

NO. D-1-GN-18-001842

LEONARD POZNER AND
VERONIQUE DE LA ROSA,

Plaintiffs,

v.

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

Defendants

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IN THE DISTRICT COURT OF

TRAVIS COUNTY, TEXAS

345th JUDICIAL DISTRICT

**DEFENDANTS’ RENEWED REQUEST FOR RULINGS
ON TIMELY FILED OBJECTIONS TO PLAINTIFFS’ EVIDENCE**

COME NOW, Defendants Alex E. Jones, Infowars, LLC and Free Speech Systems, LLC, (collectively, the “Defendants”), and hereby file this their renewed request for rulings on timely filed objections to Plaintiffs’ Evidence and in support of same would respectfully show this Honorable Court as follows:

Defendants’ filed their Motion to Dismiss Under the Texas Citizens Participation Act (Act) in this case on June 26, 2018. Notice of the hearing date of August 1, 2018 on that motion was sent to Plaintiffs on June 29, 2018. Plaintiffs filed their Response to Defendants’ Motion to Dismiss under the Texas Citizens Participation Act and attached affidavits on July 25, 2018. Prior to the date of the hearing, on July 31 Defendants served and filed their Objections to Plaintiffs’ Evidence Submitted in Response to Defendants’ Motion to Dismiss Under the Texas Participation Act.

Then on August 2, 2018 during a court conference in this case in which Defendants' counsel participated by telephone, the Court noted Plaintiffs' counsel's filing of post hearing evidence and invited Defendants' counsel to respond and file any objections thereto. On August 6, 2018 Defendants timely filed their Objections to Late Filed Declarations of Leonard Pozner and Veronique De La Rosa.

Because the declarations to which these August 6 objections were not submitted by Plaintiffs until after the August 1 hearing, Defendants had no opportunity at that hearing to make objections to these documents nor to request rulings.

Though prepared to argue at the hearing Defendants' objections to Plaintiffs' evidence submitted prior to the hearing, at the hearing on August 1 the Court announced that it would take the objections under advisement and rule at a later time. Under section 27.005 of the Act, this Court must rule on Defendants' motion no later than the thirtieth (30th) day after that hearing.

Defendants are confident that this Honorable Court intends to make its rulings on all of their objections prior to its ruling on the motion, but in an abundance of caution respectfully urges the Court to do so and formally requests these rulings on their objections filed prior to the hearing as well as those objections filed on August 6, prior to its decision on the motion.¹

¹ Though a proposed order was provided to the Court prior to the commencement of the August 1 hearing, another copy is attached hereto for the convenience of the Court. Additionally, using the same format, another order form related to the August 6 objections is also.

PRAYER

Wherefore, Defendants pray that this Honorable Court make and enter its rulings on Defendants Objections to Late Filed Declarations of Leonard Pozner and Veronique De La Rosa before it rules on Defendants' Motion to Dismiss under the Texas Citizens Participation Act, that the Court sustain those objections and strike the related evidence and that the Court make such other rulings as it deems just and equitable.

RESPECTFULLY SUBMITTED,

GLAST, PHILLIPS & MURRAY, P.C.

/s/ Mark C. Enoch

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