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D-1-GN-18-001842  
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CAUSE NO. D-1-GN-18-001842

LEONARD POZNER AND VERONIQUE  
DE LA ROSA  
*Plaintiffs*

VS.

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

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IN DISTRICT COURT OF

TRAVIS COUNTY, TEXAS

345<sup>th</sup> DISTRICT COURT

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**PLAINTIFFS' RESPONSE TO DEFENDANTS' MOTION TO DISMISS  
UNDER THE TEXAS CITIZENS PARTICIPATION ACT**

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Plaintiffs Leonard Pozner and Veronique De La Rosa (formerly Pozner), file this Response to Defendants' Motion to Dismiss under the Texas Citizens Participation Act.

### INTRODUCTION

Between 2013 and 2016, InfoWars host Alex Jones took to the air on over twenty occasions and published scores of articles claiming that the Sandy Hook shooting was staged and that the Plaintiffs and other parents were actors in a ghastly plot to fabricate a national tragedy.<sup>1</sup> If there was any truth to InfoWars' claim that the Plaintiffs were motivated by a desire to silence Mr. Jones' opinions on the Second Amendment, they could have sued Mr. Jones long ago for any one of these countless libels. Instead, they chose to persevere.

But in 2016, an InfoWars follower named Lucy Richards began stalking the Pozner family.<sup>2</sup> Ms. Richards had become convinced that the Pozner family were actors and frauds. Though the Pozner family had suffered threats and harassment for several years since the death of their son, their experience with Lucy Richards brought a new level of terror. Ms. Richards lived in Florida close to where the Pozner family relocated, and she managed to discover their closely guarded contact information. Mr. Richards began calling the Pozners and leaving horrifying threats on voicemail, such as "death is coming to you real soon and there's nothing you can do about it."<sup>3</sup> She also began sending an escalating series of death threats via electronic messages.<sup>4</sup>

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<sup>1</sup> Exhibit A, Affidavit of Fred Zipp, p. 23.

<sup>2</sup> Exhibit E, Affidavit of Veronique De La Rosa, para.

<sup>3</sup> Exhibit J, Indictment in *United States v. Lucy Richards*.

<sup>4</sup> *Id.*

Fortunately, in December of 2016, law enforcement was able to locate and apprehend Lucy Richards, who later plead guilty to threatening the family.<sup>5</sup> During her prosecution, it became so clear that Mr. Jones' lies about the Plaintiffs had motivated her conduct that after the end of her sentence in federal prison, Ms. Richards "will be prohibited from viewing InfoWars programing."<sup>6</sup> Nor was this Plaintiffs' only cause for alarm. During that same month, an InfoWars fan named Edgar Welch opened fire inside a Washington, D.C. pizzeria in an attempt to investigate "PizzaGate," an allegation featured on InfoWars that Democratic Party elites operated a child sex dungeon in the pizzeria.<sup>7</sup> The Pozner family was terrified of what might come next.

Mr. Jones ultimately apologized to the pizzeria and stopped talking about PizzaGate. Yet despite Lucy Richards' widely publicized arrest, he made no similar apology to the Pozner family. Even worse, Mr. Jones refused to stop his outrageously false statements about Sandy Hook. A few months later, on April 22, 2017, he revived his sick campaign of lies, telling his viewers that Sandy Hook was staged and that the media coverage, including Plaintiff Veronique De La Rosa's interview with Anderson Cooper in the days following the shooting, had been faked. Not only did Mr. Jones claim Mrs. De La Rosa's interview was fake, but during the broadcast he also alleged that the Pozners' son and the other victims could not have attended Sandy Hook Elementary because the school had actually been closed.

When the Plaintiffs learned of this broadcast, they knew they had to act. InfoWars' attorneys tell this Court that the Plaintiffs brought this suit to attack the Second

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<sup>5</sup> Exhibit K, Sentencing Transcript in *United States v. Lucy Richards*.

<sup>6</sup> Exhibit D, Affidavit of Leonard Pozner, at para. 15.

<sup>7</sup> See <http://thehill.com/blogs/blog-briefing-room/310218-feds-alleged-pizzagate-gunman-circulated-infowars-conspiracy-video>

Amendment<sup>8</sup>, a claim which is as grotesque as it is false. This suit was brought because the Pozner family cannot let Mr. Jones' malicious lies put their lives at further risk.

Plaintiffs' claim is supported by clear *prima facie* evidence as set forth in multiple affidavits from experts and witnesses. The facts show that InfoWars' broadcast was reasonably susceptible to a defamatory interpretation and was understood by those acquainted with the Plaintiffs as accusing them of participating in a sinister cover-up. The facts also show that InfoWars published the broadcast with reckless disregard for its accuracy. InfoWars' Motion is frivolous, and it was filed only to delay these proceedings.

This lawsuit is already a victory for these parents in one important respect, in that InfoWars acknowledged in its Motion that Plaintiffs "are the parents of [N.P.], who tragically was one of the victims of the Sandy Hook shooting."<sup>9</sup> On prior occasions in which InfoWars has discussed N.P., it has referred to him as Plaintiffs' "supposed son," or as a child who "reportedly" died. Compelling Mr. Jones to admit in a legal pleading that Plaintiffs' son truly died was an important step towards safety and justice for this family, but it is not the last. For the reasons set forth below, Plaintiffs ask this Court to deny the Motion and award them reasonable attorney fees for responding to this harassing pleading.

## **FACTUAL BACKGROUND**

### **I. The April 22, 2017 Broadcast**

On April 22, 2017, InfoWars aired a broadcast entitled "Sandy Hook Vampires Exposed." During the broadcast, Mr. Jones repeated his years-long assertion that Veronique

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<sup>8</sup> Defendants' Motion to Dismiss, p. 4. ("They seek a complete ban on the 'Bushmaster' AR-15 assault rifle, high-capacity clip and its ammunition that was used at Sandy Hook. They are continuing their pursuit of that goal on multiple fronts; this suit is one of those fronts.")

<sup>9</sup> Defendants' Motion to Dismiss at p. 6

De La Rosa participated in a fake interview with Anderson Cooper to hide a horrible secret truth about Sandy Hook:

So here are these holier than thou people, when we question CNN, who is supposedly at the site of Sandy Hook, and they got in one shot leaves blowing, and the flowers that are around it, and you see the leaves blowing, and they go [gestures]. They glitch. They're recycling a green-screen behind them...

[Shows video footage of Veronique De La Rosa being interviewed by Anderson Cooper]



And then we've got Anderson Cooper, famously, not just with the flowers blowing and a fake, but when he turns, his nose disappears repeatedly because the green-screen isn't set right. And they don't like to do live feeds because somebody might run up. CNN did that in the Gulf War and admitted it. They just got caught two weeks ago doing it in supposedly Syria. And all we're saying is, if these are known liars that lied about WMDs, and lied to get us in all these wars, and backed the Arab Spring, and Libya, and Syria, and Egypt, and everywhere else to overthrow governments, and put in radical Islamicists (sic), if they do that and have blood on their hands, and lied about the

Iraq War, and were for the sanctions that killed half a million kids, and let the Islamicists (sic) attack Serbia, and lied about Serbia launching the attack, when it all came out later that Serbia didn't do it, *how could you believe any of it if you have a memory?* If you're not Dory from 'Finding Dory,' you know, the Disney movie. Thank god you're so stupid, thank god you have no memory. It all goes back to that.<sup>10</sup>

The one-hour "Sandy Hook Vampires Exposed" broadcast also featured discussions between Mr. Jones and InfoWars reporter Rob Dew in which they repeated a variety of reckless false claims about Sandy Hook they have made over the years, all intended to emphasize that the event was staged and that the media coverage, including Mrs. De La Rosa's interview, was fake. Mr. Dew made false claims about the police investigation, stating "they're pulling guns out of cars. They're finding people in the back woods that are dressed up in SWAT gear."<sup>11</sup> Mr. Jones agreed, and continued to list outrageously false assertions, stating that "the school was closed until that year, and in the videos it's all rotting and falling apart. And nobody is even in it, and the kids are going in circles in and out of the buildings with their hands up."<sup>12</sup> Mr. Jones falsely claimed "they had porta-potties being delivered an hour after it happened for the big media event."<sup>13</sup> Mr. Dew lamented how "there's never been any even blurred photos of any bodies or anything."<sup>14</sup>

The statements in the "Sandy Hook Vampires Exposed" broadcast were recklessly false. First, Plaintiffs have submitted the affidavit of Grant Fredericks, a certified forensic video analyst with extensive experience in the evaluation of recorded video.<sup>15</sup> Among his many impressive credentials in broadcast television and video analysis, Mr. Fredericks has

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<sup>10</sup> Exhibit A-26 – Transcript - 2017-04-22 - Sandy Hook Vampires Exposed (Clip at 29m)

<sup>11</sup> Exhibit A-27 – Transcript - 2017-04-22 - Sandy Hook Vampires Exposed (Clip at 59m)

<sup>12</sup> *Id.*

<sup>13</sup> *Id.*

<sup>14</sup> *Id.*

<sup>15</sup> Exhibit C, Affidavit of Grant Fredericks, p. 1.

served for the past sixteen years as instructor of Forensic Video Analysis and Digital Multimedia Evidence Processing for the FBI National Academy in Quantico, Virginia.<sup>16</sup> As discussed more fully below, Mr. Fredericks explained that the visual anomaly in Mrs. De La Rosa's interview was the product of digital compression. Mr. Fredericks stated "[t]here was no reasonable basis to conclude that the production used a [blue-screen] chroma key process,"<sup>17</sup> and that "no credible video professional, editor, or web-content specialist would conclude that the visual anomaly is evidence of a chroma key process, such as a blue-screen or green-screen."<sup>18</sup>

In addition, Plaintiffs have submitted the affidavit of Fred Zipp, the twenty-year managing editor of the *Austin-American Statesman* and current University of Texas journalism professor. Mr. Zipp has 39 years of journalism experience with "expertise in the responsible delivery of news content to a mass media audience."<sup>19</sup> Mr. Zipp's affidavit examines the publicly available evidence relating to Mrs. De La Rosa's interview and the dubious nature of Mr. Jones' allegation. Mr. Zipp also meticulously debunks Mr. Jones' other statements in the broadcast, laboring through such ridiculous tasks as proving that Sandy Hook Elementary was an operating school or that children were not being drilled in circles with their hands up as part of the media subterfuge. In his exhaustive affidavit, Mr. Zipp concluded that "Mr. Jones recklessly disregarded whether his broadcast was true."<sup>20</sup> Mr. Zipp also concluded that "the statements by InfoWars were harmful to the Plaintiffs, and could subject them to public contempt, hate, or ridicule."<sup>21</sup>

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<sup>16</sup> *Id.* at p. 3.

<sup>17</sup> *Id.* at p. 6.

<sup>18</sup> *Id.* at p. 8.

<sup>19</sup> Exhibit A, Affidavit of Fred Zipp, p. 1.

<sup>20</sup> *Id.* at p. 26.

<sup>21</sup> *Id.*



## **II. Further Broadcasts in 2017**

The statements made in the April 22, 2017 broadcast were further reinforced by statements Mr. Jones and InfoWars made later in 2017. On June 13, 2017, Mr. Jones stated in a Facebook video that “there’s been a cover-up, and Anderson Cooper got caught faking where his location was with blue screen.”<sup>22</sup> In an October 26, 2017 broadcast on InfoWars, Mr. Jones again returned to the subject of Sandy Hook, and he repeated his accusation that “it’s as phony as a three-dollar bill with CNN doing fake newscasts, with blue screens.”<sup>23</sup>

## **III. History of Prior Broadcasts**

The statements made in 2017 were not made in isolation. Rather, they were repetitions of false accusations Mr. Jones had been making for years about Plaintiffs and Sandy Hook. As will be shown below, Texas law recognizes that these prior defamatory statements are admissible as extrinsic evidence of Mr. Jones’ defamatory intent and as evidence of his actual malice. While the affidavit of Fred Zipp provides a more thorough examination of Mr. Jones’ prior statements, some of the most relevant statements are discussed below.

Mr. Jones suggested Sandy Hook was a “false flag” on the day of the shooting,<sup>24</sup> and he first alleged that Mr. De La Rosa’s interview was evidence of a cover-up a few weeks later in a January 27, 2013 broadcast entitled “Why People Think Sandy Hook is a Hoax”:

We’ve got Anderson Cooper supposedly at Sandy Hook, and it’s clearly blue screen. I’ve worked with blue screen for 17 years. We’ve got it right in there. We know what it looks like. We know what the anomalies look like, and we know what

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<sup>22</sup> Exhibit A-28 – Transcript - 2017-06-13 - Media Refuses To Report Alex Jones’ Real Statements On Sandy Hook (Clip at 14m)

<sup>23</sup> Exhibit A-30 – Transcript - 2017-10-26 - JFK Assassination Documents To DROP Tonight (Clip at 1h13m30s)

<sup>24</sup> Exhibit A-1 – Transcript - 2012-12-14 - Connecticut School Massacre Looks Like False Flag Says Witnesses (Clip at 9m30)

happens when you don't tune it properly. It's clearly blue screen, and you can draw from that what you want...<sup>25</sup>

Now, ladies and gentlemen, the finale. I saw this footage where Anderson Cooper turns. He's supposedly there at Sandy Hook in front of the memorial, and his whole forehead and nose blurs out. I've been working with blue screen, again, for 17 years. I know what it looks like. It's clearly blue screen, clearly.<sup>26</sup>

In an April 16, 2013 broadcast entitled "Shadow Govt Strikes Again," Mr. Jones stated: "They staged Sandy Hook. The evidence is just overwhelming, and that's why I'm so desperate and freaked out."<sup>27</sup> In a March 14, 2014 broadcast entitled "Sandy Hook, False Narratives Vs. The Reality," Mr. Jones again repeated his false claim about Mrs. De La Rosa's interview with Anderson Cooper, along with several other irresponsible claims. Mr. Jones then asserted that the event was pre-planned and featured actors as a part of a cover-up:

Folks, we've got video of Anderson Cooper with clear blue-screen out there. [Shaking head]. He's not there in the town square...I've looked at it and undoubtedly, there's a cover-up, there's actors, they're manipulating, they've been caught lying, and they were pre-planning before it and rolled out with it.<sup>28</sup>

In a December 27, 2014 broadcast entitled "Lawsuit Could Reveal Truth About Sandy Hook Massacre," Mr. Jones stated:

All I know is I saw Cooper with blue screen out there, green screen. I know I saw the kids doing fake, you know, rotations in and out of the building. They tore it down, all the unprecedented gag orders, you know, the police in anti-terror outfits in the woods. Then they denied that, that had been in the news. I mean, something is being hidden there...<sup>29</sup>

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<sup>25</sup> Exhibit A-3 – Transcript - 2013-01-27 - Why People Think Sandy Hook is a Hoax (Clip at 1m12s)

<sup>26</sup> Exhibit A-4 – Transcript - 2013-01-27 - Why People Think Sandy Hook is a Hoax (Clip at 12m58)

<sup>27</sup> Exhibit A-5 – Transcript - 2013-04-16 - Shadow Govt Strikes Again (Clip at 13m20s)

<sup>28</sup> Exhibit A-6 – Transcript - 2014-03-14 - Sandy Hook, False Narratives Vs. The Reality (Clip at 26s)

<sup>29</sup> Exhibit A-9 – Transcript - 2014-12-27 - Lawsuit Could Reveal Truth About Sandy Hook Massacre (Clip at 3m08s)

I said they may have killed real kids, but they're practicing how to propagandize, and how to control the press, and how to put out a product that's a fraud when I just saw the heavy, heavy, heavy scripting. That was what was so clear. And then the parents laughing and then one second later doing the actor breathing to cry. I mean, it just -- it's just over the top. Over the top sick.<sup>30</sup>

In a December 29, 2014 broadcast entitled "America the False Democracy," Mr. Jones continued to insist that Sandy Hook was fake, and referenced Mrs. De La Rosa's interview:

I've had investigators on. I've had the state police have gone public, you name it. The whole thing is a giant hoax. And the problem is how do you deal with a total hoax? I mean it's just -- how do you even convince the public something is a total hoax?

The general public doesn't know the school was actually closed the year before. They don't know. They've shielded it all, demolished the building. They don't know that they had their kids going in circles in and out of the building as a photo op. Blue screen, green screens, they got caught using. I mean the whole thing.

But remember, this is the same White House that's been caught running the fake Bin Laden raid that's come out and been faked. It's the same White House that got caught running all these other fake events over and over again, and it's the same White House that says I never said that you could keep your doctor when he did say you could keep doctor.

People just instinctively know that there's a lot of fraud going on, but it took me about a year with Sandy Hook to come to grips with the fact that the whole thing was fake. I mean, even I couldn't believe it. I knew they jumped on it, used the crisis, hyped it up, but then I did deep research; and my gosh, it just pretty much didn't happen.<sup>31</sup>

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<sup>30</sup> Exhibit A-10 – Transcript - 2014-12-27 - Lawsuit Could Reveal Truth About Sandy Hook Massacre (Clip at 4m34s)

<sup>31</sup> Exhibit A-11 – Transcript - 2014-12-29 - America the False Democracy (Clip at 11m53s)

In a January 13, 2015 broadcast entitled “Why We Accept Gov't Lies,” Mr. Jones continued his allegations about Sandy Hook, including his allegation about Mrs. De La Rosa’s interview, as well as allegations about her son. He asserted that the event was “completely fake” and “manufactured”:

You learn the school had been closed and re-opened. And you’ve got video of the kids going in circles, in and out of the building, and they don’t call the rescue choppers for two hours, and then they tear the building down, and seal it. And they get caught using blue-screens, and an email by Bloomberg comes out in a lawsuit, where he’s telling his people get ready in the next 24 hours to capitalize on a shooting.

Yeah, so Sandy Hook is a synthetic, completely fake with actors, in my view, manufactured. I couldn’t believe it at first. I knew they had actors there, clearly, but I thought they killed some real kids. And it just shows how bold they are that they clearly used actors. I mean they even ended up using photos of kids killed in mass shootings here in a fake mass shooting in Turkey, or Pakistan. The sky is now the limit.<sup>32</sup>

In a February 12, 2015 broadcast with an unknown title, Mr. Jones continued to repeat his false claims. Mr. Jones stated, “I know they're using blue screens...There are literally hundreds of smoking guns here that this thing doesn't add up.”<sup>33</sup> In a March 4, 2015 broadcast entitled “New Bombshell Sandy Hook Information In-Bound,” Mr. Jones stated, “We know it stinks. I mean, it's phony...We just know it's fake.”<sup>34</sup>

In a July 7, 2015 broadcast entitled “Government Is Manufacturing Crises,” Mr. Jones again asserted that Sandy Hook was staged:

If they did kill kids, they knew it was coming, stocked the school with kids, killed them, and then had the media there,

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<sup>32</sup> Exhibit A-12 – Transcript - 2015-01-13 - Why We Accept Gov't Lies (Clip at 10m36s)

<sup>33</sup> Exhibit A-13 – Transcript - 2015-02-12 - InfoWars broadcast relating to HONR copyright claim (Clip at 0m26s)

<sup>34</sup> Exhibit A-20 – Transcript - 2015-03-04 - New Bombshell Sandy Hook Information In-Bound (Clip at 32m30s)

and that probably didn't even happen. I mean, no wonder we get so many death threats and so much heat and so much other stuff I'm not going to get into, behind the scenes, when we touch Sandy Hook because, folks, it's as phony as a three-dollar bill.<sup>35</sup>

In a second broadcast on July 7, 2015 entitled “Retired FBI Agent Investigates Sandy Hook Mega Massive Cover Up,” Mr. Jones repeated a large selection of his prior false claims about Sandy Hook, including his accusation about Mrs. De La Rosa’s interview:

But you got green screen with Anderson Cooper where I was watching the video and the flowers and plants are blowing in some of them, and then they blow again the same way. It's looped, and then his nose disappears. I mean, it's fake.<sup>36</sup>

Mr. Jones also stated, “it’s 101, they’re covering up...This is mega-massive cover-up.” Mr. Jones stated that the tragedy was “totally made up with green screens, everything. And we've got them on green screens.” Mr. Jones stated, “That's how evil these people are is that they can have CNN involved, all these people.”<sup>37</sup>

In a November 18, 2016 broadcast entitled “Alex Jones Final Statement on Sandy Hook,” Mr. Jones directly addressed the growing public controversy caused by his statements. In doing so, he repeated the numerous false claims he has made over the years, including his accusation about Mrs. De La Rosa’s interview:

And then I saw Anderson Cooper -- I've been in TV for 20-something years; I know a blue screen or a green screen -- turn, and his nose disappears. Then I saw clearly that they were using footage on the green screen looped because it would show flowers and other things during other broadcasts that were moving and then basically cutting to the same piece of footage...

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<sup>35</sup> Exhibit A-21 – Transcript - 2015-07-07 - Government Is Manufacturing Crises (Clip at 32m)

<sup>36</sup> Exhibit A-22 – Transcript - 2015-07-07 - Retired FBI Agent Investigates Sandy Hook Mega Massive Cover Up (Clip 0-5m)

<sup>37</sup> Exhibit A-23 – Transcript - 2015-07-07 - Retired FBI Agent Investigates Sandy Hook Mega Massive Cover Up (Clip at 9m40s)

So to be clear, we point out clear chroma key, also known as blue screen or green screen being used, and we're demonized. We point out they're clearly doing fake interviews...<sup>38</sup>

In a chilling finale, Mr. Jones told his audience that the parents were actors:

And why should anybody fear an investigation if they have nothing to hide. In fact, isn't that in Shakespeare's Hamlet, "me thinks you protest too much."

But this particular case they are so scared of an investigation. So everything they do basically ends up blowing up in their face. So you guys are going to get what you want now. I'm going to start reinvestigating Sandy Hook and everything else that happened with it...

And so if children were lost in Sandy Hook, my heart goes out to each and every one of those parents and the people that say they're parents that I see on the news. The only problem is I've watched a lot of soap operas, and I've seen actors before. And I know when I'm watching a movie and when I'm watching something real.<sup>39</sup>

Despite his promise of a "final statement," and despite the arrest of Lucy Richards a month later, Mr. Jones refused to stop. A few months thereafter, on April 22, 2017, InfoWars aired the "Sandy Hook Vampires Exposed" broadcast. During that broadcast, Mr. Jones repeated his false statements and once again claimed Ms. De La Rosa's "blue-screen" interview was evidence of a conspiracy to cover up the truth about Sandy Hook, which he claimed was not an operating school. The broadcast was not an isolated statement, and it was meant to reinforce and justify years of claims about Sandy Hook – claims InfoWars should have known were false.

A distressing number of people accepted these assertions as true, believing that that Mrs. De La Rosa's interview was fake, that the Pozner family were actors, and that the

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<sup>38</sup> Exhibit A-24 – Transcript - 2016-11-18 - Alex Jones Final Statement on Sandy Hook (Clip at 4m59s)

<sup>39</sup> Exhibit A-25 – Transcript - 2016-11-18 - Alex Jones Final Statement on Sandy Hook (Clip at 15m22s)

Plaintiffs' murdered son did not exist. Indeed, Mr. Zipp noted in his affidavit that a "2016 poll conducted by Fairleigh Dickinson University found that 24% of Americans believe Sandy Hook was either 'definitely' or 'possibly' faked."<sup>40</sup> Ever since their brief exposure in 2013, this family has been subjected to a non-stop wave of harassment and threats, forcing them to take radical steps to keep their family out of the public eye. Either Mr. Jones does not understand the danger his reckless lies pose to this family, or he does not care. In either case, Plaintiffs cannot tolerate any further threat to their safety.

### **LEGAL STANDARD**

To survive a motion to dismiss under the TCPA, a defamation plaintiff must show *prima facie* evidence of the following:

- (1) a publication of a false statement of fact to a third party that was defamatory concerning the plaintiff,
- (2) with the requisite degree of fault, and
- (3) damages.

