

EXHIBIT 9

Contributors

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Dr. Eowyn, Ph.D., professor emeritus of political science at a U.S. university and author of university press books and countless peer-reviewed articles, maintains the site *fellowshipoftheminds.com*, where more than 80 articles on Sandy Hook are archived, including (among her more recent) "BBC admits but will not investigate why pic of Sandy Hook's Noah Pozner is among Peshawar massacre victims" (7 January 2015), "Sandy Hook: The boys who were evacuated TWICE" (26 January 2015), "Citizen speaks out on Sandy Hook hoax at Connecticut State committee hearing" (6 March 2015), "Former state trooper Wolfgang Halbig files Sandy Hook lawsuit" (8 March 2015), "Sandy Hook families sue Lanza estate, as Newtown demolishes the Lanza home" (18 March 2015), "Sandy Hook dad Lenny Pozner's website redirects to Obama regime's NSA" (7 July 2015), and "Sandy Hook families each gets \$94K to settle lawsuits against Lanza estate" (21 August 2015).

Jim Fetzer earned his Ph.D. in the history and philosophy of science. A former Marine Corps officer, he has published widely on the theoretical foundations of scientific knowledge, computer science, artificial intelligence, cognitive science, and evolution and mentality. McKnight Professor Emeritus at the University of Minnesota Duluth, he has also conducted extensive research into the assassination of JFK, the events of 9/11 and the plane crash that killed Sen. Paul Wellstone. The founder of Scholars for 9/11 Truth, his latest books include *The Place of Probability in Science* (with Ellery Eells, 2010) plus *And I Suppose we didn't go to the Moon, either?* (2015), which was his 30th. He has also published more than 30 articles about Sandy Hook.

Sterling Harwood, J.D., Ph.D. has served as a practicing attorney in San Jose, CA since 1998. He has tenure as an adjunct Professor at Evergreen Valley College after teaching at: Cornell Law School, Lincoln Law School, San Jose State University, Illinois State University, San Jose City College, and Hobart and William Smith Colleges. His books include: *Crime and Punishment: Philosophic Explorations* (with Michael J. Gorr, 2000), *Business*

as *Ethical and Business as Usual* (1996), *Judicial Activism: A Restrained Defense* (1996), and *Controversies in Criminal Law* (with Michael J. Gorr, 1992). Since 1989 he has published dozens of essays in legal, moral and political philosophy. His most recent essays are "Did 'Tricky Dick' Land Men on the Moon?" and "The Beatles' Greatest Mystery" in *And I suppose we didn't go to the Moon, either?* (2015).

Nicholas Kollerstrom, Ph.D. has two history of science degrees, one from Cambridge 1968, plus a Ph.D. from London, 1995. An honorary member of staff of UCL for 11 years, he was in 1999 elected as a Member of the New York Academy of Sciences. A Fellow of the Royal Astronomical Society, he has several dozen articles on the history of astronomy in academic journals. His book, *Terror on the Tube* (3rd edition, 2011), establishes that the accused Islamic youth were innocent of the 2005 London bombings. *Breaking the Spell: The Holocaust, Myth and Reality* (2014), demonstrates that the official narrative of WWII cannot be sustained. He contributed four chapters to *And I suppose we didn't go to the Moon, either?*. His latest book, *The Life and Death of Paul McCartney 1942-66: A Very English Mystery* (2015), has just appeared.

Vivian Lee, Ph.D., the *nom de plume* of a tenured professor at an American university whose research interests include war, psyops, and propaganda, with a current focus on false flag terrorism and shootings along with the media's role in these staged events. The Sandy Hook and Boston Marathon narratives figure prominently due to their significant impact on US national policy, their importance for the conditioning of the public mentality, and the boost they have given to the production, dissemination, and acceptance of fake news worldwide. She has updated and revised the original "Top Ten Reasons: Sandy Hook was an Elaborate Hoax" (7 January 2014), of which she was the lead author with Sofia Smallstorm, James Tracy, Jim Fetzer and other members of the Sandy Hook Research Group, for publication here.

Tony Mead is an entrepreneur who aspires to be an investigative journalist. An administrator of the Sandy Hook Hoax Facebook page, he is also a contributing author and administrator of *Insanemedia.net* and a member of Independent Media Solidarity. He has worked tirelessly for nearly three years investigating and exposing this hoax. This 2nd edition includes three of his articles about some of the more bizarre aspects of Sandy Hook: "The Sandy Hook Psycho-Pharma Connection", "The Sandy Hook Connection to China Murders and the NWO", and "Sandy Hook: The Missing Witnesses", where the list has grown longer over time. We are doing what we can to expose this elaborate hoax, where Tony Mead has been doing his part to inform the public about the depths of depravity that are involved here.

Contributors

Mike Palecek lives in Saginaw, Minnesota, west of Duluth. A writer, he is a former federal prisoner for peace and the Iowa Democratic Party candidate for the U.S. House of Representatives, 5th District in the 2000 election, gaining 65,000 votes on an anti-war platform in a conservative district. A former award winning reporter, editor, publisher in Nebraska, Iowa, Minnesota. The small newspaper that Mike and Ruth Palecek owned and operated in Byron, Minnesota, won the MNA Newspaper of the Year Award in 1993. He co-hosts "The New American Dream" radio show and has published over a dozen books that offer fictional but insightful studies of the American character and the plight in which we find ourselves in the world today. Mike is the founder of Moon Rock Books and the co-editor of this volume.

Allen William Powell, born in the United Kingdom, has retired and resides in Canberra, Australia. When he appeared on "The Real Deal Ep. #81 Explosive New Revelations about Sandy Hook" hosted by Jim Fetzer, it became apparent that one of the leading experts on mischief in Connecticut resided half-way around the world. He has made several additional appearances, including "The Real Deal Ep. 83 Allen Powell does the Boston bombing", "The Real Deal Ep. 87 The Lanza Home: A Prop for Sandy Hook", and "The Real Deal Ep. 96 More Sandy Hook", which are accessible via a search using their titles. His contributions here, "Ch. 7 (with Kelley Watt), "Fixing a Prop: Furnishing the Lanza Home" and "Ch. 8 Setting the Stage: Refurbishing the School", are going to qualify as the most brilliant studies published on Sandy Hook, which provide unexpected but decisive proof that this was a staged event.

James Tracy, Ph.D., formerly an Associate Professor in the School of Communication and Multimedia Studies at Florida Atlantic University in Boca Raton, served on the faculty from 2002-16. He received his doctorate from The University of Iowa, specializing in the areas of political economy of the news media and media history and criticism, and has published numerous academic journal articles and book chapters in these areas. In early 2013, major Western news outlets attacked Tracy for public commentaries on journalistic coverage of the Sandy Hook school massacre and Boston Marathon bombing events, which he had circulated via alternative media. Because of the considerable publicity, Florida Atlantic's administration embarked on formal disciplinary measures against Tracy, which appear to have been motivated by political pressure from the South Florida community. He was terminated in January 2016, officially for having failed to file forms about his outside activities in a timely fashion. He maintains *memoryholeblog.com*, where his studies of Sandy Hook and other events, such as the Boston bombing, are very popular and widely read.

Kelley Watt became a Sandy Hook skeptic a month after it was presented as a "live" event on national television. Owning a residential/commercial cleaning service for 18 years prompted her calls to several Connecticut state agencies (Connecticut's Environmental Protection Agency, Connecticut State Police and the Connecticut Major Crimes Squad) to whom she addressed the question. "Who received the contract to clean up the blood (bio hazard) at Sandy Hook?" None of them had an answer to this simple question, when their responses was either "We don't know" or the priceless response of Lt. Paul Vance. "What blood?" She then began making several hundred phone calls to the Chief Medical Examiner and to the Town Clerk's Office, for example, asking basic questions. Rather than being helpful they were rude and would state, "This really happened; how dare you say it didn't". With hundreds of people in Connecticut saying the same thing, "This really happened", and becoming defensive, I knew something was not right with what we were being told. I then contacted all the Connecticut news outlets numerous time and again was met with hostility and threatened with legal action if I called asking any more questions. It was a combination of these attempts I made to find the answers that led me to question and disbelieve everything surrounding this event.

