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<u>No.</u>	<u>Description</u>	<u>Marked</u>	<u>Received</u>
(NONE)			

1 (Proceeding began at 1:33 p.m.)

2 THE COURT: Okay. Great. This is case
3 18-CV-3122, Leonard Pozner versus James Fetzer.

4 Mr. Pozner appears by Counsel Zimmerman,
5 Feinstein, and Stedman. And, James Fetzer appears in
6 person, by phone, along with counsel, Richard Bolton.

7 Thank you, gentlemen -- ladies and gentlemen,
8 appearing by phone. Actually, it's probably easier for
9 you, as the way it works out, Mr. Zimmerman. But in
10 between the time I scheduled this matter and today,
11 obviously, the events on the national or international
12 stage unfolded and the new word being social distancing
13 applies to the courts and this and other cases have been
14 moved on -- continued but moved on by phone. So I
15 appreciate your telephonic appearances.

16 We're on the court's calendar for oral
17 arguments. I've read the briefs and the file and, in
18 addition, somebody filed today Mr. Fetzer's e-mail to the
19 Colorado Licensing Agency regarding suspended attorney,
20 Alison Maynard.

21 I have some questions I'd like to ask and then
22 I'd like to work through the issues, but before I do that,
23 as I usually do, I reach out to the lawyers to invite if
24 there are any additional preliminary comments, you're
25 welcome to make them at this time.

1 I'll start with the plaintiff. Who would be
2 speaking, Ms. Zimmerman, Feinstein -- Mr. Zimmerman,
3 Ms. Feinstein, or Ms. Stedman?

4 MR ZIMMERMAN: Yes, Your Honor. I'll take the
5 lead on it. We don't have any additional comments at this
6 time.

7 THE COURT: Mr. Bolton, same invitation.

8 MR. BOLTON: Um, one question I have. We filed
9 a supplemental affidavit for Professor Fetzner this
10 morning. I don't know if the Court has seen that or not?

11 THE COURT: I have not. Let me look for it. As
12 you know, while my clerk looks for it, the way the
13 e-filing system works, these things get put into a queue
14 and then don't come to the judge's desk until they receive
15 it. So in that circumstances, you're always welcome to
16 call the court on the phone and alert us to the fact that
17 there's a late filing and we can dig it out that way.

18 MR ZIMMERMAN: And, Your Honor, I don't think
19 we've seen that either.

20 MR. BOLTON: Yeah. Well, I apologize. When we
21 filed it electronically, I had assumed, because I got -- I
22 got an e-mail from the Court saying that it had been
23 received and associated with the case. I assumed
24 that that at that point went to everyone who was appearing
25 electronically as well as the Court. And I may -- I may

1 not correctly understand the process then, but we did
2 receive an acknowledgement -- I thought we received an
3 acknowledgement that it had been received and associated,
4 whatever the language it is they use, and maybe -- maybe
5 I'm -- maybe I'm wrong on that.

6 THE COURT: Well, I -- Mr. Zimmerman, let me
7 just read to you what's been provided. In the end,
8 because of my preliminary thoughts, I'm not sure it's
9 going to make any difference, but my assumption is
10 Mr. Fetzer is responding to the plaintiff's suggestion
11 that the Court should order an independent examiner to
12 examine the files -- electronic files of Dr. Fetzer to
13 verify what he's saying.

14 To that end, this is what James Fetzer says in
15 his affidavit:

16 I make this affidavit as a supplement to my affidavit
17 of February 11, 2020.

18 I previously indicated that I have deleted all texts
19 and video versions of the deposition of Leonard Pozner,
20 which I believed to be true.

21 I subsequently have sought professional input from Jack
22 Mullen, the webmaster from my blog, who is a cybersecurity
23 engineer, to verify that all copies of the Pozner
24 deposition had been deleted from my desktop and my laptop
25 computers. These are my only computers.

1 I asked Mr. Mullen to assist me in searching both my
2 desktop and laptop computers for any video and transcript
3 versions of Mr. Pozner's deposition.

4 Using an application called AnyDesk.com, Mr. Mullen and
5 I searched my desktop computer, an iMac, on March 13,
6 2020, which search was video recorded at that time.

7 We found one remaining PDF file of the deposition
8 transcript on my desktop, but no copies of the video
9 deposition, which I promptly deleted from my computer.

10 A true and correct copy of the recording of our search
11 and deletion will be filed with the Court separately.

12 Realizing that we had not searched my e-mail or my
13 laptop, Mr. Mullen and I did a subsequent search of my
14 laptop and e-mail using AnyDesk.com of both on March 15th,
15 2020.

16 When we searched my laptop and e-mail for copies, we
17 found two additional copies of the deposition transcript,
18 which I then deleted.

19 A true and correct copy of the recordings of our search
20 of my laptop and e-mail deletions will likewise be filed
21 separately by the -- with the Court.

22 Based on these -- based on the searches conducted by
23 Mr. Mullen and me, I believe that all video and/or text
24 versions of Mr. Pozner's depositions have been deleted
25 from any and all -- from all of my computers and e-mail.

1 I apologize for the mistaken statement in my prior
2 affidavit, which statement I sincerely believed to be true
3 and subsequently sought to verify.

4 I also am aware Mr. Pozner seeks to have me jailed
5 which, my doctor, Zorba Paster, M.D., advises would worsen
6 major medical conditions affecting me.

7 Attached to this Supplemental Affidavit as Exhibit 1 is
8 a true and corrected version of the statement from
9 Dr. Paster.

10 That didn't -- that didn't print out, so I'm not
11 sure it was attached. Oh, wait. Here it is.

12 To Whom It May Concern: --

13 MR. BOLTON: Yeah, I think --

14 THE COURT: It is. I found it. It says:

15 RE: James Fetzer

16 "To Whom It May Concern:

17 "Patient should not be in jail as he has major medical
18 problems that would worsen if he was in jail.

19 "If you have any questions concerning this matter
20 please do not hesitate to call me.

21 "Robert Zorba Paster, M.D."

22 All right. So we can return to that, if
23 necessary.

24 Is there anything else you'd like to say
25 preliminarily, Mr. Bolton?

1 MR. BOLTON: Only that we have been acting in
2 all good faith to make sure that any version of the -- of
3 the Pozner deposition has been deleted from the possession
4 or control of Professor Fetzner.

5 Having said that, I will also note that -- that
6 I feel -- I do still have a copy of the deposition
7 transcript, which -- which I do not have any intention
8 to -- to release it to anyone.

