22A200
No. 21-7916

IN THE
SUPREME COURT OF THE UNITED STATES

JAMES H. FETZER

Petitioner

v.

LEONARD POZNER

Respondent

APPLICATION FOR STAY AND ADMINISTRATIVE STAY PENDING DISPOSITION OF PETITION FOR A WRIT OF CERTIORARI TO THE SUPREME COURT OF THE UNITED STATES

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ORIGINAL

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RELATED CASES (none)

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APPLICATION ADDRESSED TO

THE HONORABLE AMY CONEY BARRETT, ASSOCIATE JUSTICE OF THE SUPREME COURT OF THE UNITED STATES AND CIRCUIT JUSTICE FOR THE SEVENTH CIRCUIT

In accordance with Supreme Court Rule 23 and 28 U.S.C. §2101(f), Applicant, Petitioner, Defendant, Dr. Fetzer, is proceeding in forma pauperis to apply for a stay against all executions of the judgment of the Dane County Wisconsin Circuit Court. Dr. Fetzer is unable to provide a supersedeas bond. Dr. Fetzer, in particular, is applying for a stay and administrative stay against an unlawful court order by the same circuit court transferring intellectual copyright properties including books and domain names directly to the judgment creditor, without the required Receiver. Mr. Pozner, Plaintiff, Judgment Creditor, Respondent, obtained a money judgment in the amount of $457,395.13 awarded by a jury after Dr. Fetzer was found liable by a summary judgment. The judge found four sentences written by Dr. Fetzer to be libelous, three in a book and another in Robert David Steele, ed., *Sandy Hook Truth: Memo to POTUS* (September 2018).

Dr. Fetzer showed in his Petition for Writ of Certiorari that the summary judgment process in Wisconsin is faulty as it places the burden to show there are no material fact disputes on the non-movant, who is at risk of losing their right to trial by jury instead of the movant, who is not at risk. Dr. Fetzer also has shown in his Petition that the judge in Wisconsin is neither required to take all the evidence of the non-movant as true, nor are they required to indulge all inferences that can be drawn from that evidence, nor or they

required to resolve all questions in favor of the non-movant. This summary judgment methodology in Wisconsin invites the judge to be a prosecutor against the non-movant who is at risk of losing their right to trial by jury.

Dr. Fetzer has shown in his Petition that the Wisconsin summary judgment methodology is far less protective of the right to a trial by jury than the Texas summary judgment methodology which does require those procedures. Both methodologies are supported by the highest courts of those two states and are in conflict with one another and the Wisconsin method does not preserve the right to trial by jury applicable to dual citizens of both Wisconsin and the United States under the 14th Amendment. This flawed summary judgment methodology was used against Dr. Fetzer finding him guilty of libel because his facts and supporting evidence, including government documents, were found to be "unreasonable."

After Dr. Fetzer filed his Petition in this Court, Mr. Pozner obtained an order to directly take, without a Receiver, intellectual property of Dr. Fetzer consisting of four editions of his book entitled *Nobody Died at Sandy Hook: It Was A FEMA Exercise to Promote Gun Control* and four domain names.

Dr. Fetzer showed conclusively in his Motion To Reconsider The Taking Order that Mr. Pozner was judicially estopped from asserting that he could make any money to satisfy the money judgment as he had previously obtained a summary judgment finding three sentences in the copyrighted books to be libelous to him and his son. How could he then publish these

same books without defaming himself? If he altered the books it would establish another copyright leaving the Fetzer copyrights unused and unpublished.

The granted Taking Order that bypasses the required Receiver contains only property that Mr. Pozner is judicially estopped from claiming he can make money to reduce the money judgment debt he was awarded. The Taking Order also blocks Dr. Fetzer from removing the defamatory material from his books and republishing the books for sale where he can make about $125,000 per year to pay off the money judgment entirely in less than four years. Mr. Pozner was granted the Taking Order's intellectual property for a fixed amount of $100,000 leaving Dr. Fetzer with a $357,395.13 judgment debt.

Mr. Pozner has already taken and re-directed Dr. Fetzer's primary domain name (Jamesfetzer.org) to his own website (poznervfetzer.com) that contains nothing but filed documents in the *Pozner v. Fetzer*, 397 Wis.2d 243, 959 N.W.2d 89(Table), 2021 WI App 27(Table) (Wis. App. 2021) lawsuit. This publicly deceptive action by Mr. Pozner has broken thousands of active links on hundreds of other websites citing content on Dr. Fetzer's blog site on hundreds of issues unrelated to Sandy Hook or Mr. Pozner. If this remains for over a month or so the links will be degraded by search engines and become difficult to impossible to fix as stated in Dr. Fetzer's Motion to Stay the Taking Order in the circuit court by Dr. Fetzer's webmaster.

For the reasons stated above and developed below, Dr. Fetzer respectfully requests a Stay of the Taking Order until disposition of his Petition for Writ of Certiorari and an Administrative Stay until this court can fully consider Dr. Fetzer's Application To Stay.

DECISIONS BELOW

1. On June 18, 2019, the circuit court of Dane County, Wisconsin granted a motion for summary judgment finding Dr. Fetzer, Applicant, Petitioner, Defendant, liable to Plaintiff, Respondent, Mr. Pozner for defamation.
2. On October 14, 2019, a jury trial was held finding Dr. Fetzer had damaged Mr. Pozner in the amount of $450,000.
3. On December 12, 2019 the Dane County Circuit Court filed a Bill of Costs and Judgment for Leonard Pozner, Respondent, in the amount of $457,395.13 which included $450,000 in damages and $7,395.13 in fees and costs and was made the basis of Mr. Pozner's Motion For Turnover Of Property To Satisfy the Judgment (Taking Order), against which this Stay is sought.
4. On March 18, 2021, the Wisconsin Fourth Court of Appeals affirmed the circuit court rulings against Applicant, Dr. Fetzer.
5. On February 16, 2022, the Wisconsin Supreme Court denied Dr. Fetzer's Petition for Review.

6. On May 16, 2022, Applicant, Dr. Fetzer, filed his motion to leave to proceed *in forma pauperis* and his Petition for Writ of Certiorari to the United States Supreme Court and it has been distributed for conference on September 28, 2022.

7. On July 8, 2022, the circuit court filed an AMENDED ORDER GRANTING PLAINTIFF'S MOTION FOR TURNOVER OF PROPERTY TO SATISFY JUDGMENT (App-1).

8. On August 29, 2022, the Dane County Circuit Court denied the Applicant's Motion For Reconsideration of the ORDER GRANTING PLAINTIFF'S MOTION FOR TURNOVER OF PROPERTY TO SATISFY JUDGMENT (Taking Order). (App-2).

