

STATE OF WISCONSIN

CIRCUIT COURT

DANE COUNTY

BRANCH 8

LEONARD POZNER,

CASE NO. 2018-CV-003122

Plaintiff,

vs.

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

FETZER'S RESPONSES TO PLAINTIFF'S PROPOSED UNDISPUTED FACTS

Defendant James Fetzer, in the first person henceforth, hereby responds to Plaintiff's "Proposed Statement of Proposed Undisputed Facts in support of his Motion for Summary Judgment" ("PPUF") dated April 30, 2019. Where "irrelevant" is used without other explanation, below, it means irrelevant because of the court's bifurcation of the counterclaims from this case.

It is the counterclaims which challenge the existence of "Noah Samuel Pozner" and the true identity of the Plaintiff who calls himself "Leonard Pozner," and assert that the Sandy Hook "shooting" was staged. The bifurcation order has limited my ability to conduct discovery on these matters.

In addition, because affidavits are required to be based on personal knowledge, and state facts that would be admissible in evidence, objections establishing the inadmissibility of such "facts" are as effective as opposing affidavits to defeat their effect for purposes of summary judgment.

"MSJ" refers to my motion for summary judgment filed April 30, 2019.

PPUF No. 1: Plaintiff and Veronique De La Rosa were married in 2003, but divorced in 2014. (Pozner Aff. ¶ 21.)

1. RESPONSE: Inadmissible. This statement by the Plaintiff is not the best evidence of a marriage: only a certified copy of the marriage license will do. Not only was the license not produced, but *the court granted a protective order against Pozner's having to produce it to Defendants* at the hearing on April 23, 2019. Leonard's affidavit does not give the location or date of the marriage, let alone the names of witnesses or whoever performed the marriage. No

decree of dissolution of marriage has been produced, either, and the same inadmissibility obtains. These matters cannot be taken as fact by the court.

Affirmative evidence that they were *not* married is Veronique's petition for bankruptcy, Exhibit F, filed Sept. 11, 2012. She owned the home at 3 Kale Davis Rd., in her own name. The name "Leonard Pozner" appears nowhere on this petition. He was not a joint debtor, yet, the two being still married—since he says they were not divorced until 2014--there would have presumably been jointly titled property. Thus the issue that a marriage was concluded, as well as that there was a divorce, is disputed.

In addition, evidence about the Pozners' marriage or divorce is irrelevant by virtue of the bifurcation order. All that matters is whether my statements about Exhibit B, the death certificate attached to my MSJ, are true.

PPUF No.2: Noah Samuel Pozner was born at 8:34 A.M. on November 20, 2006 at the Danbury Hospital in Danbury, Connecticut to Leonard Pozner and Veronique Pozner (now known as Veronique De La Rosa). (*See Zimmerman Aff. ¶ 4 & Ex. C; see also Zimmerman Aff. Ex D at 27.*)

2. **RESPONSE:** Irrelevant, and hearsay. The only issue in the current case is whether the *death certificate that appeared in my book* was falsified. Due to the bifurcation I have been prohibited from doing discovery into my counterclaims asserting that the Sandy Hook event was staged and that Noah may not be a real boy. The Plaintiff must be similarly prohibited.

The putative certified copy of a birth certificate for Noah Samuel Pozner in Pozner's Exhibit C does not bear an embossed seal. Mr. Zimmerman's affidavit that this is a "true and correct copy of a certified copy" does not substitute for the seal requirement. Because so many documents have been falsified in this case, including particularly official documents from the State of Connecticut, the court should not take any records submitted by the Plaintiff as establishing any fact.

Another objection is the evidence that Danbury Hospital and its staff were active participants in the Sandy Hook psy op. That portion of the brief is incorporated by reference.

PPUF No.3: The attending physician was Dr. Daniel Goldstein (*Zimmerman Aff. Ex. D at 27.*)

3. **RESPONSE:** Same objections as for #2. The only issue in the current case is whether the death certificate that appeared in my book was falsified. A birth certificate has nothing to do with that issue. Also, the statement is hearsay.

PPUFNo.4: Noah Pozner's mother, Ms. De La Rosa, delivered twins—one boy and one girl. (*See Zimmerman Aff. ¶ 4, Ex. C; see also Zimmerman Aff. Ex D at 27 (reflecting "multiple gestation" and delivery details regarding twin babies).*)

4. RESPONSE: Same response as for #2. Veronique De La Rosa forgot she was supposed to have had twins when she was interviewed for this TV station,¹ saying *Noah* was in the 1st grade and *Arielle* was in the 2nd. Moreover, Veronique Pozner's bankruptcy filing in 2011 (Exhibit F) shows educational savings accounts set up for two minor children in almost equivalent amounts about \$500 apart. At that time she supposedly had *three* minor children (and two who were adults or almost adults). Facts are in dispute, therefore.

Due to the bifurcation of this case this "proposed finding" is again irrelevant. I have been prohibited from doing discovery into my counterclaims asserting that the Sandy Hook event was staged and that "Noah" may not be a real boy. Thus, this evidence is not properly before the court. The only issue in the current case is whether the *death certificate that appeared in my book* was falsified.

That said, my affidavit, Exhibit G, and the expert opinion of Larry Rivera, Exhibit H, establish that Noah Samuel Pozner is a fiction created out of photographs of Michael Vabner (Veronique de la Rosa's first child) as a boy.

PPUF No. 5: Until he was named, Noah Pozner was referred to in his medical records as "Baby A" or "Pozner, NBM A". See Zimmerman Aff. ¶ 4, Ex. C; see also Zimmerman Aff. Ex D at 27 (reflecting "multiple gestation" and delivery details regarding twin babies.)

5. RESPONSE: Same response as for #2 and #4. No name "Noah Pozner" is on those records, so that statement cannot be taken as fact. I do not agree "Baby A" means "Noah Samuel," particularly given Veronique's lack of knowledge that she had twins. See the interview linked to in response to #4.

PPUF No. 6: At birth, Noah Pozner weighed 7 lbs, 2 oz and he was 19 3/4" long. (See Zimmerman Aff. Ex D.)

6. RESPONSE: Hearsay. I note that an affidavit from the attorney is incompetent to authenticate this record, as well as superfluous. A copy, even a certified copy, is only as good as the original, such that if the original document cites false facts the certification of a copy does not make them true. Same response as for #4.

PPUF No. 7: Noah Pozner's blood type was B positive. (See Zimmerman Aff. Ex D at 10.)

7. RESPONSE: Inadmissible because of hearsay and assumption of fact, since no name is given on this page (p. 28 of 93 of Exhibit D, not p. 10) for this baby. Same response as for #4.

¹<https://www.youtube.com/watch?v=liLZRHPOJlc&feature=youtu.be>

PPUF No. 8: Noah Pozner's medical records reflect information that would typically accompany a childbirth, such as charts containing his temperature, pulse readings, lung sounds, skin color, and hearing test. (*See Zimmerman Aff. Ex D at 11, 25.*)

8. **RESPONSE:** Irrelevant, since it has no probative value to any issue in the case. Hearsay. No name on the records. Inadmissible for all these reasons.

PPUF No. 9: Noah Pozner's birth records also indicate he was a healthy baby by noting he passed urine and stool. (*See Zimmerman Aff. Ex D at 32.*)

9. **RESPONSE:** Ex. D at 32 does not bear such information. Also: irrelevant and hearsay, so inadmissible. The link to Veronique's interview provided in #4, where she forgot she had twins, to establish this PPUF is also disputed. Response to #2 is also incorporated.

PPUF No. 10: Noah Pozner was discharged from the Danbury Hospital on November 24, 2006. (*Zimmerman Aff. Ex D at 2.*)

10. **RESPONSE:** "Ex. D. at 2" does not bear such information. Inadmissible for the same reasons as #9.

PPUF No. 11: Noah Pozner's discharge records include left and right footprints. (*See Zimmerman Aff. Ex D at 37.*)

11. **RESPONSE:** Ex. D at 37 does not bear such information. Also: irrelevant and hearsay, so inadmissible. The link to Veronique's interview provided in #4, where she forgot she had twins, establishes this PPUF as also disputed.

PPUF No. 12: Medical bills evidencing Noah Pozner's birth were prepared by the hospital, sent to Blue Cross Blue Shield of Connecticut, and reflect Blue Cross's payment to the hospital. (*Zimmerman Aff. Ex. E.*)

12. **RESPONSE:** Irrelevant and hearsay, so inadmissible. The link to Veronique's interview provided in #4, where she forgot she had twins, establishes this PPUF is also disputed.

PPUF No. 13: Noah Pozner's Connecticut Birth Certificate was registered on November 30, 2006. (*See Zimmerman Aff. Ex. C.*)

13. **RESPONSE:** Irrelevant; hearsay.

PPUF No. 14: Noah Pozner's live birth was certified by Dr. Daniel Goldstein. (*See Zimmerman Aff. Ex. C.*)

14. **RESPONSE:** Irrelevant; hearsay. Responses to #2 and #4 incorporated.

PPUF No. 15: Noah Pozner's father is Leonard Pozner. (Pozner Aff. ¶ 4; *see also* Zimmerman Aff. Ex. C.)

