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MyPillow launches yet another effort to get Dominion's defamation lawsuit dismissed

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Attorneys for Mike Lindell's pillow company are making yet another effort to dismiss a \$1.6 billion defamation lawsuit from Dominion Voting Systems.

In court filings Tuesday , the lawyers asked the judge overseeing the case if an appeals court can reconsider the legal standards that allow Dominion to proceed with its lawsuits. The company first filed its lawsuit against Lindell and **MyPillow** in February , as Lindell promoted false conspiracy theories about the election technology firm's role in the 2020 election.

Mike Lindell and MyPillow are trying to get Dominion's defamation lawsuit against them dismissed again. They want an appeals court judge to reconsider another judge's refusal to dismiss the lawsuit. Dominion alleged \$1.6 billion in damages over election conspiracy theories. See more stories on Insider's business page .

The CEO had pushed the theories in part to promote sales for MyPillow products, Dominion alleged. Lindell has continued to promote the false theories and hosted a "symposium" about them earlier in August.

Lawyers for Lindell and MyPillow, each named as separate defendants, have tried to get the lawsuit dismissed, arguing that the CEO's claims could not be considered defamatory because they were made as part of political discourse. But US District Judge Carl J. Nichols ruled that Dominion's lawsuit against them - as well as parallel ones against Sidney Powell and Rudy Giuliani , who promoted other false theories about Dominion - could move forward .

In the latest court filings, lawyers representing MyPillow asked Nichols if they could bring some of their arguments to an appeals court. The attorneys, Nathan Lewis and Andrew D. Parker, want a higher court to consider whether Nichols applied the appropriate legal standards in denying MyPillow's motion to dismiss the case.

They argue that since Dominion is a government contractor involved in carrying out elections, it should be held by the same standard as a "public official." Lewis and Parker pointed to legal precedents that they say indicate lawsuits filed by public officials must reach a higher standard of evidence than Nichols applied in his ruling.

"More extraordinary recklessness must be shown to permit a legal challenge by a central public official performing a core governmental function that is the subject of an ongoing divisive national debate," Lewis and Parker write. "In order to protect First Amendment rights, courts must require the highest degree of proof of actual malice before enabling an official performing vital governmental duties to proceed with legal action against a critic."

Lewis and Parker say an appeals decision could reverberate in Dominion's other defamation lawsuits , including those against Fox News, Newsmax, One America News, and former Overstock CEO Patrick Byrne.

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