



TWO-MINUTE GUIDE

What to Know About the Chicago Lawyers Behind the Smartmatic Lawsuit

How do you correct mass disinformation? According to the Chicago attorneys representing the plaintiff, by slapping a huge price tag on it.

BY GRACE PERRY

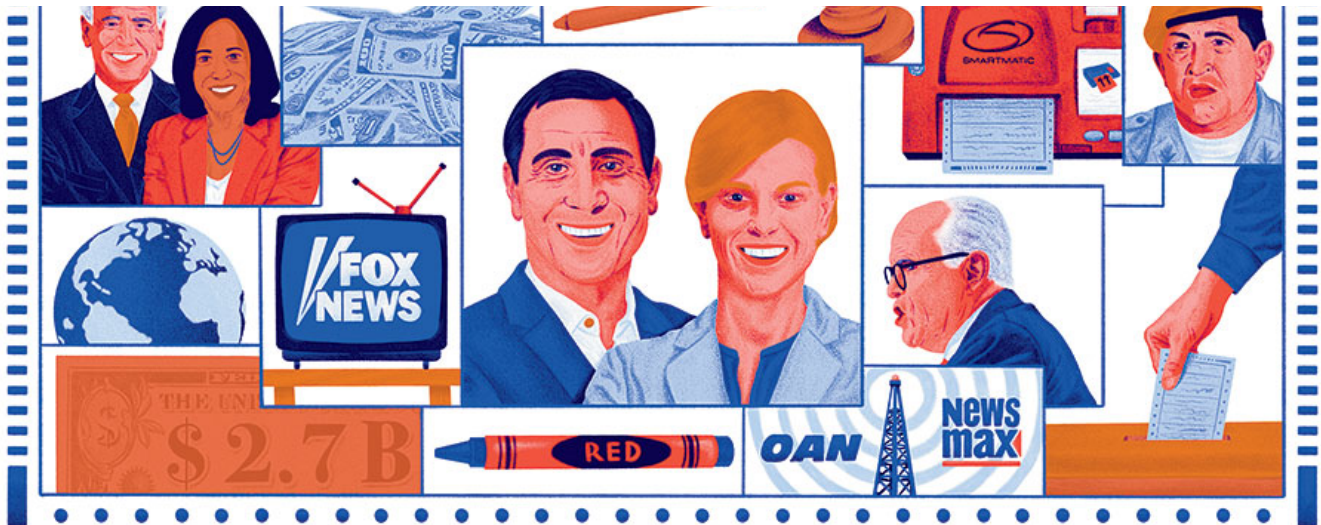
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The Allegations

In one corner, we have Smartmatic, a London-based tech company that produces election software used all over the world. In the other, we have Fox News and a parade of Trump-worshipping characters: birther conspiracy theorist Lou Dobbs, “Money Honey” (ugh) Maria Bartiromo, Jeanine “Democrats Are Demon Rats” Pirro, alleged QAnon follower Sidney Powell, and, of course, Four Seasons Total Landscaping orator Rudy Giuliani.

Days after the 2020 election, Giuliani went on Fox to say that Smartmatic software was flipping votes from red to blue. He also claimed the company had been founded by Hugo Chavez, which, lol, no. The accusations spread rapidly, first on Fox News, then to other right-wing media organizations like Newsmax and OAN. According to Smartmatic’s complaint, by promoting these “demonstrably false and factually inaccurate” allegations, the network “decided to make Smartmatic the villain in their story.” Fox News and the mentioned anchors and surrogates have all filed motions to dismiss the suit, citing First Amendment protection.



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the Trump cheerleaders \$2.7 billion for the damages. And for that, it's called on a couple of Chicago attorneys: J. Erik Connolly and Nicole E. Wrigley of the law firm Benesch.

The Attorneys

Connolly is so Chicago that he pronounces the case “Smartmatic vs. Fox News.” He grew up in “a big industrial park surrounding O’Hare,” he says, and has lived within a 20-mile radius of the airport his whole life, including his undergrad and law school years at Northwestern. Wrigley, too, is an Illinois native, with magna cum laude degrees from Urbana-Champaign. Before joining Benesch in 2018, the two had next-door offices at powerhouse firm Winston & Strawn, where they developed a working partnership in “bet the company” litigation — that is, cases in which a company’s existence hinges on the outcome (as with Smartmatic). New York attorney Edward C. Wipperfurth is teaming with Connolly and Wrigley on this case.

Antidefamation suits constitute only about a third of Connolly and Wrigley’s cases, but they’ve made a name for themselves taking on broadcast news outlets. In 2017, Connolly and Wrigley negotiated the largest settlement in the history of American media defamation, \$177 million on behalf of Beef Products, whose meat ABC News reporters repeatedly referred to as “pink slime.” They’re currently representing SmileDirectClub in a \$2.85 billion suit against NBCUniversal Media for claiming that the company sells “do-it-yourself dentistry” that flouts federal safety regulations.

The Brief

Have you ever been absolutely *riveted* by a legal brief? Me neither, until I read the opening lines of the *Smartmatic v. Fox News* complaint: “The Earth is



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election for President and Vice President of the United States. The election was not stolen, rigged, or fixed. These are facts. They are demonstrable and irrefutable.” Frankly, Shakespeare could never.

“At the end of the day, legal briefs are still writing,” Connolly says. The intro came to Connolly in a spark of inspiration while getting ready for work one morning, and his team didn’t change a word after his first draft. “You still have an audience that you’re writing to — it just happens to be that I have a judge that I’m writing to.”

The Stakes

Remember facts? Remember when we expected our news outlets to report verified truths? That’s what Connolly and Wrigley’s team is attempting to establish: Facts exist, and unsubstantiated rumors have no place in media. “We’re not talking about a potential difference of opinion, we’re not talking about shades of gray,” Connolly told me. “Some things are just black and white.” So retro!





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