9 So in terms of trying to, you know, further
10 verify or confirm -- let me -- let me add -- I need to
11 back up. In terms of the video of what -- of that search
12 and -- that they conducted, I'm going to apologize. I --
13 a link to it was sent to me. I haven't been able to open
14 the link yet, which probably doesn't surprise certainly
15 any of my partners given my computer skills, but there's
16 hard -- as you can imagine, there's hardly anybody here at
17 the office. So I do have it, but I have not filed that --
18 those videos with the Court, which I don't think can be
19 electronically filed in any event.

20 But in terms of any further attempt to verify,
21 you know, such deletion, we're not -- we're not opposed to
22 that. But what I -- what I would say in that respect is
23 simply -- is this. While we're not opposed to it, to the
24 extent that that process is held up, for instance, by
25 Professor Fetzner, you know, paying a forensic expert, the

1 ability to make such payment is -- is -- if I said
2 uncertain, I probably would be overstating his ability to
3 make such -- such a payment. So while we're not -- we're
4 not opposed to that process, I just want the Court to know
5 that to the extent that that's dependent on him being able
6 to pay for such a forensic examination, I do not believe
7 that's within his capability.

8 I would give -- and I may be wrong on some of
9 this. I attempted to get information here in Madison
10 from -- from different forensics computer experts as to
11 what the cost would be for what we were looking for, and
12 what I was told -- quoted, and I -- I don't have this in
13 writing, but what I was quoted orally was that we were
14 probably looking at something between \$4,000 and \$5,000,
15 which is not something that Professor Fetzer can come up
16 with at this time.

17 So but in terms of trying to satisfy the Court
18 and opposing counsel about the sincerity and desire to
19 fully comply with getting -- getting rid of this, you
20 know, we're not opposed to that, and we'll -- we're trying
21 to do everything we can to, in fact, accomplish that
22 ourselves.

23 THE COURT: Okay. Mr. Bolton, I've got a couple
24 questions. So you recall that the plaintiff had
25 previously filed a motion to hold Dr. Fetzer in contempt,

1 and we had a hearing on September 13th and at that hearing
2 I did hold him in contempt and then I set purge
3 conditions, among other relief, including that then as it
4 related to the videotape deposition he -- I think you were
5 the one that said put the cat back in the bag or
6 unscramble the egg or I can't remember your -- but the
7 plan on September 13 was Dr. Fetzer was charged with
8 recalling that which he inappropriately sent out, correct?

9 MR. BOLTON: I do recall that, Your Honor.

10 THE COURT: Okay.

11 MR. BOLTON: The only -- and you corrected my
12 memory. I was recalling that the hearing was on September
13 12th, but I do recall now that it was on Friday, September
14 13th, I believe.

15 THE COURT: Okay. And at the time of the first
16 motion, Mr. Pozner's concern was not only was Dr. Fetzer's
17 action in direct violation of the court order, but it
18 compounded and exacerbated his concern for his safety and
19 well-being because now his picture is out on the internet
20 for everyone to see; isn't that correct?

21 MR. BOLTON: I recall.

22 THE COURT: Okay.

23 MR. BOLTON: Yes, it is, Your Honor.

24 THE COURT: Okay. And did I not make it clear
25 to Mr. Fetzer that -- to Dr. Fetzer that in the Court's

1 opinion, disseminating the videotape deposition violated
2 the Court's order?

3 MR. BOLTON: I believe you made that clear, Your
4 Honor.

5 THE COURT: All right. So my question is, if I
6 understand it correctly, reading Dr. Fetzer's deposition,
7 that notwithstanding all that was done on September 13th,
8 on October 27th he sent Ms. Maynard a copy of the
9 deposition; is that true?

10 MR. BOLTON: It is true, but I -- but I need to
11 make the answer a little more full.

12 THE COURT: Okay. Well, in a moment.

13 MR. BOLTON: Um --

14 THE COURT: In a moment -- in a moment, please.

15 MR. BOLTON: Oh, okay.

16 THE COURT: So isn't it also true that the
17 deposition transcript was watermarked confidential?

18 MR. BOLTON: I don't recall if it's watermarked
19 confidential, but what I do recall, if I -- and I don't
20 have it in front of me right now, Your Honor, is that it
21 is -- it is marked confidential at the top of the
22 paginations.

23 THE COURT: Okay. So about one month after he
24 was held in contempt for disseminating the videotape
25 version of his deposition, in direct violation of it being

1 marked confidential, he sends out a copy of the written
2 deposition, similarly marked confidential. Please
3 explain.

4 MR. BOLTON: Um, he -- he -- that is true. And
5 I -- and I do not make any apology for it.

6 Professor Fetzer, as the Court knows, has
7 consulted with Ms. Maynard over the course of time, and my
8 understanding is that he sent her the transcript, which
9 does not include any additional image of Mr. Pozner,
10 related to basically ongoing any consultation or
11 information that she might provide as to -- as the case
12 continues, including potentially for appeal.

13 THE COURT: Okay. Let's stop there and address
14 that tangential issue.

15 Ms. Maynard is currently suspended or disbarred
16 in the State of Colorado and is not legally authorized to
17 practice law, correct, Mr. Bolton?

18 MR. BOLTON: I believe that's true.

19 THE COURT: And this recently filed Exhibit A
20 e-mail from Dr. Fetzer to the regulatory authorities in
21 Colorado seems to recognize that Dr. Fetzer should not,
22 did not, and could not seek legal advice from Ms. Maynard.

23 And, in keeping with that, then should I not
24 make a reasonable inference that sharing the confidential
25 transcript with Ms. Maynard on -- on or about October 27th

1 had no litigation or law-related purpose by virtue of the
2 fact that she's suspended and/or disbarred?

3 MR. BOLTON: I don't know that -- I would
4 disagree with that. But what I -- I would say is that in
5 terms of whether or not, you know, what -- what that --
6 for instance, what the -- what constitutes the practice of
7 law or whether or not he is prohibited from conferring
8 with her, I don't believe that that's something that
9 Professor Fetzer knows the answer to.

10 THE COURT: Okay. Mr. --

11 MR. BOLTON: I believe -- I believe that he
12 considered that -- that advice or consultation that she
13 provided to him wouldn't necessarily constitute, you know,
14 per se legal advice, but that he was not prohibited from
15 at least conferring with her.

16 THE COURT: Okay.

17 MR. BOLTON: He understood at that point that he
18 certainly could not -- that she certainly could not appear
19 in court or draft legal documents or sign legal documents
20 or anything like that.