Scale document up

EXHIBIT 10

VS. AME 694 STATE OF CONNECTICUT DEPARTMENT OF PUBLIC HEALTH		CERTIFICATE OF DEATH OFFICE OF THE CHIEF MEDICAL EXAMINER		CERTIFICATE NUMBER	
DECEASED NAME (Last, First, Middle Initial) Noah Samuel Pozner		SEX <input checked="" type="checkbox"/> MALE <input type="checkbox"/> FEMALE		ACTUAL OR APPROXIMATE DATE OF DEATH REPORTED TO THE DEPARTMENT December 14, 2012	
AGE at last birthday 6		DATE OF BIRTH (MM/DD/YYYY) November 20, 2006		TIME OF DEATH (MM:SS) 11:00 AM	
RESIDENCE CITY Connecticut		RESIDENCE COUNTY Fairfield		RESIDENCE TOWNSHIP Sandy Hook	
RESIDENCE STREET (Last 4 digits) 37 Alpine Circle		RESIDENCE ZIP CODE 06482		RESIDENCE PHONE NUMBER (Last 4 digits) <input type="checkbox"/> Home <input type="checkbox"/> Cell <input type="checkbox"/> Other	
DECEASED'S NEXT OF KIN NAME (Last, First, Middle Initial) Lenny Pozner		DECEASED'S NEXT OF KIN NAME (Last, First, Middle Initial) Veronique Patricia Haller		DECEASED'S NEXT OF KIN NAME (Last, First, Middle Initial) Veronique Pozner	
DECEASED'S NEXT OF KIN ADDRESS (Last 4 digits) 37 Alpine Circle, Sandy Hook, Connecticut 06482		DECEASED'S NEXT OF KIN ADDRESS (Last 4 digits) 37 Alpine Circle, Sandy Hook, Connecticut 06482		DECEASED'S NEXT OF KIN ADDRESS (Last 4 digits) 37 Alpine Circle, Sandy Hook, Connecticut 06482	
DECEASED'S NEXT OF KIN CITY (Last 4 digits) SANDY HOOK		DECEASED'S NEXT OF KIN COUNTY FAIRFIELD		DECEASED'S NEXT OF KIN TOWNSHIP SANDY HOOK	
DECEASED'S NEXT OF KIN STATE CONNECTICUT		DECEASED'S NEXT OF KIN ZIP CODE 06482		DECEASED'S NEXT OF KIN PHONE NUMBER (Last 4 digits) <input type="checkbox"/> Home <input type="checkbox"/> Cell <input type="checkbox"/> Other	
DECEASED'S NEXT OF KIN NAME (Last, First, Middle Initial) Abraham L. Green and Son Funeral Home		DECEASED'S NEXT OF KIN ADDRESS (Last 4 digits) 88 Douch Rd. Fairfield, Connecticut 06424		DECEASED'S NEXT OF KIN CITY (Last 4 digits) FAIRFIELD	
DECEASED'S NEXT OF KIN STATE CONNECTICUT		DECEASED'S NEXT OF KIN ZIP CODE 06424		DECEASED'S NEXT OF KIN PHONE NUMBER (Last 4 digits) <input type="checkbox"/> Home <input type="checkbox"/> Cell <input type="checkbox"/> Other	
DECEASED'S NEXT OF KIN NAME (Last, First, Middle Initial) 12-17664		DECEASED'S NEXT OF KIN ADDRESS (Last 4 digits) 12/14/2012		DECEASED'S NEXT OF KIN CITY (Last 4 digits) 11:00 AM	
DECEASED'S NEXT OF KIN STATE CONNECTICUT		DECEASED'S NEXT OF KIN ZIP CODE 06424		DECEASED'S NEXT OF KIN PHONE NUMBER (Last 4 digits) <input type="checkbox"/> Home <input type="checkbox"/> Cell <input type="checkbox"/> Other	
DECEASED'S NEXT OF KIN NAME (Last, First, Middle Initial) Multiple Gunshot Wounds		DECEASED'S NEXT OF KIN ADDRESS (Last 4 digits) Multiple Gunshot Wounds		DECEASED'S NEXT OF KIN CITY (Last 4 digits) Multiple Gunshot Wounds	
DECEASED'S NEXT OF KIN STATE CONNECTICUT		DECEASED'S NEXT OF KIN ZIP CODE Multiple Gunshot Wounds		DECEASED'S NEXT OF KIN PHONE NUMBER (Last 4 digits) <input type="checkbox"/> Home <input type="checkbox"/> Cell <input type="checkbox"/> Other	
DECEASED'S NEXT OF KIN NAME (Last, First, Middle Initial) Homicide		DECEASED'S NEXT OF KIN ADDRESS (Last 4 digits) Homicide		DECEASED'S NEXT OF KIN CITY (Last 4 digits) Homicide	
DECEASED'S NEXT OF KIN STATE CONNECTICUT		DECEASED'S NEXT OF KIN ZIP CODE Homicide		DECEASED'S NEXT OF KIN PHONE NUMBER (Last 4 digits) <input type="checkbox"/> Home <input type="checkbox"/> Cell <input type="checkbox"/> Other	
DECEASED'S NEXT OF KIN NAME (Last, First, Middle Initial) H. Wayne Carter, II, M.D.		DECEASED'S NEXT OF KIN ADDRESS (Last 4 digits) 12 Dickinson Dr. Sandy Hook, CT		DECEASED'S NEXT OF KIN CITY (Last 4 digits) Sandy Hook	
DECEASED'S NEXT OF KIN STATE CONNECTICUT		DECEASED'S NEXT OF KIN ZIP CODE 06482		DECEASED'S NEXT OF KIN PHONE NUMBER (Last 4 digits) <input type="checkbox"/> Home <input type="checkbox"/> Cell <input type="checkbox"/> Other	
DECEASED'S NEXT OF KIN NAME (Last, First, Middle Initial) December 26, 2012		DECEASED'S NEXT OF KIN ADDRESS (Last 4 digits) 11 Main St. Fairfield, CT 06424		DECEASED'S NEXT OF KIN CITY (Last 4 digits) FAIRFIELD	
DECEASED'S NEXT OF KIN STATE CONNECTICUT		DECEASED'S NEXT OF KIN ZIP CODE 06424		DECEASED'S NEXT OF KIN PHONE NUMBER (Last 4 digits) <input type="checkbox"/> Home <input type="checkbox"/> Cell <input type="checkbox"/> Other	
DECEASED'S NEXT OF KIN NAME (Last, First, Middle Initial) Student		DECEASED'S NEXT OF KIN ADDRESS (Last 4 digits) Elementary School		DECEASED'S NEXT OF KIN CITY (Last 4 digits) Elementary School	
DECEASED'S NEXT OF KIN STATE CONNECTICUT		DECEASED'S NEXT OF KIN ZIP CODE Elementary School		DECEASED'S NEXT OF KIN PHONE NUMBER (Last 4 digits) <input type="checkbox"/> Home <input type="checkbox"/> Cell <input type="checkbox"/> Other	

EXHIBIT 11

boxes 12 & 22 corrected as per Father-14-13 Leonard Pozner

STATE OF CONNECTICUT DEPARTMENT OF PUBLIC HEALTH CERTIFICATE OF DEATH

OFFICE OF THE CHIEF MEDICAL EXAMINER 2017-07-078033

1. Name of the deceased: Noah Samuel Pozner

2. Date of death: November 20, 2006

3. Date of funeral: December 14, 2012

4. Actual or presumed time of death: 11:00AM

5. Residence of the deceased: Fairfield, Connecticut

6. Residence of the decedent: Sandy Hook, Connecticut

7. Address: 37 Alaine Circle, Sandy Hook, CT 06482

8. Informant: Veronique Patricia Haller

9. Informant's relationship: Mother

10. Informant's address: 37 Alaine Circle, Sandy Hook, CT 06482

11. Informant's phone: 2130

12. Date of birth: 12/17/2012

13. Date of death: 12/14/2012

14. Time of death: 11:00 AM

15. Cause of death: Multiple Gunshot Wounds

16. Manner of death: Homicide

17. Place of death: 12 Dickinson Dr, Sandy Hook, CT

18. Signature of Chief Medical Examiner: H. Wayne Carver, II, M.D.

19. Date of certification: December 26, 2012

20. Signature of informant: Debbie A. Aurelia

21. Occupation: Student

22. School: Elementary School

23. Social Security Number: [REDACTED]

24. Date of birth: 12/17/2012

25. Date of death: 12/14/2012

26. Time of death: 11:00 AM

27. Cause of death: Multiple Gunshot Wounds

28. Manner of death: Homicide

29. Place of death: 12 Dickinson Dr, Sandy Hook, CT

30. Signature of Chief Medical Examiner: H. Wayne Carver, II, M.D.

31. Date of certification: December 26, 2012

32. Signature of informant: Debbie A. Aurelia

33. Occupation: Student

34. School: Elementary School

35. Social Security Number: [REDACTED]

36. Date of birth: 12/17/2012

37. Date of death: 12/14/2012

38. Time of death: 11:00 AM

39. Cause of death: Multiple Gunshot Wounds

40. Manner of death: Homicide

41. Place of death: 12 Dickinson Dr, Sandy Hook, CT

42. Signature of Chief Medical Examiner: H. Wayne Carver, II, M.D.

43. Date of certification: December 26, 2012

44. Signature of informant: Debbie A. Aurelia

45. Occupation: Student

46. School: Elementary School

47. Social Security Number: [REDACTED]

EXHIBIT 18

Documents:

Government certified or produced and authenticated or authenticatable documents have been produced as conclusive, irrefutable, proof, of the birth and death of Noah Pozner.

The following documents have been produced regarding Noah Pozner, victim at Sandy Hook Elementary School shooting.

Noah Pozner Birth Certificate - Released by Lenny Pozner in 2014.

Noah Pozner Death Certificate - Parent's copy that includes social security number - Released by Lenny Pozner in 2014.

Noah Pozner Death Certificate - Current, publicly available copy obtained from Newtown Town Clerk.

Noah Pozner Autopsy Report - Released by Lenny Pozner in 2014.

Noah Pozner Postmortem External Exam - Released by Lenny Pozner in 2014.

Noah Pozner Report Cards for Sandy Hook Elementary School - Released by Lenny Pozner in 2014.

Noah Pozner Passport

Copy of the official Master Social Security Death Index raw file for Noah Pozner

Note: All documents and images are released with exclusive permission to SandyHookFacts.com. If you intend on using these images or documents, especially if you are a hoaxer conspiracy theorists, you are on notice. Contact Lenny for permission.

