffs’ case by depriving the Plaintiffs of the most relevant piece of evidence to prove their claims.”). “Such an instruction can be ‘critical to assisting the innocent party in establishing the nature of the evidence that has gone missing.’ An adverse inference instruction ‘is imposed to ameliorate any prejudice to the innocent party by filling the evidentiary gap created by the party that destroyed evidence.”” *Ottoson v. SMBC Leasing & Fin., Inc.*, 268 F. Supp. 3d 570, 584 (S.D.N.Y. 2017) (citations omitted). Such a jury instruction is appropriate here.

CONCLUSION

Accordingly, Plaintiffs renew their prior requests for evidentiary sanctions, including (1) that the Court deem certain facts listed in Appendix A to this Response established; (2) that the Court deem authentic for purposes of Fed. R. Evid. 901 any documents that Plaintiffs have a good-faith basis to believe that Kline created, including all documents from the social media accounts listed in Appendix A, as well as any photographs taken by or depicting Kline; and (3) 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 Unite the Right. *See* First Sanctions Motion, Ex. 1; Second Sanctions Motion, App. A; Show Cause Response, App. A.

Dated: December 6, 2019

Respectfully submitted,

/s/ Robert T. Cahill

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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 coconspirators 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 coconspirators to engage in racially-motivated violence in Charlottesville, Virginia on August 11, 2017.

5. Defendant Kline entered into an agreement with one or more coconspirators 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, Virginia on August 12, 2017.

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
2. Discord - Eli Mosley#5269

3. Discord - Sayer
4. Discord - Sayer#5269
5. YouTube - Eli Mosley
6. Facebook - Eli Mosley
7. Facebook - Elliott Kline
8. Twitter - @Eli_Mosley_
9. Twitter - @EliMosley
10. Twitter - @EliMosleyIE
11. Twitter - @EliMosleyIsBack
12. Twitter - @EliMosleyOH
13. Twitter - @NotEliMosley
14. Twitter - @Sheli_Shmosley
15. Twitter - @ThatEliMosley
16. Gab - @EliMosley

CERTIFICATE OF SERVICE

I hereby certify that on December 6, 2019, I filed the foregoing with the Clerk of Court through the CM/ECF system, which will send a notice of electronic filing to:

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isuecrooks@comcast.net

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

I further hereby certify that on December 6, 2019, I also served the following non-ECF participants, via electronic mail, as follows:

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/s/ Robert T. Cahill

Robert T. Cahill (VSB 38562)
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Counsel for Plaintiffs

EXHIBIT A

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

Deposition of ELLIOTT KLINE

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.

<p style="text-align: right;">Page 26</p> <p>1 type of, you know, violent -- like, a 2 premeditated violent plan against the people of 3 Charlottesville. Which isn't -- which isn't 4 true at all. And they are trying to seek 5 damages, I guess. Like, that is really all I 6 know about it. 7 Q. You indicated earlier that you are 8 familiar with an event called Unite the Right? 9 A. Mm-hmm. 10 Q. Correct? Were you one of the 11 organizers of Unite the Right? 12 A. Yes. 13 Q. You understand that you are here to 14 testify as part of the litigation Sines versus 15 Kessler, correct? 16 A. Correct. 17 MR. DiNUCCI: Mr. Barkai, can I 18 interject an objection? As I recall Judge 19 Hoppe's order in the matter, this deposition is 20 limited to the question of whether or not or the 21 issue of Mr. Kline's compliance or alleged 22 noncompliance with discovery-related Orders, not 23 the substance or merits of the case. 24 THE WITNESS: That is tomorrow. 25 MR. BARKAI: The questions are about</p>	<p style="text-align: right;">Page 27</p> <p>1 Mr. Kline's understanding of litigation, his 2 receipt of the Complaint, his compliance with 3 discovery throughout the process since being 4 served with the Complaint, including the 5 preservation of devices and of relevant 6 documents. 7 MR. DiNUCCI: I'll just set up one 8 more comment, then you do what you got to do. 9 But at least the answers are tending towards the 10 substance of the case, the merits of the case. 11 I thought I heard a question about whether or 12 not Mr. Kline was part of any effort to organize 13 the events. 14 That is my objection. But you can go 15 ahead. 16 MR. BARKAI: Well, organizing an event 17 would certainly lead to the inference that you 18 would have documents and discovery related to 19 the event. So, it is a relevant question. 20 BY MR. BARKAI: 21 Q. Mr. Kline, after you were sued you 22 hired attorneys, as you indicated, correct? 23 A. Through Identity Evropa. I was 24 represented through them, basically. As part of 25 my leading with our organization, part of the</p>
<p style="text-align: right;">Page 28</p> <p>1 deal was they would pay for my legal fees -- the 2 legal, the attorneys, things like that. 3 Q. What is Identity Evropa? 4 A. I believe it is no longer an 5 organization. But it was a -- originally it 6 started out as sort of an European-American 7 fraternity-type organization. Then it kind of 8 morphed and changed over time to something else 9 and became kind of what it was when it stopped 10 being an organization. I guess they called it 11 quits kind of months ago, from what I 12 understand. But, like I said, I don't follow a 13 whole lot of it anymore. 14 Q. You were formerly a member of Identity 15 Evropa; is that correct? 16 A. Yes. 17 Q. During what period? 18 A. Probably a year before 19 Charlottesville, maybe a year-and-a-half before 20 Charlottesville. So, I was a member for a year, 21 year-and-a-half, I would say. 22 Q. Beginning in approximately 2016? 23 A. Yeah. 24 Q. And ending when? 25 A. The summer of 2017, I want to say,</p>	<p style="text-align: right;">Page 29</p> <p>1 maybe. 2 Q. The summer of 2017, after Unite the 3 Right? 4 A. Yes. 5 Q. What led to your no longer being a 6 member of identity Evropa? 7 A. Umm, there was issues with me and the 8 owners or the leadership, Nathan Damingo. 9 Q. You stated that Identity Evropa as 10 part of your deal with the organization would 11 pay for your legal fees, correct? 12 A. Yes. 13 Q. Who was the attorney for whom Identity 14 Evropa paid at that time? 15 A. Umm, the -- I think it is the same 16 attorney they have now. I can't remember his 17 name off the top of my head. 18 Q. Is that Mr. Kolenich? 19 A. Yes, Kolenich. 20 Q. Mr. Woodard? 21 A. Originally I think they may have 22 started paying him. But I don't think Identity 23 Evropa kept doing that. Maybe they did. I am 24 not sure. 25 Q. In addition to being represented in</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 46</p> <p>1 playing the game. There is nothing -- just 2 voice or whatever. 3 Q. Just voice only? 4 A. Just voice. 5 Q. Besides talking to Char Char Binks, 6 did you do anything else to prepare for today's 7 deposition? 8 A. No. 9 Q. Did you speak with or meet with Mr. 10 Kolenich in advance of the deposition? 11 A. No. 12 Q. Mr. Woodard? 13 A. No. 14 Q. Have you communicated with Jason 15 Kessler about his deposition? 16 A. No. 17 Q. Have you communicated with Erika 18 Alduino about her deposition? 19 A. No. 20 Q. Mr. Kline, where did you grow up? 21 A. Reading, Pennsylvania. 22 Q. Is that the address that we discussed 23 earlier as being your parents' address? 24 A. Yes. 25 Q. 117 Mesa Drive?</p>	<p style="text-align: right;">Page 47</p> <p>1 A. Yes. 2 Q. Where do you live now? 3 A. Umm, I am kind of moving between a 4 bunch of different places. I just house sit for 5 -- like, the last two weeks I house sitted for a 6 family. But I don't really have a permanent 7 address right now. I am kind of moving around, 8 trying to find a job. 9 Q. What is the address where you have 10 been house sitting? 11 A. I don't even know the address. It is 12 up in Allentown. 13 Q. Where did you live before Allentown? 14 A. I was -- like, after I left Virginia, 15 I lived with my parents for a little bit. And I 16 have been trying -- I have been driving around 17 trying to find a job all throughout 18 Pennsylvania. So, I might stay in, like, a 19 hotel one night, or stay with a friend or 20 college or something like that. But -- 21 Q. What is the last physical address that 22 you remember having? 23 A. The 117 Mesa Drive is the -- I guess 24 the best address. 25 Q. When did you leave that address?</p>
<p style="text-align: right;">Page 48</p> <p>1 A. I am there right now. But I might be 2 leaving in another week or two to go look for a 3 job. 4 Q. Where were you living in Virginia? 5 A. Umm, I got to remember the name of the 6 town. I can't believe I can't remember. Umm, 7 what was the name of that place? If I had my 8 phone out, I could just look at Google Maps and 9 know exactly where it is at. I just don't know 10 exactly where it is. 11 It is Loudoun. Loudoun County. So, 12 whatever town -- the town that is in Loudoun 13 County, that is where it was. 14 Q. Have you ever lived in 15 Charlottesville? 16 A. No. 17 Q. Your name is Elliott Kline, but you go 18 by Eli Mosley, right? 19 A. I went by that. I no longer go by 20 that name. 21 Q. Why did you go by Eli Mosley at the 22 time? 23 A. Pretty much everyone in the Alt-Right 24 had, like, a pseudonym or, like, a fake name for 25 anonymity.</p>	<p style="text-align: right;">Page 49</p> <p>1 Q. For anonymity? 2 A. Yeah. 3 Q. Why did you choose Eli Mosley? 4 A. Umm, at the time -- well, Elliott, 5 Eli. That's pretty simple. Mosley was just -- 6 he is a political figure from the United Kingdom 7 who I was reading at the time. 8 Q. When did you stop using that name? 9 A. Uh, probably, I mean, a year ago. 10 Maybe a little bit more than a year ago. 11 Q. How old are you? 12 A. 27. 13 Q. What is the highest level of education 14 that you have received? 15 A. Some college. 16 Q. Where were you in college? 17 A. Shippensburg University, and then 18 Millersville University. 19 Q. You did not graduate; is that right? 20 A. No. 21 Q. What were you studying? 22 A. Political science at Shippensburg and 23 computer science in Millersville. 24 Q. Are you employed now? 25 A. No.</p>

<p style="text-align: right;">Page 66</p> <p>1 Q. But you are not aware of who was 2 operating Identity Evropa's social media 3 accounts? 4 A. No. Like I said, at the time I am 5 pretty sure in the Discord we had, like, a thing 6 that was, like, social media posts, I think was 7 the name of the channel, maybe. I don't know. 8 And we would -- I would post in there, then it 9 would get posted on the Twitter. I don't even 10 know who would do it. I don't remember who it 11 was, or anything like that. 12 Q. Did you e-mail those posts to people 13 to post? 14 A. No. Like I said, I never -- I almost 15 never use e-mail, outside of talking this legal 16 stuff, really. 17 Q. Did you text posts for people to post? 18 A. Umm, no, not -- no. Because I 19 wouldn't have had their numbers. No one shared 20 phone numbers, right. So, it was mostly all 21 through Discord, is how most of the 22 communication happened. 23 Q. Your testimony is that you would write 24 a social media post for Identity Evropa in 25 Discord, and then someone else would post it?</p>	<p style="text-align: right;">Page 67</p> <p>1 A. Yes. Either through Discord or -- I 2 am trying -- I don't think there is any other 3 way. It would have been either a direct message 4 on Discord, like a private message, or on the 5 actual Identity Evropa Discord server. But I 6 don't know who that person would be that had the 7 credentials or anything like that. 8 Q. Do you remember anything about that 9 person? 10 A. No. I don't even know if it was a 11 male or female. I don't know. I don't 12 remember. And I think that job changed hands a 13 few times as well. So, you know, like I said, I 14 don't really remember. 15 Q. Did you discuss those social media 16 posts over the phone? 17 A. No, not that I know of. 18 Q. Did Identity Evropa participate in the 19 planning of Unite the Right? 20 A. Umm, yes. A little -- I would say a 21 little bit. I wouldn't say they were -- it is 22 kind of hard to say, like, separate who was in 23 Identity Evropa and helping organize, I guess 24 you could say, then who was organizing as an 25 Identity Evropa member, if that makes sense.</p>
<p style="text-align: right;">Page 68</p> <p>1 It was kind of, like, a loose 2 collection of groups, and each group was, like, 3 given a broad outline. And then within those 4 groups they were expected to kind of do their 5 own organizing, I guess you could say. 6 Q. The members of Identity Evropa, 7 whether individually or as part of the 8 organization, did work on organizing Unite the 9 Right, correct? 10 A. Yes. 11 Q. Including creating documents? 12 A. Yes. 13 Q. Sending e-mails? 14 A. I don't know about sending e-mails. 15 But creating documents, sure. 16 Q. Where would those documents be 17 located? 18 A. Well, they have all been leaked. So, 19 the -- they were originally posted on the 20 Discord server. Not the Identity Evropa Discord 21 server, but the -- I think there might be 22 something on Identity Evropa's Discord server. 23 But the, like, event, the Unite the Right 24 Discord server. 25 So, there was the Identity Evropa</p>	<p style="text-align: right;">Page 69</p> <p>1 Discord server, then there was the Unite the 2 Right Discord server. That was for not -- non 3 Identity Evropa people. There was way many 4 people on that server. And any documents that 5 were produced would be posted on that server. 6 Which, again, was deleted. 7 (Exhibit 5, transcript of 7/2/2019 8 telephonic discovery hearing, marked for 9 identification.) 10 BY MR. BARKAI: 11 Q. Mr. Kline, I am going to now ask some 12 more detailed questions about the devices that 13 you used to communicate regarding Unite the 14 Right, as well as more generally. 15 First, you appeared at the July 2, 16 2019 hearing in this matter, right? 17 A. Yes. 18 Q. Does this exhibit in front of you 19 appear to you to be a transcript of that 20 hearing? 21 A. Umm, yes. 22 Q. Could you turn to Page 19, please? 23 A. Okay. 24 Q. Do you see at the top of that page 25 where you told the Judge, so, currently, as far</p>