9. On August 29, 2022, the Dane County Circuit Court denied the Applicant's **MOTION TO STAY** the ORDER GRANTING PLAINTIFF'S MOTION FOR TURNOVER OF PROPERTY TO SATISFY JUDGMENT (Taking Order). (App-2).

JURISDICTION

Applicant, Dr. Fetzer, has had his Motion To Stay The Taking Order denied by the Wisconsin, Dane County, Circuit Court. Dr. Fetzer could pursue a stay of the Taking Order to Wisconsin appellate courts pending the disposition of his Writ of Certiorari in this Court, but the underlying lawsuit and money judgment against Dr. Fetzer has already been affirmed by the Wisconsin Fourth Court of Appeals and his Petition for Review denied at the

Wisconsin Supreme Court. It would be *futile* for Dr. Fetzer to seek a Stay from those courts pending a disposition of his Petition For Writ of Certiorari in this Court. An act of futility is not required to preserve an error or a right to appeal as shown in a treatise by Brent Newton *An Argument For Reviving The Actual Futility Exception To The Supreme Court's Procedural Default Doctrine 2002* (page 522): "...the centuries-old, Mehrtash v. Mehrtash, 112 Cal. Rptr. 2d 802, 805 (Cal. App., 4th Div. 2001), "fundamental maxim of jurisprudence," deeply rooted in common sense, that the law does not require "useless," "vain," or "futile" acts. Newton continues in a footnote:

> Stated in various ways, the ancient maxim *"lex non cogit ad inutilia,"* or "the law does not know useless acts," has been a fundamental tenet in Anglo-American jurisprudence for centuries. *See* Seaconsar Far East, Ltd. v. Bank Markazi Jomhouri Islami Iran, [1999] I Lloyd's Rep. 36, 39 (English Court of Appeal 1998); People v. Greene Co. Supervisors, 12 Barb. 217, 1851 WL 5372, at *3 (N.Y. Sup. Ct. 1851);... Ohio v. Roberts, 448 U.S. 56, 74 (1980) ("The law does not require the doing of a futile act.")...;

This means that the Supreme Court of the United States is the only court available to issue a stay against a court directly transferring ownership of intellectual property without a Receiver and also which the Respondent, Mr. Pozner, is judicially estopped from claiming has any value to reduce the money judgment against Dr. Fetzer. That same property remaining in the possession of Dr. Fetzer could make enough money to payoff the entire judgment debt in under four years. And further, the longer Mr. Pozner holds the domain names and re-directs them, or more accurately, misdirects the

public, the more irreparable damage is done to Dr. Fetzer especially if he is successful with his Petition for Writ of Certiorari.

The basis of Dr. Fetzer's Petition for Writ of Certiorari is the denial of equal protection under the law and due process and deprivation of his right to a trial by jury as a dual citizen of Wisconsin and of the United States related to a flawed summary judgment methodology in Wisconsin compared to the methodology used in Texas which does protect those rights, each methodology supported by the highest courts of both states. And it is also based on the need for this Court to resolve the issue of the 7th Amendment's application in the state and territorial courts as well as United States courts which would further safeguard the fundamental human right Dr. Fetzer was denied in Wisconsin with their flawed summary judgment process.

BACKGOUND AND PROCEDURAL HISTORY

On November 27, 2018, Mr. Leonard Pozner filed his complaint in the Wisconsin, Dane County, Circuit Court, against Dr. James Fetzer and two other parties for libel related to four written sentences, three in book editions entitled *Nobody Died At Sandy Hook: It Was A FEMA Drill To Promote Gun Control* (Nobody Died). The one additional sentence found to be libelous was in the Memo to POTUS. All four sentences found to be libelous related to a *scan* of a document resembling a "death certificate" with Mr. Pozner's son listed as the deceased. Mr. Pozner published said scan (App-3) on his own website. This "death certificate" did not have a state file number and neither

town nor state certification. Dr. Fetzer published this same scan in his Nobody Died book and made the three comments about it.

On June 18, 2019, The following four sentences, the first three written in the book and the last in the Memo to POTUS, were found to be libelous by summary judgment in the circuit court:

- "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."
- "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."

Mr. Pozner, however, attached a different copy of another more complete version of what resembled a "death certificate" of his son to his original complaint as the basis of his lawsuit (App-4). This "death certificate" had a handwritten file number and both state and town certifications. Dr. Fetzer had never seen the said "death certificate" attached to Mr. Pozner's complaint for which he was sued for saying the more incomplete version was a forged, fabricated fake. Scanned copies of three other versions of what resembled a "death certificate" showed up during the hearings, for a total of five, all of which showed the cause of death to be "Multiple Gunshot Wounds" and the

location and date of the injury to be at Sandy Hook Elementary School on December 14, 2012.

After Dr. Fetzer and his co-defendants were denied a petition to leave for Interlocutory appeal of the summary judgment the two co-defendants settled with Mr. Pozner leaving only Dr. Fetzer in the lawsuit to face a jury trial on damages. After the jury found Dr. Fetzer had caused Mr. Pozner $450,000 in damages, Dr. Fetzer filed an appeal in the Wisconsin Fourth Court of Appeals where the circuit court rulings were affirmed. Then Dr. Fetzer filed his Petition for Review at the Wisconsin Supreme Court where it was denied.

Dr. Fetzer then filed his Motion to Leave to Proceed *in forum pauperis* and his Petition for Writ of Certiorari in the Supreme Court of the United States on May 16, 2022. Shortly after that, on June 29, 2022, the circuit court filed an ORDER GRANTING PLAINTIFF'S MOTION FOR TURNOVER OF PROPERTY TO SATISFY JUDGMENT (App-1) consisting of four editions of a book with the same title and four domain names, all of which are intellectual property. The copyrights of these intellectual properties were transferred directly to Mr. Pozner without the required Receiver to sell them and give the proceeds to Mr. Pozner. This procedure was complained of at hearings and disregarded by the circuit court.

Dr. Fetzer also showed that Mr. Pozner is judicially estopped from claiming he can earn money from this property to reduce the money judgment

debt he has been awarded. These are the four editions of the Nobody Died books:

- Nobody Died At Sandy Hook, 1st Edition (2015)
- Nobody Died At Sandy Hook, Banned Edition (2015)
- Nobody Died At Sandy Hook, PDF Edition (2015) (the "PDF Version")
- Nobody Died At Sandy Hook, 2nd Edition (2016)

The 1st Edition was removed from Amazon.com after it had sold nearly 500 copies in less than a month. Mr. Pozner has had all the free Editions removed from the internet by initiating Digital Millennium Copyright Act (DMCA) complaints based upon the limited finding of the summary judgment on the four libelous sentences. These types of complaints shut down whole websites unless the material complained of is removed. The DMCA procedures provide little if any opportunity to the owner/managers of domain names to know the extent or basis of the complaints in order to respond intelligently with a defense and supporting evidence.

