

FILED
12-28-2022
CLERK OF WISCONSIN
COURT OF APPEALS

STATE OF WISCONSIN
COURT OF APPEALS
DISTRICT IV

Leonard Pozner,
Plaintiff-Respondent

v.

Appeal No. 2022AP001751

James Fetzer,
Defendant-Appellant

Appeal From the Circuit Court of Dane County
Case No. 2018CV003122
Judge Frank D. Remington, Presiding

APPELLANT'S APPENDIX

James H. Fetzer, Ph.D.
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Document A

**FILED
08-29-2022
CIRCUIT COURT
DANE COUNTY, WI
2018CV003122**

DATE SIGNED: August 29, 2022

Electronically signed by Frank D Remington
Circuit Court Judge

STATE OF WISCONSIN

CIRCUIT COURT

DANE COUNTY

LEONARD POZNER,

Plaintiff,

vs.

Case No. 18CV3122

JAMES FETZER,

Defendant.

**ORDER DENYING DEFENDANT’S MOTION FOR RECONSIDERATION,
VACATION & OBJECTION TO POZNER’S VALUATION OF PROPERTY, &
DAMAGES FOR ABUSE OF PROCESS AND ORDER DENYING DEFENDANT’S
MOTION TO STAY POZNER’S “TAKING ORDER” UNTIL RULING ON PETITION
FOR WRIT OF CERTIORARI**

This matter having come on before the Court for a hearing on August 17, 2022, on Defendant James Fetzer’s (“Dr. Fetzer”) Motion for Reconsideration, Vacation & Objection to Pozner’s Valuation of Property, & Damages for Abuse of Process and on Dr. Fetzer’s Motion to Stay Pozner’s “Taking Order” Until Ruling on Petition for Writ of Certiorari (the “Motions”) with Dr. Fetzer appearing pro se and with the Plaintiff appearing by Randy J. Pflum and Emily Feinstein and the Court having considered the parties’ briefs and arguments made at the hearing and for the decision rendered and reasons stated on the record,

IT IS HEREBY AND NOW ORDERED AND ADJUDGED that:

1. The Defendant’s Motion for Reconsideration, Vacation & Objection to Pozner’s Valuation of Property, & Damages for Abuse of Process is **Denied**.

2. The Defendant's Motion to Stay Pozner's "Taking Order" Until Ruling on Petition for Writ of Certiorari is **Denied**.

3. For the reasons stated on the record, Plaintiff's \$100,000 valuation of the Defendant's personal property below:

Books:

Nobody Died At Sandy Hook, 1st Edition (2015)
Nobody Died At Sandy Hook, Banned Edition (2015)
Nobody Died At Sand Hook, PDF Edition (2015) (the "PDF Version")
Nobody Died At Sandy Hook, 2nd Edition (2016)

Domain Content:

Defendant's rights and interest in the title to the following website domains:
www.jamesfetzter.org; www.jamesfetzter.net; www.falseflagnews.org;
www.falseflagnews.net

(the "Personal Property") is **Accepted**.

4. Plaintiff shall provide Defendant with a partial satisfaction of Plaintiff's existing judgment in the amount of \$100,000.

Document B

FILED
04-26-2022
CIRCUIT COURT
DANE COUNTY, WI
2018CV003122

STATE OF WISCONSIN

CIRCUIT COURT

DANE COUNTY

LEONARD POZNER,

Plaintiff,

vs.

Case No. 18CV3122

JAMES FETZER,

Defendant.

PLAINTIFF'S NOTICE OF MOTION AND MOTION FOR TURNOVER OF PROPERTY
TO APPLY PROPERTY TO SATISFY JUDGMENT

TO: JAMES FETZER
800 Violet Lane
Oregon, WI 53575

PLEASE TAKE NOTICE that Plaintiff, by and through his undersigned counsel, and based upon the Affidavit of Randy J. Pflum ("Pflum Aff.") attached hereto and incorporated herein, moves the Court for an Order that as much of the Defendant's property listed on Exhibit 1 to the Pflum Affidavit as necessary be turned over and applied to satisfy the Judgment, which was entered in the above-entitled action in favor of Plaintiff.

PLEASE TAKE FURTHER NOTICE that the Court will hear this Motion at a date and time provided in the future by the Court or as soon as thereafter as counsel may be heard before the Honorable Frank D. Remington, Circuit Court Judge for Dane County, Wisconsin, at the Dane County Courthouse located at 215 S. Hamilton St., Room 1000, Madison, WI 53703.

Dated: April 26, 2022.

MESHBESHER & SPENCE LTD.
Genevieve M. Zimmerman (WI #1100693)
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QUARLES & BRADY LLP

Electronically signed by Randy J. Pflum
Randy J. Pflum (WI SBN: 1096694)
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Attorneys for Plaintiff Leonard Pozner

FILED
04-26-2022
CIRCUIT COURT
DANE COUNTY, WI
2018CV003122

STATE OF WISCONSIN

CIRCUIT COURT

DANE COUNTY

LEONARD POZNER,

Plaintiff,

vs.

Case No. 18CV3122

JAMES FETZER,

Defendant.

AFFIDAVIT OF RANDY J. PFLUM IN SUPPORT OF PLAINTIFF'S MOTION
FOR ORDER FOR TURNOVER OF DEFENDANT'S
PROPERTY TO SATISFY JUDGMENT

STATE OF WISCONSIN)
) ss.
COUNTY OF DANE)

Randy J. Pflum, being first duly sworn, on oath states and alleges that:

1. He is one of the attorneys for the Plaintiff, Leonard Pozner, in the above entitled action.
2. The Plaintiff obtained a judgment against Defendant, James Fetzer, on December 12, 2019, in the Circuit Court for Dane County, Wisconsin, in the sum of \$457,395.13, including costs and damages.
3. The above judgment remains unsatisfied in an amount not less than \$457,395.13.

4. On March 3, 2020, a Supplementary Proceeding was held before the Dane County Supplemental Court Commissioner Bryan Cahill at the offices of Godfrey & Kahn, S.C., One East Main Street, Suite 500, Madison, WI.

5. The Supplementary Proceeding revealed that Defendant owns or has an interest in certain non-exempt unregistered works listed on Exhibit 1 (attached), which may be applied to satisfy the above Judgment.

6. During the Supplementary Proceeding, Defendant testified that since 2015 he edited and/or authored at least nine books for Moon Rock Books, namely, *Nobody Died at Sandy Hook*. As part of the Supplementary Proceeding, Defendant also identified certain domain name and/or websites listed on Exhibit 1.

7. On information and belief, Moon Rock Books, which published certain editions of *Nobody Died at Sandy Hook* between 2015 and 2016 disclaimed any ownership interest or other claim to the books listed on Exhibit 1.

8. This Affidavit is made in support of a motion for an order under Wis. Stats. § 816.08 to apply James Fetzer's non-exempt property to satisfy the above Judgment.


Randy J. Pflum

Subscribed and sworn to before me
this 25th day of April, 2022

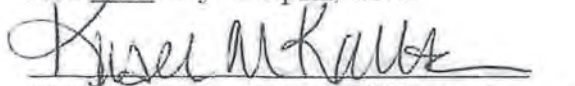

Notary Public, State of Wisconsin
My Commission expires: 8/14/2024

EXHIBIT 1

Books

Nobody Died At Sandy Hook, 1st Edition (2015)

Nobody Died At Sandy Hook, Banned Edition (2015)

Nobody Died At Sandy Hook, PDF Edition (2015)

Nobody Died At Sandy Hook, 2nd Edition (2016)

Domain and Websites

www.jamesfetzer.org

www.jamesfetzer.net

www.falseflagnews.org

www.falseflagnews.net

Document C

FILED
07-13-2022
CIRCUIT COURT
DANE COUNTY, WI
2018CV00312

STATE OF WISCONSIN

CIRCUIT COURT

DANE COUNTY

LEONARD POZNER,

PLAINTIFF

vs.

Case No. 2018-CV-003122

JAMES

FETZER,

DEFENDANT

**FETZER'S MOTION FOR RECONSIDERATION,
VACATION & OBJECTION TO POZNER'S VALUATION OF PROPERTY,
& DAMAGES FOR ABUSE OF PROCESS**

Now comes James H. Fetzer, Ph.D., pro se Defendant, and Judgment Debtor, with his Motion for Reconsideration of the ORDER GRANTING PLAINTIFF'S MOTION FOR TURNOVER OF PROPERTY TO SATISFY JUDGMENT of June 29, 2022, as amended, referred to herein as the "Taking Order," and his Motion to Vacate the Taking Order, and Objection to Mr. Pozner's Valuation of Property, and Motion for Damages For Abuse of Process.

1. The property to be taken by said order consists of four website Domain Names and four versions of a book entitled *Nobody Died at Sandy Hook: It was a FEMA Drill to Promote Gun Control*, referred to herein as "Nobody Died."

2. Dr. Fetzer continues to maintain what he has said in the Taking Order hearing that the four versions of the book have monetary value only if they are marketed and that the property subject to the Taking Order has no monetary value that can be applied to Plaintiff's money judgment, as asserted in his Response Brief in Opposition to the Plaintiff's Notice of Motion and Motion for Turnover of Property to Apply Property to Satisfy Judgment (Exhibit A page 2). Dr.

Fetzer has also asserted that intellectual property cannot be taken to satisfy a money judgment but rather only the profits from it (Exhibit A page 1) citing *Ager v. Murray*, 105 U.S. 126, 127-31 (1881).

Judicial Estoppel Against Book Values over Zero Dollars

3. Now Dr. Fetzer adds that the Plaintiff and Judgment Creditor, Mr. Pozner, is judicially estopped from claiming the Nobody Died books have any value to him. He has won a judgment, the very basis of this property taking, finding that certain portions of the said books are defamatory to him and his son whom he claimed was killed at a mass shooting, the subject of the said books, which are filled with evidence that the shooting did not occur. Therefore, Mr. Pozner cannot now claim that he will be publishing and selling any of the four versions of Nobody Died containing material adjudged defamatory to him and the public memory of his son.

4. From *State v. Basil E. Ryan, Jr.*, 2012 WI 16, reversing 2011 WI App 21:

¶32 We begin by addressing the circuit court’s application of the equitable doctrine of judicial estoppel. Judicial estoppel is intended “to protect against a litigant playing ‘fast and loose with the courts’ by asserting inconsistent positions” in different legal proceedings. *State v. Petty*, 201 Wis. 2d 337, 347, 548 N.W.2d 817 (1996). “The doctrine precludes a party from asserting a position in a legal proceeding and then subsequently asserting an inconsistent position.” *Id.* “[J]udicial estoppel is not directed to the relationship between the parties but is intended to protect the judiciary as an institution from the perversion of judicial machinery.” *Id.* at 346.

¶33 For judicial estoppel to be available, three elements must be satisfied: (1) the later position must be clearly inconsistent with the earlier position; (2) the facts at issue should be the same in both cases; and (3) the party to be estopped must have convinced the first court to adopt its position. *Id.* at 348.

5. Mr. Pozner convinced the court that some material in the Nobody Died books were defamatory, winning a money judgment of \$457,395.13 which he used to remove the said books from the public. He now claims that the said book and copyrights have monetary value to him, as if he would publish and sell books containing the slightest defamation against him. The case is

the same along with the facts thereof. Clearly all 3 elements of judicial estoppel are present to prevent Mr. Pozner from appraising and taking the Nobody Died books and copyrights, even if Dr. Fetzer held them.

6. Mr. Pozner has also used the summary judgment in this very case to obtain settlements with WWW, d/b/a Moon Rock Books Publishing to take the books off the market and never publish them again. Mr. Pozner is now judicially estopped from claiming these same books and their copyrights have any monetary value to him.

7. Mr. Pozner is also judicially estopped from claiming that he is going to use any of the four versions of Nobody Died to make money to reduce the money judgment while his use of the rulings of this court have successfully removed all versions of Nobody Died from public access, even free access. Mr. Pozner cannot now claim in the execution of the Taking Order in this same case that he is going to earn money from the publication and sale of those same books. Hence, the appraisals by the best experts on book values and sales history are completely inapplicable and irrelevant.

8. Mr. Pozner cannot remove the defamatory material and republish the Nobody Died books without establishing a new copyright for that version leaving Dr. Fetzer's presumed copyright unused and unpublished. Therefore, unless Mr. Pozner plans on publishing the books as they are and selling them he cannot show a value for them and cannot take them.

9. Mr. Pozner cannot prove that he can legally earn money from the removal of any or all versions of Nobody Died from the market, or from free access, to make money indirectly from the sale of any book he has published targeting the same market. Since all versions of Nobody Died have no monetary value to Mr. Pozner, he cannot take them, even if Mr. Pozner could show that Dr. Fetzer owns the copyright to them. If Mr. Pozner is being paid by other entities to

remove the Nobody Died books, he must supply that information as proof of money and its source to be applied to the reduction or discharge of the judgment debt and may be considered unlawful and subject to another cause of action.

10. Therefore, Mr. Pozner is judicially estopped from claiming that all four versions of Nobody Died have any value to him and hence the value of said books must be ZERO DOLLARS by law and cannot reduce the judgment debt by one cent and hence cannot be taken.

Judicial Estoppel Against Domain Name Values Over Zero Dollars

11. The website Domain Names (DNs) listed in the Taking Order are a little different from the Nobody Died books in that their content, which is copyrighted upon posting, is not static or held to fixed data or data type as are printed and copyrighted books. People rent or lease DN addressees on a recurring basis from web registration companies contracted by ICANN, a nonprofit corporation authorized by the U.S. Department of Commerce, to manage domain names. People can buy and sell DN leases and new lessees can be assigned to existing Domain Names held by others.

12. The taking of a Domain Name would entail the transfer of the lease and their assignment to Mr. Pozner as the new lessee of the four existing Domain Names listed in the Taking Order. Mr. Pozner would then take over the DN leases and would begin paying for the recurring rent on them. However, as Dr. Fetzer explained in his response brief and oral hearing, he is not the owner or lessee of any of the four DN's.

13. Even if Dr. Fetzer had registered the DN's and was the actual registrant and lessee of them, to which condition he has stated otherwise, Mr. Pozner must still prove to this court that he intends to maintain all four of these Domain Names and that he can earn money from them to satisfy some portion of the money judgment debt by his operation of them.

14. Under a completely unreal scenario where Mr. Pozner was able to take the Nobody Died books and Domain Names and operate them and make money from them, it would be highly unjust to earn 200,000 dollars from that which he reduced a money judgment by only 100,000 dollars. The listed Taking Order property must involve a monthly accounting until the ordered value is reached at which time all the property would be returned for Dr. Fetzer's use. This is one reason intellectual property cannot be taken to satisfy a money judgment, as it could hypothetically earn more than the judgment.

15. There are circumstances where the taking of Domain Names would be entirely feasible and profitable with names like "GoodHealth4U.net" or "GoodbyFat.com," However, in this case, two of the four domain names contain the term "JamesFetzer" (JamesFetzer.org and JamesFetzer.net) and the other two contain the term "FalseFlags" (FalseFlags.org and FalseFlags.net). Neither of these domain name prefixes could attract potential financial opportunity for Mr. Pozner.

16. In 2014 Mr. Pozner founded HONR¹, an organization dedicated to scouring the web of any hint of an event being described as a "false flag." HONR acts as self-appointed internet police and claim §230 USC Title 47 (Communications Decency Act) is misused, as quoted below from the HONR website:²

Section 230 has been misused by social media providers who have often used it to avoid taking action when their platform is being weaponized. One of the chief problems that we have had with platforms is the apathetic and inconsistent response in removals. In some cases, we have reported the same content in multiple places only to have one removed quickly and others stay up for weeks or even months.