<p style="text-align: right;">Page 74</p> <p>1 that you have now here on the table to 2 communicate regarding Unite the Right? 3 A. Mostly on -- using Discord app on the 4 phone and making phone calls. Very few text 5 messages. Because, like I said, most people 6 didn't exchange phone numbers. And little to no 7 e-mail. And then just making -- like, using 8 Google docs on it, stuff like that. 9 Q. What about photos? Do you have photos 10 on that phone? 11 A. Yeah. 12 Q. Are they photos related to Unite the 13 Right? 14 A. No. 15 Q. You don't have a single photo related 16 to Unite the Right? 17 A. Not that I -- not that I know of. 18 People didn't really like taking pictures of 19 each other and things like that, because they 20 didn't want their identities revealed and stuff 21 like that. So, taking pictures is a big no-no. 22 You don't take pictures of the other people. 23 Q. Did you at any time have any photos 24 related to Unite the Right? 25 A. Umm, no. I can't remember a time --</p>	<p style="text-align: right;">Page 75</p> <p>1 there is no pictures taken, or anything like 2 that. Other than a few people walking around, 3 things like that. 4 Q. There may have been pictures of people 5 walking around? 6 A. But not on my phone. None of the 7 pictures on my phone are related to Unite the 8 Right. All the pictures on my phone are just, 9 like, personal, like, goofy stuff. None of it 10 is at all related to the thing. 11 Q. Do you have social media apps on your 12 phone? 13 A. I do, but none of them are working 14 because I have been removed from all those. So, 15 like, Twitter -- like, Twitter wouldn't work on 16 my phone, Facebook wouldn't work on my phone. 17 Umm, and now Discord doesn't work on my phone. 18 Q. Do you have logs on your phone of 19 people with whom you made phone calls? 20 A. No. 21 Q. You don't have any call logs on your 22 phone? 23 A. I mean, there is, like, the recent 24 call list. But I don't know how far back it 25 goes or anything.</p>
<p style="text-align: right;">Page 76</p> <p>1 Q. Are the text messages still on your 2 phone from Unite the Right? 3 A. Yes. Like I said, there is very few 4 of them. 5 Q. Returning to photos, you did not take 6 any photos on August 12? 7 A. Not that I can remember, no. Not that 8 I -- I would have to look through the phone to 9 see. But none of the pictures that I think -- 10 none of the pictures I am aware of are from 11 Unite the Right or anything like that. 12 Q. You didn't take a single photo on 13 August 11? 14 A. Not that I know of, no. 15 Q. Not that you know of? 16 A. No. 17 Q. You testified that you made phone 18 calls regarding Unite the Right, correct? 19 A. Yes. 20 Q. Whom did you discuss Unite the Right 21 with over the phone using phone calls? 22 A. We had, like, I guess, the weekly 23 phone call with most of, like, the leaders of 24 the organizations that were going or people 25 putting it together. So, it would have been</p>	<p style="text-align: right;">Page 77</p> <p>1 people like me, Kessler. I can't even remember 2 any of the other people. I am sure it is people 3 on this list. 4 Mr. Heimbach was on a few of them, I 5 know that. Umm, but I don't -- I don't really 6 remember any of the other people that would have 7 been on there. But there is phone calls on 8 that. And then other than on the ground that 9 day, I had plenty of phone calls. The primary 10 mode of communication at the rally was my phone, 11 calling people. That is how I talked to the 12 police, that is how I talked to the police the 13 night before. That is how I talked to, like, 14 our sound crew that was stuck there, things like 15 that. 16 Q. So, you have testified that you had 17 calls with Jason Kessler, correct? 18 A. Yes. 19 Q. Matthew Heimbach, correct? 20 A. Yes. 21 Q. Do you remember having phone calls 22 with Erika Alduino? 23 A. Yes. 24 Q. You have testified that you had plenty 25 of phone calls on the ground, correct?</p>

<p style="text-align: right;">Page 78</p> <p>1 A. Yes.</p> <p>2 Q. With whom?</p> <p>3 A. Mostly it was with the police,</p> <p>4 actually. The -- both at the rally and the</p> <p>5 night -- the Torch March the night before. I</p> <p>6 was on the police. Like, every five minutes I</p> <p>7 called them.</p> <p>8 Q. Who did you speak to at the police?</p> <p>9 A. I do not remember their name.</p> <p>10 Q. You do not remember a single name of</p> <p>11 anyone from the police you spoke?</p> <p>12 A. Both of them are female. Umm, I know</p> <p>13 one of them accused me of lying to some court,</p> <p>14 some -- I read in some news article that she</p> <p>15 said I lied. But it doesn't make sense because</p> <p>16 -- I mean, the phone records are there. There</p> <p>17 is no way the police don't have it recorded.</p> <p>18 Where -- I didn't lie at all. I told them -- I</p> <p>19 was very honest with them with what we were</p> <p>20 doing and what was going on.</p> <p>21 Q. Did you ever speak with anyone from</p> <p>22 the police department in any way other than</p> <p>23 phone calls?</p> <p>24 A. Umm, I spoke to -- I actually -- one</p> <p>25 person I spoke with is a detective, I believe it</p>	<p style="text-align: right;">Page 79</p> <p>1 was, in Charlottesville, leading up to the</p> <p>2 rally. He was kind of trying to figure out,</p> <p>3 like, who was coming and what the different</p> <p>4 groups were, I guess. From both the left and</p> <p>5 the right.</p> <p>6 And I just -- I had spoken to him. I</p> <p>7 don't remember his name. But I know it was a</p> <p>8 detective in Charlottesville. And then -- I</p> <p>9 don't remember who else I would have spoken to.</p> <p>10 Q. Did you ever use e-mails to</p> <p>11 communicate with --</p> <p>12 A. No.</p> <p>13 Q. -- the police?</p> <p>14 A. No.</p> <p>15 Q. Text messages?</p> <p>16 A. No. No text messages with the police.</p> <p>17 Q. How did you first communicate with</p> <p>18 them via phone?</p> <p>19 A. I think -- I think either I received</p> <p>20 an e-mail, maybe, on Identity Evropa e-mail, I</p> <p>21 think it might have been. Or somebody else had</p> <p>22 spoken to this person and sent me -- and said</p> <p>23 hey, you should talk to this detective.</p> <p>24 I think that is actually what it was,</p> <p>25 was somebody told me, hey, this detective is</p>
<p style="text-align: right;">Page 80</p> <p>1 still trying to get -- figure out who is coming.</p> <p>2 I don't remember who told me that. I just</p> <p>3 remember calling the detective and talking to</p> <p>4 him about, hey, this is who's coming, this is</p> <p>5 what's going on, or whatever. But that is it.</p> <p>6 Q. Is that e-mail still on your phone?</p> <p>7 A. None of the e-mails from the Identity</p> <p>8 Evropa e-mail are on my phone. I can't log into</p> <p>9 the account at all.</p> <p>10 Q. If you were to log into the account,</p> <p>11 would the e-mails still be there?</p> <p>12 A. I don't think so. I think Gmail -- I</p> <p>13 mean, the only way I could think of that you</p> <p>14 would be able to retrieve those e-mails is if</p> <p>15 you contacted Google itself and got it. Because</p> <p>16 I think what happened was they removed me from</p> <p>17 their server -- or from their access, right.</p> <p>18 So, I got removed from the Identity Evropa at</p> <p>19 Gmail account access.</p> <p>20 When I got removed from that, I was no</p> <p>21 longer able to use my phone's e-mail at all.</p> <p>22 Because it wouldn't -- it kept saying try to log</p> <p>23 in, then it would say this account doesn't</p> <p>24 exist. And then I think a couple months after</p> <p>25 that I got removed. I think a couple months</p>	<p style="text-align: right;">Page 81</p> <p>1 after that Gmail removed their services. So,</p> <p>2 they said, hey, we are not letting you use our</p> <p>3 services anymore at all.</p> <p>4 So, the only way I could think of is</p> <p>5 -- would be Gmail or Google having them on their</p> <p>6 server somewhere backed up. Because, like I</p> <p>7 said, even if I log into my -- like, even if I</p> <p>8 type my password into my Gmail -- to the</p> <p>9 Identity Evropa account right now, if I were to</p> <p>10 type it in, it says this account doesn't exist.</p> <p>11 Q. When did Google remove Identity</p> <p>12 Evropa's services?</p> <p>13 A. I have -- I don't know. I have no</p> <p>14 idea. It was sometime after I got removed from</p> <p>15 Identity Evropa. So --</p> <p>16 Q. When was the last time that you</p> <p>17 remember logging into your Identity Evropa</p> <p>18 e-mail?</p> <p>19 A. Umm, the summer of -- I guess it was</p> <p>20 spring. March, May. I would say May 2018,</p> <p>21 maybe. Maybe a little earlier than that. Maybe</p> <p>22 April or March, somewhere in there. 2018. So,</p> <p>23 not a year after, you know, but almost a year</p> <p>24 after, half a year after Unite the Right.</p> <p>25 Q. That was after the lawsuit was filed</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 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>

