

1 to this issue, whoever wants to answer, if I granted the
2 Plaintiff's Motion for Summary Judgment, you're still
3 asking for a trial, are you not?

4 MR. ZIMMERMAN: Yes, Your Honor, on damages.

5 THE COURT: Right. So now I've said to you why
6 I believe the motion for partial summary judgment on the
7 conditional privilege is appropriate, because it does
8 shorten the trial, simplifies the issues, potentially
9 reduces the number of witnesses. I don't see that if I
10 then agreed with you on the underlying question, let's say
11 if I said there's no genuine issue as to any of the
12 material facts relating to the legal question of whether
13 the -- for example, whether the -- whether the death
14 certificate is false or not, I don't see -- how is it that
15 would change your trial strategy, other than now we create
16 a risk of a de novo -- a de novo review of a partial
17 motion for summary judgment?

18 It seemed to me that you're still going to have
19 to provide context, you're still going to have to -- even
20 on a trial for damages, you have to explain what the
21 issue -- what your client's position was, what happened.
22 Presumably, to give some context and some gravitas to the
23 claim for the amount of damages you apparently are
24 seeking, you'll want to introduce and probably invite
25 Dr. Fetzer to respond as to why, notwithstanding the

1 Court's order, why he thinks that it's false. Am I -- if
2 I grant summary judgment, are you going to file a motion
3 in limine to say Dr. Fetzer is precluded from even saying
4 to the jury it's false? You follow me? I don't see
5 what -- this is where the -- the motion practice bumps up
6 against the trial practice.

7 MR. ZIMMERMAN: Yes, Your Honor.

8 I think from a practical perspective, the trial
9 would be completely different. My understanding today,
10 based on what I know, is that a trial on damages in this
11 case would involve Mr. Pozner as a witness and one expert
12 who can testify about the mental impact or damage to his
13 emotional state.

14 Whereas a trial on all of the issues in this
15 case appear to involve multiple experts on both sides and
16 a handful of fact witnesses, in addition to presumably
17 playing tapes from Dr. Carver or Mr. Green if they're
18 unable to appear here in person. So I think that the
19 nature and the scope of the trial would be completely
20 different and the potential for error to arise in the case
21 in chief in the liability case is not insubstantial.

22 There are substantial risks that, for example,
23 statements are made during trial that are prejudicial or
24 are outside of the scope of the liability case. I think
25 that's substantially diminished if we're trying a case on

1 damages. It may well be, Your Honor, that we can do a
2 damages only trial in a day and that there is some context
3 required but not a, you know, fairly substantial showing
4 about the validity of the underlying documents all
5 supported by witness testimony of individuals here in a
6 trial who are then subject to cross-examination.

7 THE COURT: Well if I did what you say you're
8 entitled to, what would be Dr. Fetzer and Mr. Palecek's
9 role in such a trial?

10 MR. ZIMMERMAN: That's a great question. I --

11 THE COURT: I like to ask great questions. I
12 don't always ask great questions, but occasionally, maybe
13 I do.

14 MR. ZIMMERMAN: I can't say what they would want
15 their role to be. I'm sure that they would want to
16 cross-examine Leonard Pozner on the scope of his damages
17 or the damage to his reputation. I'm sure that they would
18 want to cross-examine Plaintiff's expert on the
19 methodology or the application of the methodology that he
20 used to this case. I'm not sure their role, Your Honor,
21 goes anywhere beyond that.

22 I think the Court can instruct the jury that the
23 underlying question of defamation has been decided by the
24 Court as a matter of law and the jury is not to consider
25 it, and we are here to hear -- we are in the court to hear

1 from Mr. Pozner about how this defamation injured him.

2 MR. FETZER: Be -- before we move too far down
3 the yellow brick road, Your Honor, am I mistaken or do I
4 have an opportunity to speak about the defamation issue
5 about the death certificate in its fraudulent character?

6 THE COURT: Oh, you will. You will.

7 MR. FETZER: Okay.

8 THE COURT: This is -- Dr. Fetzer, Mr. Palecek,
9 this is this gray area in the law that, you know,
10 traditionally, a motion for summary judgment is, I win.
11 There's no genuine issue as to fact.

12 Let's say if it was a contract dispute, you
13 didn't pay your credit card bill. Credit card company
14 says, I can prove everything I'm entitled to. I
15 liquidated damages. Summary judgment. Final order for
16 purposes of appeal. We don't have a trial.

17 The nature of this cause of action doesn't have
18 liquidated damages. They're asking for a million dollars.
19 They can't ask me to come to that conclusion. That's a
20 question only that the jury can ask -- answer.

21 So the gray area, as I alluded to, is where --
22 and this is one in which your lawyers would help you
23 figure out strategically how to maneuver is to say, well,
24 as a judge, for judicial efficiency, first of all, I want
25 to make sure nothing I say or should be construed as a

1 disinclination to deny a party a motion that's properly
2 supported under the facts of the law. I'm not saying that
3 I'm not going to decide it, but strategically, then is
4 there -- I'm asking -- I was asking the Plaintiff exactly
5 what he wanted and how it fits into the reality that we're
6 going to have a trial. And Mr. Zimmerman mentioned two
7 things I want to circle back to.

8 And, again, the context was, is for purposes of
9 reference, I granted the motion for partially summary
10 judgment on the conditional privilege, because I know now
11 that it simplified your discovery issue, you didn't oppose
12 it, it reduced the length of trial, it reduced the number
13 of issues, and potentially reduced the number of
14 witnesses. I can see the advantage to that worth taking
15 the risk -- actually, there was zero risk because you
16 conceded it, but worth doing that.

17 Here, you said two things, Mr. Zimmerman, and I
18 thought about this. First of all, I don't think there's
19 anything wrong with the Plaintiff trying to simplify their
20 case. Your witnesses have all been deposed, correct?

21 MR. ZIMMERMAN: I'm not sure that's correct,
22 Your Honor. Dr. -- Dr. Carver has been deposed and
23 Mr. Green has been deposed.

24 THE COURT: And those depositions could be their
25 trial testimony?

1 MR. ZIMMERMAN: I believe that's correct. Yes,
2 Your Honor.

3 THE COURT: All right. Depositions can be used
4 because they're -- and did Mr. -- did you participate in
5 those depositions?

6 MR. FETZER: I did in the Carver and in the
7 Pozner depositions.

8 THE COURT: And did you -- how about the third
9 one?

10 MR. FETZER: No. Green? No. I wasn't -- I was
11 not involved in that.

12 THE COURT: And why didn't you go to that one?

13 MR. FETZER: It all came up very late that I
14 even discovered I could participate by telephone. They
15 were being conducted in Connecticut, Your Honor. I had to
16 scramble, put together exhibits. I was able to ask
17 Dr. Carver a number of questions and some of his answers
18 were significant.

19 THE COURT: Okay. So I'm mindful of the cost
20 and inconvenience to witnesses to travel to Wisconsin from
21 Connecticut. But it appears that those were properly
22 noticed depositions, and the witness is otherwise
23 unavailable for trial, that that testimony could be
24 introduced without additional inconvenience to the witness
25 or cost, other than just taking the transcript -- were

1 they videotaped?