Regardless of the motivation and intentions of HONR, it is undeniable that it is dedicated to removing websites and Domain Names from the internet that fall into the same category in

¹ <https://www.guidestar.org/profile/82-3556040>

² <https://www.honrnetwork.org/positions/>

which they would place "JamesFetzer" and "FalseFlags." The declaration by the founder of this group of their new intention to earn money from the taking and operation of these Domain Names is contradictory to their eight-year history. Therefore Mr. Pozner is judicially estopped from claiming any such intention or ability to earn money from the operation or sale of these website Domain Names, while his whole purpose is to remove them from the public. Therefore, the doctrine of judicial estoppel prevents Mr. Pozner from contradicting his eight-year behavior and earlier asserted court positions to now claim that the Domain Names listed in the Taking Order are worth anything over ZERO DOLLARS.

17. From *Adelphia Recovery Trust v. Goldman, Sachs & Co.*, 748 F.3d 110 (2nd Cir. 2014) quoting from the Supreme Court in *New Hampshire v. Maine*, 532 U.S. 742, 121 S. Ct. 1808, 149 L. Ed. 2d 968 (2001) on the doctrine of judicial estoppel:

The purpose of the doctrine is to protect the integrity of the judicial process by prohibiting parties from deliberately changing positions according to the exigencies of the moment. Courts have recognized that the circumstances under which judicial estoppel may appropriately be invoked are not reducible to any general formulation. Nevertheless, several factors typically inform the decision whether to apply the doctrine in a particular case: First, a party's later position must be clearly inconsistent with its earlier position. Second, courts regularly inquire whether the party has succeeded in persuading a court to accept that party's earlier position, so that judicial acceptance of an inconsistent position in a later proceeding would create the perception that either the first or the second court was misled. Third, courts ask whether the party seeking to assert an inconsistent position would derive an unfair advantage or impose an unfair detriment on the opposing party if not estopped.

18. Mr. Pozner in his original complaint leading to this Taking Order has stated that the websites and domain names he is now trying to say he can profit from if maintained are on a list of conspiracy websites that those who threatened him cannot access as part of their punishment (Exhibit B Page 4,5 ¶15):

In January of 2016, Florida resident Lucy Richards left menacing voicemail messages and sent violent online threats to Plaintiff, including messages stating: "you gonna die, death is coming to you real soon" and "LOOK BEHIND YOU IT IS DEATH." When Richards was later sentenced, Senior U.S. District

Judge James Cohn stated: "I'm sure [Plaintiff Leonard Pozner] wishes this was false, and he could embrace [N.P.], hear [N.P.'s] heartbeat and hear [N.P.] say 'I love you, Dad'...Your words were cruel and insensitive. This is reality and there is no fiction. There are no alternative facts." As part of her sentence, Ms. Richards will not be permitted to access a list of conspiracy-based websites upon her release, including websites maintained by James Fetzer.

19. Now that Mr. Pozner has won a money judgment against Dr. Fetzer he wants to claim that he can make money to greatly satisfy a money judgment by using and maintaining "conspiracy-based websites...including websites maintained by James Fetzer." Clearly Mr. Pozner's exigencies have changed, and he wants to take anything from Dr. Fetzer even if he must alter the position that he has previously persuaded this court to accept. The acceptance of this new contradictory position would indicate that the court was either wrong in the beginning or wrong now. All that which was ruled defamatory by this court has been removed from the websites accessed by the listed Domain Names and their continued use Dr. Fetzer, regardless of what some may think of them, is his right in the United States of America, and would take a great deal of time and work to establish the same at some other site under some other DN. The taking of these Domain Names constitutes an unfair detriment to Dr Fetzer and cannot reduce the judgment debt by one cent and is inconsistent with Mr. Pozner's judicial and conventional position. Clearly Mr. Pozner is judicially estopped from now claiming he can take the Domain Names and earn money from their operation to reduce the judgment debt in complete contradiction to his earlier judicial position and awards.

20. Collection laws for money judgments do not contemplate or address the taking of property that cannot reduce a money judgment. This silence in debt collection law indicates no recognition of the lawfulness of taking property that is worthless to the money judgment creditor for any other purpose such as harassment, hatred, revenge, or interference with the ability to earn money. A motion to take property worthless to a money judgment creditor implies and reveals

such motivations that go beyond the intent and authorization of money judgment collection laws. This means, in essence, that the property listed in the Taking Order does not exist for Mr. Pozner regardless of the opinion of his appraisers or Dr. Fetzer's ability to turn it over to Mr. Pozner and the listing of such worthless property implies an ulterior purpose not intended in the taking process.

This Taking Process is Abuse of Process

21. By commencing this taking action against the listed property, worthless to Mr. Pozner in reducing a money judgment in this Taking Order, not only implies all the illegal purposes stated above but show motive to deny Dr. Fetzer's 1st Amendment rights to print and post evidence that comes to his attention concerning national events. Dr. Fetzer could simply remove the minor fragment of material ruled defamatory by this court from the Nobody Died books and republish them with over 400 pages of evidence. But, if Mr. Pozner could acquire Dr. Fetzer's presumed copyright of the whole book, then Dr. Fetzer could not republish any part of the book without infringing on a copyright taken and owned by Mr. Pozner. This is a purpose that well exceeds the purpose of this judicial Taking Order process. In this way Mr. Pozner can remove over 400 pages of evidence contradictory to his own version of Sandy Hook, by having only two or three pages ruled defamatory to him. The elements for abuse of process are here as shown from the Wisconsin Supreme Court in *Thompson v. Beecham*, 241 N.W.2d 163, 72 Wis.2d 356 (Wis. 1976):

The essential elements of abuse of process, as the tort has developed, have been stated to be: first, an ulterior purpose, and second, a wilful act in the use of the process not proper in the regular conduct of the proceeding. Some definite act or threat not authorized by the process, or aimed at an objective not legitimate in the use of the process, is required;...

The ulterior motive or purpose may be inferred from what is said or done about the process, but the improper act may not be inferred from the motive.

In order to maintain an action for abuse of process, the process must be used for something more than a proper use with a bad motive. The plaintiff must allege and prove that something was done under the process which was not warranted by its terms.

22. The court can infer from Mr. Pozner's listing of property that he cannot possibly use to satisfy a money judgment, that Pozner has an ulterior motive to achieve something outside the intent of the judicial property execution process. The most likely motive, which is consistent with Mr. Pozner's behavior over the last eight years, is to prevent Dr. Fetzer, or anyone, else from publishing the vast amount of evidence about Sandy Hook after removing the tiny fraction of material in the books ruled defamatory by this court. The act of listing property Mr. Pozner knew was directly worthless to him to reduce a money judgment without claiming the property in its present form was no longer harmful to him, from which is judicially estopped, constitutes the use of this judicial taking process for a purpose it is not intended or authorized to perform. The process itself cannot take worthless property to satisfy a money judgment as he was so informed by Dr. Fetzer's Response Brief in Opposition to Plaintiff's Motion for Turnover of Property to Apply Property to Satisfy Judgment which is adopted in its entirety herein (Exhibit A). Both elements of abuse of process are evident in this taking process, first, improper use of process exceeding its authority, and second, inferred ulterior motive that conforms to the long history of Mr. Pozner. As a result of this abuse of process, Dr. Fetzer had to hire another attorney for Six Thousand Two Hundred Seventy Seven & 50/100 Dollars (\$6,277.50) and waste his time and mental energy (Exhibit C).

CONCLUSION

Mr. Pozner cannot alter any of the book's contents to remove the material ruled defamatory against him in this court without establishing a new copyright, leaving Dr. Fetzer's presumed copyright unused and unpublished. Therefore, Dr. Fetzer's presumed copyright remains of no

value to Mr. Pozner having no means to reduce the judgment debt and hence, cannot be taken to satisfy a money judgment.

Mr. Pozner is judicially estopped from claiming all four versions of Nobody Died have more than zero value to him as he has obtained a judgment in this very case finding parts of all of them defamatory to himself. He is also judicially estopped from claiming the said books have more than zero value as he has used the rulings of this court to establish settlements with publishers removing the books from the market, never to be sold again by those publishers.

Mr. Pozner is also judicially estopped from claiming any or all four Domain Names have more than zero value as he has worked for eight years removing websites and their domain names from the internet which are of the same profile as those listed in the Taking Order. Mr. Pozner's position in this court is that other courts have ruled websites listed in this Taking Order inaccessible to those who have threatened him. And now he wants this court to believe he can take them and maintain them and make money from them to reduce the money judgment debt. He is judicially estopped from doing so.

All property in Dr. Fetzer's possession that cannot have value to Mr. Pozner by law does not exist in the eyes of the law and cannot be appraised or taken by a court order to satisfy a money judgment. This court should set the lawful value of the property listed in the Taking Order to be zero dollars (\$0.00)

Based upon the preceding, Dr. Fetzer asks this court to:

1. Reconsider ORDER GRANTING PLAINTIFF'S MOTION FOR TURNOVER OF PROPERTY TO SATISFY JUDGMENT, and
2. Set the value of the property listed in the ORDER GRANTING PLAINTIFF'S MOTION FOR TURNOVER OF PROPERTY TO SATISFY JUDGMENT to be

ZERO DOLLARS (\$0.00), and

3. Vacate the ORDER GRANTING PLAINTIFF'S MOTION FOR TURNOVER OF PROPERTY TO SATISFY JUDGMENT with prejudice, and
4. Find all elements of an abuse of process commenced by Mr. Pozner and fine him \$6,277.50 in damages, and
5. Grant any other relief the law allows and to which the Defendant is entitled.

Respectfully Submitted,



James H. Fetzer, Ph.D.
Pro Se

NOTICE OF SERVICE

On this 13th day of July 2022, I hereby certify that a copy of this Motion for Reconsideration has been emailed and forwarded by first-class mail (postage paid) to Plaintiff's Counsel, Randy Pflum, Attorney, Quarles & Brady LLP, 33 East Main Street, Suite 900, Madison, WI 53703; and randy.pflum@quarles.com.



James H. Fetzer, Ph.D.
Pro Se
800 Violet Lane
Oregon, WI 53575
jfetzer@d.umn.edu

Exhibit A

FILED
06-03-2022
CIRCUIT COURT
DANE COUNTY, WI
2018CV003122

STATE OF WISCONSIN

CIRCUIT COURT
BRANCH 8

DANE COUNTY

Leonard Pozner,

Plaintiff,

Case No.: 2018 CV 3122

v.

James Fetzer, et al.,

Defendants.

**DEFENDANT JAMES FETZER’S RESPONSE BRIEF IN OPPOSITION TO
PLAINTIFF’S MOTION FOR TURNOVER OF PROPERTY TO APPLY PROPERTY
TO SATISFY JUDGMENT**

Defendant, James Fetzer (hereinafter “Fetzer” and/or “Defendant”) by his attorneys, Fuhrman & Dodge, S.C, by Attorney Jennifer M. Schank, respectfully submits the following Response Brief in Opposition to Plaintiff’s Motion for Turnover of Property to Apply Property to Satisfy Judgment, as set forth below.

INTRODUCTION

Plaintiff filed his Motion for Turnover of Property to Apply Property to Satisfy Judgment on April 26, 2022, as Document No. 490 (the “Motion”) and the Affidavit of Randy J. Pflum in Support of the Motion as Document No. 491 (the “Pflum Aff.”). Plaintiff requests that Defendant James Fetzer turn over certain editions of books and certain domain names. *Id.*

The Motion should be denied. Intellectual property is exempt from execution. *Ager v. Murray*, 105 U.S. 126, 127–31 (1881). The Motion is not a proper mechanism for Plaintiff to gain

ownership of books and domain names. Further, the property subject to the motion has no monetary value that can be applied to Plaintiff's money judgment.

FACTS

Plaintiff obtained a money judgment against Fetzer on December 12, 2019, in Dane County Circuit Court, in the amount of \$457,395.13 (the "Money Judgment"). (Pflum Aff. ¶ 2). The Money Judgment remains unsatisfied. (Pflum Aff. ¶ 3). Plaintiff now seeks post-judgment collection action against Fetzer to be applied against the Money Judgment.

ARGUMENT

I. Fetzer does not own the property that Plaintiff requests he turn over.

Fetzer cannot turn over property that he does not own. Fetzer does not own the domain names and books Plaintiff lists in the Pflum Affidavit.

Domain names connect Internet Protocol (IP) Addresses (e.g., 146.197.184.71), to an alphanumeric designation (e.g., Nike.com). Emily Litka, *Establishing Rights in a New Domain: Defining Registration under the ACPA*, 90 Temp. L. Rev. 519, 522 (2018). Rights to use a domain name are licensed by a registrar, contracted by ICANN, a nonprofit corporation authorized by the U.S. Department of Commerce to manage domain names. *Id.* at 523.

"To reserve a domain name, a registrant must apply to register the name with a registrar. . . . The registrant will be required to enter into a contract with the registrar, . . ." and the holder of the contract "'owns the rights to use that registration.'" *Id.* at 523–524 (quoting ICANN, *Beginner's Guide to Domain Names* 3 (2010), <https://www.icann.org/en/system/files/files/domain-names-beginners-guide-06dec10-en.pdf>.)

Fetzer did not register these domain names. (Affidavit of James Fetzer, Ph.D. “Fetzer Aff.,” filed herewith, ¶ 21). The domain names www.jamesfetzer.net and www.falseflagnews.org are available for purchase on the open market, making it clear that Fetzer does not own these domain names. (Fetzer Aff. ¶ 22). Further, www.falseflagnews.net has a registrant name Perfect Privacy LLC, an entity Fetzer is not affiliated with nor does he know the owner of this domain name. (Fetzer Aff. ¶ 23). Lastly, the registrar for the domain name www.jamesfetzer.org is namecheap.com and Fetzer believes that WWW owns this domain name. (Fetzer Aff. ¶ 24).

Fetzer manages his website at www.jamesfetzer.org, but he does not own the domain name. Plaintiff did not move to turnover websites owned by Fetzer, nor does the website found at www.jamesfetzer.org have any monetary value that could be applied to Plaintiff’s judgment. (Fetzer Aff. ¶ 26).

Further, Fetzer does not own the books that Plaintiff moves to be turned over. Books are assigned an International Standard Book Number (the “ISBN”) to distinguish each publication. (Fetzer Aff. ¶ 5). Plaintiff specifically requests four different versions of the book named *Nobody Died At Sandy Hook*. Fetzer cannot turn over the 1st edition or the banned edition of the book (2015) because Createspace owned the ISBN for this book, and he believes that it ceased to exist after it was banned by Amazon. (Fetzer Aff. ¶ 11). The PDF Version that Plaintiff requests was never published and is not a book. The last book listed on the Pflum Affidavit (2nd Edition 2016) was published by Wrongs Without Wremedies, LLC (“WWW”), d/b/a Moon Rock Books Publishing, and WWW would have obtained the ISBNs for the 2nd and any subsequent editions of books named *Nobody Died At Sandy Hook*. (Fetzer Aff. ¶ 14). Fetzer is not an owner of WWW.

(Fetzer Aff. ¶ 15). Fetzer cannot be ordered to turn over the properties because he does not own them.

II. Intellectual Property is not subject to execution.

Notwithstanding Fetzer's lack of ownership, Plaintiff has no right to order the property in question to be turned over. Copyrights and other intellectual properties are not available for seizure and sale in an execution at law. *Ager v. Murray*, 105 U.S. 126, 127–31 (1881). The U.S. Supreme Court in *Ager* quoted with approval *Stephens v. Cady*, 55 U.S. 528, 531 (1852):

The copperplate engraving, like any other tangible personal property, is the subject of seizure and sale on execution But the incorporeal right, secured by the statute to the author, to multiply copies of the map by the use of the plate, being intangible, and resting altogether in grant, is not the subject of seizure or sale by means of this process.

Id. Because intellectual property is exempt from execution, “[t]he creditor’s only option is to have a receiver appointed . . . to carry out the sale.” Jessica Bozarth, *Copyrights and Creditors: What Will Be Left of the King of Pop’s Legacy?*, 29 *Cardozo Arts & Ent. L.J.* 85, 86–88 (2011) (citing California law).

