

LEONARD POZNER AND
VERONIQUE DE LA ROSA
Plaintiffs,

§
§
§
§
§
§
§
§
§

IN THE DISTRICT COURT OF

V.

TRAVIS COUNTY, TEXAS

ALEX E. JONES, INFOWARS, LLC,
AND FREE SPEECH SYSTEMS, LLC
Defendants

345th JUDICIAL DISTRICT

**DEFENDANTS’ SECOND SUPPLEMENT TO MOTION TO DISMISS
UNDER THE TEXAS CITIZENS PARTICIPATION ACT**

COME NOW, Defendants Alex E. Jones, Infowars, LLC and Free Speech Systems, LLC, (collectively, the “Defendants”), and hereby file this, their Second Supplement to Motion to Dismiss Under the Texas Citizens’ Participation Act and in support thereof would respectfully show this Honorable Court as follows:

As further described and evidenced within the Motion to Dismiss under the Texas Citizens Participation Act in the related case of *Neil Heslin v. Alex E. Jones, Infowars, LLC, Free Speech Systems, LLC and Owen Shroyer* (Cause No. D-1-GN-18-001835, 261st District Court, Travis County, Texas) (Exhibit B-46 to the Supplemental Affidavit of D. Jones filed July 27, 2018) for more than twenty years and long before the tragedy at Sandy Hook, Alex Jones has been an ardent and vocal supporter of the First and Second Amendments to the United States Constitution.

He started with a local radio program during which he voiced his opinions and comments about various news stories. None of his opinions was more forcefully given than in defense of the First and Second Amendments. These forceful opinions and comments provoked strong disagreement from those who did not share the same views

and thus created controversy. His audience grew in large part because many people agreed with his opinions about the those rights and his opinion that mainstream media (hereinafter “MSM”) and liberal elected and appointed government officials had historically used national tragedies such as Sandy Hook by sometimes dishonestly reporting some aspects of those events, in order to rally public opinion to limit gun owners’ rights and to stifle free speech questions about those events and dissent from and criticisms about those efforts. Importantly Jones often opined that those officials and media representatives used deception and could not be trusted to disclose or report accurate facts. He also opined that those deceptive efforts were intended to improperly sway public opinion toward limiting those constitutional rights. Accordingly he often urged his audience to question official reports and do their own investigations and analyses.

As his audience grew, his voice became more powerful. His speech was designed and intended to enlist his audiences and the public in general to become active in their cities, states and on the national level in defense of the Second Amendment. During his shows, he frequently associated with and broadcast opinions and comments of others who held similar viewpoints. These associations were helpful to his efforts to enlist support for his political positions and in defense of those who attacked him in order to discredit his causes.

Jones’ opinions long ago made him a controversial figure in American media. While he has millions of viewers who believe him to be insightful and thought provoking, there are also millions who, along with MSM and their thousands of reporters,

believe Jones is at the ‘fringe’ of the political right and is neither insightful nor credible. Indeed, CNN so abhors his speech that it is pressuring Facebook to censor Jones and remove his webpages.¹

As detailed elsewhere in Defendants’ Motion, both Plaintiffs have long been engaged in the public controversy surrounding Jones and others who they consider to be “conspiracy theorists” or “hoaxers”. This public controversy is part of the larger national debate over what constitutes “fake news” which, since the rise of then candidate Trump and his subsequent election as President, is arguably the widest and most divisive public controversy this country has experienced in recent times. So deep is this divide that other *news media are now calling for censorship of speech* - the opinions of Jones and others. With the help of some of the largest media companies in this country, Plaintiffs and others are trying to shame and threaten Facebook and Youtube in order to cause them to remove all content posted by these “fake news” providers.

Yet long before their newest campaign against these websites that post and maintain opinions of Jones online², Plaintiffs were publicly active in their desire and efforts to shut down Jones and his companies as well as other “fake news” media.³ It now appears from their more recent statements that Plaintiffs and their counsel are now more motivated than ever to stifle Jones’ opinions because of what they perceive to be his influence with the President over such issues as those dealing with the First and Second Amendments to the United States Constitution.

¹ See Exhibit A-1 - Heslin TCPA motion’s Exhibit B, D. Jones Affidavit and its attached Exhibit B-75

² Exhibit B-52 attached to D. Jones affidavit filed July 27, 2018

³ Exhibit B-1 through B-6 attached to D. Jones affidavit filed June 26, 2018

Plaintiffs and their counsel want to end or restrict Jones' ability to influence others because they view his opinions about government and media dishonesty as dangerous propaganda that needs to be stopped. Because they view him as a powerful voice, they view his criticisms of government and media as the fuel for what Mr. Pozner calls the "brush fire" of conspiracy theories. In effect, they want to end this "controversy"⁴ by silencing Jones and his companies.

The alleged defamation was germane to the participation of both of the Plaintiffs in the controversies referenced in the Motion and Supplements because, among other things, to the extent that Plaintiffs contend the allegedly critical statements were of and concerning them, the alleged criticism of them related to the facts and events related to Sandy Hook, gun control and their attempts to stifle Jones' and others' speech as fake news.

Long before the statements of Jones that serve as the basis for this action, both Plaintiffs became and remained limited purpose public figures as defined under Texas law.⁵

⁴ As referenced elsewhere in the Motion and Affidavits, the controversies over Jones and other similar media and "fake news" are not the only public controversies in which Plaintiffs long ago voluntarily became publicly active.

⁵ Other controversies in which Plaintiffs became limited purpose public figures include the controversies surrounding what many, many Americans perceive as dishonest reporting and perceived biased use of national tragedies by some government officials and news media, to push for political change including the restriction of First and Second Amendment rights. These controversies include how the events at Sandy Hook and the reporting thereafter became the spark used by many, including Plaintiffs and Mr. Heslin, for additional gun control laws.

RESPECTFULLY SUBMITTED,

GLAST, PHILLIPS & MURRAY, P.C.

/s/ Mark C. Enoch

Mark C. Enoch
State Bar No. 06630360
14801 Quorum Drive, Suite 500
Dallas, Texas 75254-1449
Telephone: 972-419-8366
Facsimile: 972-419-8329
fly63rc@verizon.net

ATTORNEY FOR DEFENDANTS

CERTIFICATE OF SERVICE

I hereby certify that on this 31st day of July, 2018, the foregoing was sent via efiletxcourts.gov's e-service system to the following:

Mark Bankston
Kaster Lynch Farrar & Ball
1010 Lamar, Suite 1600
Houston, TX 77002
713-221-8300
mark@fbtrial.com

/s/ Mark C. Enoch
Mark C. Enoch