15. RESPONSE: Irrelevant, again since, due to the bifurcation I have been prohibited from doing discovery into the existence of Noah Pozner or the true identity of Leonard Pozner. Hearsay. As discussed in the brief, there is evidence the name change order for Eliezer/Leonard Pozner is a fake. Substantial evidence indicates there is no "Leonard Pozner." Search results conducted by an associate of mine (Exhibit J) show no Leonard Pozner anywhere in the U.S. My affidavit, Exhibit G, and the expert opinion of Larry Rivera, Exhibit H, establish that Noah Pozner was a fiction created out of photographs of Michael Vabner (Veronique de la Rosa's first child) as a boy. The results from "People Finder," attached (but not referred to in the brief), which are self-authenticating, reveal that both names Leonard Pozner and Eliezer Pozner have used birthdates of Oct. 11, 1967, as well as of Oct. 15, 1967.

PPUF No. 16: Noah Pozner is Leonard Pozner's only son. (Pozner Aff. ¶ 4.)

16. RESPONSE: Inadmissible, for same reasons as 15, as well as because no marriage license has ever been produced.

PPUF No. 17: On December 12, 2006, Noah Pozner was issued a social security number by the United States Social Security Administration. (*See* Zimmerman Aff. Ex. G; Pozner Aff. Ex. C.)

17. RESPONSE: Irrelevant and hearsay. The affidavit of our expert A. P. Richardson establishes that the Social Security card is forged. Moreover, the "Numident" is not the best evidence of the issuance of a Social Security number, particularly because the number is redacted. That would be the original application, which has not been produced.

PPUF No. 18: As a 3 year old, Noah Pozner received three stitches at the Danbury Hospital emergency room for a cut on his forehead. (Zimmerman Aff. Ex. D at 39.)

18. RESPONSE: Irrelevant; hearsay. Responses to #2 and #4 incorporated.

PPUF No. 19: Later that same year, Noah Pozner was back at the ER for a bad cough and fever and, following an x-ray, he was diagnosed with croup. (Zimmerman Aff. Ex. D at 60-67, 75.)

19. RESPONSE: Irrelevant; hearsay. Responses to #2 and #4 incorporated.

PPUF No. 20: Noah Pozner's immunization record reflects dates of immunization from 2007-2011. (Zimmerman Aff. Ex. H at 8 (certified copy of Noah Pozner pediatric records).)

20. RESPONSE: Irrelevant; hearsay. Responses to #2 and #4 incorporated.

PPUF No. 21: Noah Pozner was treated for head lice and also received a flu shot in September of 2011. (Zimmerman Aff. Ex. H at 15.)

21. RESPONSE: Irrelevant; hearsay. Responses to #2 and #4 incorporated.

PPUF No. 22: Noah Pozner's well-child visit in February of 2012 is the last pediatrician visit reflected in his certified pediatric medical records. (Zimmerman Aff. Ex. H at 37-38.)

22. RESPONSE: Irrelevant; hearsay. Responses to #2 and #4 incorporated.

PPUF No. 23: Noah Pozner was also listed as a dependent on Plaintiff's tax returns for several years leading up to his death. (Pozner Aff. ¶ 19.)

23. RESPONSE: Irrelevant; hearsay; and best evidence rule. Mr. Pozner needs to produce the tax returns themselves.

PPUF No. 24: Noah Pozner died on December 14, 2012. (*See* Zimmerman Aff. Ex. I.)

24. RESPONSE: This post-mortem examination report, Exhibit I, is a fake document for reasons spelled out in my brief in response to Plaintiff's MSJ, as well as my own MSJ. The time of death is false, officially having taken place between 9:30-9:41 AM; and, according to Exhibit D, no "paramedic" ever entered the school, according to the report of Capt. Karin Halstead (attached to my MSJ; also attached here). The initial investigator, Rinaldi, mentions *only* wounds to the face (right lower mouth and chin area), despite Carver's report under "Evidence of Injury" saying there were wounds to the hand and chest, as well. Carver's report, under "Anatomic Diagnosis," then says *nothing* about any wound to the face. Rinaldi failed to fill out required information on the form, so it is hearsay not subject to the "regular business records" or official records exception. Some of Carver's statements at his press conference are also inconsistent with the report. Facts are in issue.

PPUF No. 25: Noah Pozner was declared dead by paramedics at 12 Dickinson Drive in Sandy Hook, Connecticut at 11:00 on December 14, 2012. (*See* Zimmerman Aff. Ex. I (Report Investigation section); *see also* Zimmerman Aff. Ex. J (death certificate) & K (Probate Court Order); Pozner Aff. ¶ 13 & Ex. B.)

25. RESPONSE: Hearsay; and see response to #24. This statement has already been put in issue. As for the probate court order, it is very strange why so many (maybe all) of the children of these Sandy Hook families had real property titled in their own names, such that estates were opened. Undoubtedly this court proceeding is another scam. I requested (and paid for) the court file but have not yet received it so reserve the right to respond further about the probate proceeding, if necessary. (The lawyer in it, Josh Koskoff, is presently suing Wolfgang Halbig and Alex Jones in Connecticut Superior Court on behalf of other "Sandy Hook Families." His law partner, Matthew Blumenthal, is the son of Sen. Richard Blumenthal, who lied about his Vietnam war record and has been prominent in the Sandy Hook publicity.)

PPUF No. 26: Sandy Hook is a community within Newtown, Connecticut. (Pozner Aff. ¶ 15.)

26. RESPONSE: Vague: I don't know what "community" means. It is not a term of art.

PPUF No. 27: The certified United States Social Security Administration data states that Noah Pozner died on December 14, 2012. (Zimmerman Aff. Ex. G.)

27. RESPONSE: Hearsay; and the response to PPUF #17 is incorporated by reference. The SS card is yet another forgery the Plaintiff—and his lawyer—must take responsibility for. Mr. Robertson's sworn expert report and bio are Exhibit I.

PPUF No. 28: Dr. H. Wayne Carver, II, the Chief Medical Examiner for the State of Connecticut, certified that he performed a post-mortem examination of Noah Pozner early the following day. (See Zimmerman Aff. Ex. I.)

28. RESPONSE: See response to #24. These false statements and inconsistencies in the post-mortem examination report suffice to make the entire document inadmissible as irrelevant and incredible. The report is also hearsay. The false statements render it untrustworthy, despite the "certification," so it does not fall under the exception for records of regularly conducted business activity or official records.

The post-mortem report is incredible also because it is internally inconsistent. Under "Evidence of Injury" it describes three gunshot wounds, the third of which is "across the lip and anterior face." Under "Anatomic Diagnosis" only *two* wounds are described and *not one word is said about any wound to the face*. On the first page, signed by investigator Rinaldi, *only* a wound to the "right lower mouth and chin area" is mentioned. Rinaldi was also supposed to describe "position of body, estimated height and weight, eye color, hair characteristics, scars, tattoos, blemishes, & signs of injury and disease. Note signs of death, including rigor mortis and lividity." He put down *none* of this information, save "wound to the right lower mouth and chin area." The report does not comply with professional standards.

It is also belied by a mountain of evidence that nothing went on at the school that day and that, in fact, it was closed. The comment of Mr. Warren Fentress on a website appears here.² He was 1000 feet away from Sandy Hook school at the time the "shooting" was going on and heard nothing. The decibel level of a gun being shot is many times greater than a jet airplane taking off.³ This evidence certainly puts the "fact" of Noah Pozner's death by gunfire, as reported in the post-mortem report, in issue.

² <https://fellowshipoftheminds.com/james-fetzer-answers-leonard-pozners-defamation-lawsuit#comment-274065>

³ <http://chcheating.org/noise/common-environmental-noise-levels/>

The post-mortem report describes two wounds under “Anatomic Diagnosis,” as mentioned, and recovery of one bullet, but the *Washington Post*⁴ and other news sources reported (and quoted mother Veronique saying) he was shot *11 times*.⁵

Dr. Carver’s performance at his press conference on Dec. 15, 2012,⁶ after his putative autopsies of all the children were completed, puts the lie to his statements in the post-mortem examination report. *He did not know how the children had died*, saying they were shot by “the long weapon,” and said the high energy of such bullets meant they stayed in tissue. (And that is false: high-energy bullets go right through tissue.) However, he stated in the post-mortem examination that only one “deformed small caliber bullet” was recovered from Noah Pozner (even while describing three gunshot wounds). There is no statement about what was done with that bullet, and such a statement would be required information on a report such as this.

Carver said all the 20 kids had been shot dead at the school, at this press conference, which means no living ones were transported anywhere; but the report of the Sandy Hook Commission⁷ says (at p. 12) that 14 children in Room 8 and four in Room 10 were killed, with two still living transported to the hospital. So he was inventing that fact, too.