EXHIBIT 19



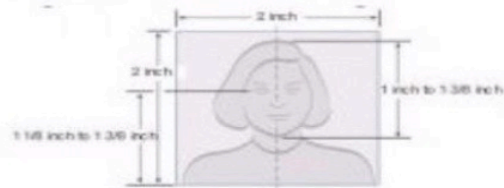
EXHIBIT 20

Photo Composition Template

Starting November 1, 2016, eye glasses will no longer be allowed in visa photos.

- Make sure the photo presents the full head from the top of the hair to the bottom of the chin
- Center the head with the frame
- The person in the photo should have a neutral expression and be facing the camera

Paper Photo Head Size Template



- Photo must be 2 inches by 2 inches
- The height of the head (top of hair to bottom of chin) should measure 1 inch to 1 3/8 inches (25 mm - 35 mm)
- Make sure the eye height is between 1 1/8 inches to 1 3/8 inches (28 mm - 35 mm) from the bottom of the photo

EXHIBIT 21

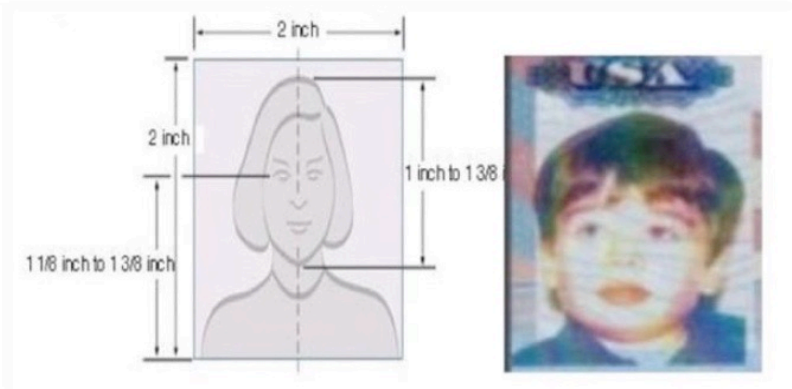


EXHIBIT 22

Noah Pozner Passport
Noah Pozner's Passport was released by Lenny Pozner is 2016.

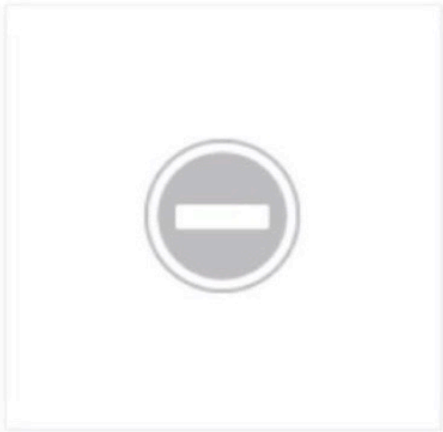


EXHIBIT 23

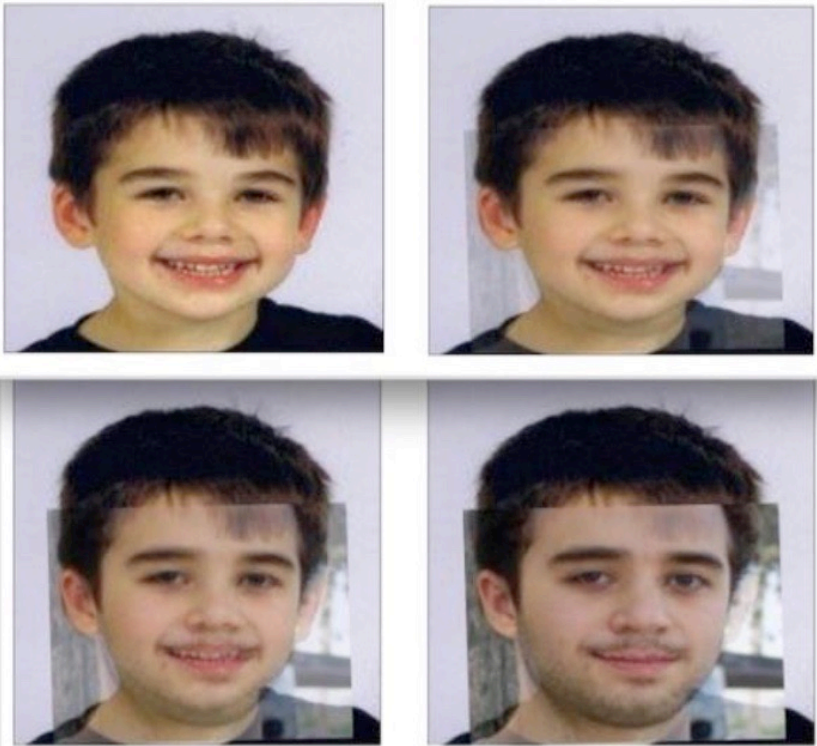


EXHIBIT 24

Larry Rivera has done brilliant research proving that the figure known as "Doorman" standing in the doorway of the Texas School Book Depository was in fact Lee Oswald, as Harold Weisberg, Jim Garrison and other serious students of JFK have believed. So I was sure he could help to resolve this issue by superposition:



Larry found that these were the photos that best facilitated the superposition, where the eyes, the eyebrows and the mouth align almost perfectly. The key is fixing the inter-pupillary distance (between the pupils of their eyes) the same. I knew he could help to resolve this issue by superposition. Here is a series that demonstrates that, in spite of their age difference, considering normal growth, *Noah and Michael are one and the same*:

EXHIBIT R:

Oral Hearing Transcript Extracts

(June 17, 2019)

with death certificates embedded
(the new and 5th sealed by the court)

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EXHIBITS

<u>No.</u>	<u>Description</u>	<u>Marked</u>	<u>Received</u>
1	Plaintiff's PowerPoint slide printout	33	
2	N.P.'s death certificate	44	62
3	Blank death certificate	61	62
4	N.P.'s death certificate published version	137	150
5	N.P.'s death certificate issued 11/14/2018	138	150
6	N.P.'s death certificate obtained by Dave Gahary	139	150
7	N.P.'s death certificate issued 4/22/2019	139	150
8	Oral argument briefing notes of Defendant Fetzer	147	150
9	Packet of varying death certificates	150	150
10	Book - <i>Nobody Died at Sandy Hook</i>	170	170

1 (Proceeding began at 8:35 a.m.)

2 THE COURT: This is case 18-CV-3122, Leonard

3 Pozner versus James Fetzer, et al.

4 May I have the appearances for the Plaintiff.

5 MR. ZIMMERMAN: Good morning, Your Honor.

6 Jake Zimmerman for the Plaintiff, with me is

7 Marisa Berlinger and Emily Feinstein.

8 MR. FETZER: James Fetzer, pro se, Your Honor,

9 with Mike Palecek, co-defendant.

10 THE COURT: Good morning. I recognize your

11 voice, Mr. Fetzer.

12 Good morning, Mr. Palecek.

13 MR. PALECEK: Good morning.

14 THE COURT: Drove down from Minnesota?

15 MR. PALECEK: Yep.

16 THE COURT: Welcome to Wisconsin. I guess it

17 was sunny up in the northern climates.

18 Mr. Zimmerman, welcome to Madison.

19 We're on the Court's calendar for a lot of

20 stuff. I've got various piles here to work through.

21 Originally scheduled for today was an oral argument on the

22 motion for summary judgment. I intend to get through all

23 the motions this morning to keep this case moving. I do

24 have some questions about the various motions and then

25 I've got questions about the underlying issues and then

1 about the bigger picture of how this case is going to
2 proceed.

3 As I always say, certainly for you, Mr. Fetzer
4 and Mr. Palecek, as you know, we're on the court record.
5 The court transcript is -- my court reporter is recording,
6 so two people can't talk at the same time. Don't worry, I
7 won't decide anything until you've finished telling me
8 everything you want me to understand before I rule on a
9 motion.

10 I want to preemptively apologize. Sometimes --
11 well, not sometimes, I often interrupt people, which is
12 quite rude in social settings, but in the court, if I let
13 people talk on and on and on then, of course, we would be
14 here for days and days and days. I'd like to try to keep
15 things focussed and moving along.

16 Couple of loose ends I'd like to discuss.
17 Mr. Palecek, so welcome. I'm glad you came. I know that
18 you had initially indicated, as your usual practice, that
19 you had -- you weren't going to participate today. I
20 pointed out, well, gee, today is a date to decide a motion
21 for summary judgment, a motion for summary judgment
22 against you and Dr. Fetzer, and that if you didn't come,
23 you ought to be prepared for the possibility that judgment
24 might be entered against you by default.

25 Since then, I got a brief from you. Let me

1 spread out my piles here. Okay. It's called a Verified
2 Motion for Extension of Time to File Response to
3 Plaintiff's Motion for Summary Judgment, Out of Time. Who
4 wrote this brief, Mr. Palecek?

5 MR. PALECEK: An advisor to me, a retired
6 attorney.

7 THE COURT: Okay. So Supreme Court Rule 20:1.2,
8 the Wisconsin Supreme Court has rules, requires that
9 attorneys who assist people in drafting briefs are legally
10 required to state in that brief, and I quote, This
11 document was prepared with the assistance of a lawyer.
12 That is not stated in your brief.