<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 2 only -- the only document typing or anything 3 like that, creation that I did, was on my Google 4 drive to Google docs, copying it and pasting it 5 and making it into that -- putting it on 6 Discord, was that document explaining the rules 7 and what everyone was doing, the planning 8 document that got leaked. 9 That is the only documents that I made 10 or created for the event. 11 Q. Did you make any promotional 12 materials, such as a poster? 13 A. I didn't make any of that. Somebody 14 else did. 15 Q. Did you discuss with others who made 16 promotional materials, what those materials 17 were? 18 A. I believe Jason Kessler handled all 19 that stuff. 20 Q. When you say somebody else made 21 promotional materials, who would that have been? 22 A. I have no idea who made -- who made 23 the stuff. Like I said, Jason Kessler handled 24 that kind of thing. The promotion, the 25 promotional stuff, the speakers, things like</p>	<p style="text-align: right;">Page 111</p> <p>1 that. 2 Q. Did you write any articles about Unite 3 the Right? 4 A. Articles for what? For -- no, I 5 didn't produce any -- publish any articles or 6 anything like that. 7 Q. Did you write any kind of blog post 8 about Unite the Right? 9 A. Umm, not that I can remember. 10 Q. Have you used a computer to send 11 e-mails regarding Unite the Right? 12 A. Other than the court case stuff, no. 13 Q. But you have used a computer to send 14 e-mails regarding the court case? 15 A. Just, like, responding -- when the 16 phone wasn't working, I would just use, like, 17 whatever computer I could get. Like, I went to 18 a -- I think I went to -- I don't even know what 19 the hell they are called. One of those internet 20 cafe places just to get to my e-mail once. I 21 don't remember where it was. It was in 22 Lancaster City. But it was just trying to get 23 to my e-mail, to e-mail them back. 24 Q. When was that? 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. 2 Q. Which e-mail address would that have 3 been? 4 A. The Eli F. Mosley one. 5 Q. Did you own a computer in 2017? 6 A. Umm, in 2017. So, that is the year of 7 the rally and stuff. Yes, I did. But I didn't 8 -- basically what happened with me was I had 9 gotten let go of my job in late 2016 and I moved 10 down to South Carolina with my girlfriend at the 11 time. I wasn't able to bring any of my stuff, 12 which included my computer and lots of other 13 stuff. 14 Q. What job had you gotten let go of in 15 late 2016? 16 A. I was an HR manager for a company 17 called JC Ehrlich. 18 Q. When you moved down to South Carolina, 19 why were you not able to bring your computer? 20 A. I couldn't fit all my stuff in the 21 car. I just brought my clothes and stuff like 22 that. 23 Q. So, what happened to your computer 24 then? 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 2 used for work, for when I had the job at JC 3 Ehrlich. 4 Q. Where is that computer now? 5 A. At my parents' place. 6 Q. Do you use that computer now? 7 A. No. 8 Q. Does the computer still work? 9 A. I think so. Probably. 10 Q. When did you first get that computer? 11 A. Probably 2012. 12 Q. What kind of computer is it? 13 A. Just a -- I don't know, desktop 14 computer. 15 Q. Do you know the brand of computer it 16 is? 17 A. No. I think it is custom -- it is 18 just kind of a Frankenstein machine. 19 Q. You used that computer in 2017, right? 20 A. No, no, no. No. Like I said -- 21 Q. Excuse me, you used that computer in 22 2016, right? 23 A. Yes. But it was -- like I said, it 24 was before most of the Alt-Right stuff. 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 126</p> <p>1 Q. Not a single time?</p> <p>2 A. No.</p> <p>3 THE VIDEOGRAPHER: Pardon me, Counsel.</p> <p>4 About three minutes until I have to change over</p> <p>5 the tape.</p> <p>6 MR. BARKAI: So, we'll go for another</p> <p>7 couple minutes, then we'll take a break.</p> <p>8 THE WITNESS: Yeah.</p> <p>9 BY MR. BARKAI:</p> <p>10 Q. You still have access to</p> <p>11 DeplorableTruth@Gmail.com, right?</p> <p>12 A. Yes.</p> <p>13 Q. And you still have access to</p> <p>14 Eli.F.Mosley@Gmail.com?</p> <p>15 A. Yes.</p> <p>16 Q. You also have an IdentityEvropa.com</p> <p>17 e-mail address, correct?</p> <p>18 A. I do not have access to.</p> <p>19 Q. Do you have any other e-mail addresses</p> <p>20 that you have used in the last four years?</p> <p>21 A. Yeah. Umm, the only other -- well,</p> <p>22 there is two things for that. The first thing</p> <p>23 is I have an e-mail address that is used, like,</p> <p>24 that I signed up for a lot of stuff, like, bank</p> <p>25 accounts and things like that. I have that</p>	<p style="text-align: right;">Page 127</p> <p>1 e-mail address. Umm, that is at Comcast</p> <p>2 address. Again, there is nothing in there.</p> <p>3 That is what I sign up for accounts for, like I</p> <p>4 said, banking and things like that.</p> <p>5 And then the other e-mail address is</p> <p>6 when I would make a new Twitter account or</p> <p>7 whatever, when I needed a new Twitter account, I</p> <p>8 would just have a random e-mail address I don't</p> <p>9 have any access to at all. It would be random</p> <p>10 letters, if that makes sense.</p> <p>11 Q. Are you able to log into those e-mail</p> <p>12 addresses?</p> <p>13 A. I don't even -- no. They have all</p> <p>14 been deleted. All -- Twitter deleted -- Twitter</p> <p>15 somehow got -- Twitter had, like, a way of just</p> <p>16 knowing it was me and they started deleting them</p> <p>17 right away. So --</p> <p>18 Q. Have you used anyone else's e-mail</p> <p>19 address to communicate --</p> <p>20 A. No.</p> <p>21 Q. -- about Unite the Right?</p> <p>22 A. No.</p> <p>23 Q. Does Identity Evropa have its own</p> <p>24 e-mail addresses --</p> <p>25 A. Yeah.</p>
<p style="text-align: right;">Page 128</p> <p>1 Q. -- for the organization?</p> <p>2 A. Yes.</p> <p>3 Q. Have you operated those e-mail</p> <p>4 addresses?</p> <p>5 A. No. I wasn't ever in control of any</p> <p>6 of the tech stuff.</p> <p>7 Q. Have you deleted any e-mails at all</p> <p>8 that you have sent or received concerning the</p> <p>9 events in this case?</p> <p>10 A. No.</p> <p>11 Q. Have you ever been instructed to</p> <p>12 delete any such e-mails?</p> <p>13 A. No.</p> <p>14 Q. Have you ever instructed anyone else</p> <p>15 to delete any such e-mails?</p> <p>16 A. No.</p> <p>17 MR. BARKAI: We can take a break. Go</p> <p>18 off the record.</p> <p>19 THE VIDEOGRAPHER: The time is 12:04</p> <p>20 p.m., we are going off the video record.</p> <p>21 (Recess was taken.)</p> <p>22 THE VIDEOGRAPHER: The time is now</p> <p>23 12:13 p.m., we are back on the video record.</p> <p>24 BY MR. BARKAI:</p> <p>25 Q. Mr. Kline, before we continue</p>	<p style="text-align: right;">Page 129</p> <p>1 discussing your communications regarding Unite</p> <p>2 the Right, a few questions about your</p> <p>3 preparation for this deposition.</p> <p>4 In preparation for this deposition,</p> <p>5 did you speak to Mr. DiNucci, who is on the</p> <p>6 phone?</p> <p>7 A. No.</p> <p>8 Q. Did you speak with Mr. Campbell, who</p> <p>9 is on the phone, in preparation for this</p> <p>10 deposition?</p> <p>11 A. No.</p> <p>12 Q. What about regarding this case</p> <p>13 generally? Have you had conversations with Mr.</p> <p>14 DiNucci?</p> <p>15 A. No, I don't think so. Outside of --</p> <p>16 no, actually I don't think I have ever talked to</p> <p>17 him before. I mostly talked with Kaplan, I</p> <p>18 think.</p> <p>19 Q. You started to say outside of, have</p> <p>20 you ever had any conversations with Mr. DiNucci</p> <p>21 about this case?</p> <p>22 A. No, I don't think so.</p> <p>23 Q. What about Mr. Campbell? Have you had</p> <p>24 conversations with Mr. Campbell about this case?</p> <p>25 A. No.</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 174</p> <p>1 it would have been Not Eli Mosley.</p> <p>2 Q. So, that was the Twitter account that</p> <p>3 you had at the time of Unite the Right, correct?</p> <p>4 A. Correct, yes. So, this other one was</p> <p>5 from two months before. Clearly my account was</p> <p>6 banned. Not Eli Mosley would be the new one.</p> <p>7 Q. You have no active account on Twitter</p> <p>8 right now; is that true?</p> <p>9 A. No, I haven't had one for probably two</p> <p>10 years, or a year-and-a-half.</p> <p>11 Q. Do you see the top of this version of</p> <p>12 the operational documents, which is Exhibit 8,</p> <p>13 do you see the sentence this version of the</p> <p>14 document is to only be shared in extremely</p> <p>15 vetted circles, do not post on social media?</p> <p>16 A. Yes.</p> <p>17 Q. What were the extremely vetted circles</p> <p>18 in which this document was shared?</p> <p>19 A. Well, looking back, that is kind of a</p> <p>20 joke. It was meant to be logistical.</p> <p>21 MR. DiNUCCI: Note my objection from</p> <p>22 earlier based on Judge Hoppe's Order. Thank</p> <p>23 you.</p> <p>24 BY MR. BARKAI:</p> <p>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</p> <p>2 Discord, is what it meant. Discord was supposed</p> <p>3 to have people vetted before they could join it.</p> <p>4 So, that is what I was talking about.</p> <p>5 Q. How is the document shared within</p> <p>6 Discord?</p> <p>7 A. Just post it. Like you would on</p> <p>8 Facebook or -- just put it in a channel.</p> <p>9 Q. Who posted it?</p> <p>10 A. Umm, maybe me. But I don't know.</p> <p>11 Like I said, the way I made these, is I made</p> <p>12 them on Google drive and I sent them to somebody</p> <p>13 usually. I don't remember who each one. Some</p> <p>14 -- each one was different. They would format it</p> <p>15 like this. Then either they would post it, or I</p> <p>16 would -- they would send it back to me and I</p> <p>17 would post it.</p> <p>18 Q. How many versions of this document did</p> <p>19 you make?</p> <p>20 A. Umm, probably five or six. And they</p> <p>21 were all posted in Discord.</p> <p>22 Q. You made five or six versions of this</p> <p>23 document?</p> <p>24 A. Yes.</p> <p>25 Q. This document is several pages long,</p>
<p style="text-align: right;">Page 176</p> <p>1 correct?</p> <p>2 A. Yes.</p> <p>3 Q. This document appears to be nine pages</p> <p>4 long, right?</p> <p>5 A. Yeah. The final one was really long.</p> <p>6 Yeah.</p> <p>7 Q. The final version was very long?</p> <p>8 A. Yes.</p> <p>9 Q. You typed out these very long</p> <p>10 documents on your phone?</p> <p>11 A. Yes. It was mostly editing old stuff</p> <p>12 and changing it out. It wasn't like I made it</p> <p>13 all at once. It was, oh, I dealt with this part</p> <p>14 of this, let me type this part up. And then,</p> <p>15 you know, save another document, or whatever.</p> <p>16 Oh, I fixed -- this part needs to be done. It</p> <p>17 was kind of, like, a living document, I guess</p> <p>18 you could say.</p> <p>19 Q. So, you had one version of the</p> <p>20 document that you edited?</p> <p>21 A. Yes, yes.</p> <p>22 Q. You did not create multiple documents?</p> <p>23 A. Correct.</p> <p>24 Q. And, again, you did all this on your</p> <p>25 phone?</p>	<p style="text-align: right;">Page 177</p> <p>1 A. Yes.</p> <p>2 Q. When you -- strike that.</p> <p>3 At the top of this page, Page 1 of</p> <p>4 Exhibit 8, do you see reported version</p> <p>5 8/10/2017, general orders?</p> <p>6 A. Yes.</p> <p>7 Q. What are general orders?</p> <p>8 A. Just like the general -- the way</p> <p>9 people were supposed to behave and act at the</p> <p>10 thing, which basically no one followed, as most</p> <p>11 people can tell. This thing clearly outlines</p> <p>12 that people aren't supposed to be violent and</p> <p>13 that -- basically this whole document wasn't</p> <p>14 followed from the beginning to end.</p> <p>15 Q. You also used Facebook to communicate</p> <p>16 about Unite the Right, correct?</p> <p>17 A. Yes.</p> <p>18 Q. Which is -- what is your Facebook</p> <p>19 username?</p> <p>20 A. I was banned from Facebook as well,</p> <p>21 and I don't know what the name of the account or</p> <p>22 -- is it -- I think Facebook is saved by e-mail</p> <p>23 address, if I am not mistaken. But I don't know</p> <p>24 what e-mail address I would have been using.</p> <p>25 Q. Would it have been</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</p> <p>2 to Plaintiffs, right?</p> <p>3 A. No. But I would like to, using the</p> <p>4 PDF or whatever you guys have that looks like</p> <p>5 from this e-mail.</p> <p>6 Q. You are ready to do that today?</p> <p>7 A. Yes.</p> <p>8 Q. You are ready to turn over your</p> <p>9 devices --</p> <p>10 A. Umm --</p> <p>11 Q. -- for imaging?</p> <p>12 A. I could turn the -- I would like to</p> <p>13 not do the cell phone today, just because I use</p> <p>14 it to get home on GPS. I have somewhere to go</p> <p>15 that I am not familiar with. But I could, like,</p> <p>16 do it right after I get home and activate the</p> <p>17 new cell phone I just got.</p> <p>18 Q. You are ready to provide consents for</p> <p>19 social media accounts --</p> <p>20 A. Yes.</p> <p>21 Q. -- to be disclosed?</p> <p>22 A. Yes.</p> <p>23 Q. Did you ever at any time have</p> <p>24 documents and communications relevant to the</p> <p>25 events in the Complaint that you no longer have?</p>	<p style="text-align: right;">Page 219</p> <p>1 A. No.</p> <p>2 Q. Do you see Request for Production No.</p> <p>3 2 at the bottom of Page 8 of this document?</p> <p>4 A. Number -- okay, I see that, yes.</p> <p>5 Q. Do you see that it asks there for you</p> <p>6 to produce all documents and communications</p> <p>7 concerning events, meetings, rallies,</p> <p>8 conferences, or conversations held prior to the</p> <p>9 events that relate to the events in any way?</p> <p>10 A. Yeah.</p> <p>11 Q. Do you understand you are obligated to</p> <p>12 produce all such documents to Plaintiffs?</p> <p>13 A. Yep.</p> <p>14 Q. And you have at various times had</p> <p>15 documents and communications concerning such</p> <p>16 events, right?</p> <p>17 A. Yes. And it is all in my phone, or</p> <p>18 Discord.</p> <p>19 Q. You haven't produced any of those yet,</p> <p>20 have you?</p> <p>21 A. No. But I would like to today, if</p> <p>22 that is possible. Or consent for the social</p> <p>23 media ones today.</p> <p>24 Q. On Page 9 of this document, do you see</p> <p>25 Request for Production No. 3 --</p>
<p style="text-align: right;">Page 220</p> <p>1 A. Yes.</p> <p>2 Q. -- which asks for documents concerning</p> <p>3 and communications with various groups?</p> <p>4 A. Yes.</p> <p>5 Q. Did you understand that you are</p> <p>6 obligated to produce all documents and</p> <p>7 communications you have concerning or with these</p> <p>8 groups?</p> <p>9 A. Yes.</p> <p>10 Q. Do you have, or have you had in the</p> <p>11 past documents concerning or communications</p> <p>12 concerning or with East Coast Knights of the</p> <p>13 KKK?</p> <p>14 A. No.</p> <p>15 Q. What about Fraternal Order of the Alt</p> <p>16 Knights?</p> <p>17 A. No.</p> <p>18 Q. Identify Evropa you do, correct?</p> <p>19 A. Yes.</p> <p>20 Q. What about League of the South?</p> <p>21 A. Umm, yes, on Discord.</p> <p>22 Q. What about Loyal White Knights of the</p> <p>23 KKK?</p> <p>24 A. No.</p> <p>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.</p> <p>2 Q. What about Nationalist Socialist</p> <p>3 Movement?</p> <p>4 A. No.</p> <p>5 Q. What about Nationalist Front?</p> <p>6 A. No.</p> <p>7 Q. What about Traditionalist Worker</p> <p>8 Party?</p> <p>9 A. Yes.</p> <p>10 Q. What about Vanguard America?</p> <p>11 A. Yes.</p> <p>12 Q. With respect to Traditionalist Worker</p> <p>13 Party, what sorts of documents are those?</p> <p>14 A. Just communication between us on</p> <p>15 Discord.</p> <p>16 Q. Between you and who?</p> <p>17 A. Umm, it wasn't -- it wasn't Matt</p> <p>18 Heimbach at the time, it was somebody else I was</p> <p>19 dealing with. I can't remember his name. I</p> <p>20 can't remember the guy's name. But it was</p> <p>21 somebody that was on Discord. They were, like,</p> <p>22 the -- they were marked as the communication</p> <p>23 liaison for the Traditionalist Worker Party.</p> <p>24 Q. What about Vanguard America?</p> <p>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 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 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 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 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 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 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 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 366</p> <p>1 Q. You did not receive an e-mail before 2 this e-mail about the time and date of this 3 conference? 4 A. I didn't see it, no. 5 Q. You didn't see it? 6 A. No. I mean, like I said, they sent 7 this to me August 2. I must have checked my 8 e-mail on the fifth. And when I -- they had 9 already approved the time. So, I was okay. 10 Q. Did you not see an e-mail from Mr. 11 Bloch because your phone does not have any 12 messages on it after June 11? 13 A. No, I don't think so. Because, like I 14 said, I had opened that up today earlier and it 15 was -- it was working. It was showing the 16 e-mails I was getting today and yesterday. 17 MR. BARKAI: Let's take a break. 18 THE WITNESS: Okay. 19 MR. BARKAI: We'll go off the record 20 for a few minutes. 21 THE VIDEOGRAPHER: Time is 4:54 p.m., 22 we are going off the video record. 23 (Recess was taken.) 24 THE VIDEOGRAPHER: The time is now 25 5:04 p.m., we are back on the video record.</p>	<p style="text-align: right;">Page 367</p> <p>1 (Exhibit 30, text messages, marked for 2 identification.) 3 BY MR. BARKAI: 4 Q. Mr. Kline, you are being handed a 5 document that is being marked Exhibit 30. 6 Do you recognize this document? 7 A. No -- there are messages. I don't 8 know who they are between. 9 Q. Do you see at the very top of Page 1, 10 Eli Mosley +1 (610) 406-2229 at the very top of 11 Page 1? 12 A. Yes. 13 Q. Is that your phone number? 14 A. Yes. 15 Q. Is that your alias that you have used 16 in the past? 17 A. Yes. 18 Q. Are these your text messages? 19 A. Yes. I assume so, yes. 20 Q. These are your text messages? 21 A. Yes. 22 Q. Were these text messages with Erika 23 Alduino, to your recollection? 24 A. Yeah. I mean, I don't know who these 25 -- I have to read through all these to see who</p>
<p style="text-align: right;">Page 368</p> <p>1 they are with. But it is kind of formatted 2 strangely. 3 I mean, this is me, right? And this 4 is somebody else. I don't know who this is. 5 And this is Erika, and this is me, this is 6 Erika. And who is this? Do we know who this 7 is? 8 Q. Do you see at the bottom of Page 1 the 9 question, Jason, is that your 434 number? 10 A. Oh, okay. This is a group text. 11 Okay. That makes more sense. Okay, yes. 12 Q. Does that refresh your recollection 13 that this was a conversation that you had over 14 text with Erika Alduino -- 15 A. Yes. 16 Q. -- and Jason Kessler? 17 A. Yes. 18 Q. Do you see on Page 1 where you said 19 please just trust me -- this is the top of Page 20 1 -- please just trust me that I am taking care 21 of everything that needs to be done. We have 22 two months and don't need to rush this. I am 23 doing this full time and can handle it. 24 A. Yeah, I see that. 25 Q. What did you mean, I am doing this</p>	<p style="text-align: right;">Page 369</p> <p>1 full-time? 2 A. Umm, well, two things. First of all, 3 did you un-mute the phone for those guys? And 4 isn't this supposed to be about the discovery 5 stuff? And this seems more about the case. 6 Q. The phone is not muted. As I said at 7 the outset, even if there are objections, you 8 are still required to answer my questions. 9 A. Okay. So, what was your question 10 again? 11 Q. The question was, what did you mean 12 when you told Jason Kessler and Erika Alduino, I 13 am doing this full-time and can handle it? 14 A. I didn't have a job at the time, so I 15 was trying to get as much stuff organized as I 16 possibly could. 17 Q. Was organizing Unite the Right a 18 full-time job for you? 19 A. I mean, not hours or pay, no. But 20 that is what I was doing. 21 Q. It was the only thing you were doing? 22 A. Yes. 23 Q. On Page 2 of this text message 24 conversation, do you see where you told Erika 25 Alduino and Jason Kessler, I am putting together</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>

C E R T I F I C A T E

I, Angela N. Kilby, the officer before whom the within deposition(s) was taken, do hereby certify that the witness whose testimony appears in the foregoing deposition(s) was duly sworn by me on said date and that the transcribed deposition of said witness is a true record of the testimony given by said witness;

That the proceeding is herein recorded fully and accurately;

That I am neither attorney nor counsel, nor related to any of the parties to the action in which these depositions were taken, and further that I am not a relative of any attorney or counsel employed by the parties hereto, or financially interested in this action.

Angela N. Kilby, Reporter
Notary Public in and for the
Commonwealth of Pennsylvania

My commission expires
June 2, 2023

EXHIBIT B

Operation Unite the Right Charlottesville 2.0

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Report Version:

6/11/2017 Initial OPORD

Next version release 6/18/2017

ATTENTION: Please read this full document to avoid miscommunication or organizational issues.

Operation Summary:

The town of Charlottesville, Virginia has recently become a flashpoint in the culture war against the anti-white and anti-free speech left with the town trying to take down or alter civil war monuments. Earlier this year, the Alt Right held a secretive rally in the town to protest again these policies which gained international coverage and showed a serious maturity with various groups working together. Since this event the left and the city has not gotten the message, and continue to harass local journalist Jason Kessler and his friends for their point of view on the issue. On August 12th we plan on going back to Charlottesville to show them that they are not unopposed with a rally that brings together the Alt Right with the Alt Light/New Right to show solidarity on issues we overlap with as well as show support for locals afraid to speak up. This rally, like the Battle of Berkley, will be a chance to show the left in one of their central power hubs that they will no longer go unopposed like they are used to with older generations of right wingers. Both the Alt Right and "Alt Light/New Right" will be setting aside our differences and focus on our areas of common ground against our mutual enemies who see no difference between us. We will send the message that we will not be divided, we will not allow them to erase history without a fight, and that they are on the out while the right wing continues to grow.

