

MEDIA

# Smartmatic is Also Suing Fox News for Defamation — And it Wants More Than What Dominion Got

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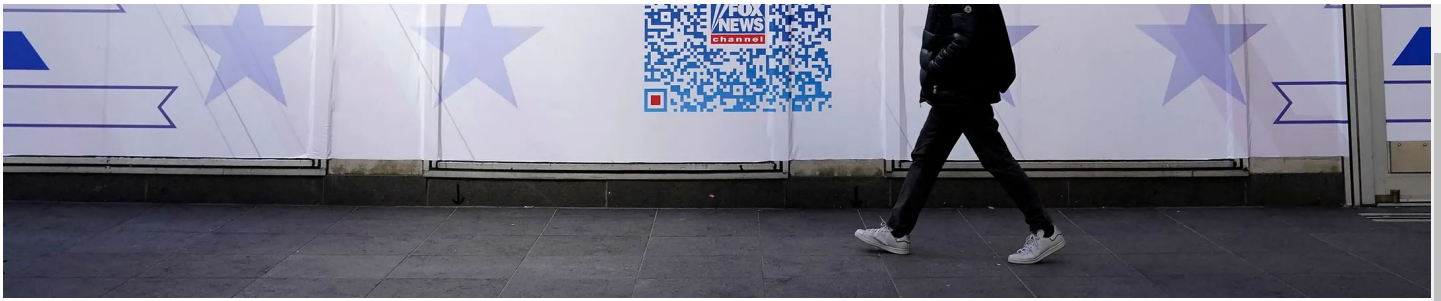
Smartmatic, another voting technology company, has sued Fox News for \$2.7 billion dollars in damages. Its lawyers have said they want to go to trial, and they want Fox News to issue a full retraction.



BY CHARLOTTE KLEIN

APRIL 21, 2023





**A** \$787.5 million settlement won't be enough to make Smartmatic, the other election systems company suing Fox News for defamation, drop its suit. Dominion Election System's historic settlement with Fox News “set down a marker and it’s a marker that we think we should be exceeding,” Smartmatic lawyer **Erik Connolly** told CNN Thursday. Connolly called Dominion's agreement “a good start” but “not the right finishing point.” Smartmatic **sued** Fox News in 2021 for \$2.7 billion—more than \$1 billion more than what Dominion claimed in damages.

Smartmatic already sees Dominion's **settlement** with Fox News, which was brokered in the final hours before the start of trial, as an advantage in their case. Fox agreed to pay Dominion what is believed to be the largest dollar amount in a defamation case settlement, and acknowledged in a statement that it spread 2020 election lies on air. Smartmatic is making similar claims against Fox. “Fox joined the conspiracy to defame and disparage Smartmatic and its election technology and software,” the company wrote in its complaint, a story that “turned neighbor against neighbor” and “led a mob to attack the US Capitol.” Smartmatic’s suit targets some of the same characters that Dominion’s did, namely **Sidney Powell** and **Rudy Giuliani**, the Trump lawyers who made many of the allegedly damaging claims about the company as guests on Fox programs in the aftermath of the 2020 election. Fox has denied any wrongdoing.

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But in addition to wanting a bigger settlement than Dominion got, Connolly is also seeking a “full retraction” from Fox—the kind of admission of wrongdoing that Dominion tried, and failed, to get for itself as part of its deal, as the *New York Times* **reported**. (In Dominion's case, Fox, in its statement, only went so far as to “acknowledge the court’s ruling finding certain claims about Dominion to be false.”)

Smartmatic’s case against Fox was always lurking behind the battle with Dominion. Almost immediately after news of Dominion's settlement broke, Connolly was out with a statement. “Dominion’s litigation exposed some of the misconduct and damage caused by Fox’s disinformation campaign,” he said. “Smartmatic will expose the rest.” On CNN, Connolly alleged that Fox bolstered the myth that Smartmatic “somehow masterminded an ability to rig a national election when we were only in one county” in 2020, Los Angeles County. “The scope of the damage done to Smartmatic is a global scale, because we operate globally,” Connolly said.

Notably, Connolly told CNN that Smartmatic is not eager to settle at all: they are “looking to take this case through trial” and want “the vindication of a jury verdict in their favor.” “We will be ready to defend this case surrounding extremely newsworthy events when it goes to trial, likely in 2025,” a Fox News spokesperson said in a statement. “As a report prepared by our financial expert shows, Smartmatic’s damages claims are implausible, disconnected from reality, and on its face intended to chill First Amendment freedoms.”

Meanwhile, since Fox's settlement with Dominion, Fox Corp CEO **Lachlan Murdoch** has dropped **his own defamation lawsuit** against the Australian news website Crikey. The elder Murdoch son was poised to take Crikey to court over an opinion **column** that the Melbourne-based digital publication published last year, around the January 6 committee hearings, with the headline, “Trump is a confirmed unhinged traitor. And Murdoch is his unindicted co-conspirator.” Lachlan claimed Crikey defamed him by suggesting he personally played a role in the events of January 6. As my colleague **Joe Pompeo** **wrote** last month, lawyers for Crikey had been closely following the revelations coming out of the Dominion lawsuit, and believed that such material would bolster their public interest defense “quite significantly,” as a source told Pompeo. Murdoch’s lawyer, **John Churchill**, said in a statement **reported** by Axios that while Lachlan “remains confident that the court would ultimately find in his favor,” he “does not wish to further

enable Crikey's use of the court to litigate a case from another jurisdiction that has already been settled and facilitate a marketing campaign designed to attract subscribers and boost their profits."

"The fact is, Murdoch sued us, and then dropped his case," Crikey publisher Private Media said in a statement. "We are proud to have exposed the hypocrisy and abuse of power of a media billionaire. This is a victory for free speech. We won."

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## MEDIA

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BY CHARLOTTE KLEIN

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