2 MR. ZIMMERMAN: They were videotaped, Your
3 Honor.

4 THE COURT: So you could create video clips to
5 get the evidence in fairly succinctly for those witnesses.

6 Similarly, now your Plaintiff's experts, have
7 those been deposed?

8 MR. ZIMMERMAN: They have not been deposed. No,
9 Your Honor.

10 THE COURT: And those are all out of state?

11 MR. ZIMMERMAN: Dr. Friedman is in Milwaukee.

12 THE COURT: All right. Okay.

13 MR. ZIMMERMAN: Dr. Baird is out of state.

14 THE COURT: Yeah, but --

15 MR. ZIMMERMAN: Yeah.

16 THE COURT: So --

17 MR. ZIMMERMAN: I --

18 THE COURT: -- I don't have a clear picture.

19 Mr. Zimmerman, if you said, for instance, if we -- if I
20 went down the road of taking up the issues you present and
21 call them motions for partial summary judgment, much like
22 the conditional privilege, if I said that simplified, I
23 understand.

24 Like, for example, if the question was, is there
25 any genuine dispute over the fact that Leonard Pozner is

1 the father of Noah Pozner based on the genetic -- the two
2 genetic tests, I could rule on that. That then would
3 simplify substantially the concept of having to prove the
4 genetic -- the results of those two experts, right? I can
5 understand that.

6 I could say there's no genuine dispute as to any
7 of the materiel facts as to the falsity of the death
8 certificate. I could see that question. But I don't know
9 quite what it is you mean when you say, Well, Judge, now
10 I'm entitled to judgment as a matter of law. What do you
11 mean -- what specifically, because I think in fairness to
12 Dr. Fetzner and Mr. Palecek and to me, we need to know what
13 is -- what I'm deciding, so we don't get in a situation
14 where they don't know what their role is at trial. Can
15 they say Sandy Hook never happened? Am I going to sort of
16 have pre-trial motions in limine to prevent them from
17 saying things?

18 I don't -- I don't have a -- knowing that
19 there's going to be a trial, I'm -- I'm concerned about
20 circumscribing anyone's right to defend themselves. I
21 will do it in a heartbeat where the law requires me to,
22 but I think I try to say that motions in limine, which
23 motions would limit the evidence and your -- things you
24 could say should be so specific as to everybody knows
25 where the lines are so no one inadvertently crosses them.

1 I don't -- your residual motion for summary judgment, I'm
2 not sure exactly what you want me to do.

3 MR. ZIMMERMAN: I think, Your Honor, and I'm
4 certain that Wisconsin law allows this, is to grant
5 summary judgment on the liability question, determine as a
6 matter of law there are no factual disputes as to any of
7 the elements of defamation and therefore, the Defendants
8 defamed the Plaintiff. The jury is not going to hear that
9 aspect in the case or try it. Wisconsin statute allows
10 for then a trial on damages. It's definitely contemplated
11 under Wisconsin law that we would be in exactly the
12 factual scenario you're describing, and at that point I
13 believe the Court is supposed to enter summary judgment.
14 If there are no disputed issues of material fact then
15 summary judgment, I believe the language is shall, be
16 granted.

17 Now I understand that there will be questions
18 about what we can and cannot say at trial. I'm sure there
19 will be motions in limine about what we can say, and I'm
20 certain there will be motions in limine about what the
21 Defendants can say. That's going to happen no matter what
22 the scope of the triable issues may be. The nature of
23 this case, the narrow scope of the claim that we've
24 asserted, made that a foregone conclusion. I think at the
25 time we filed this Complaint, what those motions in limine

1 may be is not yet certain. And as we file motions in
2 limine, I think the Court will evaluate them given the
3 issues that are to be decided by the jury.

4 So for example, we may file a motion saying
5 they're not allowed to argue that Sandy Hook was a FEMA
6 drill. That's so far outside of the scope of this case
7 that it's not properly before the jury because it doesn't
8 go to any question the jury is supposed to answer.

9 But when we --

10 THE COURT: Well I've got to tell you,
11 Mr. Zimmerman, like the little speech I gave Dr. Petzer,
12 in his defense, my job isn't really then to -- to issue a
13 series of rulings that say you can't do this, you can't do
14 that, you can't do this, you can't do that, so basically,
15 all I want you to do is come to trial, sit there, and
16 don't open your mouth. I mean, it's a really fine line.

17 And I know -- I mean, I -- I think everybody --
18 the jury is going to want to know and the jury really has
19 to know some context to the underlying cause of action.
20 So is the word -- do you agree, the jury is going to know
21 this is a case about a boy who allegedly died at Sandy
22 Hook. Right?

23 MR. ZIMMERMAN: I suspect that's true. I
24 suspect Mr. Pozner will testify --

25 THE COURT: Yeah.

1 MR. ZIMMERMAN: -- that his son died. Where
2 that line is, I think has yet to be determined.

3 But I think, Your Honor, respectfully, that's
4 different than saying, even though we have established
5 that there are no fact disputes, we're still going to let
6 the jury evaluate that question again. I mean, that takes
7 away the potential for a plaintiff to bring a motion for
8 summary judgment if the plaintiff doesn't have a
9 liquidated damages clause, and I respectfully don't think
10 that's the scenario. That's not the statutory scheme that
11 the Wisconsin Legislature adopted. They specifically
12 state we can move for summary judgment on liability, even
13 though we have to try damages.

14 I'm not saying it doesn't put Your Honor in a
15 challenging position. We will -- no matter what we do in
16 this case, have to work with each other to try to narrow
17 the dispute that we put in front of you as motions in
18 limine. But I think to say even if we've met our burden
19 on summary judgment we can't have it, would be
20 inconsistent with the rules of civil procedure.

21 THE COURT: Okay. Well let's -- Dr. Fetzer and
22 Mr. Palecek, Mr. Zimmerman is right. The law does
23 obligate me, as much as I've said many times before, if
24 people ask me questions, I have the obligation to answer
25 the question. I can't say and I won't say here that I

1 won't answer a question, I'm just going to then take it
2 under advisement and we'll see you at trial. I think
3 there are a lot of decisions to be made.

4 But -- but let's go back at least for a moment
5 to where we started. There are four elements to
6 defamation. I'm going to start from the bottom and work
7 up, just so we're on the same page. Do you agree,
8 Dr. Fetzer, Mr. Palecek, that there's no genuine issue as
9 to the fourth element that the communication is
10 unprivileged, given the Court's now ruling based on your
11 concession of the absence of the journalistic privilege?

12 MR. FETZER: Well, it was published in the book
13 and I've asserted it on many occasions, Your Honor. So to
14 that extent, and granting now that the Plaintiff for the
15 sake of this trial is being regarded as a private person,
16 they were unprivileged.

17 THE COURT: Okay. Do you agree with that,
18 Mr. Palecek?

19 MR. PALECEK: Yes.

20 THE COURT: All right. Third element. The
21 communication tends to harm one's reputation lowering him
22 or her in the estimation of the community or deterring
23 third persons from associating or dealing with him or her.
24 Now that's sort of an abstract principle, but the
25 allegation that you've made against Mr. Pozner, if you're

1 wrong, which I know you guys say you're not, but
2 academically speaking, Professor Fetzer, you agree that
3 the accusations that you've made are ones in which if
4 untrue, would harm one's reputation?