The right wing must stand united to defend free speech, and the main attack on free speech is the left's intolerance to have pro-White or anti-SJW points of view. Coming together to support each other at this event will be an important show of strength and unity regardless of our disagreements.



#20.1

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Friendlies:

More groups and speakers are still being added. Contact Eli Mosley or Jason Kessler if you can get additional groups/speakers to attend.

Speakers/Attendees:

Jason Kessler	Baked Alaska
Chris Cantwell	Based Stickman
Mike Enoch	Augustus Invictus
Matt Heimbach	Eli Mosley
Pax Dickinson	Johnny Monoxide
Sacco Vandal	Sam Hyde (Secret/Maybe)
Richard Spencer (Secret)	Gavin McGinnes (Maybe)
Lauren Southern (Secret/Maybe)	

Groups/Sponsors:

Identity Europa	Identity Dixie
TheRightStuff.biz and their Pool Party Groups	Radical Agenda
League of the South	Traditionalist Workers Party
Vanguard America	The Revolutionary Conservative
Proud Boys Regional Groups	Fraternal Order of Alt Knights

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Enemies/Counter Protestors:

We are still waiting to figure out the local groups and ones that could be coming in for the event that are antifa or antifa-adjacent. We currently expect around 100-200 counter protesters, but it could easily end up double that.

Discord:

The purpose of the Discord will be to coordinate between groups/individuals, plan travel/lodging accommodations, and disseminate need to know information. This Discord will **NOT** be used to debate topics of disagreement, to recruit for groups, or shitposting. The Alt Light/New Right will be given access to the server at some point and all bullying/harassment/red pills should be kept out of the organizational chats. If an invite is needed, channel must be made or there are issues use the #ModHelp channel. Ask a moderator or above for a server invite.

Roles:

The following roles need to be filled within the next few weeks and more will be needed as time goes on. If you'd like to volunteer for any of the roles below please contact Eli Mosley via Discord expressing which role and what qualifications you have for the role.

Propaganda Coordinator – This role will coordinate between the groups and various artists to create and distribute propaganda for the event. We will have a channel setup for the role of people sharing ideas and creations. Will work closely with the PR teams.

Medical Team Leader – This role will lead the medical team/staff on the ground the day of the event and make sure all members of the team are supplied and qualified to keep attendees safe.

Lodging Coordinator – Help to research and spread information for lodging to all attendees. Moderate the lodging_needed and lodging_wanted channels. Most groups will be able to handle this piece themselves, but having someone to help out would be great.

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Sponsor Coordinator – This role will manage the sponsor channels to link sponsors up with people who need help getting to the event. They should have knowledge and access to paypal to middleman if needed. We may gain access to another service as well.

Intelligence Section Coordinator – This role will manage the various intelligence teams that will need to gather intel leading up to the event, during the event and manage the intel/doxing after the event. This person should not be in attendance to the event and have some experience with doing this like previous events.

More roles will be needed in reports moving forward as well. Stay tuned and if you'd like to volunteer to take on roles not listed please message Eli Mosley.

Information Sharing:

There will be two different reports like this every week leading up to the event where it will switch to every day. The first version will be for leadership and Alt Right groups. The second version will be for the general attendees and Alt Light/New Right groups. The reason is that the Alt Light/New Right groups and general attendees may have compromised communication networks so we'd like to keep the info leaks to a minimum on certain things. This means do not discuss the specifics of this event outside of official discussion channels.

During the first few weeks of organizing we will keep most of the big name individuals going a secret. If you are unsure if it is public knowledge that someone is going assume it is not. If you have an individual who would like to speak let Eli Mosley or Jason Kessler know.

Keep all of these intel reports in vetted discords, private Facebook groups, and other non-compromised groups. DO NOT share them in the Proud Boys main Facebook groups or non-vetted regional groups which have been confirmed compromised in the past. If you have any questions on this please contact Eli Mosley.

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Alt-Right and Alt-Light/New Right Truce:

For the time being all groups attending should do their very best to keep their people from being antagonistic towards each other. If there are issues between groups please try to fix it behind the scenes in the interest of this event. Don't forget that everyone on either side will not be on the same page here as well.

Contact Information:

This event is currently being organized by Eli Mosley and Jason Kessler with a few others with the Event Coordinator role in the Discord. If you'd like to step up to help out more please contact one of us. Please ask if you need to share contact info outside Discord.

Eli Mosley – Discord, Eli Mosley#5269 – Phone Number, 610-406-2229 – Email, DeplorableTruth@gmail.com. Feel free to msg/call whenever.

Jason Kessler – Discord, MadDimension#8652 – Phone Number, 434-996-5567 – Twitter, @TheMadDimension

Timeline:

6/11-7/2: Initial Planning and Recruiting drive. During this time we will be spreading the general propaganda to try to recruit as many people as we can to the event with the general details of where/when. The leadership and team leaders will be planning out everything for the event behind the scenes during this time. It will be important to keep whatever detailed information about the event we have secret and on need to know basis during this time.

7/2-7/16: Detailed Planning Releases. During this time we will be sending out exactly how we intend to execute that day and take in any feedback or changes needed to be made. We will also step up the PR teams and media reach out during this time so that they are aware of what is going on. During this time we may announce the specific details on all individuals giving speeches and groups attending as well. Intel groups will begin gather information on local antifa possibly attending.

Operation Unite the Right Charlottesville 2.0

IMPORTANT: This version of the document is to only be shared by and with group leaders. DO NOT SHARE with other attendees. Another version will be released for them.

7/16-7/30: Final Planning and Propaganda Blitz. Here we will be spreading the information on the event using social media, podcasts and other alternative media sources while we confirm that everyone knows their role for the day of the event.

7/30-8/10: Daily Operational Reports and Intel Sharing. During the week and a half leading up to the event there will be daily documents with updates being released including any plan changes needed. It will be incredibly important to keep this information secret.

8/11: Scouting/Local team and dry runs. Arrivals of non-local groups and speakers.

8/12: Day of Event.

8/13: Intel crowd sourcing, social media and media blitz day.

Public Relations Team:

Each group attending will need to volunteer one representative for the PR team to attend meetings and make sure everyone is on the same page in terms of message and dealing with the media. They will be in touch with the PR Coordinator. Please message Eli Mosley or Jason Kessler with the representative per group for the PR team.

Propaganda Team:

The Propaganda Team will be lead by a single person who will be asking for general help to spread the message of the event before, during and after. Each group can do this themselves individually as well and can ask for help in spreading this from the Propaganda Coordinator.

Operation Unite the Right Charlottesville 2.0

IMPORTANT: This version of the document is to only be shared by and with group leaders. DO NOT SHARE with other attendees. Another version will be released for them.

Lodging:

The lodging coordinator will help do research on local lodging. It is important to get this booked ASAP before antifa or our people buy everything up in the area. Also, be aware that if you are a doxed individual you may be removed from AirBnB or other services.

KKK Rally:

There will be a KKK rally on July 8th in Charlottesville in the same areas that we will have our rally. The organizer of this rally is a suspected federal agent. The Alt Right groups do not need to counter signal this rally but should expect the Alt Light/New Right groups to do so. We are in no way affiliated with this rally even though the media will try to paint them as the same thing. Our best bet would be to ignore this rally and focus on our own whenever asked about it.

After-Party for Event:

Currently we have no detailed plans for an event after the rally. However, we will have something planned for that day which will have more details out as we get closer to the date.

Patrons/Sponsors:

If you or someone you know is unable to attend the event but would still like to support it please get in touch with the Sponsor Coordinator or use the Discord channels. We may have an official service up for this soon to help make this easier.

If you have any questions or issues please direct them to the #QuestionsForCoordinators channel in Discord.

EXHIBIT C

Wednesday, June 07, 2017

Eli Mosely (+1 (610) 406-2229)

DO NOT open the discord to the public guys. Come on. Please don't do anything else until I have some control of the situation. People are already talking about backing out because they feel this is disorganized. Please just trust me that I'm taking care of everything that needs to be done. We have two months and don't need to rush this. I'm doing this full time and can handle it.

08:44:32

+1 (434) 996-5567

08:45:10

I'm not opening it to the public

Erica (+1 (321) 276-8298)

I haven't opened it up to the public.

08:45:13

Eli Mosely (+1 (610) 406-2229)

Alright I just had two people message me saying that they heard we were doing that so thank god.

08:45:43

Erica (+1 (321) 276-8298)

I have Server Admin make a post on the IE discord about the event. People had to DM me if they wanted to join. A join link got dropped in our FB message group, and a temporary link got dropped in the Cville 1 server

08:46:25

+1 (434) 996-5567

08:46:45

There's nothing to worry about

Eli Mosely (+1 (610) 406-2229)

Sounds good. Thanks.

08:47:07

Erica (+1 (321) 276-8298)

No, no one, as far as I know, are dropping links in public chats. We've already been nervous enough about opening up the discord to alt-lite people

08:47:20

Jason, is that your 434 number?

08:47:45

+1 (434) 996-5567

08:47:59

Yeah, this is a movement for warriors. Let's not cater to the lowest common denominator crybabies

08:48:10

Yes



Erica (+1 (321) 276-8298)

Okay cool . It's Erika

08:48:21

+1 (434) 996-5567

I'm available to anyone who wants to talk about any aspect of the event

08:50:42

Eli Mosely (+1 (610) 406-2229)

Sounds good I'm putting together this document now and will send it to you guys after it's done.

08:51:32

Erica (+1 (321) 276-8298)

Awesome . Thanks, eli.

08:59:14

Question . The Stormers keep bugging me about making a special group for their book club . I've met some cool Stormer guys , but the majority of the DS book club guys I 've met are spergy af. Do we really want to allow them a channel for their sperg shit to fester ?

09:00:33

Eli Mosely (+1 (610) 406-2229)

Just wait on that . I will speak to them through Weev and anglin . We have a weekly call for daily stormer on Monday's and I'll bring it up to them . If anglin or Weev tells them what to do they'll do it .

09:01:48

+1 (434) 996-5567

IMO allow all free speech and Larping so long as they agree to abide by the rules of our public demonstration

09:02:28

Erica (+1 (321) 276-8298)

Okey doke

09:02:26

+1 (434) 996-5567

Let people have fun. Just make sure their leadership understands that the future if the white race depends on us exercising restraint in public

09:03:43

Erica (+1 (321) 276-8298)

I'm all for allowing LARPing until actual serious bad ideas are coming out of the LARPing . And I'm all for allowing free speech until I start getting called a cunt and thot for trying to institute some basic rules regarding how we conduct ourselves on the server and in public.

09:04:20

+1 (434) 996-5567

09:04:52

We have to destigmatize white advocacy. Those who cannot show restraint in public are betraying their race

09:05:25

Erica, don't let it become personal. Go through me and I will mediate

Erica (+1 (321) 276-8298)

I agree, and from Cville1.0, we had serious issues coming from the Vanguard guys. Just like we're having serious issues coming from them again.

09:06:04

I'll go through you guys, but for how much I'm going to do over the next couple months to plan this, I don't feel like I should have to go through a middle man when stating some obvious stuff regarding optics.

09:06:56

+1 (434) 996-5567

09:07:10

We have two months. Put me in touch with their leadership.

09:07:41

Erica, I'll call you tomorrow and we'll work it out.

Erica (+1 (321) 276-8298)

I'll DM you in discord the name of the vanguard guy who agreed with me and apologized for how his men are acting

09:08:12

Eli Mosely (+1 (610) 406-2229)

Let's schedule a three way call for us tomorrow. I don't have a job so I'm free whenever.

09:08:16

I have a call with vanguard this week to straighten them out as well.

09:08:37

+1 (434) 996-5567

09:08:55

11am EST. Good?


Erica (+1 (321) 276-8298)

Thank you.


09:11:12

I work until probably 3 tomorrow. I'll let you know when I get off. I'm scheduled until 130, but if tomorrow is as busy as it was today, I'll be getting off late.

09:12:02

 I have to be at the other job at 5pm tomorrow. So I'll either be able to hop on a call sometime between 3 and 430, or after 1030pm tomorrow night 09:13:34

Eli Mosely (+1 (610) 406-2229)


 I'm down whenever. It's up to you guys . 09:17:58

+1 (434) 996-5567


09:18:51

 Sounds like 3pm then

09:19:02

 That's set

Erica (+1 (321) 276-8298)

 Yeah. I'll shoot you guys a text right when I get off work tomorrow . 09:19:40

Thursday, June 08, 2017


Erica (+1 (321) 276-8298)

  02:28:35

Eli Mosely (+1 (610) 406-2229)

 I'm free whenever. 02:28:59


Erica (+1 (321) 276-8298)

 Just got off work . I need to eat . 3 still good? 02:29:37


Eli Mosely (+1 (610) 406-2229)

 Yep 02:29:51


Erica (+1 (321) 276-8298)

 Cool. How's your internet situation coming along ? 02:30:36

Eli Mosely (+1 (610) 406-2229)

 Shit. The south is so slow . 02:30:45

Erica (+1 (321) 276-8298)


 That is correct . I'm guessing we'll just do a conference call on the phone then? 02:36:44

+1 (434) 996-5567

02:36:55

 3 is fine

Eli Mosely (+1 (610) 406-2229)

 That'd be best . I can still Skype or discord on my phone though . 02:37:05

Erica (+1 (321) 276-8298)

I'm fine with a phone conference call if Jason is cool with it .

02:38:11

+1 (434) 996-5567

02:38:39

Sure

Erica (+1 (321) 276-8298)



02:42:32

Eli Mosely , Erica\attachment 2.PNG

Friday, June 09, 2017

+1 (434) 996-5567

01:13:35

Should I put out a press release describing the event along with maybe a video and article in Medium ?

Eli Mosely (+1 (610) 406-2229)

Don't do a press release yet . I'm trying to finish up my TBH g

01:14:03

My thing

01:14:06

+1 (434) 996-5567

01:15:28

I was just thinking it might be good for me to publicly define what the event means to me before the other press releases come out since I will be fielding a lot of questions from reporters

01:16:34

That would essentially establish my narrative which is that I'm providing a platform for the other groups and endorsing white advocacy

Eli Mosely (+1 (610) 406-2229)

Yea I would say do it once the PR team meets together .

01:16:56

+1 (434) 996-5567

01:17:44

Ok. Just bring me in on that convo so we're all on the same page

Saturday, June 10, 2017

+1 (434) 996-5567

TWP has been busy putting out a lot of literature. If the other organizations wait 3 weeks to announce their involvement the media is going to brand this a TWP event

10:26:03

Erica (+1 (321) 276-8298)

<https://twitter.com/Hatewatch/status/873573797835796480>

12:40:44

Monday, June 12, 2017

Erica (+1 (321) 276-8298)

We're supposed to be having a banquet in Charlottesville on Sunday, correct? I'm just looking into lodging and I need to figure out if I should book Sunday night losing also.

03:42:17

+1 (434) 996-5567

We haven't gotten far in planning that yet but that is the idea.

03:43:22

We should do a banquet at Trump Winery

03:45:11

Erica (+1 (321) 276-8298)

Okay. Just trying to decide if a place needs to be booked for 2 or 3 nights. I'll be flying in on Friday and flying out on Monday.