21 THE COURT: Mr. Bolton, as a licensed lawyer in
22 the State of Wisconsin in good standing for over 30 years
23 and regularly practicing in the courts, I ask you this
24 question. As a lawyer, if you were asked by an individual
25 to review a deposition transcript for purposes of advising

1 and giving advice and information on a pending appeal, do
2 you believe you would be engaged in the practice of law?

3 MR. BOLTON: I -- I don't -- I haven't
4 considered that before, but what I'll say is I've never
5 been, obviously, in that situation, and I can say that in
6 my personal -- my personal view is that I would -- I would
7 not do that.

8 THE COURT: Well you might not do that and
9 thankfully, you don't have ethic issues in regard to your
10 license.

11 But I will say this, as I proceed to articulate
12 my thoughts and my rulings on the pending motion, there's
13 no doubt in my mind that sending a deposition transcript
14 to an individual for purposes of advice and information on
15 a pending appeal is tantamount to asking that person to
16 practice law. It's something that I cannot recognize for
17 purposes in Wisconsin as a valid reason for sharing the
18 deposition transcript with her. But be that as it may, as
19 I said, that was tangential.

20 Is not -- is Mr. -- is Dr. Fetzer sharing the
21 written deposition transcript with Ms. Maynard another
22 violation of the Court's order -- protective order?

23 MR. BOLTON: I believe it is, and I have not --
24 and I don't believe I argued otherwise, Your Honor.

25 THE COURT: You did not.

1 And being that it is a violation, Mr. Zimmerman,
2 are you asking as to that act Dr. Fetzer be held in
3 contempt?

4 MR ZIMMERMAN: Yes, Your Honor, we are.

5 THE COURT: And the Court will make that
6 finding.

7 Dr. Fetzer, this is separate and distinct from
8 the hearing and the contemptuous behavior that was
9 discussed on September 13th. It's separate and distinct
10 for -- from what you said in regard to that hearing and
11 information you had. This is a new and additional example
12 of a complete and utter disregard for the order of the
13 Court, and therefore, I am going to hold you in contempt.

14 MR. BOLTON: Your Honor?

15 THE COURT: Yeah?

16 MR. BOLTON: Okay. May I -- Professor Fetzer
17 would like to speak to one or more of the questions posed
18 by the Court. Do you have any objections to -- to him --

19 THE COURT: Here --

20 MR. BOLTON: -- being heard?

21 THE COURT: Let me tell you what my plan is and
22 then I'll come back to that, depending on where we go.

23 Mr. Zimmerman, in your brief you asked for
24 various forms of relief. Principally, I think to address
25 the ongoing issues regarding the failure of Dr. Fetzer to

1 successfully purge his earlier contempt and retrieve all
2 copies of the videotape deposition. Isn't that correct?

3 MR ZIMMERMAN: With one exception, Your Honor.
4 The relief we requested was directed both to the videotape
5 deposition but also to copies of the transcript that has
6 now been released.

7 THE COURT: Okay. And is it a correct statement
8 of the facts, as I believe you've related to the Court,
9 that as of today, Dr. Fetzer has not cured all of the
10 problems caused by his release of the confidential
11 videotape and written deposition transcript?

12 MR ZIMMERMAN: That is correct, Your Honor. He
13 has not. Copies of portions of the deposition transcript
14 are still publicly available. In particular, Alison
15 Maynard -- Alison Maynard and Defendant Fetzer both filed
16 ethics complaints against me in Minnesota, and Ms. Maynard
17 attached a portion of the deposition to her ethics
18 complaint. In addition, Wolfgang Halbig attached excerpts
19 from the deposition to a document that he filed in court
20 in California.

21 So at this point we know the deposition
22 transcript is out there. It has not been retrieved, it
23 has not been deleted, and at least portions of it are
24 being used by Defendant Fetzer and his (unintelligible).

25 THE COURT REPORTER: Can he repeat that last

1 word?

2 THE COURT: Last word -- my court reporter
3 asked --

4 MR. BOLTON: Your Honor, may I --

5 THE COURT: -- for clarifications,
6 Mr. Zimmerman, repeat that, the last sentence.

7 MR ZIMMERMAN: Copies of the deposition
8 transcript are being used by Defendant Fetzer and his
9 colleagues.

10 THE COURT: Mr. Bolton, do you agree that as of
11 today the problems caused by the inappropriate release of
12 the videotape and written deposition have not been cured?

13 MR. BOLTON: I believe that Professor Fetzer has
14 done what he is capable of within his control to cure.

15 THE COURT: That's not my question. That may
16 very well be true, but the question is more than just what
17 Dr. Fetzer can do. My question is do you agree that the
18 facts are established that as of today, the problems
19 caused by Dr. Fetzer's inappropriate sharing of the
20 videotape and written deposition have not been fully
21 cured?

22 MR. BOLTON: I don't -- in terms of the problems
23 caused by it, I don't agree with that, Your Honor.

24 THE COURT: You think the problem--

25 MR. BOLTON: I understand --

1 THE COURT: You think -- Mr. Zimmerman says,
2 Well, if the Court's purge order from the earlier hearing
3 was for Dr. Fetzer to retrieve everything that he sent
4 out, Mr. Zimmerman is saying that, of course, that's not
5 true at all because copies of the deposition are now
6 appearing in Minnesota and elsewhere. Is -- do you have
7 information to contradict those statements by Attorney
8 Zimmerman?

9 MR. BOLTON: I -- I -- in terms of my
10 understanding, and -- and I may be incorrect, my
11 understanding is that in terms of any public posting or
12 otherwise of the -- of either the transcript or the
13 deposition video by Ms. Maynard have been withdrawn. If
14 I'm wrong on that, I don't know. I -- you know, he can
15 tell me otherwise. I don't -- but my understanding is
16 that any public posting has been removed.

17 THE COURT: But other --

18 MR. BOLTON: In terms of anything -- Go ahead.

19 THE COURT: I don't -- I just want to make for
20 clarity sake, the Court's earlier purge condition was not
21 to simply just be limited to removing the public postings
22 of this confidential information. It was obviously to
23 remove all public postings of the confidential information
24 and then to have all copies in possession of those not
25 authorized to possess it destroyed or returned.

1 So my question to you back, Mr. Bolton, is if
2 Mr. Zimmerman is telling the facts accurately, it appears
3 that confidential pages from the deposition transcript are
4 still in the possession of people who are not authorized
5 to possess them. Do you disagree with that factual
6 proposition?