Under Wisconsin law, executions may be made against “personal property” or “real property.” Wis. Stat. § 815.05(1s). Any property seized is sold at a public sale. Wis. Stat. § 815.29. By the terms of the statutes, the limitation of execution to “personal property” or “real property” excludes intangible property. *See* Wis. Stat. § 815.05(1s). *See generally* Aaron Perzanowski & Jason Schultz, *Reconciling Intellectual Property and Personal Property*, 90 *Notre Dame L. Rev.* 1211, 1217–25 (2015) (differentiating between personal property interests and intellectual property interests). Therefore, Plaintiff cannot simply “execute” against intellectual property and have it delivered to him.

III. Plaintiff's use of the Motion is an improper legal mechanism to achieve Plaintiff's goals.

Beyond an execution, a judgment creditor has two additional alternatives to levy on the property of a debtor. *Attorney's Title Guar. Fund, Inc. v. Town Bank*, 2014 WI 63, ¶ 26, 355 Wis. 2d 229, 850 N.W.2d 28. The creditor may garnish property owed to the debtor and held by a third party. *Id.* Or, the creditor may “apply specifically identified personal property to the satisfaction of the judgment, which a creditor may do with the assistance of a supplemental receiver.” *Id.*

Plaintiff has no right to an execution or direct transfer of the intellectual property allegedly held by Fetzer. Plaintiff has not requested the appointment of any receiver and simply asked the Court for the intellectual property to be “turned over and applied to satisfy the judgment.” (Motion 1.) Plaintiff is not automatically entitled to ownership and control of Fetzer's property under Wis. Stat. § 816.08 by the mere fact that Fetzer is indebted to him. Rather, Wis. Stat. § 816.08 sets forth the standards by which property may be applied toward satisfaction of a judgment.

816.08 Property to be applied to judgment. The court or judge may order any property of the judgment debtor or due to the judgment debtor, not exempt from execution, to be applied toward the satisfaction of the judgment; but if it appear that any person alleged to have property of the judgment debtor or to be indebted to the judgment debtor claims an adverse interest in the property or denies the debt, such interest or debt shall be recoverable only in an action against such person by the receiver; and a transfer or other disposition of such property or interest may be restrained till a sufficient opportunity be given to the receiver to commence the action and prosecute the same to judgment and execution or until security therefor shall be given as ordered.

That statute does not provide for a judgment debtor to relinquish his control and ownership rights in property to a judgment creditor to utilize as it sees fit. Plaintiff does not claim that he has

a security interest in any of the property he requests to be turned over nor does he show the Court any authority to grant a turnover of intellectual property.

Further, the Wisconsin Legislature did not contemplate the satisfaction of money judgments with anything other than either money or a “payment intangible.” *See Attorney’s Title Guar. Fund*, 2014 WI 63, ¶¶ 20–24. In *Attorney’s Title Guar. Fund*, the Wisconsin Supreme Court explained that while the rights to any proceeds of a legal malpractice claim may be assigned to a creditor, the rights themselves cannot. *Id.* In that case, the Wisconsin Supreme Court was concerned that assigning “the right to litigate the claim to a receiver would result in a stranger to the attorney-client relationship litigating the claim.” *Id.* ¶ 21. “[T]here is a real difference between the claim from which the proceeds arise and the proceeds themselves.” *Id.* ¶ 23.

Here, just as there is a real difference between a claim and proceeds from a claim, there is a real difference between intellectual property and proceeds from that intellectual property. Plaintiff intends to have intellectual property allegedly owned by Fetzer turned over to be applied to the judgment. This goes against the general principles of collection and the Wisconsin public policy that indicates that assignment of rights beyond a right to be paid is beyond the scope of collecting on a money judgment. *See id.* ¶¶ 20–24.

It appears that Plaintiff is not utilizing the Motion to reduce his money judgment against Fetzer. Rather, Plaintiff attempts to gain control of valueless assets, assets that Fetzer does not even own. Even if Plaintiff could prove Fetzer owns any of the property listed in the Pflum Affidavit and such property could be utilized to apply to Plaintiff’s money judgment, under Wisconsin law, Plaintiff does not gain indefinite ownership and control of said property. Rather, a

receivership and sale would be necessary, and any sale proceeds would subsequently be applied to Plaintiff's judgment. Under Wis. Stat. § 816.08, the creditor may "apply specifically identified personal property to the satisfaction of the judgment, which a creditor may do *with the assistance of a supplemental receiver.*" *Attorney's Title Guar. Fund*, 2014 WI 63, ¶ 26 (emphasis added).

It appears that Plaintiff is simply attempting to gain control of property for his own purposes, not to satisfy the Money Judgment. Plaintiff would rather not have anyone else be able to claim an ownership interest in the property, but it is not in the spirit of Wisconsin collections laws for a creditor to gain control over a judgment debtor's property for reasons other than debt collection. A judgment creditor cannot obtain an order to turn over purely sentimental property because it serves emotional value to the creditor. A money judgment entitles a judgment creditor to payment, not to control of property as in a replevin action or as a punitive tactic.

Finally, the property that Plaintiff requests be turned over has no value to apply to the Money Judgment. The distribution of the property would be impossible due to the litigation between the parties. (*Id.*) Distribution is also unlikely due to the works' apparent lack of value in the market after being banned by Amazon and having no other foreseeable sales. (*Id.* ¶¶ 11–17.)

Even if Fetzer were to have any rights to the property in question, the property would likely be exempt from execution under Wis. Stat. § 815.18. Fetzer reserves his right to object to execution against his property under the exemptions granted by Wis. Stat. § 815.18 or any other applicable law should there be a finding that he has any ownership interest in the property in question.

CONCLUSION

Plaintiff has made no showing that the proposed turnover is within the authority of the Court, or that it would further Plaintiff's interest in recovering on the Money Judgment. Plaintiff has made no showing that the intellectual property allegedly owned by Fetzer has any marketability or that the intellectual property rights are associated with any foreseeable proceeds. Therefore, Plaintiff's motion must be denied.

For the reasons stated herein, Defendant Fetzer respectfully requests that this Court deny Plaintiff's Motion for Turnover of Property to Apply Property to Satisfy Judgment, and grant Defendant James Fetzer such further relief as may be allowed by law.

Dated: June 3, 2022.

FUHRMAN & DODGE, S.C.
Attorneys for Defendant,
James Fetzer

Electronically Signed by Jennifer M. Schank
Jennifer M. Schank, State Bar No. 1077110
2501 Parmenter Street, Suite 100A
Middleton, WI 53562
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jschank@fuhrmandodge.com

Exhibit B

FILED
11-27-2018
CIRCUIT COURT
DANE COUNTY, WI
CJCS122
Honorable Frank D.
Remington
Branch 8

STATE OF
WISCONSIN

CIRCUIT COURT

DANE COUNTY
CASE TYPE:
DEFAMATION

LEONARD POZNER,

Court File No. _____
Judge: _____

vs.

JAMES FETZER,
MIKE PALECEK,
WRONGS WITHOUT
WREMEDIES, LLC

CIVIL COMPLAINT &
DEMAND FOR JURY
TRIAL

COMPLAINT

Plaintiff Leonard Pozner (hereinafter, "Plaintiff") brings this Complaint against James Fetzer, Mike Palecek, and Wrongs Without Wremedies, LLC (hereinafter collectively "Defendants") and, by and through his attorneys, alleges as follows:

INTRODUCTION

1. Plaintiff suffered a parent's worst nightmare: his son, N.P., was killed in a mass shooting on December 14, 2012 at Sandy Hook Elementary School. This case arises out of accusations made by Defendants in, among other places, their 2016 book, "Nobody Died At Sandy Hook." Defendant Fetzer has a long history of harassing Plaintiff and other Sandy Hook parents with defamatory lies, and has slandered Plaintiff repeatedly in the years since the tragedy at Sandy Hook. This

and that Plaintiff was complicit in a grand conspiracy to fake the massacre. Plaintiff undertook efforts to respond to and debunk such falsehoods, and such effort is ongoing today. Those efforts included releasing his son, N.P.'s, death certificate to rebut claims that his son was not killed at Sandy Hook.

11. Prior to undertaking such responses, Plaintiff had no meaningful public presence.

12. Defendant Fetzer has claimed for years that the Sandy Hook shooting was a government conspiracy. Defendants Fetzer and Palecek released the original edition of "Nobody Died At Sandy Hook" in October of 2015.

13. In that book, Defendants asserted that Plaintiff's son, N.P., did not die at Sandy Hook. Defendant Fetzer has alternatively claimed that N.P. was not a real person. Defendant Fetzer has alternatively claimed that N.P. was not Plaintiff's son. Plaintiff has undertaken efforts to respond to and debunk false statements and denigration of the memory of his murdered son.

14. The harm to Plaintiff arising out of Defendants' wide-ranging accusations is neither imagined nor limited to emotional distress or mental pain. Plaintiff has had to move on several occasions. Conspiracy theorists, fueled by, among others, Defendants' falsehoods, have threatened Plaintiff's very life.

15. In January of 2016, Florida resident Lucy Richards left menacing voicemail messages and sent violent online threats to Plaintiff, including messages stating: "you gonna die, death is coming to you real soon" and "LOOK BEHIND

YOU IT IS DEATH.” When Richards was later sentenced, Senior U.S. District Judge James Cohn stated: “I’m sure [Plaintiff Leonard Pozner] wishes this was false, and he could embrace [N.P.], hear [N.P.’s] heartbeat and hear [N.P.] say ‘I love you, Dad’...Your words were cruel and insensitive. This is reality and there is no fiction. There are no alternative facts.” As part of her sentence, Ms. Richards will not be permitted to access a list of conspiracy-based websites upon her release, including websites maintained by James Fetzer.

16. Defendants published a second edition of “Nobody Died At Sandy Hook” in 2016. That edition does not purport to be a mere reprinting of the first edition, but is instead described as “Expanded” and “Revised.” The copyright page of that book states that it was published in May of 2016 by Moon Rock Books.

17. The second edition of “Nobody Died At Sandy Hook” accuses Plaintiff of issuing and/or possessing a forged copy of N.P.’s death certificate. In particular, page 183 of Nobody Died At Sandy Hook states: “Noah Pozner’s death certificate is a fake, which we have proven on a dozen or more grounds.” At page 232 the book states, [Mr. Pozner] sent her a death certificate, which turned out to be a fabrication.” At page 242, the book states, “As many Sandy Hook researchers are aware, the very document Pozner circulated in 2014, with its inconsistent tones, fonts, and clear digital manipulation, was clearly a forgery.”

18. Mr. Fetzer’s publication of this false accusation against Plaintiff was not limited to the book. He repeated that false statement on one or more blog posts,

JURY DEMAND

50. Plaintiff respectfully requests a jury of twelve persons on all claims so triable.

PRAYER FOR RELIEF

51. WHEREFORE, the plaintiffs pray for judgment against the defendants as follows:

- A. Ordering compensation for all general, special, incidental, and consequential damages suffered by plaintiff as a result of the defendants' conduct;
- B. Awarding plaintiff his reasonable attorney's fees and costs, to the fullest extent allowed by law; and
- C. Granting all such additional or further relief as this Court deems just and equitable under the circumstances.

Dated: November 27, 2018

/s/ Genevieve M. Zimmerman
 Genevieve M. Zimmerman (WI#1100693)
 MESHBESHER & SPENCE, LTD.
 1616 Park Avenue
 Minneapolis, MN 55404
 Phone: (612) 339-9121
 Fax: (612) 339-9188
 gzimmerman@meshbesh.com

THE ZIMMERMAN FIRM, LLC
/s/ Jacob S. Zimmerman
 Jacob Zimmerman (MN#0330656)
 1043 Grand Avenue #255
 Saint Paul, MN 55105
 jake@zimmerman-firm.com

Exhibit C

Fuhrman & Dodge, S.C.
 2501 Parmenter Street - Suite 100A
 Middleton, WI 53562
 Phone: 608-327-4200



James Fetzer
 800 Violet Lane
 Oregon, WI 53575

Invoice 37414

Date	Jul 12, 2022
Terms	Upon Receipt
Service Thru	Jun 30, 2022

In Reference To: Litigation (Legal Services)

Matter ID: 2861.00

Date	By	Services	Hours	Amount
06/01/2022	JMS	Email to Attorney Pflum regarding settlement offer(.1), emails with client regarding same(.2), phone call with Dave. (18:15).	0.60	\$ 150.00
06/02/2022	JMS	Phone call with Attorney Pflum regarding motion for turnover (.3), interoffice conference with Attorney Dodge(.2); brief research/analysis of copyright exemption (.4); phone call with client (.3).	1.20	\$ 300.00
06/02/2022	CJD	Review and work on e-mail to Jim; draft e-mail to Jen. (No Charge)	0.30	No Charge
06/03/2022	JMS	Work on response brief, research case law, review collection statutes, confer with client.	3.00	\$ 750.00
06/03/2022	JMS	Work on brief in opposition to motion to turn over. Courtesy discount.	2.00	No Charge
06/03/2022	EWB	Work on Affidavit and Exhibits.	0.70	\$ 87.50
06/03/2022	JTM	Research, write and file Response Brief in Opposition to Motion for Turnover. Call Attorney Schank to discuss same.	5.00	\$ 1,125.00
06/03/2022	EWB	Filing of Response Brief to Motion for Turnover and Affidavit with Court.	0.10	\$ 12.50
06/06/2022	JMS	Additional emails from client regarding amended affidavit, review transcript and advise client. (No Charge)	0.20	No Charge
06/10/2022	JTM	Review and consider Reply brief.	0.40	\$ 90.00
06/13/2022	JMS	Review, consider emails from various parties regarding strategy, email response to client, receive and consider additional client emails.	0.50	\$ 125.00

06/14/2022	JMS	Review additional client emails regarding strategy, interoffice conference with Attorney Dodge regarding same, respond to and advise client.	0.60	\$ 150.00
06/14/2022	CJD	Receipt and review e-mails from Jen; reply; edit letter. (No Charge)	0.40	No Charge
06/15/2022	JMS	Review and consider reply emails from client regarding strategy.	0.30	\$ 75.00
06/15/2022	JTM	Review and consider Reply brief.	0.50	\$ 112.50
06/20/2022	JMS	Work on oral argument preparation.	0.30	\$ 75.00
06/23/2022	JMS	Prepare for oral argument, review case law, prepare actual argument, email to client.	1.70	\$ 425.00
06/23/2022	JMS	Additional emails with client; review copyright laws and federal statutes. courtesy discount to client.	0.70	\$ 175.00
06/23/2022	EWB	Compilation of Cases cited in Reply Brief for Oral Arguments. (No Charge)	0.60	No Charge
06/24/2022	JMS	Continue preparation for oral argument.	0.50	\$ 125.00
06/24/2022	JMS	Attend oral argument on motion for turnover.	2.00	\$ 500.00
06/24/2022	JMS	Additional emails from client regarding case and hearing outcome questions.	0.20	\$ 50.00
06/27/2022	JMS	Review and consider emails from client, consider appeal, and post decision options, advise client regarding same.	0.50	\$ 125.00
06/27/2022	JMS	Review and consider proposed order; email to client, email to Attorney Pflum.	0.30	\$ 75.00
06/28/2022	JMS	Emails from Attorney Pflum regarding proposed order (.2), finalize summary letter to client (.4), review updated order(.1), consider all deadlines(.2); emails from client (.2).	1.00	\$ 250.00
06/28/2022	SLS	Review proposed Order.	0.20	\$ 25.00
06/28/2022	CJD	Telephone conference with Jen; review documents. (No Charge)	0.30	No Charge
06/28/2022	EWB	Work on Letter to Client.	0.10	\$ 12.50
06/29/2022	JMS	Review client emails, respond.	0.20	\$ 50.00
06/30/2022	JMS	Email exchange with Dr. Fetzer, review court order on motion for turnover, work on letter to court.	0.20	\$ 50.00

Total Hours	24.60 hrs
Total Legal Services	\$ 4,915.00
Total Invoice Amount	\$ 4,915.00
Previous Balance	\$ 1,362.50
6/27/2022 Payment - Check	(\$800.00)
7/5/2022 Payment - Check	(\$450.00)
Balance (Amount Due)	\$ 5,027.50

PAST DUE BALANCE - PLEASE REMIT PAYMENT IMMEDIATELY

Aged Balances

Current	30 Days	60 Days	90 Days
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Trust Account Summary**Billing Period: 06/01/2022 - 07/12/2022****Client: Fetzer, James | General Matter Trust**

Total Deposits		Total Disbursements		Current Balance	
\$0.00		\$1,500.00		\$0.00	

Date	Transaction	Deposit	Disbursement	Balance
06/09/2022	Applied to invoice #37031		\$1,500.00	\$0.00

Invoices are due in full upon receipt. Interest charges are calculated at 1½% per month and assessed on unpaid balances after 30 days. Thank you in advance for your prompt payment. For your convenience, online payments may be submitted via:
www.FuhrmanDodge.com/Pay-My-Bill

Document D

FILED
07-19-2022
CIRCUIT COURT
DANE COUNTY, WI
2018CV00122

STATE OF WISCONSIN

CIRCUIT COURT

DANE COUNTY

LEONARD POZNER

Plaintiff

vs.