Carver did not know the caliber of the bullets, while bragging that he knew more about firearms than most pathologists; guffawed several times; and jerked his head and displayed inappropriate facial expressions, indicating he knew the event was fake but felt he had to play along, saying, “I sure hope [my own] staff and the people of Newtown don’t have it crash on their head later.” *That means it was a hoax*. The fact that the families never saw the bodies to identify them, as Carver said they did, is not only bizarre, but refuted by felon Neil Heslin, who said he cradled his dead boy with a hole in his head.⁸

And Noah lived to die another day: in Pakistan in Dec. 2014. His picture appeared on a wall in a collage with other students killed in a shooting in Pakistan⁹, where he was identified as “Huzaiifa Huxaifa.” Leonard Pozner has been remarkably successful getting these photos removed from the web. Neither he nor Veronique has ever explained or

⁴ https://www.washingtonpost.com/politics/2013/01/16/4679b1ce-6030-11e2-b05a-605528f6b712_story.html?

⁵ https://www.thestar.com/opinion/editorialopinion/2013/01/22/mallick_why_newtown_victim_noah_pozner_had_an_open_coffin.html

⁶ <https://www.youtube.com/watch?v=zE0OT5od9DA>

⁷ http://www.shac.ct.gov/SHAC_Final_Report_3-6-2015.pdf?fbclid=IwAR2fsn1M9Ofa4Cp_LcrZ6pCc3tOq4BNuYlmoHCADj_9hElbqUwFBbXzxXJg

⁸ <https://youtu.be/t4phQqsfPMM> (at 2:30)

⁹ <https://memoryholeblog.org/2015/01/02/sandy-hooks-noah-pozner-dead-in-december-16-taliban-attack/> and <https://groups.google.com/forum/#!topic/rec.arts.tv/4s6ktq8V0lw>

asked for an investigation into how their (putative) son's photo ended up in this collage. This, too, establishes an issue of fact whether Noah Pozner died at Sandy Hook in 2012.

There is a truckload of evidence that the event was staged and no one died, as well as that the school had not been used for some time and was in a state of disrepair,¹⁰ much of which is detailed in my book, *Nobody Died at Sandy Hook: It was a FEMA Drill to Promote Gun Control* (2015; 2nd ed., 2016). More is in the brief. See my Exhibit K, the pleading filed in Halbig's case in Connecticut, which has detailed links.

PPUF No. 29: That post-mortem examination was documented in a report (the "Medical Examiner's report"). (See Zimmerman Aff. Ex. I.)

29. RESPONSE: Same response as for #28.

PPUF No. 30: The certified report for M.E. Case No. 12-17064 describes the deceased as a preadolescent male 47" tall and weighing 61 lbs. (See Zimmerman Aff. Ex. I.)

30. RESPONSE: Same response as for #28. Certification of a copy does not turn a false statement on the original into a true one. See the brief.

PPUF No. 31: The Medical Examiner's Office took a tissue sample of cardiac blood. Ex. I.)

31. RESPONSE: Same response as for #28.

PPUF No. 32: DNA analysis of that cardiac blood establishes a 99.99% probability that the body on the medical examiner's table was Leonard Pozner's only son, Noah Samuel Pozner. (Affidavit of Dr. Alan Friedman ¶¶ 11-13 & Ex. C; see Zimmerman Aff. Ex. I; see also Pozner Aff. ¶ 4.)

RESPONSE: I have moved to strike the affidavit of Dr. Friedman, both for foundational unreliability, since the DNA analyzed could not, as a matter of law, have come from the medical examiner, as well as because Friedman was not the expert designated by the court to test the DNA. That motion is incorporated by reference.

PPUF No. 33: According to the Medical Examiner's report, Noah Pozner suffered multiple gunshot wounds. (See Zimmerman Aff. Ex. I.)

33. RESPONSE: Same response as for #28. Also, misstatement of fact, unless "multiple" means at most "two," not standard usage, since the ME identified three wounds from two bullets. This is again inconsistent with reported statements in the *Washington Post* and elsewhere, who quoted mother Veronique saying he was shot *11 times*.

¹⁰ <https://imgur.com/a/sBfhz#HnhZkk9>

PPUF No. 34: One went through Noah Pozner's chest, penetrating both lungs and his upper arm. (*See Zimmerman Aff. Ex. I.*)

34. RESPONSE: One what? Not defined, nor is there any reference to "lungs." Same response as for #28. And investigator Rinaldi noted no wounds to the chest or upper arm. The report is internally inconsistent.

PPUF No. 35: One went through Noah's left hand. (*See Zimmerman Aff. Ex. I.*)

35. RESPONSE: One what? Same response as for #28. And investigator Rinaldi noted no wounds to the hand. The report is internally inconsistent.

PPUF No. 36: The last went through Noah's lower lip and jaw. (*See Zimmerman Aff. Ex. I.*)

36. RESPONSE: "The last" what? Same response as for #28. "The Anatomical Diagnosis" section of Exhibit I *mentions no wounds to the face.* The report is internally inconsistent.

PPUF No. 37: The Medical Examiner's report lists the cause of Noah Pozner's death as "multiple gunshot wounds." (*See Zimmerman Aff. Ex. I.*)

37. RESPONSE: Same response as for #33.

PPUF No. 38: Noah Pozner's death certificate is on a standard Connecticut form, VS-4ME. (*See Zimmerman Aff. Ex. J (certified copy of Noah Pozner's death certificate); Pozner Aff. Ex. B; see also Affidavit of Samuel Green ("Green Aff.") ¶ 7.*)

38. RESPONSE: There are two different "death certificates" certified by the State of Connecticut, on the same form but bearing different file numbers, where one is a partial, printed file number, and the other a complete, handwritten file number; and additional versions, both apparently certified and not certified, central to this case, which supposedly come from the Town of Newtown. *See* the reports of forensic document experts Wickstrom and Robertson filed on June 7, 2019. I therefore have no idea *which* "Noah Pozner's death certificate" you are talking about. They do not agree with one another and all four have been established as forgeries. The only one relevant to this suit is Exhibit B attached to my MSJ.

PPUF No. 39: The "ME" indicates that his death was investigated by the medical examiner. (*See Zimmerman Aff. Ex. J; Pozner Aff. Ex. B; Green Aff. ¶ 7.*)

39. RESPONSE: I will admit that the "ME" may refer to the type of form which would be used when the medical examiner is involved. However, the type of form used is not a guarantee that what is put on the form is truthful. *See* my response to #38. The reports of Wickstrom and Robertson establish that all four versions of the Noah Pozner death certificate are forgeries. I have also moved to strike the Green affidavit, since it is incredible as a matter of law.

PPUF No. 40: Boxes 3, 4, 23-27, and 36-53 of Noah Pozner's death certificate were completed by the medical examiner, who certified that the information was correct. (Green Aff. ¶ 10; Zimmerman Aff. Ex. J.)

40. RESPONSE: See my response to #38. Since there was no body, the information was false by presupposition.

PPUF No. 41: Noah Pozner's certified death certificate likewise states that Noah Samuel Pozner was pronounced dead at 11:00 AM on December 14, 2012. (See Zimmerman Aff. Ex. J; Pozner Aff. Ex. B.)

41. RESPONSE: See my response to #28. More proof of fabrication, since the Final Report by Danbury State's Attorney Stephen Sedensky concluded that the shooting had taken place between 9:30 and 9:41 AM, which means that even the state's own official account contradicts these death certificates.¹¹

PPUF No. 42: Noah Pozner's death certificate identifies the related Medical Examiner's case number as 12-17604, the same report number on Noah Pozner's medical examiner's report described above. (See Zimmerman Aff. Exs. I & J.)

42. RESPONSE: Irrelevant. See my response to #38. Both are fraudulent.

PPUF No. 43: The death certificate also states that Noah Pozner's cause of death was "multiple gunshot wounds." (See Zimmerman Aff. Ex. J; Pozner Aff. Ex. B.)

43. RESPONSE: Irrelevant and hearsay. See my responses to #38 and #28.

PPUF No. 44: The Chief Medical Examiner certified the time, date, place, and cause of his death. (See Zimmerman Aff. Ex. J; Pozner Aff. Ex. B.)

44. RESPONSE: See responses to 41, 28, and 38. The time of death cannot be correct, which means the document is false.

PPUF No. 45: The certified death certificate bears an embossed seal. (See Pozner Aff. ¶ 13; see also Zimmerman Aff. Ex. L at 181 (embossed seal is visible in bottom left of image in Defendants' book).)

45. RESPONSE: Seal is not supposed to be placed on the bottom left, as a matter of law. See my MSJ. That is just another sign of a forgery. See also responses to #38 and #28.

¹¹<https://portal.ct.gov/-/media/DCJ/SandyHookFinalReportpdf.pdf?la=en>

One has a partial printed file number, while another had a handwritten (and different) file number. See Wickstrom Affidavit and Report (Exhibit E) and Robertson Affidavit (Exhibit I).

PPUF No. 46: The certified death certificate reflects amendments made by the Newtown Vital Records Office in 2013 to reflect Noah Pozner's permanent address. (Zimmerman Aff. Ex. J; *see also* Pozner Aff. ¶ 17.)

46. RESPONSE: No indication how these amendments were actually made. Other aspects are addressed by Wickstrom and by Robertson, including why Plaintiff responded to the spaces for *first, middle and last name* with "Lenny Pozner" and why, when he was making the peculiar change of address, he did not correct his name to "Leonard Pozner". See Robertson Affidavit.

