

FILED
02-11-2020
CIRCUIT COURT
DANE COUNTY, WI
2018CV003122

STATE OF WISCONSIN CIRCUIT COURT DANE COUNTY

LEONARD POZNER,

Plaintiff,

vs.

Case No. 18-CV-3122

JAMES FETZER, et al.,

Defendant.

**AFFIDAVIT OF JAMES FETZER IN RESPONSE TO
PLAINTIFF’S MOTION FOR ORDER TO SHOW CAUSE**

STATE OF WISCONSIN)
) ss.
COUNTY OF DANE)

James Fetzer, being first duly sworn upon oath, deposes and states as follows:

1. I am aware of Leonard Pozner’s complaint that Alison Maynard posted links to his video deposition and the transcript of his deposition in late December of 2019.
2. I did not direct, authorize or know that Ms. Maynard posted links to these documents. When I learned of this matter, I immediately requested Ms. Maynard to take down from the internet both the video and transcript of Pozner’s deposition.
3. I am also aware of the insinuation of Mr. Pozner’s attorneys that I previously provided false information to the court regarding Mr. Pozner’s video deposition and the transcript of his deposition.
4. The insinuations about my prior testimony are not true.

5. First, Mr. Pozner notes my testimony that I did not possess the written transcript of Mr. Pozner's deposition at the time of a prior hearing on September 13, 2019.

6. In fact, I did not possess the transcript of Mr. Pozner's deposition, as I testified.

7. I did possess Mr. Pozner's video deposition as of the September 13, 2019 hearing date.

8. Attorney Bolton subsequently requested a copy of the written transcript of Mr. Pozner's deposition, which I did not have.

9. I then obtained a copy of the transcript after the September 13, 2019 hearing, and provided it to Attorney Bolton.

10. My testimony at the September 13, 2019 hearing, therefore, was correct.

11. Mr. Pozner's counsel also implies that we provided false information to the Court to the effect that Ms. Maynard had deleted her video copies of Mr. Pozner's deposition.

12. Ms. Maynard, in fact, did represent to me and Attorney Bolton that she had deleted Mr. Pozner's video deposition, as I requested her to do.

13. Neither I, nor my counsel, intentionally misrepresented any information to the Court regarding our understanding that Ms. Maynard no longer had Mr. Pozner's video deposition.

14. I did, however, provide a copy of Mr. Pozner's transcript to Ms. Maynard on or about October 27, 2019, including for the purpose of providing consultation regarding my appeal in this matter and the truthfulness of representations made before the Court by Mr. Pozner and/or his counsel regarding the death certificate issue in this case.

15. I did not authorize Ms. Maynard to otherwise publish or make publicly available Mr. Pozner's deposition transcript – and I did not foresee or anticipate that she would do so.

16. I requested Ms. Maynard to immediately take down any posting of Mr. Pozner’s video deposition and written transcript upon learning of their being posted.


17. I have subsequently requested Ms. Maynard, through Attorney Bolton, to delete all vestiges of Mr. Pozner’s video deposition and transcript.

18. I understand that Ms. Maynard has agreed to do so and that she will provide to my counsel a written affirmation of compliance with his request.

19. In addition, I have personally deleted both Mr. Pozner’s video deposition and transcript, so that I no longer have access to Mr. Pozner’s deposition in my own right.

20. I have agreed with Attorney Bolton’s request that I make such deletions of access to Mr. Pozner’s deposition, with Attorney Bolton thereafter remaining the sole repository of the deposition on my behalf.

21. I apologize to the Court for Mr. Pozner’s deposition being publicly posted. I accept responsibility for sharing it with Ms. Maynard, but I do wish to emphasize that I did not authorize, direct or anticipate that Mr. Pozner’s deposition would be publicly posted and I took immediate corrective action when I learned it had been posted.


James Fetzer

Subscribed and sworn to before me
this 11th day of February, 2020.



Notary Public, State of Wisconsin
My commission expires: September