

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21

SELECT COMMITTEE TO INVESTIGATE THE
JANUARY 6TH ATTACK ON THE U.S. CAPITOL,
U.S. HOUSE OF REPRESENTATIVES,
WASHINGTON, D.C.

DEPOSITION OF: ANTON LUNYK

Thursday, October 6, 2022

Washington, D.C.

The deposition in the above matter was held via Webex, commencing at 3:39 p.m.
Present: Representative Aguilar.

1

2 Appearances:

3

4

5 For the SELECT COMMITTEE TO INVESTIGATE

6 THE JANUARY 6TH ATTACK ON THE U.S. CAPITOL:

7

8 [REDACTED], INVESTIGATIVE COUNSEL

9 [REDACTED], STAFF ASSOCIATE

10 [REDACTED], CHIEF INVESTIGATIVE COUNSEL

11 [REDACTED] INVESTIGATIVE COUNSEL

12 [REDACTED] SENIOR INVESTIGATIVE COUNSEL

13

14

15 For THE WITNESS:

16

17 MATHEW MARI

1

2 Mr. [REDACTED] So we will go on the record at 3:39 p.m. eastern time.

3 This is a deposition of Mr. Anton Lunyk conducted by the House Select Committee
4 to Investigate the January 6th Attack on the United States Capitol pursuant to House
5 Resolution 503. This deposition is being conducted remotely.

6 Can you please state your name, Mr. Lunyk, and spell your last name for the
7 record?

8 The Witness. Anton Lunyk, L-u-n-y-k.

9 Mr. [REDACTED] Thank you. This will be a staff-led deposition, though members
10 may choose to ask questions. My name is [REDACTED] I'm an investigative
11 counsel with the select committee. Joining me from the select committee, we have Mr.
12 [REDACTED] chief investigative counsel; Mr. [REDACTED] senior investigative counsel;
13 [REDACTED] investigative counsel. And from the members, we have Mr. Pete Aguilar
14 on with us as well.

15 We will be following the House deposition rules that we provided to your counsel
16 previously with the subpoena.

17 Under the House deposition rules, you are permitted to have an attorney present,
18 but counsel for other persons or government agencies may not attend. In other words,
19 the only lawyers present are those from the select committee and your counsel.

20 Does that make sense?

21 The Witness. Yeah.

22 Mr. [REDACTED] At this time, I'd ask Mr. Lunyk's counsel to please state their name
23 for the record.

24 Mr. Mari. Mathew J. Mari, M-a-r-i, 30 Wall Street, New York, New York for Mr.
25 Lunyk.

1 Mr. [REDACTED] Thank you.

2 Under House deposition rules, neither committee members nor staff may discuss
3 the substance of testimony you provide today unless the committee approves release.
4 You and your attorney will have the opportunity to review the transcript afterwards.

5 I'm going to go through a few ground rules for this deposition for you very quickly
6 and then we'll give Mr. Mari a chance to put his remarks on the record.

7 There's an official reporter transcribing the conversation. They're joining us via
8 Webex. The deposition's also being recorded, but the reporter's transcription is the
9 final official recording of this proceeding.

10 Mr. Lunyk, can you confirm that you're not recording this, please?

11 The Witness. I am not.

12 [REDACTED] Thank you.

13 Please wait until each question is completed before you begin to respond, and we
14 will do our best to wait until your response is complete and then we'll start our next
15 question.

16 The reporter cannot note nonverbal responses such as shaking your head. So if I
17 see you shaking your head, I'll annotate it for the record, but please do your best to
18 answer with words. We ask that you give complete answers to the best of your
19 recollection. If a question is unclear, please ask for a clarification. If you do not know
20 the answer, please just say so and I'll do my best to rephrase it.

21 Logistically, please let us know if you need any breaks or if you'd like to talk with
22 your lawyer privately. We're happy to accommodate that. We'll just go off the record.
23 You can turn your cameras and mic off and you can talk to Mr. Mari.

24 Throughout the deposition, we'll be directing your attention to exhibits. We'll
25 share our screen and show those exhibits so you can see them on the screen. If you

1 have any questions or if you can't see the exhibits, please just let us know and we'll try to
2 either zoom in or figure out a way where you can see the exhibit clearly.

3 Does that make sense?

4 The Witness. Yeah.

5 Mr. [REDACTED] You may refuse to answer a question only to preserve a privilege
6 recognized by the select committee. If you refuse to answer a question based on a
7 privilege, we may either proceed with the deposition or we can seek a ruling from the
8 chairman on the objection.

9 If the chairman overrules such an objection, then you are required to answer each
10 question.

11 Does that also make sense?

12 The Witness. Yes.

13 Mr. [REDACTED] My goal today is to ask questions relevant to the select
14 committee's investigation with the hope that you will answer. If you have an objection
15 or privilege assertion, we'll ask that you assert it on the record.

16 Ultimately, the more detail you provide today about any objections, the better
17 that way we can understand the objection on the record. You are here pursuant to a
18 subpoena dated September 28th, 2022. This exhibit has been marked as exhibit No. 1
19 for the record.

20 In terms of this investigation, Mr. Lunyk, the select committee is separate and
21 independent from the Department of Justice. We have no involvement with the
22 prosecutions, and the DOJ is not a partner with the select committee in this investigation,
23 but I also want to remind you as we do for all witnesses, not just you, but every witness, it
24 is unlawful to deliberately provide false information to Congress.

25 And providing false information could result in criminal penalties, including under

1 18 U.S.C. 1001.

2 Do you understand that you cannot deliberately provide false information to
3 Congress, Mr. Lunyk?

4 The Witness. Yes.

5 Mr. [REDACTED] And do you have any questions about the information I've
6 covered so far?

7 The Witness. I do not.

8 Mr. [REDACTED] So since this is a deposition, it's under oath, would you please
9 stand and raise your right hand to be sworn in.

10 The Reporter. Do you solemnly declare and affirm under the penalty of perjury
11 that the testimony you are about to give will be the truth, the whole truth, and nothing
12 but the truth?