03:45:53

EXHIBIT D

Message from Eli Mosley in Charlottesville

2.0#announcements



[Erika](#)

2017-06-12 20:17:00 UTC

@everyone

If you're a member of Identity Evropa, Identity Dixie, Vanguard America, Traditionalist Workers Party, League of the South, ATL-Right, or a woman and you haven't been added to your private organization/group channel within this server, DM so I can give you access.



[Erika](#)

2017-06-13 23:44:05 UTC

@everyone

I need the name/discord ID of one person in <@&321389308823207947>, <@&321416859620605953>, <@&321415072066961418>, <@&321402672764682242>, <@&321415072268419072>, and <@&321494163298320394> who will be the official liaison and PR Representative for the organization. DM me.



[MadDimension](#)

2017-06-17 19:12:30 UTC



@everyone If you have access to sound equipment please get in touch with event organizers ASAP. Don't forget that the other side will try to drown out our speakers with sirens and other noisemakers. We cannot allow that to happen



[MadDimension](#)

2017-06-20 02:52:58 UTC

[@Erika](#) What happened to the link?



[Erika](#)

2017-06-20 02:58:52 UTC

[@MadDimension](#) bizarre. Idk. I'll figure it out in a minute.



[Erika](#)

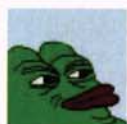
2017-06-20 03:48:49 UTC

[@MadDimension](#) looks like TRS took it down. Archive link added.

[Erika](#)

2017-06-25 03:10:38 UTC

@everyone ATTN: There is now a Walt Kowalski react. That is all.



[Erika](#)

2017-06-27 01:44:42 UTC

@everyone If you're planning on traveling from any MA, CT, or RI, [@Johnny O'Malley](#) is your region organizer. Feel free to ask him for help with organizing carpools or lodging in your dedicated <#329073181354754048> channel.



[Erika](#)

2017-06-27 01:47:54 UTC

@everyone If you're traveling from Texas, [@Chef Goyardee](#) is your state organizer. Feel free to ask him for help with organizing carpools or lodging in the

<#321380021048705034> channel. If you're from OK and would possibly like to carpool with the TX hate convoy, DM Chef to figure out logistics.



[Erika](#)

2017-06-27 05:16:49 UTC

@everyone

If you plan on renting a car for the weekend, use Turo. I have an extra \$25 off credit . You have to book your trip by June 28th to use the code. DM me if you want it.



[MadDimension](#)

2017-07-05 00:35:34 UTC

@everyone You're going to want to buy tiki torches for this event. Bring them with you if possible as they will sell out quickly in this area. This will be for a repeat of the night rally. (Don't let this information outside the Discord).



[Eli Mosley](#)

2017-07-07 14:03:38 UTC

@everyone Warning! No idea why people would use their normie books. Lefty8pol is trying to dox anyone using the Facebook page with their real accounts. There is no way for us to make it private. <https://8ch.pl/leftypol/res/7843.html>



[Erika](#)

2017-07-09 02:56:24 UTC

@everyone

These pamphlets were being handed out at the KKK counter-protest in Charlottesville today. Expect out of state agitators and real resistance on August 12th.

Erika

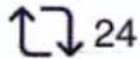
2017-07-09 02:56:29 UTC



mobile.twitter.com

SHARE





[Erika](#)

2017-07-09 02:57:34 UTC

Come prepared, bring your friends, but plan to be peaceful.



[Erika](#)

2017-07-09 21:09:56 UTC

@everyone

If you're a woman in this server and haven't been added to the Ladies Only channel yet, please DM me. There will be important information released soon to the women only about dress code, code of conduct, safety, and our roles over the weekend.



[Eli Mosley](#)

2017-07-10 16:39:00 UTC

@everyone

The operation order for this event should be released for everyone Wednesday morning first thing. We've had to rethink some of what we were doing based on intel and seeing the rally last weekend. It's going to be incredibly important that everyone reads this document when it's out and stay flexible. I have many asking about being on the various security and other teams and instructions for joining those will be in the document as well.

I need one representative from each group (preferably in leadership or in charge of security) to jump on a meeting tomorrow night at 8pm EST.



[Eli Mosley](#)

2017-07-11 02:14:40 UTC

@everyone

Sharing information publicly from this discord or about this event or who is attending outside of closed circles or this discord will get you immediately banned from all future alt right events. This includes screen caps of any chats about this event. Do not share information outside of this discord or your own groups. If it happens again I will be removing this discord entirely and groups will have to organize in a decentralized fashion. This is the last time I'll be addressing this issue.



[Eli Mosley](#)

2017-07-11 23:09:01 UTC

@everyone we are having the leadership meeting in one hour in discord. Each group please send one person to this so I can run through everything. This meeting should only last about an hour. It will be in the "Leadership Meeting" voice channel. Please check-in in the "Leadership_Meeting" text channel with the group youre represnting so I know who missed the meeting and can verfiy everyone in the call is leadership.

Also, I currently have 65 DMs from the past two days. I am working through them tonight. If I dont answer tonight please DM me again tomorrow morning.



[MadDimension](#)

2017-07-14 15:23:15 UTC

@everyone We're going to be doing the torches on Friday night before the rally. We're doing it in a new location this time though. Everyone plan to meet up in Darden-Towe Park, just like last time, at 8:00pm on 8/11.



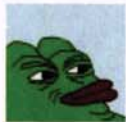
[MadDimension](#)

2017-07-14 16:11:10 UTC

@everyone

Tiki rules:

1. Buy the bamboo tikis in your local area before carpooling to Charlottesville. We don't want to buy a lot of them in this area and tip our enemy off.
2. Buy extras for those who are flying in or unprepared
3. Cut the tiki pole length down to 2 feet



[Erika](#)

2017-07-15 13:45:34 UTC

@everyone

If you're interested in being a designated EMS member for this event, please DM me.



[MadDimension](#)

2017-07-16 16:25:15 UTC

@everyone If you have a smartphone make sure you document everything at the rally. Antifa has enlisted the help of the ACLU and National Lawyers Guild to document for them. We want every act of criminality by Antifa captured on video. Since we don't have the same institutional allies we need to do this stuff ourselves.



[Erika](#)

2017-07-16 17:21:50 UTC

@everyone, if you haven't secured lodging yet, please don't wait until last minute. If you need help finding lodging, go post the specifics of what you/your group needs in the <#321379025916526592> channel and I'll do my best to help you.

[MadDimension](#)

2017-07-17 21:26:56 UTC

@everyone Here is a rough schedule of events for the Unite the Right weekend. We'll fill in more of the details as we draw closer to the event.

 <https://cdn.discordapp.com/attachments/321378928390569994/336619806721>



[MadDimension](#)

2017-08-08 03:13:04 UTC

@everyone The event is still taking place at Lee Park. We are suing the city to reinstate the permit but either way the police have assured us that they will continue to cooperate with our event. Permit starts at 10am. Event begins at 12pm in Lee Park.



[MadDimension](#)

2017-08-08 16:13:42 UTC

@everyone Portable toilet company has canceled our port-a-johns order due to concerns for the safety of their equipment. Make sure you use the restroom prior to the event. If you have to go during the event the only option will be to use one of the restrooms at the area businesses one block away on the downtown mall including:

The Charlottesville Visitors Center (best bet because can't refuse service)

Christian's Pizza

Mudhouse

CVS Pharmacy

etc...



Eli Mosley

2017-08-08 21:55:25 UTC

@everyone very important info in this short 30 minute podcast with me and Mike Enoch. There will be many changes coming but the overall plan is not changing much. Please spread this around on social media so people know whats going on.

Leadership only meeting tonight at 9pm EST to go over some things.

<https://twitter.com/notmikeenoch/status/895039765409562624>



Eli Mosley

2017-08-09 01:04:32 UTC

@everyone we are starting the leadership meeting right now and reworked the leadership discussion chat. If you are supposed to be in that voice chat or text channel but do not currently have access please message myself or [@wyatt](#) and we will individually give you permissions.

EXHIBIT E

Operation Unite the Right Charlottesville 2.0

IMPORTANT: This version of the document is to only be shared by and with group leaders. DO NOT SHARE with other attendees. Another version will be released for them.

Report Version:

8/8/2017 Security Orders

ATTENTION: Please read this full document to avoid miscommunication or organizational issues.

Operation Summary:

We are getting down to the wire but the current status of the rally is that the town of Charlottesville has recently ruled to move our rally away from Lee Park and to McIntire park. We will not be complying with this change, but will be making multiple plans. The most important thing in the next few days will be to stay in communication with each other as things will change by the hour up to the day of.

This document is for Tuesday 8/8 for leadership only. Tomorrow afternoon a watered down version will be released after we see what is going on with the court case for the general public. Another document with all needed details will be released Thursday night as well.

Eli Mosley recently did a podcast with Mike Enoch on TDS updating people on what is going on, please share it:

<https://therightstuff.biz/2017/08/08/charlottesville-unite-the-right-announcement-special/>

Friendlylies:

We are expecting to have between 800-1400 friendly people attend this rally ranging from Alt-Lite, Oath keepers, Proud Boys, and Trumpists to Identitarians, Neo-Confederates, national socialists and other Alt Right groups.

1st Platoon – TiborSzalasi-MI#7217

2nd Platoon - RCO Nick-TX#8823

3rd Platoon – FashoSlav

4th Platoon – Need Leader

Operation Unite the Right Charlottesville 2.0

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Enemies/Counter Protesters:

We have been monitoring Antifa and other leftist activities for months leading up to the event and are anticipating between 1500-3000 counter protesters. These groups range from local Charlottesville residents or students from UVA to full-fledged Antifa members.

Also, there are the potential of enemies within the right from our own ranks. Various Proud Boys and White Nationalist groups are coming to the event as opposition in unknown numbers with unknown intentions.

On Thursday, 10th of August we will release a list of High Value Targets through the chain of command of our security team identifying members of both groups opposed to the rally.

Contact Information:

Leading up to the event I am releasing my direct contact information to leaders and directors. I am in the middle of a move, but feel free to message me directly for anything regarding the event.

Eli Mosley – Discord, Eli Mosley#5269 – Phone Number, (347) 868-7023 – Email, DeplorableTruth@gmail.com. Feel free to msg/call whenever.

Platoons:

If you are interested in volunteering for security, and have not been assigned a platoon, please contact **@Heinz - MI#4894**. You will be assigned to one of four security platoons, and given the contact information for that platoon leader. You will need to provide your own shield and other PPE.

If you have prior service experience or know someone who does, there is an open position for the 4th Platoon's platoon leader that needs to be filled ASAP.

Operation Unite the Right Charlottesville 2.0

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Discord:

Assume the Discord is entirely compromised. Our intel suggests that Antifa have someone monitoring this server for information. Eli Mosley removed one of them the night of 8/1/2017.

We are coming down to the wire of the event soon and should try to keep the Discord as clean as possible from shitposting so that people can communicate and organize what they need to for the rally.

Doxing/Security Concerns:

The day of the rally it is imperative that everyone realizes they risk being doxed simply for being in town that day. We advise you shut down at least temporarily any social media that may comprise you to limit the chances. DO NOT use credit/debit cards or checks in any stores in or outside of town. Use cash only. Assume every store clerk within an hour radius of the town are hostile.

It is important that you stay in teams at all times on Friday and Saturday. We do not want anyone getting hurt so please do not stray from your group or if you have no group find one ASAP.

Women:

We strongly encourage women to stay off the front lines and help setup with the after party. We will have more info out on Thursday with the details to this part of the day. We will not ban any women from being on the grounds or helping out but the chance of danger is relatively high. If are coming please wear appropriate attire, and follow your operational document.

Weather:

We are monitoring that it could potentially rain Friday and/or Saturday. Stay tuned for potential changes depending on the weather and be prepared.

Medical:

We will have assigned medical teams on the day of the rally. If you are part of or have people part of the medic team please let them know there is a

Operation Unite the Right Charlottesville 2.0

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meeting with the medical team and the leader 8/9 at 7PM EST. Everyone is encouraged to bring whatever medical equipment/supplies they are trained up on.

Legal:

Overall: After the rally we will be creating a channel for legal help/questions/requests only. As long as you are within the rules set by the event we will get our team to help you. We will be putting out a general legal fund on Wednesday that will be for the permit case, potential cases against businesses, and incidents that occur at the rally.

Permit: All that everyone needs to know right now is that we are working with a team of various lawyers in advising us and trying to reverse the city forcing us to McIntire Park. We are operating under the idea that we will most likely win this case and the police forced to go through with our initial plan, but also preparing for that not to happen.

Lodging/AirBnB Cancellations: We are aware that many of you have had your lodging canceled. We understand this is a huge issue and we are working with the legal team on trying to remedy this ASAP, but operate under the assumption that you will not get that money (right away) or reservation back. We encourage anyone with extra space to reach out to help these people. We may bring a legal case forward in relation to these and other tools at our disposal afterwards.

Incidents at the Rally: If you are arrested at the rally or for something directly related to the rally we will have money and a legal team set aside for you after. It is important that you get in touch with the organizers (Eli Mosley or Jason Kessler) ASAP if that happens. We will only be able to help people who follow the rules and stick to the plan so please understand that as you read on in the document.

Operation Unite the Right Charlottesville 2.0

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Packing List and Equipment Information:

Guns/Open Carry/Closed Carry: We will not prevent anyone from carrying their weapons LEGALLY, but will discourage anyone from bringing one who is not up to date on VA state laws. Essentially, if you use your weapon it will become the highlight of the rally and the movement as a whole, they will go through your social media and attempt to charge you with a hate crime regardless of how in the right you are to self-defense. Our protection overall will be from our numbers and the people who are experienced/trained with a firearm (and potentially the police, more below). So bring a weapon if you have absolute confidence in yourself and the risks involved. Consult this link for more info: <https://www.nraila.org/gun-laws/state-gun-laws/virginia/>

Knives/Tasers: We are not going to bring any knives or Tasers with us to this rally. After consulting our legal advisors and reviewing VA State law and local laws there is no reason for us to risk having them. This includes switch blades, bowie knives, and machetes. If you do have a knife and end up using it we will not be able to provide legal help through our team.

Masks/Facecoverings/Gas Masks: These are all incredibly illegal in VA and we expect the police to vigorously uphold this law regardless of their status. With that being said, if you do have a respirator or small gas mask you may bring it, but keep it concealed. This could be taken away, you could be arrested for it, and you probably won't need it, but if you feel safer or have a medical condition where it makes sense we will not keep you from having one. If you do get in legal trouble for the mask our legal team will most likely be unable to help depending on the circumstances.

Flags/Flagpoles/Shields: The police have not given us any solid guidelines on these so we are telling people to bring them. We recommend not using wood sticks or anything else that could be deemed a weapon, but instead you should use a hollow plastic pipe or something light. If a fight breaks out you should try to avoid using your flag as a weapon if possible. Shields should be brought but could be confiscated by the police. Comply with all police orders in relation to the shields and do not use them as offensive

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weapons. The key to keeping out of trouble is using them as defensive tools only.

Helmets: We recommend you bring or wear something to protect your head. DO NOT include a helmet with a facemask or anything that can be grabbed onto by others.

Pepper Spray: You may bring pepper spray but under your own risk and it is highly discouraged. Pepper Spray is legal in VA but if it hits a bystander or a bystander claims to have been hit you can be charged. If you feel you must have pepper spray you should use the gel type to provide more accuracy.