7 MR. BOLTON: My understanding, and I don't
8 know -- my understanding is that Ms. Maynard has at
9 least -- I don't remember just what the date of her
10 affidavit or declaration was -- but has at this point in
11 time destroyed or deleted any electronic version, video or
12 written transcript, or otherwise. That's my
13 understanding. And my understanding is that Professor
14 Fetzer has also done that. That's -- that's my
15 understanding.

16 THE COURT: Your response, Mr. Zimmerman?

17 MR ZIMMERMAN: Respectfully, Your Honor. We've
18 heard that before. We heard that last time. The last
19 time we were told that Ms. Maynard deleted all the copies
20 of the videotape deposition. We know that she did not,
21 because she posted them to a Vox.com account in
22 retaliation for our reporting her to the Colorado
23 regulatory source.

24 So on some level, we hear these people say
25 they've returned the documents, they're complying, they're

1 complying, but frankly, we don't believe them and nor do I
2 think they're in a position to be believed.

3 THE COURT: All right.

4 MR. FETZER: Your Honor, if I might address the
5 Court?

6 THE COURT: Dr. Fetzer, in a moment. I want to
7 continue my train of thought on the process.

8 Obviously, the purpose of a motion for contempt
9 and the non-summary remedial contempt is to terminate
10 the -- to take such steps as necessary, designed to
11 terminate the continuing contempt.

12 Mr. Zimmerman, I believe, based on my experience
13 and in review of the facts of this case and in
14 consideration of the point that you just last made about
15 we've been told this before, I believe that the truth of
16 the matter is, is that because Dr. Fetzer released the
17 videotape deposition and the written transcript in
18 violation of the Court's order, Dr. Fetzer will not ever
19 be able to retrieve every copy or have every page and copy
20 destroyed. And that I accepted that representation in
21 September, and experience tells us based on the evidence
22 that you've presented, without regard to the sincerity of
23 his intent or the motive behind what he did, he was not
24 able to do it.

25 And at this point in time, frankly, I am not

1 optimistic that these most recent representations from
2 Ms. Maynard are sufficient to assure the Court that she
3 can be trusted to have done what she claims she will do.

4 That doesn't even address the fact that other
5 individuals have in their current possession copies of
6 these documents in violation of the Court's order,
7 although the Court has no jurisdiction to sanction these
8 individuals outside the parties in this case, who don't
9 even reside in Wisconsin.

10 And so, Mr. Zimmerman, what I will say is with
11 due respect, I think relentlessly pursuing the retrieval
12 or destruction of this information, in my opinion, may
13 very well be a hopeless task. That doesn't mean that
14 Mr. Pozner's without remedy.

15 The burden of proof in a non-summary contempt
16 procedure is against the person against whom contempt is
17 charged to show that the person's conduct is not
18 contemptuous. Well, I've already concluded that the -- as
19 indicated from the Court's earlier ruling, Dr. Fetzer's
20 sharing of the videotape deposition was contemptuous, and
21 I made the finding today that his sharing the written
22 transcript is contemptuous.

23 The sanctions under 785.01(1)(a) is including
24 but not limited to the following remedies:

- 25 1. Is a payment to compensate the loss or injury

1 suffered by a party as a result of the contempt.

2 2. Imprisonment, six months or as long as contempt
3 continues, whichever is shorter.

4 3. Forfeiture not to exceed \$2,000 per day for each
5 day contempt continues.

6 4. An order designed to ensure compliance with prior
7 order of the Court.

8 5. If the Court finds the preceding sanctions would be
9 ineffectual to terminate contempt, Court may fashion a
10 different sanction. That's under 785.04(1)(e).

11 Obviously, based on the facts, Mr. Zimmerman,
12 that you presented for the Court, the public dissemination
13 and current possession of his image associated with the
14 videotape deposition is, in Mr. Pozner's mind, caused him
15 injury; is that correct?

16 MR ZIMMERMAN: Yes, Your Honor. That is
17 correct.

18 THE COURT: And the dissemination -- likewise,
19 the dissemination now of the written transcript is
20 similarly injurious to Mr. Pozner, correct?

21 MR ZIMMERMAN: That is correct, Your Honor.

22 THE COURT: So rather than set off about to hire
23 individuals to go through computers, rather than try to
24 figure out whether Mr. Fetzer's cyber security engineer
25 has the qualification and talents to do what he says he's

1 done, even if we assume that Mr. Pozner -- excuse me,
2 Dr. Fetzer has done the things he said and he doesn't have
3 it any longer, as long as others do, that's a continuing
4 contempt of the Court.

5 What I propose is that, Mr. Zimmerman, I
6 schedule an evidentiary hearing and that we hear from
7 Mr. Pozner as to the nature and extent of his loss or
8 injury, much as the jury heard about the damages as a
9 result of the defamatory statements. 785.04(1)(a) allows
10 the Court to conduct a bench trial for the purposes of
11 considering what loss or injury -- the magnitude of the
12 loss or injury and the requested compensation for the loss
13 or injury as a result.

14 Now, that loss or injury due to Mr. Pozner may
15 not simply be confined to the facts now relating
16 retrospectively to the release of his image on the
17 videotape but prospectively as to the continuing and the
18 like -- the injury of the continuing dissemination,
19 publication, and access to his image on the internet and
20 what loss or injury he suffered as a result of others now
21 having possession of that which they are not entitled to.

22 Then I would consider the evidence and I would
23 consider whether Dr. Fetzer should make any payment or if
24 he should make a payment, in what amount as compensation
25 of the loss or injury suffered by Mr. Pozner,

1 understanding that no amount of time imprisonment will
2 enable him to do what he's set loose and unable to undo.

3 But, keeping that in mind, that's the way I'd
4 like to proceed, although, Mr. Bolton says Dr. Fetzner is
5 not financially able to, that's an entire -- to bear the
6 additional costs associated with the remedies sought by
7 the plaintiff, may not be financially able to pay the
8 judgment as a result of the loss or injury he exacted upon
9 Mr. Pozner, but that's secondary to the question of we
10 know he did which what was -- he should not have done, and
11 he's been unable to fix the problem, and the question is,
12 is what consequences should he bear by them.

13 Your response, Mr. Zimmerman, as to proceeding
14 with a trial -- an evidentiary hearing to fix the loss or
15 injury to Mr. Pozner and for such other and further relief
16 as you would deem appropriate under the circumstances?