PPUF No. 47: After the medical examiner was done with Noah Pozner's post-mortem examination, Noah's body was released to the Abraham L. Green and Son Funeral Home. Green Aff. ¶ 4.

47. RESPONSE: See response to #48. Nothing in Green's affidavit may be considered by the court. It is incompetent.

PPUF No. 48: Noah Pozner's death certificate, at that point incomplete, was also released to Abraham L. Green and Son Funeral Home. (Green Aff. ¶ 4.)

48. RESPONSE: The Green Affidavit is unreliable as a matter of law, and incompetent, so I have moved to strike it. That motion is incorporated by reference.

PPUF No. 49: Abraham L. Green and Son Funeral Home prepared Noah Pozner's body for burial. (*See* Green Aff. ¶¶ 3, 16.)

49. RESPONSE: See response to #48. Nothing in Green's affidavit may be considered by the court. It is incompetent.

PPUF No. 50: Samuel Green has worked at the Abraham L. Green and Son Funeral Home for 41 years. (*See* Green Aff. ¶ 3.)

51. RESPONSE: See response to #48. *Samuel Green is not a licensed funeral director nor is Abraham L. Green and Son Funeral Home a licensed funeral home.*

PPUF No. 51: Mr. Green personally prepared Noah Pozner's body for burial. (*See* Green Aff. ¶ 16.)

51. RESPONSE: See response to #48. Nothing in Green's affidavit may be considered by the court. It is incompetent.

PPUF No. 52: He personally filled out his respective portions of Noah Pozner's death certificate. (Green Aff. ¶¶ 9, 12.)

52. RESPONSE: See response to #48 and #51. Nothing in Green's affidavit may be considered by the court. It is incompetent.

PPUF No. 53: The portions of the death certificate entered by Mr. Green are unchanged from what Mr. Green filled out on that form in December of 2012. (Green Aff. ¶ 13.)

53. RESPONSE: See response to #48 and #51. Nothing in Green's affidavit may be considered by the court. It is incompetent.

PPUF No. 54: Mr. Green personally observed Noah Pozner's body in his casket. (See Green Aff. ¶¶ 16-17.)

54. RESPONSE: See response to #48. Nothing in Green's affidavit may be considered by the court. It is incompetent.

PPUF No. 55: Among other things, Mr. Green performed "restorative procedures" on Noah Pozner's face using a photo to see what Noah looked like prior to his death. (See Green Aff. ¶¶ 16; see also Pozner Aff. ¶ 5.)

55. RESPONSE: See response to #48 and #51. Nothing in Green's affidavit may be considered by the court. It is incompetent.

PPUF No. 56: To assist him in that effort, Mr. Green relied on a photo to see what Noah looked like prior to his facial injury. (Green Aff. ¶ 16; see also Pozner Aff. ¶ 5.)

56. RESPONSE: See response to #48 and #51. Nothing in Green's affidavit may be considered by the court. It is incompetent.

PPUF No. 57: Mr. Green confirmed that the deceased boy is the boy in the photo he relied on for these restorative procedures. (Green Aff. ¶ 17; see also Pozner Aff. ¶ 5.)

57. RESPONSE: See response to #48 and #51. Nothing in Green's affidavit may be considered by the court. It is incompetent.

PPUF No. 58: Mr. Green personally entered the required information into boxes 1, 2, 5-22, 28-35, 54-58, and the decedent's social security number. (See Green Aff. ¶ 12.)

58. RESPONSE: See response to #48 and #51. Nothing in Green's affidavit may be considered by the court. It is incompetent.

PPUF No. 59: Mr. Green testified in his sworn affidavit that the information visible in the copy of Noah Pozner's birth certificate released by Leonard Pozner appears unchanged from the information that Mr. Green entered in 2012. (See Green Aff. ¶ 13.)

59. RESPONSE: Mr. Green did not testify to anything about the birth certificate. See response to #48 and #51. Nothing in Green's affidavit may be considered by the court. It is incompetent.

PPUF No. 60: Mr. Green signed the death certificate in box 34. (*See Green Aff.* ¶ 14.)

60. RESPONSE: See response to #48 and #51. Nothing in Green's affidavit may be considered by the court. It is incompetent. He is not a licensed funeral director.

PPUF No. 61: Mr. Green used that death certificate to obtain a burial permit for Noah Pozner's body from the town of Fairfield, which is the town in which his funeral home is located. (*See Green Aff.* ¶ 15.)

61. RESPONSE: See response to #48 and #51. Nothing in Green's affidavit may be considered by the court. It is incompetent.

PPUF No. 62: Noah Pozner's funeral service was held at Mr. Green's funeral home. (*Green Aff.* ¶ 18.)

62. RESPONSE: See response to #48 and #51. "Mr. Green's funeral home" is not a licensed funeral home. Nothing in Green's affidavit may be considered by the court. It is incompetent.

PPUF No. 63: Mr. Green remembers this funeral service because it was the only time in his career that the police swept his funeral home for bombs prior to a funeral service and the door to the chapel was closed, locked, and guarded by state and local police. (*See Green Aff.* ¶ 18.)

63. RESPONSE: See responses to #48 and #51. Nothing in Green's affidavit may be considered by the court. It is incompetent.

PPUF No. 64: Following Noah Pozner's death, Plaintiff was appointed administrator of Noah Pozner's estate by the Connecticut Probate Court. (*Zimmerman Aff. Ex. K (Probate Court Order).*)

64. RESPONSE: I have to admit that I find it very strange that a 6-year-old child would have an estate, which suggests to me this was a contrivance to take advantage of the massive donations that would be contributed by sympathetic but gullible Americans in the false belief that children had been killed at Sandy Hook, which Plaintiff would benefit from by creating an estate to manage. The attorney who filed these proceedings, Josh Koskoff, has been deeply involved in the Sandy Hook psy op and sued TV host Alex Jones and Wolfgang Halbig. See response to #25.

PPUF No. 65: The order includes a judicial finding that Noah Samuel Pozner died on December 14, 2012. (*See Zimmerman Aff. Ex. K.*)

65. RESPONSE: This was not a contested proceeding, so nothing was actually adjudicated in this matter. Any “judicial finding” was based on a stipulation.

Moreover, how can there have been a judicial finding when there was no actual proof of death, where the EMTs were not allowed to enter the building; there was no string of ambulances to rush their little bodies off to hospitals where they could be declared dead or alive; no Med-Evac chopper was called; no bodies were placed on the triage tarps, which were all for show? The entire brief, especially the section debunking Carver’s affidavit, is incorporated by reference. It refers to a mount of evidence that Sandy Hook was not an operating school, that the event was staged, and that nobody died. See also Exhibit K (Halbig’s filing in Connecticut superior court, with exhibits.)

PPUF No. 66: The copy of the death certificate released by Mr. Pozner in 2014 is a certified record issued by the Newtown clerk and the State of Connecticut Office of Vital Records. (See Pozner Aff. ¶ 13; Zimmerman Aff. ¶ 11 & Ex. J.)

66. RESPONSE: It is not clear what “released” means. The one he provided Kelley Watt was not certified. Moreover, the expert reports of Larry Wickstrom and of A.P. Robertson establish that there are at least *two* different death certificates certified by the State of Connecticut alone, not to mention the numerous others putatively certified by the town, as well as the uncertified one Pozner provided to Kelley Watt.

All four of the death certificates scrutinized by my experts are fabrications. See Wickstrom Affidavit and Report and Robertson Affidavit.

PPUF No. 67: Plaintiff did not possess Noah Pozner’s death certificate before it was registered with the records clerk. (See Pozner Aff. ¶ 14; Green Aff. ¶ 5.)

67. RESPONSE: Irrelevant. What matters is that Plaintiff possessed an uncertified copy of the death certificate which he provided to Kelley Watt, and he could not legally be in possession of it. See my MSJ.

PPUF No. 68: Plaintiff’s counsel obtained one certified copy of the death certificate via the State Vital Records Office shortly before this case was filed. (Zimmerman Aff. ¶ 11.) That document was attached to Plaintiff’s Complaint. (See Doc. #1.)

68. RESPONSE: And it, like the one Plaintiff gave to Kelley Watt, also turned out to be a fabrication. See report of Wickstrom; and report of Robertson. And then WWW ordered a certified copy of the death certificate from the State Vital Records Office and got one issued April 22, 2019, which has the partial, printed file number, which differs from the one Plaintiff’s counsel got; I obtained another issued the same date. They are inconsistent and all forgeries.

PPUF No. 69: Wrongs Without Wremedies also obtained a certified copy of the death certificate from the Newtown Vital Records Office after the Complaint was filed. (See Zimmerman Aff. Exs. R (Wrongs Response to RTA No. 11) & W (Wrongs Supplemental Response to RTA No. 14).)

69. RESPONSE: Yes. And it turned out to have a partial printed file number that dumbfounded even Wayne Carver, as emerged during his deposition when I questioned him. All of the death certificates for “Noah Samuel Pozner” that have surfaced in this case are fabrications, which is not surprised, since “Noah” appears to be a fiction. See Affidavit of James Fetzer; Wilkerson Affidavit and Report; Robertson Affidavit; Larry Rivera Affidavit.