5 MR. FETZER: You mean if -- oh, the accusations
6 if untrue?

7 THE COURT: Right.

8 MR. FETZER: Presumably, Your Honor, yes,
9 speaking to the hypothetical where, indeed, I do not
10 believe there's been any harm to this man's reputation
11 because he's been a participant -- a willing participant
12 in an elaborate charade.

13 THE COURT: Okay. But --

14 MR. FETZER: I understand the hypothetical. If
15 we are wrong, I'm willing to concede that it would
16 ostensibly harm his reputation and standing.

17 THE COURT: Do you agree with that, Mr. Palecek?

18 MR. PALECEK: Yes, I do.

19 THE COURT: Okay. Number 2, the communicated by
20 speech, conduct, or in writing to the person other than
21 the one defamed. Dr. Fetzer, you've said that there's no
22 dispute as to that element?

23 MR. FETZER: Yes, Your Honor.

24 THE COURT: And you agree with that,
25 Mr. Palecek?

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MR. PALECEK: I do, yes.

THE COURT: All right. So this really comes down to whether it's a false statement, right, Mr. Zimmerman?

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

THE COURT: Motions for summary judgment are that when there's no genuine issue as to any of the material facts then the Plaintiff is asking for judgment as a matter of law on the first element.

Plaintiff asserts that all the evidence that they've submitted, which is not genuinely disputed or not disputed or not rebutted by admissible evidence or not rebutted by admissible authenticated evidence entitles the Plaintiff to judgment as a matter of law, that the accusation as set forth in Defendants' book and -- Defendants' book and Defendant Fetzer's blog are false.

Just so I make a record, I have reviewed the Plaintiff's Proposed Findings of Fact. I've reviewed each individually all of, Dr. Fetzer's, your response to the Plaintiff's Proposed Undisputed Facts. I also reviewed all the other filings with regard to all the other facts that have been submitted and the briefs that have been filed.

What I ordinarily do is I go through all the

1 proposed findings of fact, because on a motion for summary
2 judgment, if there's no genuine issue of those facts, then
3 those facts will be accepted for purposes of summary
4 judgment. It provides, albeit a rather meticulous and
5 laborious process, a factual underpinning of whether then
6 the moving party's entitled to judgment as a matter of
7 law.

8 The difficulty though is some of these -- and I
9 have notes overruling or sustaining your objections,
10 Dr. Fetzer, but I got to the point where it was difficult
11 because you were making recurrent mistakes. For example,
12 right off the bat on number 1, the proposition is that
13 Plaintiff and Veronique De La Rosa were married in 2003,
14 but divorced in 2014. That is exactly what Mr. Pozner
15 says at paragraph 21 in his affidavit. You say that's
16 inadmissible, and you say that the statement by the
17 Plaintiff is not the best evidence of marriage. We should
18 look at his certified copy of the marriage license. You
19 understand, that's -- that's not an appropriate response
20 to what the Plaintiff is proposing?

21 Now this is a rather actually somewhat
22 immaterial fact anyway, but if you thought that they were
23 not married or they were not married in 2003 or they were
24 not divorced in 2014, then to dispute that you would say,
25 Judge, that is disputed because I -- I took a deposition

1 of Veronique De La Rosa and she said she never married him
2 or I went down to the place where the marriage licenses
3 are kept, and I -- here's an affidavit from the record
4 custodian. There's no marriage license on file. You have
5 an obligation of actually coming forward with evidence.
6 You can't just say, I don't like that. Denied.

7 So your motion your -- your -- to that extent
8 then your objection is overruled.

9 Number 2. Noah Samuel Pozner was born at 8:34
10 a.m. on November 28, 2006, so on and so forth, citing the
11 Zimmerman affidavit, Exhibit C and Exhibit D. You say
12 irrelevant. Irrelevance is not an objection to a proposed
13 finding of fact on a motion for summary judgment. The
14 appropriate nomenclature, Dr. Fetzer, would be it's not
15 material. I don't care whether these details are
16 immaterial to really the question of whether the death
17 certificate is false or not.

18 Now, I would ignore immaterial or relevance
19 objection because if it's not relevant then you just say,
20 well, I don't want to fight about it. It's not material
21 to the motion for summary judgment.

22 But then you object on hearsay. Now, an
23 objection to the hearsay, a government records exception.
24 The exhibits are -- are not hearsay.

25 More importantly, you know, I don't -- if you

1 think that -- I don't know quite what you were saying,
2 other than you're trying to say, seemed to me,
3 methodically not to make any concession to any of the
4 details that would create an impression you're going to
5 admit that there ever was a human being called Noah
6 Pozner. Is that what you were -- your strategy?

7 MR. FETZER: Well there's someone called Noah
8 Pozner, but he appears to be a fiction, Your Honor. And
9 that's -- that's been an elaborate process here of
10 fabricating documents and creating a fake case that is
11 mind boggling, but I agree, the point that there's
12 immateriality here virtually throughout this list of
13 proposed findings of fact because the issue is the
14 authenticity of the death certificate. And I'm perfectly
15 happy that the case rises or falls on that basis
16 exclusively, Your Honor.

17 THE COURT: Well, but I understand the
18 Plaintiffs -- Plaintiff has to methodically, Dr. Fetzer
19 and Mr. Palecek, they have to methodically put their case
20 in. And, you're right, the issue is the falsity of the
21 statement that the death certificate was a fabrication or
22 not. The Plaintiffs are laying out a case of saying,
23 well, you need to start where a man and woman got married
24 and they had a child and that certified copy of the birth
25 certificate shows the child was born in this place at that

1 time with this weight, I assume, and with the name Noah
2 Pozner.

3 MR. FETZER: It's --

4 THE COURT: Obviously, it's relevant, because a
5 death certificate has to be, presumably, a death
6 certificate for a human being, and they're establishing
7 that there was this human being born.

8 MR. FETZER: Well, they're presenting a case,
9 Your Honor, most certainly, but it's a fabricated case,
10 just as the death certificate is a fabrication.

11 THE COURT: But what evidence -- what evidence
12 do you have for me that the birth certificate, which
13 purports to record Noah Pozner's death, is not --

14 MR. FETZER: Birth, Your Honor.

15 THE COURT: Birth certificate is not real?

16 MR. FETZER: Your Honor, I've been focussing on
17 the death certificate as the Court directed in seeking to,
18 you know -- I grant that I'm making many mistakes by
19 virtue of being a nonlawyer. I grant that, Your Honor.
20 But the case that the death certificate is a fabrication
21 is overwhelming and decisive, in my opinion, and I'm
22 hoping that the Court will recognize, when I review the
23 evidence later this morning.

24 THE COURT: Well, you are making -- I mean, I'll
25 be blunt. You are making mistakes, both of you, and this

1 MR. FETZER: This meant that the Complaint
2 likewise has no basis in claiming that I acted with
3 malice, as in paragraph 39 [sic]:

4 Defendant Fetzer acted with actual malice. In
5 particular, Defendant Fetzer published his statements
6 knowing that his statements were false or with reckless
7 disregard for the truth or falsity of his statements.