13 The Witness. I do.

14 Mr. [REDACTED] Mr. Mari, I believe you have some remarks you'd like to put on
15 the record.

16 Mr. Mari. Yes. Just very briefly as an outline. Mr. Lunyk went to Washington,
17 D.C. on January 6th intending to participate in what was billed as a rally. That rally soon
18 turned into a protest. The protest turned into a riot, and before you know it, Mr. Lunyk
19 was inside the building someplace where he should not have been.

20 Months later he was arrested. He was brought to court, Federal Court in
21 Washington, D.C. His court-appointed attorney explained the charges to him. He
22 discussed the charges thoroughly. His lawyer advised him to plead guilty to the charges
23 for which he pled guilty to.

24 Mr. Lunyk understands that he broke the law that day and accepted his
25 responsibility. He's been sentenced by the court. In his mind, he thought everything

1 was over, but once this story began about the call from the White House, Mr. Lunyk's life
2 changed for the worse.

3 Since that time, he's been under extreme pressure to the point where his job is in
4 jeopardy, to the point where he feels his safety may be in question, to the point where he
5 has conferred with me about maybe changing his name and moving from his address.

6 All in all, we've discussed this very thoroughly and I've advised him to volunteer to
7 come before this committee to clear the air and to tell his story.

8 Basically, the problem here is that if a call was made from the White House to his
9 phone, he has no knowledge of anyone he knows working in the White House. He has
10 no knowledge of having received the call. He's not questioning whether it was made or
11 not made. That's beyond him, but unfortunately, it would be better if he had more
12 information, but this is the information that he has.

13 He has requested T-Mobile to provide him with his telephone records for the time
14 period in question. He hasn't received them yet. When he does receive them, I will
15 make sure that the committee gets those records as soon as possible. And that's all I
16 have to say.

17 Mr. [REDACTED] Thank you, Mr. Mari. We look forward to the production of the
18 records. Appreciate you all going out and getting those pursuant to the subpoena.
19 And just like what you said, Mr. Mari, that's all we're looking for as well is just for Mr.
20 Lunyk to answer the questions we have here today about the phone call and some of the
21 other events from January 6th as well.

22 And all we can ask is that you give us answers to the best of your recollection like
23 we went over during the ground rules.

24 EXAMINATION

25 BY MR. [REDACTED]

1 Q So we'll start with some background, Mr. Lunyk. How old are you?

2 Where do you live?

3 A 26 years old. I live in Brooklyn, New York.

4 Q How long have you lived in Brooklyn?

5 A Moved here when I was 6.

6 Q What's your educational background?

7 A Five years at undergraduate college, Brooklyn College. I got my Bachelor of
8 Science in kinesiology.

9 Q And what do you currently do for a living?

10 A I am a New York State licensed public adjuster.

11 Q How long have you been doing adjustment work?

12 A About 5 years.

13 Q Now, Mr. Mari just covered this briefly in his opening. I just want to make
14 sure we confirm it. You have already pled guilty for your conduct on January 6th back in
15 April, correct?

16 A I have, yes.

17 Q Okay. And you were sentenced last month in September?

18 A Yes.

19 Q Can you say that, again? I think you're breaking up a bit. I just want to
20 make sure we have it clear for the record.

21 A Yes, I pled guilty.

22 Q Okay. You're currently serving the home confinement portion of your
23 sentence?

24 A I am.

25 Q Okay. Let's go to January 5th and 6th. Just walk us through when you

1 left -- I'm assuming you left New York to come to D.C. Is that correct?

2 A Yes.

3 Q Walk us through that time period before the rally on the 6th? Like, when
4 did you leave New York, when did you arrive in D.C., and what was your plan?

5 A We left the night before, traveled overnight, got to D.C. early, and then
6 proceeded to the Ellipse when the event was starting.

7 Q Okay. So you left, let's say, approximately the night of January 5th into the
8 morning of January 6th?

9 A Yes.

10 Q And you left with Mr. Francis Connor and Mr. Antonio Ferrigno. Is that
11 how you pronounce the last name?

12 A Yes.

13 Q Okay. How did you travel? Was it on a train, via automobile? How did
14 you travel?

15 A We drove.

16 Q Was it your car you all drove?

17 A It was.

18 Q Okay. And approximately what time did you arrive in Washington, D.C. on
19 January 6th?

20 A Maybe 5 a.m., 5:30.

21 Q Do you remember what time the rally at the Ellipse was supposed to start or
22 what time you got there, at least?

23 A It was early morning. I don't recall, maybe 8, 9, something along those
24 lines, if I'm not mistaken.

25 Q So you got there when the rally at the Ellipse was starting?

1 A I got there a little bit earlier. We parked the car and then proceeded to the
2 Ellipse.

3 Q So at this time of the day, like the morning of January 6th, what was your
4 plan for the day other than going to the rally at the Ellipse? Like, what were you all
5 going to do?

6 A Going to see the President speak and support him and then go home.

7 Q Okay.

8 A We had no additional plans.

9 Q So at this point, the plan was not to go to the Capitol?

10 A We had no idea or intention to go to the Capitol, neither did we know that
11 that was even going to be a part of that day's events.

12 Q When did you become aware that the Capitol would be a part of the day's
13 events?

14 A After President Trump got the warning that our time at the Ellipse has come
15 to an end and they're going to be setting up another stage behind the Capitol where
16 they're going to proceed with [inaudible] --

17 Q Can you say that last part one more time just to make sure we have it?
18 You're breaking up a little on our end.

19 Mr. ██████████ Mr. Mari, that was our official reporter. We didn't hear that
20 answer.

21 Can you just restate it again about when you became aware of the Capitol?

22 The ██████████ Yes. Towards the end of President Trump's speech, they let him
23 know that we cannot continue at the Ellipse and that there was another stage being set
24 up behind the Capitol for them to continue speaking.

25 BY MR. ██████████:

1 Q Who's they let him know? So someone let President Trump know this?

2 A Apparently, yes. We -- all we were told via mic, I don't remember who
3 grabbed the mic and spoke it, but they said that we cannot continue this event at the
4 Ellipse. We are going to continue on behind the Capitol where another stage is being
5 set up for us to speak. That's all I know on the matter.