One of the terms of settlement between Mr. Pozner and Wrongs Without Wremedies (WWW), the publisher of the Nobody Died paperback editions, was to never publish or sell the books again.

As of the Taking Order granted on June 29, 2022, Mr. Posner now holds Dr. Fetzer's copyright interests in all the Nobody Died book editions, each one with over 400 pages of evidence including government documents indicating that the mass media narrative about Sandy Hook could be false. Dr. Fetzer could easily remove the three sentences from the 400+ page books and put them back on the market and make as much as $125,000 or more per year to

pay off the judgment debt in under four years. And Mr. Pozner cannot alter the books without obtaining a new copyright leaving Dr. Fetzer's copyright editions unpublished. Therefore, the taking of these book copyrights is not only unprofitable to Pozner but also blocks Dr. Fetzer from earning money from that property to pay off the judgment debt.

Mr. Pozner has admitted that the four domain names he has taken are in the same category of websites that Mr. Pozner and his 501(c)(3) HONR Network[1] he formed in 2014 have been expunging from the internet for the last eight years:

- www.jamesfetzer.org;
- www.jamesfetzer.net;
- www.falseflags.org and
- www.falseflags.net.

Mr. Pozner has re-directed, or more accurately, misdirected Dr. Fetzer's main blog website (jamesfetzer.org) to another website Mr. Pozner has built where Mr. Pozner posts recorded documents from the Pozner v. Fetzer lawsuit in Wisconsin. This act not only deceives people but disconnects thousands of links from other websites citing Dr. Fetzer's material on hundreds of issues having nothing to do with Mr. Pozner or Sandy Hook. The longer this domain name remains in the hands of Mr. Pozner the more extensive and permanent the damage to Dr. Fetzer becomes.

[1] https://www.honrnetwork.org/

ARGUMENT

In *Long v. Robinson*, 432 F.2d 977 (4th Cir. 1970) the court lists what a party seeking a stay of order execution must show:

> Briefly stated, a party seeking a stay must show (1) that he will likely prevail on the merits of the appeal, (2) that he will suffer irreparable injury if the stay is denied, (3) that other parties will not be substantially harmed by the stay, and (4) that the public interest will be served by granting the stay.

Each element required for a stay will be addressed as shown in the quote above. But first there is an additional element in Dr. Fetzer's case that should be addressed. The Taking Order to be stayed is unlawful. A stay can delay a legal process until an appeal is determined, but it can also stay an illegal abuse of process.

1. Taking Order to be Stayed is Unlawful

Not only does Dr. Fetzer have a superior chance of winning in the United States Supreme Court to protect the rights of dual citizens throughout the land but the process to be stayed in this application until he wins is also unlawful by itself and tends to color the whole Pozner v. Fetzer case as an abuse of process.

1.1. Circuit Court Taking Order was Abuse of Process

The two elements of abuse of process are present as shown from the Wisconsin Supreme Court in *Thompson v. Beecham*, 241 N.W.2d 163, 72 Wis.2d 356 (Wis. 1976):

> The essential elements of abuse of process, as the tort has developed, have been stated to be: first, an ulterior purpose, and second, a wilful act in the use of the process not proper in the regular conduct of the proceeding. Some definite act or threat not authorized by the process, or aimed at an objective not legitimate in the use of the process, is required;...
>
> The ulterior motive or purpose may be inferred from what is said or done about the process, but the improper act may not be inferred from the motive.
>
> In order to maintain an action for abuse of process, the process must be used for something more than a proper use with a bad motive. The plaintiff must allege and prove that something was done under the process which was not warranted by its terms.

1.1.1. Judge cannot transfer intellectual property directly

Mr. Pozner listed intellectual property to be turned over directly to himself without a Receiver. The Judge transferred Dr. Fetzer's common law interest in four book copyrights and four domain names without going through a Receiver. David J. Cook in his treatise on the taking of intellectual property[2] said (page 10):

> The Supreme Court firmly established this process [assignment of a Receiver] as the method to reach the intellectual property of a judgment-debtor in the seminal case of Ager v. Murray. In Ager, the Supreme Court laid out the underpinnings of current modern day enforcement against patents. Citing to Pacific Bank, Ager provides for the assignment of the patent. *Ager v. Murray*, 105 U.S. 126, 26 L.Ed. 942 (1881) also see *Pacific Bank v. Robinson*, 57 Cal. 520, 524 (1881). (Brackets added)

And on page 11:

> In Palacio, the trial court ordered the turnover of a domain name directly to the judgment-creditor under the plenary power of the court

[2] David J. Cook, Post-Judgment Remedies in Reaching Patents, Copyrights and Trademarks in the Enforcement of A Money Judgment, 9 Nw. J. Tech. & Intell. Prop. 128 (2010). https://scholarlycommons.law.northwestern.edu/njtip/vol9/iss3/3

> to issue a turnover order at the conclusion of a debtor's examination pursuant to California Civil Practice § 708.205(a). The appellate court reversed and held that the trial court could not directly transfer a non-monetary asset to a judgment-creditor. A money judgment entitles the judgment-creditor to monetary satisfaction through payment of money typically arising from a forced sale of a debtor's properties; a garnishment of accounts or receivables; or a levy on wages. The judgment measures the damages in a monetary amount and correspondingly measures satisfaction in a monetary amount. A domain name, however, lacks a precise monetary value necessary to determine whether its transfer satisfies the judgment. This prolongs the litigation and clouds the issue of whether the judgment is satisfied. Is satisfaction of judgment due? Is it overpaid and now a refund is due? Is the judgment underpaid? Execution never ends. Due process wavers frantically here. The defendant would never know the end of the liability or payment and discharge, when property, not money, would be applied on account of the damages. *Palacio Del Mar Homeowners Ass'n, Inc. v. McMahon*, 95 Cal. Rptr. 3d 445 (Cal. Ct. App. 2009) see also *Network Solutions, Inc. v. Umbro Int'l, Inc.*, 529 S.E.2d 80 (Va.2000)

At the circuit court hearing for Dr. Fetzer's Motions to Stay and for Reconsideration of the Taking Order, the judge said that personal feelings can establish a value of intellectual property to be granted directly to the judgment creditor and then contradicted himself two pages later:

> THE COURT: Please. I think you're entitled to some fair compensation. And the point that I was making is Mr. Pozner could take the position that it has no value to anyone else, it has great value to you 'cause, yes, his plan is to shut it down. Appears, I should say. It appears. I don't anticipate him marketing, selling the book Nobody Died at Sandy Hook. It would be entirely inconsistent with the constant position he's taken since day one of this case. So it has great value to him, on a personal basis has value to you. But the measure under I guess the Fourteenth Amendment or the Fifth Amendment, the taking, if you're gonna take someone's asset, you should afford, I mean, some words that's used is just compensation. (Page 22 line 11)

Then the judge contradicts himself by saying that value is not set on an individual's personal value: "We don't set values for takings based on the intrinsic or personal value that someone might think." (Page 24 line 24)

1.1.2. Pozner is Judicially Estopped from claiming value

In addition to going around the use of a Receiver to sell the book and domain name copyrights, Mr. Pozner is judicially estopped from claiming that said property has any value to him as the books contain three sentences that were found to be defamatory to him in a summary judgment in the same case. He has now changed his position to say this property can reduce the money judgment by his own arbitrary figure of $100,000. And the domain names fall into a category of same that he and his group HONR[3] have been shutting down for the last eight years,[4] as he plead on page 5 of his original Complaint.