8 On the contrary, my conclusion was reached on
9 the basis of collaborative research with several others,
10 including Dennis Cimino, who is a top electronics
11 troubleshooter for the U.S. Navy before he left to work
12 for Raytheon and a contributor to the first edition of the
13 book who suggested that portions had been Photoshopped,
14 where I had reason to take him at his word. The
15 additional reasons reported by Bob Simms about the fonts,
16 the size, and spacing of words in the document were ones I
17 confirmed by direct observation. In combination with my
18 own observations about the dark texture of roughly the
19 bottom two-thirds in contrast with the top one-third, it
20 was my inference that the document appeared to be a
21 fabrication, combining the bottom half or two-thirds of a
22 real death certificate with the top half or one-third of a
23 fake, which I no longer believe is true.

24 My reasons regarding the top half included the
25 absence of a file number, which it turns out can occur

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THE COURT: -- you understand that the Plaintiffs are methodically laying out a claim to prove the legitimacy of the death certificate and all the information in it.

MR. FETZER: But the fact of the matter is nobody died at Sandy Hook, Your Honor.

THE COURT: Well --

MR. FETZER: Which means any death certificate for an alleged decedent from Sandy Hook is a fabrication.

THE COURT: Well --

MR. FETZER: And I have ample proof here that indeed that's the case in this instance, which leads me to appreciate the wisdom of the Court's counsel that we were going to focus on the death certificates and not the circumstances, whether there were or were not a Noah Pozner or not. It's whether or not this death certificate is authentic, and I guarantee it is not.

THE COURT: All right. Well, I'll just make a record. I don't -- as much as I hate to say it, I think I need to -- if we're going to rule on these, I need to make a record of all his objections to your proposed findings of fact to give due course, even though you're kind of sliding each way, I think I need to take care to consider all that you wrote, Dr. Fetzer. So let's just go through them quickly. I'll make a record.

1 Number 3. The attending physician was Donald
2 Goldstein. You say, Same objection for 2. That objection
3 is overruled.

4 4. Noah Pozner's mother, Ms. De La Rosa,
5 delivered twins. You say, Same response as No. 2. That's
6 overruled. I'm not reading every rule on the proposed
7 finding of fact.

8 MR. FETZER: Yeah.

9 THE COURT: Number 5. Until he was named, Noah
10 Pozner was referred to in his medical records as "Baby A."
11 Again, you're reiterating your objection, Dr. Fetzer, as
12 No. 2 and now No. 4. Those are overruled.

13 You also want me to review an interview linked
14 to in response to No. 4. The problem with that, in No.
15 4 --

16 MR. FETZER: May I simply observe, Your Honor,
17 that we made efforts to obtain counsel. It's a hot
18 potato. Nobody wants to deal with it. We have made many
19 efforts to obtain counsel, Your Honor. I completely agree
20 that we'd be better off with counsel, but no one wants to
21 touch it.

22 THE COURT: I understand. And that's what you
23 said before Mr. Zimmerman came in, but -- but why do I
24 keep saying this to you? I don't want to make you feel
25 worse and worse and worse. I think it's going to help

1 explain why some -- I have to make a ruling and I can't --
2 I can't be your counsel. I can't help you. You're going
3 to -- you might have had some arguments that aren't being
4 made because you're not trained in the law. I'm trying to
5 be fair, but the -- but we have an adversarial system in
6 our courtroom -- in these United States, and when people
7 are unrepresented, it -- it presents some challenges.

8 MR. FETZER: You're at a clear disadvantage.
9 Your Honor, Mr. Palecek and I have a certain character.
10 We are committed to social justice. We are committed to
11 the truth. We are doing our best to pursue it.

12 This whole case was an abuse of process, Your
13 Honor. It's obvious it wasn't a legitimate case. It's
14 intended to silence critics of Sandy Hook, just as
15 happened in the case of Wolfgang Halbig where the
16 Plaintiff explained on a blog where he was asked how he
17 lost the Halbig case, he acknowledged, yes, he had, but he
18 succeeded because Halbig had taken down his Sandy Hook
19 Justice blog, and that the point was to show hoaxers that
20 they're going to be taken to court and it will drag out a
21 long time. That's from the Plaintiff, Your Honor. That's
22 what's going on here.

23 THE COURT: Okay. I've gone through all your
24 proposed findings of fact, Dr. Fetzer, and except for one,
25 I'm overruling all your objections.

1 I'm going to sustain your objection, for the
2 life of me, Mr. Zimmerman, on response to No. 9, Exhibit
3 D, I think Dr. Fetzer is right. You cite page 32 for the
4 proposition that Noah Pozner's birth certificate records
5 indicated he was a healthy baby by noting he passed urine
6 and stool. I can't find that on page 32.

7 MR. ZIMMERMAN: I'm sure I miscited it, Your
8 Honor. It was on one page, but it's an immaterial fact
9 for purposes of --

10 THE COURT: Okay.

11 MR. FETZER: Your Honor, their findings of fact
12 even claimed that Mike Palecek edited the book. I mean,
13 Pozner admitted he's never read the book.

14 THE COURT: Time out.

15 MR. FETZER: They don't even --

16 THE COURT: Time out. So I have to make a
17 record on your evidentiary objections, Dr. Fetzer. I've
18 gone through. I'll sustain your objection on -- and I
19 will disregard Proposed Finding of Fact No. 9.

20 Now, the Plaintiffs are suggesting, based on the
21 undisputed facts, I should come to the conclusion today
22 that your statement in the book, and I say that your, this
23 includes now you, Mr. Palecek, that your statement in the
24 book that, Noah Pozner's death certificate is a fake,
25 which we have proven a dozen or more grounds -- on a dozen

1 or more grounds, that I should make a conclusion as a
2 matter of law based on the undisputed evidence that that
3 is a false statement.

4 The Plaintiffs are also asking me to conclude
5 that from your blog -- well, it's the quote. Where is the
6 blog quote, Mr. Zimmerman, on your --

7 MR. FETZER: Paragraph 18 --

8 MR. ZIMMERMAN: It's paragraph --

9 MR. FETZER: -- of the Complaint, Your Honor.

10 MR. ZIMMERMAN: That's right. Paragraph 18 of
11 the Complaint. In the slideshow, Your Honor --

12 THE COURT: Nine.

13 MR. ZIMMERMAN: -- it is on slide 19.

14 THE COURT: That in your blog was a false
15 statement. That's what they say the evidence lead me to
16 conclude. What is your response, Dr. Fetzer?

17 MR. FETZER: Having offered courses in logic,
18 critical thinking, and scientific reasoning for 35 years,
19 I know a straw man when I see it. The Plaintiff has
20 presented a straw man, including death certificates that
21 are not the subject of this lawsuit. This lawsuit
22 revolves around a death certificate that was published in
23 the book, *Nobody Died at Sandy Hook*, of which the
24 Plaintiff has a copy. I wish to present this into
25 evidence.