6 Q Was this someone in the crowd who told you this or someone up on the
7 stage?

8 A I believe President Trump himself announced that; that they were going to
9 be continuing at that stage behind the Capitol.

10 Q Got you. So you became aware of the Capitol when President Trump
11 himself said it during his speech?

12 A That's correct.

13 Q And you went to the Capitol because President Trump said so during his
14 speech?

15 A Yes. We wanted to continue and see the end of the speech and see who
16 else would be speaking and gather any possible information that, you know, they were
17 speaking about in those speeches.

18 Q Okay. We went through the filings in your criminal case, of course. And
19 there was one from -- it looks like it's an Instagram message possibly from the night of the
20 5th into the morning of the 6th where you say -- and this is in quote: Tarrío got a phone
21 call as he's about to start eating dinner. He didn't even touch his food, gathered the
22 troops and patrolled the streets of D.C. into the next morning clearing out Freedom Plaza
23 and BLM Plaza.

24 I'm assuming this Tarrío refers to Enrique Tarrío. Is that correct?

25 A I believe so.

1 Q Do you know who Enrique Tarrío is?

2 A Was that at the time the leader or president of the Proud Boys?

3 Q Yes. I guess are you a member of the Proud Boys?

4 A I am not, no.

5 Q Okay. Were you ever a member of the Proud Boys?

6 A I never was, no.

7 Q To your knowledge, are any of your friends or anybody that you were there
8 in D.C. with members of the Proud Boys?

9 A No, not to my knowledge.

10 Q Okay. What did you know about the group the Proud Boys, at that time?

11 A To be honest, I didn't know much about that group. Only found out about
12 them around that time and around those times through a social media app. I don't
13 remember if it was Parler or Parlay or something along those lines. After they removed
14 President Trump's Twitter, then we got word that he would be going over to Parler or
15 Parlay -- again, don't know the pronunciation of the app name -- and that's really about it.

16 A lot of videos were published on that app and other things were posted on that
17 app that provided us with information and what not, and that's really about it.

18 Q And there was one other message I just wanted to ask about as well where
19 you told a friend, You're going to be my "in" to the Proud Boys.

20 So were you just -- help us understand that. Did you ever attempt to become a
21 Proud Boy?

22 A No. I believe it was just in the heat of the moment and all the events that
23 transpired, you know. A lot of things were taken out of context, especially the text
24 messages with me and my friends from our Instagram chat. None of that was ever
25 meant to be taken seriously.

1 If anything, that's more of our, quote/unquote, "darker humor" that's meant to be
2 taken more like a skit in a sense that, you know, we joke around between each other, but
3 there was no serious intent behind any of those messages whatsoever.

4 Q So you got to the Ellipse, and then you went to the Capitol, but I guess big
5 picture, when you came to D.C. on January 6th, were you expecting that there would be
6 violence that day?

7 A Absolutely not.

8 Q Okay. Was this your first time in Washington, D.C., too?

9 A No. We attended another rally a few months prior to that, and we were
10 just overwhelmed with love and compassion by all the other attendees. And we just
11 loved it so much that when we found out that President Trump would actually be
12 speaking at the follow-up rally on January 6th, you know, we all kind of decided that we
13 are going to go and we are going to see him speak in public, live, and that's really that.

14 Q So we were going to touch on this a little later. So I'm assuming the rally
15 from a couple months before, was that a November 14th rally in Washington, D.C.?

16 A I believe that was, yeah. It was at the Freedom Plaza.

17 Q Right. And that's the one where President Trump drove by?

18 A Yeah. Yeah. Had a convoy and that's it. He did a lap around the
19 Freedom Plaza and went on his way.

20 Do you mind if I actually grab my cell phone charger? My phone's about to die.

21 Q Please do. We'll recess in place. Please grab it.

22 A I'm ready.

23 Q All right. We're back. Okay. Did you go to the rally in December in D.C.
24 as well, though?

25 A No. I think the only one we went to was the November one at the

1 Freedom Plaza.

2 Q And so, as you just said, just make sure I capture it correctly, you were
3 motivated to come back in January because President Trump was going to be speaking?

4 A Right.

5 Q We saw some of the pictures in the filings for your criminal case. It looks
6 like you were in the VIP area. Were you in the VIP area during the rally at the Ellipse?

7 A At the Ellipse, we weren't in the VIP area. We were on the railing that
8 divided the VIPs versus the general public.

9 Q You were inside the security parameter, though, is that fair? Did you go
10 through security?

11 A No. Well, we went through security that day. Everyone that walked
12 through went through metal detectors, everyone was searched, and then we just
13 happened to be a few of the early people that were there early enough to get to the front
14 for all the regular public attendees, not politicians, not celebrities, not speakers.

15 Q Got it. So you were at the front of almost like the general admission part
16 inside the Ellipse?

17 A Yes.

18 Q Okay. What speakers other than President Trump were you most excited
19 to see that day?

20 A Well, we didn't know that there was going to be -- or at least I didn't know
21 that there was going to be multiple speakers. I just strictly was focused on seeing
22 President Trump speak live, but when his son came out, that was, you know, exciting.
23 When Rudy Giuliani spoke, that was great, and that's really about it for me.

24 Q And you said this earlier, but just to make sure we captured it as well. You
25 recalled during President Trump's speech, him saying that you were going to go down to

1 the Capitol after the event?

2 A Yes. Well, not after the event. We were going to go down to the Capitol
3 to continue the speeches, because we were not done. We ran out of time, or they ran
4 out of time at the Ellipse.

5 Q Gotcha.

6 [REDACTED] Was it your impression that President Trump would be walking to the
7 Capitol with everybody?

8 The Witness. No. No. That was not my impression at all. I highly doubt
9 they would let him at the time to walk publicly amongst all the other people for security
10 purposes, of course.

11 [REDACTED]

12 Q Do you recall President Trump saying anything about Vice President Pence
13 during his speech?

14 A I remember he touched briefly upon something, but I do not remember the
15 context of what he touched upon.

16 Q Do you recall if it was about, you know, Vice President Pence certifying the
17 electoral college or the vote?

18 A Yeah, something along those lines. That sounds familiar, that he was out at
19 the Capitol, they were in their meeting room or whatever it was. I don't know the
20 specifics and don't remember them, but that's basically what it was.