Case No. 2018-CV-003122

JAMES FETZER

Defendant

**FETZER'S MOTION TO STAY POZNER'S TAKING ORDER
UNTIL RULING ON PETITION FOR WRIT OF CERTIORARI**

Now comes James H. Fetzer, Ph.D., pro se Defendant, and Judgment Debtor, with his Motion to Stay the ORDER GRANTING PLAINTIFF'S MOTION FOR TURNOVER OF PROPERTY TO SATISFY JUDGMENT of June 29, 2022, as amended, referred to herein as the "Taking Order" (**E hibit A**).

1. The property to be taken by said order consists of four website Domain Names (DNs) and four versions of a book entitled *Nobody Died at Sandy Hook: It was a FEMA Drill to Promote Gun Control*, referred to herein as "Nobody Died."

2. Mr. Pozner is fully aware that Dr. Fetzer filed his Petition For Writ of Certiorari in the U.S. Supreme Court on May 19, 2022 to review the underlying summary judgment in this case affirmed by the Wisconsin 4th Court of Appeals. The said petition has been distributed for conference on September 28, 2022 and may be read on line.¹

3. On July 14, 2022, Mr. Pozner's attorney, Jake Zimmerman, sent a letter (**E hibit B**) to Mr. Dave Gahary, of Wrong Without Wremedies, LLC, requesting him to redirect jamesfetzer.org to <https://www.poznervfetzer.com/>. This request was based upon Zimmerman's

¹ https://www.supremecourt.gov/search.aspx_filename_/docket/docketfiles/html/public/21-7916.html

comment that "Given the court's order, Mr. Pozner now stands in the shoes of Dr. Fetzter with respect to jamesfetzter.org." Mr. Pozner standing in the shoes of Dr. Fetzter with regard to jamesfetzter.org, even if true, does not put Mr. Pozner in the shoes of Mr. Dave Gahary. The Taking Order was made upon Dr. Fetzter not Mr. Dave Gahary. The lease of the jamesfetzter.org DN is paid for and "owned" by Mr. Dave Gahary not Dr. Fetzter. The Taking Order against Dr. Fetzter is unenforceable against Mr. Gahary.

4. The request to "redirect" Mr. Gahary's domain name (jamesfetzter.org) was made by Mr. Pozner before the Taking Order was final. Pozner's attorney emailed the letter to Gahary on July 14, 2022. Dr. Fetzter filed his MOTION FOR RECONSIDERATION, VACATION, & OBJECTION TO POZNER'S VALUATION OF PROPERTY & DAMAGES FOR ABUSE OF PROCESS (Motion For Reconsideration of Taking Order), on July 13, 2022 and it has yet to be ruled upon by this court (**E hibit C**). Any action to execute the Taking Order is premature as the said Motion has not been ruled upon. This action could be viewed as contempt of court as it shows disregard for the authority of this court to finalize its rulings prior to execution.

5. On July 14, 2022, Mr. Gahary's attorney, Alexander Petale, emailed a response letter to Pozner's redirect request email letter of the same day (**E hibit D**) proving that the DN jamesfetzter.org will expire on September 19, 2022, at which time Mr. Pozner could obtain the jamesfetzter.org DN. The letter reassured Mr. Pozner that Mr. Gahary would not assist Dr. Fetzter in his defense as was promised in his settlement. There was no mention in the letter of Mr. Gahary having promised to help Mr. Pozner win his lawsuit or collect on any judgment he might obtain. Therefore, the response was completely neutral as would seem to serve justice to all concerned.

6. On July 18, 2022, Mr. Pozner replied with an email letter (**E hibit E**) to Mr. Gahary's

neutrality letter saying "we cannot accept your proposal," as if Mr. Gahary needed to make a satisfactory proposal of any kind. The letter stated: "Abandoning the domain so that it is available for any of Dr. Fetzer's fellow hoaxers to acquire for his beneficial use will likewise be viewed by Mr. Pozner as an effort to help Dr. Fetzer avoid the court's order." Demanding that Mr. Gahary aid Mr. Pozner in deceiving thousands of people by misdirecting honest inquiry concerning hundreds of issues from Dr. Fetzer's website to Mr. Pozner's one issue website (poznervfetzer.com) is more than neutral to both parties. Mr. Gahary being drawn into deceptive action such as that cannot properly be part of his settlement agreement with Mr. Pozner.

7. Mr. Gahary has an obligation to Dr. Fetzer to inform him of impending action that would prevent the operation of his website. Rather than allowing Dr. Fetzer to be blindsided and his website to be misdirected without notice, he sent Dr. Fetzer the correspondence he had with Mr. Pozner concerning the transfer and redirection of the DN. This can in no way be misconstrued to be aiding Dr. Fetzer in his defense or impeding the Taking Order.

8. Mr. Pozner's efforts to execute the Taking Order are premature in this court and before the filed and pending direct appeal to the Supreme Court of the United States to review the underlying summary judgment, the basis of this Taking Order. All action by Mr. Pozner to collect his money judgment should be stayed until a ruling is made on Dr. Fetzer's Petition for Writ of Certiorari.

Motion To Stay Execution Of Taking Order

9. In *Long v. Robinson*, 432 F.2d 977 (4th Cir. 1970) the court lists what a party seeking a stay of order execution must show:

Briefly stated, a party seeking a stay must show (1) that he will likely prevail on the merits of the appeal, (2) that he will suffer irreparable injury if the stay is denied, (3) that other parties will not be substantially harmed by the stay, and (4) that the public interest will be served by granting the stay.

Dr Fetzer Is Likely To Prevail On The Merits

10. Dr. Fetzer has proved in his Petition For Writ of Certiorari that the Wisconsin summary judgment methodology does not protect anyone's 7th Amendment right to a trial by jury equally with other states in the union, e.g., Texas. This he has shown is true for any non-movant party to a summary judgment procedure in Wisconsin. No state shall deprive any person of life, liberty, or property without equal protection of due process, including a right to trial by jury, under the 14th Amendment of the U.S. Constitution.

11. The 7th and 14th Amendment rights are guaranteed to all citizens by the U.S. Constitution and are not mere random acts of benevolence sprinkled about at the whim and prerogative of the Supreme Court of the United States of America. Therefore, Dr. Fetzer has invoked the jurisdiction of the U.S. Supreme Court under its Rule 10(b) where two state high courts differ on how summary judgment methodology will or will not protect federal constitutional guarantees.

12. Dr. Fetzer's Petition showed that the Wisconsin summary judgment methodology puts the burden on the non-movant, rather than the movant, to show there are no material fact issues in dispute. The Petition also shows that the Wisconsin summary judgment methodology does not require the judge to accept all the evidence favorable to the non-movant as true or indulge every inference that can be reasonably drawn from that evidence.

13. The Petition also showed that it is the non-movant, Dr. Fetzer in this case, that is at risk of losing their 7th and 14th Amendment rights in a summary judgment. Hence it is the movant that should have the burden of proving there are no material fact issues in dispute by taking all evidence favorable to the non-movant as true and indulging every reasonable inference to be drawn from that evidence.

14. In Texas the movant has the burden of proving there are no material fact issues in dispute

and all the evidence in favor of the non-movant must be taken as true. This methodology protects the 7th and 14th Amendment rights of the non-movant, or the one in a summary judgment who is at risk of having said rights denied in a summary judgment.

15. There are no constitutional rights to a summary judgment but there are for a trial by jury and equal access to due process under the 7th and 14th Amendments and same should be protected in summary judgment methodology equally throughout the nation. Therefore, all evidence favorable to the non-movant must be taken as true and all reasonable inferences that can be drawn from said evidence must be indulged.

16. Dr. Fetzer's Petition for Writ of Certiorari showed compelling and undeniable evidence that the Wisconsin summary judgment methodology, supported by statute and the Wisconsin Supreme Court, is completely inverted from that of the Texas summary judgment methodology supported by its highest court. The Wisconsin summary judgment practice protects the wrong party, the movant, in this case Mr. Pozner, the one who is not at risk of losing their constitutional rights to a trial by jury and equal protection of the law and due process.

17. In Texas Mr. Pozner would be required to show his agreement with all the evidence favorable to Dr. Fetzer and accept all reasonable inferences drawn from that evidence in order to obtain a summary judgment. This would be impossible under the pleadings, facts and evidence of this case.

18. Every non-movant subjected to a summary judgment process in Wisconsin is at extreme risk of losing their 7th and 14th Amendment rights, guaranteed by the U.S. Constitution as the burden of proving there are no material facts in dispute is put on them to win or earn a right to trial by jury and the court is not required to take any of the non-movant's evidence as true and the judge is free to exercise bias, prejudice and whim against the non-movant. The Wisconsin

summary judgment methodology is simply a non-jury trial conducted in the cloak of a summary judgment.

19. Dr. Fetzer is more than likely to prevail at the Supreme Court of the United States and Wisconsin's summary judgment practice will be changed forever and a new summary judgment standard will be established in every state of the union.

Dr Fet er Will Suffer Irreparable In ur If The Sta Is Denied

20. If this motion to stay is denied Dr. Fetzer will suffer irreparable harm. And even when this underlying "summary judgment" is reversed by the U.S. Supreme Court, the damage done by misdirecting the DN to another website would brake all URL links to individual pages located at the jamesfetzer.org website resulting in search engine downgrading and deleting, much of which would be permanent as so stated in the attached affidavit of the webmaster of jamesfetzer.org and Information Technology expert Mr. Jack Mullen (**E hibit F**).

21. The bulk of material accessed by the domain name jamesfetzer.org has nothing to do with the facts or evidence in this case and the misdirection of those seeking that material to pozervfetzer.com lawsuit website does irreparable harm to all those websites and blog sites that reference jamesfetzer.org on other issues.

22. Once links are misdirected and broken in search for Dr. Fetzer material the searchers will permanently erase and delete links to Dr. Fetzer's DNs. Even if the U.S. Supreme Court reverses the summary judgment irreparable harm will have been done as Dr. Fetzer will have no way of notifying those who were misdirected that the links have been restored or to upgrade or restore search engine hierarchy. It is a fact that the mass media cartel does not cover the success of those who question its narratives, therefore, most would never hear about Dr. Fetzer's success much less that his websites and links had been restored.

23. Even though Dr. Fetzer could start a new blog site with a new DN and even copy most existing files from the old website, few people would know the DN to access it and the links from other websites would still be broken. Much of this would be permanent damage.

24. Mr. Pozner's demand letters attempting to force Mr. Gahary to misdirect those seeking Dr. Fetzer's blog, even if lawful and not an abuse of process, is premature in light of the fact that Dr. Fetzer has filed a Motion for Reconsideration of Taking Order in this court and a Petition for Writ of Certiorari before the U.S. Supreme Court. The misdirection of the DN (jamesfetzer.org) to poznervfetzer.com will break millions of links from the content of others developed over the years that have nothing to do with Sandy Hook or Mr. Pozner.

25. Not only should this entire Taking Order be ruled an abuse of process, its execution at this time, without a final ruling and a motion to reconsider is premature, unnecessary and unjust. There is no finding by this court that all the content under the listed Domain Names or all the content of those listed Books are defamatory and they are worthless by law to Pozner and hence he cannot take them or destroy them or tamper with them in any way.

Mr Pozner Can Not Be Harmed By This Stay

26. Mr. Pozner can not be harmed by this stay of execution of the taking of the books and DNs because he cannot reduce the money judgment by taking them, now or ever, and he is also judicially estopped from claiming he intends to make money from them as shown in Dr. Fetzer's Motion for Reconsideration of Taking Order. Therefore, Mr. Pozner cannot be harmed by this stay as an operation of law.

27. Even if Dr. Fetzer were to obtain a Writ of Certiorari and have the summary judgment, the basis of this Taking Order reversed, Mr. Pozner may, after some court specified time, bring the same defamation claim against Dr. Fetzer to be tried before a jury of his peers.

The Public Interest Will Be Served B Granting This Sta

28. The public interest will be served by preventing Mr. Pozner from misdirecting DNs from websites controlled by the person who's name is in the DN to a person who was praised by the mass media for their fantastic "novel legal strategy" to remove "conspiracy theorists" like Dr. Fetzer from the internet, as if God had ordained such work and anointed Pozner to perform it.

29. It is in the public interest to stay the efforts of judicial victors from humiliating the judicially conquered by sticking the symbolic head of the vanquished on the victor's website. This is no more than a symbolic act to warn all those who might otherwise question the narrative of the mass media cartel, as did Dr. Fetzer.

30. Mr. Pozner's Motion to Take Property and the Taking Order itself is an abuse of process which cannot reduce the money judgment awarded by the jury practically or by law, hence, it is in the public interest to stay the execution of an abuse of process.

31. It is in the public interest to prevent Mr. Pozner from taking action against Dr. Fetzer and his property that are not justified or warranted by the summary judgment or awarded as damages by the jury. It is in the public interest to stay the execution of extra-judicial procedures against Dr. Fetzer.

32. It is in the public interest to stay the execution of a procedure meant to administer justice but rather allows action that is not warranted by the findings and awards in the case as the job of the judiciary is to maintain a state of peace between the adversaries without initiating a new state of war between them in the resolution to the initial state of war brought before the court.

33. It is in the public interest to stay all activities of Mr. Pozner with regard to Dr. Fetzer until the Supreme Court of the United States decides if Wisconsin will continue to use its inverted unconstitutional summary judgment process to deprive its citizens of due process and a trial by jury or issue an opinion that will bring the Wisconsin practice of summary judgment


methodology in line with other states that provide that protection in their summary judgment practice.

CONCLUSION

Defendant and Judgment Debtor, Dr. Fetzer, has shown herein that he will likely prevail in his pending Petition for Writ of Certiorari before the United States Supreme Court and that he will be irreparably injured if this motion to stay is denied and that Mr. Pozner cannot be harmed by this stay and is judicially estopped from claiming otherwise as shown in Dr. Fetzer's Motion for Reconsideration of Taking Order. And finally it has been shown herein that it is in the public interest to grant a stay against this ill motivated abuse of process and execution of extra-judicial penalties and punishments not found or authorized by summary judgment or jury award.

For the principles and reasons shown herein, the Defendant, Dr. Fetzer, respectfully asks this court to grant his Motion to Stay against the Taking Order until the Supreme Court of the United States determines the need to issue a Writ of Certiorari and ruling in this case.