13 MR. PALECEK: Okay.

14 THE COURT: Is this lawyer licensed to practice
15 law in Wisconsin?

16 MR. FETZER: No.

17 MR. PALECEK: No.

18 THE COURT: All right.

19 MR. PALECEK: No.

20 THE COURT: So here's the problem. I know you
21 did not or you -- I assume you do not intend to be,
22 essentially, a party to the crime of practicing law in
23 Wisconsin without a license. It's against the law to
24 practice law in Wisconsin without a license. It applies
25 to people who don't have licenses, it applies to people

1 who have licenses elsewhere but not in Wisconsin.

2 I can't take a brief that violates the law and
3 say, well, it's no big thing. Do you understand the
4 problem? I mean, there --

5 MR. PALECEK: Yes.

6 THE COURT: I'll make one more comment and then
7 I'll hear from you on what you'd like me to do. I
8 understand that -- well, let me ask you a couple
9 questions. Tell me a little bit about yourself,
10 Mr. Palecek. I know you come from Minnesota. Are you
11 retired? Are you employed?

12 MR. PALECEK: I work for an agency for disabled
13 adults near -- in Cloquet.

14 THE COURT: Up in Cloquet?

15 MR. PALECEK: Yes.

16 THE COURT: And I assume you're a man of modest
17 means?

18 MR. PALECEK: (Nods head in the affirmative.)

19 THE COURT: And I know -- I can take judicial
20 notice of the fact that lawyers are expensive. Can you
21 afford a lawyer?

22 MR. PALECEK: I might be able to.

23 THE COURT: Did you happen to see that the
24 Plaintiffs filed a document over the weekend saying
25 they're going to possibly ask for a judgment in -- up in

1 excess of a million dollars?

2 MR. PALECEK: No, I didn't see that.

3 THE COURT: Do you understand that if the -- if
4 the Plaintiffs prevail, they will be seeking a judgment
5 against you, joint and several with Dr. Fetzer,
6 personally, that may result in foreclosure on your home or
7 depletion of your bank account or anything else a creditor
8 can do to collect a debt?

9 So on the one hand, Mr. Palecek, I understand
10 that you sit here unrepresented. You have someone helping
11 who's not licensed to practice law, who doesn't make the
12 required disclosure under 20:1.2.

13 Here's the other problems, and I don't mean any
14 disrespect against the person, but if the person was
15 presumably -- well, the person was licensed to practice
16 law in Wisconsin, they would have probably told you we
17 need some -- there's no affidavit attached. You didn't
18 respond to the proposed findings of fact that the
19 Plaintiff -- you raised the statute of limitations
20 defense, but in all other respects, the motion is and the
21 attached response is deficient. What would you like me to
22 do for you here today?

23 MR. PALECEK: I would just like you to act on
24 the pleadings on the document that I submitted.

25 THE COURT: So, Dr. Fetzer, I know you're

1 whispering to Mr. Palecek. Maybe you're his best friend.

2 You can't --

3 MR. FETZER: Well --

4 THE COURT: That's the other thing. You can
5 represent yourself, Dr. Fetzer.

6 MR. FETZER: Yes.

7 THE COURT: But you can't -- you can't help
8 Mr. Palecek, because that, in a sense, is acting as his
9 lawyer.

10 MR. FETZER: Very well, Your Honor. I was
11 simply suggesting he affirm the content he were under oath
12 before you, Your Honor.

13 THE COURT: Well, again, I mean, Dr. Fetzer --
14 Dr. Fetzer, I -- look it, my job -- Chief Justice Roberts
15 says a judge's responsibility is like the umpire behind
16 the bench. The umpire behind the bench at a baseball game
17 doesn't tell the pitcher what balls to throw or how to
18 play or anything. You sit here and you see these come
19 across the plate and you make the call.

20 My job really isn't to help you, Mr. Palecek.
21 It might seem unfair. The Court does afford some latitude
22 to people who are unrepresented, but the Plaintiff is
23 represented and presumably paying, well, maybe even paying
24 for three lawyers at considerable cost, and often judges
25 can be faulted for appearing to be partisan in terms of

1 helping the unrepresented side to the strategic and
2 financial disadvantage of those represented.

3 Let me ask you this, because this is going to
4 get into a line of question. Let me just segue slightly,
5 Mr. Palecek. You've been very quiet in the lawsuit. I
6 mean, you've been on the phone listening along. I don't
7 know as I sit here today what Mike Palecek's position
8 really is on the underlying action. I do know from
9 Dr. Fetzer what he thinks and I've read his written
10 material. You've just raised, oh, by the way, it's a
11 statute of limitation defense.

12 So let me ask you this, because the statute of
13 limitations defense, Mr. Palecek, is this notion that you
14 waited too long, that you had a cause of action that
15 occurred at a single point in time, and even if it was
16 meritorious under the law, you've waited too long -- the
17 Plaintiff waited too long to hold you accountable for the
18 wrong. That's just a sort of generic concept of a statute
19 of limitations.

20 So if I understand what, with the assistance of
21 this lawyer you wrote, you said, Assuming even if it's
22 true that I defamed the Plaintiff, he waited too long.
23 That's what you're telling me, right?

24 MR. PALECEK: Yes.

25 THE COURT: Okay. Now, that presumes then that

1 the occurrence of defamation occurred at a single point in
2 time, as opposed to, let's say, ongoing recurrent cause of
3 actions.

4 I'll give you an example. Let's say if I was
5 your next-door neighbor and I trespassed on your yard
6 three years ago and a day. On the three year statute of
7 limitations, then you say when you did that three years
8 ago and a day, on the three year, it's too late. But if I
9 trespass then the next week and the following week and the
10 next month and even last week, then there are recurrent
11 transgressions which could give rise to an ongoing cause
12 of action that then essentially tolls the limitation
13 period because of this ongoing trespass. Do you
14 understand this hypothetical?

15 MR. PALECEK: Yes.

16 THE COURT: Okay. So as you sit here today,
17 I'll ask you some questions, just to establish what your
18 position is. You know, the Plaintiff is a man named
19 Leonard Pozner.

20 MR. PALECEK: Yes.

21 THE COURT: And, you say in your statute of
22 limitations defense, you said, Well, okay, maybe we said
23 that, maybe I said that back then that he fabricated the
24 death certificate or that he didn't have a son and that
25 his son -- that he didn't have and nobody ever died at

1 Sandy Hook, today, what's your position? Is there a
2 person named Leonard Pozner a real person?

3 MR. PALECEK: I think we don't know. I think I
4 don't know.

5 THE COURT: Did Leonard Pozner have a son named
6 Noah?

7 MR. PALECEK: I think we don't know. I think
8 it's...

9 THE COURT: Did a person named Noah Pozner die
10 at Sandy Hook?

11 MR. PALECEK: I don't believe so.

12 THE COURT: Are any of the death certificates,
13 whether we talk about the first one in its first form or
14 how it was modified or even the one maybe you've seen
15 today -- let's work our way backwards. You've seen now a
16 death certificate most recently produced in this
17 litigation, right, Mr. Palecek?

18 MR. PALECEK: Mm-hmm.

19 THE COURT: Do you agree that that death
20 certificate is accurate and truthful or not?

21 MR. PALECEK: Not.

22 THE COURT: You don't -- you think it's false
23 and a fabrication?

24 MR. PALECEK: Yes.

25 THE COURT: Okay. Do you understand then if

1 that's the case, Mr. Palecek, then how do I view a statute
2 of limitations, because if I understand, you still suggest
3 as you sit here today that Noah -- that Lenny Pozner is a
4 liar, he didn't have a son named Noah, nobody died at
5 Sandy Hook, and any document purporting to be a death
6 certificate is a fabrication. Is that what you're telling
7 me?

8 MR. PALECEK: Yes. Yes.

9 THE COURT: Mr. Zimmerman, does that take care
10 of the -- even an arguable statute of limitations defense?

11 MR. ZIMMERMAN: I -- I don't think there is an
12 arguable statute of limitations defense, but I think that
13 his agreement that there is an ongoing and repeated
14 defamation would render a statute of limitations defense
15 meaningless.

16 THE COURT: Do you agree, Mr. Zimmerman,
17 hypothetically, I guess for Mr. Palecek, that if he said
18 today, look, assuming there's no activity on his part in
19 between more than three years ago when this first all
20 came -- Well, let me ask you this. What was Mr. Palecek's
21 involvement in -- at the outset that gave rise to your
22 naming him in the lawsuit?

23 MR. ZIMMERMAN: Mr. Palecek coedited the book.
24 It has been published and printed and released under his
25 name.

1 THE COURT: Okay. And what year was that?

2 MR. ZIMMERMAN: Initially in 2015.

3 THE COURT: Okay. Let's just assume,

4 Mr. Zimmerman, that the cause of action accrues in 2015,

5 and let's just assume there's a three year statute of

6 limitations. Do you agree that if that was the sum total

7 of Mr. Palecek's involvement and he said here today, I

8 thought that was true when I edited the book but now I

9 have come to believe by reviewing all the evidence that

10 Leonard Pozner did have a son, Noah, that his son was

11 killed at Sandy Hook and the death certificate that I've

12 seen is accurate and real and truthfully recognizes the

13 facts as I now understand them, because now I've seen

14 the -- I've seen it all, so I admit. Had he done -- had

15 that been your position, Mr. Palecek, Mr. Zimmerman, don't

16 you agree that that would be a different case on the case

17 of occurrence on the cause of action?

