

The following article is reprinted under the fair use doctrine to show how it omits all the real issues in the Pozner v Fetzer lawsuit which is very likely to be overturned on appeal. This article is followed by other commentary illustrating the obfuscation of the Barbara L. Jones article in the Minnesota Lawyer.

Lawyers help Sandy Hook dad prevail¹

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When a Dane County Wisconsin jury returned a \$450,000 verdict in favor of Leonard Pozner, he wasn't in the courtroom. He didn't feel safe walking in the dark through the people gathered at the courthouse.

Pozner's son Noah was murdered in a mass shooting at Sandy Hook school in Newtown, Connecticut, in 2012 and the conspiracy theorists haven't let up on him or other parents since. Their theory is that Sandy Hook didn't happen and it's all a ruse so the government can confiscate people's firearms.

Pozner decided to fight the conspiracy rumormongers and consequently has been targeted. Death threats recur and other harassment triggers Pozner's chronic PTSD. So he sued James Fetzer, the author of "Nobody Died at Sandy Hook." He also founded the nonprofit HONR networks, which works to counter internet hoaxes. He and other Sandy Hook parents have sued Infowars host Alex Jones, who also has capitalized on the school shooting tragedy. His publisher has had a change of heart and pulled the Sandy Hook books out of distribution.

Pozner was represented by Jacob Zimmerman and his wife, Genevieve Zimmerman. They did not earn a fee for the case and paid the costs themselves, with the assistance of Genevieve's firm, Meshbesh & Spence. The Madison law firm of Quarles & Brady provided office space and assistance in the courtroom.

Fetzer is a professor emeritus from the University of Minnesota Duluth who lives in Oregon, Wisconsin. He has propagated conspiracy theories about the assassination of John Kennedy and the airplane crash death of Paul Wellstone. He denies that the Holocaust happened and says that the 2018 mass shooting at a Parkland, Florida, high school was actually a "political operation" pulled off to benefit the Democratic Party.

Pozner wasn't alone in his security concerns. Fetzer's followers also targeted the court, leading the judge on his own motion to keep the identities of the jurors and their addresses confidential.

¹ <https://minnlawyer.com/2019/11/08/lawyers-help-sandy-hook-dad-prevail/>

“This [anxiety] isn’t speculative. There could be someone with a gun outside the courtroom that had decided that Leonard Pozner is a crisis actor being paid by George Solos. There are people who post videos with instructions on how to find his apartment,” said Jacob Zimmerman.

Not litigating the killings

Pozner wanted Fetzer to experience consequences for his actions post-Sandy Hook but didn’t want a trial on whether or not the tragedy was actually a dark state conspiracy.

“It’s important to understand the client’s goal,” Genevieve Zimmerman said. “Our client did not want to provide a platform and litigate the issues about whether Sandy Hook happened.”

Pozner didn’t even want such a theory to be memorialized in court records, Jacob said. So the lawyers confined the lawsuit to four statements in the book, all of which alleged that Pozner released a false death certificate of Noah’s death. That’s a crime in Connecticut.

There could have been so much more, but that’s not what Pozner wanted. They had pled a claim for punitive damages but decided to drop it because Pozner didn’t want Fetzer’s state of mind and subjective belief in his theories to come into play. “We didn’t want a trial about whether Fetzer believed this,” Genevieve said.

Pozner did not have to show that Fetzer acted with actual malice, which the lawyers think would have been easy, because he dropped his claim that Pozner was a public figure.

The trial also was constricted in a good way for Pozner by Judge Frank Remington’s order granting summary judgment on the liability prong of the defamation claim. Although that frustrated Fetzer by denying him an opportunity to claim he was telling the truth, it limited the testimony to damages.

Chronic PTSD

The crux of the damages claim was that Pozner has post-traumatic stress disorder that is exacerbated by a secondary injury, such as the trauma caused by harassment and vilification.

“We could see that with Mr. Pozner. He did get better and then these comments came out and he just went downhill again,” Jacob said.

The PTSD makes it more difficult to do everyday tasks and impacts cognition, Jacob said. It is now considered chronic and it’s unlikely he will make a full

recovery. His expert went through the Diagnostic and Statistical Manual of Mental Disorders (DSM5) which includes PTSD and ticked off Pozner's symptoms, supporting the diagnosis.