17 MR ZIMMERMAN: Your Honor, I guess my initial
18 reaction is I think in some sense it's an illusory
19 judgment or -- or gain. We have conducted post-verdict
20 discovery into Dr. Fetzner's finances. It's clear that he
21 has nothing approaching the amount of money that will be
22 required to satisfy the jury's judgment already. So we
23 can add an additional amount onto it based on the harm
24 that Mr. Pozner has received or, you know, incurred as a
25 result of the contempt, but I don't think that really does

1 anything because Dr. Fetzner can't pay it. And so it --
2 it -- you know, it requires us to incur additional costs
3 and expenses without any hope of actually recovering any
4 money for it, nor do I think it would dissuade Dr. Fetzner
5 from any future dissemination of this information, which I
6 think is really the purpose of the remedial contempt.

7 I think that what he said at the last contempt
8 hearing when we had him on the stand holds more truth
9 today than it did then. The Court may remember, we showed
10 a series of texts between Dr. Fetzner and the individual
11 from Wrongs Without Remedies, and in that series of texts
12 he said, among other things, "What are they going to do?
13 They're already suing me for a million dollars." And I
14 think the outcome here is exactly that. What are we going
15 to do? Tag more money onto a judgment that he already
16 can't pay? So I -- I don't think that meets the
17 requirements or the needs of the remedial contempt nor do
18 I think it would help Mr. Pozner in any way.

19 THE COURT: Well, it is a remedy available to
20 Mr. Pozner under the statutes, and be -- and it is of
21 course something that he, and with the advice of counsel,
22 could consider. I mean, it's not for me to say what
23 relief you want. I note only that it's in the statutory
24 framework the first item of sanctions associated with
25 contemptuous behavior.

1 And, as I think demonstrated in this case
2 already, there is some deterrent -- general deterrent
3 function associated with fixing the consequences of the
4 loss or damages based on not just defamation but violation
5 of the Court's order. But, you're right. I don't suggest
6 that -- you would know more than anyone else as to whether
7 that is actually money that's going to be paid, but I
8 might offer it only in the sense that there are other
9 benefits associated with fixing the loss or damages. But
10 that's why I raise it and that's why I cut Mr. --
11 Dr. Fetzer off, because if that's what we were going to
12 do, I think in fairness we would not be able to do that
13 today. It would require a hearing, because under the
14 common law, hearing evidence and findings of fact are
15 required, and that would -- I think from my perspective,
16 need some kind of evidentiary hearing.

17 The problem I have, under 785.04(1)(b), that's
18 true, I can put Dr. Fetzer in jail for six months or as
19 long as the contempt continues, whichever is shorter.

20 The -- Mr. Bolton, as a practical matter,
21 accepting for the moment that Dr. Fetzer has done all that
22 was in his power, if there are still copies out on the
23 internet, isn't it your position that he would not be able
24 to retrieve or require those be destroyed? He's done
25 everything he can. He can do no more. Isn't that what

1 you're presenting to me?

2 MR. BOLTON: I believe so, Your Honor.

3 THE COURT: So, Mr. Zimmerman, my hesitation is,
4 is to say that I should use imprisonment as a sanction,
5 there is no purge condition that appears to be within
6 Dr. Fetzer's ability. Now, Dr. Fetzer doesn't deserve any
7 sympathy for that, because he alone is responsible for his
8 intentional disregard for the Court's order on the
9 dissemination of both the videotape deposition and the
10 written deposition. But I think we ought to be realistic
11 in terms of having -- I believe he appears to have, at
12 least as of today, exhausted his abilities and he simply
13 is unable to undue what he's done.

14 A forfeiture similarly is not, I think,
15 Mr. Zimmerman -- Mr. Zimmerman, a forfeiture is -- just
16 adds \$2,000 per day for each day. That would be starting
17 today and run up the cash register, so to speak, and I
18 don't know what -- what date in the future that would end.

19 I didn't -- you know, you had suggested the
20 Court appointing some individuals to oversee this. That's
21 not a remedy that's set forth explicitly in 785.04(1)(a)
22 through (d). I don't know whether that's within the scope
23 of my authority under subsection (e). But I don't know
24 that Dr. Fetzer would have to come up with funds in
25 advance to pay for that, and Mr. Bolton is telling me that

1 he doesn't have any money anyway.

2 So I think, Mr. Zimmerman, I mean, I can do the
3 following simple things.

4 Mr. Bolton, Mr. Zimmerman asked that Dr. Fetzer
5 be required to turn over to the plaintiff -- I'm looking
6 for my note here. Here it is. Turn over to the plaintiff
7 any correspondence between Dr. Fetzer and anyone having
8 access to Pozner's deposition, including but not limited
9 to Halbig and Maynard. Now, Mr. Bolton, you say that
10 Dr. Fetzer has destroyed the -- or deleted the actual
11 videotape and written deposition. Does he have any
12 correspondence between any individuals, including
13 Mr. Halbig and Ms. Maynard, relating to those two
14 documents?

15 MR. BOLTON: Judge, I'm not sure the answer to
16 that.

17 THE COURT: Well why don't you --

18 MR. BOLTON: I --

19 THE COURT: Okay. Assuming --

20 MR. BOLTON: What I --

21 THE COURT: -- that he does, your response to
22 the Court's order under 785.04(1)(e) that he be ordered to
23 produce all documents and records relating to the
24 videotape deposition and the written transcript of the
25 deposition. Your response to the request that I order him

1 to disseminate -- produce all those documents.

2 MR. BOLTON: I don't have -- no. I don't object
3 to that.

4 THE COURT: All right. The Court's going to
5 order within the next 30 days, Dr. Fetzer, for you to go
6 through your entire files and produce every document of
7 any kind discussing or relating to Mr. Pozner's
8 deposition, including but not limited to discussions. The
9 only exception would be is those that are protected by
10 attorney-client privilege. But any letter, e-mail, blog
11 post, or any kind of written document that discusses those
12 document -- that discusses Mr. Pozner's deposition in any
13 way. And that is not limited to Halbig or Maynard, it
14 applies to any person. You will search your files and
15 you'll produce those within 30 days.

16 The Court's also, having now found a second
17 contemptuous act by Dr. Fetzer is, as appropriate, going
18 to award costs and fees associated with this second
19 motion. Like I said, it deals less with the accuracy of
20 what was said and when it was said, but certainly is a
21 motion that is proper and has been granted as it relates
22 to the inappropriate dissemination of the written
23 transcript. What fees and costs are you asking for
24 associated with bringing this motion, Mr. Zimmerman?