21 Q I guess what type of impression did that leave on you when President Trump
22 was talking about Vice President Pence during his speech?

23 A Can you elaborate on the question?

24 Q Yeah. Like, did you feel any animosity or any type of way towards Vice
25 President Pence? Were you disappointed in him at that time?

1 A At the time, I can imagine all of his supporters were that were there. So,
2 you know, in a sense, yeah, there was some degree of disappointment, but none that
3 would lead to violence or me wanting to, you know, lead some type of rebellion against it.
4 That was not my intention there.

5 Q What was the general mood of the crowd that was around you during
6 President Trump's speech at the Ellipse?

7 A Excitement, happiness, compassion for others. Everyone just treated each
8 other with love and hugs. It was a great atmosphere to my remembrance of the event.

9 Q So do you remember approximately what time you left the Ellipse to start
10 heading towards the Capitol?

11 A I don't remember specific time frames, but I want to say maybe
12 mid-afternoon or early afternoon, something along those lines.

13 Q Okay. Did you walk directly from the Ellipse straight to the Capitol, or did
14 you make any stops in between?

15 A No. We went back to my car to freshen up, drink some water, warm up a
16 little bit because it was very cold that day. And then when we just saw crowds and
17 people going over. We, you know, kind of stopped and asked what was going on and
18 then they said, oh, they're continuing the speeches at the Capitol. And then we
19 followed the crowd.

20 Q Got you. So when you started walking towards the Capitol, you were under
21 the impression that there were speeches going on at the Capitol?

22 A Yes. At the time, yes.

23 Q And were the people around you were under that impression from what you
24 could tell as well?

25 A From what I can tell, yes. It was a little bit of a hike to get there, so

1 everyone was walking. Nobody knew what we had installed for us when we actually got
2 close enough to be able to see what was going on.

3 Q So when did you become aware, then, that there was violence happening at
4 the Capitol, because I know you got -- I know you entered the Capitol at 3:08 p.m., so
5 that's about an hour after it had been breached initially. So when did you become
6 aware that there was violence going on at the Capitol?

7 A When we got to -- I don't know if this was the front facing part of the Capitol,
8 but when we got to where everyone was waving the flags and those big steps, that's
9 when we kind of got an idea. We didn't see anything firsthand at the time, but I do
10 remember -- I don't know if it was a pepper bomb or some type of pepper spray device
11 that, you know, we started smelling and we thought, listen, maybe we probably shouldn't
12 be in this particular area right here and that's when we kind of departed left, went up the
13 stairs around the building, and then through the crowd. That was how we entered the
14 Capitol there.

15 Q So it appears -- and I know this from the filings in your criminal case -- you
16 arrived on the West side of the Capitol where the inauguration stage was set up. Do
17 you remember that? Do you remember like a big stage?

18 A Sounds right, yeah. Sounds something like that, yeah.

19 Q Did you walk down the National Mall or did you walk down a street to get
20 there?

21 A We walked down streets to get there, I believe.

22 Q Okay. And then you said you went off to the left when there was the
23 pepper spray or the pepper bomb, and that's towards the left like the scaffold steps. Is
24 that where you went up?

25 A Yeah.

1 Q Okay. And by this point when you're going up the steps, you're starting to
2 see the violence around you. Is that fair to say?

3 A Yes, that's fair to say.

4 Q And you said that you all -- I'm assuming -- it was just the three of you all.
5 Is that right? Just the three of you?

6 A That's correct, yes.

7 Q The three of you -- you said something, like, to the effect of you realized you
8 shouldn't be here kind of. I guess why'd you continue?

9 A Well, we continued because we didn't know what was left in store for the
10 day. You know, we did see the violence, so we kind of continued through the crowd and
11 tried to get away from it, but just to turn around and walk out, the amount of incoming
12 people that was still coming, you know, it was either be trampled and try to get out of
13 there, or wait it out until it dies down a bit in the area and then depart.

14 So when we wrapped around that scaffold in part, we got to a part where there
15 was open doors. That's where we entered through, and it wasn't as violent around
16 those particular doors. It was just people walking in and out, and we just kind of
17 followed the crowd.

18 Everybody was just chanting "USA" walking in. When I walked in, I didn't see any
19 violence. So, right away, felt a little more, in a sense, safe, not for only us, but for
20 everyone else around us. So that's when we kind of felt, listen, this is the way that we
21 should be continuing and follow the crowd.

22 Q And we're going to get into -- in a second. We're going to walk through
23 your 10 minutes inside the Capitol shortly, but was anyone instructing you how to get
24 into the Capitol?

25 A No. Nobody was instructing us how to get in, but when we entered, I do

1 specifically remember there was maybe eight or nine officers to the left that basically no
2 one was able to surpass them. Nobody was able to walk towards the left-hand side.
3 And one of them with his hand directed and said, that's the way that people are headed.
4 So we didn't really question it or look too much into it. We just followed the crowd to
5 the right-hand side.

6 Q Got you. And I think we'll see those officers when we pull up the video,
7 and that's actually a good segue.

8 A [Inaudible]

9 [REDACTED] I was just wondering, you mentioned hearing chanting of the USA.
10 Were there other chants that you heard as you were walking up towards the Capitol?

11 The Witness. No, not to my recollection.

12 [REDACTED]

13 Q You don't remember any chants about Trump specifically?

14 A Not about Trump specifically, no.

15 Q What about Stop the Steal?

16 A Stop the Steal I might've heard, but it wasn't anything that caught on to a
17 larger crowd. It was just a few people yelling.

18 Q Can we pull up exhibit 10?

19 This is going to be surveillance footage and it's at approximately 3:08 p.m. when
20 you entered the Capitol, and we're going to go to the 3-minute-and-33-second time
21 stamp.

22 So let's -- we'll play this for a little bit. I want to make sure you can ID yourself.
23 I believe you're going to come through this middle door with the exit sign above it.

24 A Yeah.

25 Q I believe that's where you and your two colleagues entered the Capitol. So

1 we'll play this for about 10 seconds.