*Exxon Mobil Corp. v. Rincones*, 520 S.W.3d 572, 579 (Tex. 2017). *Prima facie* refers to the "minimum quantum of evidence necessary to support a rational inference that the allegation of fact is true." *In re Lipsky*, 460 S.W.3d 579, 590 (Tex. 2015). The statute does not define 'clear and specific evidence,' but in *Lipsky*, the Supreme Court interpreted the phrase to mean more than "mere notice pleading." *Id.* "Though the TCPA initially demands more information about the underlying claim, the Act does not impose an elevated evidentiary standard or categorically reject circumstantial evidence." *Id.* at 591. As such, the Supreme Court "disapprove[d] those cases that interpret the TCPA to require direct

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<sup>40</sup> Exhibit A, Affidavit of Fred Zipp. at p. 21.

evidence of each essential element of the underlying claim to avoid dismissal.” *Id.* Instead, “pleadings and evidence that establishes the facts of when, where, and what was said, the defamatory nature of the statements, and how they damaged the plaintiff should be sufficient to resist a TCPA motion to dismiss.” *Id.* Plaintiffs far exceed this burden, as they can produce direct *prima facie* evidence on each element of their claims.

## **ARGUMENT**

### **I. Mr. Jones’ Statements were Assertions of Fact.**

A statement is considered a fact if it is verifiable, and, if in context, it was intended as an assertion a fact. “A statement that fails either test—verifiability or context—is called an opinion.” *Dallas Morning News, Inc. v. Tatum*, 16-0098, 2018 WL 2182625, at \*16 (Tex. May 11, 2018). Here, the assertion about Mrs. De La Rosa’s interview passes the first test because it was verifiable. Mr. Jones stated that “the green-screen isn’t set right.” If there is no green-screen, his assertion is verifiably false. Likewise, if Sandy Hook was an operational school, that statement is also verifiably false.

InfoWars contends that Mr. Jones’ statements fail the context test. InfoWars cites *Tatum* to argue that “even when a statement is verifiable as false, it does not give rise to liability if the ‘entire context in which it was made’ discloses that it is merely an opinion masquerading as a fact.” *Id.* \*10. In *Tatum*, trial courts were instructed to find an opinion only “if ‘the entire context in which it was made’ discloses that it was not intended to assert a fact.” *Id.* at \*16.

Here, the entire context shows that Mr. Jones intended to assert a fact. The most obvious sign is Mr. Jones stating: “And then we’ve got Anderson Cooper, *famously*, not just with the flowers blowing and a fake...” Mr. Jones was stating that this “fake” interview is



famous and widely acknowledged. Moreover, when Mr. Jones uses the word “famously,” he is also referencing his own four years of broadcasts on this issue during which he has always assured his viewers that he is making a statement of fact:

- It's clearly blue screen. I've worked with blue screen for 17 years. We've got it right in there. We know what it looks like. We know what the anomalies look like, and we know what happens when you don't tune it properly. It's clearly blue screen.<sup>41</sup>
- I've been working with blue screen, again, for 17 years. I know what it looks like. It's clearly blue screen, clearly.<sup>42</sup>
- You got green screen with Anderson Cooper where I was watching the video and the flowers and plants are blowing in some of them, and then they blow again the same way. It's looped, and then his nose disappears. I mean, it's fake.<sup>43</sup>
- I've been in TV for 20-something years. I know a blue screen or a green screen...We point out clear chroma key, also known as blue screen or green screen being used...<sup>44</sup>

A mere month before the “Sandy Hook Vampires Exposed” video was released, Mr. Jones was still assuring his audience that he had specialized knowledge allowing him to confirm that a blue-screen was used. In a discussion with a guest on his March 8, 2017 broadcast, Mr. Jones stated he was not positive if children were killed as part of the sinister plot, but stated, “I know Anderson Cooper is standing up there and turns, and his whole nose disappears. I work in TV. I know what a blue screen is, bro.”<sup>45</sup>

Moreover, in the “Sandy Hook Vampires Exposed” broadcast, Mr. Jones was specific and confident in stating that the reason Anderson Cooper’s nose disappears is “because the

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<sup>41</sup> Exhibit A-4 – Transcript - 2013-01-27 - Why People Think Sandy Hook is a Hoax (Clip at 12m58)

<sup>42</sup> *Id.*

<sup>43</sup> Exhibit A-22 – Transcript - 2015-07-07 - Retired FBI Agent Investigates Sandy Hook Mega Massive Cover Up (Clip 0-5m)

<sup>44</sup> Exhibit A-24 – Transcript - 2016-11-18 - Alex Jones Final Statement on Sandy Hook (Clip at 4m59s)

<sup>45</sup> Exhibit A-31 – Transcript - 2017-03-08 - Hunt For Wikileaks Source Begins (Clip at 1h11m)

green-screen isn't set right." As noted in the affidavit of Fred Zipp, "Mr. Jones did not equivocate in his statements about a blue-screen."<sup>46</sup> Mr. Jones did not say "I think that..." or "It is my opinion that..." or otherwise signal an opinion. Yet even that kind of hedge language would not shield Jones. "As Judge Friendly aptly stated: '[It] would be destructive of the law of libel if a writer could escape liability for accusations of [defamatory conduct] simply by using, explicitly or implicitly, the words 'I think.'" *Bentley v. Bunton*, 94 S.W.3d 561, 583–84 (Tex. 2002). After all, "an opinion, like any other statement, can be actionable in defamation if it expressly or impliedly asserts facts that can be objectively verified." *Campbell v. Clark*, 471 S.W.3d 615, 625 (Tex. App.—Dallas 2015, no pet.).

In addition, Mr. Jones continued to assert this fact after the April 22, 2017 broadcast. For example, he repeated the claim one week later in a press conference on the Travis County Courthouse steps. Under public pressure, Mr. Jones claimed that he was "playing devil's advocate" on some issues, but he firmly maintained that "[t]hey were using blue screens out there."<sup>47</sup> On June 13, 2017, Mr. Jones stated in a Facebook video that "there's been a cover-up, and Anderson Cooper got caught faking where his location was with blue screen."<sup>48</sup> In an October 26, 2017 broadcast on InfoWars, Mr. Jones assured his viewers that "it's as phony as a three-dollar bill with CNN doing fake newscasts, with blue screens."<sup>49</sup> There is no question from the entire context that Jones' statements were intended to assert a fact. According to Mr. Jones, this was not a guess; CNN had been "caught."

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<sup>46</sup> Exhibit A, Affidavit of Fred Zipp, p. 21.

<sup>47</sup> Exhibit A-32 – Transcript - 2017-04-28 - Alex Jones Austin Press Conference (Clip at 30m29s)

<sup>48</sup> Exhibit A-28 – Transcript - 2017-06-13 – What Alex Jones Really Believes About Sandy Hook (Clip at 14m)

<sup>49</sup> Exhibit A-30 – Transcript - 2017-10-26 - JFK Assassination Documents To DROP Tonight (Clip at 1h13m30s)

InfoWars argues that Mr. Jones only showed a video while “provid[ing] his commentary and opinion with regard to possibilities as to why Mr. Cooper’s nose disappeared on the video.”<sup>50</sup> In truth, Mr. Jones did not discuss any “possibilities.” He firmly stated the reason was due to an act of trickery involving a green-screen. But “[e]ven if the speaker states the facts upon which he bases his opinion, if those facts are either incorrect or incomplete, or if his assessment of them is erroneous, the statement may still imply a false assertion of fact.” *Campbell*, 471 S.W.3d at 627–28. In any case, Jones’ statement here was a straight-forward assertion, and nothing about the broadcast “discloses that it was not intended to assert a fact.” *Tatum*, 2018 WL 2182625 at \*16.

Indeed, the statement was presented as hard news information. As Mr. Zipp observed in his affidavit, “Alex Jones and InfoWars generally have a signature style: rapid-fire assertion of various data points with little or, more often, no attribution. The assertions are presented to the viewer as facts.”<sup>51</sup> During the April 2017 broadcast, Mr. Jones specifically identified InfoWars as a “news organization.”<sup>52</sup> Mr. Jones devoted a significant portion of the broadcast attacking the notion that he is putting on an act or that his information is unreliable, and he concluded by stating: “And everything I say is documented.”<sup>53</sup> Mr. Jones added: “We are way more trustworthy than CNN.”<sup>54</sup> Mr. Jones also stated: “We’re so real, they say we’re fake. So, here’s the new Sandy Hook information.”<sup>55</sup> Mr. Jones bragged that viewers had approached him and say, “Man, I didn’t used to like you or anything, but I went and looked all this up and found that you were

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<sup>50</sup> Defendants’ Motion to Dismiss, p. 38.

<sup>51</sup> Exhibit A, Affidavit of Fred Zipp, p. 2.

<sup>52</sup> Defendants’ Exhibit B-43, April 22, 2017 broadcast

<sup>53</sup> *Id.*

<sup>54</sup> *Id.*

<sup>55</sup> *Id.*

telling the truth.”<sup>56</sup> Toward the end of the broadcast in a discussion with his news director Rob Dew, Mr. Jones again emphasized that “anybody can see what we’re covering is real here all day.”<sup>57</sup>

As stated in the affidavit of Fred Zipp, “is clear from my review that Mr. Jones’ statements would be reasonably understood as assertions of fact, not opinions.”<sup>58</sup> In addition, Plaintiffs have submitted the affidavit of Brooke Binkowski, the Managing Editor of Snopes.com, “the oldest and largest fact-checking site on the Internet.”<sup>59</sup> As part of her work, Ms. Binkowski “routinely investigate[s] claims made in media and on the internet to assess their validity.”<sup>60</sup> According to Ms. Binkowski, “InfoWars frequently makes factual claims in its broadcasts which are the subject of fact-checking by the Snopes staff,” and Ms. Binkowski is “extremely familiar with the overall tone and style of the content broadcast by InfoWars.”<sup>61</sup> Ms. Binkowski reviewed the disputed statements, and she stated that “[i]t is clear Mr. Jones was making a statement of fact, not an opinion. Mr. Jones provided no indication that he was delivering an opinion rather than a claim of fact. Mr. Jones did not discuss any other possibilities for the visual effect or identify his statements as a theory.”<sup>62</sup> As such, there is evidence that a reasonable viewer could conclude Mr. Jones was making a factual assertion.

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<sup>56</sup> *Id.*

<sup>57</sup> *Id.*

<sup>58</sup> Exhibit A, Affidavit of Fred Zipp, p. 21.

<sup>59</sup> Exhibit B, Affidavit of Brooke Binkowski, para. 3.

<sup>60</sup> *Id.* at para. 5.

<sup>61</sup> *Id.* at para. 9-10.

<sup>62</sup> *Id.* at para. 14-15.

## **II. Mr. Jones' Statements Are Reasonably Susceptible of a Meaning that is "Of or Concerning" the Plaintiffs.**

InfoWars argues there is no "evidence that any of the alleged statements and/or broadcasts identifies or mentions, directly or indirectly, either Plaintiff."<sup>63</sup> InfoWars also alleges that there could be no "evidence that others would recognize either Plaintiff as the object of the alleged defamatory statements and/or broadcasts."<sup>64</sup> However, "[i]t is not necessary that the plaintiff be specifically named in the communication to be defamatory." *Vice v. Kasprzak*, 318 S.W.3d 1, 13 (Tex. App.—Houston [1st Dist.] 2009, pet. denied). Likewise, "[i]t is not necessary for the plaintiff to prove that the defendant intended to refer to the plaintiff." *Allied Mktg. Group, Inc. v. Paramount Pictures Corp.*, 111 S.W.3d 168, 173 (Tex. App.—Eastland 2003, pet. denied).

"A publication is 'of and concerning' the plaintiff if persons who knew and were acquainted with the plaintiff understood from viewing the publication that the allegedly defamatory matter referred to the plaintiff." *Id.* "It is not necessary for the individual referred to be named if those who knew and were acquainted with her understood from reading that it referred to her." *Backes v. Misko*, 486 S.W.3d 7, 24-25 (Tex. App.—Dallas 2015, pet. denied). It is enough that the evidence supports a "reasonable inference that some people" who saw the statements believed they concerned the plaintiff. *Tatum*, 2015 Tex. App. LEXIS 13067, at \*16 (*rev'd on other grounds*). "Even if the plaintiff is not expressly named, the plaintiff may satisfy his burden on the 'of and concerning' element by offering proof that persons acquainted with the plaintiff would understand the publication to refer to him." *Cox Texas Newspapers, L.P. v. Penick*, 219 S.W.3d 425, 433 (Tex. App.—Austin 2007,

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<sup>63</sup> Defendants' Motion to Dismiss, p. 41

<sup>64</sup> *Id.*

pet. denied). Thus, in *Backes*, *Tatum*, and *Penick*, affidavits showing that people understood the defamatory remarks to concern individuals not specifically named in the statements were sufficient to carry the plaintiffs' burden under the TCPA.

Such evidence is shown in the affidavits of Dr. Wayne Carver and Andrea DiStephan. Dr. Wayne Carter was the State of Connecticut's chief medical examiner for 26 years.<sup>65</sup> Dr. Carver is familiar with the Pozners, as he "personally performed the medical examination of deceased minor N.P."<sup>66</sup> Dr. Carver testified that he viewed the Challenged Statements of April 22, 2017 which "make various claims about the Sandy Hook massacre, including a discussion of an interview between Veronique De La Rosa and Anderson Cooper."<sup>67</sup> Dr. Carver testified that "I understood InfoWars was claiming that Mrs. De La Rosa conducted a fraudulent interview in front of a blue-screen," and that "InfoWars was accusing Mrs. De La Rosa of engaging in a fraud or cover-up of the truth regarding the Sandy Hook massacre and the death of her child."<sup>68</sup> Dr. Carver also testified that "[b]y logical implication, I also understood Mr. Jones to be accusing Leonard Pozner, who was Mrs. De La Rosa's husband, of engaging in a fraud or cover-up of the truth regarding the death of their child."<sup>69</sup> Dr. Carver stated that "[a]fter viewing the statements, it was my understanding that the broadcast was intended to reinforce the validity of Mr. Jones' prior statements about Sandy Hook, serving as further evidence that the event was staged."<sup>70</sup> Dr. Carver further testified that "[g]iven the nature of InfoWars' allegations, I also understood the broadcast to

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<sup>65</sup> Exhibit F, Affidavit of Wayne Carver, para. 2.

<sup>66</sup> *Id.* at para. 4.

<sup>67</sup> *Id.* at para. 10-11.

<sup>68</sup> *Id.* at para. 12-13.

<sup>69</sup> *Id.* at para. 14.

<sup>70</sup> *Id.* at para. 15.

implicate Mr. Pozner and Mrs. De La Rosa in criminal conduct.”<sup>71</sup> Dr. Carver concluded by stating that “I understood the underlying point of InfoWars’ argument about Sandy Hook was that the event was staged.”<sup>72</sup>

Plaintiffs have also attached the affidavit of Andrea DiStephan, a Connecticut resident “personally acquainted with Leonard Pozner and Veronique De La Rosa” who also viewed the Challenged Statements.<sup>73</sup> Ms. DiStephan testified that “I understood Mr. Jones to be making the claim that Mrs. De La Rosa was a participant in a staged interview in front of a blue-screen, and that she was not actually standing in Newtown,” and that “I understood Mr. Jones to be making the claim that Mrs. De La Rosa was engaging in a fraud or cover-up of the truth regarding the Sandy Hook massacre.”<sup>74</sup> Ms. DiStephan also testified that “[b]ecause Leonard Pozner was married to Mrs. De La Rosa and the father of [N.P.], a victim of the massacre, I also understood Mr. Jones to be accusing Mr. Pozner of engaging in a fraud or cover-up of the truth regarding the Sandy Hook massacre.”<sup>75</sup> Ms. DiStephan also stated that “due to the nature of the allegation made by Mr. Jones, and due to the general context and history in which Mr. Jones’ comments were made, I also understood the April 22, 2017 broadcast to implicate Mr. Pozner and Mrs. De La Rosa in criminal conduct, such as making false statements to government officials or engaging in other forms of criminal misrepresentation.”<sup>76</sup> Finally, Ms. DiStephan testified that “I understood both Leonard

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<sup>71</sup> *Id.* at para. 16.

<sup>72</sup> *Id.* at para. 17.

<sup>73</sup> Exhibit G, Affidavit of Andrea DiStephan, para. 2.

<sup>74</sup> *Id.* at para. 6-7.

<sup>75</sup> *Id.* at para. 8.

<sup>76</sup> *Id.* at para. 9.

Pozner and Veronique De La Rosa to be among the ‘Sandy Hook Vampires’ referenced by Mr. Jones in the title.”<sup>77</sup>

As such, there is *prima facie* evidence that the broadcast is reasonably susceptible of a meaning that is “of and concerning” the Plaintiffs. The broadcast directly concerns Mrs. De La Rosa, who is shown, and a viewer acquainted with the Plaintiffs could “understand the individual publication at issue to implicate [Mr. Pozner].” *Penick*, 219 S.W.3d at 437.

### **III. Mr. Jones’ Statements Are Reasonably Susceptible of a Defamatory Meaning.**

InfoWars next argues that the statements could not be interpreted as defamatory. The determination to be made under the TCPA is whether “the statements were reasonably susceptible of a defamatory meaning.” *Musser v. Smith Protective Services, Inc.*, 723 S.W.2d 653, 654 (Tex. 1987). Here, the only meaning of the statements is defamatory.

First, Plaintiffs have offered evidence from former *Statesman* editor Fred Zipp. In his affidavit, Mr. Zipp describes how the “editorial process includes an analysis of how ordinary readers of average intelligence will understand and interpret the story.”<sup>78</sup> Mr. Zipp notes that “during [his] years in newspaper journalism, [he] gained extensive expertise in assessing the reasonable meanings of a text,” and he “routinely applied this expertise in order to avoid creating a misimpression among [his] readership.”<sup>79</sup> Here, Mr. Zipp “likewise analyzed the [InfoWars] publication to determine what meaning could be reasonably understood by a person of average intelligence.”<sup>80</sup> He concluded as follows:

It is my opinion that a person of ordinary intelligence could reasonably understand InfoWars’ 2017 statements to accuse Ms. De La Rosa in colluding in an act of technical trickery to

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<sup>77</sup> *Id.* at para. 10.

<sup>78</sup> Exhibit A, Affidavit of Fred Zipp, p. 20.

<sup>79</sup> *Id.*

<sup>80</sup> *Id.*



simulate her presence in Newtown when she was not actually there. A person of ordinary intelligence could reasonably understand that Mr. Jones was claiming this trickery was consistent with a series of deceptions perpetrated by CNN to facilitate violence and abuses of power. Unquestionably, the gist of the broadcast is that Ms. De La Rosa's fake interview is evidence of an evil conspiracy underlying Sandy Hook. Given the circumstances, it is my opinion that a person of ordinary intelligence could reasonably draw the implication that InfoWars was alleging Mrs. De La Rosa's interview is evidence that Sandy Hook was staged and that the alleged parents are participating in a cover-up. A person of ordinary intelligence could also reasonably draw the implication that InfoWars was alleging that Ms. De La Rosa is not a parent, but rather an actor participating in CNN's insidious scheme.

While the statements do not feature him specifically, a person of ordinary intelligence acquainted with Leonard Pozner, who was Ms. De La Rosa's husband, could reasonably have understood that the allegations also implicated him. Given the nature of the allegations about Ms. De La Rosa's conduct, and given the allegations that Sandy Hook was a staged event, a person of ordinary intelligence could reasonably draw the implication that Leonard Pozner must also have been participating in a cover-up of the event.<sup>81</sup>

In addition, Plaintiffs have offered the affidavit Brooke Binkowski, who in her role as Managing Editor of Snopes is "called upon to assess the content and meaning of a variety of statements, ranging from news articles, video or written commentary, oral interviews, social media content, forwarded emails, anonymous viral content, and an endless supply of other materials."<sup>82</sup> Ms. Binkowski has "years of experience in assessing the tone and intent of a given text, as well as expertise in parsing meaning and innuendo."<sup>83</sup> Ms. Binkowski testified that:

The clear meaning and implication of Mr. Jones' statements is that Mrs. De La Rosa participated in a faked interview with

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<sup>81</sup> *Id.* at p. 20-21.

<sup>82</sup> Exhibit B, Affidavit of Brooke Binkowski, para 6.

<sup>83</sup> *Id.* at para. 7.

Anderson Cooper as part of a cover-up of some horrible secret about Sandy Hook.

In combination with other statements made in the broadcast, a viewer could reasonably interpret these comments as asserting that the Sandy Hook shooting was staged and that Mrs. De La Rosa and Mr. Pozner were not real parents.<sup>84</sup>

Mr. Zipp and Ms. Binkowski's opinions are supported by the affidavits of Dr. Wayne Carver and Andrea DiStephan, who both testified that the statements were susceptible of a defamatory meaning.<sup>85</sup> Yet InfoWars claims that the statement could never have a defamatory interpretation because InfoWars was not directly accusing Mrs. De La Rosa of breaking the law. InfoWars cites a line from *Means* in which the court states "it is not defamatory to accuse a person of doing that which he has a legal right to do."<sup>86</sup> However, the court did not state that defamation as a whole is limited to illegal acts, which would eliminate all defamation except defamation per se. Rather, the court in *Means* explained that any false statement can be defamatory if it contains "the element of disgrace or wrongdoing." *Means v. ABCABCO, Inc.*, 315 S.W.3d 209, 215 (Tex. App.—Austin 2010, no pet.).

Here, an element of disgrace or wrongdoing is "a reasonable construction of the [broadcast's] gist." *D Magazine Partners, L.P. v. Rosenthal*, 529 S.W.3d 429, 441 (Tex. 2017), *reh'g denied* (Sept. 29, 2017). Indeed, it is only possible construction. Mr. Jones' statements were not about an "innocent" use of a blue-screen. Given the nature of the interview, Mrs. De La Rosa would necessarily be a willing participant in any blue-screen fakery, as it would have required accomplices to strategically blow her hair and clothing with fans off-camera

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<sup>84</sup> *Id.* at para. 16-17.

<sup>85</sup> See Exhibit F; G.

<sup>86</sup> Defendants' Motion to Dismiss at p. 39.

to simulate the same wind movements seen in the background. Moreover, the only meaning and import of the statements in the context of the broadcast was that a faked interview was being used to manipulate the public and cover up the truth about Sandy Hook. In the broadcast, Mr. Jones asserted that the school had not been operational, in which case the Pozner family must be frauds. As shown by numerous affidavits, a reasonable construction of Mr. Jones allegations, in context, is that the Plaintiffs were “engaging in a fraud or cover-up of the truth regarding the Sandy Hook massacre and the death of their child.”<sup>87</sup>

The Texas Supreme Court emphasized that a plaintiff can also show a plausible defamatory interpretation by “provid[ing] additional affirmative evidence from the text itself that suggests the defendant objectively intended or endorsed the defamatory inference.” *Tatum*, 2018 WL 2182625 at \*20. Here, there is abundant evidence in the broadcast that Mr. Jones endorsed the defamatory inference that Sandy Hook was staged and that Mrs. De La Rosa’s interview was faked for that nefarious purpose. For example, during the broadcast, Mr. Jones kept asking his crew for a certain clip of CNN commentator Nancy Grace. As he grew increasingly aggravated, Mr. Jones blurted out, “it’s in our normal reel about Sandy Hook being fake.”<sup>88</sup> Furthermore, the broadcast contained discussions between Mr. Jones and Mr. Dew in which they listed all their supposed “evidence” which they have used for years to insist that there is a terrible shocking truth at the heart of Sandy Hook, all of which they say is being kept secret by media fakery.<sup>89</sup> This includes the allegation that Sandy Hook Elementary was not an operating school, among many others.

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<sup>87</sup> Exhibit F, Affidavit of Wayne Carver, at para. 13; *see also* Exhibit G, Affidavit of Andrea DiStephan, para. 6-7.

