

FILED
06-18-2019
CIRCUIT COURT
DANE COUNTY, WI
2018CV003122

DATE SIGNED: June 18, 2019

Electronically signed by Frank D Remington
Circuit Court Judge

STATE OF WISCONSIN

CIRCUIT COURT

DANE COUNTY

LEONARD POZNER,
Plaintiff

vs.

Case No. 18CV3122

JAMES FETZER,
MIKE PALECEK,
WRONGS WITHOUT WREMEDIES, LLC,
Defendants.

Order Granting Plaintiff’s Motion For Summary Judgment

This Court having considered the following:

On April 30, 2019, Plaintiff filed a Motion for Summary Judgment and supporting materials (Docs. 101-106, 117-122), that Defendant Fetzer and Defendant Palecek defamed Plaintiff by publishing the following statements in the 2016 edition of NOBODY DIED AT SANDY HOOK:

- “Noah Pozner’s death certificate is a fake, which we have proven on a dozen or more grounds.”
- “[Mr. Pozner] sent her a death certificate, which turned out to be a fabrication.”
- “As many Sandy Hook researchers are aware, the very document Pozner circulated in 2014, with its inconsistent tones, fonts, and clear digital manipulation, was clearly a forgery.”

Plaintiff's Motion additionally sought Summary Judgment that Defendant Fetzer defamed Plaintiff by publishing the following statement from a 2018 blog post:

- "It [N.P.'s death certificate] turned out to be a fabrication, with the bottom half of a real death certificate and the top half of a fake, with no file number and the wrong estimated time of death at 11 AM, when 'officially' the shooting took place between 9:35-9:40 that morning."

Defendant Fetzer filed a Response and supporting materials (Docs. 176-184, 190-191, 193, 195-198) which Mr. Palecek sought to join (Docs. 210-212). Plaintiff filed a Reply (Doc. 206) on June 12, 2019.

Defendant Fetzer filed a Motion for Summary Judgment and supporting materials (Docs. 100, 136-137). Plaintiff filed a Response and supporting materials (Docs. 169-172) and Defendant Fetzer filed a Reply on June 12 (Doc. 207). The parties filed associated motions to strike certain evidence and responses thereto (Docs. 185-186 (Defendant Fetzer's motions), 202-205 (Plaintiff's motions)). The Court thereafter heard oral argument on June 17, 2019.

NOW IT IS HEREBY ORDERED that for the reasons stated on the record at the June 17, 2019 hearing:

Defendant Palecek's Verified Motion for Extension to File Response is denied;

Defendant Palecek's Response to Plaintiff's MSJ and Cross-Motion for Summary Judgment is denied;

Defendant Fetzer's Motion to Strike Green Affidavit is denied;

Defendant Fetzer's Motion to Strike Friedman and Sinelnikov Affidavits is denied;

Defendant Fetzer's Motion for Summary Judgment is denied; and

Plaintiff's Motion for Summary Judgment is granted. The amount of Mr. Pozner's damages remains at issue for trial.

Ordered on this 18th day of June, 2019.