Respectfully Submitted,



James H. Fetzer, Ph.D.
Pro Se

NOTICE OF SERVICE

On this 14th day of July 2022, I hereby certify that a copy of FETZER'S MOTION TO STAY POZNER'S "TAKING ORDER" UNTIL RULING ON PETITION FOR WRIT OF CERTIORARI has been emailed and forwarded by first-class mail (postage paid) to Plaintiff's Counsel, Randy Pflum, Attorney, Quarles & Brady LLP, 33 East Main Street, Suite 900, Madison, WI 53703; and randy.pflum@quarles.com.



James H. Fetzer, Ph.D.
Pro Se
800 Violet Lane
Oregon, WI 53575
jfetzer@d.umn.edu

Exhibit A

FILED
07-08-2022
CIRCUIT COURT
DANE COUNTY, WI
2018CV003122

DATE SIGNED: July 8, 2022

Electronically signed by Frank D Remington
Circuit Court Judge

STATE OF WISCONSIN

CIRCUIT COURT

DANE COUNTY

LEONARD POZNER,

Plaintiff,

vs.

Case No. 18CV3122

JAMES FETZER,

Defendant.

**AMENDED ORDER GRANTING PLAINTIFF'S MOTION FOR TURNOVER OF
PROPERTY TO APPLY PROPERTY TO SATISFY JUDGMENT**

This matter having come on before the Court for a hearing on June 24, 2022, on Plaintiff's Motion for Turnover of Property to Apply Property to Satisfy Judgment (the "Motion") with Plaintiff appearing by Randy J. Pflum and Jacob Zimmerman and Defendant appearing by Jennifer M. Schank and the Court having considered the parties' briefs and arguments made at the hearing and for the decision rendered and reasons stated on the record,

IT IS HEREBY AND NOW ORDERED AND ADJUDGED that:

1. The Plaintiff's Motion for turnover of the Personal Property (defined below) is **Granted.**

2. Effective as of June 24, 2022, the Defendant's interest in the copyright and title of the following personal property is transferred to the Plaintiff:

Books:

- Nobody Died At Sandy Hook, 1st Edition (2015)
- Nobody Died At Sandy Hook, Banned Edition (2015)

Nobody Died At Sandy Hook, PDF Edition (2015) (the “PDF Version”)
Nobody Died At Sandy Hook, 2nd Edition (2016)

Domain Content:

Defendant’s rights and interest in the title to the following website domains:
www.jamesfetzer.org; www.jamesfetzer.net; www.falseflagnews.org;
www.falseflagnews.net

(the “Personal Property”).

3. For the reasons stated on the record, Plaintiff values the Personal Property at \$100,000.

4. The Defendant has 10 days from June 24, 2022, to advise the Court whether he accepts the Plaintiff’s valuation of the Defendant’s Personal Property.

5. If Defendant accepts the Plaintiff’s valuation, he shall be provided with a partial satisfaction of Plaintiff’s existing judgment in the amount of \$100,000.

6. If the Defendant rejects the Plaintiff’s valuation of the Personal Property, he must submit an expert appraisal of the Personal Property within 60 days from June 24, 2022.

7. Plaintiff will have 60 days thereafter to submit an expert appraisal of the Personal Property.

This is a final order for purposes of appeal.

STATE OF WISCONSIN

CIRCUIT COURT

DANE COUNTY

LEONARD POZNER,

Plaintiff,

vs.

Case No. 18CV3122

JAMES FETZER,

Defendant.

NOTICE OF ENTRY OF ORDER

TO: James Fetzer
800 Violet Lane
Oregon, WI 53575

PLEASE TAKE NOTICE that an Order was signed by the Honorable Frank D. Remington on July 8, 2022, and entered in the above-entitled action on July 8, 2022. A copy of the Order is attached hereto. This notice is served under Wis. Stat. § 806.06.

Dated: July 14, 2022.

QUARLES & BRADY LLP

Electronically Signed by Randy J. Pflum

Randy J. Pflum
33 E. Main Street, Suite 900
Madison, WI 53703
Telephone: (608) 283-2436
Facsimile: (608) 251-9166
Email: randy.pflum@quarles.com

Attorneys for Plaintiff

Exhibit B



The Zimmerman Firm

Jake Zimmerman

July 14, 2022

Dave Gahary
Wrongs Without Wremedies, LLC
dave@moonrockbooks.com

Mr. Gahary,

As you know, Mr. Pozner recently filed a motion seeking turnover of some of Dr. Fetzer's property in partial satisfaction of Mr. Pozner's judgment against Dr. Fetzer. That property included Dr. Fetzer's interest in the domain name jamesfetzer.org.

Enclosed please find an order recently issued by the court in the Pozner v. Fetzer matter, granting Mr. Pozner's motion for turnover. Given the court's order, Mr. Pozner now stands in the shoes of Dr. Fetzer with respect to jamesfetzer.org. We understand that Wrongs Without Wremedies secured that domain on Dr. Fetzer's behalf, and therefore you have control over the domain name settings. In that regard, Mr. Pozner requests that you immediately redirect that domain name to: <https://www.poznervfetzer.com/>

The order also granted Mr. Pozner ownership of Dr. Fetzer's copyrights to various editions of Nobody Died at Sandy Hook. It is my understanding from discovery in the litigation and from Dr. Fetzer's post-trial deposition that Wrongs and/or Moonrock does not have any written contracts or written agreements with Dr. Fetzer regarding any editions of Nobody Died at Sandy Hook. If that understanding is incorrect, can you please send me copies of those agreements?

To the extent you have questions about this request, please let me know and I would be happy to discuss it with you.

Best regards,



Jake Zimmerman

Enclosure

Exhibit C

FILED
07-13-2022
CIRCUIT COURT
DANE COUNTY, WI
2018CV00312

STATE OF WISCONSIN

CIRCUIT COURT

DANE COUNTY

LEONARD POZNER,

PLAINTIFF

vs.

Case No. 2018-CV-003122

JAMES

FETZER,

DEFENDANT

**FETZER'S MOTION FOR RECONSIDERATION,
VACATION & OBJECTION TO POZNER'S VALUATION OF PROPERTY,
& DAMAGES FOR ABUSE OF PROCESS**

Now comes James H. Fetzer, Ph.D., pro se Defendant, and Judgment Debtor, with his Motion for Reconsideration of the ORDER GRANTING PLAINTIFF'S MOTION FOR TURNOVER OF PROPERTY TO SATISFY JUDGMENT of June 29, 2022, as amended, referred to herein as the "Taking Order," and his Motion to Vacate the Taking Order, and Objection to Mr. Pozner's Valuation of Property, and Motion for Damages For Abuse of Process.

1. The property to be taken by said order consists of four website Domain Names and four versions of a book entitled *Nobody Died at Sandy Hook: It was a FEMA Drill to Promote Gun Control*, referred to herein as "Nobody Died."

2. Dr. Fetzer continues to maintain what he has said in the Taking Order hearing that the four versions of the book have monetary value only if they are marketed and that the property subject to the Taking Order has no monetary value that can be applied to Plaintiff's money judgment, as asserted in his Response Brief in Opposition to the Plaintiff's Notice of Motion and Motion for Turnover of Property to Apply Property to Satisfy Judgment (Exhibit A page 2). Dr.

Fetzer has also asserted that intellectual property cannot be taken to satisfy a money judgment but rather only the profits from it (Exhibit A page 1) citing *Ager v. Murray*, .S. ,

Judicial Estoppel Against Book Values over Zero Dollars

3. Now Dr. Fetzer adds that the Plaintiff and Judgment Creditor, Mr. Pozner, is judicially estopped from claiming the Nobody Died books have any value to him. He has won a judgment, the very basis of this property taking, finding that certain portions of the said books are defamatory to him and his son whom he claimed was killed at a mass shooting, the subject of the said books, which are filled with evidence that the shooting did not occur. Therefore, Mr. Pozner cannot now claim that he will be publishing and selling any of the four versions of Nobody Died containing material adjudged defamatory to him and the public memory of his son.

4. From *State v. asil E. Ryan, r.*, 2012 WI 16, reversing 2011 WI App 21:

¶32 We begin by addressing the circuit court’s application of the equitable doctrine of judicial estoppel. Judicial estoppel is intended “to protect against a litigant playing ‘fast and loose with the courts’ by asserting inconsistent positions” in different legal proceedings. *State v. Petty*, 201 Wis. 2d 337, 347, 548 N.W.2d 817 (1996). “The doctrine precludes a party from asserting a position in a legal proceeding and then subsequently asserting an inconsistent position.” *Id.* “[J]udicial estoppel is not directed to the relationship between the parties but is intended to protect the judiciary as an institution from the perversion of judicial machinery.” *Id.* at 346.

¶33 For judicial estoppel to be available, three elements must be satisfied: (1) the later position must be clearly inconsistent with the earlier position; (2) the facts at issue should be the same in both cases; and (3) the party to be estopped must have convinced the first court to adopt its position. *Id.* at 348.

5. Mr. Pozner convinced the court that some material in the Nobody Died books were defamatory, winning a money judgment of \$457,395.13 which he used to remove the said books from the public. He now claims that the said book and copyrights have monetary value to him, as if he would publish and sell books containing the slightest defamation against him. The case is

the same along with the facts thereof. Clearly all 3 elements of judicial estoppel are present to prevent Mr. Pozner from appraising and taking the Nobody Died books and copyrights, even if Dr. Fetzer held them.

6. Mr. Pozner has also used the summary judgment in this very case to obtain settlements with WWW, d/b/a Moon Rock Books Publishing to take the books off the market and never publish them again. Mr. Pozner is now judicially estopped from claiming these same books and their copyrights have any monetary value to him.

7. Mr. Pozner is also judicially estopped from claiming that he is going to use any of the four versions of Nobody Died to make money to reduce the money judgment while his use of the rulings of this court have successfully removed all versions of Nobody Died from public access, even free access. Mr. Pozner cannot now claim in the execution of the Taking Order in this same case that he is going to earn money from the publication and sale of those same books. Hence, the appraisals by the best experts on book values and sales history are completely inapplicable and irrelevant.

8. Mr. Pozner cannot remove the defamatory material and republish the Nobody Died books without establishing a new copyright for that version leaving Dr. Fetzer's presumed copyright unused and unpublished. Therefore, unless Mr. Pozner plans on publishing the books as they are and selling them he cannot show a value for them and cannot take them.

9. Mr. Pozner cannot prove that he can legally earn money from the removal of any or all versions of Nobody Died from the market, or from free access, to make money indirectly from the sale of any book he has published targeting the same market. Since all versions of Nobody Died have no monetary value to Mr. Pozner, he cannot take them, even if Mr. Pozner could show that Dr. Fetzer owns the copyright to them. If Mr. Pozner is being paid by other entities to

remove the Nobody Died books, he must supply that information as proof of money and its source to be applied to the reduction or discharge of the judgment debt and may be considered unlawful and subject to another cause of action.

10. Therefore, Mr. Pozner is judicially estopped from claiming that all four versions of Nobody Died have any value to him and hence the value of said books must be ZERO DOLLARS by law and cannot reduce the judgment debt by one cent and hence cannot be taken.

Judicial Estoppel Against Domain Name Values Over Zero Dollars

11. The website Domain Names (DNs) listed in the Taking Order are a little different from the Nobody Died books in that their content, which is copyrighted upon posting, is not static or held to fixed data or data type as are printed and copyrighted books. People rent or lease DN addressees on a recurring basis from web registration companies contracted by ICANN, a nonprofit corporation authorized by the U.S. Department of Commerce, to manage domain names. People can buy and sell DN leases and new lessees can be assigned to existing Domain Names held by others.

12. The taking of a Domain Name would entail the transfer of the lease and their assignment to Mr. Pozner as the new lessee of the four existing Domain Names listed in the Taking Order. Mr. Pozner would then take over the DN leases and would begin paying for the recurring rent on them. However, as Dr. Fetzer explained in his response brief and oral hearing, he is not the owner or lessee of any of the four DNs.

13. Even if Dr. Fetzer had registered the DNs and was the actual registrant and lessee of them, to which condition he has stated otherwise, Mr. Pozner must still prove to this court that he intends to maintain all four of these Domain Names and that he can earn money from them to satisfy some portion of the money judgment debt by his operation of them.

14. Under a completely unreal scenario where Mr. Pozner was able to take the Nobody Died books and Domain Names and operate them and make money from them, it would be highly unjust to earn 200,000 dollars from that which he reduced a money judgment by only 100,000 dollars. The listed Taking Order property must involve a monthly accounting until the ordered value is reached at which time all the property would be returned for Dr. Fetzer's use. This is one reason intellectual property cannot be taken to satisfy a money judgment, as it could hypothetically earn more than the judgment.

15. There are circumstances where the taking of Domain Names would be entirely feasible and profitable with names like "GoodHealth4U.net" or "GoodbyFat.com," However, in this case, two of the four domain names contain the term "JamesFetzer" (JamesFetzer.org and JamesFetzer.net) and the other two contain the term "FalseFlags" (FalseFlags.org and FalseFlags.net). Neither of these domain name prefixes could attract potential financial opportunity for Mr. Pozner.

16. In 2014 Mr. Pozner founded HONR¹, an organization dedicated to scouring the web of any hint of an event being described as a "false flag." HONR acts as self-appointed internet police and claim §230 USC Title 47 (Communications Decency Act) is misused, as quoted below from the HONR website:²

Section 230 has been misused by social media providers who have often used it to avoid taking action when their platform is being weaponized. One of the chief problems that we have had with platforms is the apathetic and inconsistent response in removals. In some cases, we have reported the same content in multiple places only to have one removed quickly and others stay up for weeks or even months.

Regardless of the motivation and intentions of HONR, it is undeniable that it is dedicated to removing websites and Domain Names from the internet that fall into the same category in

¹ <https://www.guidestar.org/profile/82-3556040>

² <https://www.honrnetwork.org/positions/>

which they would place "JamesFetzer" and "FalseFlags." The declaration by the founder of this group of their new intention to earn money from the taking and operation of these Domain Names is contradictory to their eight-year history. Therefore Mr. Pozner is judicially estopped from claiming any such intention or ability to earn money from the operation or sale of these website Domain Names, while his whole purpose is to remove them from the public. Therefore, the doctrine of judicial estoppel prevents Mr. Pozner from contradicting his eight-year behavior and earlier asserted court positions to now claim that the Domain Names listed in the Taking Order are worth anything over ZERO DOLLARS.

17. From Adel ia Re overy rust v. Goldman, Sa s Co., 748 F.3d 110 (2nd Cir. 2014) quoting from the Supreme Court in New Ham s ire v. Maine, 532 U.S. 742, 121 S. Ct. 1808, 149 L. Ed. 2d 968 (2001) on the doctrine of judicial estoppel:

The purpose of the doctrine is to protect the integrity of the judicial process by prohibiting parties from deliberately changing positions according to the exigencies of the moment. Courts have recognized that the circumstances under which judicial estoppel may appropriately be invoked are not reducible to any general formulation. Nevertheless, several factors typically inform the decision whether to apply the doctrine in a particular case: First, a party's later position must be clearly inconsistent with its earlier position. Second, courts regularly inquire whether the party has succeeded in persuading a court to accept that party's earlier position, so that judicial acceptance of an inconsistent position in a later proceeding would create the perception that either the first or the second court was misled. Third, courts ask whether the party seeking to assert an inconsistent position would derive an unfair advantage or impose an unfair detriment on the opposing party if not estopped.

18. Mr. Pozner in his original complaint leading to this Taking Order has stated that the websites and domain names he is now trying to say he can profit from if maintained are on a list of conspiracy websites that those who threatened him cannot access as part of their punishment (Exhibit B Page 4,5 ¶15):

In January of 2016, Florida resident Lucy Richards left menacing voicemail messages and sent violent online threats to Plaintiff, including messages stating: "you gonna die, death is coming to you real soon" and "LOOK BEHIND YOU IT IS DEATH." When Richards was later sentenced, Senior U.S. District

Judge James Cohn stated: "I'm sure [Plaintiff Leonard Pozner] wishes this was false, and he could embrace [N.P.], hear [N.P.'s] heartbeat and hear [N.P.] say 'I love you, Dad'...Your words were cruel and insensitive. This is reality and there is no fiction. There are no alternative facts." As part of her sentence, Ms. Richards will not be permitted to access a list of conspiracy-based websites upon her release, including websites maintained by James Fetzer.