Water/food Source: It is EXTREMELY important that you bring a water source as we no longer have a guaranteed area for our water coolers. It will be very hot that day and/or it could be raining. We recommend a Camelback system if possible.

Umbrella/Poncho: We are getting a forecast for rain so bring equipment to be prepared for this because we will be going rain or shine.

Tiki Torches/Oil: The torchlight part of the rally is still secret, but people should bring as many of these as we can for the Friday night torchlight vigil. DO NOT hit any potential counter protesters with them, and we will have a disposal area for them on site.

Mission Summaries:

We will have 3 separate plans right now depending on the circumstances of the day. The overall goal regardless of circumstances is to hold our rally at Lee Park, protect our VIPs and attendees, and get everyone out safe.

Primary Plan Summary (Green): This plan will be used if we have the police still on our side and willing to move forward with our original plan. It is most likely to be used if we win our court case for the permit.

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Secondary Plan (Yellow): The police could potentially refuse to enforce our permit and would need to move everything around to get our people on the ground at 6 am. This would happen if we don't win the court case but police are still willing to provide protections.

Tertiary Plan (Red): The police will no longer provide protection and intend on being hostile to or arresting any of our people in Lee Park. but we will STILL be going to Lee Park.

Plan Green Timeline:

Friday evening:

1900 - support staff will meet at the CP to load the S-4 vehicle and double check all required equipment. If equipment is missing it will be procured after the meeting.

2300: Rally at "Nameless Field", Charlottesville, VA

2330: Step off from "Nameless Field" towards Jefferson Monument on UVA campus

2345: Conduct torchlight demonstration

2400-2415: Head back to "Nameless Field" and go back to cars.

Saturday:

0700 – CP setup, command briefing

0730 - Support staff staying near the CP location will muster to load ice and water into the S-4 vehicle.

0750 - The S-4 vehicle will depart for RP1.

0800 – Security staff will report to RP1 for drill and briefing.

0900 - all support, and medical staff along with the vehicles assigned to transport will muster at RP1 for briefing.

0930 – Convoy with first wave of security departs RP1 for LOD.

0950 – Convoy with second wave of security, and support staff, and support truck departs RP1 for LOD.

0950 - 20 security personnel will remain behind to guard RP1.

1000 – Security steps off for Lee Park from LOD.

1030 – Sound system setup, music begins.

1030 – civilians begin to arrive at RP1.

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1030-1145 – Shuttle service for civilians runs from RP1 directly to Lee Park.
1145 – Convoy returns RP1 for staging
1500 – Shuttle service resumes.
1615 – All civilians exfiled
1630 – Support staff and first wave of security exfiled by shuttle to RP1.
1645 – Only rear guard remains at Lee Park
1700 – All personnel exfiled to RP1. Operation complete.
1700+ After Party

Torchlight Rally:



The Torchlight Rally will be at the Jefferson Monument near the UVA campus on Friday the 11th under cover of darkness. We will meet at 1630 in “Nameless Field” and march with our torches lit along the blue line. Each

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person should bring their own torch which can be bought from a local Wall-Mart, Lowes, Home Depot, etc. Once on the grounds of the monument we will sing a song or two, a speech will be given and then we will march the way we came before heading back to our cars.

Pre-Rally and Transportation:

We will have plainclothes intelligence operatives on the ground first thing Saturday Morning. Small groups should and individuals should not travel to the park outside of the group transportation services.

The details of the transportation plan will be released Thursday before the event. However, the general plan is that we will have a transportation Rally Point where people may park. We will then have the transportation team shuttle people from those points to the gate of the park.

During the Rally:

The police have informed us that they allow us to drive shuttle convoys directly to Lee Park from RP1, through the outer cordon.

The police will be forming a buffer zone between us and the counter protesters while we form a perimeter to protect the park. While we secure the area with assigned shielded security around the VIPs and the inner circle of the rally. More details on the exact plan and rules of engagement to come out in next report.

During the Rally (if you cannot go or for Women):

For anyone who cannot attend the rally but will be in Cville we will have two different things for you to do. We'll need volunteers to help man the radios and HQ section. Also, we see a high likelihood of violence during the rally so we recommend not bringing women and are banning all small children. We will have a place set aside for them to help setup the after party and monitor streams that will be released Thursday before the event. If you'd like to volunteer for HQ duty contact Eli Mosley.

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After Party:

The information about the after party is being kept incredibly secret right now mainly for obvious opsec reasons. We are currently running into similar troubles of cancellation with the original venue but are working on several solutions. By Thursday's document the details will be made available to everyone, but keep the cancellation info secret outside of leadership.

We are keeping the details of where exactly the after party is secret for now, but we can say that it's about 20-30 minutes outside of Cville to prevent any leftist attacks. There will be some food, places too cookout, beer/drinks, live music, and a surprise speaker or two. The information for the after party will be released in more details on Thursday before the rally.

To buy a ticket to the party beforehand is \$12 which is used to provide the food and rental equipment. You may use [THIS](#) link to send the money through PayPal. Send a note with your payment letting us know what name or email you want on the guest list. If you do not pay beforehand, tickets will also be available at the door. In the highly unlikely scenario that we do not have an after party your money will be refunded.

Roles and Directors:

We need the follow positions filled. Please contact Eli Mosley to volunteer for one of these roles or with any questions.

Free agent Director – Need someone who can help manage and help people that are without a group.

Intelligence Director – This role will manage the various intelligence teams that will need to gather intel leading up to the event, during the event and manage the intel/doxing after the event. This person should not be in attendance to the event and have some experience. They will be forwarding relevant intel into HQ.

Convoy Commander – Will lead convoy for Shuttle Teams.

4th Platoon Leader – Should be a prior service military person who can operate radio and lead teams.

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Conclusion:

Things are going to be incredibly chaotic as we move closer to the date. The most important things are to utilize chain of command and communicate out to people that need to know exactly what is going on. Be ready for rapid changes of what is going on and the plan. Regardless of what happens with the legal case we ARE going to Lee Park no matter what and no matter the cost.

EXHIBIT F

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Report Version:

8/10/2017 Security Orders

ATTENTION: Please read this full document to avoid miscommunication or organizational issues.

Final Operation Order Summary:

The city of Charlottesville has told us we must move our rally to McIntire Park while still allowing the counter protesters to keep their permits nearby. Our legal team has filed an injunction and we are waiting to see if we are given an emergency hearing or not. Regardless of the outcome, we will be at Lee Park on Saturday. It is highly important to keep a close eye on communications as things could change by the hour throughout the entire weekend.

Friendlylies:

We are expecting to have between 800-1400 friendly people attend this rally ranging from Alt-Lite, Oath keepers, Proud Boys, and Trumpists to Identitarians, Neo-Confederates, national socialists and other Alt Right groups. It is important that every group regardless of ideological differences work together at the event.

1st Platoon – TiborSzalasi-MI#7217

2nd Platoon - RCO Nick-TX#8823

3rd Platoon – FashoSlav

4th Platoon – McCarthy

Enemies/Counter Protesters:

We have been monitoring Antifa and other leftist activities for months leading up to the event and are anticipating well over 3000 counter protesters from across the country. These groups range from local Charlottesville residents or students from UVA to full-fledged Antifa members and groups.

Also, there are the potential of enemies within the right from our own ranks. Various Proud Boys and White Nationalist groups are coming to the event as opposition in unknown numbers with unknown intentions.

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Emergency Contact Information/Comms:

Leading up to the event I am releasing my direct contact information to leaders and directors.

Eli Mosley – Discord, Eli Mosley#5269 – Phone Number, (347) 868-7023 – Email, DeplorableTruth@gmail.com. Feel free to msg/call whenever.

There will be a follow up comms document and maps handed out at the Friday night leadership meeting.

Discord:

On the day of the rally please keep discord and @everyone tags clear outside of critical information sharing. This document will be posted and pinned in the #LeadershipDocument channel. If you need access message Wyatt with your role.

Doxing/Security Concerns:

The day of the rally it is imperative that everyone realizes they risk being doxed simply for being in town that day. We advise you shut down at least temporarily any social media that may comprise you to limit the chances. DO NOT use credit/debit cards or checks in any stores in or outside of town. Use cash only. Assume every store clerk within an hour radius of the town are hostile. Realize that everyone around you will be recording so come up with nicknames for people to help prevent doxing.

It is important that you stay in teams at all times on Friday and Saturday. We do not want anyone getting hurt so please do not stray from your group or if you have no group find one ASAP.

Women:

We strongly encourage women to stay off the front lines and help setup with the after party. Within the Wheatfield Dwellers chat on the night of Friday the location for the alternative location will be given to vetted women. The plan will be for women (and others) not attending to help support our efforts on social media, intel gathering, and preparing for the after party.

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Weather:

We are monitoring that it could potentially rain Friday and/or Saturday. Stay tuned for potential changes depending on the weather and be prepared. The current forecast is for scattered thunderstorms on Friday and Saturday.

Medical:

Medical teams will meet up and speak on Friday night at the leadership meeting. If you are part of the medic team please come to the leadership meeting before the torchlight rally.

Legal:

Overall: After the rally we will be creating a channel for legal help/questions/requests only. As long as you are within the rules set by the event we will get our team to help you. We will be putting out a general legal fund on Wednesday that will be for the permit case, potential cases against businesses, and incidents that occur at the rally.

Permit: All that everyone needs to know right now is that we are working with a team of various lawyers in advising us and trying to reverse the city forcing us to McIntire Park. We are operating under the idea that we will most likely win this case and the police forced to go through with our initial plan, but also preparing for that not to happen.

Lodging/AirBnB Cancellations: We are aware that many of you have had your lodging canceled. We understand this is a huge issue and we are working with the legal team on trying to remedy this ASAP, but operate under the assumption that you will not get that money (right away) or reservation back. We encourage anyone with extra space to reach out to help these people. We may bring a legal case forward in relation to these and other tools at our disposal afterwards.

Incidents at the Rally: If you are arrested at the rally or for something directly related to the rally we will have money and a legal team set aside for you after. It is important that you get in touch with the organizers (Eli Mosley or Jason Kessler) ASAP if that happens. We will only be able to

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help people who follow the rules and stick to the plan so please understand that as you read on in the document.

IMPORTANT: If we lose our court case and have to initiate plan red or have to take the ground by force with plan yellow it is VERY important that people realize that any court case will be incredibly difficult regardless how in the right we are. Keep this in the back of your mind as if you are arrested your identity will also be revealed by local records.

Packing List and Equipment Information:

Guns/Open Carry/Closed Carry: We will not prevent anyone from carrying their weapons LEGALLY, but will discourage anyone from bringing one who is not up to date on VA state laws. Essentially, if you use your weapon it will become the highlight of the rally and the movement as a whole, they will go through your social media and attempt to charge you with a hate crime regardless of how in the right you are to self-defense. Our protection overall will be from our numbers and the people who are experienced/trained with a firearm (and potentially the police, more below). So bring a weapon if you have absolute confidence in yourself and the risks involved. Consult this link for more info: <https://www.nraila.org/gun-laws/state-gun-laws/virginia/>

Knives/Tasers: We are not going to bring any knives or Tasers with us to this rally. After consulting our legal advisors and reviewing VA State law and local laws there is no reason for us to risk having them. This includes switch blades, bowie knives, and machetes. If you do have a knife and end up using it we will not be able to provide legal help through our team.

Masks/Facecoverings/Gas Masks: These are all incredibly illegal in VA and we expect the police to vigorously uphold this law regardless of their status. With that being said, if you do have a respirator or small gas mask you may bring it, but keep it concealed. This could be taken away, you could be arrested for it, and you probably won't need it, but if you feel safer or have a medical condition where it makes sense we will not keep you from having

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one. If you do get in legal trouble for the mask our legal team will most likely be unable to help depending on the circumstances.

Flags/Flagpoles/Shields: The police have not given us any solid guidelines on these. We recommend not using wood sticks or anything else that could be deemed a weapon, but instead you should use a hollow plastic pipe or something light. If a fight breaks out you should try to avoid using your flag as a weapon if possible. Shields should be brought but could be confiscated by the police. Comply with all police orders in relation to the shields and do not use them as offensive weapons. The key to keeping out of trouble is using them as defensive tools only.

Helmets: We recommend you bring or wear something to protect your head. DO NOT include a helmet with a facemask or anything that can be grabbed onto by others.

Pepper Spray: You may bring pepper spray but under your own risk and it is highly discouraged. Pepper Spray is legal in VA but if it hits a bystander or a bystander claims to have been hit you can be charged. If you feel you must have pepper spray you should use the gel type to provide more accuracy.

Water/food Source: It is EXTREMELY important that you bring a water source as we no longer have a guaranteed area for our water coolers. It will be very hot that day and/or it could be raining. We recommend a Camelback system if possible.

Tiki Torches/Oil: The torchlight part of the rally is still secret, but people should bring as many of these as we can for the Friday night torchlight vigil. DO NOT hit any potential counter protesters with them, and we will have a disposal area for them on site.

Rules of Engagement:

It is extremely important that we avoid extreme violence at all costs outside of what is needed to defend our people. Do not aggress towards the

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counter protesters or start any fights. If you are carrying follow the state law of VA and realize that if you use your weapon there is a high likelihood the court will treat you harshly/unfairly. Allow the police to do their job. As we saw at the KKK rally the police were incredibly hands on, and in our communications with them they know that the left are the ones looking to do violence.

General Conduct:

We would like to keep this rally as open and friendly as possible with the "Unite the Right" message which means we should refrain from being overly edgy for the sake of edginess. There will be no speech police on our side, but realize that we are trying to gain sympathy from whites and the general right wing. Please refrain from roman salutes during the rally and understand that cameras are all over the place at all times.

Underage Drinking:

We have a zero tolerance policy for anyone under 21 drinking at any point over the weekend. If you get booked they will know you are part of this rally and we could keep you from future events.

Dangerous People List:

Security will be handed a cheat sheet of dangerous people at the Friday night leadership meeting. The detailed version of this list will be published in the #LeadershipDocuments channel Thursday night.

Social Media:

Make sure you are following these accounts on twitter for updates:

@awyattman88
@NotEliMosley
@TheMadDimension
@occdissent
@RichardBSpencer
@NotMikeEnoch

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Pay attention in Discord and those accounts to see the hashtags we are using. It will be important to make sure everyone not at the event is using their social media to amplify what is going on.

Mission Summaries:

We will have 3 separate plans right now depending on the circumstances of the day. The overall goal regardless of circumstances is to hold our rally at Lee Park, protect our VIPs and attendees, and get everyone out safe. There will be multiple decision points that could shift the working plan due to updates on the ground. We will proceed under the assumption that we are acting on Plan Green until we receive more information.

Plan Green: This plan will be used if we have the police still on our side and willing to move forward with our original plan. It is most likely to be used if we win our court case for the permit.

Plan Yellow: The police could potentially refuse to secure the area around Lee Park for us, and may not maintain a buffer between us and antifa. In this scenario we would need to accelerate our plans. This would happen if we don't win the court case but police are either willing to provide some protections, or will stand down. The main changes will be getting as many of our people at Lee Park at 6 am to secure the grounds and starting the speeches earlier.

Plan Red: The police will no longer provide protection and intend on being hostile to or arresting any of our people in Lee Park. but we will STILL be going to Lee Park. This plan is going to be incredibly dangerous and anyone still going could be arrested. We will essentially meet early at McIntire Park, do our speeches, and then anyone who wants to go to Lee Park will march there.