1 THE BAILIFF: Here. Here. You can hand it to
2 me. Thank you.

3 MR. FETZER: Page 181, Your Honor, to which
4 Plaintiff has repeatedly referred.

5 THE COURT: Okay. Now I've been handed a book.
6 You've tabbed page 181. What do you want me to look at in
7 this book?

8 MR. FETZER: The death certificate, Your Honor.

9 THE COURT: Okay. Just so I get this, is that
10 the same -- is that an image of Exhibit 2?

11 MR. FETZER: No.

12 THE COURT: Okay. Tell me what --

13 MR. FETZER: Well, look at -- it's missing the
14 certification on the left side, Your Honor. This is where
15 there's a shell game going on here. This is totally
16 fraudulent by the attorneys for the Plaintiff.

17 THE COURT: Okay. I should have asked this
18 better question. Is -- other than the redaction, and I
19 can appear to see the faint remanence of a seal to the
20 left, and maybe a border line, except for those three
21 aspects, I'm holding in my right hand Exhibit 2, is that
22 the image now set forth on page 181 of the book?

23 MR. FETZER: It is not, Your Honor. And
24 Mr. Zimmerman said I should have obtained from the
25 Plaintiff a copy of what he obtained from Debbie Aurelia,

1 but that's ridiculous, Your Honor. Who knows where that
2 death certificate came from. I'm being sued for the death
3 certificate in the book. The book does not have the
4 certification, Your Honor. It's vertical on the side, on
5 the left-hand side. That's the most important element
6 that's missing here. It does not have the file number.
7 That's the same as what Mr. Zimmerman gave you. It has
8 the wrong estimated time of death. And what does
9 estimated time of death if it -- mean if it doesn't mean
10 estimated time of death. Even if the official account has
11 the shooting allegedly taking --

12 THE COURT: Okay. Dr. Fetzer.

13 MR. FETZER: I -- I've read --

14 THE COURT: Let me just sort of reorient you to
15 really sort of the real issue. Okay. You've reiterated
16 all the points that you've made so far. Okay.

17 MR. FETZER: I --

18 THE COURT: I followed along. The Plaintiffs
19 have responded point by point to all those. I'd like you
20 to reply. For example --

21 MR. FETZER: Here. Here.

22 THE COURT: For example -- for example, he says,
23 that, yes, some of the copies don't have the state file
24 number. That's easily explained. The town doesn't have
25 the state file number. When the state gets it, it does.

1 Some copies have a barely imperceptible embossed seal, but
2 that's because the photocopiers don't pick up on it.

3 MR. FETZER: It's --

4 THE COURT: I want you to -- I will tell you
5 this, Dr. Fetzer, I understand all of their explanations,
6 and their explanations --

7 MR. FETZER: Here --

8 THE COURT: -- in my opinion, seem legitimate
9 and plausible and persuasive. I'll give you the
10 opportunity to focus in on those aspects that you think I
11 should rely to come to the conclusion there's a genuine
12 issue as to the --

13 MR. FETZER: Your --

14 THE COURT: -- question of whether it's -- a
15 statement was true or not and the statement being whether
16 it's a false or fabrication, because I've got to tell you,
17 all their answers seem to me to make sense. What is your
18 response?

19 MR. FETZER: My response is as follows, Your
20 Honor.

21 The death certificate for which I am being sued
22 is the one published in the book, *Nobody Died at Sandy*
23 *Hook: It was a FEMA Drill to Promote Gun Control*, which
24 has appeared as Chapter 11 coauthored with Kelley Watt in
25 both first editions, 2015, and second, 2016. It is an

1 expanded and revised version of an article that I
2 originally published on *Veterans Today* on 6 August 2014,
3 which included the death certificate for my
4 characterization of which I have been sued. Kelley said
5 it came from "Lenny." I published in *VT* and with Mike
6 Palecek in both editions and we made no changes to its
7 content.

8 It appears that I added a border, which is not
9 one of the things that they complain about. The
10 circumstances of this version's publication are not in
11 issue. The death certificate that I received from
12 Plaintiff via Kelley Watt is not certified by Newtown's
13 Registrar of Vital Statistics, Debbie Aurelia, now Debbie
14 Aurelia Halstead. Plaintiff has admitted to his
15 conversations with Kelley and to having posted it on
16 Noah's memorial page, Google Plus. So even though I may
17 have added a border, for which I take responsibility, the
18 rest came from him.

19 The file size is immaterial and varies with
20 compression and reproduction. What matters is what is on
21 it and what is not. Because it does not have the town
22 registrar's certification on the side, it is therefore
23 illegal and a fabrication, precisely as I maintain.

24 In his latest gambit, moreover, the Plaintiff
25 attempts to prove too much. If the border makes a

1 difference and the death certificate is on that very
2 ground not bona fide, then the certificate that I
3 described as a fabrication in the book is, in fact, a
4 fabrication by Plaintiff's own contention. How ironic
5 that Plaintiff thereby admits that I am right and my
6 statement truthful, in which case I cannot be found guilty
7 of defamation for my true affirmation.

8 If the death certificate published in the book
9 were not the same as the one that Lenny published on his
10 website, then the suit filed against me and my
11 co-defendant, Mike Palecek, on 27 November 2018, would
12 have had an entirely different character. The Complaint
13 does not deny this is the same document that Lenny
14 provided to Kelley Watt but instead attacks me for
15 declaring it to be a fake and a fabrication. The
16 appropriate passage is from the Complaint read:

17 Paragraph 17. The second edition of *Nobody Died at*
18 *Sandy Hook* accuses Plaintiff of issuing and/or possessing
19 a forged copy of N.P.'s death certificate. In particular,
20 page 183, of *Nobody Died at Sandy Hook* states: "Noah
21 Pozner's death certificate is a fake, which we have proven
22 on a dozen or more grounds." At page 232, the book
23 states, "Mr. Pozner sent her a death certificate, which
24 turned out to be a fabrication." At page 242, the book
25 states, "As many Sandy Hook researchers are aware, the very

1 document Pozner circulated in 2014, with its inconsistent
2 tones, fonts, and clear digital manipulation, was clearly
3 a forgery."

4 A comment from a contribution to the *Sandy Hook*
5 *Memoranda for the President of the United States*, edited
6 by Robert David Steele, has also been cited as being
7 defamatory:

8 18. Mr. Fetzer's publication of this false accusation
9 against Plaintiff was not limited to the book. He
10 repeated that false statement on one or more blog posts,
11 including, for example, phibetaiota.net/2018 --

12 THE COURT: I'm going -- Dr. Fetzer, I know
13 you're reading. Just if you read a little slower. My
14 court reporter is the best reporter you'll ever see,
15 but --

16 MR. FETZER: Yes. I'll slow down.

17 THE COURT: If you could just slow down, please.

18 MR. FETZER: Certainly.

19 THE COURT: I want to make sure the record gets
20 everything --

21 MR. FETZER: Thank you.

22 THE COURT: -- that you're saying.

23 MR. FETZER: Thank you, Your Honor. Shall I
24 back up a sentence?

25 THE COURT: No. No.

1 MR. FETZER: Okay.

2 Phibetaiota.net/2018/08/james-fetzer-in-solidarity-with-

3 alex-jones-how-we-know-sandy-hook-was-a-fema-drill-nobody-

4 died-obama-officials-confirmed-it-was-an-anti-gun-

5 propaganda-exercise. That blog is dated August 5, 2018.