SANDY HOOK HOAXERS

PPUF No. 70: Within weeks of the 2012 tragedy at Sandy Hook Elementary School, conspiracy theorists began claiming that the shooting was fake. (*See, e.g.*, Zimmerman Aff. Ex. L at 312-13.)

70. RESPONSE: Irrelevant and pejorative. Informed and educated people who took a serious look at this event had that reaction early on.

PPUF No. 71: Some of these conspiracy theorists, like Fetzer, argued that the Sandy Hook victims were murdered by the Israeli Mossad. (*See* Zimmerman Aff. ¶ 15 & Exs. N & O (Fetzer Responses to RTA Nos. 15-16).)

72. RESPONSE: Irrelevant and pejorative. By the time I edited *Nobody Died at Sandy Hook*, I had published 30 articles about Sandy Hook. Another of my contributors, Dr. Eowyn, had published 80. I explained this in detail before, but I readily concede that my first article on Sandy Hook was completely wrong. It did not take long for me to realize I had been in error and, as more and more evidence accumulated, that it had actually been a FEMA exercise presented to the public as mass murder to promote gun control.

PPUF No. 72: Other conspiracy theorists, including James Tracy, claimed that the families are “crisis actors” and that no one actually died. (*See* Pozner Affidavit ¶ 8; *see also* Zimmerman Aff. Ex. O (Fetzer Response to RTA No. 26).)

72. RESPONSE: Irrelevant and pejorative. James Tracy is an excellent scholar and, just as other scholars have found, discovered that Sandy Hook was an elaborate charade conducted to promote gun control during which nobody died. Many of the participants in the Sandy Hook psy op are even credited actors. All are playing roles. See “We Need to Talk About Sandy Hook.”¹²

PPUF No. 73: Other conspiracy theorists, like Alex Jones, claimed that Sandy Hook was an “inside job.” (Pozner Aff. ¶ 7.)

73. RESPONSE: Irrelevant and pejorative. To portray everyone who conducts research into conspiracies as “wearing a tin-foil hat” is absurd. See, for example, my “Reasoning about Assassinations”, which I presented at Cambridge and published in an international, peer-reviewed journal; and which can be downloaded by using its title from the Internet.

¹²<https://archive.org/details/HQWeNeedToTalkAboutSandyHookFullVideoInHigherQuality>

PPUF No. 74: Fetzer has admitted that in 2013, he published an article that claimed the parents of Sandy Hook victims are crisis actors. (*See Zimmerman Aff., Ex. O (Fetzer Response to RTA No. 26).*)

74. RESPONSE: Irrelevant and disputed. I cannot recall using the word “crisis actors”, but I certainly claimed or implied that they were faking having lost children at Sandy Hook, which was even confirmed by officials in Obama’s Department of Education in response to inquiries by Paul Preston, as reported in Chapter 6 of *Nobody Died at Sandy Hook*.

PPUF No. 75: Fetzer has referred to Plaintiff specifically as “one of the world’s great liars and frauds”, a “hypocrite”, a “con-artist”, and “among the nation’s most dishonorable men.” (*Zimmerman Aff. Ex. A & B (Exhibit A to Fetzer Response to RFP No. 2).*)

75. RESPONSE: Irrelevant. This is not an allegation in the Complaint, but I believe it to be true. I am committed to the truth, the whole truth and nothing but the truth. I have also described him as a “cyber terrorist” for taking down “tens of thousands of content items” from the Internet, where a YouTube video or a blog post would count as only one. It is difficult to find words that are harsh enough to capture the character of the Plaintiff in this case. *See* the brief.

PPUF No. 76: Fetzer has also admitted that before April of 2014 he “probably” stated that no children were killed at Sandy Hook. (*Zimmerman Aff. Ex. O (Fetzer Response to RTA No. 27).*)

76. RESPONSE: Irrelevant. Not in the complaint.

PPUF No. 77: Fetzer admits to writing several blog posts that refer to Noah Pozner’s death certificate. (*Zimmerman Aff. Ex. A (Fetzer Response to RFP No. 7).*)

77. RESPONSE: Referring to the *fake* death certificate, no dispute there.

PPUF No. 78: Fetzer admits that by April of 2014, he publicly stated that Noah Pozner was a fictional person. (*Zimmerman Aff. Ex. O (Fetzer Response to RTA No. 28).*)

78. RESPONSE: Irrelevant. Not an allegation in the complaint. But it also appears to be true.

My statement has been substantiated by Kelley Watt’s realization, confirmed by collaborative investigation and by Larry Rivera’s demonstration, that photographs of “Noah Pozner” are actually photographs of Michael Vabner *as a child*; and received further support from finding that the SSN for “Noah Pozner” as well as the passport for “Noah Pozner” are also fabrications. *See* Affidavit of Larry Rivera; Affidavit of James Fetzer; and Affidavit of Robertson.

PPUF No. 79: Plaintiff initially took no public position on the conspiracy theories, assuming that the conspiracy theorists’ zeal would diminish over time. (*Pozner Aff. ¶ 9.*)

79. RESPONSE: Irrelevant and pejorative.

Having participated in an elaborate conspiracy to perpetrate a fraud upon the American public and to benefit from fraud by deception, the hypocrisy of this assertion coming from the Plaintiff simply boggles the mind.

DEFENDANTS' DEFAMATORY PUBLICATIONS

PPUF No. 80: In May of 2016, Defendants published the “second edition” of their 2015 book, *NOBODY DIED AT SANDY HOOK* (the “Book”). (See Fetzer’s Response to Plaintiff’s Motion to Strike, Doc. #27 at p. 12 (admitting Complaint ¶ 17, Doc. #1, which set forth the defamatory statements); Palacek’s Answer, Doc. #28 at p. 1 (same); Wrongs Answer, Doc. #36 ¶ 17 (same).

80. RESPONSE: While the 2nd edition was published in May of 2016, the alleged defamatory statements—about the death certificate being a fabrication—are true and, since truth matters and is an absolute defense against defamation, not defamatory.

PPUF No. 81: The Second Edition of the Book was actually a third edition, with the “First Edition” published in October of 2015 and the second “Banned Edition” being published in December of 2015. (See Zimmerman Aff. Ex. L (copyright page).)

81. RESPONSE: Vague. Not if you measure “editions” by content. The content of the first edition and of the banned edition are identical. It would be trifling to claim there were three editions when there were in fact only two. See Affidavit of James Fetzer for the history of these volumes.

PPUF No. 82: This Second Edition was not a “mere reprinting of the first edition, but is instead described as ‘Expanded’ and ‘Revised.’” (*Compare* Plaintiff’s Complaint, Doc. #1 ¶ 16 *with* Wrongs Without Wremedies’ Answer, Doc. #36 ¶ 16; Defendant Palecek’s Answer, Doc. #28 at p. 1 (admitting allegations at ¶ 16 of Plaintiff’s Complaint).

82. RESPONSE: Irrelevant. See Affidavit of James Fetzer for the history of these editions.

PPUF No. 83: The Book was also published in Defendants’ “Banned Edition” by releasing it as a PDF, which is available for public download. (See Zimmerman Aff. ¶ 24 & Ex. M.)

83. RESPONSE: No dispute. I released the book to the public for free as a PDF after it was banned by *amazon.com* on 19 November 2015. The book was too good and blew apart the “official narrative” of Sandy Hook. It had to be suppressed.

PPUF No. 84: The existence of multiple editions of the book is confirmed by the title page, which states:

First edition: October 2015 Banned Edition: December 2015. Second Edition: May 2016

(See Zimmerman Aff Ex. L, Title Page.)

84. RESPONSE:

No dispute with the qualification of my response to **No. 81**.

PPUF No. 85: The Preface of the Book states:

The “knowing” goes something like this. . . . Knowing that the evidence shows that nobody died at Sandy Hook, as wild as that sounds. The grieving parents are actors, the school was not a functioning school, only a stage, Gene Rosen, Wayne Carver are insanely ridiculous. Of course there’s more, following, here, in this book in your hands.

(See Zimmerman Aff. Ex. L, Preface at xxii.)

85. RESPONSE: Irrelevant. The preface is not complained of in the Complaint, nor did I author it. As I have explained in my affidavit, the Preface was authored by Mike Palecek. See Fetzter Affidavit.

All appears to be correct. See, for example, the Affidavit of James Fetzter, where even Wayne Carver admits that he cannot explain the death certificate with a partial file number, which was sent to Dave Gahary by the State of Connecticut.

PPUF No. 86: Palacek wrote the Preface to the Book. *(See Zimmerman Aff. Ex. L, Preface at ix.)*

86. RESPONSE:

No dispute.

PPUF No. 87: Palacek also edited the Book. (Complaint ¶ 4; Zimmerman Aff. Ex. O (Fetzter Response to RTA 30); Palacek Answer at 1 (“Defendant affirms paragraph 4”).)

87. RESPONSE:

No. Mike only copy-edited the book. I edited the book. See my affidavit. And it astounds me that a Plaintiff would bring a suit about a book when he had no idea who was responsible for its composition.