<sup>88</sup> Defendants’ Exhibit B-43, April 22, 2017 broadcast.

<sup>89</sup> Exhibit A, Affidavit of Fred Zipp.

Moreover, the statements in the broadcast can take on additional defamatory meaning from extrinsic circumstances outside the text, through innuendo. As InfoWars acknowledged in its Motion, innuendo can “enlarge...the natural meaning of words, introduce new matters, or make certain that which was uncertain,” so long as “it connects the words published with extrinsic or explanatory circumstances alleged.”<sup>90</sup> In this case, there is a mountain of extrinsic and explanatory circumstances which support the defamatory innuendo of the April 22, 2017 broadcast. The affidavit of Fred Zipp details the five-year history of extrinsic circumstances which show that Mr. Jones intended a defamatory innuendo connecting his blue-screen allegation to an evil secret plot, including such statements as:

- Anderson Cooper with clear blue-screen out there. [Shaking head]. He’s not there in the town square...I’ve looked at it and undoubtedly, there’s a cover-up, there’s actors, they’re manipulating, they’ve been caught lying, and they were pre-planning before it and rolled out with it.<sup>91</sup>
- They don't even hide this stuff, ladies and gentlemen. Anderson Cooper, CIA, up there, who cares if it's blue screen.<sup>92</sup>
- The whole thing is a giant hoax...Blue screen, green screens, they got caught using. I mean the whole thing...The whole thing was fake. I mean, even I couldn't believe it. I knew they jumped on it, used the crisis, hyped it up, but then I did deep research; and my gosh, it just pretty much didn't happen.<sup>93</sup>
- They get caught using blue-screens...Sandy Hook is a synthetic, completely fake with actors...I knew they had actors there, clearly, but I thought they killed some real kids. And it just shows how bold they are that they clearly used actors.<sup>94</sup>

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<sup>90</sup> Defendants’ Motion to Dismiss, p. 40, *quoting Billington v. Hous. Fire & Cas. Ins.*, 226 S.W.2d 494, 497 (Tex. Civ. App.- Fort Worth 1950, no writ)

<sup>91</sup> Exhibit A-6 – Transcript - 2014-03-14 - Sandy Hook, False Narratives Vs. The Reality (Clip at 26s)

<sup>92</sup> Exhibit A-7 – Transcript - 2014-05-13 - Bombshell Sandy Hook Massacre Was A DHS Illusion Says School Safety Expert (Clip at 17m)

<sup>93</sup> Exhibit A-11 – Transcript - 2014-12-29 - America the False Democracy (Clip at 11m53s)

<sup>94</sup> Exhibit A-12 – Transcript - 2015-01-13 - Why We Accept Gov't Lies (Clip at 10m36s)

- I know they're using blue screens...There are literally hundreds of smoking guns here that this thing doesn't add up.<sup>95</sup>
- [Sandy Hook was] totally made up with green screens, everything. And we've got them on green screens...That's how evil these people are is that they can have CNN involved, all these people.<sup>96</sup>

Under the TCPA, it is merely required that the interpretation offered by a plaintiff “be reasonably susceptible of the meaning ascribed to it by the innuendo.” 50 Tex. Jur. 3d Libel and Slander § 101. Here, Mr. Zipp noted that “not only is it [his] opinion that these statements could be understood in this manner, but there is ample evidence that Mr. Jones’ statements were indeed understood in this manner by the public at large.”<sup>97</sup> Mr. Zipp noted “[t]he nature of Mr. Jones’ statements about Sandy Hook have been widely reported in the media,” and as a result, “[t]he national outrage created by the unmistakable meaning of Mr. Jones’ statements about Sandy Hook is well documented.”<sup>98</sup> For instance, Mr. Zipp cited an April 19, 2018 article by the Hartford Courant editorial board which stated:

Alex Jones and his website InfoWars...claim the Sandy Hook parents are actors. They child the children never existed. They weave wild conspiracies from thin air. They have no regard for human suffering.<sup>99</sup>

Mr. Zipp also cited an April 17, 2018 article by The New York Daily News editorial board, who wrote:

As a radio show host and the grand poobah of Infowars.com, Jones has peddled wretched whole-cloth lies about the 2012

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<sup>95</sup> Exhibit A-13 – Transcript - 2015-02-12 - InfoWars broadcast relating to HONR copyright claim (Clip at 0m26s)

<sup>96</sup> Exhibit A-23 – Transcript - 2015-07-07 - Retired FBI Agent Investigates Sandy Hook Mega Massive Cover Up (Clip at 9m40s)

<sup>97</sup> Exhibit A, Affidavit of Fred Zipp, p. 21.

<sup>98</sup> *Id.*

<sup>99</sup> *Id.*

Newtown massacre: that it was all a hoax, that the victims and their mourning mothers and fathers are actors.”<sup>100</sup>

As stated by Mr. Zipp, “nobody who has been paying attention to Mr. Jones has any ambiguity about the meaning of his claims.”<sup>101</sup> Here, “[h]is statements about Mrs. De La Rosa’s interview form a central part of his years-long campaign to convince his viewers that the events of Sandy Hook should not be believed.”<sup>102</sup> In sum, Mr. Zipp concluded that “InfoWars’ 2017 statements would tend to injure a person’s reputation and impeach their honesty and integrity,” or otherwise “expose a person to contempt or ridicule.”<sup>103</sup>

#### **IV. Plaintiffs are not Limited Purpose Public Figures.**

Limited purpose public figures “are only public figures for a limited range of issues surrounding a particular public controversy.” *WFAA-TV, Inc. v. McLemore*, 978 S.W.2d 568, 571 (Tex. 1998). “The controversy must be about some specific question, not merely a general concern or interest.” *Cummins v. Bat World Sanctuary*, 02-12-00285-CV, 2015 WL 1641144, at \*9 (Tex. App.—Fort Worth Apr. 9, 2015, pet. denied). A court must examine “whether persons actually were discussing some specific question.” *McLemore*, 978 S.W.2d at 572. It is required that “the alleged defamation is germane to the plaintiff’s participation in the controversy.” *Id.* at 573.

Regarding the public figure question, Plaintiffs have submitted an *amicus curiae* declaration offered by First Amendment scholar Enrique Armijo, Associate Dean of Elon University School of Law in Greensboro, North Carolina.<sup>104</sup> Professor Armijo is one of the nation’s leading experts in internet media law, and he has provided the Court with an

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<sup>100</sup> *Id.*

<sup>101</sup> *Id.*

<sup>102</sup> *Id.*

<sup>103</sup> *Id.* at p. 22.

<sup>104</sup> Exhibit H, Declaration of Professor Enrique Armijo.

analysis of how current constitutional doctrine would apply to the facts presented here. Professor Armijo's declaration discusses the various problems with InfoWars' argument, each of which is also discussed below.

**A. Plaintiffs are not public figures regarding the controversy over the Sandy Hook conspiracy allegations.**

InfoWars claims that Plaintiffs are public figures for the topic of the broadcast, which is the controversy over whether Sandy Hook was staged. InfoWars cites a specific question based on public discussion of "conspiracy theories."<sup>105</sup> InfoWars claims "a google search conducted on June 22, 2018 of the term 'Sandy Hook conspiracies' generated 4,160,000 articles."<sup>106</sup>

To the extent Plaintiffs have any notoriety in the controversy over whether Sandy Hook is a hoax, it is only because Mr. Jones has inflicted that notoriety by repeatedly discussing them. "A person does not become a public figure merely because he is 'discussed' repeatedly by a media defendant or because his actions become a matter of controversy as a result of the media defendant's actions." *Klantzman v. Brady*, 312 S.W.3d 886, 905 (Tex. App.—Houston [1st Dist.] 2009, no pet.), quoting *Hutchinson v. Proxmire*, 443 U.S. 111, 135 (1979) (noting that "[c]learly, those charged with defamation cannot, by their own conduct, create their own defense by making the claimant a public figure.") Under well settled Texas law, "the allegedly defamatory statement cannot be what brought the plaintiff into the public sphere." *Neely v. Wilson*, 418 S.W.3d 52, 71 (Tex. 2013).

InfoWars' argument focuses on Leonard Pozner. With respect to Mr. Pozner, InfoWars first argues that Mr. Pozner is a public figure because he started a 501(c)(3)

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<sup>105</sup> Defendants' Motion to Dismiss at p. 43.

<sup>106</sup> *Id.* at p. 45.

charity in response to conspiracy claims to assist victims of mass shootings remove false content from the internet and issue cease and desist demands relating to copyrighted content.<sup>107</sup> The organization founded by Mr. Pozner – the HONR Network – has played no special public prominence nor has the organization actively solicited access to mass media. As discussed in Mr. Pozner’s affidavit, the organization operates behind the scenes, with volunteers working to draft “content takedown notices” to entities such as YouTube or Facebook.<sup>108</sup> Indeed, “it is the goal of HONR to keep the families and their private lives out of the online discussions among conspiracy enthusiasts and professional hoaxers,” thereby removing them from the public dialogue.<sup>109</sup>

InfoWars claims that Mr. Pozner is involved in a “quest to outlaw conspiracy theories,”<sup>110</sup> but in truth, Mr. Pozner’s “impetus for creating HONR was [his] own experience seeing InfoWars and others popularize the false hoax claims about Sandy Hook and expose victims to dangerous unwanted attention.”<sup>111</sup> As Professor Armijo observed, “[t]hrough HONR, Mr. Pozner was not trying to insert himself into the debate over whether Sandy Hook was staged. Rather, he was actively trying to remove himself from it.”<sup>112</sup>

InfoWars is correct that Mr. Pozner has written two editorials which were published in local newspapers. The first, in 2015, was a letter to the editor of the *SunSentinel*.<sup>113</sup> Mr. Pozner discussed Florida professor and frequent InfoWars guest James Tracey, who had been making false statements about the events of Sandy Hook on Mr. Jones’ mainstream

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<sup>107</sup> Defendants’ Motion to Dismiss, p. 8-9.

<sup>108</sup> Exhibit D, Affidavit of Leonard Pozner, para. 3-6.

<sup>109</sup> *Id.* at para. 5.

<sup>110</sup> Defendants’ Motion to Dismiss at p. 32

<sup>111</sup> *Id.* at para. 6.

<sup>112</sup> Exhibit H, Declaration of Professor Enrique Armijo, p. 19

<sup>113</sup> Defendants’ Motion to Dismiss at p. 7



broadcasts and elsewhere. In 2017, Mr. Pozner also wrote a letter to the editor of the *Hartford Courant* in which he warned about the dangerous lies being spread by Mr. Jones.

Defensive statements do not transform a plaintiff into a public figure. Where a plaintiff publicly responds to a prior defamation, courts decline to find that defensive statements constitute a purposeful injection making plaintiff a public figure. *See, e.g., Hutchinson*, 443 U.S. at 135 (Plaintiff must be “a public figure prior to the controversy engendered by the [defendant’s conduct].”); *Lohrenz v. Donnelly*, 350 F.3d 1272, 1281-82 (D.C. Cir. 2003) (plaintiff’s “attempts to defend herself through the media against allegedly defamatory statements” did not make her a public figure).

“An individual should not risk being branded with an unfavorable status determination merely because he defends himself publicly against accusations, especially those of a heinous character.” *Lluberes v. Uncommon Productions, LLC*, 663 F.3d 6, 19 (1st Cir. 2011). Court have found “no good reason why someone dragged into a controversy should be able to speak publicly only at the expense of foregoing a private person’s protection from defamation.” *Foretich v. Capital Cities/ABC, Inc.*, 37 F.3d 1541, 1564 (4th Cir. 1994). The “actual-malice standard here would serve only to muzzle persons who stand falsely accused of heinous acts and to undermine the very freedom of speech in whose name the extension is demanded.” *Id.* In this case, reaching out to the media on a limited basis is a reasonable and proportional response to four years of vile defamation on a national scale. As Professor Armijo stated in his declaration, “[a]ny other conclusion would force all victims of similar tragedies not to respond to falsehoods being spread about

them...Mr. Pozner's limited pleas to media to discuss his family's plight and the problem of online hoaxes were a restrained and proportional response to years of accusations."<sup>114</sup>

**B. Plaintiffs are not public figures regarding the Second Amendment.**

Because Plaintiffs are clearly not public figures for the Sandy Hook "hoax" controversy – a controversy Mr. Jones helped create from the day of the shooting<sup>115</sup> – InfoWars suggests that the controversy is the right to bear arms. InfoWars contends that its false statements about Sandy Hook are justified because "Plaintiffs inserted themselves into the controversy surrounding the Second Amendment."<sup>116</sup> Yet a general concern about the Second Amendment will not suffice. "The controversy must be about some specific question, not merely a general concern or interest." *Cummins*, 2015 WL 1641144 at \*9.

In any case, InfoWars bases its argument exclusively on Mrs. De La Rosa.<sup>117</sup> First, InfoWars notes that "on January 18, 2013, she addressed the Connecticut General Assembly."<sup>118</sup> The date of Mrs. De La Rosa's appearance was actually January 28, 2013, which was after Mr. Jones first made his accusation that Mrs. De La Rosa faked her interview with Anderson Cooper.<sup>119</sup> Mrs. De La Rosa was invited, along with many other Sandy Hook parents, to give testimony about their experience to a panel organized by state legislators. InfoWars cites one other public act. Upon invitation, "De La Rosa spoke publicly

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<sup>114</sup> Exhibit H, Declaration of Enrique Armijo, para. 15.

<sup>115</sup> Exhibit A-1 – Transcript - 2012-12-14 - Connecticut School Massacre Looks Like False Flag Says Witnesses (Clip at 9m30).

<sup>116</sup> Defendants' Motion to Dismiss at p. 6

<sup>117</sup> InfoWars halfheartedly claims that Leonard Pozner is a public figure with respect to the public controversy over the need for gun regulation. InfoWars notes that on Mr. Pozner's personal website, he posted a blog entry in which he said "not even Batman could have stopped an AR-15." That is the total extent of InfoWars' evidence of Mr. Pozner's public activity on gun control, and yet InfoWars claims this "establish[es] his presence in the gun control debate."

<sup>118</sup> Defendants' Motion to Dismiss at p. 10

<sup>119</sup> Exhibit A-4 – Transcript - 2013-01-27 - Why People Think Sandy Hook is a Hoax (Clip at 12m58)

at a rally outside of the Connecticut State Capital Building” shortly following her testimony.<sup>120</sup> As Mrs. De La Rosa stated in her affidavit:

Just over a month following the tragedy, on January 28, 2013, I traveled to Hartford along with other Sandy Hook parents to give testimony to the Connecticut General Assembly about my experience and my opinion on gun regulation. I also made remarks at a March for Change rally in Hartford shortly thereafter.

It was never my intention to become a public figure or thrust myself to the forefront of this issue, but merely to relate my unique story to government leaders in the aftermath of our tragedy, which I felt was my duty as a citizen.<sup>121</sup>

First, it should be noted that a plaintiff is “not subjected to the stringent requirements of *New York Times* by mere initiation of or participation in a legislative or administrative proceeding.” See Defamation: A Lawyer's Guide § 5:15, Categories of public figures – *Participants in legal proceedings or investigations* (collecting cases). Additionally, InfoWars cannot show that Mr. De La Rosa’s participation was anything other than tangential, or that she thrust herself to the forefront of the issue with ongoing action.

InfoWars is correct that *The Jewish Daily Forward* published a series of articles on its website in January 2013 about Mrs. De La Rosa, focusing on her family’s loss.<sup>122</sup> These articles were drawn from a single “hour-long interview with the *Forward* nine days after the shooting.”<sup>123</sup> InfoWars had to provide a description of how to find these articles, which involved a keyword search on the page of an unrelated charity, the Newtown Action Alliance. It is also worth noting that Mr. Pozner and Mrs. De La Rosa are not members of the

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<sup>120</sup> Defendants’ Motion to Dismiss at p. 11

<sup>121</sup> Exhibit E, Affidavit of Veronique De La Rosa, para. 5-6.

<sup>122</sup> Defendants’ Motion to Dismiss at p. 12

<sup>123</sup> Defendants’ Exhibit B-7.

Newtown Action Alliance, Sandy Hook Promise, or any other gun regulation advocacy groups.<sup>124</sup>

InfoWars next claims Mrs. De La Rosa is a public figure because according to *"Business Insider* in January 2013, Ms. De La Rosa and her family submitted a detailed proposal to a White House task force recommending a range of legal reforms relating to guns."<sup>125</sup> In truth, Mrs. De La Rosa's brother Alexis Haller independently created an outline of ideas on his own initiative, without any input from Mrs. De La Rosa. In fact, due to Mr. Haller's actions, Mrs. De La Rosa was forced to have a family member instruct the media that Mr. Haller did not speak for them. In her affidavit, Mrs. De La Rosa explained as follows:

In the aftermath of the shooting, my brother, Alexis Haller, accompanied our family on a trip to the White House.

My brother claims that during the visit, he met a staff member who encouraged him to reach out if he had any concerns.

Because of this comment, my brother drafted a series of ideas for gun regulation and submitted his proposals to the White House.

I had no involvement in the preparation of that document or its submission to the White House. My brother took this initiative on his own, without my input.

Due to my brother's continuing unilateral actions, I soon thereafter had a family member instruct the media that Alexis Haller did not speak on our behalf.<sup>126</sup>

InfoWars' Motion also claims that "Plaintiffs' actions included speeches before the Newtown City Council...and the United States Congress,"<sup>127</sup> and mentions certain "efforts"

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<sup>124</sup> Exhibit E, Affidavit of Veronique De La Rosa, para. 7.

<sup>125</sup> Defendants' Motion to Dismiss at p. 12

<sup>126</sup> Exhibit E, Affidavit of Veronique De La Rosa, para. 8-12.

with “United States Senators.”<sup>128</sup> The problem with this argument is that none of these things actually happened. Much like InfoWars’ news programming, InfoWars’ Motion frequently makes false assertions of fact with no citation to the record. Mrs. De La Rosa did not appear before the U.S Congress, nor did she make “efforts” with any U.S. Senators, nor did she appear before the Newtown City Council. Her sole appearance was in Hartford before the Connecticut General Assembly, where she also gave brief remarks at a rally.

A public figure is one who shows “pervasive involvement” in an issue. *San Antonio Exp. News v. Dracos*, 922 S.W.2d 242, 252 (Tex. App.—San Antonio 1996, no writ). Mrs. De La Rosa took no pervasive action. InfoWars cannot show that by her limited actions in January of 2013, she “relinquished...[her] interest in the protection of [her] own name.” *Klentzman*, 312 S.W.3d at 905, *quoting Wolston*, 443 U.S. at 168. Moreover, a public figure is one who makes an “organized and ongoing effort to maintain media access in order to call attention to her writings and disseminate her views,” or one who has “vigorously sought and achieved publicity.” *Dracos*, 922 S.W.2d at 253. It is required that “the plaintiff have more than a trivial or tangential role in the controversy.” *McLemore*, 978 S.W.2d at 571. As Professor Armijo noted, Mrs. De La Rosa’s “activities were a limited response isolated to the weeks following the shooting. The Defendants offered no evidence Mrs. De La Rosa undertook further, ongoing advocacy or pervasive public involvement in the issue.”<sup>129</sup> Not only does Mrs. De La Rosa’s only involvement revolve around her appearance at the Connecticut state house in January of 2013, but InfoWars cannot show that Mrs. De La Rosa actively solicited any media coverage at any time. Nothing “suggests [Plaintiff] sought out

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<sup>127</sup> Defendants’ Motion to Dismiss, p. 32.

<sup>128</sup> *Id.* at p. 31.

<sup>129</sup> Exhibit H, Declaration of Enrique Armijo, para. 23.

the publicity; rather, the articles indicate she was merely responding to press inquiries.” *ZYZY Corp. v. Hernandez*, 345 S.W.3d 452, 462 (Tex. App.—San Antonio 2011, no pet.).

Additionally, a court must consider if “the plaintiff retained public figure status at the time of the alleged defamation.” *Fitzgerald v. Penthouse Intern., Ltd.*, 691 F.2d 666, 668 (4th Cir. 1982). Here, Mrs. De La Rosa’s testimony with other parents before the Connecticut legislature and her remarks at a rally afterwards did not render her a public figure in 2013, and it certainly did not render her a public figure in 2017, when it had been years since Mrs. De La Rosa played even “a tangential role in the controversy.” *McLemore*, 978 S.W.2d at 571. In fact, following her testimony in 2013, Mrs. De La Rosa and her family have taken extraordinary measures to guard their privacy. As Mr. Pozner stated in his affidavit:

In the years since the shooting, my family and I have been forced to move seven times. I maintain post office boxes in multiple cities to confuse conspiracy fanatics. My utility accounts are not in my name. We also take many other unusual steps to maintain our privacy that I would prefer not to disclose in a public document. To this day, conspiracy fanatics routinely exchange the latest personal information they have been able to discover about my family or post our personal details online.<sup>130</sup>

Mrs. De La Rosa also testified about the efforts she and Mr. Pozner have taken to protect their family’s privacy:

Since the time of my testimony in Hartford, my family and I have jealously guarded our privacy. We have taken extraordinary and unusual measures to increase our anonymity in the ensuing years in the face of harassment by those who believe Sandy Hook was staged.<sup>131</sup>

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<sup>130</sup> Exhibit D, Affidavit of Leonard Pozner, para. 10.

<sup>131</sup> Exhibit E, Affidavit of Veronique De La Rosa, para. 13.

InfoWars cites the fact that in 2018, Mrs. De La Rosa gave an interview to CNN after filing this lawsuit.<sup>132</sup> Yet whether she gave an interview after this lawsuit has no relevance to whether she was a public figure on April 22, 2017. Any post-suit conduct by the Plaintiff has no bearing on her status. The only question is whether Mrs. De La Rosa was a “limited-purpose public figure at the time of publication.” *Eramo v. Rolling Stone, LLC*, 209 F. Supp. 3d 862, 869 (W.D. Va. 2016).

Finally, InfoWars points to Plaintiffs’ prior lawsuits. InfoWars claims that Plaintiffs are public figures because they joined a group of parents who “sued the Bushmaster manufacturer in their efforts to remove that gun from the market.”<sup>133</sup> Again, InfoWars made this claim with no citation. In truth, Plaintiffs and other parents sued Bushmaster in a private products liability suit, and the suit was not filed to remove the rifle from the market. In any case, this was a private suit in which the Plaintiffs made no affirmative steps to gain media access. Being a party in a high-profile lawsuit does not affect public figure status, as the Supreme Court held in *Time, Inc. v. Firestone*, 424 U.S. 448, 457 (1976). Since that time, “a plethora of other decisions follow the common thread...that mere participation in a legal proceeding whatever its nature and in whatever capacity is by itself insufficient to precipitate public figure status.” See Defamation: A Lawyer's Guide § 5:15, *Categories of public figures – Participants in legal proceedings or investigations*. Here, InfoWars cites no media statements by the Plaintiffs regarding the suit, but courts nonetheless “hold that mere responses by a party to litigation or a legal proceeding or counsel therein to press inquiries about the proceeding are not in and of themselves sufficient to constitute a ‘thrusting’ into the ‘vortex’ of a public controversy.” *Id.* Similarly, InfoWars points to an

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<sup>132</sup> Defendants’ Motion to Dismiss at p. 13

<sup>133</sup> *Id.*

amicus brief filed by the Pozners in a lawsuit concerning gun sales at Wal-Mart.<sup>134</sup> The Pozners sought no media access in connection with this brief, and the brief gave them no special prominence. InfoWars also cites a lawsuit by a variety of Sandy Hook parents against the City of Newtown,<sup>135</sup> but that suit had nothing to do with guns. Rather, the suit involved allegations of negligent security at the school. Plaintiffs' prior lawsuits are irrelevant to whether Plaintiffs surrendered their privacy.