6 There, Defendant Fetzer made the following false

7 statement: "It [N.P.'s death certificate] turned out to

8 be a fabrication, with the bottom half of a real death

9 certificate and the top half of a fake, with no file

10 number and the wrong estimated time of death at 11:00

11 a.m., when officially the shooting took place between 9:35

12 and 9:40 that morning." That statement is false,

13 Plaintiff continues, both in its particular fact and in

14 the main point, essence, or gist in the context in which

15 it was made, because N.P.'s death certificate is not a

16 fabrication or forgery. The context of that statement

17 referred -- referred specifically to Plaintiff, the

18 previous sentence reads: "Kelley Watt had over 100 hours

19 of conversation with 'Lenny Pozner', who purports to be

20 the father and who sent Kelley a death certificate for

21 'Noah' as proof that he had died, which we included in the

22 book."

23 Notice there is no denial that the death

24 certificate published in the book is the same as the death

25 certificate that the Plaintiff made available to Kelley

1 Watt, who in turn shared it with me and with my
2 co-defendant, when we edited and published the first
3 edition of the book using CreateSpace, a subsidiary of
4 amazon.com, and placed it on sale on 22 October 2018 [sic]
5 only to be banned on 19 November 2015 after selling nearly
6 500 copies.

7 There were, incidentally, 13 contributors to the
8 book, including six current or retired PhD professors, who
9 determined that school had been closed by 2008, that there
10 were no students there, and that it was done to promote
11 gun control.

12 One of the contributors to the book, Paul
13 Preston, who is himself a school administrator from the
14 Los Angeles area, who has supervised drills of this kind,
15 was so disturbed by what he saw being broadcast from
16 Newtown that day that he reached out to his contacts in
17 the Obama Department of Education, all of whom confirmed
18 to him that it had been a drill, that no children had
19 died, and that it was done to promote gun control.

20 Moreover, we are all aware that arguments have
21 two parts: Premises, or the grounds, reasons, or evidence
22 one cites; and conclusions. In this case, my premises may
23 have been mistaken or wrong -- the absent file number, the
24 differences in tone and texture, the variations in font
25 sizes and spacing, which led me to believe that this

1 document had been created by combining the bottom half of
2 a real death certificate with the top half of a fake --
3 given what I have learned in the meanwhile, do not appear
4 to have been right. But my conclusion --

5 THE COURT: Okay. Hang on. So that seemed to
6 be important. So now -- are you admitting now that you
7 were wrong?

8 MR. FETZER: That I had bad reasons for a
9 truthful conclusion, Your Honor.

10 THE COURT: Okay. So you said you no longer
11 believe or you're changing your mind on the accusation it
12 was Photoshopped?

13 MR. FETZER: Oh, yes.

14 THE COURT: Okay. What -- what else are you --
15 now are you conceding you were wrong?

16 MR. FETZER: Well, the texture difference, for
17 example, Your Honor. When you saw that --

18 THE COURT: Okay. I understand. So the point
19 that the different fonts -- you accept the Plaintiff's
20 explanation that when other people who were doing their
21 job put it in their typewriter, if you had a different
22 typewriter, that would be different fonts --

23 MR. FETZER: Yes.

24 THE COURT: -- and sizes. So you find that to
25 be a plausible explanation for the different font size?

1 MR. FETZER: I do.

2 THE COURT: Okay. What else? What else have
3 you changed your mind?

4 MR. FETZER: Well, I'm -- I'm going to lay it
5 out, Your Honor.

6 THE COURT: All right. I thought you just did
7 but you went so fast that I --

8 MR. FETZER: Well, I'm -- I'm returning to
9 address it further, Your Honor.

10 THE COURT: Okay. Okay. Thank you.

11 MR. FETZER: But I shall slow down.
12 But my conclusion that the document is a fake or
13 a fabrication has been borne out by subsequent research,
14 including the forensic analysis by Larry Wickstrom,
15 confirmed by the further review and analysis of A.P.
16 Robertson, which leave no doubt about it. Even though my
17 initial reasons were bad, there are abundant good reasons
18 to arrive at the same conclusion where my original
19 argument --

20 THE COURT: Can I -- can I interrupt just a
21 moment, because I'm hanging on every word. So you say,
22 well, even though I might have been wrong on the things
23 that I was criticizing, you're relying on Wickstrom and
24 others.

25 MR. FETZER: Well, they have provide rather

1 powerful additional evidence. It was --

2 THE COURT: Well, but Wickstrom -- Wickstrom
3 seems to be hung up on the dark black border which now you
4 say possibly you put on.

5 MR. FETZER: That's correct, Your Honor. But
6 the content of the document is correct, and the -- the
7 document that is published in the book is clearly
8 fraudulent, Your Honor, and that the --

9 THE COURT: I'm just -- I'm just following
10 along.

11 MR. FETZER: Yes. Yes.

12 THE COURT: So you say, Judge, even though I
13 might have been wrong, I've got these experts. But these
14 experts seem to be relying on the exact same things you
15 pointed out in the first instance.

16 MR. FETZER: No, that's -- that's not correct,
17 Your Honor. There's more to it here, and I'm seeking to
18 lay it out --

19 THE COURT: Okay. Go ahead.

20 MR. FETZER: -- because -- Thank you.

21 Even though my initial reasons were bad, there
22 are abundant good reasons to arrive at the same
23 conclusion, where my original argument had false premises
24 but a true conclusion. And we all know every argument can
25 have true premises, a true conclusion; true premises, a

1 false conclusion; false premises, a true conclusion; or a
2 false premises and a false conclusion.

3 As the Complaint itself emphasizes, its
4 foundation is a crucial claim I have made that the death
5 certificate that Plaintiff provided to Kelley Watt is a
6 fake, a fabrication, or a forgery. Truth is an absolute
7 defense to defamation. This case hangs on the question of
8 authenticity, specifically, on the truth or falsity of my
9 assertion that this document is not authentic as a fake, a
10 fabrication, or a forgery. My premises or reasons for
11 reaching that conclusion originally may not have been good
12 ones, but the conclusion I reached, which is the issue
13 upon which this case revolves, was true. And because I
14 believed what I wrote at the time on the basis of -- of
15 what I took to be good reasons at the time, I cannot have
16 acted with malice, which requires knowing what you're
17 asserting is false but asserting it anyway with the intent
18 to mislead your target audience, which I have not done.

19 THE COURT: Okay. Mr. -- I apologize for
20 interrupting. But, Dr. Fetzer, you now understand that
21 your malice aspect has been brushed aside because of
22 the -- your -- the concession that --

23 MR. FETZER: I -- I do, Your Honor, but it's
24 rather indispensable that the Court understand that I and
25 Mr. Palecek were acting with complete sincerity --

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THE COURT: Okay.