The elements of judicial estoppel are found in *State v. Basil E. Ryan, Jr.*, 2012 WI 16, reversing 2011 WI App 21 (For judicial estoppel to be available, three elements must be satisfied: (1) the later position must be clearly inconsistent with the earlier position; (2) the facts at issue should be the same in both cases; and (3) the party to be estopped must have convinced the first court to adopt its position.)

[3] https://en.wikipedia.org/wiki/HONR_Network
[4] https://www.honrnetwork.org/

Mr. Pozner's current position is that the books and domain names can earn him $100,000 in cash to reduce the money judgment debt he is owed by Dr. Fetzer. But he cannot sell the books or use the domain names to earn money as he has convinced the same court earlier that the books contain three sentences that are defamatory to him. Mr. Pozner cannot publish them without defaming himself again or admitting they were not defamatory to begin with.

All three elements of judicial estoppel are present: 1) Mr. Pozner's later position is inconsistent with his earlier position; and 2) the facts are identical as it is the same case; and 3) Mr. Pozner has convinced the court of his earlier position to grant him a summary judgment finding the books contained three sentences defamatory to Mr. Pozner and his deceased son. Mr. Pozner cannot claim the intellectual property has any value to him.

Mr. Pozner does not want to go through a Receiver because someone else will obtain the copyrights to the books and remove the three sentences and continue to sell the evidence that Sandy Hook may not have occurred as America was told. This is an improper purpose of a Taking Order as it infringes upon the 1st Amendment right to free speech and freedom of the press.

1.1.3. Admitted Ulterior Motive of Respondent

Returning to the two elements of abuse of process; the judge provides the *ulterior motive* of Mr. Pozner for the *misuse* of the post judgment enforcement of a money judgment procedure. In the hearing on Dr. Fetzer's motions to Stay and Reconsideration of the Taking Order, the judge admitted the property had no value to Mr. Pozner and that the real motive of Mr. Pozner's whole lawsuit from the beginning was to shut down the whole book and misdirect the public. This statement in open court was allowed to stand without objection by Mr. Pozner:

> And you've demonstrated to me I think quite convincingly that these assets honestly don't have any value in the market. It's a personal between the parties. And that's what litigation often is, a personal, an opportunity to use litigation to obtain the personal advantage and result of shutting down the book, seeing that it's not published, and redirecting the traffic from these websites now to a website owned and operated and controlled by Mr. Pozner for his personal view. (page 25 line 9)

This is not only an abuse of a Taking Order process but an abuse of the entire judicial process and lawsuit. The judge has described weaponization of the judicial system. The purpose of litigation is not to harm or gain personal advantage over an opponent but to maintain a state of peace between the parties and repair the unjust damages suffered by the truly injured. The judge has revealed his approval of the use of his court to continue a state of war between the parties by his participation and aid he gives to the side he wants to have victory and the spoils of war. See the results of perversion of

the purpose of the judicial system as described by *John Locke, Second Treatise of Government* 1689 Chapter III Section 20:[5]

> where an appeal to the law, and constituted judges, lies open, but the remedy is denied by a manifest perverting of justice, and a barefaced wresting of the laws to protect or indemnify the violence or injuries of some men, or party of men, there it is hard to imagine any thing but a state of war: for wherever violence is used, and injury done, though by hands appointed to administer justice, it is still violence and injury, however coloured with the name, pretences, or forms of law, the end whereof being to protect and redress the innocent, by an unbiased application of it, to all who are under it; wherever that is not bona fide done, war is made upon the sufferers, who having no appeal on earth to right them, they are left to the only remedy in such cases, an appeal to heaven.

Regardless of the original purpose of Pozner's lawsuit, the employed judicial process, or lack thereof, went way beyond its legitimate authority resulting in the deprivation of Dr. Fetzer's 1st Amendment rights of free speech and freedom of the press as well as depriving him of his 7th and 14th Amendment rights. The use of an incomplete scanned "death certificate" to "shut down" a 400+ page book filled with evidence that Sandy Hook may not have happened as America and the world was told, is abuse of process.

The foregoing fully establishes that the Taking Order to be Stayed was both Unlawful and an Abuse of Process and strongly suggests that the whole purpose of the lawsuit was part of a well planned dragnet expedition to shut down citizen investigation of Sandy Hook. It's not hard to imagine how an incomplete scan of a "death certificate," that anyone would question, could be used to bait a questioning party to say it is a fake and then sue them for

[5] https://constitution.org/2-Authors/jl/2ndtr03.htm

defamation and then converting it and four other versions of same into complete death certificates, all of probative power (something which is still questionable).

When detailed crime scene reports of a mass shooting are not prepared or are withheld from the public, it is easy to understand how a judge would be willing to tip the scales of war in favor of the Plaintiff by employing the existing flawed summary judgment methodology practiced in Wisconsin for years. The damage jury had little to do with the Fetzer case as they knew very little about how Dr. Fetzer was found guilty and less about the Sandy Hook evidence he compiled and edited in the Nobody Died book editions.

2. Dr. Fetzer will likely Prevail in his Petition for Writ of Certiorari

Dr. Fetzer has more than "a mere possibility of success of prevailing on the merits" in his Petition for a Writ of Certiorari. He also rates at the top of all four of the known selection criteria used by this Court. There are four reasons the High Court grants review according to Michael R. Dreeben, *Statement For The Presidential Commission On The Supreme Court Of The United States*[6] on June 25, 2021:

> I will begin by describing a typology of cases in which the Court grants review—(1) publicly important cases; (2) legally important cases; (3) cases implicating lower-court conflicts; and (4) error-correction cases. Next, I will offer impressions about the Court's performance in selecting cases to hear in these four categories.