In sum, Mrs. De La Rosa's limited activity in the aftermath of the shooting does not rise to the level of public figure. As explained by Professor Armijo, "the Defendants cited actions which were isolated to a short time surrounding Mrs. De La Rosa's testimony to Connecticut legislators in January of 2013. Mrs. De La Rosa's involvement was, at best, tangential and trivial to the overall debate."<sup>136</sup>

**C. The defamation did not arise from Mrs. De La Rosa's participation in the gun issue.**

Even if Mrs. De La Rosa became a public figure concerning "the Second Amendment" due to her testimony and remarks in Hartford, it does not make the Plaintiffs public figures with regards to the defamatory allegation. A plaintiff's status depends on "an individual's participation in the particular controversy giving rise to the defamation." *Gertz v. Robert Welch, Inc.*, 418 U.S. 323, 352 (1974). Therefore, it is required that "the alleged defamation is germane to the plaintiff's participation in the controversy." *McLemore*, 978 S.W.2d at 573. Here, the defamatory allegation first arose on January 27, 2013, when Mr. Jones first accused Mr. De La Rosa of participating in a fake blue-screen interview. By that date, Mrs. De La Rosa had not yet testified before the Connecticut General Assembly, and so the

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<sup>134</sup> *Id.*

<sup>135</sup> *Id.*

<sup>136</sup> Exhibit H, Declaration of Enrique Armijo, para. 32.



defamatory allegation could not have been “germane to [her] participation in the controversy.” *Id.*

The court must ask “whether the plaintiff is a public figure with respect to the topic of the publication.” *Fitzgerald*, 691 F.2d at 669. Here, Mrs. De La Rosa has taken no public steps “with respect to the topic of the publication,” as she explained in her affidavit:

It was never my intention to participate in any public debate over whether the events at Sandy Hook were staged. Nor did I seek to participate in any public debate over whether my son died. I find the entire discussion vile and deeply upsetting.

InfoWars claims that Mrs. De La Rosa’s activities in connection with her General Assembly testimony opens her up to “any criticism of [Plaintiffs] related to facts and events related to Sandy Hook.”<sup>137</sup> This argument pushes the concept of limited purpose public figures too far. Except for general purpose celebrities, “an individual should not be deemed a public personality for all aspects of his life.” *Dracos*, 922 S.W.2d at 251, *quoting Gertz*, 418 U.S. at 352. In this case, there are aspects of Plaintiffs’ lives which are justifiably private, such as the details of the death of their child.

Yet most importantly, Mrs. De La Rosa’s public participation in the Connecticut hearings did not give rise to the defamation, because her participation took place *after* the defamatory blue-screen allegation had already first been made by Mr. Jones.<sup>138</sup> Because the content of the defamatory accusation pre-dated her participation, it was not her “participation in the particular controversy giving rise to the defamation.” *Gertz*, 418 U.S. at 352. She is therefore not a public figure for the purpose of this accusation, because the accusation was not “germane to the plaintiff’s participation in the controversy.” *McLemore*,

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<sup>137</sup> Defendants’ Motion to Dismiss at p. 44

<sup>138</sup> Exhibit A-4 – Transcript - 2013-01-27 - Why People Think Sandy Hook is a Hoax (Clip at 12m58)

978 S.W.2d at 573. As Professor Armijo noted, “[t]he particular controversy is whether Sandy Hook was staged. Mrs. De La Rosa’s activities in connection with the Connecticut hearings did not give rise to the defamation.”<sup>139</sup> Professor Armijo concluded by stating:

Making these Plaintiffs prove actual malice in a defamation suit would get the First Amendment backwards. It would stifle important public responses to disastrous events in private lives. It would encourage individuals to accept the tragedies that happen to them and swallow them silently. It would inhibit lawmakers from learning from tragedies and preventing future similar ones by discouraging discussion with those affected. It would also leave grieving families vulnerable to harms to their reputations by mass media...

Since January 2013, Plaintiffs have guarded their privacy and taken actions to discourage being dragged into public scrutiny. No reasonable construction of the First Amendment would further chill the speech of these parents. That is a harm to the marketplace of ideas greater than any the Defendants could claim will result if their false statements were subject to a negligence standard.<sup>140</sup>

For these reasons, the Court should find that the Plaintiffs are not limited purpose public figures for the defamatory remarks.

## **V. InfoWars Acted with Actual Malice.**

The status of plaintiffs ultimately makes no difference because there is clear evidence of actual malice. Malice exists in defamation when a publisher shows a “reckless disregard for the falsity of a statement.” *Bentley*, 94 S.W.3d at 591. A showing of actual malice can be satisfied when there is *prima facie* circumstantial evidence that a defendant would have “entertained serious doubts as to the truth of his publication.” *Warner Bros. Entm’t, Inc. v. Jones*, 538 S.W.3d 781, 805 (Tex. App.—Austin 2017, pet. filed). A plaintiff may offer circumstantial evidence suggesting that a defendant made statements

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<sup>139</sup> Exhibit H, Declaration of Enrique Armijo, para. 25.

<sup>140</sup> *Id.* at para. 12; 34.

which he “knew or strongly suspected could present, as a whole, a false and defamatory impression of events.” *Turner v. KTRK TV, Inc.*, 38 S.W.3d 103, 120-121 (Tex. 2000). Here, there are several reasons to find that InfoWars acted with reckless disregard for the truth.

**A. Mr. Jones’ statements were inherently improbable and obviously dubious.**

“Inherently improbable assertions and statements made on information that is obviously dubious may show actual malice.” 50 Tex. Jur. 3d Libel and Slander § 133. Malice is shown when the circumstances were “so improbable that only a reckless publisher would have made the mistake.” *Freedom Newspapers of Tex. v. Cantu*, 168 S.W.3d 847, 855 (Tex. 2005). Such is the case here.

As noted above, Plaintiffs retained forensic video analyst Grant Fredericks to examine the evidence in this case. Mr. Fredericks concluded that “to a reasonable degree of engineering certainty, the visual anomaly in the video was caused by post-production compression.”<sup>141</sup> Mr. Fredericks stated that “it does not require a high level of technical expertise to understand that Mrs. De La Rosa’s interview was not conducted in front of a blue-screen.”<sup>142</sup> The compression artifact in the video “is a basic concept in the field of TV production and web-based video broadcasting.”<sup>143</sup> Mr. Fredericks explained that InfoWars would have known their allegation was false:

Anyone with experience in analog or digital video production, or in web-based broadcasting, should have arrived at the same conclusions. No credible video professional, editor, or web-content specialist would conclude that the visual anomaly is evidence of a chroma key process, such as a blue-screen or green-screen.<sup>144</sup>

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<sup>141</sup> Exhibit C, Affidavit of Grant Fredericks, p. 8.

<sup>142</sup> *Id.*

<sup>143</sup> *Id.*

<sup>144</sup> *Id.*

As a result of these circumstances and the evidence he reviewed, Mr. Fredericks concluded that “InfoWars either had knowledge of the falsity of its statements, or made those statements while having serious doubts about the truth of those statements.”<sup>145</sup>

In addition, evidence of actual malice is found in the affidavit of Fred Zipp, the former editor of the *Austin American Statesman* with 39 years of “expertise in the responsible delivery of news content to a mass media audience.”<sup>146</sup> Mr. Zipp’s exhaustive affidavit details the reckless nature of InfoWars’ 2017 statements. Mr. Zipp shows that not only were Mr. Jones’ statements about Mrs. De La Rosa’s interview patently dubious, but that the InfoWars’ broadcast contained many other recklessly false assertion of facts, such as asserting the school had been shut down and had not been in operation before the shooting. Mr. Zipp also describes how Mr. Jones knowingly misrepresented helicopter footage to convince his viewers the event was staged. In his affidavit, Mr. Zipp has meticulously debunked these outrageous claims and many others from the April 2017 broadcast, all of which form the basis for Mr. Jones’ malicious claim that the media coverage was staged and that the Plaintiffs’ son was fake. As Mr. Zipp stated:

It was not necessary to obtain a subpoena to secure the materials needed to fact-check these claims. All these materials exist in the public domain, and they have been discussed by Sandy Hook researchers online. A variety of individuals have debunked these claims over the years while providing verifiable information from the public record. Any responsible publisher would have known Mr. Jones’ claims were false, or otherwise entertained serious doubts about their accuracy.<sup>147</sup>

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<sup>145</sup> *Id.* at p. 9.

<sup>146</sup> Exhibit A, Affidavit of Fred Zipp, p. 1.

<sup>147</sup> *Id.* at p. 13.

When assessing actual malice, the court should “begin by noting the gravity of the accusations made against [plaintiff].” *Warner Bros. Entm’t, Inc.*, 538 S.W.3d at 806. Here, Mr. Zipp noted that “Mr. Jones’ accusation proves the adage that serious claims require serious evidence.”<sup>148</sup> The Austin Court of Appeals echoed that sentiment last year, noting “[c]harges as serious as the ones leveled against [plaintiff] in this article deserve a correspondingly high standard of investigation.” *Id.* at 806. Yet like the defendant in *Warner Bros.*, InfoWars “ignored elementary precautions.” *Id.* Mr. Zipp noted that:

Mr. Jones’ assertion about the blue-screen was farfetched to the say the least. It required an extraordinary level of verification before being repeatedly stated as fact. Yet it is clear that InfoWars performed no verification because any genuine inquiry would have shown the accusation was bogus...Mr. Jones ignored basic precautions taken by journalists. Rather than meaningfully investigate his claim or produce corroborating evidence, Mr. Jones made these statements with reckless disregard for whether they were true or not.<sup>149</sup>

These actions show actual malice because the publisher “failed to meaningfully seek corroboration...from any other sources.” *Warner Bros. Entm’t, Inc.*, 538 S.W.3d at 808. The need for corroboration is especially important when the allegation is inherently dubious. As Mr. Zipp noted, a major problem with Mr. Jones’ allegation “is that it makes no sense to use a blue-screen to simulate an interview in a location that is a short drive from Anderson Cooper’s office in New York City.”<sup>150</sup> Mr. Zipp’s affidavit also discusses the fact that “there is copious third-party evidence that Mr. Cooper was in Newtown.”<sup>151</sup> Mr. Zipp concluded that “there was no reasonable basis to believe that Veronique De La Rosa participated in a faked interview, and any publisher would entertain serious doubts about the truth of such a

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<sup>148</sup> *Id.* at p. 22.

<sup>149</sup> *Id.* at p. 22-23.

<sup>150</sup> *Id.* at p. 22.

<sup>151</sup> *Id.*

claim.”<sup>152</sup> The allegations made in the broadcast, including the allegation about the blue-screen interview, were “so improbable that only a reckless publisher would have made the mistake.” *Freedom Newspapers of Tex.*, 168 S.W.3d at 855.

**B. InfoWars five-year campaign of reckless lies demonstrates malice.**

“[A]ctual malice may be inferred...from the defendant’s words or acts before, at, or after the time of the communication.” *Warner Bros. Entm’t, Inc.*, 538 S.W.3d at 805, *citing Dolcefino v. Turner*, 987 S.W.2d 100, 111-12 (Tex. App.—Houston [14th Dist.] 1998), *aff’d sub nom.*, 38 S.W.3d 103, 120 (Tex. 2000). Under Texas law, Mr. Jones’ five-year campaign of lies against the Sandy Hook families is relevant to establishing the malicious nature of his statements. *See, e.g., Beaumont v. Basham*, 205 S.W.3d 608, 624 (Tex.App. Waco. 2006) (Finding prior statements are “admissible under Rule 404(b) to show malice in a defamation suit.”); *D Magazine Partners*, 529 S.W.3d at 434 (Court must examine “the surrounding circumstances” and entire context, “and not merely on individual statements.”). Other jurisdictions are in universal agreement. *See* 50 Am. Jur. 2d Libel and Slander § 462 (Collecting cases which hold that evidence of other defamations “either before or after the filing of the suit is admissible for the purpose of showing malice.”) Malice can also be found where a defendant “engaged in a persistent, calculated attack on [the plaintiff].” *Cummins*, 2015 WL 1641144 at \*24. In *Cummins*, the court found malice when the defendant “posted innumerable derogatory statements about [plaintiff] impugning her honesty.” *Id.* Here, the cruelty of the five-year campaign of lies waged by Mr. Jones against the Plaintiffs and other Sandy Hook victims is beyond measure.

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<sup>152</sup> *Id.* at p. 4.

In his affidavit, Mr. Zipp details much of this five-year history of monstrously stupid falsehoods. Mr. Zipp notes that during this history, “the accusation that Ms. De La Rosa’s interview was conducted in front of a blue-screen became a central element of InfoWars’ claim that the official story of Sandy Hook was a lie.”<sup>153</sup> Mr. Zipp explained how the five-year history demonstrates malice:

I reviewed video clips from over twenty InfoWars’ broadcasts between 2013-2016, all of which discuss the alleged conspiracy behind Sandy Hook. In the videos I reviewed, InfoWars made a variety of factual allegations which are readily disproved by basic journalistic efforts. The various claims made by Jones have been debunked from numerous groups and individuals using a wide variety of sources in the public record.

InfoWars had ample opportunity to investigate the accuracy of its assertions. It has devoted an enormous amount of airtime to the tragedy, with broadcasts making extreme assertions years after the event. Given the enormous public attention and outcry over Jones’ allegations, I find it unlikely that InfoWars researchers could have avoided the widespread debunking efforts unless they were doing so intentionally. It is my opinion that any reasonable journalist who continued to publish these claims in 2017 would entertain serious doubts about the truth of their statements, and that they would be acting with a desire to mislead their audience.<sup>154</sup>

In making these groundless claims for five years, Mr. Jones did not care about the truth. He wanted to deliver propaganda to his audience based on his dubious, sensational assertions. As shown below, it is the very nature of his business model.

**C. InfoWars drives profits by recklessly stating that national tragedies are fake.**

In his affidavit, Fred Zipp points out that InfoWars has built a strong brand identity around news stories claiming that national tragedies are actually “false flags” conducted by

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<sup>153</sup> *Id.* at 23.

<sup>154</sup> *Id.*

a shadowy cabal for sinister political purposes. Mr. Zipp notes that “Mr. Jones’ rise to notoriety coincided with his assertions that the 9/11 terror attacks were orchestrated by the U.S. government,” and “[h]is current promotional materials boast that ‘Alex Jones is considered by many to be the grandfather of what has come to be known as the 9/11 Truth Movement.’”<sup>155</sup> Mr. Zipp described InfoWars reckless history of telling its audience that national tragedies are fake:

Regarding the shooting at Columbine High School, Jones told his audience, “Columbine, we know was a false flag. I’d say 100% false flag.” Jones claimed that Columbine “had globalist operations written all over it.” Regarding the Oklahoma City bombing, Jones said the bombing was a “false flag” and that “we’ve never had one so open and shut.” He added that convicted bomber Timothy McVeigh “was a patsy, that was a staged event.”

Mere hours after James Holmes killed twelve people in a movie theater in Aurora, CO, Jones told his audience that there was a “100 percent chance” the shooting was a “false flag, mind-control event.” After the shooting of Rep. Gabrielle Giffords, Jones stated: “The whole thing stinks to high heaven.” Mr. Jones asserted that the Giffords shooting was “a staged mind-control operation.”

An April 18, 2013 headline on the InfoWars website read “Proof Boston Marathon Bombing Is False Flag Cover-Up.” A week later, Mr. Jones stated on his broadcast, “I have never seen a false flag, provocateured, staged event by a government come apart faster than it is right now.” Jones said that “patsies were set up” after being recruited by “globalist intelligence agencies.” Jones claimed that Dzhokhar Tsarnaev, who was convicted of the Boston Marathon bombing, “was totally set up, ladies and gentlemen, to sell the police state,” and that his brother worked for the CIA.

Mr. Jones made similar accusations about the Douglas High School shooting in Parkland, Florida, claiming a 90% probability that it was a false flag.<sup>156</sup>

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<sup>155</sup> *Id.*

<sup>156</sup> *Id.* at p. 24.



Mr. Zipp concluded that “a major element of Mr. Jones’ brand is built on his allegations that major national tragedies are actually the result of orchestrated government actions.”<sup>157</sup> In light of this history, Mr. Zipp found “that Mr. Jones’ pattern of predictably asserting that events are ‘false flags,’ sometimes within hours of the event, is circumstantial evidence that Mr. Jones recklessly disregarded whether his broadcast was true in this case.”<sup>158</sup> Ms. Binkowski reached a similar conclusion in her affidavit, noting that the conduct in this case “fits a larger pattern of behavior by Mr. Jones, in that he routinely denigrates victims of shootings and their families, and encourages viewers and listeners — directly and indirectly — to harass those victims.”<sup>159</sup> As shown below, Mr. Jones directed that harassment specifically towards the Pozner family.

**D. InfoWars’ attacks were motivated by personal animus towards the Pozner family.**

In assessing actual malice, “a lack of care or an injurious motive...are factors to be considered.” *Clark v. Jenkins*, 248 S.W.3d 418, 435 (Tex.App. Amarillo 2008). Personal statements about a plaintiff show “circumstantial evidence of the defendant’s state of mind.” *Alaniz v. Hoyt*, 105 S.W.3d 330, 347 (Tex. App.—Corpus Christi 2003). Thus, “actual malice may be inferred from the relation of the parties.” *Warner Bros. Entm’t, Inc.*, 538 S.W.3d at 805. Here, Mr. Zipp described the personal animus Mr. Jones showed towards Mr. Pozner:

In 2015, HONR lodged a complaint with YouTube over an InfoWars video that featured photographs of Mr. Pozner’s son. When these complaints caused the video to be deleted, a visibly angry Jones discussed the issue on his February 12,

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<sup>157</sup> *Id.* at p. 25.

<sup>158</sup> *Id.*

<sup>159</sup> Exhibit B, Affidavit of Brooke Binkowski, para. 18.

2015 broadcast. Mr. Jones stated, "We're going to be countering this, and we're going to be dealing with this." Mr. Jones then stated, "We need to stop cowing down to these people, and let them know we're not putting up with their bullying anymore."

Mr. Jones later took a live phone call from a fellow Sandy Hook denier who was also upset with Mr. Pozner. The caller stated, "Lenny, if you're listening, your day is coming, my friend. It is coming." Mr. Jones responded, "This sounds like a war is going on. I think they made a major mistake involving us." The caller then stated, "Oh, I totally agree. They don't know what they bit off. Go after them, Alex. Crush them." Mr. Jones responded, "I'm not somebody to mess with."

Following this call, InfoWars reporter Rob Dew showed personal addresses of Mr. Pozner and displayed maps of these locations. Mr. Jones stated that, "I guess I'm going to have to probably go on up to Newtown. I'm going to have to probably go investigate Florida as well."<sup>160</sup>

In the weeks following the broadcast discussing Mr. Pozner, InfoWars aired an hour-long broadcast entitled "New Bombshell Sandy Hook Information In-Bound."<sup>161</sup> Mr. Jones featured a discussion with notorious hoaxer Wolfgang Halbig, who insisted that children did not die at Sandy Hook. Mr. Jones continue to air similar broadcasts, culminating in the statements in the April 22, 2017 broadcast entitled "Sandy Hook Vampires Exposed." Mr. Zipp concluded that "there is circumstantial evidence that InfoWars' continuing allegations were motivated in part by personal malice towards Leonard Pozner."<sup>162</sup>

**E. There is evidence that InfoWars consciously chose to disregard accuracy in its reporting.**

Finally, the evidence shows that in the years leading up to the Sandy Hook shooting, Mr. Jones willfully decided to sacrifice the accuracy of his reporting in order to publish

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<sup>160</sup> Exhibit A, Affidavit of Fred Zipp, p. 25-26.

<sup>161</sup> Exhibit A-19 – Transcript - 2015-03-04 - New Bombshell Sandy Hook Information In-Bound (Clip at 16m53s)

<sup>162</sup> Exhibit A, Affidavit of Fred Zipp, p. 26.

sensational and outrageous new stories. Plaintiffs have submitted the affidavit of John Clayton, a journalist who “maintained a close professional association with Alex Jones during the years 2002 through 2009.”<sup>163</sup> Mr. Clayton “hosted or appeared on InfoWars programming on numerous occasions,” and he “worked alongside Mr. Jones is investigating, researching, and creating news content.”<sup>164</sup> Mr. Clayton testified that he stopped working with Mr. Jones because “it became apparent that he had made the conscious decision not to care about accuracy,” and Mr. Jones “made it clear that his goal was to produce views on InfoWars content.”<sup>165</sup>

As a result, Mr. Clayton “personally observed that it become standard practice in InfoWars to disregard basic protocols in journalism.”<sup>166</sup> Mr. Clayton testified that he “personally observed countless situations in which Mr. Jones made claims on the air for which he knew had no substantiating evidence.”<sup>167</sup> Mr. Clayton testified that “[f]rom my personal experience, I knew that Mr. Jones understood that the information he put on the air had not been adequately checked for accuracy, and in many cases, he knew the information was false. He did not care.”<sup>168</sup> Mr. Clayton stated that “[o]ne of the differences of opinion I had with Mr. Jones is that I believe it is good and healthy for journalists to ask questions, but I believe it is dangerous to assert facts with no evidence.”<sup>169</sup> Based on his experience, Mr. Clayton stated that “I felt the way in which Mr. Jones and InfoWars came to operate was dangerous and wrong.”<sup>170</sup> Finally, Mr. Clayton stated that “[g]iven my intimate

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<sup>163</sup> Exhibit I, Affidavit of John Clayton, para. 3.

<sup>164</sup> *Id.* at para. 4.

<sup>165</sup> *Id.* at para. 8.

<sup>166</sup> *Id.* at para. 9.

<sup>167</sup> *Id.* at para. 10.

<sup>168</sup> *Id.* at para. 11.

<sup>169</sup> *Id.* at para. 12.

<sup>170</sup> *Id.* at para. 13.

and personal discussions with Mr. Jones on these topics, and after seeing Mr. Jones consciously discard any sense of journalistic obligation, there is no question in my mind that Mr. Jones made the choice to willfully disregard accuracy in pursuit of a larger audience.”<sup>171</sup> Based on these circumstances and the many others described above, there is clear *prima facie* evidence that InfoWars acted with actual malice.

## **VI. InfoWars’ 2017 Broadcasts Caused Damages to the Plaintiffs.**

In a single sentence with no argument, InfoWars claims that Plaintiffs cannot show that the statements caused them damages. In truth, Mr. Jones caused the Plaintiffs immense mental anguish and personal fear by reviving the Sandy Hook hoax lie in 2017. As Mrs. De La Rosa explained in her affidavit:

I was somewhat hopeful that Mr. Jones’ malicious actions towards me and my family would end in 2016, when he broadcast a video titled “Alex Jones Final Statement on Sandy Hook.”...Over the next year, I consciously attempted to avoid Mr. Jones’ broadcasts...Sometime in March or April 2018, I learned that Mr. Jones had published a video on April 22, 2017 entitled “Sandy Hook Vampires Exposed.” Mr. Jones repeated his prior lies about Sandy Hook, including the accusations about my interview. Mr. Jones told his viewers that none of it was to be believed.

This video has broken me. For five years, I have endured Mr. Jones tormenting me and my family. But after his 2016 “final statement,” I truly hoped that the hoax claims would die off and that Mr. Jones would see no value in continuing his sick lies.

When I viewed the April 22, 2017 video, I realized Mr. Jones will never willingly stop tormenting victims. I became totally despondent and wracked with extreme mental stress.

Mr. Jones’ 2017 statements also put my family in further danger. Due to Mr. Jones’ lies, our family has been subjected to harassment and threats from his audience over the years. One

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<sup>171</sup> *Id.* at para. 14.

of these individuals, Lucy Richards, is serving a federal prison sentence for death threats she made against my ex-husband Leonard. Due to the threats and harassment we received, my family and I have been forced to move several times.

When I learned of Mr. Jones' statements in 2017 reviving his sick hoax fantasy, I immediately felt an acute fear for my safety and the safety of my family.