19. Now that Mr. Pozner has won a money judgment against Dr. Fetzer he wants to claim that he can make money to greatly satisfy a money judgment by using and maintaining "conspiracy-based websites...including websites maintained by James Fetzer." Clearly Mr. Pozner's exigencies have changed, and he wants to take anything from Dr. Fetzer even if he must alter the position that he has previously persuaded this court to accept. The acceptance of this new contradictory position would indicate that the court was either wrong in the beginning or wrong now. All that which was ruled defamatory by this court has been removed from the websites accessed by the listed Domain Names and their continued use Dr. Fetzer, regardless of what some may think of them, is his right in the United States of America, and would take a great deal of time and work to establish the same at some other site under some other DN. The taking of these Domain Names constitutes an unfair detriment to Dr Fetzer and cannot reduce the judgment debt by one cent and is inconsistent with Mr. Pozner's judicial and conventional position. Clearly Mr. Pozner is judicially estopped from now claiming he can take the Domain Names and earn money from their operation to reduce the judgment debt in complete contradiction to his earlier judicial position and awards.

20. Collection laws for money judgments do not contemplate or address the taking of property that cannot reduce a money judgment. This silence in debt collection law indicates no recognition of the lawfulness of taking property that is worthless to the money judgment creditor for any other purpose such as harassment, hatred, revenge, or interference with the ability to earn money. A motion to take property worthless to a money judgment creditor implies and reveals

such motivations that go beyond the intent and authorization of money judgment collection laws. This means, in essence, that the property listed in the Taking Order does not exist for Mr. Pozner regardless of the opinion of his appraisers or Dr. Fetzer's ability to turn it over to Mr. Pozner and the listing of such worthless property implies an ulterior purpose not intended in the taking process.

This Taking Process is Abuse of Process

21. By commencing this taking action against the listed property, worthless to Mr. Pozner in reducing a money judgment in this Taking Order, not only implies all the illegal purposes stated above but show motive to deny Dr. Fetzer's 1st Amendment rights to print and post evidence that comes to his attention concerning national events. Dr. Fetzer could simply remove the minor fragment of material ruled defamatory by this court from the Nobody Died books and republish them with over 400 pages of evidence. But, if Mr. Pozner could acquire Dr. Fetzer's presumed copyright of the whole book, then Dr. Fetzer could not republish any part of the book without infringing on a copyright taken and owned by Mr. Pozner. This is a purpose that well exceeds the purpose of this judicial Taking Order process. In this way Mr. Pozner can remove over 400 pages of evidence contradictory to his own version of Sandy Hook, by having only two or three pages ruled defamatory to him. The elements for abuse of process are here as shown from the Wisconsin Supreme Court in om son v. ee am, 241 N.W.2d 163, 72 Wis.2d 356 (Wis. 1976):

The essential elements of abuse of process, as the tort has developed, have been stated to be: first, an ulterior purpose, and second, a wilful act in the use of the process not proper in the regular conduct of the proceeding. Some definite act or threat not authorized by the process, or aimed at an objective not legitimate in the use of the process, is required;...

The ulterior motive or purpose may be inferred from what is said or done about the process, but the improper act may not be inferred from the motive.

In order to maintain an action for abuse of process, the process must be used for something more than a proper use with a bad motive. The plaintiff must allege and prove that something was done under the process which was not warranted by its terms.

22. The court can infer from Mr. Pozner's listing of property that he cannot possibly use to satisfy a money judgment, that Pozner has an ulterior motive to achieve something outside the intent of the judicial property execution process. The most likely motive, which is consistent with Mr. Pozner's behavior over the last eight years, is to prevent Dr. Fetzer, or anyone, else from publishing the vast amount of evidence about Sandy Hook after removing the tiny fraction of material in the books ruled defamatory by this court. The act of listing property Mr. Pozner knew was directly worthless to him to reduce a money judgment without claiming the property in its present form was no longer harmful to him, from which is judicially estopped, constitutes the use of this judicial taking process for a purpose it is not intended or authorized to perform. The process itself cannot take worthless property to satisfy a money judgment as he was so informed by Dr. Fetzer's Response Brief in Opposition to Plaintiff's Motion for Turnover of Property to Apply Property to Satisfy Judgment which is adopted in its entirety herein (Exhibit A). Both elements of abuse of process are evident in this taking process, first, improper use of process exceeding its authority, and second, inferred ulterior motive that conforms to the long history of Mr. Pozner. As a result of this abuse of process, Dr. Fetzer had to hire another attorney for Six Thousand Two Hundred Seventy Seven & 50/100 Dollars (\$6,277.50) and waste his time and mental energy (Exhibit C).

CONCLUSION

Mr. Pozner cannot alter any of the book's contents to remove the material ruled defamatory against him in this court without establishing a new copyright, leaving Dr. Fetzer's presumed copyright unused and unpublished. Therefore, Dr. Fetzer's presumed copyright remains of no

value to Mr. Pozner having no means to reduce the judgment debt and hence, cannot be taken to satisfy a money judgment.

Mr. Pozner is judicially estopped from claiming all four versions of Nobody Died have more than zero value to him as he has obtained a judgment in this very case finding parts of all of them defamatory to himself. He is also judicially estopped from claiming the said books have more than zero value as he has used the rulings of this court to establish settlements with publishers removing the books from the market, never to be sold again by those publishers.

Mr. Pozner is also judicially estopped from claiming any or all four Domain Names have more than zero value as he has worked for eight years removing websites and their domain names from the internet which are of the same profile as those listed in the Taking Order. Mr. Pozner's position in this court is that other courts have ruled websites listed in this Taking Order inaccessible to those who have threatened him. And now he wants this court to believe he can take them and maintain them and make money from them to reduce the money judgment debt. He is judicially estopped from doing so.

All property in Dr. Fetzer's possession that cannot have value to Mr. Pozner by law does not exist in the eyes of the law and cannot be appraised or taken by a court order to satisfy a money judgment. This court should set the lawful value of the property listed in the Taking Order to be zero dollars (\$0.00)

Based upon the preceding, Dr. Fetzer asks this court to:

1. Reconsider ORDER GRANTING PLAINTIFF'S MOTION FOR TURNOVER OF PROPERTY TO SATISFY JUDGMENT, and
2. Set the value of the property listed in the ORDER GRANTING PLAINTIFF'S MOTION FOR TURNOVER OF PROPERTY TO SATISFY JUDGMENT to be

ZERO DOLLARS (\$0.00), and

3. Vacate the ORDER GRANTING PLAINTIFF'S MOTION FOR TURNOVER OF PROPERTY TO SATISFY JUDGMENT with prejudice, and
4. Find all elements of an abuse of process commenced by Mr. Pozner and fine him \$6,277.50 in damages, and
5. Grant any other relief the law allows and to which the Defendant is entitled.

Respectfully Submitted,

James H. Fetzer Ph.D.

James H. Fetzer, Ph.D.
Pro Se

NOTICE OF SERVICE

On this 13th day of July 2022, I hereby certify that a copy of this Motion for Reconsideration has been emailed and forwarded by first-class mail (postage paid) to Plaintiff's Counsel, Randy Pflum, Attorney, Quarles & Brady LLP, 33 East Main Street, Suite 900, Madison, WI 53703; and randy.pflum@quarles.com.

James H. Fetzer Ph.D.

James H. Fetzer, Ph.D.
Pro Se
800 Violet Lane
Oregon, WI 53575
jfetzer@d.umn.edu

Exhibit D

July 14, 2022



LAW OFFICES OF
ALEXANDER J. PETALE

Mr. Jake Zimmerman, Esq.
jake@zimmerman-firm.com

Re: My Client : Wrongs Without Wremedies, LLC
Dane County No. : 18CV3122

Dear Mr. Zimmerman:

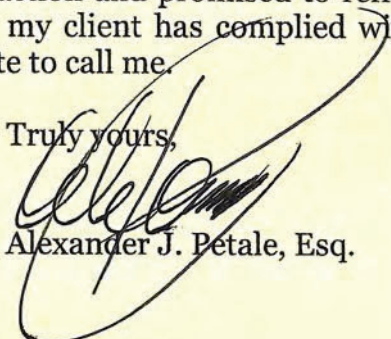
As you know from our prior contact regarding my client referenced above, I represent Wrongs Without Wremedies, LLC. Wrongs Without Wremedies, LLC, is the owner of the domain name: *jamesfetzer.org*.

As can be seen from the attached "screen shot," the domain name expires on August 19, 2022. Wrongs Without Wremedies, LLC, agrees to refrain from taking any action regarding, *jamesfetzer.org*, from now on; and further agrees to allow the ownership to expire and will not renew the domain name registration.

It is my understanding that after the expiration date, the registrar allows a 30-day "grace period." After this "grace period" expires, on or about 9/19/2022, Mr. Pozner, or anyone else for that matter can acquire the domain name.

I believe the agreements referenced above would be sufficient for Mr. Pozner. As you know, Wrongs Without Wremedies, LLC, was dismissed from the Wisconsin state court action and promised to refrain from helping James Fetzer to defend the lawsuit, which my client has complied with. If you need to discuss this further, please do not hesitate to call me.

Truly yours,


Alexander J. Petale, Esq.



- DOMAINS
- WEBSITE
- CLOUD
- HOSTING
- SERVERS
- EMAIL
- SECURITY
- WHOIS

jamesfetzer.org

Updated 1 day ago



Domain Information

Domain: jamesfetzer.org
Registrar: NameCheap, Inc.
Registered On: 2018-08-19
Expires On: 2022-08-19
Updated On: 2021-08-17
Status: clientTransferProhibited
Name Servers: dns1.registrar-servers.com
dns2.registrar-servers.com

Exhibit E



The Zimmerman Firm

Jake Zimmerman

July 18, 2022

Alexander Petale
petaleesq@gmail.com

Mr. Petale,

Unfortunately, we cannot accept your proposal. It is our understanding that WWW acquired the domain name on behalf of Dr. Fetzer—acting in your client’s role as Dr. Fetzer’s publisher. We further understand that Dr. Fetzer reimbursed your client for the costs of acquiring the domain name, and has continued to reimburse your client for the annual cost of domain registration. We understand that your client does not have any control over the content of the domain—he has ceded all such control to Dr. Fetzer. While your client is the registrant, we believe that Dr. Fetzer would be considered the legal owner of the domain name. Your client acted as his agent for purposes of securing a domain.

The Court’s order puts Mr. Pozner in Dr. Fetzer’s shoes with regard to the domain name. In that position, Mr. Pozner is asking that the domain be transferred into his name.

As you may know, your client’s settlement agreement with Mr. Pozner forbids your client from providing assistance to Dr. Fetzer related to the litigation. We view your proposal as an effort to assist Dr. Fetzer in his attempt to avoid complying with the Court’s order. Abandoning the domain so that it is available for any of Dr. Fetzer’s fellow hoaxers to acquire for his beneficial use will likewise be viewed by Mr. Pozner as an effort to help Dr. Fetzer avoid the court’s order.

We therefore ask that your client immediately turn over control of that domain to Mr. Pozner.

Best regards,



Jake Zimmerman

Exhibit F

**AFFIDAVIT OF JACK MULLEN
WEBMASTER AT MATRIX WEB DESIGNER**

I, Jack Mullen, being of legal age and of sound mind have first-hand knowledge of the following facts:

1. This Affidavit is submitted in support of Defendant FETZER'S MOTION TO STAY POZNER'S "TAKING ORDER" UNTIL RULING ON PETITION FOR WRIT OF CERTIORARI.

2. I am an expert in Information Technology (IT credentials attached).

3. I am the webmaster for jamesfetzter.org. I am the developer and maintainer of the website accessed by the stated domain name, which is managed by Dr. James Fetzter.

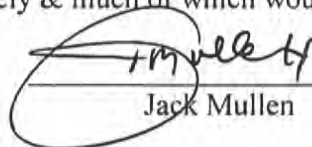
4. The transfer of the domain name jamesfetzter.org to Mr. Leonard Pozner would have devastating effects for Dr. Fetzter's blog.

5. It would vitiate all links worldwide (probably in the millions) to blog contents.

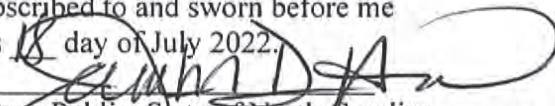
6. It would make his blog functionally useless for publishing articles and comments.

7. It would invalidate your current links which then would begin to be de-listed from and downgraded in terms of SEO. This means that your search engine standing would change and searches that would normally place your site in the first few pages of returned links will not have your site or links listed

8. This damage would begin immediately & much of which would be permanent.



Jack Mullen

Subscribed to and sworn before me
this 18 day of July 2022.

Notary Public, State of North Carolina
My Commission expires: 9/27/2023

JENNIFER D HOUSAND
NOTARY PUBLIC
Dare County
North Carolina
My Commission Expires Sep. 27, 2023

Jack I Mullen 2nd

Abbreviated Resume

Educational Background

Associates of Arts Engineering
Bachelor of Science Electrical Engineering
Master of Science Electrical Engineering (incomplete thesis)
Master of Business Administration MBA

Specialized IT Training

Cisco trained IT
Numerous IT continuing education course certifications
Cyber Security course certifications
Advanced Professional Python Programmer

Professional Experience

Designer of Web utility software for Radio Stations
28 years web related experience

Currently Chief Engineer for Lead Recruiter Pro Web platforms and site properties. Managing and maintaining more than 12 commercial websites with familiarity with all facets of web marketing and WordPress technology.

Document E

1 STATE OF WISCONSIN CIRCUIT COURT DANE COUNTY
2 Branch 8

3 -----
4 LEONARD POZNER,
5 Plaintiff,
6 vs. Case No. 18 CV 3122
7 JAMES FETZER, et al.,
8 Defendants.
9 -----

10 DATE: August 17, 2022

11 BEFORE: The Honorable FRANK D. REMINGTON

12 PROCEEDINGS: Motion Hearing

13 APPEARANCES: RANDY J. PFLUM and EMILY M. FEINSTEIN,
14 Attorneys at Law, Quarles & Brady,
15 Madison, Wisconsin, appeared on behalf of
16 the Plaintiff.

17 JAMES FETZER appeared pro se.

18
19
20
21
22
23

ANN M. ALBERT, RMR, CRR
Court Reporter

24
25

1 P R O C E E D I N G S

2 THE COURT: Okay. Good morning. Welcome.
3 This is 2018 CV 3122, Leonard Pozner vs. James Fetzer. I
4 see -- welcome back, Dr. Fetzer. May I have the
5 appearance for the plaintiff?

6 MR. PFLUM: Good morning, your Honor. Randy
7 Pflum of Quarles -- Randy Pflum and --

8 THE COURT: Yeah. That's not gonna work. I
9 appreciate your attention to detail, but --

10 MR. PFLUM: Randy Pflum and Emily Feinstein
11 appear on behalf of Leonard Pozner.

12 THE COURT: Ms. Feinstein, I'm sure you can
13 move to the end of the table and have some social
14 distance if you like. No one will take -- you won't be
15 offended.

16 MR. PFLUM: No. No, sir.

17 MS. FEINSTEIN: That's fine, your Honor. I
18 will take my mask off when I need to speak.

19 THE COURT: Great. Thank you.

20 Welcome. We're on the court's calendar for a
21 motion hearing filed by you, Dr. Fetzer. And then we do
22 have this remaining issue over the valuation question
23 that got sort of upended by the pending motions.

24 In preparation for today's hearing, I did read
25 the briefs, so I'm prepared to answer the questions

1 presented.