[6] https://www.whitehouse.gov/wp-content/uploads/2021/06/Dreeben-Statement-for-the-Presidential-Commission-on-the-Supreme-Court-6.25.2021.pdf

This Application for Stay will address the chances of prevailing on the merits first and then address the other four main selection criteria:

2.1. Superior chance of Prevailing on Merits of Petition

The Petition For Writ of Certiorari that Applicant, Dr. Fetzer, filed in this Court shows that the summary judgment methodology used in Wisconsin does not protect the right of trial by jury of any United States citizen as the summary judgment methodology does in Texas. The 14th Amendment requires that all citizens of the United States have equal protection under the law and due process in every state of the union and those enumerated in the U.S. Constitution. Dr. Fetzer's Petition shows clearly that a dual citizen of Wisconsin and United States do not enjoy the same protection of their state's right or their U.S. 7th Amendment right to a trial by jury in common law matters as do those dual citizens of Texas and the United States. Due process and equal protection under the law cannot be established if a United States citizen is denied their right to a trial by jury in common law matters in Wisconsin that they could have enjoyed in Texas.

Dr. Fetzer's Petition shows that the rules of summary judgment everywhere require a trial by jury if there exist any genuine material fact issue in dispute. The Petition also shows that the summary judgment rules are not the same between states as to how the judge determines the existence of a genuine material fact issue or even which party has the burden of doing so. In Texas, the burden of showing there is no genuine material fact issue in

dispute is placed upon the movant, who is not at risk of losing their right to a trial by jury. It is upside-down in Wisconsin; the burden is placed upon the non-movant who is at risk of losing their right to a trial by jury. The non-movant is made to earn their right to a trial by jury that they already possess and should have preserved by the court. There is no constitutional right to a summary judgment to be protected for the movant.

Also, the non-movant's right to a trial by jury under a summary judgment procedure is further protected in matters of common law in Texas by the requirement of the judge to take all evidence favorable to the non-movant as true and to indulge every reasonable inference that can be drawn from that evidence and to resolve all doubts in the non-movant's favor. This assures that the right to a jury trial is preserved for the non-movant, who is the one at risk of being deprived of it in a summary judgment proceeding. However, there is no such requirement for a judge in Wisconsin, which encourages them to become prosecutors against the non-movant often resulting in a deprivation of the non-movant's universal fundamental right to a trial by jury recognized by both their state constitutions and their United States Constitution in common law matters applicable to them as dual citizens under the 14th Amendment.

The Respondent, Mr. Pozner, has asserted that Dr. Fetzer has "zero" chance of obtaining a Writ of Certiorari in this Court and prevailing on the

merits. The circuit court judge also said Dr. Fetzer had a one-in-a-million chance:

> I will give you this, and I don't mean to be flip, but I think you have maybe a one in a million chance of your certiorari being granted. Not zero. One in a million. But the standard is a substantial likelihood of success on the merits, so one in a million doesn't get you there. (page 19 line 16).

Mr. Pozner based his assertion, of zero chance, on his belief that this Court will not be interested in different summary judgment procedures in different states and that the 7th Amendment right to trial by jury in common law matters does not apply to the states. He based that assertion on *Minneapolis & St. Louis R. Co. v. Bombolis*, 241 U.S. 211, 217 (1916).

Even though both Texas and Wisconsin have a right to trial by jury in their state constitutions it is not protected equally in the summary judgment methodologies practiced in the two states. If the 7th Amendment of the U.S. Constitution does not give jurisdiction to this Court then it might be claimed that this Court cannot intervene between two states on how they practice the concept of summary judgments in their common law courts. It could even be asserted that the 14th Amendment requirement of due process and equal protection of the laws may not reach to summary judgment procedures in different states if United States citizens do not have U.S. Constitutional rights in the states, which is hard to imagine.

However, Dr. Fetzer maintains that it is this very question that gives this Court jurisdiction and interest in determining once and for all the application

of the 7th Amendment of the United States Constitution to a dual citizen of the United States and state of Wisconsin. If the 7th Amendment of the Bill of Rights did not apply to the states when first written, it certainly was extended to the new citizens of the United States created by the 14th Amendment. However, it is highly unlikely that those who wanted to make sure that state jury findings could not be re-examined by any Count in the United States, would then leave the right to a trial by jury in the hands of each state to preserve or deny to any level at its own discretion.

The mechanics of how the 7th Amendment of the Bill of Rights would be recognized as only applicable to state citizens in United States courts but not United States citizens or state citizens in state courts escapes reason. Intellect is better satisfied by considering a trial by jury to be a fundamental human right applicable to all dual citizens of each state and the United States, or every citizen of every state of the Union.

The issue of applicability of the 7th Amendment to dual state and United States citizens in state courts needs resolution as the right to a trial be jury is not protected equally between states in their summary judgment procedures and methodology. And this question is in conflict between states and territories of the United States. For example: How can the citizens of Puerto Rico have 7th Amendment rights preserved in non-federal courts while the same is denied to dual citizens of the states and United States in state courts?

The doctrine of "selective incorporation" by operation of the 14th Amendment has governed the applicability of the U.S. Bill of Rights to dual citizens of the states and United States. This Court, to this point, has not ruled the 7th Amendment applicable to the states or incorporated to the states, but the door has been opened to do so by *McDonald v. City of Chicago*, 130 S. Ct. 3020, 177 L.Ed.2d 894 (2010) according to *Gonzalez-Oyarzun v. Caribbean City Builders, Inc.*, 27 F.Supp.3d 265 (D. P.R. 2014):

> Although the court reads McDonald as opening the door to selective incorporation of the Seventh Amendment in contrast to Bombolis,.... it reads McDonald to clarify that the Seventh Amendment applies within the states, commonwealths, and territorities of the United States.
>
> In recent years, the Court has "shed any reluctance to hold that rights guaranteed by the Bill of Rights met the requirements for protection under the Due Process Clause." Id. at 3034–35. With such reluctance behind it, the Court has "incorporated almost all of the provisions of the Bill of Rights," and "[o]nly a handful" of rights remain unincorporated. Id. at 3034–35 (citation omitted). It is in this context that McDonald specifically addressed the right to a civil jury trial: "Our governing decisions regarding the ... Seventh Amendment's civil jury trial requirement long predate the era of selective incorporation." Id. at 3035 n. 13.
>
> Given the McDonald Court's characterization of those precedents, this is no small statement. As the Court observed, it had "abandoned 'the notion that the Fourteenth Amendment applies to the States only a watered-down, subjective version of the individual guarantees of the Bill of Rights,' stating that it would be 'incongruous' to apply different standards 'depending on whether the claim was asserted in a state or federal court.' "

These issues of how the 7th Amendment applies to states and territories and how summary judgment procedures between states should preserve that right is a federal constitutional issue and this Court is the only court to

address said issues and resolve them. For this reason, the Applicant, Dr. Fetzer, has a superior chance that four Justices in this Court will decide to issue a Writ of Certiorari and order briefs from both parties and resolve these unsettled but exceeding important national questions and how well the right of trial by jury is really being preserved in the state, federal and territorial courts of the United States of America. This will also lead to the superior chance that the summary judgment against Dr. Fetzer will be overturned.