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Plan Green Timeline:

Friday:

1900: Support staff will meet at Darden Towe Park to conduct leadership meeting and load the S-4 vehicle.

2000: Optional gathering for general attendees at Darden Towe Park to go over rally plan and prep for torchlight march.

2100: Leave Darden Towe Park

2130: Rally at "Nameless Field", Charlottesville, VA (DO NOT ARRIVE EARLY)

2200: Step off from "Nameless Field" towards Jefferson Monument on UVA campus

2215: Conduct torchlight demonstration

2230-2245: Head back to "Nameless Field" and go back to cars.

Saturday:

0700 – CP setup, command briefing

0730 - Support staff staying near the CP location will muster to load ice and water into the S-4 vehicle.

0750 - The S-4 vehicle will depart for RP1.

0800 – Security staff will report to RP1 for drill and briefing.

0900 - all support, and medical staff along with the vehicles assigned to transport will muster at RP1 for briefing.

0930 – Convoy with first wave of security departs RP1 for LOD.

0950 – Convoy with second wave of security, and support staff, and support truck departs RP1 for LOD.

1000 – Security steps off for Lee Park from LOD.

1030 – Sound system setup, music begins.

1030 – civilians begin to arrive at RP1.

1030-1145 – Shuttle service for civilians runs from RP1 directly to Lee Park.

1145 – Convoy returns RP1 for staging

1500 – Shuttle service resumes.

1615 – All civilians exfiled

1630 – Support staff and first wave of security exfiled by shuttle to RP1.

1645 – Only rear guard remains at Lee Park

1700 – All personnel exfiled to RP1. Operation complete.

1830+ – After Parties

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Plan Yellow Timeline:

Friday:

1900: Support staff will meet at Darden Towe Park to conduct leadership meeting and load the S-4 vehicle.

2000: Optional gathering for general attendees at Darden Towe Park to go over rally plan and prep for torchlight march.

2100: Leave Darden Towe Park

2130: Rally at "Nameless Field", Charlottesville, VA (DO NOT ARRIVE EARLY)

2200: Step off from "Nameless Field" towards Jefferson Monument on UVA campus

2215: Conduct torchlight demonstration

2230-2245: Head back to "Nameless Field" and go back to cars.

Saturday:

0500 – CP setup, command briefing

0530 - Infiltration of plainclothes intel

0515 - Support staff staying near the CP location will muster to load ice and water into the S-4 vehicle.

0500 – Security staff will report to RP1 for drill and briefing.

0500 - all support, and medical staff along with the vehicles assigned to transport will muster at RP1 for briefing.

0530- Decision point

0540 - The S-4 vehicle will depart for RP1.

0540 - ADVON team, and medical staff depart RP1 for Lee Park

0600 - 0800 ADVON team keeps the park area secure.

0800 – Remainder of security depart RP1 for LOD

0800-0930 Shuttles run from RP1 to LOD

0930 - S-4 vehicle departs RP1 for LOD

0940 - VIP's arrive LOD

0945 - Decision Point

0945 - All step off for LOD

1015 - Sound system setup, music begins.

1000-1300 - Speakers

1300-1330 - teardown, policecall

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1330 - All step off for RP1

1400 - All at RP1 operation complete

Plan Yellow Contingency 1(Emergency Evacuation):

T=0 - Contingency plan is initiated

T+5 - Sound equipment hasty teardown complete.

T+5 - S-4 vehicle leaves park for RP1, all personnel in tow. One platoon of security will lead the group while the last three provide rearguard.

T+10 - Personnel outside the cordoned area. As the column walks toward RP1 the shuttles will begin to move personnel to RP1 to speed up exfil.

T+25 - All personnel at RP-1. Operation complete.

Plan Yellow Contingency 2(Dispersal order given):

T=0 - Contingency plan is initiated

T+15 - Support equipment teardown is complete.

T+15 - S-4 vehicle leaves park for RP1, all personnel who do not wish to engage in civil disobedience in tow.

T+25 - Personnel outside the cordoned area. As the column walks toward RP1 the shuttles will begin to move personnel to RP1 to speed up exfil.

T+35 - All personnel at RP-1. Operation complete.

Plan Red:

0730 - Support and security staff arrive at Rally Point 1, and setup the sound system.

0800 - All personnel arrive at Rally Point 1.

0830 - 0930 - Condensed speaker roster.

0930 - All personnel willing to engage in civil disobedience will step off for Lee Park to be arrested.

1000 - Protestors in custody.

1030 - Operation complete. All personnel who are not in custody will stand by for orders, including a possible protest at the police station or city hall.

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Torchlight Rally:

The Torchlight Rally will be at the Jefferson Monument near the UVA campus on Friday the 11th under cover of darkness. We will meet at 2130 in "Nameless Field" and march with our torches lit to the monument. Each person should bring their own torch which can be bought from a local Wall-Mart, Lowes, Home Depot, etc. Tiki torches are fine. Once on the grounds of the monument a speech will be given, we do some chants, then sing dixie, then put out the torches. We will then return to "Nameless Field" and back to our cars.

Dixie:

At the torchlight rally we will be singing the song "Dixie". It is VERY important for everyone to learn this song and the lyrics. In #LeadershipDocuments and announcements we will put out the version we are using.

Pre-Rally and Transportation:

We will have plainclothes intelligence operatives on the ground first thing Saturday Morning. Small groups should and individuals should not travel to the park outside of the group transportation services. If the police do not intend to keep hostiles out of the park after our permit starts at 1000, we will send an ADVON team in as soon as the park opens to physically remove any hostiles, sweep for IED's, and to keep the park clear for us. The details of the transportation plan will be released Friday evening. However, the general plan is that we will have a transportation Rally Point where people may park. EVERYONE SHOULD CARPOOL TO THE RALLY POINT. This is to reduce the number of vehicles that can be sabotaged, and to make the best use of the limited parking. The transportation team will shuttle people from that point to the gate of the park, or to the Line of Departure if our shuttles are not allowed to pass the police cordon.

If we are not allowed to pass the police cordon in vehicles, we will form all forces at the Line of Departure and march into the park together, using the shield wall to keep hostile forces away from our civilians and HVT's.

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During the Rally:

Due to the fluid situation we should not expect the police to maintain any type of barriers between us and the hostiles. Our security forces in form of the shield wall will be deployed in whatever manner is most effective to reduce the threat. Anyone not on the security and support staff should stay away from the edges of the park as well as the rear area of the park that is in enfilade from the hostile positions.

Our port-a-johns have been cancelled as most people know, therefore the logistics of making head calls has been increased. Once the police confirm what places will be open to us for these purposes we will post them on the map. These locations will not be within the secured area, so everyone is advised to move in groups of at least 10. If you need to use the head, gather at the Southeast Entrance of the park and wait until you have enough people to safely traverse the area.

During the Rally (if you cannot go or for Women):

For anyone who cannot attend the rally but will be in Cville we will have two different things for you to do. We'll need volunteers to help man the radios and HQ section. Also, we see a high likelihood of violence during the rally so we recommend not bringing women and are banning all small children. We will have a place set aside for them to help setup the after party and monitor streams that will be released Thursday before the event. If you'd like to volunteer for HQ duty contact Eli Mosley.

Leaving the Rally:

Once the speakers have finished, we will teardown the support equipment and police call the area. Please do not leave any trash on the ground. Leave the area cleaner than you found it! If we are allowed to shuttle to the park directly we will begin running exfiltration convoys to the Rally Point until all civilians are evacuated, at which point the support and security staff will work in a rear guard action until all personnel are evacuated.

If we are not allowed to shuttle directly to the park we will tear down all the equipment, and march out of the park to an exfiltration point outside of the

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cordoned area. Once at the exfiltration point we will have the shuttle service return everyone to the rally point while security fights a rearguard action.

When you are leaving the rally in your personal vehicle do not travel directly to the afterparty location or to your lodging. Take basic evasive maneuvers, get on a highway for several miles and get off, have your passengers check for vehicles following you. If you suspect a vehicle is following you, pull off the road in a well populated area, like a grocery store parking lot and call the police if the vehicle follows you into and out of the parking lot.

It is of our utmost concern that our afterparty location is not compromised, so take every precaution to ensure you are not followed.

After Party:

The information about the after party is being kept incredibly secret right now mainly for obvious opsec reasons.

Our two original after party locations were both pulled as well as the food due to the leftist networks bullying local business. We will still be having an after party but will need to be more exclusive about who can come because of the size of our new venue. Anyone who purchased a ticket already can come, any leadership or VIPs can come as well, but after midnight 8/10 we are shutting down all ticket sales to prevent overflowing the venue we did get. Obviously this is not ideal and we encourage groups to have their own parties as well.

You may use THIS link to send the money through PayPal. Send a note with your payment letting us know what name or email you want on the guest list.

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IMPORTANT: This version of the document is to only be shared by and with group leaders. DO NOT SHARE with other attendees. Another version will be released for them.

Conclusion:

The main things to note are to keep attention to communications, everyone stay safe, be ready for rapid and constant change, and our next time hack will be 1900 at Darden Towe Park for leadership only. A follow up document will accompany this for general attendees.

EXHIBIT G

From: [Eli Mosley](#)
To: [Yotam Barkai](#)
Cc: eli.f.mosley@gmail.com; [Jessica Phillips](#); [Michael Bloch](#)
Subject: Re: FW: Sines v. Kessler
Date: Thursday, December 5, 2019 3:31:03 PM
Attachments: [TwitterPolicy.PNG](#)
[OpOrdCopy.pdf](#)

Hello,

This is in response to my discovery obligations for the case. Please let me know if you have any questions or concerns about what I've provided below.

1. The Twitter Privacy form requires me to enter the email address for the account I am requesting information on. As I've said before, I do not have the email address or know what they were for my Twitter accounts. I used burner email addresses to set them up that didn't have real inboxes that I could gain access to. Please advise what I should do here because it doesn't seem like I can continue online without knowing the email address for the account. I've attached a screenshot of what I see when I try.

2. For the First Set of Document Requests, the only document that was used by myself for Unite the Right was the planning document that is public and was presented to me at my deposition. As I said at that deposition I would just edit the document on google docs and then send it to someone else to edit and post in the planning Discord. It was done as a sort of "living document" where I would just keep editing the same one. I've attached that document I am talking about below as well. Other than that there were no other documents used as described on the First Set of Document Request form.

3. I have attached my response to the interrogatories below.



Kline Response to Interrogatories

I believe this fulfills my Discovery obligations, but please let me know if there is anything else you need from me or have any other questions. I've been told by the discovery vendor that they are sending back one of my phones shortly so I should have more consistent access to my email after that.

Thank you,
Elliott Kline

On Mon, Nov 25, 2019 at 3:32 PM Yotam Barkai <ybarkai@bsflp.com> wrote:

Yotam Barkai

Associate

BOIES SCHILLER FLEXNER LLP

(t) +1 212 303 3643

From: Michael Bloch [mailto:mbloch@kaplanhecker.com]
Sent: Monday, July 1, 2019 8:32 PM
To: eli.f.mosley@gmail.com
Cc: Gabrielle E. Tenzer <gtenzer@kaplanhecker.com>
Subject: Sines v. Kessler

Mr. Kline:

We are writing to provide information and materials to help you comply with the Court's June 21 Order concerning the pending motion for sanctions against you. The June 21 Order references its previous orders that detail your obligations in discovery. Those orders are attached here for your convenience. (ECF Nos. 287, 379, 383, 440, and ECF No. 282, at 23-24.)

Regarding your discovery obligations, the June 21 Order requires, among other things, the following:

- Provide complete and accurate written answers or responses to Plaintiffs' First Set of Interrogatories and Requests for Production of Documents, as required by the Court's Order of March 26, 2108, ECF No. 224. Plaintiffs' First Set of Interrogatories and Requests for Production of Documents are attached.
- Give Plaintiffs' counsel a complete and accurate Stored Communications Act ("SCA") consent form allowing Discord to produce any discoverable documents or electronically stored information ("ESI") in response to Plaintiffs' subpoenas, as required by the Court's Order of November 13, 2018, ECF No. 379. A copy of the SCA consent that you must fill out is attached. Once you fill out the document, you must e-mail it from the e-mail address that is associated with the Discord account to sca@bsflp.com. If you had or have more than one Discord account that contained potentially relevant documents, you must fill out a consent form for each account.
- Complete consent forms giving Plaintiffs' counsel access to any other social media accounts (e.g., Facebook, Twitter, Gab) that you used to communicate about the Events at issue in this lawsuit, regardless of whether those accounts have been disabled, suspended, or deleted. We have attached to this email an authorization form from Twitter that will allow data to be recovered from suspended or disabled accounts and sent to a third-party vendor for imaging.
 - Please complete the attached consent form. Once the form is complete, please submit a request through the privacy form at <https://help.twitter.com/forms/privacy>. In the section of the form

entitled, “**Please enter the specific information you are requesting:**”, you must do two things:

(a) specify what content and data you are requesting (which should be identical to the data requested in the consent form). Specifically, the data you should request is as follows: Profile Data, Followers, Following, Tweets (and retweets), Replies, Notifications, Messages (Direct Messages or “DMs”), Any other items we would expect to find if we were viewing your live twitter account with full access and control.

(b) list the discovery vendor’s email address as the email address where the content and data should be sent (bwilliams@idsinc.com and kkim@idsinc.com). (Note that in the section entitled, “**The email address associated with your Twitter account**”, the account-holder must enter the email address associated with their suspended Twitter account -- not the discovery vendor’s email address.)

- It is important that the consent form is submitted via email before the privacy form request is submitted. After Twitter receives and validates both the paper consent form and the privacy form request, Twitter will email any requested and reasonably available content and data to the third-party discovery vendor.
- Comply immediately with each of the following provisions in the Stipulation and Order for the Imaging, Preservation and Production of Documents, ECF No. 383 (“Imaging Order”), as required by the Court’s Orders of November 19, 2018, ECF No. 383 and March 4, 2019, ECF No. 440:
 - Execute the Third-Party Discovery Vendor contract. That contract will be sent to you by the third-party vendor via e-mail.
 - Complete and provide to Plaintiffs’ counsel the Certification Form attached as Exhibit A to the Imaging Order, ECF No. 383, at 16. That document is attached.
 - Make available to the Third-Party Discovery Vendor for imaging and collection any Electronic Devices or Social Media Account identified in the Defendant’s Certification Form. For any questions, contact Ken Kim at kkim@idsinc.com.

If we can further assist in your compliance with the Court’s orders regarding your discovery obligations, feel free to contact me at this address.

Michael Bloch | Kaplan Hecker & Fink LLP

Counsel

350 Fifth Avenue | Suite 7110

New York, New York 10118

(W) [929.367.4573](tel:929.367.4573) | (M) [646.398.0345](tel:646.398.0345)

mbloch@kaplanhecker.com

The information contained in this electronic message is confidential information intended only for the use of the named recipient(s) and may contain information that, among other protections, is the subject of attorney-client privilege, attorney work product or exempt from disclosure under applicable law. If the reader of this electronic message is not the named recipient, or the employee or agent responsible to deliver it to the named recipient, you are hereby notified that any dissemination, distribution, copying or other use of this communication is strictly prohibited and no privilege is waived. If you have received this communication in error, please immediately notify the sender by replying to this electronic message and then deleting this electronic message from your computer. [v.1 08201831BSF]

Tell us about yourself

Your full name

Elliott Kline

Your Twitter username

@ EliMosley

The email address associated with your Twitter account

Your country of residence

United States

Please enter the specific information you are requesting:

items we would expect to find if we were viewing your live twitter account with full access and control. Please send this information to bwilliams@idsinc.com and kkim@idsinc.com

If your contact email differs from the email associated with the Twitter account, please also include your contact email in this section.

