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JAN - 4 2019

STATE OF WISCONSIN

CIRCUIT COURT

DANE COUNTY CIRCUIT COURT

DANE COUNTY

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Leonard Pozner,

CASE TYPE: DEFAMATION

Plaintiff

vs.

ANSWER BY DEFENDANT

JAMES FETZER

James Fetzer,  
Mike Palecek, and  
Wrongs without Wremedies, LLC,

No. 2018-CV-003122

Defendants  
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Comes now the defendant James Fetzer, and he answers the complaint as follows in reference to himself and his co-defendants defendants acting in concert with him, to wit:

1. Assuming he is a real person, the plaintiff styling himself as Leonard Pozner has thrust himself into the forefront of public controversy, and is, therefore, a public figure. The present case is therefore governed by *New York Times v. Sullivan*, 376 U. S. 254 (1964), and *Garrison v. Louisiana*, 379 U. S. 64 (1964). In any event, the plaintiff cannot prevail against the defendant James Fetzer and/or those acting in concert with him, unless he, the said plaintiff, can prove by clear and convincing evidence that the defendant James Fetzer and/or those acting in concert with him published with willful or reckless disregard for the truth -- in other words, unless the defendant Fetzer and/or the other defendants published with knowledge that the publications complained of were false or that the publications complained of were written with a high degree of certainty that they were probable false --, no actionable tort or legal wrong has

been committed. The publications complained of were in any event true and, if mistaken in any respect, they were written in good faith and were and still are for good cause believed to be true. The defendant James Fetzer answers pro se in reference to himself and the other named defendants, until he and his co-defendants are able to secure adequate representation in this cause. This answer has been prepared under the guidance and with the assistance of a lawyer accepting the account of the defendant Fetzer, who has served as an officer in the Marine Corps and holds the degree of Doctor of Philosophy granted in 1970, has taught the philosophy of science in several institutions of higher learning in the United States over the course of thirty-five years, and is now Distinguished McKnight University Professor Emeritus on the Duluth Campus of the University of Minnesota. Everything complained of in this cause was prepared by the defendant Fetzer on the basis of his learning, study, experience, and conviction that everything complained of in this cause is true in fact and/or true to a high degree of rational certainty. Regarding the subject matter of the publications complained of, the defendant Fetzer pleads as follows:

#### BACKGROUND FACTS

2. This matter arises from allegations that the plaintiff designated as Leonard Pozner is victim of defamation by the defendant James Fetzer, acting in concert with the other named defendants. The claims giving rise to the allegations of defamation in the complaint stem from an event which is said to have occurred on December 14, 2012 at Sandy Hook Elementary School in the municipality of Newtown, Fairfield County, State of Connecticut. According to the version of the facts reported by the mainstream media (including ABC, NBC, CBS and CNN) and published in *The New York Times* and other newspapers around the world, a psychologically

distraught 20-year-old male, by the name of Adam Lanza, stole several guns from his mother before shooting her in her bed with a rifle, then drove to Sandy Hook Elementary School and entered the building by blasting a hole in the front glass window, then killed twenty first-grade children and six adults, including the principal, before taking his own life.

3. The plaintiff alleges that the defendant Fetzer and those acting in concert with him did not exercise due diligence in the exercise of their journalistic responsibilities and thereby defamed the plaintiff by falsely and maliciously asserting that the plaintiff had “circulated a forgery” of a death certificate for his son, Noah Pozner (to whom he makes reference in the complaint as “N. P.”), and that the defendant Fetzer and those acting in concert with him, did so in order “to harm plaintiff’s reputation and to subject the plaintiff to public contempt, disgrace, ridicule or attack.” The complaint alleges that the “plaintiff is a private individual, and is neither a public official nor a public figure”. The plaintiff acknowledges having made efforts to debunk published falsehoods about Sandy Hook, among other things by releasing the death certificate of N. P. in order “to rebut claims that his son was not killed at Sandy Hook.” The plaintiff pleads that his “Appendix 1” is in fact a death certificate allegedly certified by the State of Connecticut, and that the copy of the said death certificate reproduced by the plaintiff does not differ from the certified original “in any material respect.”

4. The plaintiff cites several references in support of his complaint, including Chapter 11 of in the first edition published in 2015, and second edition republished in 2016, on pages 177-186 of both editions of a book entitled *Nobody died at Sandy Hook*, by Jim Fetzer, Ph.D., and a colleague by the name of Kelley Watt. Said Chapter 11 is identical in both editions. The defendant Fetzer stands by all evidence and commentary set forth, not only in Chapter 11, but the entire book, affirming its truth and persuasiveness.