2.2. Supreme Court Looks for Publicly Important Cases

Mr. Dreeben, identifies **publicly important cases** as one of four main types in his *Statement For The Presidential Commission On The Supreme Court Of The United States* as follows:

> ...cases that generate national news and garner intense interest from the public. They may raise profound social, cultural, or political issues that grab headlines and have broad ramifications in society. These are often constitutional cases. But they also may involve interpretation of sweeping statutory provisions such as the Affordable Care Act, Title VII, or the Voting Rights Act.

The Pozner v. Fetzer case is a high profile case among several similar defamation lawsuits brought by parents of the alleged victims of an alleged shooting at Sandy Hook Elementary School in December of 2012. This is a publicly important case not only because it is publicized all over the world but also because it is used to commit another much greater crime, namely, the disarmament of the American people against the law of the land (2nd Amendment).

Dr. Fetzer and all others may continue to assert that it is only alleged that there were victims of a mass shooting at Sandy Hook Elementary on December 14, 2012, because no jury has ever heard or determined the facts surrounding the event. Two of the cases cited and used against Dr. Fetzer by the Wisconsin Fourth Court of Appeals as proof that the Sandy Hook Elementary shooting was a reasonable fact was not determination by a jury but by *stipulation* and *assumption.*

In the Heslin v. Jones case from the 53rd District Court of Travis County No. D-1-GN-18-001835, *Jones v. Heslin* (Tex. App. 2020) we have **stipulation**:

> The district court then held a hearing on Appellants' still-pending TCPA motion to dismiss and Heslin's motion for sanctions. At the hearing, Appellants acknowledged that they never responded to discovery and confirmed their agreement to stipulate, for purposes of the TCPA motion, that all of the factual allegations in Heslin's pleadings are true.

And in the Bushmaster case, *Soto v. Bushmaster Firearms Int'l, LLC*, 331 Conn. 53, 202 A.3d 262 (Conn. 2019) we have **assumption**:

> Because we are reviewing the judgment of the trial court rendered on a motion to strike, we must assume the truth of the following facts, as alleged by the plaintiffs. Lanza carried out the Sandy Hook massacre using a Bushmaster XM15-E2S rifle. That rifle is Remington's version of the AR-15 assault rifle, which is substantially similar to the standard issue M16 military service rifle used by the United States Army and other nations' armed forces, but fires only in semiautomatic mode.

The Pozner v. Fetzer case adds guilt by **flawed summary judgment methodology**. That makes three cases where all defendants having nothing

to do with the crime itself were found guilty without a jury. We have seen no jury trials on liability and no jury of ones peers has ever seen, heard or ruled on the evidence proving that the Sandy Hook mass shooting actually happened. There is a plethora of hard evidence, including an FBI report, that indicates it did not happen, and no jury finding that it did happen. Regardless of the truth of Sandy Hook, this present judicial environment (which has put Bushmaster out of business and awarded its entire insurance coverage of $73,000,000 and awarded a total of $49,300,000 from Alex Jones, a prominent media figure outside the mass media cartel, makes it possible to create reality from potential theater. And now the Uvalde families have another gun manufacturer (Daniel Defense) in their cross hairs.

It is undeniable that there are very powerful people in America who spend hundreds of millions of dollars to alter or abolish the 2nd Amendment to disarm the American people and make them defenseless to abject tyranny. And it is undeniable that they are paying for groups to use mass shootings committed by others to accomplish their goal. This type of operation could accurately be called a conspiracy to commit "Disarmament Terrorism." The agreement to pursue the goal of altering the law of the land (the 2nd Amendment) by the use of violence (real, threatened or pretended) committed by another is conspiracy to commit Disarmament Terrorism. All that is heard after these shootings is the need to limit access to effective fire arms. It is well-established that the immutable 2nd Amendment not only protects the

right of citizens to keep and bear effective "military-style" arms but military arms (as citizen soldiers) to come to the aid of the nation against foreign intervention or to defeat a tyrannical government. (Preamble to the Bill of Rights)[7] and (Alexander Hamilton Purpose of the 2nd Amendment and Militia - Federalist Letter #29).[8]

If a law required that a full disclosure of the un-redacted police reports of mass shootings were to be made public, only if the crime were used to alter the law of the land (2nd Amendment), these shootings would likely cease. The people are never shown the actual proof of the mass shooting with the bodies as found, yet the same crimes are used to harm the entire population by disarming them against the law of the land, which is a far greater crime.

The "families" are incensed that someone would want to see proof that a mass shooting actually happened as reported beyond the tears of a few people standing around on a street. The only implied option for the public is to take the private mass media cartel narrative on faith in order to spare the "families" the trauma of seeing their loved ones "blown apart," and to fall on their knees and give up their arms. The message endlessly repeated to the public day and night following one of these events is that the crime creates a moral obligation to infringe upon or abolish the 2nd Amendment, which would strip the civilian population of effective firearms against tyranny.

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[7] https://drexel.edu/ogcr/resources/constitution/amendments/preamble/
[8] https://avalon.law.yale.edu/18th_century/fed29.asp

Such a law would make those who want to disarm the American people responsible for subjecting the "families" to this trauma, for if these mass shootings were not used to disarm the American people, no such full disclosure would be required. That way, only tyrants who want Americans disarmed would expose the "families" to the trauma of seeing their loved one "blown apart."

All defendants in cases stemming from the "Sandy Hook Mass Shooting," having nothing to do with the shooting, have been found guilty without a jury. It appears that lawyer incompetence (or complicity) contributed greatly to the finding of guilt against Jones in the Heslin case and the Soto v. Bushmaster case. But such lawyer and procedural errors resulting in guilt should not be used as proof that anyone died at Sandy Hook Elementary on December 14, 2012.

The Pozner v. Fetzer case is the only Sandy Hook case that has come to this Court and not given up their assertions and evidence that the shooting did not happen. But this case too did not see a jury until after guilt was established subjectively by the judge in Pozner's motion for summary judgment, who found all evidence submitted by Dr. Fetzer, including the un-rebutted reports of two forensic document experts, as "unreasonable," "unhelpful," and "unpersuasive." These kinds of remarks are reflective of the work and findings of jurors not judges. All a judge should find in a summary judgment procedure is *agreement* between both parties as to the *relevant*

facts while accepting all the evidence favorable to the non-movant as true and indulging all inferences from that evidence and resolving all doubts in favor of the non-movant. The Wisconsin summary judgment methodology does not require any of that resulting in nonjury bench trials in the cloak of a summary judgment.