I have suffered a high degree of psychological stress and mental pain due to Mr. Jones reviving the Sandy Hook hoax conspiracy in 2017. Before learning of the 2017 statements, I had started to think that Mr. Jones would finally leave our family alone. But when I learned about the "Sandy Hook Vampires Exposed" broadcast, I became both outraged and hopeless. I have suffered extreme insomnia, depression, panic attacks, and bouts of uncontrollable grief. My anguish has been so severe that it began to disrupt my daily routine. Due to these issues, I have decided to return to a therapist to renew psychological counselling.<sup>172</sup>

Mr. Pozner gave similar testimony:

This video has caused me severe anguish and anger. I have tried for over five years to remain strong in the face of Mr. Jones' endless abuse...But after viewing Mr. Jones' broadcast from April 22, 2017 breathing new life into these lies, I have come to realize that my son's legacy will never be pure. It will always be tainted by this ugly footnote. There will be an asterisk on my son's name that Mr. Jones created. When the story of my son is remembered by history, it will be forever tied to this horrible man.

Mr. Jones' 2017 statements also put my family in further danger...When I learned of Mr. Jones' statements in 2017 reviving his sick hoax fantasy, I immediately felt an acute fear for my safety and the safety of my family.

I have suffered a high degree of mental stress and psychological pain due to Mr. Jones reviving the Sandy Hook hoax conspiracy in 2017. I felt that I had been making progress over the years in coming to terms with my grief, but when I learned about the "Sandy Hook Vampires Exposed" broadcast, I became both outraged and hopeless. I began to have serious

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<sup>172</sup> Exhibit E, Affidavit of Veronique De La Rosa, para. 22-29.

trouble sleeping, and the severe stress and anxiety began to disrupt my daily routine. Due to these issues, I have decided to return to a therapist to renew psychological counselling.<sup>173</sup>

Mr. Jones' malicious false statements in 2017 about Mrs. De La Rosa's interview and a secret truth behind Sandy Hook have caused Plaintiffs terrible anguish and revived a threat to their family's safety. There is no doubt that the Plaintiffs have suffered damage at the hands of Mr. Jones.

#### **VII. Plaintiffs' Claims Plausibly Arise via *Respondeat Superior*.**

In Texas, "[a]n action is sustainable against a corporation for defamation by its agent, if such defamation is referable to the duty owing by the agent to the corporation, and was made while in the discharge of that duty. Neither express authorization nor subsequent ratification is necessary to establish liability." *Warner Bros.*, 538 S.W.3d at 802, quoting *Texam Oil Corp. v. Poynor*, 436 S.W.2d 129, 130 (Tex. 1968); see also *Minyard Food Stores, Inc. v. Goodman*, 80 S.W.3d 573, 577 (Tex. 2002) (holding that general rule that employer is liable for its employee's tort "when the tortious act falls within the scope of the employee's general authority in furtherance of the employer's business" applies in defamation context).

Here, Plaintiff can recover based upon *respondeat superior* if (1) he was injured as a result of an independent tort, (2) the tortfeasor was an employee of the defendant and (3) the tort was committed while the employee was acting within the scope of his employment. *G&H Towing Co. v. Magee*, 437 S.W.3d 293, 296 (Tex. 2011). Here, Alex Jones stated in his affidavit that he is sole member of InfoWars LLC and Free Speech Systems LLC. Ultimately, all of his acts on behalf of those corporations can be imputed to them. Moreover, any acts

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<sup>173</sup> Exhibit D, Affidavit of Leonard Pozner, para. 14-17.

revealed in discovery committed by employees of Mr. Jones in the InfoWars organization in the scope of their employment can trigger liability or evidence of malice. Here, Plaintiffs' claims plausibly arise under *respondeat superior*.

#### **VIII. Plaintiffs Produced *Prima Facie* Evidence of Defamation Pe Se.**

Defamation per se occurs when a statement can reasonably be interpreted as forming the "imputation of a crime." *Leyendecker & Assocs., Inc. v. Wechter*, 683 S.W.2d 369, 374 (Tex. 1984) "It is not necessary that the publication charge a crime in express terms." *Express Pub. Co. v. Isensee*, 286 S.W. 926, 927 (Tex. Civ. App.—Austin 1926, no writ)

The accusation of a crime can be statements capable of being understood "by reasonable implication or insinuation" or if the statements could "induce those who heard it to understand that the person to whom it relates is guilty of a crime." *Mitre v. Brooks Fashion Stores, Inc.*, 840 S.W.2d 612, 619 (Tex. App.—Corpus Christi 1992, writ denied). Here, Plaintiffs have submitted two affidavits with such evidence. First, Dr. Wayne Carver testified that "[g]iven the nature of InfoWars' allegations, I also understood the broadcast to implicate Mr. Pozner and Mrs. De La Rosa in criminal conduct."<sup>174</sup> Second, Andrea DiStephans testified that she also understood the broadcast "to implicate Mr. Pozner and Mrs. De La Rosa in criminal conduct, such as making false statements to government officials or engaging in other forms of criminal misrepresentation."<sup>175</sup> In the full context of Mr. Jones' statements about the nature and purpose of the interview, this is a reasonable inference for these witnesses to make, and it is an inference shared across the nation.

Even if the April 22, 2017 broadcast could not be interpreted as reasonably susceptible to the implication of a crime, the statements are nonetheless defamation per

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<sup>174</sup> Exhibit F, Affidavit of Dr. Wayne Carver, at para. 16.

<sup>175</sup> Exhibit G, Affidavit of Andrea DiStephan, at para. 9.

quod and remain actionable. *Lipsky*, 460 S.W.3d at 596. A statement is defamation per quod “if it tends to (i) injure the subject's reputation, (ii) expose him to public hatred, contempt, ridicule, or financial injury, or (iii) impeach his honesty, integrity, or virtue.” *Tatum*, 2015 Tex. App. LEXIS 13067, at \*16. Here, the broadcast meets any of the three requirements.

**IX. Derivative Torts such as Civil Conspiracy are not Examined under the TCPA.**

Civil conspiracy is “a derivative tort.” *Tilton v. Marshall*, 925 S.W.2d 672, 681 (Tex. 1996). As the Austin court wrote last year, civil conspiracy and other derivative forms of recovery are not analyzed in a motion under TCPA:

The tort is derivative because “a defendant's liability for conspiracy depends on participation in some underlying tort for which the plaintiff seeks to hold at least one of the named defendants liable.” Consequently, courts “do not analyze the trial court's refusal to dismiss plaintiffs' causes of action for conspiracy separately from its refusal to dismiss their other causes of action.” In other words, if the trial court did not err by refusing to dismiss the defamation claim, then it did not err by refusing to dismiss the conspiracy claim related to the defamation claim. Accordingly, we conclude that the trial court did not err by refusing to dismiss Jones's conspiracy claim, which is dependent on his defamation claim.

*Warner Bros.*, 538 S.W.3d at 813–14. (citations omitted). In short, a plaintiff need only prove the *prima facie* elements of his underlying case, not his derivative theories of recovery.

**X. The Right to Recover Exemplary Damages is not Examined under the TCPA.**

The right to recover any particular scope of damages is not an element of an underlying claim. Last year, the Fort Worth court confirmed that a TCPA motion does not apply to remedies such as exemplary damages:

These heightened standards [for exemplary damages] do not alter the elements of Khan's underlying claim for defamation / defamation per se. These additional burdens act only as a



potential barrier to the damages Khan might recover should Khan prevail on his legal action for defamation/defamation per se at trial. As will be discussed below, the TCPA applies to the dismissal of causes of action, not remedies, and while obtaining an award of exemplary damages might require further proof at trial, the elements Khan must prove to recover general damages under his legal action for defamation/defamation per se remain unchanged.

*Van Der Linden v. Khan*, 535 S.W.3d 179, 202 (Tex. App.—Fort Worth 2017, pet. filed). For these reasons, exemplary damages are irrelevant to this Motion.

### **CONCLUSION**

For years, Mr. Jones smeared this shattered family with his malicious statements, and they nearly suffered another fatal tragedy as a result. Yet Mr. Jones refused to stop, and he now seeks a license from this Court to continue peddling his dangerous lies. Given the clear *prima facie* evidence in support of their claims, Plaintiffs pray that this Court denies InfoWars' Motion and awards attorney's fees for responding to this meritless pleading.

Respectfully submitted,

**KASTER, LYNCH  
FARRAR & BALL, LLP**



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**CERTIFICATE OF SERVICE**

I hereby certify that on July 25, 2018 the forgoing document was served upon the following in accordance to Rule 21 of the Texas Rules of Civil Procedure:

**Via E-Service: fly63rc@verizon.net**

Mark C. Enoch  
Glast, Phillips & Murray, P.C.  
14801 Quorum Drive, Ste. 500  
Dallas, Texas 75254

A handwritten signature in black ink, appearing to read 'M. Bankston', is written above a horizontal line.

MARK D. BANKSTON

## **AFFIDAVIT OF FRED ZIPP**

STATE OF TEXAS §  
§  
TRAVIS COUNTY §

Before me, the undersigned notary, on this day personally appeared FRED ZIPP, a person whose identity has been established to me. Upon being duly sworn, Affiant states:

### **PERSONAL BACKGROUND**

I have spent 39 years in daily newspaper journalism and journalism education.

From 1979 to 1984, I was a reporter and assistant city editor at the Beaumont Enterprise in Beaumont, Texas. From 1984 to 1987, I was a sports copy editor, assistant sports editor and assistant city editor at the Austin American-Statesman in Austin, Texas. From 1987 to 1998, I was assistant metro editor, deputy metro editor, news editor and metro editor the Palm Beach Post in West Palm Beach, Florida. In 1998, I returned to the American-Statesman as assistant managing editor, managing editor, and retired as editor. Over the course of my career, I gained extensive experience and expertise in the responsible delivery of news content to a mass media audience.

In 2012, I began teaching at the University of Texas at Austin. At the University of Texas, I supervise a digital media initiative known as *Reporting Texas* which functions similarly to a newsroom; students are the reporters, and I am their editor. I help them conceive, report and write stories that are posted on the [reportingtexas.com](http://reportingtexas.com) website.

I have been a director and officer of the Freedom of Information Foundation of Texas and the Headliners Foundation of Texas, an organization that promotes journalism excellence in the state.

### **SCOPE OF REVIEW**

In arriving at my opinions in this case, I have used the same principles and analysis as I have used throughout my journalism career to determine whether particular assertions could be responsibly published. This review included an examination of the disputed statements as well as a variety of relevant background materials. I have reviewed numerous background items, including:

- Public domain materials relating to the Sandy Hook shooting.
- Materials from the final report published by the Connecticut Department of Emergency Services and Public Protection, available at: <http://cspsandyhookreport.ct.gov/>

- Various articles and social media content from InfoWars.
- Various articles and reference materials concerning InfoWars
- My own personal reference materials and texts.
- Video clips containing statements by InfoWars about Sandy Hook, along with transcripts of those video clips created by a court reporter. Those transcripts are attached to my affidavit.

It is my belief that discovery will likely to produce further relevant evidence, but I am confident that enough material exists in the public domain to reach reliable opinions for the purposes of these initial findings.

### **BACKGROUND KNOWLEDGE OF INFOWARS**

Having been involved in media in Austin for 23 years, I am aware of Alex Jones and InfoWars, although I felt no need to pay close attention to either one before agreeing to review the materials in this lawsuit. Nonetheless, I was aware of InfoWars' extremely poor reputation in the media industry with respect to the reliability of the information it publishes, and I also knew Mr. Jones had alleged the Sandy Hook Elementary School shooting was a government hoax involving actors.

After I asked to review the events of this lawsuit, I have spent a significant amount of time reading articles on [InfoWars.com](http://InfoWars.com) and reviewing audio and video recordings posted to the website. While the site purports to be a news and information operation, it is clear that it is actually a propaganda outlet for Mr. Jones' theories about a global conspiracy to control and enslave the world's population.

Alex Jones and InfoWars generally have a signature style: rapid-fire assertion of various data points with little or, more often, no attribution. The assertions are presented to the viewer as facts. Underlying the presentation is the premise that Jones is at war with "the globalists" and that he wins the war by marshaling his assertions more effectively than they do. In traditional journalism, by contrast, attributing assertions to sources is an essential element of the work, and the attribution becomes more important in proportion to the seriousness of the facts asserted.

According to the American Press Institute, "Journalism is the activity of gathering, assessing, creating, and presenting news and information. It is also the product of these activities...These elements not only separate journalism from other forms of communication, they are what make it indispensable to democratic societies."<sup>1</sup> The process of journalism is dependent on responsible verification in which information is gathered and its accuracy is evaluated. In

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<sup>1</sup> <https://www.americanpressinstitute.org/journalism-essentials/what-is-journalism/>

coming to my opinions, I have analyzed InfoWars' conduct against the well-established standards of the journalism profession.

## INFOWARS' 2017 BROADCASTS

### 1. **InfoWars' April 22, 2017 broadcast falsely stated that Plaintiff Veronique De La Rosa participated in a fake blue-screen interview with Anderson Cooper to cover up the truth about Sandy Hook.**

A central element of Mr. Jones' years of allegations that Sandy Hook was staged fake focuses an interview between Sandy Hook parent Veronique De La Rosa and Anderson Cooper. Mr. Jones insists this interview was fake, and that it was conducted in front of blue-screen. On the April 22, 2017 InfoWar's broadcast entitled "Sandy Hook Vampires Exposed," Alex Jones made the following statements:

So here are these holier than thou people, when we question CNN, who is supposedly at the site of Sandy Hook, and they got in one shot leaves blowing, and the flowers that are around it, and you see the leaves blowing, and they go [gestures]. They glitch. They're recycling a green-screen behind them...

[Shows video footage of interview between Veronique De La Rosa and Anderson Cooper]

And then we've got Anderson Cooper, famously, not just with the flowers blowing and a fake, but when he turns, his nose disappears repeatedly because the green-screen isn't set right. And they don't like to do live feeds because somebody might run up. CNN did that in the Gulf War and admitted it. They just got caught two weeks ago doing it in supposedly Syria. And all we're saying is, if these are known liars that lied about WMDs, and lied to get us in all these wars, and backed the Arab Spring, and Libya, and Syria, and Egypt, and everywhere else to overthrow governments, and put in radical Islamicists (sic), if they do that and have blood on their hands, and lied about the Iraq War, and were for the sanctions that killed half a million kids, and let the Islamicists (sic) attack Serbia, and lied about Serbia launching the attack, when it all came out later that Serbia didn't do it, *how could you believe any of it if you have a memory?* If you're not Dory from 'Finding Dory,' you know, the Disney movie. Thank god you're so stupid, thank god you have no memory. It all goes back to that.<sup>2</sup>

My review suggests this statement is false, both in their explicit text and in their implications. The available public evidence suggests that Anderson Cooper interviewed Veronique

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<sup>2</sup> Ex. A26 - 2017-04-22 - Sandy Hook Vampires Exposed (Clip at 29m)

De La Rosa in Newtown. An expert review by video analyst Grant Fredericks concluded that there is no reasonable basis to believe the interview used a blue-screen and that the compression artifact would be understood by anyone with a basic understanding of digital video.<sup>3</sup> For this reason and other discussed more fully below, it is clear to me that any broadcaster would have serious doubts about stating a blue-screen was used. In sum, there was no reasonable basis to believe that Veronique De La Rosa participated in a faked interview, and any publisher would entertain serious doubts about the truth of such a claim.

**2. InfoWars' April 22, 2017 broadcast made additional false statements about the Sandy Hook shooting and investigation meant to imply that Mrs. De La Rosa's interview is covering up a terrible secret truth.**

In order to justify the implication that the Sandy Hook shooting was a hoax, Mr. Jones has repeatedly provided his viewers with false assertions which he claims are evidence of a cover-up. In the April 22, 2017 broadcast, Mr. Jones followed this pattern by making several statements of fact which are contradicted by the publicly available evidence. These statements have been made by Mr. Jones on numerous prior occasions, and they are used as part of his efforts to convince his audience that a terrible secret truth about Sandy Hook is being covered up by the Plaintiffs and many others.

**A. In the April 22, 2017 broadcast, InfoWars falsely asserted that "the school was closed until that year, in the videos it's all rotting and falling apart and nobody is even in it."**

In the April 22, 2017 broadcast, Mr. Jones asserted that Sandy Hook Elementary School had not been open for years, and the incident was staged in a decaying school which had not been in operation. Mr. Jones has repeated this argument many times over the years.

I have reviewed the affidavit of Dr. H. Wayne Carver, the chief medical examiner who attended to the dead at Sandy Hook. Dr. Carver stated that the school was operational and not rotting or falling apart. I have also viewed publicly available photos of the school's interior taken by law enforcement, as well as video taken by law enforcement, both of which were included in the official Sandy Hook report. The school appears perfectly normal, bearing all the signs of an operational school. The school is not rotting or falling apart, just as Dr. Carver stated.

In order to believe Mr. Jones' statements, one must believe that all photos taken inside Sandy Hook are actually older photos, since Jones alleged that the school was shut down for several years. However, the most well-known and widely publicized photo of Sandy Hook victim N.P. was taken inside Sandy Hook Elementary School. N.P. is wearing a t-shirt made to promote the movie *The Amazing Spiderman*, which he is also seen wearing in other photos.<sup>4</sup>

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<sup>3</sup> Affidavit of Grant Fredericks

<sup>4</sup> Photos provided and used with permission of the Pozner family.

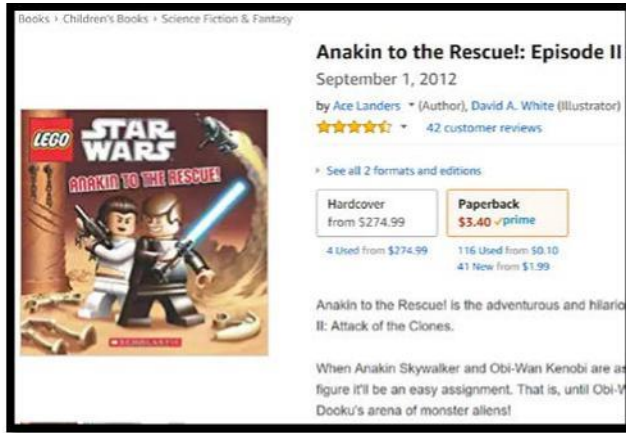


Given the production date of the film, the t-shirt worn by N.P. establishes that the photos could not have been taken before 2012, indicating that the school was open and in operation during that year.



Similarly, there is a photograph of N.P. taken on the same day in which he is holding a copy of a LEGO Star Wars book entitled “Anakin to the Rescue.” The book was published on September 1, 2012.





Finally, N.P. and his sisters are present in a photo taken inside Sandy Hook Elementary School for a Veteran's Day celebration, which matches footage recorded in the school on the day of the shooting.

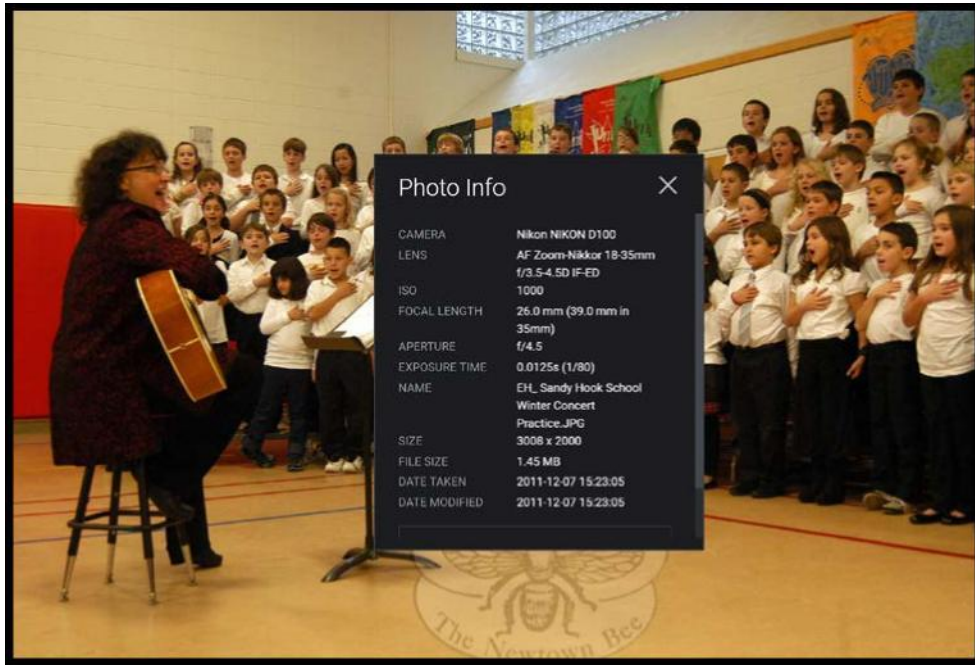


Researchers have catalogued at least 180 news articles appearing in the Newtown Bee, the Danbury Newstimes, and the Newtown Patch between 2008-2012 which discuss activities at Sandy Hook Elementary.<sup>5</sup> The Newtown Bee hosts a photo archive which contains pictures from stories on Sandy Hook, along with viewable metadata. For example, a photo taken in 2011 shows choir practice in Sandy Hook.<sup>6</sup>

<sup>5</sup> <http://www.crisisactorsguild.com/2016/08/25/sandy-hook-elementary-was-open-part-eleven-180-articles-referencing-sandy-hook-school-written-between-2008-2012/>

<sup>6</sup> <https://photos.newtownbee.com/Journalism/Photos-from-the-issue-59/i-p8G52Rv>





There are countless examples of the school's operation between 2008-2012 in the form of social media posts, photographs, and school publications. The evidence I have reviewed shows that the school was not shut down in the years leading up to the shooting. Rather, all evidence indicates that N.P. was a student attending Sandy Hook Elementary School and that it was operational through 2012.

**B. In the April 22, 2017 broadcast, InfoWars falsely asserted that “the kids are going in circles, in and out of the building with their hands up.”**

In the April 22, 2017 broadcast, Mr. Jones repeated a false statement he has made many times about kids walking in circles back into Sandy Hook Elementary School with their hands up. In an earlier broadcast on November 18, 2016, Mr. Jones discussed this claim, stating “We watched footage of kids going in circles, in and out of the building. You’d be running them away from the building.”<sup>7</sup> Mr. Jones showed news helicopter footage taken on the afternoon of the incident showing a line of people exiting the rear of a building and walking in a line to the building’s front entrance.

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<sup>7</sup> Ex. A24 - 2016-11-18 - Alex Jones Final Statement on Sandy Hook (Clip at 4m59s)



Mr. Jones lead his audience to believe this building is Sandy Hook Elementary School. The building is actually a Newtown fire station. The fire station was used as a staging location near the school. This fact is obvious from the same news helicopter footage.



As can be seen in the footage, the shooting has long since ended, and there was no danger to any of the individuals in the staging area. Moreover, none of these individuals walking in line are elementary-aged children. Rather, they are adults with some late adolescent children. None of the individuals have their hands up.



The footage shows people were calmly walking to the front of the firehouse. The reasonable inference is that this group of parents had been ordered by authorities to walk to the front of the building, and they could not travel through the building without disrupting official operations occurring inside.<sup>8</sup> Whatever the reason for these individuals walking in a line to the front of the building, it did not involve kids with their hands up, nor did it reasonably suggest any cover-up or manipulation. In short, there is no truth to the claim on the April 22, 2017 broadcast that “the kids are going in circles, in and out of the building with their hands up.” Furthermore, any reasonable publisher would have known the claim was not true.

**C. In the April 22, 2017 broadcast, InfoWars asserted that “they had Port-A-Potties being delivered an hour after it happened, for the big media event.”**

To reinforce the idea that the event was staged, Mr. Jones claimed that port-a-potties were delivered to Sandy Hook Elementary School within an hour. However, the arrival of port-a-potties was recorded by an officer’s dashboard camera, which was part of the publicly available report. The dashboard camera shows the port-a-potties arrived around 1:30 p.m., nearly four hours after the shooting.