MR. FETZER: -- and a well-founded belief based upon -- which Mr. Robertson, by the way, in his declaration, now affidavit, has observed that a reasonable person looking at the evidence I was citing in the book, being nonexpert on death certificates, noticing the absence of a file number, the wrong estimated time of death, the variations in the fonts which were the result of three different persons entering data, the texture and so forth were good reasons, to have concluded on that basis that this was a fabrication. He -- he, of course, explains that there are -- those are -- turn out not to have been good reasons ultimately, but they were the reasons I had at the time and they were reasonable reasons and I was sincere in my belief.

THE COURT: Okay. What are you telling me? Are you telling me that you were sincere at the time that you made the conclusion because you believed it was supported by the observations you made, that you now understand are not true?

MR. FETZER: Yes.

THE COURT: But --

MR. FETZER: But there are better reasons, Your Honor, that I'm going to explain.

THE COURT: Are these --

1 MR. FETZER: I mean, this is addressing the
2 Complaint, Your Honor, which is the basis of this lawsuit.
3 It says, "Defendant Fetzer has a long history of harassing
4 Plaintiff and other Sandy Hook parents with defamatory
5 lies, and has slandered Plaintiff repeatedly in the years
6 since the tragedy at Sandy Hook." That's completely
7 absurd, Your Honor.

8 I'm -- I'm a former Marine Corps officer, Your
9 Honor. I'm a Distinguished McKnight Professor, Your
10 Honor. I've been devoting myself since my retirement to
11 exposing these charades perpetrated by the government in
12 collaborative research. We are trying to find out the
13 truth in those cases where the government has a motive to
14 lie to the American people.

15 We have discovered in part because of my
16 background as an expert in epistemology, methodology, and
17 the philosophy of science, again and again the government
18 has perpetrated lies on the American people.

19 THE COURT: So what evidence should I rely on
20 either to find in support of your Motion for Summary
21 Judgment or to conclude there's a genuine issue on the --
22 any fact that's material to the falsity of the death
23 certificate? I'm not --

24 MR. FETZER: It's coming, Your Honor.

25 THE COURT: Okay. Okay. I'm sorry. Go ahead.

1 MR. FETZER: This meant that the Complaint
2 likewise has no basis in claiming that I acted with
3 malice, as in paragraph 39 [sic]:

4 Defendant Fetzer acted with actual malice. In
5 particular, Defendant Fetzer published his statements
6 knowing that his statements were false or with reckless
7 disregard for the truth or falsity of his statements.

8 On the contrary, my conclusion was reached on
9 the basis of collaborative research with several others,
10 including Dennis Cimino, who is a top electronics
11 troubleshooter for the U.S. Navy before he left to work
12 for Raytheon and a contributor to the first edition of the
13 book who suggested that portions had been Photoshopped,
14 where I had reason to take him at his word. The
15 additional reasons reported by Bob Simms about the fonts,
16 the size, and spacing of words in the document were ones I
17 confirmed by direct observation. In combination with my
18 own observations about the dark texture of roughly the
19 bottom two-thirds in contrast with the top one-third, it
20 was my inference that the document appeared to be a
21 fabrication, combining the bottom half or two-thirds of a
22 real death certificate with the top half or one-third of a
23 fake, which I no longer believe is true.

24 My reasons regarding the top half included the
25 absence of a file number, which it turns out can occur

1 with documents obtained from the town registrar, and wrong
2 estimated time of death at 11:00 a.m., when it -- which as
3 even the report on the Sandy Hook shooting by Danbury
4 State's Attorney Stephen Sedensky III states the shooting
5 took place between 9:30 and 9:40 or 9:41, which meant the
6 estimated time of death was wildly inaccurate. Even
7 though the Medical Examiner Wayne Carver II, M.D., sought
8 to explain that away, it remains inconsistent with the
9 official account, which was one more reason why I
10 sincerely believe that this document is a fake, a
11 fabrication, or a forgery. Therefore, for the wrong
12 reasons, I came to the right conclusion. Not only am I
13 not guilty of defamation, therefore, but I did not act
14 with malice, which is another false accusation.

15 Appended to the Complaint was a copy of a death
16 certificate that I had never before laid eyes upon, which
17 the Complaint alleged to be the same in every material
18 respect:

19 Paragraph 19. The Connecticut Department of Public
20 Health maintains official death records for the State of
21 Connecticut. The Connecticut Department of Public Health,
22 Vital Statistics Division, issued an official death
23 certificate for N.P. A true and correct copy of that
24 death certificate, sensitive information redacted, is
25 attached hereto as Attachment A. The official death

1 certificate attached hereto does not differ in any
2 material respect from the one released publicly by
3 Plaintiff.

4 The claim that the death certificate attached to
5 the Complaint does not differ in any material respect
6 released publicly by Plaintiff, as should be apparent
7 already, blatantly falsifies the situation we confront,
8 because the attached certificate has both a state
9 certification as a true copy and the certification of the
10 town registrar, in the absence of which it properly
11 qualifies as illegal and a fabrication. By Connecticut
12 law, not even parents can have uncertified copies. It's
13 that blatant.

14 They say, "The law works in mysterious ways,"
15 but I'm baffled to this day how I could be sued for
16 defamation regarding a document that I had never before
17 seen much less commented upon prior to the filing of this
18 suit. Moreover, the copy attached was so poor that it was
19 virtually illegible and legally useless, as I explained to
20 Mr. Zimmerman when he called me about the suit. I asked
21 him if he knew anything about Sandy Hook or had any idea
22 what he was getting into, adding that the copy attached
23 was so poor as to be unreadable and legally useless. He
24 replied that if I wanted a better copy, I could contact
25 the State of Connecticut and obtain one for a \$20 fee. I

1 thought that was rather strange to provide the Defendant
2 with an illegible copy of a document on which the case was
3 said to be based.

4 While I did not initially attempt to obtain a
5 copy, eventually Co-Defendant Dave Gahary and I both
6 obtained copies of the death certificate for Noah Pozner.
7 To my surprise, they were not the same. Mine had the same
8 handwritten file number as on the copy attached to the
9 Complaint but no redaction for the burial location and the
10 social security box was empty rather than redacted.
11 Dave's had a partial printed file number that does not
12 correspond with the others. We therefore have four
13 different versions thereof:

14 Exhibit A.

15 THE BAILIFF: Do you have copies?

16 MR. FETZER: Yeah. One for each.

17 THE COURT: We'll mark that as Exhibit 4.

18 (Exhibit 4 marked for identification.)

19 MR. FETZER: Exhibit A: The copy published in
20 the VT article, 2014, in the first and second editions --

21 THE COURT: Dr. -- Dr. Fetzer.

22 MR. FETZER: Yes?

23 THE COURT: So now, just so the record's clear,
24 refer to it as Exhibit 4.

25 MR. FETZER: Yes. All right, Your Honor.

1 Exhibit 4: The copy -- Exhibit 4: The copy published
2 in the VT article, 2014, in the first and second editions
3 of *Nobody Died at Sandy Hook*, 2015 and 2016, and in the
4 *Sandy Hook Memoranda* edited by Robert David Steele, 2018,
5 also cited in the Complaint, all of which have no file
6 number but with redactions of the -- for the location of
7 burial of the decedent and of a social security number,
8 and even seems to have a fake seal at the bottom left,
9 where no seal should appear.