PPUF No. 88: Fetzter wrote, in particular, Chapter 11 of the “Expanded 2016 Revised” version of the Book and also edited the Book. (Complaint ¶ 3; Zimmerman Aff. Ex. O (Fetzter Response to RTA 30).)

88. RESPONSE:

I co-authored Chapter 11 with Kelley Watt, as the chapter itself declares.

PPUF No. 89: Palacek, Fetzer, and Wrongs Without Wremedies entered into a verbal agreement to publish the book containing the defamatory material after the first edition was banned by Amazon in 2015. (See Zimmerman Aff., Ex. O (Fetzer Response to RTA No. 31).)

89. RESPONSE:

Yes—to publish the book. But the allegedly defamatory material is true, so not defamatory.

PPUF No. 90: Moon Rock Books, an entity formed by Fetzer, Palacek, and Wrongs Without Wremedies, published the Book. (Complaint ¶ 5; Zimmerman Aff. Ex. O (Fetzer Response to RTA 31).)

90. RESPONSE:

Yes.

PPUF No. 91: Wrongs Without Wremedies is the owner of Moon Rock Books Publishing, registered with the State of Florida under registration number G16000003745. (Complaint ¶ 5; Wrongs without Wremedies' Answer Doc. #36 ¶ 5; Zimmerman Aff. Ex. O (Fetzer Response to RTA 31).)

91. RESPONSE:

Yes.

PPUF No. 92: Defendants admit that Defendants Palecek and Defendant Wrongs Without Wremedies “coordinated publication” of the Book “with Mr. Fetzer...” (Complaint ¶ 7; see Wrongs Without Wremedies Answer, Doc. # 36 ¶ 7 (failing to deny this aspect of Plaintiff's allegation); Palecek Answer, Doc. # 28 at p. 1 (failing to deny this aspect of Plaintiff's allegation; see generally Fetzer Answer, Doc. #5 (failing to deny this aspect of Plaintiff's allegation);.)

92. RESPONSE:

Incorrect. Wrong Without Wremedies published the 2nd edition, not the first. Plaintiff seems to have no idea how this book was produced or the allocation of responsibilities for its production, which are outlined in detail in the Affidavit of James Fetzer.

PPUF No. 93: The Second Edition of the Book, which contains the statements at issue, was published under the Moon Rocks Books imprint. (See Zimmerman Aff. Ex. L, Title Page.)

93. RESPONSE:

The statements at issue were originally published in *Veterans Today* (9 August 2014), as the Source Note at the end of the chapter affirms. Plaintiff appears to have feigned ignorance for the

reason that statute of limitations would have precluded his suit had he been honest about the date of publication of the first occurrence of the purportedly defamatory declaration, one more proof that this lawsuit itself is as phony as the death certificates for “Noah Pozner”.

PPUF No. 94: Wrongs Without Wremedies has admitted that it sold and shipped copies of the book. (See Zimmerman Aff. Ex. W (Wrongs Supplemental Response to RTA No. 14).)

94. RESPONSE:

Of course. What otherwise would be the point of their publication?

PPUF No. 95: The copies encompassed by Defendants’ admission were not shipped to Plaintiff. (Pozner Aff. ¶ 18; see also Zimmerman Aff. ¶ 13.)

95. RESPONSE: Irrelevant.

I am at a loss. Should Moon Rock Books have sent copies of *Nobody Died at Sandy Hook* to participants in an elaborate fraud to deceive the American people? What am I missing?

PPUF No. 96: The Book attributes the Afterward [sic] to James Tracy, a conspiracy theorist and former associate professor at Florida Atlantic University. (See Zimmerman Aff. Ex. L at 235-43; Pozner Aff. ¶ 8.)

96. RESPONSE: Irrelevant and pejorative.

One man’s “conspiracy theorist” is another man’s truth seeker. Far better terms are “conspiracy analyst” or even “conspiracy realist”. Conspiracies are as American as apple pie. The phrase was concocted as a verbal weapon to discourage research into “official narratives” where the truth is inconvenient to the government. As I explain in “Thinking about ‘Conspiracy Theories: 9/11 and JFK’”, which can be downloaded from the Internet using its title, I take “conspiracy theories” from “theories” in the weak sense of rumors, speculations or guesses to “theories” in the strong sense of empirically-testable explanatory hypotheses, like Newton’s theory of universal gravitation, Einstein’s theory of special relativity or Darwin’s theory of evolution by natural selection. Collaborative research using the Internet has been so successful that (what is often called) the Deep State now regards it as a threat to its authority, which has motivated massive censorship of the American people on the basis of alleged “hate language” and denying the occurrence of “violent atrocities” which have been “extensively documented”. YouTube has just announced a massive crackdown on videos that address the Holocaust and what happened at Sandy Hook,¹³ which, as this case demonstrates, makes a mockery of freedom of speech and of freedom of the press.

PPUF No. 97: The Afterward [sic] describes Mr. Tracy’s view that he was fired because of pressure from Plaintiff and the South Florida Jewish Community. (See Zimmerman Aff. Ex. L at 240-241.)

¹³ <https://www.youtube.com/watch?v=Mm2Lx3AsH8M&feature=youtu.be>

97. RESPONSE: Irrelevant.

Which statement appears to be accurate and true, in any event, though not what the “fake news” media has reported.

A. Defendants Published Defamatory Statements.

PPUF No. 98: Plaintiff’s defamation claim is based, in part, on three statements made in Chapter 11 of the Book related to Noah Pozner’s death certificate. (See Complaint ¶ 17.) This chapter posits that the entire Sandy Hook tragedy is a hoax, that no children actually died, and that Plaintiff is “posing” as the father of Noah Pozner. (See Zimmerman Aff. Ex. L at 178-183.)

98. RESPONSE: Irrelevant as to what the chapter “posits.” Vague, because the “three statements” are not identified. Plaintiff’s defamation claim is “narrowly focused” on my statements that the “death certificate” of Noah Pozner is a forgery”, according to the very first paragraph in the complaint.

Moreover, the content cited is true, as the contributors to the book have established; and which has been confirmed by additional research in the form of the collection of essays edited by Robert David Steele, Sandy Hook Memoranda for the President of the United States (published on his blog at <https://phibetaiota.net/2018/08/memoranda-for-the-president-on-sandy-hook-is-fema-a-false-flag-fake-news-terrorist-node-should-googlegestapo-be-closed-down/> and, like *Nobody Died at Sandy Hook* (2015), available to the public on-line for free.

PPUF No. 99: The three statements in the Book include:

a. “Noah Pozner’s death certificate is a fake, which we have proven on a dozen or more grounds.” (See Zimmerman Aff. Ex. L at 183; see also *id.* at 177 (“Noah Pozner’s death certificate is a fake.”).)

b. “And when Kelley Watt, who had spent more than 100 hours in conversation with Lenny, told him she did not believe a word he said, that she did not believe he had a son or that his son had died, he sent her a death certificate, which turned out to be a fabrication.” (See Zimmerman Aff. Ex. L at 232.)

c. “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.” (See Zimmerman Aff. Ex. L at 242.)

99. RESPONSE: Irrelevant, and mischaracterization of the complaint. Indeed, the middle statement (b) is no even recited in the Complaint as an allegation against me. As a matter of due process, I am not required to defend against new allegations of statements not explicitly set forth in the Complaint.

In any event, all three statements are substantially true, as proven all the more so by the reports of forensic document examiners Larry Wickstrom and A.P. Robertson filed with the court June 7, 2019, establishing that all four of the death certificates are forgeries. Pozner should dismiss this suit forthwith. The suit is an abuse of process and the Plaintiff is perpetrating a fraud upon the court.

PPUF No. 100: The statement “Noah Pozner’s Death Certificate is a fake, which we have proven on a dozen or more grounds [,]” appears on page 183 of both the Second Edition and the Banned Edition of the Book. (*See Zimmerman Aff. at Exs. L & M at 183.*)

100. RESPONSE: See response to #99. This is a true statement.

PPUF No. 101: Noah Pozner’s death certificate is reproduced on page 242, with the defamatory falsehood in the paragraph beneath the death certificate. (*See Zimmerman Aff. Ex. L at 242.*)

101. RESPONSE: Aha, now you are taking responsibility for the uncertified version! Your whole case so far has been an attempt to dupe the court, whereby you have sued us over a version, which is certified, when that’s not the one about which we published statements. You now call the uncertified version that we published statements about “Noah’s death certificate.” Pozner’s possession of an uncertified version of the DC is illegal, as we have established in our MSJ. But your PPUF is still vague: I have no idea what you mean by “the defamatory falsehood.” What we said was true. My response to #99 is incorporated.

PPUF No. 102: The Second Edition of the Book includes additional and new defamatory statements that were not part of the earlier editions; specifically, the Epilogue includes new material responsive to an article published in early 2016, well after the 2015 publication date of the first edition. (*See Zimmerman Aff. Ex L at 229-34.*)

102. RESPONSE: Too bad for you, since you did not reference those “new defamatory statements” in the Complaint. I am not required to defend against newly trumped up grounds. Your “proposed finding” #102 is vague, as well, since you do not even set forth these new “defamatory statements.” Nevertheless, what I said was substantially true. My response to #99 is incorporated, as is my MSJ.