18 MR. ZIMMERMAN: Yes, Your Honor. It would

19 certainly be a different case. There would not have been

20 a second or subsequent edition of the book that included

21 both the original defamatory language and then also

22 additional defamatory language once again published under

23 Mr. Palecek's name.

24 THE COURT: Mr. Palecek, do you understand what

25 I'm saying? I mean, essentially, if you said, to mix my

1 metaphors, if you said to me, *Judge, now I believe. I'm*
2 *getting off this train. I'm not riding it to the end.*
3 That's a different analysis than if you said to me, *No,*
4 *nothing has changed. What I believe then is what I*
5 *believe now. I'll say it -- I said it then and I'll say*
6 *it again.* Do you understand the difference between
7 those -- that two strategy?

8 MR. PALECEK: I do, yes.

9 THE COURT: What do you want to -- what's --
10 what is your position today, because that then affects,
11 even if I were to consider your statute of limitation
12 defense, how I would decide it. Do you want to stay on
13 the train, so to speak, or do you want to get off?

14 MR. PALECEK: Well I still believe what I
15 believed when we -- my thinking has not changed here.

16 THE COURT: And your thinking has not changed,
17 meaning particularly, that you still maintain today that
18 Lenny Pozner has falsified and fabricated a death
19 certificate for purportedly a son, Noah?

20 MR. FETZER: If I might, Your Honor, that's
21 incorrect. We haven't accused Mr. Pozner of doing that.
22 We have declared the death certificate is a fabrication
23 wherever it originated, Your Honor. It's been an
24 implication by --

25 THE COURT: Okay. Dr. Fetzer.

1 MR. FETZER: -- the Plaintiffs that is
2 inaccurate that we accused Mr. Pozner --
3 THE COURT: Okay.
4 MR. FETZER: -- of doing that. We have not.
5 THE COURT: I understand. You speak for
6 yourself, okay? You can't say "we" in the court of law.
7 I understand.
8 Mr. Palecek, I'll then rephrase my question.
9 Without regard to who -- who created it, is the death
10 certificate -- are any of the death certificates in any of
11 the forms that you've seen truthful and accurate?
12 MR. PALECEK: I don't believe so.
13 THE COURT: All right. What's your response in
14 terms of whether the Court should accept, if so -- if not,
15 why not; if so, your response on Mr. Palecek's statute of
16 limitation defense.
17 MR. ZIMMERMAN: Yes, Your Honor.
18 At the outset, Wisconsin has never adopted the
19 single publication rule for any defamation other than
20 defamation on the internet. As it stands today, as the
21 Wisconsin Supreme Court decided in Voit v. Madison
22 Newspapers, defamation occurs at "every sale and delivery
23 of a written or printed copy." Every one is a fresh
24 publication for statute of limitations purposes.
25 Now, it may be that a policy making court in

1 Wisconsin, if they were presented with the opportunity to
2 review this question again, would say we think the
3 restatement sets forth a reasonable rule in the single
4 publication rule, but even if they did that here, we're
5 not talking about a single publication. We have a second
6 edition that's published within three years of the date
7 that Plaintiff filed their complaint. We did that, Your
8 Honor, to make sure that in the event this case were to go
9 up and the court were to change Wisconsin law, it would
10 not impact the outcome. We have a second edition that
11 includes defamation that was not present in the 2015 book.
12 So statute of limitations would not get rid of the
13 defenses -- or the Plaintiff's complaint, the Plaintiff's
14 allegations based on the sale of the book.

15 THE COURT: Mr. Palecek, it's your motion, so
16 you get the last word.

17 MR. PALECEK: Doesn't the statute of limitation
18 go from the first publication which would be the article
19 in *Veterans Today* in 2014?

20 THE COURT: But Mr. Zimmerman is saying
21 that's --

22 MR. PALECEK: That's not --

23 THE COURT: That's when it begins, but you reset
24 the clock back to zero every time you republished the
25 alleged defamatory statement.

1 MR. PALECEK: I see. Okay. Then I don't -- I
2 don't have anything further to say.

3 THE COURT: Okay. I'm going to say this about
4 your motion. First of all, I'm going to reject the motion
5 as not complying with Supreme Court Rule 20:1.2.

6 Second, Mr. Palecek, I appreciate your candor.
7 I'm going to reject the motion because it was not only a
8 violation of 20:1.2 but it was prepared by a lawyer not
9 licensed to practice law in Wisconsin.

10 Now, alternatively, even if I had accepted the
11 motion, for the -- for the reasons I'll state, I agree
12 with Mr. Zimmerman, my review of the Wisconsin case law is
13 that it's a recurrent acts of alleged defamatory
14 statements, even including up until today, the position
15 that you are espousing to the Court, and so therefore, the
16 cause of action is well-within the applicable Wisconsin
17 statute of limitations.

18 Third, you filed a motion for extension of time
19 and you said, to file a Response to Plaintiff's Motion for
20 Summary Judgment, Out of Time. I don't even know what
21 this lawyer's meaning by that. But -- and the document
22 is -- attaches Palecek's Response to Plaintiff's Motion
23 for Summary Judgment and Cross-Motion for Summary
24 Judgment. So let's take that up.

25 You really haven't responded to the Plaintiff's

1 Motion for Summary Judgment. You did raise the statute of
2 limitations defense, which I'm going to deny your motion
3 to dismiss based on an ongoing cause of action.

4 Mr. -- the Plaintiff, am I correct,
5 Mr. Zimmerman, is -- suggests that the absence of any
6 response means the motion -- summary judgment should be
7 granted against Mr. Palecek by default. Is that what
8 you're asking?

9 MR. ZIMMERMAN: Yes, Your Honor.

10 THE COURT: Do you understand that in Wisconsin,
11 Mr. Palecek, again, even if I were to consider what this
12 lawyer said he was doing for you, or she, there is no
13 response to the merits of the Plaintiff's Motion for
14 Summary Judgment, there are no response to the findings of
15 fact that the Court ordered to be provided, and I don't
16 know really what the cross-motion for summary judgment is.
17 A cross-motion for summary judgment is a denomination of
18 suggesting you're asking for summary judgment against
19 Dr. Fetzer, because when you cross-motion, you're crossing
20 over to the guy sitting next to you, not a -- a
21 counter-motion or your own motion. Had you intended to
22 ask for summary judgment to be awarded against your
23 co-defendant by your cross-motion?

24 MR. PALECEK: No.

25 THE COURT: Do you understand that the Plaintiff

1 says by not doing any of the things that you were supposed
2 to do in response to the motion for summary judgment, I
3 should just grant summary judgment against you, basically,
4 that's -- you're done?

5 MR. PALECEK: I --

6 MR. FETZER: Mr. Palecek sought to join my
7 motion, Your Honor, as I believe is stated therein.

8 THE COURT: Where does it say that?

9 MR. FETZER: I don't have the document in front
10 of me, but is that not the case?

11 MR. PALECEK: It's in there, yes.

12 MR. FETZER: Right at the initial first few
13 sentences, I believe, Your Honor, in the first paragraph.

14 THE COURT: Where does it say that? Oh, Number
15 1. I join Fetzer's Motion for Summary Judgment and
16 Fetzer's Response to Plaintiff's Motion for Summary
17 Judgment, including the accompanied documents in support
18 of that response.

19 All right. I'll take under advisement for --
20 we'll come back to the default.

21 Let's take up, Mr. -- Dr. Fetzer, your Motion to
22 Reconsider and a Motion for Protective Order. I do note
23 that you filed something -- even this on Sunday. I did
24 get a chance to read it. Now --

25 MR. FETZER: I believe it was Friday, Your

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Honor.

THE COURT: Oh, Friday night. It came in Friday night. The Plaintiff's 802.08(2) disclosure came in Sunday.

The only thing that came separate was the -- who filed the Affidavit of David Gahary?

MR. FETZER: Oh, I submitted it, Your Honor. It's -- it's presently un-notarized. He's having it notarized today. It will be here today.

THE COURT: And what -- what is the purpose of the --

MR. FETZER: The receipt of the death certificate that had the partial printed filed number which came from the office of Debbie Aurelia Halstead, Your Honor.

THE COURT: All right. We'll put that aside for now.

So Mr. Zimmerman, Dr. Fetzer wants me to reconsider an earlier ruling I made regarding a motion to compel because now he would like to assert a privilege given to journalists. Now, we all know, because we were all on the phone, he didn't assert that defense at the time the Court considered your motion to compel.

My recollection of the underlying motion was fairly simple, is the Plaintiff requested, Look, in order

1 for me to prove that the elements of defamation, I need to
2 know all the information you had which formed the basis of
3 your assertion that Leonard Pozner -- well, restate
4 that -- the assertion that the death certificate was
5 fabricated by someone.

6 MR. ZIMMERMAN: Your Honor, if you would indulge
7 us, my colleague has been responsible for --

8 THE COURT: Okay.

9 MR. ZIMMERMAN: -- preparing the response to
10 this.

11 THE COURT: So let's go back and then in my own
12 mind reset what it is that you were attempting to do with
13 the discovery that you submitted that I actually granted
14 your motion to compel.

15 MS. BERLINGER: I believe that your recollection
16 is correct, Your Honor. The discovery was sought in order
17 to form the basis for the underlying defamation claim. I
18 think in particular, the discovery requests that
19 Dr. Fetzer doesn't want to produce discovery too actually
20 goes to the malice element.

21 THE COURT: In other words, you want to know
22 everything he knew when he formed the belief that he
23 continues to hold today that the -- every version of the
24 death certificate is a fabrication.