10 Exhibit 5.

11 (Exhibit 5 marked for identification.)

12 MR. FETZER: Exhibit 5: Attached to the
13 Complaint has a handwritten file number 2012-07-07833. It
14 has changes to the last residence of the decedent from 37
15 Alpine Drive to 3 Kale Davis Road made at the request of
16 the father, identified as Leonard Pozner, and with
17 redaction to the location of the burial plot but none to
18 his social security number, where the box is empty.

19 Since the box for the SSN is empty on the
20 attached Complaint, I have been puzzled that the copy
21 provided by Plaintiff was redacted as though there had
22 been a present social security number. But notice as I
23 have been emphasizing, the attached copy, Exhibit B, has
24 two forms of certification, while the Kelley copy, Exhibit
25 A -- I have the numbers now wrong. Exhibit 5 has two

1 forms of certification, while the Kelley copy, Exhibit 4,
2 has none. What could be more material?

3 Now Exhibit 6.

4 (Exhibit 6 marked for identification.)

5 Exhibit 6: Obtained by Dave Gahary from the
6 town registrar, which has the changes made by the father,
7 the same as Exhibit 4, but has no redaction for either
8 burial plot or social security number, where the box is
9 empty. Its most striking differences is a file number
10 that is printed and partial, including only the last four
11 digits, the first obscured but the remainder 243.

12 Exhibit 7.

13 (Exhibit 7 marked for identification.)

14 Exhibit 7: Obtained by me from the State of
15 Connecticut, it has a handwritten file number,
16 2012-07-078033, but in other respects appears to be the
17 same as Exhibit 6. Notice that, although the
18 authentication of Debbie Aurelia on Exhibit 5 and Exhibit
19 6 both appear at the upper left, close in, to the border,
20 that on Exhibit 4 appears at the middle, further out,
21 which indicates more than one version.

22 In addition to Exhibit 7, I obtained four other
23 death certificates from the state, including for purported
24 Sandy Hook assailant, Adam Lanza; his mother, Nancy Lanza;
25 another of the alleged victims, Avielle Richmond; and for

1 my dear friend, William Brandon Shanley, who died
2 apparently of natural causes on 6 November 2017. What is
3 most striking in relation to the disputed death
4 certificates is that all of them have printed file
5 numbers. None of them has handwritten. They were all on
6 the same form VS4-ME, except for Shanley, which as Wayne
7 Carver, M.D. explained to me during questioning on the
8 occasion of his deposition in Connecticut on 21 May 2019,
9 when I showed to him Exhibit 6 above, obtained by Dave
10 Gahary from the Town of Newtown, he could not explain its
11 partial printed file number. Quoting, "Well, first of
12 all, this was -- I have no idea what it is." Deposition
13 Transcript, lines 7-8 from the State Medical Examiner.

14 Several significant points emerge from comparing
15 these various versions, not least of which is that when
16 Plaintiff provided Kelley Watt with a copy of Exhibit 4 in
17 2014, he had already made revisions to it in 2013 and knew
18 it was not the currently available version. Notice
19 Exhibit 5 attached to the Complaint had been corrected by
20 Leonard Pozner on 6/14/13. That raises a question of why
21 the Plaintiff published on his son's memorial page a
22 version of his death certificate that he knew was no
23 longer correct. It smacks of baiting Sandy Hook skeptics
24 into focussing on a version that he could subsequently
25 effortlessly claim to be wrong, which he knew of his own

1 personal knowledge because he himself had changed it.

2 Another anomaly with Exhibit 5, which was
3 attached to the Complaint, is that the father changed the
4 address of the decedent. That struck me as at least
5 faintly absurd because no one changes their last residence
6 after they are dead. During his video deposition, I asked
7 the Plaintiff why he had made this change, to which he
8 replied that Noah had only resided at that address with
9 his mother for a brief period of time and he wanted his
10 death certificate to reflect the location where he had
11 longer resided, which I regarded as highly implausible. A
12 more reasonable explanation for this change has come from
13 the forensic document expert, A.P. Robertson, who
14 suggested they made -- this may have been an effort by
15 Plaintiff to ensure that donations from the public would
16 flow to him at 3 Kale Davis Road rather than to his
17 ex-wife at 37 Alpine Drive, which, if true, would explain
18 it.

19 Indeed, there are at least two other anomalies,
20 one about the death certificate, the other about the
21 Complaint, that have struck me as disturbing. On the
22 death certificate, where it asks for first, middle, and
23 last name of the informant, only the nickname, Lenny
24 Pozner, appears.

25 Even more anomalous, and, to me, extremely

1 peculiar, is that the decedent, who is supposed to be the
2 man's beloved son, is only referred to by his initials,
3 N.P. As a father myself, I cannot imagine in my wildest
4 dreams having lost a child and then feeling compelled to
5 bring a lawsuit to protect his sanctity and then only
6 referring to him by his initials.

7 All of these oddities are more readily
8 explicable on the hypothesis that Noah is a fiction made
9 up out of photographs of his purported older step-brother,
10 Michael Vabner, than on the hypothesis that he was real.
11 When we consider that we may be dealing with an illusion
12 rather than reality, where the Sandy Hook event was a FEMA
13 mass casualty exercise involving children to promote gun
14 control that was then presented to the public as mass
15 murder, the pieces make sense.

16 Where we have even incidentally obtained the
17 FEMA manual for the exercise on 13 December 2012, the
18 rehearsal ending at 11:59 to be evaluated the following
19 day as a real-time event, where some of the participants
20 became confused and even put up donation pages on the web
21 the day before, and where the alleged assailant Adam
22 Lanza's death was initially recorded as having occurred on
23 the 13th of December 2012, making his feat in shooting 20
24 children and 6 adults the following day all the more
25 remarkable.

1 Insofar as the Complaint was narrowly crafted to
2 focus upon the solitary issue of the authenticity of the
3 death certificate and my observations about it, we find
4 the situation now copiously documented, including the
5 studies of two document examiners, to be as follows with
6 respect to the charges therein made:

7 Count 1. Defamation by all Defendants.

8 Paragraph 21. The statements excerpted from *Nobody*
9 *Died at Sandy Hook* are false, both in their particular
10 facts and in the main point, essence, or gist in the
11 context in which they were made, because N.P.'s death
12 certificate is not a fabrication or forgery.

13 22. The statements excerpted from *Nobody Died at Sandy*
14 *Hook* refer directly to Plaintiff by name, and giving the
15 surrounding context likewise indicates that the comments
16 implicate Plaintiff. Given the surrounding assertions, a
17 reasonable reader would understand the statement to imply
18 that Plaintiff knowingly possessed and distributed a
19 fabricated death certificate.

20 Since truth is an absolute defense against
21 defamation and the documents in question, not just
22 Exhibits 4 and 5, but Exhibit 6 and 7 as well, turn out to
23 be fabrications, the Defendants have not committed
24 defamation. Moreover, as A.P. Robertson has astutely
25 observed, a reasonable person, observing the anomalies in