25 MR ZIMMERMAN: Your Honor, the total attorney

1 time spent on this second contempt is in excess of 35
2 hours. I -- if it would be acceptable to the Court, need
3 to follow up with Quarles and Brady lawyers to determine
4 the hourly rate that applies to the hours that they spent
5 on this issue.

6 THE COURT: Okay.

7 MR ZIMMERMAN: My standard hourly rate is \$450
8 an hour.

9 THE COURT: All right. I believe Mr. Bolton did
10 not object to the hourly rate that was asked for and
11 awarded last time, but have that -- when do you -- when
12 can you have filed your bill of costs and fees?

13 MR ZIMMERMAN: We should be able to do that
14 tomorrow, Your Honor.

15 THE COURT: How many days do you need,
16 Mr. Bolton, to respond to that?

17 MR. BOLTON: Ten days, Your Honor.

18 THE COURT: Ten days. Then I'll -- if there's
19 no objection, then, Mr. Zimmerman, with your filing,
20 submit a proposed order as well.

21 Additionally, if you would please submit an
22 order articulating in words that you would like, the order
23 that Dr. Fetzer produce any document between him and any
24 other person relating to the deposition of Mr. Pozner.

25 That then brings us to what other and further

1 such relief is appropriate. I guess, just to make sure we
2 have a clear record, although you, I think, had some
3 reticence, if I would entertain Mr. Leonard Pozner's
4 request for a sum of money to compensate him for the loss
5 or injury associated with this -- Dr. Fetzer's contempt,
6 if you'd like, what would you like to do on that element
7 of damages or sanctions under 785.04(1)(a), Mr. Zimmerman?

8 MR ZIMMERMAN: Again, if I could ask the Court's
9 indulgence, I'd like to talk to Mr. Pozner and see whether
10 he is interested in going forward with that or not.

11 THE COURT: Okay. I think that's fair. I'm not
12 wedded to the procedure. It could be -- I don't believe
13 there -- I think what I would say, Mr. Zimmerman, if you'd
14 like to proceed for an evidentiary hearing, which would
15 produce findings, tell me how you would -- how you or
16 Mr. Pozner would like to proceed. It doesn't necessarily
17 have to be in live testimony. It could be by some other
18 form. The only disadvantage is -- well, the only
19 advantage of a hearing in court is there would be an
20 opportunity for cross-examination. So consult with your
21 client, ask him what he wants and how he wants it, and
22 then why don't you have that response to me by when?

23 MR ZIMMERMAN: Again, I should offer the Court a
24 response to that by tomorrow.

25 THE COURT: Well, I want you to give some

1 thought to the procedure, because I haven't researched the
2 cases on the procedure -- I'm looking at the Judicial
3 Benchbook chapter on contempt, but it talks about -- all
4 it talks about is a hearing, evidence, and findings
5 required. I'm satisfied that it's a hearing before the
6 Court.

7 Why don't we do it by -- have your position on
8 such further proceedings for damages, how about by the end
9 of next week. So it's March 17th, by March 27th.

10 MR ZIMMERMAN: Yes, Your Honor. That's
11 acceptable.

12 THE COURT: Mr. Bolton, we'll give you two
13 weeks, by April 10th to respond.

14 THE CLERK: What was the first date?

15 THE COURT: March 27th, April 10th, and then for
16 a response -- and then a reply April 17th from you,
17 Mr. Zimmerman, and that -- really, I'm interested in
18 understanding the parties' positions as to how.

19 We know that Mr. Pozner says he has been
20 injured. I believe that the injury is ongoing. I don't
21 know how much his injury -- the magnitude of the injury or
22 what it is he's asking for in compensation. I do know
23 that he's entitled to payment to compensate the loss or
24 injury suffered by him as a result of Dr. Fetzer's
25 contempt. So in that respect, then that moves on that

1 track.

2 I said earlier on, if we're going to have a
3 hearing, I have some hesitation to utilize the remedy of
4 imprisonment at this time. My information -- my belief
5 on -- or my understanding of a purge condition on an
6 imprisonment might be better once I understand really the
7 details and intricacies of how far and wide Mr. Pozner's
8 deposition has been disseminated and whether there is
9 truly any possible remedies or actions he can take to
10 mitigate the loss or injury to Dr. -- excuse me, to
11 Mr. Pozner.

12 That's what I was prepared to do today.
13 Mr. Zimmerman?

14 MR ZIMMERMAN: Yes, Your Honor.

15 THE COURT: It's not everything you wanted. I'm
16 not -- today I'm not going to appoint a court-appointed
17 forensic computer person. I'd like just to -- I'd like to
18 address that after the evidentiary hearing on the
19 magnitude of the loss or injury to Mr. Pozner.

20 It appears, and I know I read it to you, that
21 maybe Mr. -- Dr. Fetzer has done everything he can do. I
22 don't even know who this person is. I mean, I don't even
23 know -- do you know -- does this -- Mr. Bolton, does this
24 individual have any professional qualifications other than
25 helping Mr. -- Dr. Fetzer run his blog?

1 MR. BOLTON: I don't have that at my fingertips.
2 I do -- I do believe that he -- he's -- he designs
3 websites. He's --

4 MR. FETZER: He has multiple degrees and high
5 qualifications, Your Honor, which he'd be glad to submit
6 for the benefit of the Court.

7 THE COURT: Okay. Then I'm going to order
8 within ten days, Mr. Bolton, if you're going to ask me to
9 rely on this so-called expert, I'm going to ask you within
10 the next ten -- I'll require, before I consider anything
11 that he says, that you provide an expert report.

12 I'd like that report, as with any other expert
13 report, to detail who he is, what his training, knowledge,
14 qualification, what educational degrees he has, and what
15 opinions he's offering to the Court as to the success in
16 consultation with Dr. Fetzer as to the mining and
17 stripping of his personal computers.

18 Then that gives some better information to
19 Mr. Zimmerman than simply Dr. Fetzer saying, *This is my*
20 *buddy, Jack Mullen, who's a so-called cyber security*
21 *engineer.*

22 If you don't provide that report, then I'm going
23 to completely disregard the hearsay statements associated
24 with Mr. Mullen.

25 MR. FETZER: May it please the Court?

1 THE COURT: I'm sorry? Who said something?

2 MR. FETZER: The whole --

3 MR. BOLTON: Wait. Wait. Wait, Dr. Fetzer. If
4 the judge -- the judge needs to agree to let you speak
5 before you may proceed.