25 MS. BERLINGER: That's correct.

1 THE COURT: Do you agree, Dr. Fetzer, setting
2 aside your privilege, you agree that that request is a
3 fair request, setting aside the privilege.

4 MR. FETZER: Absolutely not, Your Honor.

5 This whole case is an abuse of process. It
6 wasn't filed as a legitimate claim of defamation. The
7 death certificate is on its face a fabrication, Your
8 Honor.

9 It's a law in Connecticut that not even a parent
10 can -- can have possession of a noncertified death
11 certificate. That's a noncertified death certificate. It
12 doesn't have Debbie Aurelia's certification. It's very
13 obvious when we look at the documents, Your Honor, this
14 entire case is as fabricated as the death certificate.

15 And what they want this for was acknowledged by
16 the Plaintiff in the comment when he was asked about
17 having lost the Wolfgang Halbig lawsuit he said, Well,
18 yeah, but he actually won because he got Wolfgang to take
19 down his Sandy Hook Justice website, and he added, And to
20 show hoaxers that they're going to be dragged into court
21 and it will last for a long time.

22 Your Honor, they want more grist for their mill.
23 This man's been abusing the process again and again
24 bringing lawsuits and harassment against those who are
25 seeking to expose the truth.

1 I would be complicit, an instrument of his abuse
2 of them were I to release these documents. Frankly, I've
3 never even seen the document attached to the Complaint
4 before the Complaint was filed. The parties to this have
5 extraordinarily limited relationship to the death
6 certificate issue, Your Honor.

7 The book is 440 pages or so that I did the index
8 myself. The number of times in which Leonard or Noah
9 Pozner are cited is about 14 pages, which is shorter than
10 the preface authored by my co-defendant, Mike Palecek.

11 I am absolutely committed to protecting those
12 who have been my resources, my sources in the past, from
13 further abuse by this man whom I have described on
14 occasion as a cyber terrorist. He has boasted of taking
15 down tens of thousands of content items from the internet,
16 Your Honor.

17 THE COURT: Okay. Time out. Time out. So I --
18 I -- we've got a bunch of specific things to talk about.
19 I know you were sort of like -- you had to get that out,
20 Dr. Fetzer, but up until this point on all the phone
21 conversations we've had, I've appreciated how you've sort
22 of stuck to the particular issue at hand. Do you
23 understand, I'll give you an opportunity to talk about
24 certainly the issues that you've just mentioned on the
25 context of the Motion for Summary Judgment. All I'm

1 talking about is your -- your Motion for a Protective
2 Order.

3 MR. FETZER: Your Honor, I have a lengthy
4 history as an investigative journalist. I've had six or
5 seven radio shows. I was a journalist for *Veterans Today*
6 from 2011 to 2014. I had --

7 THE COURT: There's no question, Dr. Fetzer,
8 that I -- I agree with you that the law has moved toward a
9 greater protection in recognizing some of the traditional
10 protections we've given the classic written newspaper
11 journalist, television journalism, to journalists of -- of
12 a different kind.

13 So but -- but this is a discovery question now.
14 Dr. Fetzer, why didn't you raise this issue when I -- we
15 were together on the motion to compel?

16 MR. FETZER: I suppose it hadn't crossed my
17 mind, Your Honor, but it's such an enveloping aspect of
18 this case. The -- the Plaintiff is seeking to identify
19 new targets for his harassment, for his lawsuits.

20 THE COURT: Okay.

21 MR. FETZER: He has a history of doing this.

22 THE COURT: Hang on. So Dr. Fetzer, there's a
23 concept in the law that when you don't raise something
24 when it was time to raise it, you waive it, so we don't
25 keep coming back and having additional hearings. You

1 agree that this should have been raised at the time I
2 considered the motion to compel.

3 You've called it a Motion to Reconsider, and
4 under 806.07, there's specific things I look at to
5 determine whether a court should reconsider. Are you
6 familiar with the statutory provisions set forth in
7 Wisconsin statutes 806.07?

8 MR. FETZER: Only -- only in a general fashion,
9 Your Honor.

10 THE COURT: Okay. Now, privileges --

11 MR. FETZER: The --

12 THE COURT: I haven't -- I don't recall that
13 I've ever actually dealt with this particular kind of
14 privilege in my career. Other privileges we require the
15 party seeking the privilege to at least disclose, in
16 what's called a privilege log, the existence of documents
17 that the person claimed to be privileged.

18 For example, I don't want to be arguing about
19 the privilege if, in fact, there's nothing responsive to
20 produce, just because one wants to litigate privilege.
21 May I assume that you have documents responsive to the
22 Plaintiff's request and that you have not yet produced
23 them?

24 MR. FETZER: Well, I have correspondence from
25 all the contributors to the book, Your Honor, but the

1 issues are well defined in the book and they would add
2 nothing of legal merit to the case. I feel I would be
3 betraying my sources by allowing them to be vulnerable to
4 ongoing attacks by the Plaintiff.

5 THE COURT: Okay. That wasn't my question,
6 Dr. Fetzer.

7 Like, I'll give you an example. If -- if, let's
8 say, you had a lawyer and Mr. Zimmerman said, I want you
9 to provide copies of your letters to your lawyer, you'd
10 say, Correspondence with my lawyer are protected by the
11 attorney-client privilege.

12 A privilege log and the obligation to disclose
13 not the contents of the documents but the existence of the
14 documents means that then the Court's time is not taken up
15 in considering just the abstract principle if the question
16 is fair or not. Because if in my hypothetical, Dr.
17 Fetzer, there were no letters to my lawyer, you'd say,
18 There are no letters to my lawyer, and we wouldn't have to
19 talk about an abstract principle of privilege.

20 The same seems to me to apply to the privilege
21 you're now asking me to recognize. But before I do that,
22 if you were to prepare a log, would that log contain
23 documents that you feel are responsive to the request? Do
24 you understand?

25 MR. FETZER: In other words, do I have any

1 correspondence where with any of the contributors we
2 discussed the death certificate and its authenticity?

3 THE COURT: I guess, yeah.

4 MR. FETZER: The answer would, of course, be
5 affirmative, Your Honor.

6 THE COURT: Okay. Is not a log the first -- the
7 first step in figuring out whether even the privilege
8 applies? Again, I have not dealt with the -- this type of
9 privilege, but we do it all the time in attorney client.

10 For example, Dr. Fetzer, let's say you have a
11 document. In the privilege log you'd say whose -- I have
12 this document, it's responsive, it's a communication
13 between me and this person or this person of --

14 MR. FETZER: The --

15 THE COURT: There might be something by defining
16 the existence of the document, the sender and the receiver
17 and the subject that would be an exception to the
18 journalist privilege. Are there not privilege logs in
19 this area of the law or no? I don't know.

20 MS. BERLINGER: I don't think a privilege log is
21 the first step here, Your Honor, and that's because
22 Wisconsin has not adopted a journalist privilege for
23 parties to a litigation.

24 MR. FETZER: If I might return to the phone
25 conversation to which Your Honor has alluded.

1 Frankly, I was stunned when you offered that
2 declaration. Even Reed Peterson wanted to comment on its
3 sweeping breadth, Your Honor, and you cut him off. You
4 cut him off short because he wasn't me. Well, he was
5 speaking on my behalf, Your Honor, and frankly, I thought
6 that decision was truly unjustifiable, unwarranted.

7 I have admired your conduct of this case in
8 every other respect. In that single one, in my opinion, I
9 had no opportunity to think through the breadth of your
10 decision on that occasion, which I thought was preemptory
11 and not sufficiently thoughtful of the rights of all of
12 those who participated in this effort with me. That's my
13 candid assessment, Your Honor.

14 I might very well have thought of the
15 journalistic privilege as an extension of it had that
16 conversation been allowed to continue, but you cut it off
17 quite abruptly, as the record will show.

18 THE COURT: I don't -- Dr. Fetzer, you get to be
19 a certain age in which I have to confess, I don't have a
20 perfect recall of the details of everything.

21 I can tell you this, Attorney Peterson has not
22 and never represented you. He always has a duty to and
23 loyalty to his client, Wrongs Without Wremedies. So if
24 what you're saying to me is I was uncharitable with
25 Mr. Peterson's gratuitous comments that may affect someone

1 other than his client, that sounds like something I would
2 do.

3 Now, in terms of my decision being precipitous,
4 I don't know how to respond to it because I usually did --
5 I usually do, as I would today, always give everyone an
6 ample opportunity to tell me everything that you wanted me
7 to consider before I decide the question. And I have a
8 recollection that -- well, first of all, by your own
9 admission, this particular privilege was never raised, and
10 so it wasn't considered. That I can confess.

11 MR. FETZER: I was --

12 THE COURT: To the extent I didn't consider
13 anything else, I'm not sure what you're alluding to.

14 MR. FETZER: I was frankly astonished by your
15 decision on that occasion, Your Honor. I wanted to start
16 to fathom what it signified in terms of its implications.
17 I believe had I had more opportunity to reflect then, I
18 would have asserted what I'm asserting now.

19 I feel very much as though I were in the
20 position of a lawyer to client in relation to the
21 contributors to the book, Your Honor. There is no merit
22 to the case. This is a complete harassment lawsuit. It's
23 an abuse of process, and I don't want them to be subjected
24 as new targets for the Plaintiff to address.

25 THE COURT: Okay. What do I -- I don't know

1 what that --

2 MR. FETZER: May I --

3 THE COURT: I don't know --

4 MR. FETZER: -- humbly request, Your Honor, that
5 after you hear the oral argument, you return to this
6 issue? In other words, defer it for the time being,
7 because the evidence in the case now that I will review
8 today is clear and decisive and leaves no doubt about it.

