

FILED

JUN 17 2019

DANE COUNTY CIRCUIT COURT

MINUTES

LEONARD POZNER vs. JAMES FETZER, et al.
Case No. 18CV3122

Oral Arguments
June 17, 2019

Appearances: Attorneys Jacob Zimmerman, Marisa Berlinger, and Emily Feinstein for plaintiff Leonard Pozner. James Fetzer appeared pro-se. Mike Palecek appeared pro-se.

RE: DEFENDANT PALECEK'S MOTION AND BRIEF

Court addressed defn Palecek's brief. Court raised issue with brief being drafted with the assistance of counsel and counsel not being licensed in Wisconsin. Court questioned defn Palecek re: retaining counsel and explained the possible effects of a judgment if pltf prevails. Court explained the other deficiencies in the filing. Court questioned defn Palecek re: his position in this case. Defn Palecek responded. Argument by atty Zimmerman against the statute of the limitations defense. Court denied defn's motion and rejected the filing of the brief because it violates Supreme Court Rule 20:1.2.

RE: DEFENDANT FETZER'S MOTION TO RECONSIDER AND FOR PROTECTIVE ORDER

Pltf had previously filed a mtn to compel discovery and the court granted. Defn Fetzer has raised new argument for journalist protection. Argument by parties. Court held off on ruling pending other portions of the hearing.

RE: MOTIONS FOR SUMMARY JUDGMENT

Ex 1 marked by the pltf. Argument by atty Zimmerman. Document presented to the Judge for his inspection – marked as Ex #2. Ex #3 marked, offered and received. Ex 2 offered and received.

Court took break.

Discussion re: the plaintiff being considered a public figure vs. private individual. Defn Fetzer conceded he can be considered a private individual. Court concluded the pltf has not injected himself in the public controversy. Based upon this ruling, the previously ruled upon motion to compel and the corresponding mtns to reconsider and for protective order are now moot. Pltf may file new discovery requests if needed.

RE: DEFENDANT FETZER'S MOTIONS TO STRIKE AFFIDAVITS

Argument by parties. Court denied mtns to strike affidavits and denied request for sanctions for the reasons stated on the record.

CON'T SUMMARY JUDGMENT ARGUMENT

Court returned to motion for summary judgment. Court reviewed the material facts and asked questions of the parties. Court reviewed the responses to proposed findings of fact and made rulings as stated on the record. Argument by defn Fetzer re: mtns for summary judgment. Ex 4-9 marked, offered and received. Ex 2 sealed by the court. Court concluded there is no genuine issue of material fact. Court granted pltf's motion for summary judgment and therefore denied defendant's motion for summary judgment.

RE: PLAINTIFF'S MOTION TO STRIKE THE EXPERT OPINIONS

Pltf does not believe the motion needs to be addressed today.

Defn Fetzer questioned re: appeal. Court provided information.

Atty Zimmerman to draft order.

Ex 10 marked, offered and received.