6 And, Your Honor, obviously, Professor Fetzer has
7 wanted to speak at least briefly.

8 THE COURT: Okay. Dr. Fetzer, what --

9 MR. BOLTON: If --

10 THE COURT: Dr. Fetzer, what would you like to
11 tell me.

12 MR. FETZER: The whole confidentiality business,
13 Your Honor, was done without my informed consent. It was
14 negotiated between Mr. Zimmerman and the fellow who is
15 representing, Dave Gahary, Wrongs Without Wremedies. I
16 was, as it were, coaxed into it, but I did not understand
17 its ramifications and I most certainly would not have
18 agreed to it had I properly understood.

19 Second, the -- the fact is the content of this
20 deposition is what is crucial. On two different
21 occasions, first in relation to Dave Gahary's attorney and
22 second in relation to me, Mr. Pozner, the plaintiff,
23 agreed that the copy of the death certificate we published
24 in the book was the same as the copy of the death
25 certificate he had made available to my researcher

1 associate, Kelley Watt.

2 This means that Mr. Zimmerman is not acting here
3 altruistically or on behalf of his client but seeking to
4 protect himself from a fraud upon the court that he
5 falsely testified during the summary judgment that that
6 was not the death certificate that his client had provided
7 but another, which was in fact a fifth fake death
8 certificate, which I contested at the time was a shell
9 game, but it was in fact a bait and switch. I have no
10 doubt. I've examined that death certificate with a
11 magnifying glass. It is a fake, Your Honor.

12 MR. BOLTON: Stop. Let me interrupt you.
13 Professor Fetzer, I -- I don't believe that we're speaking
14 to the immediate issue before the Court. And so, I'm not
15 going --

16 MR. FETZER: Your --

17 MR. BOLTON: I'm not going to tell you not to
18 proceed, but I don't know that there's -- that it's
19 productive.

20 MR. FETZER: Your Honor, I've -- I'd like to add
21 a couple of additional points. The --

22 THE COURT: I think that -- Dr. Fetzer --

23 MR. FETZER: The --

24 MR. BOLTON: You --

25 THE COURT: Doctor -- Dr. Fetzer. I think you

1 should listen to your lawyer. Everything you just told me
2 is completely immaterial and, in fact, mildly offensive to
3 the Court. So if you want to go ahead and keep speaking
4 extemporaneously on issues that are off topic and show me
5 that if anything is clear, you haven't learned anything
6 from being sued and the lessons that the Court had
7 attempted to -- or the court system had attempted to
8 engender.

9 But, as your lawyer says, is if you're intent on
10 doing that, I'll give you a little bit more time, but my
11 recommendation is, is you have -- you wanted a lawyer, you
12 worked hard to get a lawyer, you have a lawyer who's
13 respected in the community and he's giving you advice.

14 What would you like to do, Dr. Fetzer?

15 MR. FETZER: Because these occurred when I was
16 pro se, Your Honor, I have been very exacerbated by the
17 form of events here where I have sought to conform to the
18 Court's directives here. I initially believed that it was
19 the video deposition and the images that were at stake.

20 And it was not until late December, when I was
21 in Las Vegas en route to the Rose Bowl that I learned that
22 Ms. Maynard had published the -- the written transcript
23 that then -- and I immediately consulted -- Dave Gahary so
24 informed me. I immediately consulted with Mr. Bolton who
25 confirmed to me that was correct. I was shocked. I

1 had -- that had not been my understanding.

2 I immediately reached out to Ms. Maynard and
3 asked her to take down the transcript, that even that was
4 covered by the Court's order. I have acted in every way
5 possible in conformity with the Courts's directive.

6 Mr. Zimmerman has made another false
7 representation in suggesting I'm using the transcript now
8 in relation to complaints against him. Alison Maynard did
9 a whole separate affidavit to explain why she had her own
10 reasons for the -- challenging the conduct of
11 Mr. Zimmerman as unethical.

12 I did not use any aspect of the transcript, but
13 I most certainly have cited the fact that in two different
14 instances in that video deposition Mr. Pozner confirmed
15 that the death certificate we published in the book was
16 indeed the same death certificate he had given to Kelley
17 Watt, and since that happens to be the central issue in
18 this case, I have been frankly dumbfounded that there has
19 been no way I've been able to bring this to the attention
20 of the Court and get an appropriate response.

21 I understand that defendants have rights as well
22 as plaintiffs, but I'm hearing a great deal about the
23 plaintiff's rights and none about my own.

24 Wolfgang Halbig made it clear from the beginning
25 he wasn't going to surrender the video deposition, but

1 Mr. Zimmerman's been going after me as if I could control
2 Wolfgang Halbig.

3 I've done everything I can with Sunny Maynard.
4 She's not an attorney. She never represented herself to
5 be an attorney to me except that in my own mind because
6 she was a lawyer, when I drafted certain things I -- I
7 said it was because, you know, with the assistance,
8 because she and I have discussed these matters, but since
9 she's not technically a lawyer, she cannot be practicing
10 law, she can only be exercising her First Amendment right
11 to share her -- her research and the results which
12 included the determination that according to statutes in
13 Connecticut, not even parents can be the possessors of
14 uncertified death certificates, which was the major
15 blunder that Mr. Zimmerman sought to compensate by
16 introducing two new fabricated death certificates during
17 the summary judgment.

18 That is the facts of the matter, Your Honor.
19 I'm dedicated to the truth, and I would be most
20 appreciative if the Court would take judicial notice of
21 what I had just reported.

22 THE COURT: I'll ask you one question,
23 Dr. Fetzer. You've tried to convince me that although you
24 signed the document indicating your agreement with it,
25 that you -- had you not as you understood the contours and

1 requirements of the Court's protective order, being
2 unrepresented at the time, you say you would not have
3 agreed to it. You're telling me that, correct?

4 MR. FETZER: Yeah. That I understand the
5 ramifications of that, I would not have agreed to it --

6 THE COURT: Okay.

7 MR. FETZER: -- at the time, Your Honor. Yes.

8 THE COURT: All right. But on October -- on
9 October -- in October, when you shared the confidential
10 written transcript, you were represented, and the written
11 transcript --

12 MR. FETZER: Your Honor --

13 THE COURT: -- and the -- and the written
14 transcript says on its face that it's confidential, does
15 it not?

16 MR. FETZER: Well, it does, Your Honor, but I
17 had not understood. I thought the whole issue was the
18 video. That the images -- honestly, I'm being as sincere
19 as I could possibly be, Your Honor. I did not understand
20 until 30 December that it covered the written transcript
21 as well as the video.