2 A Okay.

3 Q I believe that's you with the gray hoodie over the red Make America Great
4 Again hat. Is that correct?

5 A That's correct.

6 Q Okay. Thank you. We can take this exhibit down.

7 So that shows you going into the Capitol at 3:08 p.m. through the Senate wing
8 door, so that's on the West side of the Capitol, and it looks like you're heading towards
9 the crypt. So making that right, because you said the officers were off to your left. Is
10 that correct?

11 A That's correct.

12 Q All right. Can we pull up exhibit 11, please?

13 So I believe this shot is just 4 minutes later at 3:12 and we're going to go to the
14 2-minute-and-55-second time stamp, and I believe this is where you all are walking down
15 the hallway of the House wing door. Is that you all?

16 A Yeah.

17 Q Okay. So that's at 3:12 p.m. And I'm just doing this, Mr. Lunyk, so you
18 understand, so we can have accurate time stamps of where you are throughout the day
19 before we get to the phone calls.

20 A That's fine.

21 Q All right. And then, I believe you took a picture in the crypt as well, took a
22 picture with the three people you were with. Is that accurate?

23 A Yeah. We asked somebody to take a photo, yeah.

24 Q Okay. And that was in your criminal filings as well.

25 And then at exhibit 12, we'll pull this up. It's at 3:18 p.m., this is when you leave

1 the Capitol. And we'll go to the 4-minute-and-40-second time stamp. And this is going
2 to be a little tougher to see, but I believe you're going to see you, and looks like right here
3 with the gray hoodie on the top left part of the screen fighting through the crowd to go
4 through that top door. Is that you?

5 A Yep.

6 Q Okay. So we're accurately identifying that you left the Capitol now at 3:18
7 p.m. Okay.

8 A Okay.

9 Q So we'll take that down. After leaving the Capitol, did you ever go back
10 inside the Capitol?

11 A No.

12 Q Where did you go after you left the Capitol?

13 A Straight to my car and straight to get out of there.

14 Q Approximately, how long did it take you -- I know this is going to be a tough
15 approximation, but approximately how long did it take you to walk, you know, through
16 that West plaza to get free and clear to get to your car?

17 A I would say maybe 15, 20 minutes just to get through the crowd and actually
18 get to my car and freshen up, change, warm-up a little bit, and then depart.

19 Q If you had to guess, what time were you in the car driving back to New York?

20 A 3:50 to 4 o'clock maybe. We stopped for gas not too far away, and then we
21 just hit the highway back to New York.

22 Q So you all went in the Capitol, walked straight back to the car like you said,
23 freshened up a bit, got warm, and then hit the road back to New York immediately?

24 A That's correct.

25 Q Okay. And it looks like from your criminal filings, there was a picture of

1 your license plate back in New York by about 8:28 p.m., so about 8:30. Is that accurate?

2 A Sounds about right.

3 Q Okay.

4 [REDACTED] Mr. Lunyk, just in case we ever needed to confirm this, do you
5 remember if you paid for that gas with a credit card or cash?

6 The Witness. To be honest, I don't recall. Most likely card.

7 [REDACTED] Okay. That's all. Thank you.

8 BY [REDACTED]

9 Q After you left the Capitol as you were walking to your car, did you meet up
10 with anyone?

11 A No.

12 Q Did you go to the White House or anything like that?

13 A No.

14 Q You stayed with the same two colleagues of yours and then went straight to
15 the car?

16 A Yes.

17 Q Okay. So I want to confirm, is your phone number [REDACTED]?

18 A It used to be.

19 Q It used to be. Okay. On January 6th of 2021 that was your phone
20 number?

21 A Yes.

22 Q Okay. So we're going to go through a few phone calls. I know you're
23 aware of this. We talked to your attorney about this back in June, but we want to ask
24 you directly about these calls.

25 So can we pull up exhibit 3 -- exhibit 8, I'm sorry. And we're going to go down to

1 the bottom of page 3 of exhibit 8, and you're going to have to probably scroll in on this.
2 I'm sorry that the font is a little small.

3 So these are the phone records that we received, all right. So you can see
4 January 6th at 21:34. So that's in UTTC Time. It's really, you take away 5 hours, 16:34
5 military time, which is 4:34 p.m. in the afternoon.

6 You can see there's a 9-second call. And can you scroll to the right a little bit?
7 Keep going. Keep going. All right. Right there. Sorry you went too far. That's my
8 fault.

9 There's a 9-second call with a [REDACTED] number. It's connected. It was
10 connected for 9 seconds. That 202 number is the area code for Washington, D.C. It's a
11 number for the White House switchboard.

12 Do you recall receiving a call from the White House on January 6th?

13 A I do not.

14 Q Did you know at the time anyone who was working in the White House in
15 January of 2021?

16 A No. At that time, I didn't and still to this day, I don't.

17 Q Do you know anyone ever that has worked in the White House, particularly,
18 under President Trump?

19 A No.

20 Q Did you know any spouses or have any friends that had spouses or family
21 that worked in the White House at that time?

22 A Not to my knowledge.

23 Q Do you recall picking up a number from an unidentified number that you
24 might have known on January 6th as you were going back to New York?

25 A No.

1 Q At 4:34, since you said you left probably around 4, I'm assuming you were on
2 the road at that point out of the city?

3 A Yeah, sounds right.

4 Q Do you know anyone in the Trump family, Mr. Lunyk?

5 A I do not.

6 Q Do you know anyone in the Giuliani family?

7 A I do not.

8 Q So you don't know Andrew Giuliani either?

9 A No.

10 Q Do you have any friends or colleagues that know anyone in the Trump
11 family?

12 A Not to my knowledge.

13 Q I guess what's your reaction to hearing back in June and then seeing this
14 phone record of the White House switchboard calling you on January 6th? Like, what's
15 your immediate reaction to that?

16 A Back in June when I was first informed about it from my court?

17 Q Yes. Yes. Like, back in June when you were first informed and then now
18 as you see the record, like what's your -- just tell us, like, what's your reaction to this?

19 A I brushed it off, to be honest, because when my lawyer told me that CNN is
20 calling him and telling him that a phone call was placed to my phone, I laughed and said,
21 you know, I don't want to hear anything more about this, because why would the White
22 House be calling me out of all people?