One would be hard pressed to find a more publicly important Petition with potential to eliminate the possibility of staged mass shooting theater becoming adjudicated history used to close all gun manufacturers, and silence all who dare to exercise their 1st Amendment right to speak and publish their research of such events and their nature. Proof of the crime by a jury might also slow the frequency of mass shootings, real or pretended.

2.3. Supreme Court Looks for Legally Important Cases

Mr. Dreeben describes **legally important cases** as the second category to interest the Supreme Court of the United States as follows:

> This category embraces legal issues that may be of great importance to specific fields of law, the conduct of litigation, or discrete industries, groups, or governments, but that tend to draw less public attention. They may involve technical areas of law, such as patent, copyright, securities, or ERISA, or may implicate questions of law about law: civil or criminal procedure or jurisdictional questions, for instance.

Dr. Fetzer's Petition for Writ of Certiorari asks if it is lawful for different states to have such dissimilar summary judgment methodologies wherein the 7th Amendment rights to trial by jury are protected well in some and denied in others and if that satisfies due process and equal protection of the law

under the 14th Amendment? This Court has been interested in resolving the question of the application of the 7th Amendment to the states by itself as a fundamental human right observed by the Founders and/or also made applicable to United States citizens in every state by the 14th Amendment.

Suja A. Thomas has commented on the use of the summary judgment and its impact on constitutional rights such as the 7th Amendment (*The Seventh Amendment, Modern Procedure, And The English Common Law* by Suja A. Thomas):

> Judges increasingly have used such devices, particularly summary judgment, to dismiss cases. For example, courts frequently dismiss employment discrimination cases upon summary judgment, and courts increasingly have used summary judgment to dismiss other types of cases, including antitrust cases. The propriety of summary judgment has become an increasingly controversial subject in scholarly debate. Some scholars have argued that courts overuse the device, while others have asserted that the procedure serves a particularly desirable role in the litigation system.
>
> These same scholars have differed in their views of the constitutionality of the procedure, some assuming summary judgment is constitutional and others expressing concern regarding the constitutionality issue. The question of the constitutionality of summary judgment and other procedural devices fundamentally influences how courts should use the procedures. If a procedure is constitutionally firm, then the courts should be encouraged to use the device to the extent the procedure comports with and aids other goals of the federal litigation system. If, on the other hand, the procedure is problematic constitutionally, the courts should reassess its use in the litigation system.
>
> The Supreme Court has evaluated the constitutionality of modern procedures that affect the jury trial under the Seventh Amendment.

Even though the above quote relates to federal courts, it shows that a flawed summary judgment process can deprive a person of their right to a

jury trial. That coupled with the application of the 7th Amendment to the states which this Court should finally determine on the side of dual citizens of both the state and United States have both United States Constitutional rights as well as state constitutional rights. Rights are recognized by constitutions as belonging to citizens of the entity that is being constituted not to the entity itself or the courts thereof. What kind of instrument protects written constitutional rights yet denies the same to its own citizens? This is the position of some about the 7th Amendment even after the 14th Amendment made all state citizens United States citizens. Where are the rights listed for these dual citizens, if not in their United States Constitution and state constitutions? This Court has jurisdiction and interest to resolve this question.

The Fetzer Petition also illustrates how summary judgment methodologies approved by supreme courts of the states are not equally protective of the rights of dual citizens of the states or United States in state courts. Knowing that some legal scholars doubt the constitutionality of the summary judgment process as asserted by Suja Thomas, the time is ripe for this Court to establish a national summary judgment methodology, which meets constitutional standards to protect the 7th Amendment right of trial by jury of United States citizens. And if the federal summary judgment methodology is like that of Wisconsin, it too ought to be reviewed.

What could be more legally important than the question of how the rights of United States citizens are denied equal protection under the law in some states and not in others using what all the states call "summary judgment"? The terms used in summary judgment procedures are somewhat technical and not defined sufficiently to avoid errors that violate the purpose of summary judgments and harm those subjected to them such as; "reasonable," "genuine," "admissible," "material," "relevant," "disputed," "inference," "indulge," "resolve," etc. Also, Fetzer's Petition involves the legal question of where those terms apply in the summary judgment process, to the admissibility of evidence, or the inferences to be drawn from it, or the party to whom they should apply. The Fetzer Petition is froth with legal questions begging for clarification and easy to determine when the two principle purposes of summary judgment are applied: 1) to avoid the time and cost of a jury to find facts when the parties agree to them; 2) to protect the non-movant's right of a trial by jury by accepting all evidence in their favor as true, *indulging* all inferences to be *reasonably* drawn from that evidence, and to *resolve* all doubts in favor of the non-movant. In this procedure errors go against the movant, and if denied their summary judgment, they will then have a jury trial to make their claims.

2.4. Supreme Court Looks for Lower-Court Conflicts

Mr. Dreeben describes **cases implicating lower-court conflicts** as follows:

> These arguably compose the majority of the Court's workload. Ensuring uniformity in the interpretation of federal law is a critical part of the Court's function and perhaps the least controversial component of the certiorari docket—except to those who would like to see more grants to resolve conflicts.

Mr. Dreeben says "ensuring uniformity" is a critical part of the Court's function and least controversial. Even though this may be mostly related to federal or U.S. Constitutional issues, the Fetzer Petition is also outstanding in this area showing clearly that Wisconsin has an upside-down approach to summary judgment. The Wisconsin summary judgment methodology requires none of the Texas safeguards. The Wisconsin inverted approach invites the judge to decide what facts he thinks are more reasonable on any side and discard relevant evidence of the non-movant. This invites the Wisconsin judge to be a prosecutor against the non-movant depriving them of a trial by jury. Only a jury, not a judge, can weigh the evidence in the scale of reason to find a fact.

2.5. Supreme Court Looks for Error-Correction Cases

Mr. Dreeben describes **error-correction cases** as follows:

> This category covers both factual and legal errors. While members of the Court say from time to time that "we are not a court of error correction," the summary-reversal docket is largely just that. This class subsumes cases in which the Court ensures adherence to its own precedents and supervises the administration of justice in the federal courts. Generally, the Court resolves error-correction cases through summary reversals rather than plenary grants of review.

This area may contain more federal cases but it is hard to conceive of this Court being uninterested in establishing sound summary judgment

methodology through out the state, territorial and federal courts and be unconcerned with the error correction in the Petition that brought it to the Court's attention. This is not a *harmless error* case but one that can and should be reversed. Dr. Fetzer's Petition shows some of the states are not doing a good job of protecting the right to a trial by jury in their own state constitutions and if the 7th Amendment does not apply to state citizens in state courts or United States citizens in state courts then there is no way to correct the significant flaws in the summary judgment methodologies of some states so all U.S. citizens will not enjoy a right to trial by jury in their state or federal government courts.