The Epilogue explains how we know that even *The Chronicle of Higher Education* was publishing disinformation about the termination of James Tracy from FAU for his attempts to protect the public from a gigantic fraud in the form of theft by deception, since none of the purported Sandy Hook parents lost children during the FEMA mass casualty exercise for children, which is laid out in Appendix A of the book.

PPUF No. 103: Each of these statements listed in PPUF No. 99 are false. (*See Zimmerman Aff. Ex. Q; see also Pozner Aff. ¶ 13.*)

103. RESPONSE: The middle one, (b), is not in the complaint, so not part of this case. In any event, all three statements are true. My response to #99 is incorporated.

Pozner has never denied that he had these 100 hours or so of conversations with Kelley Watt. The conclusion—that the death certificate is a fabrication—was true then and remains true today, with additional massive and very detailed confirmation now available from the expert document examinations by Wickstrom and Robertson. And the court must take note of the important point that the DC he provided to Ms. Watt did not even have the amendments he put on it on 6/14/13.

PPUF No. 104: The claim that Plaintiff faked his son's death certificate is a story fabricated by Defendant Fetzer. (*See Zimmerman Aff. Ex. L at 229* (crediting Chapter 11 author James Fetzer).)

104. RESPONSE: Such a claim does not appear in the complaint, nor does it appear in Exhibit L at 229.

Your complaint contains no allegation of any statement where I said *Plaintiff* faked or issued his son's death certificate. Your attempt to inject additional grounds into your deficient complaint is unethical. See my response to #99. While there was one occasion—provoked by contact from the Plaintiff—I said as much, that was in private correspondence and I have not published such assertions. I don't think he was responsible but was acting in coordination with others better positioned to perpetrate this fraud. What I have said is only that the death certificate (Exhibit B attached to my MSJ) is a fabrication, as it is. And so is your Attachment A, by which you have attempted to perpetrate a fraud on the court.

As the book's title proclaims, it was a FEMA drill to promote gun control, which was even confirmed by officials in the Obama Department of Education, as Chapter 3 featuring an interview with Paul Preston explains. Once it had been established as a FEMA drill and even Paul's contacts in the Department of Education had confirmed that it had been a drill, that no children had died and that it had been done to promote gun control, it was obvious any "death certificates" for allegedly dead parties from Sandy Hook had to be fabrications.

PPUF No. 105: Each of these false statements were made in the context of assertions that Mr. Pozner was part of an effort to deceive the public into believing his son, among others, had been killed at Sandy Hook Elementary School. (*See Zimmerman Aff. Ex. L at 177-86, 229-42.*)

105. RESPONSE: Vague. "These false statements" have not been specified in the complaint, nor are they in the preceding PPUF. See my responses to #99, #102, and #104.

PPUF No. 106: Each Defendant admitted that the statements in the Book accuse Plaintiff of issuing and/or possessing a forged copy of Noah Pozner's death certificate. (*See Wrongs Answer, Doc. #36 ¶ 17* (Defendant admits the allegations in paragraph 17"); Fetzer's Response to Motion to Strike, Doc. #27 at p. 12 ("Defendant affirms paragraph 17 [of Plaintiff's Complaint] where Defendant has asserted on more than 100 occasions that the death certificate Plaintiff gave to Kelley Watt is a fake and a fabrication"); Palecek Answer at p. 1 ("Defendant affirms paragraph 17"); *see also* Plaintiff's Complaint ¶ 17 (alleging that the defamatory falsehoods were directed at Plaintiff).)

106. RESPONSE: Vague and irrelevant. What “statements in the Book” are we talking about? There is no allegation in Complaint par. 17 that I accused Plaintiff of *issuing* the forged death certificate, Exhibit B to my MSJ, although it is certainly true that he *possessed* and circulated it, as I have established via Kelley Watt’s affidavit to my MSJ. You have again overreached. See my responses to #99, #102, #104.

PPUF No. 107: Fetzer posted another false statement on his blog in 2018: “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.” (See Zimmerman Aff. Ex. P; see also Fetzer’s Response to Plaintiff’s Motion to Strike, Doc. #27 at p. 12 ¶ 11 (affirming Complaint ¶ 18).)

107. RESPONSE: Irrelevant. This is another statement that is not set forth in the Complaint, so it is not part of this case. See responses to #99, #102, and #104.

The conclusion that the death certificate is indeed a fabrication is true, for more and even better reasons than I initially identified. See the reports of Wickstrom and Robertson and my MSJ. Robertson explains that, it would have been reasonable for a reasonable person, on inspection of the document in question, to have inferred that it was a fabrication. There was never a reasonable basis for this suit, which was filed as a form of harassment and punishment for exposing the hoax.

PPUF No. 108: The statement in PPUF No. 107 is false. (See Zimmerman Aff. Ex. Q; see also Pozner Aff. ¶ 13.)

108. RESPONSE: See my answer to #107. Pozner’s scan with the outline of an “embossed seal” in the wrong place is clearly a fake for that reason alone, as explained in my brief. The other one does not have that faint inking. So they do not even agree with each other. And they purport to be certified, but there is no seal on the attestation of the clerk.

The estimated time of death is wrong, since the shooting—according to the report of State’s Attorney for Danbury, Stephen Sedensky III—officially took place between 9:30-9:41, so there is no basis for the time of 11 AM. The absence of certification on the one I had, my Exhibit B, further makes it an illegal document—illegal even to *possess*, and Pozner *possessed* it, as I established via Kelley Watt’s affidavit attached to my MSJ.

PPUF No. 109: Fetzer admitted that the defamatory statement in his blog post refers to Mr. Pozner. (See Fetzer’s Response to Motion to Strike, Doc. #27 at p. 12 ¶ 11 (affirming Complaint ¶ 18).)

109. RESPONSE: Vague and irrelevant. Whatever “defamatory statement” is referred to here, it is another statement that is not set forth in the Complaint, so it is not part of this case. See responses to #99, #102, and #104.

I seek to reveal truths and expose falsehoods, as the motto of my personal blog declares. (See *jamesfetzer.org*) I was referring to Plaintiff accurately and appropriately, while the Plaintiff has been foisting off a fabricated death certificate as though it were an authentic document to benefit himself and to perpetrate a fraud upon the public, especially in the form of theft by deception.

PPUF No. 110: As of April 27, 2019, Defendant Fetzer's defamatory falsehood in his blog post remains accessible on the Internet. (See Zimmerman Aff. at ¶ 17 & Ex. P.)

110. RESPONSE: See response to #109.

I am committed to the truth, the whole truth and nothing but the truth. Since truth is an absolute defense against defamation and the statement is true, there is nothing defamatory about it.

B. Defendants' Statements Were False And Harmed Plaintiff.

PPUF No. 111: In October of 2018, Defendants were notified that their language was defamatory. (See Zimmerman Aff. Ex. Q.)

111. RESPONSE: Vague and irrelevant. My "language" counsel refers to is not set forth in the Complaint, so it is not part of this case. See responses to #99, #102, and #104.

At any rate, the "language" is true. Plaintiff knew that truth is an absolute defense against defamation. So the notice provided by Mr. Zimmerman constituted sheer harassment.

PPUF No. 112: The notice letter explained that Noah Pozner's death certificate was not counterfeit, and informed them that they could obtain a certified copy directly from the State of Connecticut. (See Zimmerman Aff. Ex. Q.)

112. RESPONSE: The "notice" letter has been as fully debunked as the death certificate itself, which most certainly *is* counterfeit. Plaintiff's attorney displays considerable logical deficiency, as well, in suing me for making statements about *his* version of the D.C., when he knows I had made no statements about that version whatsoever prior to this suit. At any rate, his version has been shown to be an utter fabrication, too, since Dave Gahary received a wholly different "certified copy" of the Noah Pozner death certificate from the State of Connecticut. See the brief and the reports of Wickstrom and Robertson.

See the Wickstrom Affidavit and Report and Robertson Affidavit.

PPUF No. 113: The letter requested a full retraction. (See Zimmerman Aff. Ex. Q.)

RESPONSE: There was nothing to retract. Plaintiff knew before filing the suit that I was right but believed that, with the connivance of authorities in Connecticut, he could fabricate a case against me that was just as unwarranted and false as the document I declared a "fabrication." Unfortunately for him, additional "certified copies" of the death certificate which do not agree with one another have been produced by the State, as well as by the Town. To my count there are now four different versions.

PPUF No. 114: No such retraction occurred. (See Zimmerman Aff. Ex. W (Wrongs Supplemental Response to RTA No. 14).)

RESPONSE: There was nothing to retract. The characterization of the death certificate as a “fabrication” was correct. A reasonable person reviewing the features of the death certificate that were identified by Fetzer in Ch. 11 and elsewhere would have arrived at the same or a similar conclusion, as the Robertson Affidavit explains.

PPUF No. 115: Wrongs Without Wremedies claims that: “Plaintiff made no complaints for over three years from the filing of this lawsuit. Defendant was led to believe Plaintiff had no objections to the contents of both editions of the book.” (Zimmerman Aff. Ex. T (Wrongs Response to Interrogatory No. 3).)

RESPONSE: You are saying that to the wrong defendant.