23 I'm a nobody in this situation. I'm irrelevant, and I told them to drop it. And
24 then he let me know a few other times beyond that point that, you know, they keep
25 calling, they want you to do a statement, and then we got to this point.

1 Q Have you ever been involved in politics in your life, like, formally or
2 informally?

3 A No, just kind of got, I guess, into it just on social media and with friends, but
4 I've never been involved in any politics formally, no.

5 Q You ever worked on a campaign before?

6 A No.

7 Q Never worked for, you know, a local politician or a Congressman or anything
8 like that?

9 A Never.

10 Q You've only followed politics, as you said, on social media?

11 A That's correct.

12 [REDACTED] Any follow up to that?

13 [REDACTED] Yeah. Just for the record, has Andrew Giuliani or any member of
14 the Giuliani family ever called you directly?

15 The Witness. No. Never. What's the whole thing with Andrew Giuliani?
16 That's been brought up a few times now.

17 [REDACTED] Oh, we're just asking questions and you're answering them. So
18 we're just asking questions.

19 Does anybody else, any other staff or Mr. Aguilar have any follow-up questions
20 about the White House call? Okay.

21 Mr. Aguilar. I don't, guys, no.

22 [REDACTED] Okay. Thank you.

23 [REDACTED]

24 Q Can we scroll back over to the far left side of this exhibit?

25 So right after this call at 21:34, which is really 16:34, there's a call at 16:37, so 4:37

1 p.m. So just minutes afterwards, and it's about 25 minutes, a little under 25 minutes long
2 with a phone number [REDACTED]

3 Do you know -- and we talked to Mr. Mari about this earlier -- do you know whose
4 phone number this is?

5 A Yeah, I do. It's a lady that's affiliated with my office. She does ad work,
6 contents inventories for all of our claims.

7 Q Okay. So this is a work-related number for someone you work with?

8 A That's correct.

9 Q Do you recall what you were calling this individual about shortly after the
10 White House call on January 6th?

11 A Well, I had her on social media at the time, and she saw a post of mine that I
12 posted for a few minutes and then took down, but she was one of the few people that
13 saw it in that time frame. And then when she saw what was happening on the news, I
14 don't remember if I called her or she called me. She was just asking me what was going
15 on there.

16 And then we just spoke to her and then other phone calls came in. I let her go
17 and took the other calls.

18 Q Okay. And it's incoming, so she called you. What's this lady's name?

19 A Gigi.

20 Q Gigi. Do you have a last name? And can you spell the Gigi for me?

21 A To my knowledge, it's just G-i-g-i. That's what I have her saved in my
22 phone as. I don't know her --

23 Q Okay. And what was the name of the company that you all worked with
24 that you knew her from?

25 A I work for Rubin & Rosen Adjusters. She has her own company. We call

1 her in and source out our jobs to her whenever we need inventories put together.

2 Q So it seems like this woman, Ms. Gigi, called you because she saw what was
3 going on on your social media and she was calling you to talk about what had just
4 transpired in D.C.?

5 A Yes.

6 Q Okay. Saleem (ph) Zherka, and that's Z-h-e-r-k-a. That doesn't ring a bell
7 for you that name?

8 A It does, but like I said, I don't know if that was her legal last name at the time
9 or not. We never discussed that.

10 Q Oh. So who is Saleem Zherka? Who is that?

11 A Saleem Zherka? That is not -- I only know her by Gigi.

12 Q Okay. So you don't know Saleem Zherka?

13 A No. Zherka sounds familiar. That was the last name that she went by,
14 but, again, she never -- we never discussed legally if that was her last name or not, so I
15 didn't know. I didn't know if Gigi was a nickname. I didn't know what her actual first
16 name was, so I just always referred to her as Gigi.

17 Q So her name might be Gigi Zherka. Is that fair to say? Is that fair for us to
18 take from this? Is that correct? Sorry. We missed the answer.

19 A Sorry, yes.

20 Q Okay. We can take this exhibit down.

21 Does that trigger any follow-up from any staff or Mr. Aguilar? Okay.

22 Mr. Aguilar. [REDACTED] I did have a question.

23 [REDACTED] Yeah, Mr. Aguilar.

24 Mr. Aguilar. I wanted to talk about, Mr. Lunnyk, when you talked about, you
25 know, being there and the mood of the individuals, and that in a positive light, did you

1 notice -- can you talk a little bit about getting into and getting through security? Did you
2 notice -- what was your experience with the magnetometers? Did you notice any bags
3 or backpacks outside of the event?

4 The Witness. Not bags or backpacks, no, but when President Trump announced
5 that we were going to be wrapping up at the Ellipse, you know, we were at the front of
6 the line and we decided let's shoot out first just in case, you know, we were going to head
7 down there and whatnot, got to the car warmed up a little bit, kept going, and when we
8 got there, we noticed that there was already a bunch of people there and majority of the
9 people at the front of, you know, everything that was happening were all wearing tactical
10 gear, head to toe to the point where you couldn't even recognize some of their skin
11 colors.

12 So that I found a little odd where, you know, it was just announced that we were
13 going to, you know, walk over there and whatnot. And then 15 minutes, not even
14 15 minutes later, there's already a crowd in the front dressed in tactical gear, and nobody
15 knows who these people are, where they came from, why they were already there, you
16 know, probably before President Trump announced that we were going to continue at
17 the Capitol.

18 That's the only thing that I found odd, but no, no bags, no nothing like that.

19 Mr. Aguilar. So did you feel that they were prepared for -- to go on the walk
20 because they were already in tactical gear?

21 The Witness. Who would "they" be?

22 Mr. Aguilar. The individuals that you referenced that are head to toe tactical
23 gear, you found it odd that they were there. Was it almost that they were kind of
24 prepared that they knew that they were going to be on the front lines of something?

25 The Witness. Possibly. Definitely seems possible, and they did resemble a lot

1 of the characters that were antagonizing us at the original rally at the Freedom Plaza a
2 few months before where families and elderly folk were getting attacked by members of
3 an organization that I recall to be antifa.