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<sup>8</sup> Sandy Hook Official Report - Book 6, Document 40345.



**D. In the April 22, 2017 broadcast, InfoWars asserted that law enforcement was “pulling guns out of cars.”**

During the April 22, 2017 broadcast, InfoWars reporter Rob Dew alleged that authorities found multiple guns in Adam Lanza’s car. On prior occasions, Mr. Jones has stated that the shooter’s semi-automatic rifle was found inside his car. On January 4, 2013, Mr. Jones stated: “They said he had an AR-15...M4 inside, and it was in the car.”<sup>9</sup> The implication is that Lanza could not have used his semi-automatic rifle to commit the crime because he did not take it into the building.

However, there was only one weapon found in Lanza’s vehicle. That weapon was a shotgun, not his semi-automatic rifle. Lanza took his rifle and pistols into the building. Newtown Police Officer Leonard Pena found a shotgun in Lanza’s vehicle and secured it in the trunk in the early moments of the response.<sup>10</sup> A police photo<sup>11</sup> shows the Saiga 12 shotgun in the truck of Lanza’s car.

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<sup>9</sup> Ex. A2 - 2013-01-04 - Callers React to Foreign Media Pushing Total Gun Confiscation (Clip at 20m25s)

<sup>10</sup> Sandy Hook Official Report - Book 6 Doc 258036

<sup>11</sup> Sandy Hook Official Report - Meehan Parking Lot Photo 37





There is no evidence that police found any other weapon in Lanza's vehicle. Likewise, there is no evidence that police were "pulling guns out of cars." The statements in the April 22, 2017 broadcast were false.

**E. In the April 22, 2017 broadcast, InfoWars asserted that law enforcement authorities were "finding people in the back woods who are dressed up in SWAT gear."**

In the April 22, 2017 broadcast, InfoWars reporter Rob Dew claimed that men wearing SWAT gear were detained in the woods behind Sandy Hook Elementary School. Mr. Jones responded: "And that's on helicopter footage, and then they say it never existed, and later admit it does."

The helicopter footage referenced by Mr. Jones depicts police detaining two reporters who were walking through the woods carrying cameras. The helicopter footage of this encounter has been available online through the Associated Press' YouTube channel since the day of the shooting.<sup>12</sup> Multiple police reports also described this encounter and identified the individuals as reporters. Newtown Police Officer Jason Flynn discussed the encounter in his post-incident interview.<sup>13</sup> He described running into the woods and detaining the reporters with fellow officers:

I then remained outside and assisted Officers with securing the scene. I was near Ofc. Hull near the dumpsters when we heard some Officers in the woods yelling "show me your hands". Ofc. Hull and I then ran into the woods with our sidearm drawn, where several Connecticut Environmental Conservation Officers had two males at gunpoint. As I approached the males I observed they had several straps around their bodies with cameras

<sup>12</sup> <https://www.youtube.com/watch?v=-uor8MnOTM8>

<sup>13</sup> Sandy Hook Official Report - Book 6, Document 28227

on them with long lenses. The straps and the cameras with lenses made it appear they were holding weapons. The two men were patted down for weapons and none were found. I took the two men's identifications. One man had a Connecticut drivers license with OLN # [REDACTED] 04 [REDACTED]. I contacted dispatch to perform a NCIC check. OLN # [REDACTED] 04 [REDACTED] came back valid to a [REDACTED] 04, 03 [REDACTED]. The second man had a New York drivers license with OLN # [REDACTED] 04 [REDACTED]. I had dispatch perform a NCIC check on that OLN. OLN # [REDACTED] came back valid to a [REDACTED] 04, 03 [REDACTED]. The two males were asked what they were doing and they said they were reports and didn't realize they were entering the property of the school. We advised the two men that they were to leave the area immediately and if they returned they would be arrested.

Newtown Police Officer Liam Seabrook also discussed the encounter with the reporters in his post-incident interview.<sup>14</sup>

While at the front of the school, Newtown Police Officer Hull, who was standing on the front right corner of the school, yelled that he heard people shouting "put your hands up". I then ran over to the location to where Ofc. Hull indicated he heard the shouts. I observed three DEP police officers, with their weapons pointed at two male individuals that were in the woods on the right side of the school. I then ran up the hill, in the woods, to the

three DEP police officers. As I approached the three DEP officers, I also pointed my rifle at the two males standing with their hands in the air. I approached the male on the right and handcuffed him. I then searched the male for weapons with negative results. Newtown Police Ofc. Flynn then ran both parties over the radio. One of the DEP officers recorded the two males information. The two males were then identified as reporters for newspapers. It was then determined that the two reporters were going to be set free for the time being. The two reporters were then told to immediately leave the area. I then returned to the front of the school.

Two other individuals were known to be detained in the aftermath of the shooting, but neither were in the woods wearing SWAT gear. First, a parent of a child attending Sandy Hook, Chris Manfredoni, was briefly detained. His detention was described in contemporary press accounts.<sup>15</sup> His detention was also discussed in a post-incident report.<sup>16</sup> This parent was not in the woods, and he was certainly not in SWAT gear. Second, an unarmed man was detained for getting too close to the school. Police reports indicate he had an app on his phone that alerted him to police emergencies.<sup>17</sup> There was also a news interview with a witness who saw this man detained.<sup>18</sup> Finally, there was a report in the Newtown Bee that a man in civilian clothes seen by residents in the woods with a gun was an off-duty police officer responding to the emergency.<sup>19</sup> There were no reports of anybody wearing SWAT gear, and there is no report that this off-duty officer was detained. In sum, there is no reasonable basis for an assertion that police found men in the woods wearing SWAT gear.

It was not necessary to obtain a subpoena to secure the materials needed to fact-check these claims. All these materials exist in the public domain, and they have been discussed by Sandy

<sup>14</sup> Sandy Hook Official Report - Book 6, Document 29085

<sup>15</sup> <http://articles.latimes.com/2012/dec/14/nation/la-na-1215-newtown-school-shooting-20121215>

<sup>16</sup> Sandy Hook Official Report - Book 5, Document 14498

<sup>17</sup> Sandy Hook Official Report - Book 6, Document 2060; Book 6, Document 40345

<sup>18</sup> <https://www.youtube.com/watch?v=PqY9Xvr0Ts8> <sup>19</sup><https://www.snopes.com/fact-check/sandy-hook-exposed/> ;

[https://www.salon.com/2013/01/18/your\\_comprehensive\\_answer\\_to\\_every\\_sandy\\_hook\\_conspiracy\\_theory/](https://www.salon.com/2013/01/18/your_comprehensive_answer_to_every_sandy_hook_conspiracy_theory/) ;  
[https://www.huffingtonpost.com/2013/02/11/sandy-hook-hoax-theories-explained-debunking-newtown-truth\\_n\\_2627233.html](https://www.huffingtonpost.com/2013/02/11/sandy-hook-hoax-theories-explained-debunking-newtown-truth_n_2627233.html)

Hook researchers online. A variety of individuals have debunked these claims over the years while providing verifiable information from the public record. Any responsible publisher would have known Mr. Jones' claims were false, or otherwise entertained serious doubts about their accuracy.

## **OPINIONS**

### **1. InfoWars' False Statements in 2017 Impugned the Reputation of the Plaintiffs.**

It is my opinion that the statements made in the April 22, 2017 broadcast entitled "Sandy Hook Vampires Exposed" were capable of defaming Veronique De La Rosa and Leonard Pozner by impugning their reputation with false information about their honesty or integrity.

#### **A. Background**

InfoWars' April 22, 2017 statements were not made in isolation. The 2017 statements repeated and elaborated on allegations that InfoWars had been making for over four years. Mr. Jones used these false statements as evidence for his contention that the Sandy Hook shooting was faked or staged, and that the participants are engaged in a sinister cover-up.

In a January 27, 2013 broadcast entitled "Why People Think Sandy Hook is a Hoax," Mr. Jones first alleged that Veronique De La Rosa's interview was evidence of a cover-up:

In the last month and a half, I have not come out and said that this was clearly a staged event. Unfortunately, evidence is beginning to come out that points more and more in that direction...Something serious is going on here, and CNN over and over again is at the heart of the fishy things that are happening...

We've got Anderson Cooper supposedly at Sandy Hook, and it's clearly blue screen. I've worked with blue screen for 17 years. We've got it right in there. We know what it looks like. We know what the anomalies look like, and we know what happens when you don't tune it properly. It's clearly blue screen, and you can draw from that what you want...<sup>20</sup>

Now, ladies and gentlemen, the finale. I saw this footage where Anderson Cooper turns. He's supposedly there at Sandy Hook in front of the memorial, and his whole forehead and nose blurs out. I've been working with blue screen, again, for 17 years. I know what it looks like. It's clearly blue screen, clearly.<sup>21</sup>

In an April 16, 2013 broadcast entitled "Shadow Govt Strikes Again," Mr. Jones was discussing various plots behind various national tragedies. During his remarks, he stated:

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<sup>20</sup> Ex. A3 - 2013-01-27 - Why People Think Sandy Hook is a Hoax (Clip at 1m12s)

<sup>21</sup> Ex. A4 - 2013-01-27 - Why People Think Sandy Hook is a Hoax (Clip at 12m58)

“They staged Sandy Hook. The evidence is just overwhelming, and that’s why I’m so desperate and freaked out.”<sup>22</sup>

In a March 14, 2014 broadcast entitled “Sandy Hook, False Narratives Vs. The Reality,” Mr. Jones again repeated his false claim about Mrs. De La Rosa’s interview with Anderson Cooper, along with several other irresponsible claims. Mr. Jones then asserted that the event was pre-planned and featured actors as a part of a cover-up:

Folks, we’ve got video of Anderson Cooper with clear blue-screen out there. [Shaking head]. He’s not there in the town square. We got people clearly coming up and laughing and then doing the fake crying. We’ve clearly got people where it’s actors playing different parts for different people, the building bulldozed, covering up everything. Adam Lanza trying to get guns five times we’re told. The witnesses not saying it was him...I’ve looked at it and undoubtedly, there’s a cover-up, there’s actors, they’re manipulating, they’ve been caught lying, and they were pre-planning before it and rolled out with it.<sup>23</sup>

In a May 13, 2014 broadcast entitled “Bombshell Sandy Hook Massacre Was A DHS Illusion Says School Safety Expert,” Mr. Jones again repeated his false statements,

They don't even hide this stuff, ladies and gentlemen. Anderson Cooper, CIA, up there, who cares if it's blue screen. Just like CNN - - I'm going back to our guest -- Just like CNN back there in the first Gulf War was at the broadcast center in Atlanta on top of a roof with a blue screen behind them saying they were in Riyadh, Saudi Arabia, and Israel different days being hit by nerve gas. And then they went on air for parts of it with the blue screen not even turned on with blue behind them...

You're looking at how they don't any of the standard stuff, the paperwork, the police reports, no helicopter sent, no rescue, kids going in circles totally staged, men with guns in the woods getting grabbed, no names released. They deny it went on. Later have to admit it went on but say we're not answering questions. I mean, clearly it's a drill, just like the Boston bombing. I don't know exactly what's going on, but it just -- the official story isn't true.<sup>24</sup>

In a September 25, 2014 broadcast entitled “Connecticut PD Has FBI Falsify Crime Statistics,” Mr. Jones stated

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<sup>22</sup> Ex. A5 - 2013-04-16 - Shadow Govt Strikes Again (Clip at 13m20s)

<sup>23</sup> Ex. A6 - 2014-03-14 - Sandy Hook, False Narratives Vs. The Reality (Clip at 26s)

<sup>24</sup> Ex. A7 - 2014-05-13 - Bombshell Sandy Hook Massacre Was A DHS Illusion Says School Safety Expert (Clip at 17m)



This is not a game. They are hopping mad we're covering this. CNN admits they did fake scud attacks on themselves back in 1991, 1990. Would they stage this? I don't know. Do penguins live in Antarctica? Wolfgang W. Halbig's our guest, former state police officer, then worked for the customs department, and then over the last decade's created one of the biggest, most successful school safety training grips. And he just has gone and investigated, and it's just phony as a three-dollar bill...<sup>25</sup>

If you've got a school of 100 kids and then nobody can find them, and you've got parents laughing going "Ha, Ha, Ha," and then they walk over to the camera and go (crying), and I mean, not just one, but a bunch of parents doing this and then photos of kids that are still alive they said die. I mean, they think we're so dumb that it's really hidden in plain view, and so the preponderance -- I mean, I thought they had some scripting early on to exacerbate and milk the crisis as Rahm Emmanuel said, but when you really look at it, where are the lawsuits? There would be incredible lawsuits and payouts, but there haven't been any filed, nothing. I've never seen this. This is incredible.<sup>26</sup>

In a December 27, 2014 broadcast entitled "Lawsuit Could Reveal Truth About Sandy Hook Massacre," Mr. Jones stated:

All I know is I saw Cooper with blue screen out there, green screen. I know I saw the kids doing fake, you know, rotations in and out of the building. They tore it down, all the unprecedented gag orders, you know, the police in anti-terror outfits in the woods. Then they denied that, that had been in the news. I mean, something is being hidden there...<sup>27</sup>

I said they may have killed real kids, but they're practicing how to propagandize, and how to control the press, and how to put out a product that's a fraud when I just saw the heavy, heavy, heavy scripting. That was what was so clear. And then the parents laughing and then one second later doing the actor breathing to cry. I mean, it just -- it's just over the top. Over the top sick.<sup>28</sup>

In a December 29, 2014 broadcast entitled "America the False Democracy," Mr. Jones continued to insist that Sandy Hook was fake:

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<sup>25</sup> Ex. A8 - 2014-09-25 - Connecticut PD Has FBI Falsify Crime Statistics (Clip at 22m)

<sup>26</sup> Ex. A8 - 2014-09-25 - Connecticut PD Has FBI Falsify Crime Statistics (Clip at 22m)

<sup>27</sup> Ex. A9 - 2014-12-27 - Lawsuit Could Reveal Truth About Sandy Hook Massacre (Clip at 3m08s)

<sup>28</sup> Ex. A10 - 2014-12-27 - Lawsuit Could Reveal Truth About Sandy Hook Massacre (Clip at 4m34s)

I've had investigators on. I've had the state police have gone public, you name it. The whole thing is a giant hoax. And the problem is how do you deal with a total hoax? I mean it's just -- how do you even convince the public something is a total hoax?

The general public doesn't know the school was actually closed the year before. They don't know. They've shielded it all, demolished the building. They don't know that they had their kids going in circles in and out of the building as a photo op. Blue screen, green screens, they got caught using. I mean the whole thing.

But remember, this is the same White House that's been caught running the fake Bin Laden raid that's come out and been faked. It's the same White House that got caught running all these other fake events over and over again, and it's the same White House that says I never said that you could keep your doctor when he did say you could keep doctor. People just instinctively know that there's a lot of fraud going on, but it took me about a year with Sandy Hook to come to grips with the fact that the whole thing was fake. I mean, even I couldn't believe it. I knew they jumped on it, used the crisis, hyped it up, but then I did deep research; and my gosh, it just pretty much didn't happen.<sup>29</sup>

In a January 13, 2015 broadcast entitled “Why We Accept Gov't Lies,” Mr. Jones continued his allegations about Sandy Hook, including his allegation about Mrs. De La Rosa's interview, as well allegations about her son. He asserted that the event was “completely fake” and “manufactured”:

You learn the school had been closed and re-opened. And you've got video of the kids going in circles, in and out of the building, and they don't call the rescue choppers for two hours, and then they tear the building down, and seal it. And they get caught using blue-screens, and an email by Bloomberg comes out in a lawsuit, where he's telling his people get ready in the next 24 hours to capitalize on a shooting.

Yeah, so Sandy Hook is a synthetic, completely fake with actors, in my view, manufactured. I couldn't believe it at first. I knew they had actors there, clearly, but I thought they killed some real kids. And it just shows how bold they are that they clearly used actors. I mean they even ended up using photos of kids killed in mass shootings here in a fake mass shooting in Turkey, or Pakistan. The sky is now the limit.<sup>30</sup>

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<sup>29</sup> Ex. A11 - 2014-12-29 - America the False Democracy (Clip at 11m53s)

<sup>30</sup> Ex. A12 - 2015-01-13 - Why We Accept Gov't Lies (Clip at 10m36s)

In a February 12, 2015 broadcast with an unknown title, Mr. Jones continued to repeat his false claims. Mr. Jones stated, "I know they're using blue screens...There are literally hundreds of smoking guns here that this thing doesn't add up."<sup>31</sup>

In a March 4, 2015 broadcast entitled "New Bombshell Sandy Hook Information In-Bound," Mr. Jones stated, "We know it stinks. I mean, it's phony. The question is what is going on. We don't know. We just know it's fake. How fake we don't know. It's sick."<sup>32</sup>

In a July 7, 2015 broadcast entitled "Government Is Manufacturing Crises," Mr. Jones again asserted that Sandy Hook was staged:

If they did kill kids, they knew it was coming, stocked the school with kids, killed them, and then had the media there, and that probably didn't even happen. I mean, no wonder we get so many death threats and so much heat and so much other stuff I'm not going to get into, behinds the scenes, when we touch Sandy Hook because, folks, it's as phony as a three-dollar bill.<sup>33</sup>

In a July 7, 2015 broadcast entitled "Retired FBI Agent Investigates Sandy Hook Mega Massive Cover Up," Mr. Jones repeated a large selection of his prior false claims about Sandy Hook:

No emergency helicopters were sent. The ambulances came an hour and a half later and parked down the road. DHS an hour and a half later with the time stamp put up signs saying sign in here. They had porta-potties being delivered within an hour and a half. It looked like a carnival. It looked like a big PR stunt.

Came out that Bloomberg a day before sent an email out to his gun control groups in all 50 states saying, "Prepare to roll, maybe operation coming up." That came out in the news.

We have the emails from city council back and forth and the school talking about it being down a year before. We have the school then being demolished, and the records being sealed. We have videos that look just incredibly suspicious where people are laughing and everything, and then they start huffing and puffing and start crying on TV, which is pure acting method...

But I mean, this is just so big. And the more we look at Sandy Hook, I don't want to believe it's a false flag. I don't know if kids really got killed. But you got green screen with Anderson Cooper where I was watching the video and the flowers and plants are blowing in some

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<sup>31</sup> Ex. A13 - 2015-02-12 - InfoWars broadcast relating to HONR copyright claim (Clip at 0m26s)

<sup>32</sup> Ex. A20 - 2015-03-04 - New Bombshell Sandy Hook Information In-Bound (Clip at 32m30s)

<sup>33</sup> Ex. A21 - 2015-07-07 - Government Is Manufacturing Crises (Clip at 32m)

of them, and then they blow again the same way. It's looped, and then his nose disappears. I mean, it's fake.

The whole thing is just -- I don't know what happened. It's kind of like if you see a hologram at Disney World in the Haunted House, you know. I don't know how they do it, but it's not real. When you take your kids to see, you know, the Haunted House and ghosts are flying around, they're not real, folks. It's staged.<sup>34</sup>

Mr. Jones also stated, "It's 101, they're covering up...This is mega-massive cover-up. My God." Mr. Jones stated that the tragedy was "totally made up with green screens, everything. And we've got them on green screens." Mr. Jones stated, "That's how evil these people are is that they can have CNN involved, all these people."<sup>35</sup>

In a November 18, 2016 broadcast entitled "Alex Jones Final Statement on Sandy Hook," Mr. Jones directly addressed the growing public controversy caused by his statements. In doing so, he began by repeating the numerous false claims he has made over the years.

Number one, the day before this tragic event happened an email was sent out by Bloomberg's anti-gun group saying prepare for a big event. But the biggest piece of evidence, the smoking gun, if you would, of a cover-up, of whatever really happened is the Wayback Machine, the internet archive. We see Sandy Hook's Newtown website K through 12 having zero traffic 2008, '09, '10, '11, '12, and then all of a sudden it just explodes. It's impossible to have zero traffic to a K through 12 entire school system. And the word is that school system was shut down for those years. That's what the records show. They tell us it was open...

And early on, that day we watched footage of kids going in circles in and out of the building. You'd be running them away from the building. Emergency helicopters weren't called. Instead port-potties were prepared for the press within hours of the event. I saw the helicopters that did respond, the police helicopters saying that there were men or a man in the woods in camouflage...

And then I saw Anderson Cooper -- I've been in TV for 20-something years; I know a blue screen or a green screen -- turn, and his nose disappears. Then I saw clearly that they were using footage on the green screen looped because it would show flowers and other things during other broadcasts that were moving and then basically cutting to the same piece of footage...

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<sup>34</sup> Ex. A22 - 2015-07-07 - Retired FBI Agent Investigates Sandy Hook Mega Massive Cover Up (Clip 0-5m)

<sup>35</sup> Ex. A23 - 2015-07-07 - Retired FBI Agent Investigates Sandy Hook Mega Massive Cover Up (Clip at 9m40s)

Then we see footage of one of the reported fathers of the victims, Robby Parker, doing classic acting training where he's laughing and joking. And they say, hey, we're live, and he goes, oh. And maybe that's real. I'm sure it is.

But you add it to all the other things that were happening and all the other fake news the media has been caught in, and CNN back in 1991 openly faking scud missile attacks on Saudi Arabia and Israel when they were back in Atlanta; and the satellite feeds caught them admitting that it was all fake. We'd be crazy not to question this because bare minimum they were faking some of the shots and some of the coverage.

So to be clear, we point out clear chroma key, also known as blue screen or green screen being used, and we're demonized. We point out they're clearly doing fake interviews.<sup>36</sup>

In other words, Mr. Jones used Mrs. De La Rosa's "fake" interview as proof that the truth about Sandy Hook was being artificially manipulated. In a chilling finale, Mr. Jones told his audience that the parents were actors:

And why should anybody fear an investigation if they have nothing to hide. In fact, isn't that in Shakespeare's Hamlet, "me thinks you protest too much."

But this particular case they are so scared of an investigation. So everything they do basically ends up blowing up in their face. So you guys are going to get what you want now. I'm going to start reinvestigating Sandy Hook and everything else that happened with it...

And so if children were lost in Sandy Hook, my heart goes out to each and every one of those parents and the people that say they're parents that I see on the news. The only problem is I've watched a lot of soap operas, and I've seen actors before. And I know when I'm watching a movie and when I'm watching something real.<sup>37</sup>

On April 22, 2017, InfoWars aired the "Sandy Hook Vampires Exposed" broadcast. During that broadcast, InfoWars once again made the false accusation that Ms. De La Rosa conducted a fake interview with Anderson Cooper as evidence of a conspiracy to cover up the truth about Sandy Hook. This broadcast was not an isolated statement, and it was clearly meant to reinforce years of claims about Sandy Hook. InfoWars should have known these claims were not true.

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<sup>36</sup> Ex. A24 - 2016-11-18 - Alex Jones Final Statement on Sandy Hook (Clip at 4m59s)

<sup>37</sup> Ex. A25 - 2016-11-18 - Alex Jones Final Statement on Sandy Hook (Clip at 15m22s)

The statements made in the April 22, 2017 broadcast were further reinforced by comments Mr. Jones and InfoWars made later in 2017. On June 13, 2017, Mr. Jones stated in a Facebook video that “there's been a cover-up, and Anderson Cooper got caught faking where his location was with blue screen.”<sup>38</sup> On June 19, 2017, Mr. Jones appeared for an interview with Megyn Kelly. During this interview, Mr. Jones continued to insist there had been a cover-up. While he waffled on whether he now believed children were killed, he did not abandon his accusations about a cover-up. Mr. Jones claimed it was suspicious that the children’s autopsy records were not released to the public, and he again claimed to see video of kids going in circles in and out of Sandy Hook elementary. Mr. Jones stated, “I do think there's some cover-up and some manipulation.”<sup>39</sup>

In an October 26, 2017 broadcast entitled “JFK Assassination Documents To DROP Tonight,” Mr. Jones again returned to the subject of Sandy Hook. In this broadcast, he repeated his accusation that “it's as phony as a three-dollar bill with CNN doing fake newscasts, with blue screens.”<sup>40</sup>

## **B. The reasonable meaning of InfoWars’ 2017 broadcasts**

Before publishing, journalists must evaluate how their story will be received by the public. The editorial process includes an analysis of how ordinary readers of average intelligence will understand and interpret the story. During my years in newspaper journalism, I gained extensive expertise in assessing the reasonable meanings of a text. As editor, I routinely applied this expertise in order to avoid creating a misimpression among our readership. In this case, I likewise analyzed the publication to determine what meaning could be reasonably understood by a person of average intelligence.