22 THE COURT: Since you're complaining about --
23 since you're asking to be excused for the decisions you
24 made while unrepresented, why should I excuse you for
25 misunderstanding for the decisions you made when

1 represented, with my assumption, is that you never
2 consulted your lawyer to ask whether you could share a
3 confidential document with another individual?

4 MR. FETZER: That -- that was my misjudgment,
5 and I take responsibility.

6 Therefore, Your Honor, I -- I did not consult
7 with Mr. Bolton about whether Ms. Maynard was entitled to
8 it. I believed she did because I was seeking her
9 assistance in preparation for the appeal. She knows the
10 court -- the case very thoroughly. She had also assisted
11 Wolfgang Halbig and knows his case very thoroughly. And I
12 thought it was fully appropriate in order to elicit her
13 First Amendment right expression of concern which I had
14 conveyed to Mr. Bolton repeatedly that I wanted, as we
15 prepared our appeal, that he would consult with her among
16 several of the parts.

17 THE COURT: Okay. Mr. -- Dr. Fetzer, would you
18 raise your right hand.

19 MR. FETZER: Yes.

20 JAMES FETZER,

21 called as a witness, being first duly sworn in
22 the above cause, testified under oath as follows:

23 EXAMINATION

24 BY THE COURT:

25 Q Now, Dr. Fetzer, you just told me a number of things. I

1 hadn't anticipated that you were going to be communicating
2 facts to me, but now that you're under oath, has all that
3 you told me in every respect been truthful and accurate?

4 A It has, Your Honor.

5 THE COURT: All right. Based on the testimony
6 you provided to me, I'm going to make a finding of fact
7 that you shared the deposition transcript of Leonard
8 Pozner for the purposes of seeking legal advice and that
9 legal advice from a person not authorized to practice law
10 in Wisconsin.

11 Now, that's not a crime for you in Wisconsin,
12 Dr. Fetzer, but having made that finding, based on your
13 sworn testimony, that is a problem for Ms. Maynard, who in
14 this Court's opinion continues to present herself as an
15 attorney in the practicing of law.

16 Two other things. Mr. --

17 MR. FETZER: Just a --

18 THE COURT: -- Mr. Zimmerman, in your -- in
19 your -- when you get back to the Court, I am considering
20 one other possible remedy under 785.04(1)(e). As I
21 indicated in the court -- in a written decision, I denied
22 the plaintiff's request for attorney's fees because I did
23 not believe you were able to obtain your attorney's fees
24 under the American Rule for an action at law.

25 My question to you is because now here, so far

1 after the trial in this matter, Mr. Pozner is -- has not
2 sought -- has not obtained the full relief that he
3 intended by stopping the utterance of the defamatory
4 statements and the harassment that he testified to, my
5 question to you I'd like you to address is whether the
6 Court should award your attorney's fees for the entire
7 case within the Court's authority under 785.04(1)(e).

8 MR ZIMMERMAN: Your Honor, we do think that
9 that's an appropriate remedy in this instance, using the
10 Court's power -- sanctions power rather than the initial
11 grounds that we briefed in our post-trial motions.

12 THE COURT: And then, Mr. Bolton, you'll have an
13 opportunity to respond.

14 I bring it up because it occurred to me, though
15 I am satisfied with the ruling that I made on the
16 unavailability of the actual attorney's fees for the
17 underlying defamation case, I do believe -- I mean, it's
18 very clear that 785.04 does allow the payment of
19 attorney's fees, and the payment of only -- the only
20 nexus, of course, that I -- Mr. Zimmerman, you should
21 address is that the nexus between the fees incurred in the
22 underlying case as it relates now to the actual
23 contemptuous behavior. Because it -- the language in
24 785.04(1)(e) is if the Court finds the preceding sanctions
25 would be ineffectual to terminate contempt, the Court may

1 fashion a different sanction. And I guess that sanction
2 would be is then, essentially, Dr. Fetzner reimbursing
3 Mr. Pozner for all the fees and costs associated with
4 bringing this action as against him in light of his
5 post-trial, post-verdict contemptuous behavior -- repeated
6 contemptuous behavior.

7 All right. Then after I receive those
8 documents, I'll send out a new notice for a -- depending
9 upon what I hear from you as to how you'd like to proceed.

10 Just bear in mind, nobody knows what the court
11 systems -- how they're going to be operating. I am
12 handling -- holding hearings in open court by telephone.
13 If the -- there's further restrictions on court
14 proceedings, I'll let you know. It's not anticipated
15 that -- it's unclear as to how quickly the courts will
16 reopen for evidentiary purposes, but we'll proceed to
17 address this matter as quickly as possible.

18 Mr. Zimmerman, is there anything more that you'd
19 wanted me to address or accomplish here today? I have
20 listened -- I'm granting your motion and holding
21 Dr. Fetzner in contempt for a second time. I have
22 indicated, I've awarded your costs and fees associated
23 with bringing the motion, and I've ordered Dr. Fetzner to
24 turn over any correspondence or documents relating to his
25 communications in any way with anyone regarding the

1 deposition transcripts.

2 Is there anything else that you'd like the Court
3 to do here this afternoon?

4 MR ZIMMERMAN: No, Your Honor. We appreciate
5 your attention.

6 THE COURT: Mr. Bolton, have I addressed all the
7 issues you wanted to bring before the Court?

8 MR. BOLTON: Yes, Your Honor.

9 THE COURT: Is there anything else you'd like to
10 say?

11 MR. BOLTON: No, Your Honor.

12 THE COURT: Okay. Well then we'll adjourn.
13 I'll -- for further proceedings upon receipt of the
14 written documents ordered by the Court.

15 Thank you very much. Have a good rest of the
16 day.

17 (Proceeding concluded at 2:45 p.m.)

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

3 I, COLLEEN C. CLARK, Registered Professional
 4 Reporter, Official Court Reporter, Branch 8, Dane County
 5 Circuit Court, hereby certify that I reported in Stenographic
 6 shorthand the proceedings had before the Court on this 17th day
 7 of March, 2020, and that the foregoing transcript is a true and
 8 correct copy of the said Stenographic notes thereof.

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

11 Dated this 19th day of March, 2020.

12

13

Electronically signed by:

14

15

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

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

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