5. The plaintiff also cites a blog post entitled) “James Fetzer: Sandy Hook Was A FEMA Drill In Which Nobody Died, for an Anti-Gun Agenda” as edited by Robert David Steele, the same prepared for and presented to the President of the United States, which the plaintiff cites by its URL on the website of one Robert David Steele.

#### FACTS CONCERNING THE PUBLICATIONS COMPLAINED OF

6. The plaintiff claims to be a private citizen, and not a public figure, which is disproved by the fact that the publication of the defendant Fetzer and Kelley Watt mentioned in paragraph 4 hereof was a literary answer to the plaintiff’s published article entitled “Our Grief Denied. The Twisted Cruelty of Sandy Hook Hoaxers,” which was published as a commentary in *The Hartford Courant* on July 25, 2014, still available on line. By thus staking out his position in public, as he has done on several occasions, the plaintiff has established himself as a public figure.

7. Likewise, the claims of the plaintiff regarding the ostensible death certificate of N. P. mentioned in paragraph 3 hereof were public argumentation which established the plaintiff as a public figure.

8. The copy of the death certificate circulated by the plaintiff, the same mentioned in the last two lines of paragraph 3 hereof, is materially different from the death certificate said to be prepared by the State of Connecticut, among other things in that the copy circulated by the plaintiff has no file number, no state seal, is different in color and texture, and includes text which was plainly enough photo-shopped. The said features of the circulated copy substantiate the conclusion of the defendant Fetzer that the purported death certificate of N. P. is inauthentic and fake.

9. As reported on pages 182-183 in the publication mentioned in the last two lines of paragraph 3 hereof, the type is clearly smaller in Box 3 than in the rest of the page. Moreover, a capital A in Box 12, Box 22, and Box 33 has a small flat in the pinnacle, yet the capital A in Box 12, Box 22, Box 26, Box 39, and Box 46 does not have a small flat in the pinnacle, which indicates fabrication and fakery.

10. Again as reported on pages 182-183 in the publication mentioned in the last two lines of paragraph 3 hereof, the spacing between “N” and “o” in Box 1 and Box 7 are clearly different, which indicates fabrication and fakery.

11. Again as reported on pages 182-183 in the publication mentioned in the last two lines of paragraph 3 hereof, the “N” in Box 1 and the “N” in Box 26, are clearly not the same, which indicates fabrication and fakery.

12. Again as reported on pages 182-183 in the publication mentioned in the last two lines of paragraph 3 hereof, the spacing between “S” and “a” in Box 1 is clearly not the same as the spacing between “S” and “a” in Box 11, which indicates fabrication and fakery.

13. Again as reported on pages 182-183 in the publication mentioned in the last two lines of paragraph 3 hereof, the printing of the name “Pozner” in Box 1 is clearly different from the name “Pozner” in Box 20, which indicates fabrication and fakery.

14. Because of the variation in spacing and fonts in the copy of the death certificate circulated by the plaintiff and the copy said to be certified by the State of Connecticut, hereinabove described in paragraphs 8 through 13 hereof, if the latter is the same as the former as insisted by the plaintiff, the latter is most likely inauthentic and a fake prepared as such by the State of Connecticut, as the defendant Fetzer believes.

15. Over and above the direct proofs of fabrication presented in the publication identified in paragraph 4 hereof, additional evidence is covered in “Sandy-Hook-Collected Memoranda (2018),” tiny URL: <http://tinyurl.com/SH-POTUS>, which provides extensive additional indirect proof of fabrication and fakery by the plaintiff and/or the State of Connecticut by demonstrating that the school had already been closed, and was not open on December 14, 2012; that there were no students in the school on the day of the alleged shooting, and that the incident was part of a two-day FEMA exercise to promote gun control in which nobody died, which implies that death certificates for any must be fabrications. Among other things, the defendant Fetzner asserts the facts in paragraphs 16 through 28 in behalf of himself and his co-defendants, much of which is reported in said Chapter 11 in the work mentioned the paragraph 4 hereof, to wit:

16. An aerial photograph of the parking lot of the school at Sandy Hook on December 14, 2012, reveals that there were no blue and white signage or parking spaces for the handicapped as required for an open facility under state and federal laws and regulations implementing the Americans with Disabilities Act, and thus confirms that the school was not open on December 14, 2012.