9 THE COURT: Doubt about what?

10 MR. FETZER: The issue of defamation. There can
11 have been no defamation because by Connecticut law not
12 even parents are allowed to possess uncertified death
13 certificates. That was an uncertified death certificate.
14 By Connecticut law, he was not entitled to possess it.

15 THE COURT: Okay. Before I either decide it or
16 come back to it, I understood then and I understand why a
17 lawyer representing Leonard Pozner on this claim would
18 want this information. I -- I do think the definition of
19 relevant information or -- is something that is either,
20 relates to the cause of action or likely to lead to the
21 discovery of some other relevance. So the discovery in
22 Wisconsin is broader than what might be just limited to
23 what you'd prove to the jury. And it makes sense to me
24 then as it does now that the Plaintiff would say, Look,
25 they say it's a fabricated, a false death certificate, I'd

1 like to know why they come to that conclusion, because if
2 there's no underlying evidence or underlying research or
3 any documentation, then that might go to you, as you say,
4 the -- the damages or the -- what was it, the element, not
5 willfulness?

6 MS. BERLINGER: Malice, Your Honor.

7 THE COURT: Malice.

8 MR. FETZER: Your Honor, if --

9 THE COURT: Do we need to -- do we need to
10 though -- on the other hand, I've looked at the documents
11 in support of the Plaintiff's Motion for Summary Judgment.
12 So you've seem to have done all right so far without it.
13 Is this evidence which is necessary to decide the motion
14 for summary judgment?

15 MS. BERLINGER: Your Honor, it seems to me that
16 there's no evidence that Plaintiff is a limited-purpose
17 public figure, and that is the only reason that we would
18 need to prove that the statements were made with malice,
19 and so it does not seem necessary for you to decide the
20 Motion for Summary Judgment.

21 THE COURT: Okay. We're going to get to that.
22 So if I -- if I have conclude that Leonard Pozner is -- I
23 had these words in my mind so I said it the right way, the
24 two different tests on defamation, a public figure and
25 then a private individual. I know that there's different

1 words. If I conclude Leonard Pozner is just a private
2 individual, then this discovery motion is -- becomes
3 academic?

4 MS. BERLINGER: I think the issue becomes moot.

5 THE COURT: Okay.

6 MR. FETZER: One further observation, Your
7 Honor. Any such correspondence would have been regarding
8 reasons for concluding --

9 THE COURT: Okay. Do you -- so let's -- let's
10 be -- so I catch this train.

11 The Plaintiff has moved for summary judgment.
12 On -- one of the issues is for me to say whether there's
13 any genuine issue on any of the facts material to whether
14 Leonard Pozner is what I'll call a private individual as
15 opposed to a public, do you understand that if I conclude
16 on summary judgment he's not a public figure, then
17 everything in your file can stay in your file, they don't
18 need it any longer. All right? You understand that?

19 MR. FETZER: I do, Your Honor.

20 THE COURT: Okay. Let's take that up. I've got
21 my notes on that. Who wants to argue the terms of that
22 underlying question? Because, that I do think is an
23 appropriate question to be resolved -- to be answered by
24 the Court in the context of a motion for summary judgment.
25 I do have some questions about the other aspects of the

1 Motion for Summary Judgment, especially as it relates to
2 then a trial for damages and the like, but setting forth
3 this element is something that should be resolved in
4 pre-trial motions.

5 I know you've filed briefs. I had affidavits.
6 I reviewed that. Who would like to tell me -- begin on
7 that issue?

8 MR. ZIMMERMAN: I'd like to do that, Your
9 Honor --

10 THE COURT: Mr. Zimmerman.

11 MR. ZIMMERMAN: -- if I may?

12 THE COURT: Okay.

13 MR. ZIMMERMAN: Your Honor, we've prepared a
14 short set of slides.

15 THE COURT: Okay.

16 MR. ZIMMERMAN: If I can approach and give you a
17 copy.

18 THE COURT: Okay. Do you have a copy for
19 Mr. Palecek and Mr. Fetzner?

20 MR. ZIMMERMAN: I do, Your Honor.

21 THE COURT: We'll mark this as Exhibit 1.

22 MR. ZIMMERMAN: Thank you.

23 (Exhibit 1 marked for identification.)

24 THE COURT: All right. Mr. Zimmerman.

25 MR. ZIMMERMAN: Thank you, Your Honor.

1 I will try to get through this quickly, and
2 obviously, have put together a series of slides, but to
3 the extent Your Honor has questions, I'm more than happy
4 to divert, to jump into a different line of questioning.

5 THE COURT: No. Please go ahead.

6 MR. ZIMMERMAN: Thank you.

7 Just a brief overview on the second page, Your
8 Honor, on what I'm going to try to cover in this short
9 argument, overview of why we're here. I'm going to cover
10 one example of a statement from the book that's false, one
11 example of a statement from the blog that's false, and
12 then talk about the rest of the elements of defamation,
13 that I don't think are seriously in dispute.

14 So as to why we're here. Obviously, Your Honor,
15 this is a defamation case, and on slide 4 I've set forth
16 the elements of defamation. The Court is well aware of
17 them. There's no need for me to go through those now.

18 On page 5, reiterating where we are today. As
19 Your Honor's aware, Plaintiff moved for summary judgment
20 against all three Defendants on the four defamatory
21 statements that are listed on Plaintiff's Complaint.
22 Three of those are from this book, the second edition of
23 *Nobody Died at Sandy Hook*. One is from a blog post that
24 Defendant Fetzer published in August of 2018.

25 Wrongs Without Wremedies, as Your Honor is

1 aware, is out of the case, so we haven't addressed
2 anything with respect to Wrongs. Defendant Palecek didn't
3 file a response, so this presentation will not discuss
4 Defendant Palecek's issue. Therefore, we're focussing on
5 the arguments raised by Defendant Fetzer and the evidence
6 he provide in response to our motion.

7 So let me start, if I may, Your Honor, with a
8 statement from the book. Wisconsin law for summary
9 judgment requires us to start at the beginning. So we
10 have to look at the Complaint and make sure that we set
11 forth a case for defamation in the Complaint. And what
12 I've done here on page 7 is to highlight a line from
13 paragraph 17 that says, "Noah Pozner's death certificate
14 is a fake, which we have proven on a dozen or more
15 grounds." We included a citation to page 183 of the book,
16 *Nobody Died at Sandy Hook*. And on page 8 we see an
17 excerpt from the book with that very statement appearing
18 in the book. This issue is not in dispute.

19 THE COURT: Can I ask a question?

20 MR. ZIMMERMAN: Yes, Your Honor.

21 THE COURT: If I -- if I was more adept and I
22 pulled up Dr. Fetzer's answer, did he admit paragraph 17?

23 MR. ZIMMERMAN: Yes, he did, Your Honor.

24 THE COURT: Okay.

25 MR. FETZER: Forgive me, Your Honor, admit --

1 oh, making those -- those statements appearing? Yes, Your
2 Honor. Yes. Yes.

3 THE COURT: Okay. You understand on a Motion
4 for Summary Judgment, the Court begins to look at the
5 Complaint and then what allegations of fact in the
6 Complaint the Defendants say are true. All right.

7 MR. ZIMMERMAN: Yes, Your Honor. That's
8 correct.

9 THE COURT: All right.

10 MR. ZIMMERMAN: And we have tried to limit the
11 scope of what's in dispute by relying on the responses to
12 the Complaint and the answers in the other pleadings. Not
13 all of them show up in the answers. Sometimes, because
14 there was initial briefing on Defendant Fetzer's Answer,
15 Plaintiff's filed a motion to strike. Some of the
16 responsive pleadings show up in that brief as opposed to
17 the Complaint -- excuse me, the answer itself.

18 THE COURT: Okay. Dr. Fetzer, turn to page 7 of
19 Mr. Zimmerman's demonstrative exhibit.

20 MR. FETZER: Yeah.

21 THE COURT: That's paragraph 17 from the
22 Complaint.

23 MR. FETZER: Right.

24 THE COURT: Two questions. Do you recall
25 whether you admitted paragraph 17, and if you don't

1 recall, do you now admit paragraph 17?

2 MR. FETZER: Oh, most certainly. I published
3 these statements, Your Honor, and also the statement in
4 the -- in the *Sandy Hook Memoranda for the President of*
5 *the United States*, edited by Robert David Steele in 2018
6 which the Plaintiff also cites. I published those
7 statements. Yes, Your Honor.

8 THE COURT: Okay. Did you notice that it says,
9 "The second edition of *Nobody Died at Sandy Hook* accuses
10 Plaintiff of issuing and/or possessing"? Not just
11 possessing, but of issuing the --

12 MR. FETZER: Well he --

13 THE COURT: -- the forged copy?

14 MR. FETZER: -- he published it on a blog, Your
15 Honor, made it available to Kelley Watt. That is what was
16 meant there. Not that he created the document.

17 THE COURT: Okay. Go ahead, Mr. Zimmerman.

18 MR. ZIMMERMAN: Thank you, Your Honor.

19 On page 9, we see the first point where the
20 parties really diverge in their positions. And this is
21 the question on how we interpret what it means to be true
22 or false. What is it that's true or false. And Wisconsin
23 law provides guidance on this issue.