Signature

Elliott Kline

Please enter your full name as provided above.

I affirm that I am the account holder of the above mentioned Twitter account and that I am requesting my own Twitter account information.

Operation Unite the Right Charlottesville 2.0

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Report Version:

8/10/2017 General Orders

ATTENTION: Please read this full document to avoid miscommunication or organizational issues.

Final Operation Order Summary:

The city of Charlottesville has told us we must move our rally to McIntire Park while still allowing the counter protesters to keep their permits nearby. Our legal team has filed an injunction and we are waiting to see if we are given an emergency hearing or not. Regardless of the outcome, we will be at Lee Park on Saturday. It is highly important to keep a close eye on communications as things could change by the hour throughout the entire weekend.

Friendlylies:

We are expecting to have a large number of friendly people attend this rally ranging from Alt-Lite, Oath keepers, Proud Boys, and Trumpists to Identitarians, Neo-Confederates, national socialists and other Alt Right groups. It is important that every group regardless of ideological differences work together at the event.

Enemies/Counter Protesters:

We have been monitoring Antifa and other leftist activities for months leading up to the event and are anticipating well over 3000 counter protesters from across the country. These groups range from local Charlottesville residents or students from UVA to full-fledged Antifa members and groups.

Also, there are the potential of enemies within the right from our own ranks. Various Proud Boys and White Nationalist groups are coming to the event as opposition in unknown numbers with unknown intentions.

Discord:

On the day of the rally please keep discord and @everyone tags clear outside of critical information sharing.

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Doxing/Security Concerns:

The day of the rally it is imperative that everyone realizes they risk being doxed simply for being in town that day. We advise you shut down at least temporarily any social media that may comprise you to limit the chances. DO NOT use credit/debit cards or checks in any stores in or outside of town. Use cash only. Assume every store clerk within an hour radius of the town are hostile. Realize that everyone around you will be recording so come up with nicknames for people to help prevent doxing.

It is important that you stay in teams at all times on Friday and Saturday. We do not want anyone getting hurt so please do not stray from your group or if you have no group find one ASAP.

Women:

We strongly encourage women to stay off the front lines and help setup with the after party. Within the Wheatfield Dwellers chat on the night of Friday the location for the alternative location will be given to vetted women. The plan will be for women (and others) not attending to help support our efforts on social media, intel gathering, and preparing for the after party.

Friday Night:

We HIGHLY recommend that you do not go out Friday night into the downtown areas or local businesses in Cville. All businesses should be assumed hostile.

Weather:

We are monitoring that it could potentially rain Friday and/or Saturday. Stay tuned for potential changes depending on the weather and be prepared. The current forecast is for scattered thunderstorms on Friday and Saturday.

Bathrooms:

We recently had our porta johns removed so please use the bathroom before the rally. If you must use the bathroom at the rally we will have places for people to go in large groups.

Operation Unite the Right Charlottesville 2.0

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Legal:

Overall: After the rally we will be creating a channel for legal help/questions/requests only. As long as you are within the rules set by the event we will get our team to help you. We will be putting out a general legal fund on Wednesday that will be for the permit case, potential cases against businesses, and incidents that occur at the rally.

Permit: All that everyone needs to know right now is that we are working with a team of various lawyers in advising us and trying to reverse the city forcing us to McIntire Park. We are operating under the idea that we will most likely win this case and the police forced to go through with our initial plan, but also preparing for that not to happen.

Lodging/AirBnB Cancellations: We are aware that many of you have had your lodging canceled. We understand this is a huge issue and we are working with the legal team on trying to remedy this ASAP, but operate under the assumption that you will not get that money (right away) or reservation back. We encourage anyone with extra space to reach out to help these people. We may bring a legal case forward in relation to these and other tools at our disposal afterwards.

Incidents at the Rally: If you are arrested at the rally or for something directly related to the rally we will have money and a legal team set aside for you after. It is important that you get in touch with the organizers (Eli Mosley or Jason Kessler) ASAP if that happens. We will only be able to help people who follow the rules and stick to the plan so please understand that as you read on in the document.

IMPORTANT: If we lose our court case and have to initiate plan red or have to take the ground by force with plan yellow it is VERY important that people realize that any court case will be incredibly difficult regardless how in the right we are. Keep this in the back of your mind as if you are arrested your identity will also be revealed by local records.

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Packing List and Equipment Information:

Guns/Open Carry/Closed Carry: We will not prevent anyone from carrying their weapons LEGALLY, but will discourage anyone from bringing one who is not up to date on VA state laws. Essentially, if you use your weapon it will become the highlight of the rally and the movement as a whole, they will go through your social media and attempt to charge you with a hate crime regardless of how in the right you are to self-defense. Our protection overall will be from our numbers and the people who are experienced/trained with a firearm (and potentially the police, more below). So bring a weapon if you have absolute confidence in yourself and the risks involved. Consult this link for more info: <https://www.nrila.org/gun-laws/state-gun-laws/virginia/>

Knives/Tasers: We are not going to bring any knives or Tasers with us to this rally. After consulting our legal advisors and reviewing VA State law and local laws there is no reason for us to risk having them. This includes switch blades, bowie knives, and machetes. If you do have a knife and end up using it we will not be able to provide legal help through our team.

Masks/Facecoverings/Gas Masks: These are all incredibly illegal in VA and we expect the police to vigorously uphold this law regardless of their status. With that being said, if you do have a respirator or small gas mask you may bring it, but keep it concealed. This could be taken away, you could be arrested for it, and you probably won't need it, but if you feel safer or have a medical condition where it makes sense we will not keep you from having one. If you do get in legal trouble for the mask our legal team will most likely be unable to help depending on the circumstances.

Flags/Flagpoles/Shields: The police have not given us any solid guidelines on these. We recommend not using wood sticks or anything else that could be deemed a weapon, but instead you should use a hollow plastic pipe or something light. If a fight breaks out you should try to avoid using your flag as a weapon if possible. Shields should be brought but could be confiscated by the police. Comply with all police orders in relation to the shields and do not use them as offensive weapons. The key to keeping out of trouble is using them as defensive tools only.

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Helmets: We recommend you bring or wear something to protect your head. DO NOT include a helmet with a facemask or anything that can be grabbed onto by others.

Pepper Spray: You may bring pepper spray but under your own risk and it is highly discouraged. Pepper Spray is legal in VA but if it hits a bystander or a bystander claims to have been hit you can be charged. If you feel you must have pepper spray you should use the gel type to provide more accuracy.

Water/food Source: It is EXTREMELY important that you bring a water source as we no longer have a guaranteed area for our water coolers. It will be very hot that day and/or it could be raining. We recommend a Camelback system if possible.

Tiki Torches/Oil: The torchlight part of the rally is still secret, but people should bring as many of these as we can for the Friday night torchlight vigil. DO NOT hit any potential counter protesters with them, and we will have a disposal area for them on site.

Rules of Engagement:

It is extremely important that we avoid extreme violence at all costs outside of what is needed to defend our people. Do not aggress towards the counter protesters or start any fights. If you are carrying follow the state law of VA and realize that if you use your weapon there is a high likelihood the court will treat you harshly/unfairly. Allow the police to do their job. As we saw at the KKK rally the police were incredibly hands on, and in our communications with them they know that the left are the ones looking to do violence.

General Conduct:

We would like to keep this rally as open and friendly as possible with the "Unite the Right" message which means we should refrain from being overly edgy for the sake of edginess. There will be no speech police on our side, but realize that we are trying to gain sympathy from whites and the general right wing. Please refrain from roman salutes during the rally and understand that cameras are all over the place at all times.

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Underage Drinking:

We have a zero tolerance policy for anyone under 21 drinking at any point over the weekend. If you get booked they will know you are part of this rally and we could keep you from future events.

Social Media:

Make sure you are following these accounts on twitter for updates:

@awyattman88
@NotEliMosley
@TheMadDimension
@occdissent
@RichardBSpencer
@NotMikeEnoch

Pay attention in Discord and those accounts to see the hashtags we are using. It will be important to make sure everyone not at the event is using their social media to amplify what is going on.

Mission Summaries:

We will have 3 separate plans right now depending on the circumstances of the day. The overall goal regardless of circumstances is to hold our rally at Lee Park, protect our VIPs and attendees, and get everyone out safe.

There will be multiple decision points that could shift the working plan due to updates on the ground. We will proceed under the assumption that we are acting on Plan Green until we receive more information.

Plan Green: This plan will be used if we have the police still on our side and willing to move forward with our original plan. It is most likely to be used if we win our court case for the permit. In this scenario we will be providing shuttles from Rally Point 1 to and from Lee Park. Attendees should be at the Rally point no later than 1030.

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Plan Yellow: The police could potentially refuse to secure the area around Lee Park for us, and may not maintain a buffer between us and antifa. In this scenario we would need to accelerate our plans. This would happen if we don't win the court case but police are either willing to provide some protections, or will stand down. The main changes will be getting as many of our people at Lee Park early in the morning to secure the grounds and starting the speeches at around 1000.

Plan Red: The police will no longer provide protection and intend on being hostile to or arresting any of our people in Lee Park. but we will STILL be going to Lee Park. This plan is going to be incredibly dangerous and anyone still going could be arrested. We will essentially meet early at Rally Point 1, do our speeches, and then anyone who wants to engage in civil disobedience by going to Lee Park will march there.

Torchlight Rally:

The Torchlight Rally will be at the Jefferson Monument near the UVA campus on Friday the 11th under cover of darkness. We will meet at 2130 in "Nameless Field" and march with our torches lit to the monument. DO NOT show up early to "Nameless Field". Each person should bring their own torch which can be bought from a local Wal-Mart, Lowes, Home Depot, etc. Tiki torches are fine. Once on the grounds of the monument a speech will be given, we do some chants, then sing dixie, then put out the torches. We will then return to "Nameless Field" and back to our cars.

DO NOT mention this torchlight beforehand outside of extremely vetted circles. DO NOT post about it on social media until after.

Dixie:

At the torchlight rally we will be singing the song "Dixie". It is VERY important for everyone to learn this song and the lyrics. In announcements we will put out the version we are using.

Pre-Rally and Transportation:

Small groups should and individuals should not travel to the park outside of the group transportation services. The details of the transportation plan will be released Friday evening. However, the general plan is that we will

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have a transportation Rally Point where people may park. EVERYONE SHOULD CARPOOL TO THE RALLY POINT. This is to reduce the number of vehicles that can be sabotaged, and to make the best use of the limited parking. The transportation team will shuttle people from that point to the gate of the park, or to the Line of Departure if our shuttles are not allowed to pass the police cordon.

If we are not allowed to pass the police cordon in vehicles, we will form all forces at the Line of Departure and march into the park together, using the shield wall to keep hostile forces away from our civilians and HVT's.

During the Rally:

Due to the fluid situation we should not expect the police to maintain any type of barriers between us and the hostiles. Our security forces in form of the shield wall will be deployed in whatever manner is most effective to reduce the threat. Anyone not on the security and support staff should stay away from the edges of the park as well as the rear area of the park that is in enfilade from the hostile positions.

Our port-a-johns have been cancelled as most people know, therefore the logistics of making head calls has been increased. Once the police confirm what places will be open to us for these purposes we will post them on the map. These locations will not be within the secured area, so everyone is advised to move in groups of at least 10. If you need to use the head, gather at the Southeast Entrance of the park and wait until you have enough people to safely traverse the area.

Leaving the Rally:

Once the speakers have finished, we will teardown the support equipment and police call the area. Please do not leave any trash on the ground. Leave the area cleaner than you found it! If we are allowed to shuttle to the park directly we will begin running exfiltration convoys to the Rally Point until all civilians are evacuated, at which point the support and security staff will work in a rear guard action until all personnel are evacuated.

If we are not allowed to shuttle directly to the park we will tear down all the equipment, and march out of the park to an exfiltration point outside of the cordoned area. Once at the exfiltration point we will have the shuttle

Operation Unite the Right Charlottesville 2.0

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service return everyone to the rally point while security fights a rearguard action.

When you are leaving the rally in your personal vehicle do not travel directly to the afterparty location or to your lodging. Take basic evasive maneuvers, get on a highway for several miles and get off, have your passengers check for vehicles following you. If you suspect a vehicle is following you, pull off the road in a well populated area, like a grocery store parking lot and call the police if the vehicle follows you into and out of the parking lot.

It is of our utmost concern that our afterparty location is not compromised, so take every precaution to ensure you are not followed.

After Party:

Our two original after party locations were both pulled as well as the food due to the leftist networks bullying local business. We will still be having an after party but will need to be more exclusive about who can come because of the size of our new venue. Anyone who purchased a ticket already can come, but further ticket sales will be suspended. Obviously this is not ideal and we encourage groups to have their own parties as well.

You may use [THIS](#) link to send the money through PayPal. Send a note with your payment letting us know what name or email you want on the guest list.

Conclusion:

The basic plan is to meet at 2130 (930pm) at "Nameless Field", do the torchlight rally, and then head off. The next day will start at McIntire Park Saturday, the time will be dependent on the situation with the police/court case, pay close attention to comms to know exactly when. Regardless of the situation we will be going to Lee Park.

The main things to note are to keep attention to communications, everyone stay safe, be ready for rapid and constant change, please pay attention to your leadership, and the announcements channel in discord.

Answering each interrogatory individually:

1. To communicate for Unite the Right I primarily used the Discord account that has already been sent to discovery Eli Mosley#5269. You are asking for an 18 digit identifier that I am unsure what that is. The discord account listed above was banned so I no longer can login in to find any sort of code for the account. I also used some or all of the following Twitter accounts that I currently do not have access to because of account deletion/banning by Twitter: @thatelimosley, @notelimosley, @elimosleyie, @eli_mosley_, @sheli_shmosley, @EliMosley, @EliMosleysBack, @EliMosleyOH.
2. I primarily used the "Charlottesville 2.0" Discord to make all communications about Unite the Right, but we also had one setup that was for the first time we went to Charlottesville. I also communicated in Identity Evropa's discord about the event. As I previously said, my Discord account has been banned so I no longer have access to login to see the specific names of these servers but I do authorize Discord to provide whatever data is needed for discovery.
3. Most of the people that I communicated with in the Alt Right used pseudonyms to go by, but the people I remember communicating with about the event before, during or after are: Jason Kessler, Richard Spencer, Christopher Cantwell, Andrew Anglin, Azzmador, Nathan Damigo, Matthew Heimbach, Michael Hill, Augustus Invictus, Michael Peinovich, Erica (don't remember last name but in other court documents) and Patrick Casey.
4. The primary communication device I used before, during and after the event was the 610-406-2229 iPhone that has already been sent in for discovery. I also used a walmart phone after the event for a short period of time and currently have a new cell phone. All three of these phones are currently with the Discovery vendor. The only other Electronic devices I used were laptops owned by other defendants Richard Spencer and Nathan Damigo, but both of those laptops were used very rarely.