The nature of PTSD is that it is hard to assign a dollar figure to it, so in her closing argument, Genevieve didn't try. The jury came up with the \$450,000.00 figure on its own, after Genevieve told them, "I wish I could provide you with a receipt."

There is a difference between PTSD and grief, Jacob said. PTSD is a defined psychiatric illness in the DSM 5. According to the American Psychiatric Association, "People with PTSD have intense, disturbing thoughts and feelings related to their experience that last long after the traumatic event has ended. They may relive the event through flashbacks or nightmares; they may feel sadness, fear or anger; and they may feel detached or estranged from other people. People with PTSD may avoid situations or people that remind them of the traumatic event, and they may have strong negative reactions to something as ordinary as a loud noise or an accidental touch."

That happened during Pozner's trial. "Every now and then something happens and you get goosebumps," Jacob said. He was sitting with his client in an office in Madison, and it was cold and gray outside. Jacob recalled that Pozner, who moved to Florida, said "I haven't seen weather like this since I left Connecticut. It's totally freaking me out. I have a visceral reaction to the color of the leaves on the trees, the feel of cold air."

Going viral

Jacob and Genevieve see the court as the place to stop the viral growth of false information on the web and mete out consequences for wrongdoing. "What we do as lawyers is, we prove things," Genevieve said.

They tip their hats to the Meshbeshier firm and Quarles & Brady. One of that firm's associates cross-examined Fetzner. "We were associates and we remember how much it meant to get opportunities. For her to do a cross in front of a jury was a big deal," Jacob said.

They also have heartfelt praise for their client. "We both remember vividly the day Sandy Hook happened," said Jacob. "We have young kids about the same age [as the victims]. I cannot imagine the hardship of losing a child and then being harassed and attacked and vilified forever afterward by people who claim you're in on it and your son was fake."

"I am amazed how brave my client is."

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Commentary by Ronald F. Avery, a past Plaintiff in a Libel Case.

Immediately, I was drawn to the Pozner v Fetzer case when I learned a judge granted a summary judgment in favor of the plaintiff. I know how difficult it is to win a libel case. And a summary judgment in favor of a plaintiff is very rare especially in a libel case.

After I contacted the defendant, Dr. Fetzer, and read the court documents I realized how empty the shouts of victory were coming from every media outlet in the nation. I hope that when this trial court ruling is overturned that it will also be trumpeted all over the nation on behalf of Dr. Fetzer as it was for Mr. Pozner. I fear it will not.

The Zimmerman couple admit in the Barbara L. Jones article above that the lawsuit they filed for Mr. Pozner was limited to four statements published about a death certificate. The so-called "death certificate" was released by Mr. Pozner to another third party that passed it to Dr. Fetzer who then studied it and thought it was "fake," and published both the copy of the so-called "death certificate" and his notion that it was fake in four different places all basically saying the same thing about one copy of the so-called "death certificate" he was given by the third party.

The copy of the so-called "death certificate" was obviously incomplete as it did not have a file number on it or the seals and signatures of the state or local authorities. Other things made Dr. Fetzer think it was fake which turned out to be incorrect but regardless, the fact remains that it was a copy of an incomplete death certificate as other copies of death certificates for Noah surfaced at trial that were more complete but that still did not completely match other copies of the death certificate for a Noah Pozner, the alleged son of Leonard Pozner.

Obviously, an incomplete death certificate is not a lawful legitimate death certificate that the state or court would recognize to probate a will. Therefore, the so-called "death certificate" was in fact fake. Truth is an absolute defense to libel. Dr. Fetzer was sued only for his four statements calling a copy of one particular so-called "death certificate" a fake, in which he is correct. The case must be overturned and Dr. Fetzer found innocent of the claims.

If this case were allowed to stand it would mean there is a new legal standard to apply to documents we find in society in any stage of completion. There are two other documents which were admitted into evidence in this case which should have the same new Pozner Document Rule of Law applied.