24 Defendants have identified the word "fake," for
25 example, we'll talk about that this morning, and said, I

1 believe, if they can show that the death certificate is
2 fake for any reason, then their statement is true.
3 Wisconsin law says something else, Your Honor. It says we
4 have to consider the context in which the statement was
5 made to understand whether it is true or false. There is
6 two Wisconsin cases cited here, both of them treat this
7 issue the same way, saying you cannot take a word in
8 isolation and attempt to prove by some technical means
9 that word is true.

10 On page 10, Your Honor, the first page of what
11 I've identified as context for the statement, we see an
12 image of Noah Pozner's death certificate. There's no
13 dispute that this is the content of the death certificate
14 that was released by Mr. Pozner. As we'll hear a little
15 bit more later on, we don't think this is the image that
16 Mr. Pozner uploaded, which becomes important as Your Honor
17 considers expert reports and expert opinions.

18 On the next page, page 11, we see why they say
19 the death certificate is fake. In the highlighted
20 language, they say, well, the blurry ones, the blurry
21 typewritten fields "may have been done with a typewriter,
22 the clear sections were Photoshopped into the document."

23 Now, Your Honor, one of the things that's
24 happened in the course of briefing summary judgment is we
25 have identified and crystallized the dispute between the

1 parties on the issues before the Court. Through this
2 process, it has become clear that when they say "fake"
3 they mean not certified or something else, but we never
4 see a response on the question of Photoshopping. We never
5 see a response on the change to any typewritten material.
6 There's no dispute on those issues.

7 THE COURT: Is that true, Dr. Fetzer?

8 MR. FETZER: Yes, but there's something
9 misleading here, Your Honor, because --

10 THE COURT: Okay. You'll get a chance to talk.
11 I'm just --

12 MR. FETZER: Yeah.

13 THE COURT: He says there's no dispute.
14 Usually, if I do --

15 MR. FETZER: Well I -- I don't believe -- I
16 mean, that was one of the reasons I had at the time, Your
17 Honor, but I no longer believe -- my conclusion was
18 correct but many of my premises were wrong.

19 THE COURT: Do you -- you believed then and you
20 do now that portions were Photoshopped?

21 MR. FETZER: I believed then but I do not
22 believe now.

23 THE COURT: Okay. Mr. Zimmerman.

24 MR. ZIMMERMAN: I will go faster then, Your
25 Honor. As long as that issue is perfectly clear, I think

1 that may be dispositive of the question of the falsity of
2 the defamatory statement.

3 THE COURT: Mr. Palecek, do you believe -- did
4 you believe then and do you believe now that portions of
5 the death certificate were Photoshopped?

6 MR. PALECEK: I had -- I had no real opinion
7 then, I don't have any real opinion now about Photoshop.

8 MR. FETZER: May I add, Your Honor, that I'm
9 being sued for the statements in paragraph 17 and 18.
10 This is not part of it. I mean, the Plaintiff wants to
11 broaden to all the reasons I had, and many of those were
12 bad reasons which I've freely conclude, but my conclusion,
13 the core of the case that this was a fabrication remains
14 true and has been substantiated in multiple ways, as I
15 shall explain.

16 THE COURT: Okay. I'm just trying to get what's
17 in dispute or not. And, Dr. Fetzer, you're saying now as
18 you sit here today, you now retract the statement that
19 portions of the death certificate were Photoshopped? Yes
20 or no.

21 MR. FETZER: Yes. I retract them.

22 THE COURT: Okay. Mr. Zimmerman.

23 MR. ZIMMERMAN: Your Honor, then I'm going to
24 move to slide 16, if I might. Obviously, happy to address
25 any questions that Your Honor has on the others, but I

1 think at this point they're moot given that position by
2 Dr. Fetzer.

3 There is, I suppose, some theoretical underlying
4 question on whether the death certificate is fake because
5 it's not certified. Now that is not a grounds for the
6 allegation that the death certificate is fake that appears
7 in chapter 11 of the book. It is not part of the context.
8 But in the interest of addressing the issues that were
9 raised by Dr. Fetzer, we can address that one today as
10 well.

11 Plaintiff did introduce evidence that the death
12 certificate that Mr. Pozner uploaded was a certified copy
13 and the seal was visible. In fact, you can see the seal
14 in the scanned image of the document. Attached to
15 Mr. Pozner's declaration in support of Plaintiff's Motion
16 for Summary Judgment was Exhibit -- I believe, Exhibit B,
17 and Exhibit B was two scans of death certificates that
18 Mr. Pozner has stated he obtained from the Newtown clerk's
19 office. We noted in that affidavit that the seals are
20 hard to see when you scan a document. For as good as
21 technology is, it is not perfect. And we noted that those
22 documents were available for inspection. I have them here
23 today. I'd like to show them to Your Honor, if I might
24 approach.

25 THE COURT: Okay. Please.

1 MR. ZIMMERMAN: Here, we see a seal down at the
2 bottom of the document.

3 THE COURT: All right. So -- so the record is
4 clear, you've handed me a document, I have it in my hands.
5 I can feel the raised seal of the town -- it's hard for me
6 to read what's on the seal. It says seal.

7 MR. FETZER: Your --

8 THE COURT: And this is what, Mr. Zimmerman?

9 MR. ZIMMERMAN: This is one of two death
10 certificates that Mr. Pozner obtained from the Newtown
11 clerk's office in 2013.

12 THE COURT: The actual document that the
13 Plaintiff actually received from the Newtown Registrar?

14 MR. ZIMMERMAN: Registrar of Vital Records, I
15 believe is what the affidavit says.

16 THE COURT: Okay.

17 MR. ZIMMERMAN: Yes, Your Honor. That's
18 correct.

19 THE COURT: All right. Mr. Fetzer, have you
20 seen this? Dr. Fetzer?

21 MR. FETZER: I'm familiar with it, Your Honor.
22 The seal is in the wrong place. That's a sign of
23 fabrication. The seal ought to be on the left with a
24 certification by Debbie Aurelia, which is absent. This is
25 further proof of fabrication.

1 THE COURT: Okay. You've now handed me a second
2 document.

3 MR. ZIMMERMAN: That's correct, Your Honor. He
4 obtained two death certificates from the Newtown clerk's
5 office at the same time, just like if you were to go in
6 and get copies of your marriage certificate or marriage
7 license, you might choose to buy ten of them so you don't
8 have to go back into the office.

9 THE COURT: Okay. Are these two documents --
10 now are we -- am I keeping these documents or are you
11 taking them?

12 MR. ZIMMERMAN: I think we hold on to them
13 because they're originals, but obviously, we'll take
14 direction from Your Honor.

15 THE COURT: Okay. Well, I'm wondering, you
16 have -- are these two documents exactly the same?

17 MR. ZIMMERMAN: The only difference is I believe
18 that the seal is in a slightly different location on the
19 two documents.

20 THE COURT: Okay. Well, for purposes of the
21 record on appeal or for even going forward in trial, as
22 long as you have two, would not -- and it being --
23 wouldn't -- the issue is the raised seal or not.

24 MR. ZIMMERMAN: That's correct, Your Honor.

25 THE COURT: Would it not be helpful to mark this

1 as an exhibit and for the Court to keep one?

2 MR. ZIMMERMAN: Absolutely.

3 THE COURT: Certainly --

4 MR. FETZER: May --

5 THE COURT: -- at the end, whenever the case

6 ends, you can ask for these documents to be returned.

7 We'll --

8 MR. ZIMMERMAN: Of course.

9 THE COURT: -- mark this as an exhibit.

10 THE CLERK: It will be Exhibit No. 2.

11 (Exhibit 2 marked for identification.)

12 MR. FETZER: May I see --

13 THE COURT: Exhibit No. 2 is the original with

14 the raised seal. You can --

15 MR. FETZER: This --

16 MR. ZIMMERMAN: Thank you, Your Honor.

17 MR. FETZER: Your Honor, I'm -- I'm a bit

18 baffled by this, because it --

19 THE COURT: Well why don't you look at the one

20 we've marked --

21 MR. FETZER: Yeah.

22 THE COURT: -- and now --

23 MR. FETZER: Yeah. Because -- something's

24 wrong. This is not the death certificate that he's -- he

25 posted online, Your Honor.

1 THE COURT: Okay. Let's let Mr. Zimmerman --

2 MR. FETZER: It's not --

3 THE COURT: -- tie up these loose ends.

4 MR. FETZER: All right.

5 THE COURT: I want you to hand those back to
6 him.

7 Mr. Zimmerman, as you know, let's make sure I
8 keep the copy with the green.

9 MR. ZIMMERMAN: Yes. I'm happy to leave them
10 with the clerk now, that way we don't forget.

11 THE COURT: Yes, please.

12 I want to say parenthetically, Dr. Fetzer -- and
13 when I say Dr. Fetzer, Mr. Palecek, you're in this like
14 hand in hand. So I don't mean to ignore you. If you want
15 to say something, but you're such a quiet fellow, I sort
16 of -- we focus on the guy sitting next to you, but please
17 feel free to interject if you think something needs
18 to be -- first to be said. Okay?

19 MR. PALECEK: Yeah.

20 THE COURT: Dr. Fetzer, as a lawyer, I am a
21 notary. I've got to tell you, I don't recall ever being
22 given instructions on where to make the embossed, whether
23 I put it -- sometimes it's hard because it only has a
24 reach into the document of a certain length because of the
25 squeeze on the embossed stamp. I also do have a court