



IN THE SUPERIOR COURT OF THE STATE OF DELAWARE

US DOMINION, INC., DOMINION )  
VOTING SYSTEMS, INC., and )  
DOMINION VOTING SYSTEMS )  
CORPORATION, ) C.A. No.: N21C-08-063 EMD  
 )  
Plaintiffs, )  
 )  
v. )  
 )  
NEWSMAX MEDIA, INC., )  
 )  
Defendant. )

**ORDER DENYING DEFENDANT NEWSMAX MEDIA INC.’S NOTICE OF EXCEPTION TO THE SPECIAL MASTER’S NON-STIPULATED ORDER GRANTING IN PART DOMINION’S FIRST MOTION TO COMPEL AGAINST NEWSMAX**

**UPON CONSIDERATION** of Defendant Newsmax Media’s Notice of Exception to October 13, 2023 Non-Stipulated Order Granting in Part Dominion’s First Motion to Compel Against Newsmax (the “Exception”)<sup>1</sup> filed by Defendant Newsmax Media Inc. (“Newsmax”) on October 16, 2023; the Appendix to the Exception;<sup>2</sup> the Letter, dated October 19, 2023, from Richard L. Renck to the Honorable Eric M. Davis;<sup>3</sup> the Affidavit of Daniel Haim in support of the Exception;<sup>4</sup> Plaintiff’s Response to Defendant Newsmax Media Inc.’s Exception to October 13, 2023 Non-Stipulated Order Granting in Part Dominion’s First Motion to Compel Against Newsmax (the “Response”)<sup>5</sup> filed by Plaintiffs US Dominion, Inc., Dominion Voting Systems, Inc. and Dominion Voting Systems Corporation (collectively, “Dominion”) on October 23, 2023; the Letter, dated October 24, 2023, from Richard L. Renck to the Honorable Eric M. Davis

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<sup>1</sup> D.I. No. 159.

<sup>2</sup> D.I. No. 160.

<sup>3</sup> D.I. No. 162.

<sup>4</sup> *Id.*

<sup>5</sup> D.I. No. 164.

requesting oral argument on the Exception;<sup>6</sup> the Letter, dated October 26, 2023, from the Honorable Eric M. Davis;<sup>7</sup> Defendant Newsmax Media’s Reply in Support of Its Exception to October 13, 2023 Non-Stipulated Order Granting in Part Dominion’s First Motion to Compel Against Newsmax (the “Reply”)<sup>8</sup> filed by Newsmax on November 1, 2023; the Non-Stipulated Order Granting in Part Dominion’s First Motion to Compel Against Newsmax (the “October 13, 2023 Order”)<sup>9</sup> issued by Special Master John A. Elzufon (the “Special Master”) on October 13, 2023; and the transcripts of the hearings (the “Hearings”) held by the Special Master on August 30, 2023, September 19, 2023, September 28, 2023, and October 13, 2023 (Appendix Exs. B, C, D, and E);<sup>10</sup> a *de novo* review of the record in this civil action as it relates to the October 13, 2023 Order; and the Court having determined that no hearing is necessary on the Exception, the Response and the Reply,

**IT IS FOUND AND DETERMINED** that Newsmax timely filed the Exception.

**IT IS FURTHER FOUND AND DETERMINED** that the Special Master properly applied the law to the issues raised in (i) Dominion’s First Motion to Compel Against Newsmax and accompanying exhibits (the “Motion”);<sup>11</sup> (ii) Defendant’s Opposition to Dominion’s First Motion to Compel Against Newsmax and accompanying exhibits;<sup>12</sup> and (iii) the arguments of counsel for Dominion and Newsmax at the Hearings granting in part the Motion. In addition, the Court finds that the Special Master exercised appropriate discretion when rule on those issues.

**IT IS FURTHER FOUND AND DETERMINED** that the October 13, 2023 Order is not clearly erroneous, is not contrary to law, or an abuse of discretion.

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<sup>6</sup> D.I. No. 165.

<sup>7</sup> D.I. No. 171.

<sup>8</sup> D.I. No. 197.

<sup>9</sup> D.I. No. 158.

<sup>10</sup> D.I. No. 160 at Exs. B, C, D and E.

<sup>11</sup> D.I. Nos. 135.

<sup>12</sup> D.I. Nos. 138.

**IT IS HEREBY ORDERED** that the Exception is **OVERRULED**.

**IT IS HEREBY FURTHER ORDERED** that the October 13, 2023 Order, including its recommendation, is **ADOPTED** by the Court.

**IT IS SO ORDERED**

December 1, 2023  
Wilmington, Delaware

*/s/ Eric M. Davis*

Eric M. Davis, Judge

cc: File&ServeXpress