It is my opinion that a person of ordinary intelligence could reasonably understand InfoWars’ 2017 statements to accuse Ms. De La Rosa in colluding in an act of technical trickery to simulate her presence in Newtown when she was not actually there. A person of ordinary intelligence could reasonably understand that Mr. Jones was claiming this trickery was consistent with a series of deceptions perpetrated by CNN to facilitate violence and abuses of power. Unquestionably, the gist of the broadcast is that Ms. De La Rosa’s fake interview is evidence of an evil conspiracy underlying Sandy Hook. Given the circumstances, it is my opinion that a person of ordinary intelligence could reasonably draw the implication that InfoWars was alleging Mrs. De La Rosa’s interview is evidence that Sandy Hook was staged and that the alleged parents are participating in a cover-up. A person of ordinary intelligence could also reasonably draw the implication that InfoWars was alleging that Ms. De La Rosa is not a parent, but rather an actor participating in CNN’s insidious scheme.

While the statements do not feature him specifically, a person of ordinary intelligence acquainted with Leonard Pozner, who was Ms. De La Rosa’s husband, could reasonably have understood that the allegations also implicated him. Given the nature of the allegations about Ms. De La Rosa’s conduct, and given the allegations that Sandy Hook was a staged event, a person of

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<sup>38</sup> Ex. A28 - 2017-06-13 - What Alex Jones Really Believes About Sandy Hook (Clip at 14m)

<sup>39</sup> Ex. A29 - 2017-06-19 - Megyn Kelly Profile (Clip at 7m55s)

<sup>40</sup> Ex. A30 - 2017-10-26 - JFK Assassination Documents To DROP Tonight (Clip at 1h13m30s)

ordinary intelligence could reasonably draw the implication that Leonard Pozner must also have been participating in a cover-up of the event.

Not only is it my opinion that these statements could be understood in this manner, but there is ample evidence that Mr. Jones' statements were indeed understood in this manner by the public at large. The nature of Mr. Jones' statements about Sandy Hook have been widely reported in the media. The national outrage created by the unmistakable meaning of Mr. Jones' statements about Sandy Hook is well documented. In an April 19, 2018 editorial entitled "Thank You for Suing Alex Jones," the Hartford Courant editorial board wrote:

Alex Jones and his website Infowars offer the worst kind of free speech — incendiary malice, based in falsehood, with no social value...They claim the Sandy Hook parents are actors. They claim the children never existed. They weave wild conspiracies from thin air. They have no regard for human suffering.<sup>41</sup>

The New York Daily News Editorial Board wrote about Jones' statements in an editorial on April 17, 2018 entitled "Defamed by the devil: Sandy Hook parents take on Alex Jones' lies." The Board wrote:

All decent people should cheer on Leonard Pozner, Veronique De La Rosa and Neil Heslin...for filing a defamation lawsuit in Texas court against Alex Jones. As a radio show host and the grand poobah of [Infowars.com](http://infowars.com), Jones has peddled wretched whole-cloth lies about the 2012 Newtown massacre: that it was all a hoax, that the victims and their mourning mothers and fathers are actors.<sup>42</sup>

In short, nobody who has been paying attention to Mr. Jones has any ambiguity about the meaning of his claims. His statements about Mrs. De La Rosa's interview form a central part of his years-long campaign to convince his viewers that the events of Sandy Hook should not be believed. Given the persistence of the Sandy Hook hoax conspiracy online, it is clear that many of Mr. Jones' followers have accepted his allegations as true. A 2016 poll conducted by Fairleigh Dickinson University found that 24% of Americans believe Sandy Hook was either "definitely" or "possibly" faked.<sup>43</sup>

Additionally, it is clear from my review that Mr. Jones' statements would be reasonably understood as assertions of fact, not opinions. Mr. Jones did not equivocate in his statements about a blue-screen or his other false statements about Sandy Hook. Mr. Jones has frequently claimed special expertise and assured his audience that the interview "clearly" used a blue screen. In the April 22, 2017 broadcast, Mr. Jones confidently stated that "the green-screen isn't set right."<sup>44</sup>

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<sup>41</sup> <http://www.courant.com/g00/opinion/editorials/hc-ed-alex-jones-sandy-hook-hoax-lawsuit-20180417-story.html?i10c.encReferrer=&i10c.ua=1&i10c.dv=14>

<sup>42</sup> <http://www.nydailynews.com/opinion/defamed-devil-sandy-hook-parents-alex-jones-lies-article-1.3939094>

<sup>43</sup> <https://view2.fdu.edu/publicmind/2016/161011/>

<sup>44</sup> Ex. A26 - 2017-04-22 - Sandy Hook Vampires Exposed (Clip at 29m)

It is my opinion that that InfoWars' 2017 statements would tend to injure a person's reputation and impeach their honesty and integrity. It is also clear these statements could expose a person to contempt or ridicule.

**2. InfoWars' accusations about Sandy Hook and Ms. De La Rosa's interview were made with reckless disregard for truth.**

I have reviewed materials which lead me to believe that InfoWars demonstrated a reckless disregard for truth. It is my opinion that InfoWars had serious doubts about the truth of their 2017 broadcasts and were motivated by a desire to mislead.

**A. InfoWars's accusations were inherently improbable.**

Mr. Jones' assertion about the blue-screen was farfetched to the say the least. It required an extraordinary level of verification before being repeatedly stated as fact. Yet it is clear that InfoWars performed no verification because any genuine inquiry would have shown the accusation was bogus. As demonstrated by video analyst Grant Fredericks, any minimal competent video professional would have understood that the blue-screen was not used.

Another problem with InfoWars' allegation is that it makes no sense to use a blue screen to simulate an interview in a location that is a short drive from Anderson Cooper's office in New York City. In addition, there is copious third-party evidence that Mr. Cooper was in Newtown. For example, on December 15, 2012, an Anderson Cooper fan blog, "All Things Anderson," posted photographs of Mr. Cooper in Newtown.<sup>45</sup>



Mr. Jones' accusation proves the adage that serious claims require serious evidence. Yet it does not appear that Mr. Jones had any evidence to make his assertions, relying instead on his own self-professed expertise in video technology. As such, Mr. Jones ignored basic precautions taken

<sup>45</sup> <http://www.allthingsandersoncooper.com/2012/12/anderson-cooper-live-in-newtown-ct.html>



by journalists. Rather than meaningfully investigate his claim or produce corroborating evidence, Mr. Jones made these statements with reckless disregard for whether they were true or not.

**B. InfoWars has a long history of making false statements about Sandy Hook.**

InfoWars has made wild claims about the Sandy Hook massacre from the beginning. Mr. Jones suggested the event was a “false flag” on the day on the shooting<sup>46</sup>, and InfoWars explicitly made that claim over the next five years. The accusation that Ms. De La Rosa’s interview was conducted in front of a blue-screen became a central element of InfoWars’ claim that the official story of Sandy Hook was a lie. In a 2013 broadcast entitled “Why People Think Sandy Hook is Hoax,” Mr. Jones called Ms. De La Rosa’s interview footage “the finale” in his parade of evidence that the event was staged. He continued to repeat this falsehood on numerous broadcasts over the new five years, along with other false assertions about Sandy Hook.

As part of my evaluation in this case, I reviewed video clips from over twenty InfoWars’ broadcasts between 2013-2016, all of which discuss the alleged conspiracy behind Sandy Hook. In the videos I reviewed, InfoWars made a variety of factual allegations which are readily disproved by basic journalistic efforts. The various claims made by Jones have been debunked from numerous groups and individuals using a wide variety of sources in the public record.

InfoWars had ample opportunity to investigate the accuracy of its assertions. It has devoted an enormous amount of airtime to the tragedy, with broadcasts making extreme assertions years after the event. Given the enormous public attention and outcry over Jones’ allegations, I find it unlikely that InfoWars researchers could have avoided the widespread debunking efforts unless they were doing so intentionally. It is my opinion that any reasonable journalist who continued to publish these claims in 2017 would entertain serious doubts about the truth of their statements, and that they would be acting with a desire to mislead their audience.

**C. InfoWars has a long history of recklessly claiming that national tragedies were staged by the government.**

Mr. Jones’ rise to notoriety coincided with his assertions that the 9/11 terror attacks were orchestrated by the U.S. government. His current promotional materials boast that “Alex Jones is considered by many to be the grandfather of what has come to be known as the 9/11 Truth Movement.”<sup>47</sup> Regarding the shooting at Columbine High School, Jones told his audience, “Columbine, we know was a false flag. I’d say 100% false flag.”<sup>48</sup> Jones claimed that Columbine “had globalist operations written all over it.”<sup>49</sup> Regarding the Oklahoma City bombing, Jones said

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<sup>46</sup> Ex. A1 - 2012-12-14 - Connecticut School Massacre Looks Like False Flag Says Witnesses (Clip at 9m30)

<sup>47</sup> Free Speech Systems, LLC Media Kit, p. 1.

<sup>48</sup> The Alex Jones Show, July 20, 2012, video available at:  
<https://www.mediamatters.org/embed/clips/2016/11/23/51244/gcn-alexjones-20120720-columbinefalseflag>

<sup>49</sup> The Alex Jones Show, July 20, 2012, video available at:  
<https://www.mediamatters.org/embed/clips/2016/11/23/51241/gcn-alexjones-20120720-columbine>

the bombing was a “false flag” and that “we’ve never had one so open and shut.” He added that convicted bomber Timothy McVeigh “was a patsy, that was a staged event.”<sup>50</sup>

Mere hours after James Holmes killed twelve people in a movie theater in Aurora, CO, Jones told his audience that there was a “100 percent chance” the shooting was a “false flag, mind control event.”<sup>51</sup>

After the shooting of Rep. Gabrielle Giffords, Jones stated: “The whole thing stinks to high heaven.”<sup>52</sup> Mr. Jones asserted that the Giffords shooting was “a staged mind-control operation.”

An April 18, 2013 headline on the InfoWars website read “Proof Boston Marathon Bombing Is False Flag Cover-Up.”<sup>53</sup> A week later, Mr. Jones stated on his broadcast, “I have never seen a false flag, provocateured, staged event by a government come apart faster than it is right now.”<sup>54</sup> Jones said that “patsies were set up” after being recruited by “globalist intelligence agencies.”<sup>55</sup> Jones claimed that Dzhokhar Tsarnaev, who was convicted of the Boston Marathon bombing, “was totally set up, ladies and gentlemen, to sell the police state,” and that his brother worked for the CIA.<sup>56</sup>

Mr. Jones made similar accusations about the Douglas High School shooting in Parkland, Florida, claiming a 90% probability that it was a false flag:

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<sup>50</sup> The Alex Jones Show, April 19, 2015, video available at:

<https://www.mediamatters.org/embed/clips/2016/11/21/51199/youtube-jones-20150419-okc>

<sup>51</sup> The Alex Jones Show, July 20, 2012, video available at:

<https://www.mediamatters.org/embed/clips/2016/11/23/51243/gcn-alexjones-20120720-100>

<sup>52</sup> Interview with Rolling Stone, March 2, 2011, available at:

<http://www.rollingstone.com/politics/news/talk-radios-alex-jones-the-most-paranoid-man-in-america-20110302>

<sup>53</sup> <http://www.infowars.com/proof-boston-marathon-bombing-is-staged-terror-attack/>

<sup>54</sup> The Alex Jones Show, April 26, 2013, available at:

<https://www.mediamatters.org/embed/clips/2016/11/29/51269/youtube-alexjones-20130426-staged>

<sup>55</sup> The Alex Jones Show, April 26, 2013, available at:

<https://www.mediamatters.org/embed/clips/2016/11/29/51271/youtube-alexjones-20130426-boston>

<sup>56</sup> The Alex Jones Show, April 8, 2015. Available at:

<http://mediamatters.org/video/2015/04/08/rand-pauls-ally-alex-jones-boston-marathon-bomb/203215>



In short, a major element of Mr. Jones’ brand is built on his allegations that major national tragedies are actually the result of orchestrated government actions. Given this background, I find that Mr. Jones’ pattern of predictably asserting that events are “false flags,” sometimes within hours of the event, is circumstantial evidence that Mr. Jones recklessly disregarded whether his broadcast was true in this case.

**D. There is evidence of personal animus to the Pozner family.**

According to his affidavit, Plaintiff Leonard Pozner has spent significant effort online attempting to stop the spread of Mr. Jones’ hoax fantasies. Mr. Pozner started a non-profit known as the HONR Network that seeks to have false statements about victims of mass shooting events removed from the internet.

In 2015, HONR lodged a complaint with YouTube over an InfoWars video that featured photographs of Mr. Pozner’s son. When these complaints caused the video to be deleted, a visibly angry Jones discussed the issue on his February 12, 2015 broadcast. Mr. Jones stated, “We’re going to be countering this, and we’re going to be dealing with this.”<sup>57</sup> Mr. Jones then stated, “We need to stop cowing down to these people, and let them know we’re not putting up with their bullying anymore.”<sup>58</sup>

Mr. Jones later took a live phone call from a fellow Sandy Hook denier who was also upset with Mr. Pozner. The caller stated, “Lenny, if you’re listening, your day is coming, my friend. It is coming.” Mr. Jones responded, “This sounds like a war is going on. I think they made a major mistake involving us.” The caller then stated, “Oh, I totally agree. They don’t know what they bit off. Go after them, Alex. Crush them.” Mr. Jones responded, “I’m not somebody to mess with.”<sup>59</sup>

<sup>57</sup> Ex. A14 - 2015-02-12 - InfoWars broadcast relating to HONR copyright claim (Clip at 23m34s)

<sup>58</sup> Ex. A15 - 2015-02-12 - InfoWars broadcast relating to HONR copyright claim (Clip at 31m14s)

<sup>59</sup> Ex. A16 - 2015-02-12 - InfoWars broadcast relating to HONR copyright claim (Clip at 34m10s)

Following this call, InfoWars reporter Rob Dew showed personal addresses of Mr. Pozner and displayed maps of these locations.<sup>61</sup> Mr. Jones stated that, "I guess I'm going to have to probably go on up to Newtown. I'm going to have to probably go investigate Florida as well."<sup>62</sup>

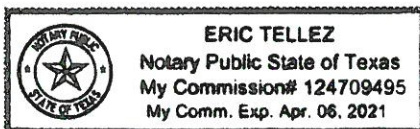
A few weeks after the broadcast discussing Mr. Pozner, InfoWars featured another broadcast about Sandy Hook on March 4, 2015 entitled "New Bombshell Sandy Hook Information In-Bound." Over the course of the one-hour broadcast, Mr. Jones made repeated reference to Mrs. De La Rosa's interview, such as:

If we've seen false flags over and over again and then you've got all these anomalies and clear loop tapes and clear blue screen/green screens -- I mean, they really screwed up. CNN screwed up during the Gulf War with fake green screen stuff. It was blue screen in that case, chroma key...And you know, fake scud attacks that are admitted. So I just -- it had all the signs too. How they were so ready that day, how they capitalized them, how they rolled out all these groups.<sup>63</sup>


Mr. Jones and InfoWars continued to make false statements over the next year, culminating the statements in the April 22, 2017 broadcast entitled "Sandy Hook Vampires Exposed." I find there is circumstantial evidence that InfoWars' continuing allegations were motivated in part by personal malice towards Leonard Pozner.

## CONCLUSION

Based on the evidence I have reviewed at this early stage, it is my opinion that the Defendants failed to use reasonable care to ascertain the accuracy of their statements. Moreover, it is my opinion that the Defendants entertained serious doubts about the truth of their statements regarding the Plaintiffs. Given the evidence I have reviewed, I conclude that the statements were published with reckless disregard for falsity. It is also my opinion that the statements by InfoWars were harmful to the Plaintiff, and could subject them to public contempt, hate, or ridicule.



  
Fred Zipp

  
Eric Tellez  
My commission expires 4-6-21

<sup>60</sup> Ex. A17 - 2015-02-12 - InfoWars broadcast relating to HONR copyright claim (Clip at 38m59s)

<sup>61</sup> Ex. A18 - 2015-02-12 - InfoWars broadcast relating to HONR copyright claim (Clip at 42m23s)

<sup>62</sup> Ex. A19 - 2015-03-04 - New Bombshell Sandy Hook Information In-Bound (Clip at 16m53s)

## **Exhibit A1**

2012-12-14 - Connecticut School Massacre Looks Like False Flag Says Witnesses (Clip at 9m30)

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4 CONNECTICUT MASSACRE SHOOTING

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8 TRANSCRIPT OF INFOWARS BROADCAST

9 LOOKS LIKE FALSE FLAG SAYS WITNESSES

10 DECEMBER 14, 2012

11 CLIP AT 9M 30S

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1           **MR. JONES:** ... with all sorts of information on  
2 this subject. But get ahold of your cousin when she settles  
3 down and get her to talk to us for any other information. We  
4 need to know: were there any drills that day or the day  
5 before? Does she have anything about other shooters, or was  
6 it that she never saw the shooters?

7           **UNIDENTIFIED CALLER:** Well, I had asked them if it  
8 was supposedly too -- because they have a lot of security at  
9 that school. You have to ring a doorbell in order to get  
10 into the school.

11          **MR. JONES:** Yeah, of course. Which is another side  
12 of that. Yeah. It's one of these federal model schools.

13          **UNIDENTIFIED CALLER:** The thing that just scared  
14 the daylights out of me -- I had to call right away -- is I  
15 asked them, "Did they ever train for this?" And my uncle  
16 said, "Yes." Within this school year, since September, they  
17 have trained for incidents like this.

18          **MR. JONES:** Well, that in and of itself isn't proof  
19 of it, but they could use a drill to then bring in a patsy.  
20 It could just be a Prozac head. We'll find out. God bless  
21 you, sir. I appreciate your call. Stay in contact.

22               We're going to go to Rob who says email --

23               (END OF AUDIO FILE)

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1 CERTIFICATE OF TRANSCRIPTIONIST

2 I certify that the foregoing is a true and accurate  
3 transcript of the digital recording provided to me in this  
4 matter.

5 I do further certify that I am neither a relative, nor  
6 employee, nor attorney of any of the parties to this  
7 action, and that I am not financially interested in the  
8 action.

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A handwritten signature in blue ink, appearing to read "Julie Thompson", is written over a light blue rectangular background. A horizontal line extends from the end of the signature to the right.

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Julie Thompson, CET-1036

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## **Exhibit A2**

2013-01-04 - Callers React to Foreign Media Pushing Total Gun Confiscation. January 04, 2013.  
Clip at 20m 25s

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CONNECTICUT MASSACRE SHOOTING

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TRANSCRIPT OF INFOWARS BROADCAST

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CALLERS REACT TO FOREIGN MEDIA PUSHING TOTAL GUN CONFISCATION

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JANUARY 04, 2013

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CLIP AT 20M 25S

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1           **MR. JONES:** ...but right on time Sandy Hook  
2 happened. And I saw some more of the foreign media going  
3 conspiracy theorists say that, you know, there were multiple  
4 shooters. Well, the media always reports multiple shooters  
5 because little kids were seeing, you know, people and making  
6 the reports.

7           No. We've aired the newscast. It was helicopters  
8 and footage and surveillance cameras of multiple guys in camo  
9 arrested out in the woods. It wasn't little kids filing  
10 these reports. There's video of it, and they said he had an  
11 AR-15 M4 inside. It was in the car.

12                   (END OF AUDIO FILE)

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8 action.

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A handwritten signature in blue ink, appearing to read "J Thompson", is written over a light blue rectangular background.

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Julie Thompson, CET-1036

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## **Exhibit A3**

2013-01-27 - Why People Think Sandy Hook is a Hoax (Clip at 1m12s)

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4 CONNECTICUT MASSACRE SHOOTING

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8 TRANSCRIPT OF INFOWARS BROADCAST

9 WHY PEOPLE THINK SANDY HOOK IS A HOAX

10 JANUARY 27, 2013

11 CLIP AT 1M 12S

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1           **MR. JONES:** Now again, in the last month and a half  
2 I have not come out and said that this was clearly a staged  
3 event. Unfortunately, evidence is beginning to come out that  
4 points more and more in that direction, and we're going to  
5 show you that information in a moment.

6           Now, a lot of the tens of millions of video views  
7 on YouTube concerning the Sandy Hook hoax surrounds CNN and  
8 what appears to be people who have been coached, people who  
9 have been given cue cards, people who are behaving like  
10 actors. And we see CNN criticizing all the witnesses from  
11 the helicopter, and the news crews, and witnesses, adults,  
12 that saw multiple people being detained who were in camo.  
13 We're told, oh, those are five-year-olds saying that. It's a  
14 conspiracy theory, when it's not five-year-olds saying that.  
15 It's adults. It's police admitting that "police officers"  
16 were arrested from other jurisdictions creeping around in the  
17 woods.

18           Something serious is going on here, and CNN over  
19 and over again is at the heart of the fishy things that are  
20 happening.

21           Now, remember, in 1990-1991 when the Gulf War  
22 started, CNN would send out their raw feeds to their news  
23 affiliates, and on it there was clear blue screens on top of  
24 the roof of CNN Center in Atlanta with their top reporters  
25 claiming they were in Israel under sarin nerve gas attack

1 from scuds. And later they had to admit, quietly -- this is  
2 on record; we're going to show you some clips -- that indeed  
3 they were in Atlanta, Georgia, and that they were not being  
4 attacked by scud missiles with sarin gas.

5 CBS News got caught scripting videos as well, and  
6 there's a lot of examples of this.

7 (END OF AUDIO FILE)

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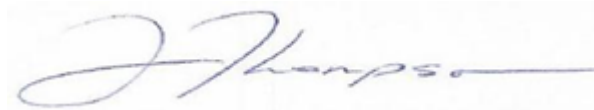
25



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8 action.

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12 Julie Thompson, CET-1036  
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## **Exhibit A4**

2013-01-27 - Why People Think Sandy Hook is a Hoax (Clip at 12m58)

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4 CONNECTICUT MASSACRE SHOOTING

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8 TRANSCRIPT OF INFOWARS BROADCAST

9 WHY PEOPLE THINK SANDY HOOK IS A HOAX

10 JANUARY 27, 2013

11 CLIP AT 12M 58S

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1           **MR. JONES:** ...that their people were supposedly  
2 under with a blue screen. Now, ladies and gentlemen, the  
3 finale. I saw this footage where Anderson Cooper turns.  
4 He's supposedly there at Sandy Hook in front of the memorial,  
5 and his whole forehead and nose blurs out.

6           I've been working with blue screen, again, for 17  
7 years. I know what it looks like. It's clearly blue screen,  
8 clearly. And I thought that's got to be somebody's doctored  
9 YouTube. There's no way.

10          We went to CNN, found a link where the whole  
11 interview had been posted. It's been removed. Oh, by the  
12 way, just like some of the earlier clips, like Robby Parker,  
13 have been removed. I forgot that.

14          So I'm thinking, okay, they took it down. Let me  
15 go to Archive.org, which is, you know, respected, you know,  
16 puts the archives up, and I found it all unedited right  
17 there, exact same footage in high def. And we're going to  
18 show you a clip of that right now, full size, and then we'll  
19 enhance it and blow it up.