4 So that I found odd. Not saying that there's any connection there, but that was
5 definitely odd to me.

6 Mr. Aguilar. So the individuals on the 6th that showed up with tactical gear, is it
7 your belief they may have been planted there; that they may have not been Trump
8 supporters?

9 The Witness. I mean, it's definitely a thought that crossed my mind, but is it a
10 belief of mine? I couldn't tell you.

11 Mr. Aguilar. When you entered -- so flash back a couple hours on your way in,
12 did you notice anything unique at the magnetometers, or upon entry going through,
13 going through the security to get in to hear the President?

14 The Witness. No.

15 Mr. Aguilar. Okay. Thank you. Appreciate it, [REDACTED] Sorry to go back in
16 time.

17 Mr. [REDACTED] Oh, no problem at all. No problem.

18 Mr. [REDACTED] Hey, [REDACTED], it's [REDACTED] Can I just follow up really quickly?

19 Mr. [REDACTED] Yeah. This is Mr. [REDACTED] yep.

20 BY MR [REDACTED]:

21 Q Yeah. Hey, Mr. Luny. I'm [REDACTED] I work with [REDACTED]. I just
22 want to go back quickly to the 9-second call. Do you remember a wrong number, your
23 phone ringing, you looking at it? It sounds like you were in a car by then on your way
24 back to Brooklyn.

25 A No.

1 Q I'm just wondering if you recall anything like that happening 4 o'clock or so
2 that afternoon?

3 A No, not to my knowledge. And I also asked my buddies that I was with.
4 You know, my car's a relatively small car. It's a coupe, so we were all over each other.
5 And I asked them, I said, do you remember any, you know, phone numbers that popped
6 up on my dashboard that you didn't recognize or that we found odd, and they also said
7 no. So as far as we're concerned, it's just one big mystery as to why I received a phone
8 call.

9 Q Yeah. So it sounds like -- was your phone like plugged into something
10 inside the vehicle so that it would actually show on a screen inside the car?

11 A Yeah. It's bluetooth connected, yes.

12 Q I see. All right. So if you and your two buddies are in the car and your
13 phone rang, it's connected by bluetooth, everybody would see whatever number it was,
14 and the sound would be out loud in the car?

15 A That's correct.

16 Q Gotcha. Okay. And, again, you don't recall this 9-second connection that
17 the record reflects, even if it was a wrong number and not a call, a conversation that you
18 had?

19 A That's correct. I have no recollection of that phone number coming across
20 my cell phone nor my dashboard screen.

21 Q Okay. Then the conversation with Gigi that happens a little bit later, was
22 that one that you all had out loud in the car as you were connected to bluetooth?

23 A Yeah.

24 Q Okay. I see. So your buddies were present for that as well. Do you
25 know they Gigi? Are they part of your business?

1 A No. No affiliation.

2 Q But it wasn't a private conversation; it was one that you shared out loud with
3 them in the car?

4 A Yeah.

5 Mr. [REDACTED] Okay. Okay. That's all I had. Thanks, [REDACTED]

6 Mr. [REDACTED] No problem.

7 BY MR. [REDACTED]

8 Q So we're going to go back a little bit, Mr. Lunnyk. And like I said, we ask all
9 witnesses these questions. So we want to understand what you were thinking in the
10 lead-up to January 5th and 6th. So I guess throughout President Trump's terms, how
11 active were you politically in your opinion?

12 A Only on social media as I had stated before.

13 Q Did you follow the news closely?

14 A Not -- I wouldn't say closely. I got most information from either Twitter or
15 Parler or Instagram. That's really about it. The only news that I watched was Fox News
16 and that wasn't, you know, a daily thing. It was periodical.

17 Q Okay. So I actually want to go through a few social media apps to see if you
18 used these for getting updates on news. Did you use 4chan?

19 A No.

20 Q Facebook?

21 A No.

22 Q You said Parler. You used Parler, though, right?

23 A At the time, yeah. You know, we all created an account.

24 Q What about Reddit?

25 A No.

- 1 Q Snapchat?
- 2 A Snapchat I used for personal use between friends, never for political
- 3 purposes.
- 4 Q Okay. Telegram?
- 5 A Also for personal reasons, never for politics.
- 6 Q Did you use TikTok?
- 7 A Same as before. Only for personal, never for politics.
- 8 Q You used Twitter for politics, though?
- 9 A No.
- 10 Q Okay. What about GETTR?
- 11 A No.
- 12 Q YouTube?
- 13 A No.
- 14 Q Discord?
- 15 A No.
- 16 Q TheDonald.win?
- 17 A Not sure what that is, no.
- 18 Q Okay. Gab, G-A-B?
- 19 A No.
- 20 Q What about Wimkin?
- 21 A No clue what that is, no.
- 22 Q Okay. So if you had to summarize what you got your news from social
- 23 media-wise, what apps did you use?
- 24 A Instagram.
- 25 Q Okay. And did you read -- and you said for channels, I guess you said you

1 just watched Fox News periodically?

2 A Yeah. Never actively and never at my, you know, choosing if I'm in the
3 barbershop and they have Fox News on, I would just listen in to what was going on.
4 That's really about it.

5 Q And did you read any print publications like The New York Times or The Wall
6 Street Journal?

7 A No.

8 Q Okay. Did you follow former President Trump on social media?

9 A I did, yeah.

10 Q Do you remember what website you followed him on?

11 A I think only Instagram and Twitter before they got taken down.

12 Q And then you moved over to Parlor, right? Is that around the time you
13 moved over to Parler you said?

14 A Yeah, but that was short-lived.

15 Q Okay. So right after the general election, 2020, did you believe that the
16 election had been stolen from former President Trump?

17 A At the time, based on everything that was happening and the information
18 that I came across, I did, yeah.

19 Q So what made you believe at that time that the election had been stolen?

20 A Just videos going around on Instagram of, like, you know, voter -- the mail-in
21 ballots and stuff that being burnt up or discarded in the trash, it was kind of hard to
22 overlook that when there was in plain video evidence right in front of me.

23 [REDACTED] Did anything President Trump say make you think the election had
24 been stolen?