2 You may recall, I suspect, the purpose of an
3 oral argument is to tell me what -- anything additionally
4 you want me to consider that wasn't already discussed in
5 writing without being repetitive or redundant. It also
6 enables me to ask questions to confirm my understanding
7 of the position of the parties, what may or may not be in
8 dispute. And then if all my questions are answered and
9 you've told me everything that you want me to hear, then
10 I'd be prepared to make a ruling.

11 Dr. Fetzer, it's your motion, so you get to go
12 first, and then you also then get to go last.

13 MR. FETZER: Well, thank you, your Honor. I do
14 have briefing notes, which I am not going to read, but
15 which I thought might be useful in following my sketch of
16 the argument for the benefit of the Court.

17 THE COURT: Okay.

18 MR. FETZER: And then at the conclusion, I'll
19 request they be admitted as evidence.

20 THE COURT: Well, we'll mark it as an exhibit,
21 Dr. Fetzer.

22 MR. FETZER: Yes. I meant be as an exhibit,
23 yes.

24 THE COURT: Okay. It is not -- I mean, the
25 distinction is subtle, but important. It is not evidence

1 in and of itself.

2 MR. FETZER: Yeah.

3 THE COURT: I will construe it as a
4 demonstrative exhibit that succinctly states in writing
5 what you orally would present in terms of argument. Let
6 me take an opportunity to read it, please. We'll go off
7 the record.

8 (Off the record)

9 THE COURT: Okay. Thank you very much. I have
10 reviewed, I've marked it as Exhibit Number 1, and it'll
11 be received as a demonstrative exhibit.

12 I do have a question for you, Dr. Fetzer. So
13 when we first entertained the motion by the plaintiff to
14 essentially seize these assets, you took the position
15 alternatively the assets that Mr. Pozner wanted was one
16 of two things -- it either was not your property, it was
17 owned by someone else, or that it had no value.

18 At that time -- well, it seems to me you're
19 changing your position. Where you previously said these
20 assets were either not owned by you or they had no value,
21 now you're saying they are of immense value to you. How
22 do I square your two positions?

23 MR. FETZER: Well, it's a distinction, your
24 Honor, between value to me and value to Pozner. They
25 have no value to him because he cannot market them. The

1 book, 440 pages, approximately, of which he objected to
2 three sentences, includes a FEMA manual showing it was a
3 FEMA drill, nobody died at Sandy Hook, FBI documentation
4 certifying zero deaths from murders or non-negligent
5 manslaughters in Newtown during 2012, that the official
6 report on Sandy Hook by Stephen Sedensky, III, the
7 Danbury State's Attorney, does not create a causal nexus
8 that ties the alleged shooter, Adam Lanza, together with
9 the weapons he's supposed to have used, in one instance,
10 a rifle with which he is supposed to have shot his
11 mother, which did not have his fingerprints, or the
12 weapon with which he's supposed to have shot 20 children
13 and six adults where --

14 THE COURT: Okay. I'm sorry to interrupt. I
15 don't know where we're going here. All I asked you
16 was --

17 MR. FETZER: I'm explaining.

18 THE COURT: -- whether I should hold you to
19 your first statement that the assets were without value
20 or whether now I should say they do have value and that
21 the value is this number or this amount that you say is a
22 value to you as an income-producing asset used that you
23 say should be able to satisfy the judgment.

24 MR. FETZER: In arriving at the figure of
25 \$100,000 as value, that was based upon basically a fire

1 sale by Moon Rock Books once Dave Gahary arrived at a
2 settlement where he could no longer sell the book. The
3 book was in great demand.

4 THE COURT: But you told me then that the book
5 had no value because it couldn't be sold and it couldn't
6 be changed and it was basically that Mr. Pozner and other
7 people like him had shut it down.

8 MR. FETZER: That's completely correct. And
9 that's part of the reason why he's estopped from using
10 the book, your Honor. It has no value to him.

11 He's spent his entire efforts here since the
12 event taking down blogs, taking down books, taking down
13 videos, 1,500 by his own account, from YouTube alone,
14 that dispute what happened at Sandy Hook and claim the
15 official narrative is wrong. He cannot now change his
16 position in that claim to take value from a book or a
17 blog that he spent endless efforts in destroying, your
18 Honor.

19 It's very clear from the conditions of estoppel
20 that we have the same facts, we have the same court. You
21 are persuaded of his position now, but he is being
22 inconsistent now because while all of his efforts have
23 been devoted to blocking the sale or the availability
24 even for free as a PDF, your Honor, he now claims he
25 wants to take it for value. Well, he can only get value

1 for monetary judgment if it has monetary value. But he's
2 certainly not gonna market it.

3 THE COURT: Are you asking that I -- well,
4 you're asking for me to reverse or change my mind on the
5 original decision allowing him to take those assets. Are
6 you asking me then to value those assets at zero?

7 MR. FETZER: For him, they have no value. For
8 me, they would have great value, your Honor. I could
9 publish a redacted version. They'd sell like hotcakes.
10 I might even pay off the judgment.

11 But the fact is by taking the book which he
12 can't possibly publish because it contradicts his prior
13 position, he's estoppelled from doing it. He has no
14 intent in doing it. That was a misleading abuse of
15 process involved here, your Honor.

16 THE COURT: I thought you told me that as to
17 the book, it couldn't be published for two reasons. One
18 is I think it was taken off of Amazon and shut down.
19 Also, I thought you said the copyright was not yours in
20 the first instance anyway.

21 MR. FETZER: That was my belief at the time,
22 your Honor. But you have ruled that I own the common law
23 copyright.

24 THE COURT: I didn't rule.

25 MR. FETZER: So I'm under the assumption I own

1 the common law copyright.

2 THE COURT: Where did I make that finding?

3 MR. FETZER: Well, that was the argument of Mr.
4 Zimmerman during the oral hearing that under the common
5 law copyright with which you agreed that I had the
6 ownership of the books, which I did not up to that point
7 believe I had.

8 THE COURT: No. Let me make clear 'cause it
9 comes up tangentially in the document Exhibit 1 just
10 filed today, I've always viewed the question for me to
11 decide not to be that I should determine definitively the
12 nature and extent of your ownership interest, but much
13 like a quitclaim deed, all we were doing was whatever
14 your interest is -- either it's nothing, it could be
15 worth less, or it could be worth something -- whatever
16 your interest is, it was now Mr. Pozner's property.

17 So if you took the position that the book was
18 basically worthless because it couldn't be republished,
19 it was banned and it was prohibited and it had no value,
20 then that would -- Mr. Pozner took it with sort of open
21 eyes and a clear understanding and he obtained a
22 worthless asset. But in return, I thought, honestly,
23 quite generously, he was willing to reduce your debt to
24 him by \$100,000 reflecting domain names you didn't own,
25 couldn't control, and books you were unable or prohibited

1 from publishing.

2 MR. FETZER: Your Honor, this is all traded on
3 an ambiguity. The difference between value to me and
4 value to Pozner, Pozner is not gonna market the book.
5 It's inconsistent with his past behavior. He takes it
6 for an improper purpose, your Honor, which is to prohibit
7 the public from having access to information it contains.

8 THE COURT: What would you say is the value of
9 these assets in the free market?

10 MR. FETZER: Well, if it's possible to be
11 published, if I would have published a revised edition,
12 it could be quite considerable because I would be able to
13 market it even in a redacted edition, and it would make
14 many times \$100,000.

15 THE COURT: That's not my question because
16 you're never gonna -- under the current confines you're
17 not going to be able to publish it.

18 MR. FETZER: That's correct, which is part of
19 the reason Pozner is not going to publish it either, your
20 Honor. It's a specious claim that it has \$100,000 value
21 to him. If he were to actually be able to market it, it
22 could make much more than \$100,000, and that all
23 presumably would accrue against the indebtedness I owe to
24 him.

25 But it can't be -- if he were to have and to

1 obtain the \$100,000, then any value after that would
2 derive back to me as my common law copyright owner by
3 Pozner's argument. I, of course, do not believe and
4 never believed I actually owned the property, but as
5 under the common law --

6 THE COURT: You say you never believed that you
7 owned the property.

8 MR. FETZER: I did not. But under the argument
9 that I have a common law copyright, I'm willing to argue
10 on that basis. And if you assume I have the common law
11 copyright --

12 THE COURT: I'm not gonna assume that.

13 MR. FETZER: Well, if one were to, I mean,
14 hypothetically, I mean, not that you specifically are
15 adopting, I mean, for argument's sake that if I own the
16 copyright, then I would be at liberty to publish a
17 redacted edition since I've only been restricted from
18 three sentences in a 440-page book. But Leonard Pozner
19 has spent all of his time going after Sandy Hook's
20 (unintelligible) seeking to remove all their information
21 is clearly inconsistent with his prior position that led
22 you to your original judgment against me, your Honor.
23 And he is therefore estopped from doing that or
24 claiming any value to him in his action since he took the
25 blog, by the way, which occurred on the 28th, confirmed

1 my belief that it's for an improper purpose. He is not
2 seeking to make any money from it. He's redirected to
3 the documents for this court case. And it's very obvious
4 that this was done with improper intent on the 27th of
5 July. My blog had articles about Sandy Hook. On the
6 28th after he took -- it was redirected to the documents
7 in this case. But the fact is the documents in this case
8 are of no financial value. He is not deriving any
9 financial benefit from it. It has no financial benefit
10 to him whatsoever.

11 Even, your Honor, in the Lucy Richards case,
12 his argument -- and the ruling was Lucy Richards was
13 enjoined from visiting any conspiracy-related websites,
14 including those published by James Fetzer. So the
15 estoppel argument here I think is crystal clear, your
16 Honor.

17 THE COURT: Okay. Plaintiff's response.

18 MR. PFLUM: Your Honor, we're here on a motion
19 to reconsider, not here to relitigate plaintiff's motion
20 for turnover of property. There is a stark difference
21 between --

22 THE COURT: Well, there's two motions. There's
23 a motion for relief from judgment or order, loosely
24 called reconsideration of my decision granting the
25 plaintiff's request to obtain the assets. There's also a

1 motion for stay Dr. Fetzner wants pending a decision by
2 the United States Supreme Court on his petition for
3 certiorari. So as to the motion for relief from judgment
4 or order, loosely a motion to reconsider, change my mind,
5 your response?

6 MR. PFLUM: Your Honor, we do not believe that
7 Mr. Fetzner has met the elements to show this Court that
8 there is any newly-discovered evidence or a manifest
9 error of law has been committed. We ask the Court to
10 deny his motion.

11 THE COURT: I told you you get the last word on
12 your motion for reconsideration or relief from judgment
13 order. Dr. Fetzner.

14 MR. FETZNER: Well, thank you, your Honor. Yes,
15 sir. I know of no changes of law or new evidence, but a
16 clear error of law in my judgment violating the
17 prescriptions for how financial judgments are only
18 settled by financial means. A receiver ought to have
19 been appointed, undertake a bid if it were to be done in
20 a proper way. But it's very clear this has no value to
21 Mr. Pozner. He's not gonna market the book. He's not
22 gonna use the blog. He has domain names with my name,
23 James Fetzner, and the name False Flags. He's opposed to
24 both. He certainly isn't gonna promote evidence that
25 establishes that Sandy Hook was a FEMA drill, even

1 including a manual. So to prevent a manifest injustice
2 or the abuse of process by having improper motive which
3 is shown by his actions, and I have here, your Honor, I
4 have a series of exhibits that substantiate all the
5 points I've made. If the Court would like to see them, I
6 would be pleased to introduce them. May I do so?

7 THE COURT: What exactly -- as a matter of fair
8 play, I ordinarily don't, especially now on reply, take
9 new things that have not been filed or submitted because
10 it's not fair to the plaintiff to do that. Why don't you
11 just articulate to me --

12 MR. FETZER: Certainly.

13 THE COURT: -- what this is that you think is
14 relevant to the question of whether I should change my
15 mind.

16 MR. FETZER: Certainly. Well, these are all
17 mentioned in the brief. The second exhibit is from my
18 blog on the 27th of July showing that I was discussing
19 Sandy Hook issues and evidence that shows it was not as
20 it's been portrayed.

21 Exhibit -- the next exhibit is from the 28th of
22 July that was redirected to the court documents in this
23 case where the timing appears to have been in
24 coordination with the Alex Jones trial because Alex Jones
25 was -- during the trial my name was gonna be mentioned in

1 a negative fashion, but people would have been keen to
2 know what this guy, who's been described as bat-shit
3 crazy, had to say about Sandy Hook. So to preclude going
4 to my blog, which is a vast repository of information
5 about Sandy Hook, they precluded that from happening.

6 On the 10th of August, which is listed there as
7 Exhibit D, there was nothing found on the blog that was
8 very curious, nothing at all. Exhibit E. By the 10th of
9 August later, however, it was back to the documents that
10 were in the case, Pozner v. Fetzer. But also very
11 interesting, between the 27th and the 28th on my
12 Amazon.com page where my books are listed where there
13 were photographs of me in Athens when I was flown to
14 Athens to make a presentation on 9/11 that was broadcast
15 worldwide by satellite television and of me in San
16 Francisco, they were on the 28th replaced by documents
17 related to this case, and there's no one with motive,
18 means or opportunity than the plaintiff in this case who
19 would have had such a motivation.

20 I do have a proposed draft for an order should
21 the Court be willing to consider this with favor.

22 THE COURT: Okay. Go ahead. My bailiff will
23 take your exhibits. I'll mark those as a group exhibit
24 as Exhibit Number 2. Those all I do think pertain to --
25 you can just make a pile.

1 MR. FETZER: Okay.

2 THE COURT: I note that those are all exhibits
3 that were discussed and so are germane to your argument.

4 Thank you very much, Dr. Fetzer. I'm prepared
5 to rule on your motion for relief from judgment order or
6 motion for reconsideration. I'm gonna deny the motion.
7 I adopt and I agree with the positions and arguments set
8 forth in the plaintiff's brief.

9 Dr. Fetzer, as I'm sure you know, having been
10 in the courtroom, whether I'm right or wrong is something
11 for the court of appeals to say. But generally,
12 litigants don't get a second kick at the cat, an
13 opportunity just to reargue the position. There are
14 limited circumstances under Wisconsin Statutes 806.07
15 which allows a court, allows an individual to ask the
16 court essentially to change its mind or reconsider or
17 relief from a prior judgment or order. I agree with and
18 I adopt the arguments of the plaintiff that you have not
19 met your burden in that regard. And so, therefore, your
20 motion is denied.

21 Now, your motion to stay, I understand you say
22 that why don't we just take a pause because you're
23 reasonably confident that the United States Supreme Court
24 will grant your petition for certiorari and that
25 ultimately you might prevail in turning back the hands of

1 time and reversing, I guess, the jury's verdict that
2 awarded damages to Mr. Pozner. Was there anything more
3 you'd like to say in support of your motion to stay?

4 MR. FETZER: Well, I have a similar set of
5 briefing notes, your Honor, I'd like to submit as an
6 exhibit.

7 THE COURT: Okay. We'll mark that as your
8 Exhibit Number 3. Hand it to my clerk. We'll go off the
9 record. I'll review your exhibit.

10 (Off the record)

11 THE COURT: Plaintiff's response?

12 MS. FEINSTEIN: Thank you, your Honor. We
13 continue to believe that there's not even a chance that
14 the United States Supreme Court will accept this petition
15 and hear the case, much less that the United States
16 Supreme Court will decide to overturn summary judgment
17 procedures that are used not only on a regular basis
18 every day in the courts of Wisconsin, but in courts
19 across the country.

20 As this Court knows, the Supreme Court
21 procedure used in Wisconsin is very similar to that used
22 in the Federal Rules of Civil Procedure. The United
23 States Supreme Court has already approved that process,
24 and we don't think this is a chance they will use to
25 revisit that decision.