The limitations period on the purported cause of action was (despite what the complaint says) triggered by the much earlier initial publication of the article that would subsequently be published as Ch. 11 of *Nobody Died at Sandy Hook*, which appeared in *Veterans Today* on 6 August 2014. Because WI has a three-year statute of limitations on defamation initiated on the first occasion of the offense, Plaintiff has never had a legitimate cause of action in Dane County, where the suit was an abuse of process to draw Defendants into court for the purpose of draining their financial resources and other improper purposes, just as the Plaintiff declared in relation to his suit against Wolfgang Halbig. Mike Palecek will be appropriately filing a motion to dismiss based on the running of that period.

PPUF No. 116: Infowars personnel discussed distancing themselves from Defendant’s theories that Plaintiff faked his son’s death certificate, characterizing Fetzer as “bat[] crazy.” (Zimmerman Aff. at Ex. V (expletive omitted).)

RESPONSE: Irrelevant. None of the *Inforwars’* personnel, including Alex Jones, have my background and expertise in dealing with issues based upon logic and evidence, where I earned my Ph.D. in the history and the philosophy of science, am an expert in epistemology, methodology and the philosophy of science, and offered college courses in logic, critical thinking and scientific reasoning for 35 years. See CV at www.d.umn.edu/~jfetzer/ Alex Jones, remarkably, has declared that he has never read *Nobody Died at Sandy Hook*, which means that he has ignored the most important source of authoritative information that had been published at the time; where more recent findings have appeared in the Sandy Hook Memoranda for the Presidents of the United States edited by Robert David Steele and available at his web site at no charge. <https://phibetaiota.net/2018/08/memoranda-for-the-president-on-sandy-hook-is-fema-a-false-flag-fake-news-terrorist-node-should-googlegestapo-be-closed-down/>

PPUF No. 117: Recently, Fetzer has admitted that a “definitive, official death certificate, certified by the State of Connecticut” was issued and he presented no argument, much less evidence, that the top half of that document was fake and the bottom real. (See Zimmerman Aff. Ex. S (referencing Death Certificate #5).)

117. RESPONSE: The piece referred to is authored by “huntingfororcs,” not by me. Thus, this is not an admission by me as to any fact in issue. It makes the point that numerous versions of the death certificate exist and discusses the inauthenticity of each, which I agree with, however.

And it was written before Dave Gahary got the certificate from the State of Connecticut dated April 22, 2019, which has a different file number still.

PPUF No. 118: Plaintiff has suffered severe humiliation and other emotion anguish and distress as a result of the accusations in Defendants’ Book. (Pozner Aff. ¶ 22.)

118. RESPONSE: Plaintiff has been primarily busy raking in vast sums from faking having lost a son at Sandy Hook and from donations flowing into the HONR Network. If he has suffered “humiliation” it is because he has been exposed as a liar and a charlatan. From personal observation, during the deposition of the Plaintiff, he displayed no emotions whatsoever. For every question, he paused, gave it deep thought, and then answered, no matter what the question he was asked.

PPUF No. 119: Fetzer and Wrongs Without Wremedies have failed to specify the basis for their affirmative defense that Plaintiff suffered no damages. (Zimmerman Aff. Ex. T (Wrongs Response to Interrogatory No. 4) & U (Fetzer Response to Interrogatory No. 4).)

119. RESPONSE: See the response to #118. Also, Plaintiff did not ask this question in his interrogatories.

PLAINTIFF’S PUBLIC PRESENCE

PPUF No. 120: Plaintiff had no public presence until he was forced to defend his character and that of his family, including his murdered son, from false aspersion. (See Pozner Aff. ¶¶ 9-12.)

120. RESPONSE: Absolutely false. On January 14, 2013, long before the book was published or even my VT blog with Kelley, Plaintiff was active and writing to the White House with his proposals for gun control. Sounds like a limited purpose public figure to me:

<https://www.nbcconnecticut.com/news/local/Noah-Pozner-Sandy-Hook-Newtown-Family-Gun-Debate-Proposals-186869582.html>

That means he was inserting himself into the gun control debate even before the President of the United States had signed 23 executive orders to constrain access to weapons under the Second Amendment, which occurred just one month and two days after the purported event.

And his presence has become enormous in the aftermath, as any Google search reveals.

PPUF No. 121: Plaintiff initially took no public position on the conspiracy theories, assuming that the conspiracy theorists' focus would shift and he and his family would be left in peace. (Pozner Aff. ¶ 9.)

RESPONSE: Vague and pejorative. See the response to #120. And see the brief, detailing Pozner's numerous vindictive and retaliatory acts taken to shut researchers up, who were discovering inconsistencies and falsehoods in relation to the event itself, and not even mentioning him.

PPUF No. 122: Eventually, following relentless harassment of Plaintiff and disparagement of the memory of Plaintiff's deceased son by Defendant Fetzer and others, Plaintiff felt compelled to defend the memory of his deceased son. (See Pozner Aff. ¶¶ 10-11.)

RESPONSE: See the response to #120 and the brief. *Plaintiff* has been actively seeking to shut down anyone who exposes this psy op, whether or not it concerns his "son."

PPUF No. 123: Plaintiff released information that demonstrated that his son was in fact, a real boy who, in fact, really died. (See Pozner Aff. ¶ 11.)

123. RESPONSE: All par. 11 of Pozner's affidavit--which you reference as the source for this "fact"--says is that he posted a copy of "Noah's certified death certificate" on Google Plus. As established, first, the death certificate he posted was *not* certified, and it and the various other versions of it are all fakes, as we have shown in spades. See the brief and my MSJ.

See also the Rivera Affidavit showing that photos of "Noah Samuel Pozner" are of Michael Vabner as a child; and the Fetzer Affidavit showing that the passport for "Noah Samuel Pozner" is, like the death certificates, a fabrication. See also the affidavit of A.P. Robertson establishing that the Social Security card Pozner submitted as Exhibit C to his affidavit is also a fake.

PPUF No. 124: When Plaintiff released this information in May of 2014, it was not accompanied by a press release, interviews, or even a narrative. (See Pozner Aff. ¶¶ 11, 13, 16.)

124. RESPONSE: He "released" to Kelley Watt an earlier version of the death certificate after having already made amendments to it, which indicates that he was baiting a trap for "Sandy Hook Hoaxers". See the brief and response to #123. (Other information referred to in #123 was not released until Pozner filed his affidavit in this case.)

PPUF No. 125: Plaintiff uploaded a handful of documents, including Noah Pozner's certified birth certificate and certified death certificate, to his son's memorial page. (Pozner Aff. ¶ 11.)

RESPONSE: Par. 11 of the Pozner affidavit only mentions the death certificate being uploaded, not a "certified birth certificate." See the response to #123 and the brief. As the

Wickstrom Affidavit and Report and Robertson Affidavit and Report have established, all four versions of his death certificate are fakes.

Even the Complaint made the false claim that the attached version of the death certificate of “Noah Samuel Pozner” was a “true and correct” copy of the death which document experts have proven to be untrue.

PPUF No. 126: Plaintiff’s public statements, interviews, and opinion pieces all relate to activities Plaintiff undertook *after* he was accused by Defendants and their associates of being a crisis actor and being complicit in faking the existence and death of his son in an effort to deceive the public. (Pozner Aff. ¶¶ 7-12; *see* Zimmerman Aff. Ex. U (Fetzer Response to Interrogatory No. 1).)

126. RESPONSE: That’s false. On January 14, 2013, long before the book or even my VT blog with Kelley was published, Pozner was active and writing to the White House with his proposals for gun control:

<https://www.nbcconnecticut.com/news/local/Noah-Pozner-Sandy-Hook-Newtown-Family-Gun-Debate-Proposals-186869582.html>

There is no allegation in Pozner’s Affidavit, par. 7-12, that I ever accused Plaintiff of being a crisis actor or of being complicit in faking the existence and death of his son in an effort to deceive the public. There is also no such statement in my response to Interrogatory No. 1, Zimmerman Aff. Ex. U. Once again, therefore, we have Plaintiff and his counsel not simply overreaching, but outright lying to the court.

PPUF No. 127: Defendants claim that Plaintiff is a limited purpose public figure. (*See* Zimmerman Aff. Exs. T (Wrongs Response to Interrogatory No. 1) & U (Fetzer Response to Interrogatory No. 1); *see also* Palecek Answer, Doc. #28 at p. 6.)

127. RESPONSE: No dispute there.

PPUF No. 128: Defendants have not identified any public controversy into which Plaintiff inserted himself. (*See* Zimmerman Aff. Exs. T (Wrongs Response to Interrogatory No. 1) & U (Fetzer Response to Interrogatory No. 1).)

128. RESPONSE: Yes, we have. On January 14, 2013, long before the book or even my *Veterans Today* blog with Kelley was published, Pozner was active and writing to the White House with his proposals for gun control. Sounds like a limited purpose public figure to me:

<https://www.nbcconnecticut.com/news/local/Noah-Pozner-Sandy-Hook-Newtown-Family-Gun-Debate-Proposals-186869582.html>

Date: 10 June 2019

Signed: /s/ James Fetzer
James Fetzer