25 The Witness. I mean, he did say multiple times himself that, you know, Stop the

1 Steal and whatnot. I believe that came from him unless I'm mistaken.

2

3 Q So that had an impact on you?

4 A In a way it did, yeah.

5 Q So, I guess, when did you start believing that the election had been stolen?

6 Was it almost immediately or did it take some weeks before you started to think this?

7 A No. Well, like I said, it didn't transpire on or around January 6th. It was
8 just a bunch of videos and, you know, stuff that people were reposting that was going
9 around that made it kind of hard to not believe that it was stolen you know what I mean?

10 Q Yep. Do you still believe it's stolen today?

11 A Does it really matter?

12 Q It's something that we're investigating. We want to make sure that people
13 believe in our elections are fair and safe. So I think it's an important question for the
14 investigation to know if you still think it's been stolen to this day.

15 A To some degree I do believe that, yeah.

16 Q And what makes you believe that, because we are trying to recommend
17 policies and procedures, you know, to provide confidence in our elections. So why do
18 you still believe today that it's been stolen?

19 A I mean, like I said, based on the video stuff that I've seen go around with
20 mail-in votes being destroyed by, you know -- laundry-bag sizes, multiple of them, that I
21 saw, you know, that's really about it, aside from my personal beliefs as to why anybody
22 would vote for the current guy, that's all I have to say on the matter.

23 Q You mentioned earlier -- sorry. Were you about to say something?

24 A I said that's just my opinion, though.

25 Q Oh, no. You're entitled to that for sure. We're just trying to better

1 understand it.

2 You mentioned earlier you wanted to come to D.C. on January 6th, in part, to hear
3 President Trump speak, right?

4 A Well, that was the sole purpose of going.

5 Q Okay. Do you recall President Trump's December 19th tweet about
6 January 6th, "be there, will be wild"?

7 A Not to my knowledge, no.

8 Q Okay. So how did you find out then that President Trump was going to be
9 speaking on January 6th?

10 A I believe it was somewhere in the group chat or on Instagram that people
11 were reposting that he publicly stated that he will be speaking on January 6th at the
12 Ellipse. I don't recall where it was posted or where I got the information.

13 Q Okay. But it sounds like it was generally through a repost or through your
14 friends that you found out?

15 A Yeah. Word of mouth, reposting on social media, yes.

16 Q One second, please.

17 All right. Thank you. So we also like to ask witnesses about their feelings now,
18 kind of like what I just did about the election being stolen, but about January 6th as well.

19 Looking back on January 6th, I guess, how do you feel about that day and what
20 happened at the Capitol?

21 A I mean, I definitely feel that it was a poor representation of, or for what the
22 right wing, you know, supporters stand for. I never really expected to participate or
23 partake in something that actually led to violence and people being hurt and injured, you
24 know, even though some people might say that my, quote/unquote, messages in my
25 group chat would reflect otherwise. As I stated before, those messages in that whole

1 group chat would be more of like a satire, get away for us to exercise our like for dark
2 humor, and that's really about it.

3 Q And putting your messages -- and your messages were sent near the time of
4 January 6th, putting those to the side, let's think about like now, you don't condone the
5 violence or what happened on January 6th?

6 A Of course not. I definitely don't condone violence, and I definitely don't
7 condone what happened there on that day. You know, we kind of went there to, in a
8 way, allow our voices to be heard, but for it to lead to a violent, you know, event and kind
9 of resemble that of what's been happening and the stuff that we've seen from the left
10 over the past few years, you know, I definitely don't condone that and don't ever want to
11 be compared to that.

12 Q Has your feelings towards President Trump changed since January 6th?

13 A No.

14 Q Do you think President Trump played any type of role in the violence that
15 happened on January 6th?

16 A I do not, no.

17 Q Do you think President Trump contributed to the masses of individuals
18 marching to the Capitol on January 6th?

19 A Well, considering that he addressed thousands and thousands of people,
20 yes.

21 Q Okay. What do you think could be done differently as a country to prevent
22 a situation like January 6th from occurring again?

23 A I mean, it's kind of hard to say. You know, obviously, nobody's really ever
24 ready for a crowd of that size to just stroll on to your front door. The amount of police
25 on Capitol grounds at the time in comparison to the amount of people that were present

1 was definitely, you know, questionable.

2 From what I saw, there was maybe a total of -- from all different areas that I, you
3 know, saw from that day -- I obviously didn't travel around the entire Capitol and see who
4 else was there, but there was only, off the top of my head, maybe 30 officers that I saw in
5 total from the parts that I was at, and compared to the thousands of people that were
6 around there. So that's probably the only thing that comes to mind.

7 [REDACTED] Anything else? Does any staff or Mr. Aguilar have any follow-up
8 questions for Mr. Lunyck?

9 [REDACTED] I don't [REDACTED] Thank you. Thank you very much, Mr. Lunyck.

10 [REDACTED] Thank you. So we've covered a lot of topics today. Is there
11 anything that we missed that you think is important for us to know?

12 The Witness. Just that I kind of want to have this put behind me. You know, a
13 phone call that I do not recall came through to my phone, whether it was by accident or
14 on purpose, I don't know the intent of the phone call. I don't know if I was the only
15 Anton to even attend, because there are a lot of strange conspiracy theories going around
16 on social media that I'm some type of Russian spy and I have some type of connection to
17 Russia and Trump. It rebrought certain messages from the original articles from when I
18 got arrested back into light, which is putting my job in jeopardy.

19 As my attorney stated before, I am considering moving and I am considering doing
20 a legal name change, which is not something that I foresaw. I got sentenced. I am
21 serving out my punishment for the crime that I committed. I pled guilty, and I don't
22 think it's fair at all that I am now in the limelight making national news for something that
23 I have no connection to and was not involved with.

24 And when I say, "involved with," I meant just that phone call, because that, as I
25 told you, I do not recall.

1 [REDACTED] Well, thank you for providing those remarks and for answering
2 our questions here today.

3 With that, we will go off the record, subject to the call of the chair.

4 [Whereupon, at 4:35 p.m., the deposition was recessed, subject to the call of the
5 Chair.]

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15

Certificate of Deponent/Interviewee

I have read the foregoing ____ pages, which contain the correct transcript of the answers made by me to the questions therein recorded.

Witness Name

Date