1 THE COURT: Dr. Fetzer, it's your motion. You
2 get the last word.

3 MR. FETZER: Well, your Honor, there are four
4 grounds for a stay, which include likelihood of success;
5 also, causing irreparable harm; that the other party is
6 not harmed; that the public interests would be served.
7 Plaintiffs have conceded the second, third and fourth,
8 irreparable harm, other parties not harmed, and public
9 interests served, and only insist that the likelihood of
10 success is low. They claim zero. They offer six
11 arguments, a lack of uniformity and that they must all be
12 the same are the first and the third. The second, that
13 it calls for the admission of inadmissible evidence.
14 Those are quite mistaken.

15 My argument, of course, is that the summary
16 judgment protocols employed in Wisconsin are unfair and
17 inconsistent with those of other states. I use Texas as
18 a contrast case. In Wisconsin --

19 THE COURT: I don't want to hear about
20 comparing Wisconsin to Texas.

21 MR. FETZER: Well, it's relevant for the
22 Supreme Court, your Honor, because that's one of the
23 criteria for hearing cases between the hearings because
24 there are conflicts between the highest courts of more
25 than one state. That's a criterion for the Supreme Court

1 to hear a case.

2 THE COURT: Yeah. I don't think so,
3 Dr. Fetzer. These are state law questions.

4 MR. FETZER: No. Under the Fourteenth
5 Amendment, your Honor, in fact, all citizens of the
6 United States were citizens, dual citizens, in every case
7 of both our states and of the United States. We're
8 entitled to protection of the Fourteenth Amendment and of
9 the Seventh Amendment. And there's an issue that is ripe
10 for the Supreme Court. The issues here in Wisconsin are
11 so subjective in allowing a court to rule on the basis of
12 what evidence it finds to be reasonable or not
13 reasonable, independent of its objective status. In
14 other words, there are measures of objectivity involving
15 deductive, inductive and abductive logic that are
16 sacrificed here on the basis of a subjective criterion
17 that ranges from indubitability to incredulity.

18 THE COURT: My court reporter is going to have
19 trouble with "indubitability" on the transcript in this
20 case.

21 MR. FETZER: That's okay.

22 THE COURT: You're going back to your
23 professorial --

24 MR. FETZER: Well, you know, I was only last
25 night contemplating how I realize that courses I've been

1 teaching for 35 years have applicability here because one
2 of my areas of expertise is logic, critical thinking and
3 scientific reasoning and how fascinating it was to me to
4 be in a judicial procedure which took me so long to sort
5 out until I had read your Honor's post-verdict comments
6 and those of the appellate court where they juxtaposed
7 what it was reasonable to believe, namely, the mass media
8 narrative about Sandy Hook. What it was unreasonable to
9 believe was anything contesting it, such as suggesting
10 that on the basis of a FEMA manual, FBI reports --

11 THE COURT: Okay. We're going back to the
12 merits.

13 Dr. Fetzer, I'm gonna deny your motion to stay.
14 In state court, I apply the Gutenschwager standards.
15 They are similar to what you just articulated.

16 I will give you this, and I don't mean to be
17 flip, but I think you have maybe a one in a million
18 chance of your certiorari being granted. Not zero. One
19 in a million. But the standard is a substantial
20 likelihood of success on the merits, so one in a million
21 doesn't get you there.

22 I also think it really -- I don't construe the
23 plaintiffs to have conceded the presence of the three
24 other factors. I think their briefs argue otherwise,
25 that you've met none of the factors that should award

1 granting your motion. I don't think that you've
2 satisfied me that as to any of the Gutenschwager
3 standards that would entitle you to a stay to allow the
4 United States Supreme Court to rule on your petition for
5 writ of certiorari.

6 I'd like to turn then to finish up. The
7 question is we set forth the procedure to value the
8 assets. Mr. Pozner already essentially has your assets.
9 That you know has undertaken. The question is is what
10 compensation you are to be given.

11 You took the position that the assets either
12 were not owned by you, so, therefore, you had no
13 interest, no interest, no value, or that they had no
14 value at all.

15 Your position I'm gonna rely on that ordinarily
16 -- ordinarily, parties, lawyers, cannot take positions
17 that are materially adverse to each other, arguing that
18 the light was green on day one and then later arguing the
19 light was red on day two.

20 I think Mr. Pozner, in suggesting that the
21 asset had a value of \$100,000, probably shared, at least
22 my impression was, a similar consternation in ascribing
23 to the assets he was taking in partial satisfaction of
24 the judgment may not have any value at all. And
25 certainly, there's no dispute between either of the

1 parties that in the market, these assets in their present
2 form have no value, no value to you and really no value
3 to Mr. Pozner as a valuation from a fair market value.

4 To you, they have assets -- value because you
5 created it and you think, well, if you could remove the
6 impediments, maybe then you could market it, take out the
7 language and the like. None of that was discussed at the
8 last hearing. But even if you went in that direction,
9 they may be marketable. Although I think you can
10 indicate -- what was your position as to even while you
11 sold, what was the total amount you earned to you on the
12 sale of the book while it was marketed?

13 MR. FETZER: Your Honor, I don't recall that
14 was specified. You mean total sales from this book from
15 the beginning?

16 THE COURT: Yeah.

17 MR. FETZER: Because, you know, after --

18 THE COURT: What were the total sales?

19 MR. FETZER: After less than a month, it sold
20 nearly 500 copies when it was banned by Amazon
21 improperly. And then I released it for free as a PDF,
22 but I received no financial --

23 THE COURT: How much did you earn from the sale
24 of the copies while it was sold?

25 MR. FETZER: Ah, let's see, 500 copies, ah,

1 well, cumulative, perhaps around \$25,000, your Honor.

2 THE COURT: And then you released -- then you
3 basically undermined your own sort of pecuniary interest
4 by releasing it as a PDF.

5 MR. FETZER: But your Honor, I've been utterly
6 consistent. It has value to me if it can be marketed.
7 It has no value to Pozner. He's not gonna market it.

8 THE COURT: I understand.

9 MR. FETZER: He's doing all this for illicit
10 purpose --

11 THE COURT: Please. I think you're entitled to
12 some fair compensation. And the point that I was making
13 is Mr. Pozner could take the position that it has no
14 value to anyone else, it has great value to you 'cause,
15 yes, his plan is to shut it down. Appears, I should say.
16 It appears. I don't anticipate him marketing, selling
17 the book *Nobody Died at Sandy Hook*. It would be entirely
18 inconsistent with the constant position he's taken since
19 day one of this case. So it has great value to him, on a
20 personal basis has value to you. But the measure under I
21 guess the Fourteenth Amendment or the Fifth Amendment,
22 the taking, if you're gonna take someone's asset, you
23 should afford, I mean, some words that's used is just
24 compensation.

25 The \$100,000 by your own concession is a

1 magnitude of four times what you earned before you really
2 eliminated the economic value by publishing it for free.
3 Nobody was going to buy it. And then, of course, it's
4 enjoined anyway. Amazon won't touch it. And I might
5 even suggest since you brought up in your argument recent
6 events involving litigation with other parents, it's an
7 even less marketable asset to the general population or
8 public due to the general feeling that people in fact did
9 die at Sandy Hook, notwithstanding your book to the
10 contrary.

11 So I also am not inclined now to allow you to
12 switch your position and say that the assets are
13 invaluable. I think there's no factual basis to say that
14 you would be able, if you kept the assets, that you
15 would, having now said that you in the best of times
16 earned \$25,000, that you would be able to earn, were I to
17 return it to your ownership and even if you were able to
18 publish it, that you would be able to earn anywhere near
19 \$100,000.

20 But we talked about this, and the process did
21 have a time and date for you to employ some party to give
22 an opinion as to value. You did not avail yourself of
23 that opportunity. And I think, quite honestly, the
24 \$100,000, which I will accept as partial satisfaction for
25 the judgment, is substantially higher than the fair

1 market value.

2 Now, why I do that? I could simply say you
3 said it was worth nothing, Mr. Pozner can take the assets
4 and you will get no reduction in the judgment you owe. I
5 think the value of giving it the \$100,000 is thus.
6 Because if in fact this case continues on in the
7 appellate courts, now there's an added dynamic to the
8 decision of this Court that not only will you have to say
9 that I've made a mistake as a matter of law, but that if
10 I made a mistake that it had some prejudicial effect that
11 you were able to demonstrate that were I to have denied
12 Mr. Pozner the ability to take these assets that you
13 would be able to establish a value in excess of \$100,000.
14 Now, maybe you could establish that they were worth
15 \$20,000 or \$30,000. But by setting the value on a
16 partial reduction of the judgment you owe in the amount
17 of \$100,000, in a sense, though I do not believe I've
18 made error, the error might be arguably harmless error
19 because the value offered or stipulated by Mr. Pozner is
20 so far greater than the fair market value, given the
21 position that you took in this court that you either did
22 not own the assets, that they were not marketable and
23 they had no value to other people.

24 We don't set values for takings based on the
25 intrinsic or personal value that someone might think. A

1 good example, I used to do highway condemnation, eminent
2 domain, and people would say the DOT cut down my tree, I
3 think that was a million-dollar tree, it was a tree my
4 children grew up on, swung from their tire swing on, if
5 you're going to cut my tree down, I want a million
6 dollars. It just doesn't work that way. The valuation
7 is what sort of a reasonable party at an arm's length
8 transaction, similarly motivated, equally informed, would
9 value the asset. And you've demonstrated to me I think
10 quite convincingly that these assets honestly don't have
11 any value in the market. It's a personal between the
12 parties. And that's what litigation often is, a
13 personal, an opportunity to use litigation to obtain the
14 personal advantage and result of shutting down the book,
15 seeing that it's not published, and redirecting the
16 traffic from these websites now to a website owned and
17 operated and controlled by Mr. Pozner for his personal
18 view.

19 So for those reasons, I'm going to deny the
20 motion for reconsideration/relief of judgment and order.
21 I'm gonna deny the motion for stay pending resolution by
22 the United States Supreme Court on the petition for writ
23 of certiorari. And I'm gonna accept the stipulation of
24 the plaintiff and establish a value of the asset at
25 \$100,000, understandingly that if Mr. Pozner does have

1 the ability if in fact I'm wrong on the underlying issue
2 that he would have leave to relitigate and assert that
3 the assets actually had no value, that he was doing that
4 as an opportunity to be fair and reasonable, to give
5 Mr. Fetzer and his wife, a joint tenant in his home, in
6 his property and his bank account some diminution of the
7 legal obligation owed to Mr. Pozner as a result of the
8 judgment of this Court. That will be the order of the
9 Court.

10 Anything further from the plaintiff?

11 MR. PFLUM: No, your Honor. Thank you.

12 THE COURT: Please draft an order -- orders for
13 the Court's signature.

14 MR. PFLUM: Yes, your Honor.

15 THE COURT: Dr. Fetzer?

16 MR. FETZER: No, your Honor. Thank you.

17 THE COURT: Thank you for coming. We're
18 adjourned.

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1 STATE OF WISCONSIN)
) ss:
 2 COUNTY OF DANE)

3

4 I, ANN M. ALBERT, Court Reporter, do hereby certify
 5 that I reported in stenographic machine shorthand the hearing
 6 held in the above-entitled matter before the Honorable FRANK
 7 D. REMINGTON, on the 17th day of August, 2022, and that the
 8 foregoing is an accurate and complete transcript of my
 9 shorthand notes and the whole thereof.

10 Dated this 19th day of August, 2022.

11 Electronically signed by:

12

Ann M. Albert
 Court Reporter

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Document F

1 STATE OF WISCONSIN CIRCUIT COURT DANE COUNTY

2 * * * * *)
LEONARD POZNER,)
3)
Plaintiff,)
4 vs.) Case No. 18-CV-3122
JAMES FETZER, et al.,)
5)
Defendants.)
6 * * * * *

7 * * * * *)
8 TRANSCRIPT OF TELEPHONE SCHEDULING CONFERENCE PROCEEDINGS
9 commencing on the 11th day of March, 2019, at approximately
10 11:10 a.m. before the
11 HONORABLE JUDGE FRANK D. REMINGTON
12
13

14 APPEARANCES: LEONARD POZNER present with Attorneys at Law,
GENEVIEVE ZIMMERMAN and JACOB ZIMMERMAN,
15 Meshbesh & Spence, Minneapolis, Minnesota,
appeared telephonically
16
JAMES FETZER appeared telephonically with no
17 counsel
18
MICHAEL PALECEK appeared telephonically with
19 no counsel
20
WRONGS WITHOUT WREMEDIES appeared by
21 Attorneys at Law, REED PETERSON, Reed
Peterson and Associates, Madison, Wisconsin,
22 and ALEXANDER PETALE, The Law Offices of
Alexander Petale, Los Angeles, California,
23 appeared telephonically
24

25 Reported by:
Colleen C. Clark, RPR
Official Court Reporter, Branch 8

1 the Sandy Hook event. Whether or not Mr. Pozner -- or
2 what he's doing with regard to Sandy Hook is not relevant
3 or germane to the issues in this case. So let me right
4 now disabuse you of any notion that I expect Mr. Pozner
5 either to take the bait and try to prove the existence of
6 Sandy Hook or not.

7 The Plaintiff, I understand, has drafted a very
8 carefully, discreet, and narrow cause of action. The only
9 issue in this case is whether Noah Pozner's birth
10 certificate is real or not and if it's real --

11 MR. PETALE: Your Honor --

12 THE COURT: -- the --

13 MR. PETALE: -- death certificate.

14 THE COURT: I'm sorry. Death certificate. I'm
15 sorry. Thank you for correcting me. His death
16 certificate.

17 Whether or not Sandy Hook ever happened or not
18 is not relevant to this -- the -- the truthfulness or the
19 accuracy of the death certificate. Now, I understand
20 the -- the Defendants' overall theory in believing that it
21 never happened, and I'm not going to take the bait and let
22 this case go down that -- that path and into that rabbit
23 hole.

24 Whether or not Sandy Hook ever happened is for
25 another day in another place. The only question for me is

1 to guide the parties into engaging in discovery that
2 either proves the death certificate was -- was true, was
3 real, was accurate and legitimate or not. So I'm not
4 concerned with Mr. Pozner's litigation against, quote,
5 Sandy Hook skeptics. That's not relevant and not likely
6 to lead to the discovery of anything relevant that will be
7 admitted in this court.

8 Number 29. As to any records of donations
9 solicited or collected by Alexis Haller. Don't know who
10 that is. It's never been mentioned. I don't really --
11 concerned over whether someone is -- someone else is
12 collecting money for the Pozner family because of the
13 alleged death of Noah Pozner.

14 Nothing I say here or do prevents you from
15 engaging in discovery to Alexis Haller, and unless until
16 such time Alexis Haller comes in for protective order,
17 what Alexis Haller may or may not have done, that's up to
18 you to inquire of him or her.

19 Number 30. All records or donations received by
20 Pozner and Veronique Pozner in sympathy for alleged death
21 of Pozner. I believe that's unduly burdensome.

22 I mean, I understand a loose theory that if they
23 received donations or didn't receive donations, I mean,
24 you could have -- a real person could die and not get any
25 donations or a fake person could die and it could be so

1 STATE OF WISCONSIN)
 ss.)
 2 COUNTY OF DANE)

3 I, COLLEEN C. CLARK, Registered Professional
 4 Reporter, Official Court Reporter, Branch 8, Dane County
 5 Circuit Court, hereby certify that I reported in Stenographic
 6 shorthand the proceedings had before the Court on this 11th day
 7 of March, 2019, and that the foregoing transcript is a true and
 8 correct copy of the said Stenographic notes thereof.

9 On this day the original and one copy of the
 10 transcript were prepared by pursuant to Statute.

11 Dated this 15th day of March, 2019.

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Electronically signed by:

Colleen C. Clark
 COLLEEN C. CLARK, RPR
 OFFICIAL COURT REPORTER

The foregoing certification of this transcript
 does not apply to any reproduction of the same by
 any means unless under the direct control and/or
 direction of the certifying reporter.