17. Although the ground temperature was 28 degrees Fahrenheit, no heat or steam was rising from the roof of the school building on December 14, 2012, probably because the boilers in the heating system were dysfunctional from lack of use since the year 2008.

18. In the center two rows in the parking lot, all parked vehicles faced the building itself, in violation of driving instructions visible from the road itself.

19. A credible witness contacted the United States Department of Education, and was told that on December 14, 2012, there had been a drill, that no children had died, and that the drill had been conducted to promote gun control.

20. Gathered in published works, certain photographs show the furnishing of an empty house said to have been the residence of Adam Lanza mentioned in paragraph 2 hereof, and a second series of photographs of refurbishing the school to serve as the stage, including one of a SWAT vehicle present before the claimed shooting incident that day. That the photograph was taken prior to the event is discernable, because a series of four windows in Classroom #10, which were conspicuously shot up after the incident, are still clearly intact.

21. Certain citizen journalists have found the FEMA manual for a two-day *Mass Casualty Drill Involving Children* at Sandy Hook, under the auspices of the United States Department of Homeland Security, the same expected to begin in the morning of December 12, 2012, and ending around midnight on December 13, 2012, then to be evaluated the next day. The said manual was published by the defendant Fetzer, among other places in an appendix in both versions of the book referenced in paragraph 4 hereof.

22. Images broadcast from the scene of the alleged shooting on December 12, 2012, confirm that the incident was a FEMA exercise, including a sign which read, "Everyone must check in," portable toilets, pizza and bottled water nearby to feed participants, and persons with name tags on lanyards.

23. There was no surge of EMTs into the building, no string of ambulances to fetch injured or dead persons, as would have occurred if the shooting incident had occurred as the plaintiff claims.

24. During his press conference on December 14, 2012, Wayne Carver, M. D., Medical Examiner for the State of Connecticut, stated that parents would not be allowed to see the bodies of their deceased children, which was a violation of applicable medical protocols.

25. The final report on Sandy Hook by the Danbury state's attorney in and for the State of Connecticut offers no proof that anyone died at Sandy Hook and does not establish a causal nexus that ties the alleged shooter, Adam Lanza mentioned in paragraph 2 hereof, to the weapons he supposedly used or to the victims he is said to have killed. .

26. Recent research published as a video entitled "Sandy Hook Update: Tracy loses, Wolfgang wins. The Deep State Strikes Back," and other videos reveal that casualties on December 14, 2012, were fictions who existed only in the form of photographs, -- among other things, that Noah Pozner was a fictitious person created out of photographs of a person who has been represented as his older step brother Michael Vabner.

27. A photograph showing what appears to be a policewoman herding a string of children to safety, published around the world, was preceded by a second photograph, taken by the same photographer, and showing many parents present, casually looking on, as the policewoman in charge rearranges the kids, replacing a little girl in a pink sweater at the head of the line with a taller boy with a dark sweater and blue jeans to get a better shot, -- a photograph to which the plaintiff refers as "lounging at the massacre." This photograph is journalistic theatre, because there would have been no time to call parents to Sandy Hook Elementary School, had the incident here in question been a genuine emergency.

28. Just as "Noah Pozner" appears to be a fiction, the plaintiff, styling himself "Leonard Pozner" appears to be a fiction as well, inasmuch as searches of national databases for persons by the name have been unsuccessful. Other research and investigation by the defendant Fetzer and a colleague suggests that the plaintiff is the father of Michael Vabner, and that his real name is "Reuben Vabner," as the defendant Fetzer believes to be the case.



29. This suit has been brought for the illicit purpose of intimidation to prevent public knowledge of the truth concerning the events at Sandy Hook, and not for genuine legal relief for actionable harm done, and is therefore an actionable abuse of process. The defendant Fetzer reserves for himself and his co-defendants the options to counterclaim for abuse of process and/or to seek relief under Section 802.05 and/or under Section 895.044 of Wisconsin Statutes.

WHEREFORE, the defendant Fetzer demands that the plaintiff take nothing, that the complaint be dismissed, and that he be granted such further protection and remedy as may be necessary and proper, and allowed by law. He prays as well for like protection of his co-defendants, as is indispensable to protection of himself.

Dated: \_\_\_\_\_

4 January 2019

James Fetzer, Ph.D.

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