The first is the FBI Uniform Crime Report² for the United States and particularly the state of Connecticut for the year 2012, the year of the alleged "Sandy Hook mass shooting." This documents reports 10 types of crimes all over the states by city. The report shows

² https://ucr.fbi.gov/crime-in-the-u.s/2012/crime-in-the-u.s.-2012/tables/8tabledatadecpdf/table-8-state-cuts/table_8_offenses_known_to_law_enforcement_by_connecticut_by_city_2012.xls

that there were zero (0) murders or non-negligent manslaughters in Newtown CN where Sandy Hook is located in the year 2012, the year of the alleged mass shooting in Sandy Hook. Under the new Pozner Document Rule of Law we should not question, doubt or suggest that anyone died at Sandy Hook Elementary at any time in the year 2012 calling into question the nature and legitimacy of any Noah Pozner death certificate claiming he died at Sandy Hook on 12/14/2012.

The other document is the FEMA MANUAL FOR SANDY HOOK³ which is to be called "Mass Casualty Drill Involving Children Exercise Plan" as so stated on page iii of the said 20 page FEMA document. The date for this exercise is shown on the cover page to be 12/14/2012 the day of the alleged Sandy Hook Elementary mass shooting. Applying the new Pozner Document Rule of Law to this would mean that we cannot and should not believe or suggest or say that FEMA did not hold a mass shooting drill in Sandy Hook on December 14, 2012. What other place in Sandy Hook held a mass shooting drill the same day? The only known mass shooting event was at Sandy Hook Elementary. Since we cannot question this document under the new Pozner Document Rule of Law we must ask the question of how Adam Lanza, the alleged Sandy Hook shooter, got past the FEMA agents, firemen, Connecticut Police and medical personnel to shoot 20 students and 6 staff and himself without being stopped.

That leaves us with three documents we cannot question under the new Pozner Document Rule of Law. The two federal documents say there was a mass casualty drill going on at Sandy Hook the day of the shooting and that no one was murdered in Sandy Hook the entire year of 2012. And we have the Pozner death certificate which goes against both federal documents. How can we reconcile such a contradiction under the new Pozner Document Rule of Law?

This covers the erroneous summary judgment and damage award in this case exposing the absurdity of them and the fact that all these so-called mass media outlets never bothered to look into the real merits of this case but even worse neither did the Minnesota Lawyer Journal. It appears that the legal profession exists only to support mainstream news and its agenda and narrative about all things legal or otherwise.

Now for a few comments about the admissions of the Zimmerman lawyer couple representing Leonard Pozner in the above article by Barbara L. Jones. It is amazing that they admit that they limited the lawsuit to the four statements about the "death certificate" so that Dr. Fetzer could not use the court as a platform to prove the Sandy Hook shooting never happened. But what have Pozner and his lawyers done? They have used this absurd summary judgment as a platform to prove that the alleged "Sandy Hook mass shooting" took place and it has been spread all over the world by the mass media as a great victory for the parents of Sandy Hook victims, in hopes that would prove it actually took place.

Pozner and his lawyers friends and the other two law firms assisting them have used this lawsuit as a platform to prove in the minds of the people that the alleged "Sandy Hook shooting" actually took place. They are doing what they accuse Dr. Fetzer of trying to do.

³ <http://www.postwtc.com/pvf-fema-manual-exh-a.pdf>

The truth of this case, however, is that it is entirely irrelevant whether or not a mass shooting took place at Sandy Hook Elementary in 2012. Proving Noah Pozner died at Sandy Hook Elementary on 12/14/2012 by a gun used by Adam Lanza does not make a particular incomplete copy of a death certificate into a copy of a legitimate completed lawful death certificate. And proving that Noah was a real boy and the son of Leonard Pozner and was handled by the coroner and the funeral home director cannot make a copy of an incomplete death certificate into a copy of a completed lawful legitimate death certificate.

Dr. Fetzer is not required to prove that the alleged Sandy Hook mass shooting never took place to get out of this lawsuit. All he had to prove was that the copy of the so-called "death certificate" was not legitimate. He provided the affidavits of two document fraud experts who also found the so-called "death certificate" to be fraudulent. Mr. Pozner did not obtain document fraud experts but went about trying to prove that Noah was a real person and that his own name was really Leonard Pozner and that Noah was his real son and that Noah was handled by a Doctor for a cold when he was younger. But that has nothing to do with the lawfulness of the particular copy of a so-called "death certificate" that was obviously incomplete.

Mr. Pozner and his lawyers and the mass media have made a huge mountain out of a mole hill which will be leveled to the ground in short order. But I fear we will not hear much about that because it is not in the planned agenda of the mass media cartel to disarm the American people which is against the law of the land and against God's law of the right of defense against government tyranny and its well armed military.