2.6. Fetzer Petition not in Rejection Categories

Still further, Dr. Fetzer can show that his Petition not only invokes the Court's jurisdiction under Rule 10(b) and is outstanding in all known criteria for the selection of cases but does not fall into any rejection category of the Court, such as: 1) cases that are bound in fact disputes under well developed law; and 2) cases that the high court will have continual opportunities to address after like cases in state courts "percolate" further to clarify the issues.

2.6.1. Fetzer case is not a fact bound case

It is clear that the Fetzer Petition before this Court is not ultimately about questions of a fact in dispute about "Sandy Hook," whether it happened or not, or whether a "death certificate" is real or not. Fetzer's Petition has to do

with judicial procedures that are clearly inadequate to protect the citizens of Wisconsin from being deprived of their right to a trial by jury and the due process and equal protection that attends it while the state of Texas protects their citizens from same in the same judicial procedures.

2.6.2. Fetzer case is not a Continual Percolation case

The Supreme Court of the United States will reject cases that might come up often with opportunities to review them later after the same issues have "percolated" in the lower courts which can clarify the issues making it easier to write an accurate and coherent legal precedent. Even though summary judgment abuse will continue constantly in Wisconsin, these cases will not likely come to the U.S. Supreme Court as most future cases will lack the publicity of this one that draws attention by other states to question the differences between summary judgment methodologies. This may be the last chance for a long time for the U.S. Supreme Court to incorporate the 7th Amendment and correct unsound summary judgment methodology through out the nation.

3. Dr. Fetzer will suffer irreparable injury if Stay is Denied

Dr. Fetzer is suffering a continual injury as a result of the direct transfer of his ownership in his intellectual property to Mr. Pozner without a Receiver. The domain names are being used to misdirect the public from information and facts about all kinds of issues unrelated to Sandy Hook to a website with nothing but documents filed in the Pozner v. Fetzer case. This

misdirection causes many other thousands of links from other websites to be completely broken showing no content. These will be scrubbed from the internet as they are discovered so the longer links are broken the worse it gets. The sooner the links are restored the better as more damage occurs the longer the links are broken. If Dr. Fetzer gets his domain names back soon, at least some of those links from other websites will be maintained.

The book copyrights are being held merely to cover up facts about the Sandy Hook Mass Shooting that Mr. Pozner does not want the world to see and to prevent Dr. Fetzer from publishing them with the defamatory material removed to pay off the entire money judgment debt within four years. And this has been admitted in open court during the hearing of Dr. Fetzer's Motion For Reconsideration and To Stay The Taking Order without objection by Mr. Pozner. Had he executed the money judgment properly he would have lost control of the books to others who could still publish the books with the defamatory material removed.

4. Mr. Pozner will not be harmed by this Stay

Not only will Mr. Pozner not be harmed by a Stay of the Taking Order but he cannot be harmed by this stay as a matter of law. He is judicially estopped, as shown earlier herein, from claiming the property in the Taking Order has had, or ever will have, any value to him. And this has been admitted in open court at the hearing of Dr. Fetzer's Motions for Reconsideration and To Stay the Taking Order without objection by Mr.

Pozner. No one can be harmed by the return of property taken unlawfully in an Abuse of Process that also had no value to them as a matter of law.

5. The Public Interest will be served by Granting this Stay

It is in the public interest to return property taken unlawfully in an abuse of process proceeding and stay further takings based on a deprivation of a right to trial by jury in an unsound summary judgment process. It is in the interest of the public to prevent the misdirection of the public seeking information about important issues to documents in the Pozner v. Fetzer lawsuit. This has a chilling effect on those who are honestly seeking information about the world they live in and how they can cope with it. It is in the public interest to enforce the law on the correct way to take intellectual property to satisfy a money judgment debt.

CONCLUSION

This Application for a Stay proves that, regardless of the truth of the mass media cartel narratives about the Sandy Hook Mass Shooting, the judicial system has allowed it to become a proven judicial public reality without a jury ever hearing, seeing or considering any evidence for or against the event that is used to disarm them against the law of the land. This present system would also allow any future theatrical event to become adjudicated reality even if the prior ones were real. Reality should not be based on stipulation, and assumption and the subjective reason of one judge in a flawed summary judgment methodology. Judicial rulings that the media reports and the

people adopt must be based upon facts established by a jury or by a judicial method that protects the right to a trial by jury of the one at risk of losing it. The American people are placed at risk by anything less.

This Application has also shown that the Taking Order to be Stayed is an Abuse of Process and hence cannot harm the judgment creditor by law as they are also judicially estopped from claiming the property taken had any value to them to begin with. Further, the admissions without objection in open court during Dr. Fetzer's Motions For Reconsideration and To Stay the Taking Order reveals the true motive of the entire lawsuit and the use of a judicial process that lends itself to weaponization to accomplish the goal to "shutdown" investigation of Sandy Hook and any book and websites to prevent public access to any evidence indicating that Sandy Hook did not happen as they have been told. This is an unlawful purpose of litigation and post judgment execution laws and a denial of 1st Amendment rights to free speech and freedom of the press.

The question Dr. Fetzer has asked this High Court to answer is:

> May rules of summary judgment vary throughout the states allowing the Wisconsin Judiciary to conduct and affirm a non-jury trial under the pretense of a summary judgment proceeding, the process of which violates all the rules of summary judgment in Texas, depriving Wisconsin citizens of their equal rights to a trial by jury and due process under the 7th and 14th Amendments and further allowing a Wisconsin judge to determine the validity of major national events through unsound summary judgment methodology?

This Application To Stay the Taking Order further elaborates on the same question by asking can a dual citizen of Wisconsin and of the United States

be denied their 7th Amendment right under the United States Constitution while it would have been protected in Texas or California? This is the very purpose of the federal government to resolve questions between states as to how they interact with each other and also how they protect dual citizens. If it was not clear in the beginning that the 7th Amendment applied to all the state citizens, it was resolved with the 14th Amendment making all state citizens into United States citizens with all the rights of their state and those of the United States Constitution. This also allows the Supreme Court of the United States to establish a uniform summary judgment process in every state and territory that will protect state and federal rights.

Based upon the foregoing showing all the elements necessary to obtain a Stay of the ORDER GRANTING PLAINTIFF'S MOTION FOR TURNOVER OF PROPERTY TO SATISFY JUDGMENT (Taking Order) in the Wisconsin Dane County Circuit Court, Dr. Fetzer respectfully requests that his Application for an Administrative Stay along with a Stay of the said Taking Order and all other forms of execution until disposition of his Petition For Writ of Certiorari in the United States Supreme Court.

Respectfully Submitted,

James H. Fetzer, Ph.D.
Pro se