20          (Video played - not transcribed)

21          And Anderson Cooper has got some explaining to do  
22 because I know blue screen when I see it.

23          I believe children died at Sandy Hook, and there  
24 are a lot of parents going through serious grief. So that  
25 can account for some of the strange behavior. Nothing can

1 account for what happens to his nose, and this is CNN,  
2 admittedly run by the Pentagon and psyops, Washington Post.  
3 WorldNetDaily.

4           This needs to be investigated. They're clearly  
5 using this to go after our guns. The government knows  
6 overall violent crime is down 49 percent.

7           (END OF AUDIO FILE)

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1 CERTIFICATE OF TRANSCRIPTIONIST

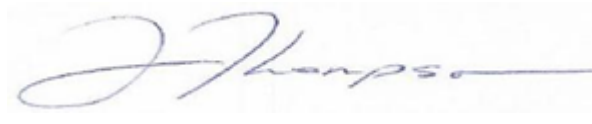
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Julie Thompson, CET-1036

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## **Exhibit A5**

2013-04-16 - Shadow Govt Strikes Again (Clip at 13m20s)

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4 CONNECTICUT MASSACRE SHOOTING

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8 TRANSCRIPT OF INFOWARS BROADCAST

9 SHADOW GOVERNMENT STRIKES AGAIN

10 APRIL 16, 2013

11 CLIP AT 13M 20S

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1           **MR. JONES:** Let's -- and again, there's maybe a 5  
2 percent chance out of 100 that this could be real Muslim  
3 terrorists, or I guess there could be some domestic group  
4 freaked out that would go stage this.

5           To be clear, I've never seen an Easter Bunny, but  
6 some say it's real. To be clear, I've never seen Santa  
7 Claus. Some say it's real. Never seen a unicorn. Some say  
8 it's real. Now, I don't think it exists, but it may.

9           Same thing with domestic terror groups. I mean,  
10 I've interviewed the cops and the people that saw the feds  
11 plant the bombs in Oklahoma City. You saw them stage Fast  
12 and Furious. Folks, they staged Aurora. They staged Sandy  
13 Hook. The evidence is just overwhelming, and that's why I'm  
14 so desperate and freaked out. This is not fun, you know,  
15 getting up here telling you this. Somebody has got to tell  
16 you the truth. Somebody has got to stand against these  
17 people. Somebody has got to do it.

18           And I just hope everybody that is watching out  
19 there that serves the system, who thinks they're going to get  
20 away with all this, I hope you understand that you're not  
21 going to get away with this. You get rid of our checks and  
22 balances, our protections, you're going to lose yours as  
23 well.

24           And you want to throw your children out in the  
25 cold. You think you're cold-blooded. You think you're a

1 winner doing stuff like this. You're not.

2 (END OF AUDIO FILE)

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1 CERTIFICATE OF TRANSCRIPTIONIST

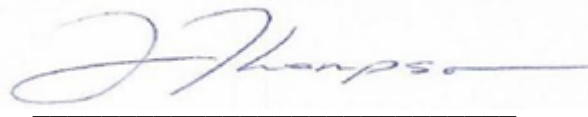
2 I certify that the foregoing is a true and accurate  
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7 action, and that I am not financially interested in the  
8 action.

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A handwritten signature in blue ink, appearing to read "Julie Thompson", is written over a horizontal line.

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Julie Thompson, CET-1036

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## **Exhibit A6**

2014-03-14 - Sandy Hook, False Narratives Vs. The Reality (Clip at 26s)

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CONNECTICUT MASSACRE SHOOTING

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TRANSCRIPT OF INFOWARS BROADCAST

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SANDY HOOK, FALSE NARRATIVES VERSUS THE REALITY

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MARCH 14, 2014

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CLIP AT 26S

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1           **MR. JONES:** ...major universities he's consulted  
2 for. I mean, he's a top consultant, long career as a state  
3 police officer in Miami, Florida. If you're just joining us,  
4 he's been in customs, and then he got into being an educator  
5 and then security. And he's looking at it and dissecting it  
6 like everybody else did.

7           I mean, folks, we've got video of Anderson Cooper  
8 with clear blue screen out there. He's not there in the town  
9 square. We've got people clearly coming up and laughing and  
10 then doing the fake crying. We've clearly got people where  
11 it's actors playing different parts of different people, the  
12 building bulldozed, covering up everything. Adam Lanza  
13 trying to get guns five times we're told. The witnesses, you  
14 know, not saying it was him. People out in the woods.

15           But we've got the investigator here, Wolfgang W.  
16 Halbig. I'm going to give you the floor, sir. Go over your  
17 16 points, the problems, the issues, and break down what you  
18 believe is a total hoax.

19           I've looked at it, and undoubtedly there's a cover-  
20 up. There's actors. They're manipulating. They've been  
21 caught lying, and they were preplanning before it and rolled  
22 out with it. So clearly I agree with you that something is  
23 rotten under the floorboard. But is it a possum, or is it a  
24 human?

25           Well, regardless, they're not letting a good crisis

1 go to waste. But you're the expert. Break it down for us.

2 (END OF AUDIO FILE)

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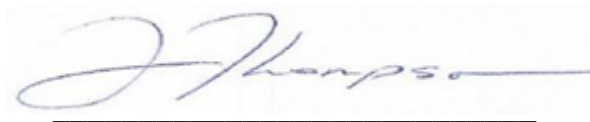
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Julie Thompson, CET-1036

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## **Exhibit A7**

2014-05-13 - Bombshell Sandy Hook Massacre Was A DHS Illusion Says School Safety Expert  
(Clip at 17m)

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CONNECTICUT MASSACRE SHOOTING

TRANSCRIPT OF INFOWARS BROADCAST  
BOMBSHELL SANDY HOOK MASSACRE WAS A DHS ILLUSION  
SAYS SCHOOL SAFETY EXPERT

MAY 13, 2014

CLIP AT 17M

1           MR. JONES: They don't even hide this stuff,  
2 ladies and gentlemen. Anderson Cooper, CIA, up there, who  
3 cares if it's blue screen. Just like CNN -- I'm going back  
4 to our guest. Just like CNN back there in the first Gulf  
5 War was at the broadcast center in Atlanta on top of a roof  
6 with a blue screen behind them saying they were in Riyadh,  
7 Saudi Arabia, and Israel different days being hit by nerve  
8 gas. And then they went on air for parts of it with the  
9 blue screen not even turned on with blue behind them.

10           And then there were live feeds back in that day.  
11 Remember the whole thing where David Letterman was getting  
12 mad that people could tape his show as it was being taped  
13 and sent over, same thing with Jay Leno. Same thing was  
14 happening with Johnny Carson before he retired because they  
15 would tape it during the day and then beam it back to New  
16 York to be edited. Well, it's the same deal.

17           CNN was sending that raw feed out all over the  
18 world, and people knew how to descramble them and get them.  
19 And it's on record that CNN did fake scud missile attack  
20 videos. So they've done it over and over again.

21           We've got Wolfgang here with us. Sir, I'm going  
22 to give you about three minutes to make any other points  
23 that you didn't make to the school board. Then we're going  
24 to play a special report that aired actually last Friday of  
25 you in there talking to them. I didn't know the video was

1 actually out or had been on the nightly news. I missed  
2 Friday's show. I usually watch it almost every night, but  
3 I missed that one. I was with family.

4 But, look, let's say you got three minutes in a  
5 nutshell of what's going on here to the layperson out there  
6 as a school safety expert, renowned nationally, Mr. Halbig,  
7 of what really happened here. And then what you would say  
8 to that school board?

9 MR. HALBIG: Well, the first thing I got to say  
10 before I get into that is that thank God I've had 67 great  
11 years of great life. I got a beautiful family. You know,  
12 I mean, I'm getting threats all the time. I got some crazy  
13 people out there, you know. They're attacking my wife.  
14 They're attacking me and everything else.

15 But you know what, all they have to do is answer  
16 16 simple questions. You and I wouldn't even be talking  
17 today. It's just -- it's unheard of, okay. And I think  
18 the school board members and the superintendent, they have  
19 a responsibility of telling the truth.

20 Alex, there's no -- I cannot believe that a  
21 public school system -- and you know, when you look at the  
22 school itself, when you look at Sandy Hook, it is a filthy  
23 school. That's what I wanted to talk to the school board  
24 members about. It is a toxic waste dump. When you look at  
25 the data -- and here's what they didn't realize. They put

1 it in their own newspaper before they demolished it. Sandy  
2 Hook had the highest level of lead paint throughout the  
3 entire school. Sandy Hook had the highest level of  
4 asbestos in the ceiling tiles and the ceiling floors. It  
5 had the highest level of PCP, and the ground water is  
6 contaminated.

7           Now, here's the question: Connecticut law  
8 requires that every parent must be notified of those  
9 hazardous chemicals because they have serious health  
10 effects on children which may not be seen until five years  
11 later. Now, why would any parent -- why would those 18 of  
12 the 20 parents that moved into Newtown in 2009 enroll their  
13 child in a school with all those hazardous chemicals?  
14 Parents just don't that. They don't expose their little  
15 children to chemical hazards.

16           MR. JONES: Well, let me just stop you. As an  
17 investigator, kind of like they got Al Capone for tax  
18 evasion, not for all the murders or money laundering.  
19 You're looking at how they don't any of the standard stuff,  
20 the paperwork, the police reports, no helicopter sent, no  
21 rescue, kids going in circles totally staged, men with guns  
22 in the woods getting grabbed, no names released. They deny  
23 it went on. Later have to admit it went on but say we're  
24 not answering questions. I mean, clearly it's a drill,  
25 just like the Boston bombing.

1 I don't know exactly what's going on, but it just  
2 -- the official story isn't true. And again, I've read a  
3 lot of criminology. I'm not -- you know, I'm not a cop,  
4 but I've studied a lot of it. And just from a lay media  
5 investigative journalist perspective, something is rotten  
6 here, and then you see it duplicated over and over again.

7 What's your bottom line? What do you think  
8 really happened at Sandy Hook? People could see your 16  
9 questions at Sandyhookjustice.com. And we just salute your  
10 will to go up there and have eight police car blocks you at  
11 the United Way and have them shut you down at the school  
12 board, at the commission. But bottom line, what do you, as  
13 an almost 40-year, you know, investigator, police officer,  
14 you name it -- what do you think is happening here?

15 MR. HALBIG: Well, until they answer those  
16 questions, I can tell you children did not die. Teachers  
17 did not die on December 14, 2012. It just could not have  
18 happened, and it's in their words. It's not what Wolfgang  
19 thinks, or it's just my opinion. It's what they say.

20 I mean, their own words actually show that it  
21 could not have happened. Who declares 27 people legally  
22 dead within 8 minutes? Nobody does that. Who has a 99.9  
23 percent kill rate shooting children in a school within 8  
24 minutes? There isn't an FBI agent, there isn't a Navy Seal  
25 that's, that good of a shot within eight minutes and then

1 kill himself. I mean, that's reasonable doubt. I mean,  
2 that in itself is reasonable doubt to show that --

3 MR. JONES: That's right.

4 MR. HALBIG: -- Adam Lanza could not have done  
5 that. I mean, he's an autistic child. He's got  
6 Asperger's. Alex, nobody has a 99.9 percent kill rate, not  
7 even the New York Police Department.

8 MR. JONES: But he's a perfect cutout. And for  
9 those that don't know, the reason that is, even if you're  
10 shooting people point blank in the head, the bullets change  
11 direction. They go different directions, and I mean, a lot  
12 of times I've shot a wild hog, a deer, you name it, and the  
13 bullet deflects off, even if you hit them broad side.  
14 Sometimes it just deflects through. You don't get 99.99  
15 kill rates. It's just incredibly hard to do.

16 MR. HALBIG: It is. And you know -- and the  
17 thing that -- people, they haven't had time to read that  
18 7000 page report that was put out by Steven Sedensky, who  
19 is the state attorney in Danbury, Connecticut.

20 Even the Governor's own commission -- Alex, the  
21 Governor's own handpicked Sandy Hook Advisory Commission  
22 calls this 7000-page report the biggest data dump that  
23 they've ever seen. Now, this is his handpicked commission,  
24 and it's redacted. This is a commission who is supposed to  
25 read it, study it, and come up with recommendations, and

1 they get a redacted report. Now, what does that tell us?

2 MR. JONES: Well, everybody's compartmentalized,  
3 and everybody is just playing along with the peer pressure.

4 MR. HALBIG: Yes, there are.

5 MR. JONES: Just like the police officers on  
6 9/11, you know, were told get back. They're going to blow  
7 up building 7.

8 MR. HALBIG: Yeah.

9 MR. JONES: It's on video. I heard it on CNN.  
10 Heard it on CBS News. Have the video. The cops saying,  
11 "Get back; they're blowing it up."

12 I'm not saying the cops blew it up. I've  
13 interviewed the police officers on this show that are on  
14 CNN saying, "Get back. They're going to blow it up." And  
15 they said, "No. We were told on the radio they're going to  
16 blow up Building 7. Get back."

17 And there was a countdown on the Red Cross radio.  
18 They were running it, and again, they used United Way Red  
19 Cross as the CIA cutouts. If you look that up, that's  
20 mainstream news. And they were there telling the cops what  
21 to do that afternoon. Incredible. And they're there,  
22 hearing the countdown.

23 I've interviewed not one but two. One of them  
24 was an EMT, the other a cop. And, boy, did they get  
25 threatened over it. They wouldn't even do more interviews



1 after it. And they go, "No. We heard the countdown." And  
2 the Red Cross guy said, "You know, morally I got to just  
3 tell all you cops, get back. They're going to blow it up  
4 in a couple of minutes." He goes, I'm not supposed to tell  
5 you this, and then the countdown. And the cops were like,  
6 "Countdown." So the cops are like, "Get back, get back."

7 And then the media spins it. You're saying the  
8 cops blew up the World Trade Centers. All I know is it's  
9 on CNN, cops going, "Get back. They're going to blow that  
10 building up." They weren't even brought in on it. They  
11 got told by people warning them who were compartmentalized,  
12 and it's just so incredible. I don't mean to get off in  
13 another subject, Wolfgang. It's just that I've seen this  
14 over and over again how the compartmentalization works.

15 MR. HALBIG: I agree, but I think the same --  
16 Alex, we've never had a time in our history where Sandy  
17 Hook, a school massacre, the biggest illusion ever  
18 portrayed by Homeland Security and FEMA. It can bring down  
19 the house. I think America -- I cannot tell America. This  
20 is probably our only chance to unite and come together and  
21 look for the truth, and this house needs to fall because  
22 Sandy Hook is taking away our guns across the country.  
23 Sandy Hook is messing with our freedom of speech. That's  
24 not the America that we -- you and I know, Alex.

25 MR. JONES: And they raised hundreds of millions

1 of dollars, billions in the case of 9/11, collecting money  
2 off of people's goodwill and then giving it to anti-gun  
3 groups. The United Way is an anti-gun cesspit.

4 MR. HALBIG: It is, and I hope nobody ever  
5 donates another dime to United Way until they answer every  
6 question.

7 (END OF AUDIO FILE)

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## 1 CERTIFICATE OF TRANSCRIPTIONIST

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Julie Thompson, CET-1036

## **Exhibit A8**

Ex. A8 2014-09-25 - Connecticut PD Has FBI Falsify Crime Statistics (Clip at 22m)

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CONNECTICUT MASSACRE SHOOTING

TRANSCRIPT OF INFOWARS BROADCAST  
CONNECTICUT PD HAS FBI FALSIFY CRIME STATISTICS

SEPTEMBER 25, 2014

CLIP AT 22M

1           MR. JONES: We're fearless, folks. Support us.  
2 Support Wolfgang. This is not a game. They are hopping mad  
3 we're covering this. CNN admits they did fake scud attacks  
4 on themselves back in 1991, 1990. Would they stage this? I  
5 don't know. Do penguins live in Antarctica? Wolfgang W.  
6 Halbig's our guest, former state police officer, then worked  
7 for the customs department, and then over the last decade's  
8 created one of the biggest, most successful school safety  
9 training grips. And he just has gone and investigated, and  
10 it's just phony as a \$3 bill. And they've been --

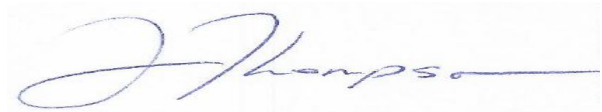
11           But man, Wolfgang, you dropped a bombshell of yours  
12 scores of points, your 16 questions. If you've got a school  
13 of 100 kids and then nobody can find them, and you've got  
14 parents laughing going ha, ha, ha; and then they walk over to  
15 the camera and go (crying), and I mean, not just one, but a  
16 bunch of parents doing this and then photos of kids that are  
17 still alive they said die. I mean, they think we're so dumb  
18 that it's really hidden in plain view, and so the  
19 preponderance -- I mean, I thought they had some scripting  
20 early on to exacerbate and milk the crisis as Rahm Emmanuel  
21 said, but when you really look at it, where are the lawsuits?  
22 There would be incredible lawsuits and payouts, but there  
23 haven't been any filed, nothing. I've never seen this. This  
24 is incredible.

25           (END OF AUDIO FILE)

## 1 CERTIFICATE OF TRANSCRIPTIONIST

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## **Exhibit A9**

2014-12-27 - Lawsuit Could Reveal Truth About Sandy Hook Massacre (Clip at 3m08s)



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CONNECTICUT MASSACRE SHOOTING

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TRANSCRIPT OF INFOWARS BROADCAST

9 LAWSUIT COULD REVEAL TRUTH ABOUT SANDY HOOK MASSACRE

10

DECEMBER 27, 2014

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CLIP AT 3M 8S

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1           **MR. JONES:** What do you guys think of Halbig? I  
2 mean, he was a big, you know, successful, famous school  
3 safety guy, wrote the book on a lot of it.

4           All I know is I saw Cooper with blue screen out  
5 there, green screen. I know I saw the kids doing fake, you  
6 know, rotations in and out of the building. They tore it  
7 down, all the unprecedented gag orders, you know, the police  
8 in anti-terror outfits in the woods. Then they denied that,  
9 that had been in the news. I mean, something is being hidden  
10 there. You guys are on the East Coast. You have a lot of  
11 sources. What do you really think happened?

12           (END OF AUDIO FILE)

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Julie Thompson, CET-1036

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## **Exhibit A10**

2014-12-27 - Lawsuit Could Reveal Truth About Sandy Hook Massacre (Clip at 4m34s)

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CONNECTICUT MASSACRE SHOOTING

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TRANSCRIPT OF INFOWARS BROADCAST

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LAWSUIT COULD REVEAL TRUTH ABOUT SANDY HOOK MASSACRE

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DECEMBER 27, 2014

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CLIP AT 4M 34S

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1           **MR. JONES:** Very astute. That's what I said a few  
2 weeks into it. I said they may have killed real kids, but  
3 they're practicing how to propagandize, and how to control  
4 the press, and how to put out a product that's a fraud when I  
5 just saw the heavy, heavy, heavy scripting. That was what  
6 was so clear. And then the parents laughing and then one  
7 second later doing the actor breathing to cry. I mean, it  
8 just -- it's just over the top.

9           **UNIDENTIFIED MALE:** Agreed, yep.

10          **MR. JONES:** Over the top sick. And we know they've  
11 staged other stuff before.

12                   (END OF AUDIO FILE)

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A handwritten signature in blue ink, appearing to read "Julie Thompson", is written over a light blue rectangular background. A horizontal line extends from the end of the signature to the right.

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Julie Thompson, CET-1036

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## **Exhibit A11**

2014-12-29 - America the False Democracy (Clip at 11m53s)



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CONNECTICUT MASSACRE SHOOTING

TRANSCRIPT OF INFOWARS BROADCAST

AMERICA THE FALSE DEMOCRACY

DECEMBER 29, 2014

CLIP AT 11M 53S

1           MR. JONES: Let's talk to, Kevin. Kevin, go ahead.  
2 You're on the air.

3           KEVIN: Hi, Alex. Calling about Sandy Hook.  
4 Basically my take on it is I live about 50 miles from  
5 Newtown, and the whole thing is pretty much the next step in  
6 reality TV because with other false flags like 9/11, or  
7 Oklahoma City, or the Boston bombing, at least something  
8 happened. With Sandy Hook, there's no there, there. You've  
9 got a bunch of people walking around a parking lot is pretty  
10 much what it comes down to and none of the --

11           MR. JONES: No, no. I've had investigators on.  
12 I've had the state police have gone public, you name it. The  
13 whole thing is a giant hoax. And the problem is how do you  
14 deal with a total hoax? I mean it's just -- how do you even  
15 convince the public something is a total hoax?

16           KEVIN: Very hard because, you know, anytime I talk  
17 about this issue with people, you know, they -- you get  
18 criticized, black balled, ridiculed, called every name in the  
19 book, or they respond with the magic words they were saying  
20 on TV. There's no statement more proof positive of somebody  
21 that's been brainwashed by that stuff, mainstream media, than  
22 those words. They were saying it on TV.

23           Well, I always tell people the same thing. Go out  
24 and prove the official story. And there's been -- I knew the  
25 millisecond this happened with that now fake picture of the

1 kids being lead out of the school that this -- there's  
2 nothing that's going to sell this agenda like dead elementary  
3 school kids. Nothing --

4 MR. JONES: Well, that's right. The general public  
5 doesn't know the school was actually closed the year before.  
6 They don't know. They've shielded it all, demolished the  
7 building. They don't know that they had their kids going in  
8 circles in and out of the building as a photo op. Blue  
9 screen, green screens, they got caught using. I mean the  
10 whole thing.

11 But remember, this is the same White House that's  
12 been caught running the fake Bin Laden raid that's come out  
13 and been faked. It's the same White House that got caught  
14 running all these other fake events over and over again, and  
15 it's the same White House that says I never said that you  
16 could keep your doctor when he did say you could keep doctor.  
17 People just instinctively know that there's a lot of fraud  
18 going on, but it took me about a year with Sandy Hook to come  
19 to grips with the fact that the whole thing was fake. I  
20 mean, even I couldn't believe it. I knew they jumped on it,  
21 used the crisis, hyped it up, but then I did deep research;  
22 and my gosh, it just pretty much didn't happen.

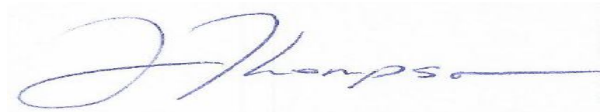
23 UNIDENTIFIED MALE: Everything we said came true.  
24 Everything we've done been's --

25 (END OF AUDIO FILE)

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Julie Thompson, CET-1036

## **Exhibit A12**

2015-01-13 - Why We Accept Gov't Lies (Clip at 10m36s)

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CONNECTICUT MASSACRE SHOOTING

TRANSCRIPT OF INFOWARS BROADCAST

WHY WE ACCEPT GOVERNMENT LIES

JANUARY 13, 2015

CLIP AT 10M 36S

1           MR. JONES: Yeah. When you're trying to, I mean,  
2 decipher cloak and dagger, dirty tricks, it's pretty hard to  
3 do. It's just that when you -- then you learn that they were  
4 funded by western funding. Then you learn that it was the  
5 same Amerall-Locky (phonetic) connection underwear bomber.  
6 Then those are big red flags that they were patchy  
7 provocateurs. The classic MO has been followed.

8           And then, yeah, it kind of becomes a red herring,  
9 you know, to say the whole thing was staged because they have  
10 staged events before, but then you learn the school had been  
11 closed and reopened. And you got video of the kids going in  
12 circles in and out of the building, and they don't call the  
13 rescue choppers for two hours. Then they tear the building  
14 down and seal it. And they get caught using blue screens,  
15 and an email by Bloomberg comes out in the lawsuit where he's  
16 telling people get ready in the next 24 hours to capitalize  
17 on a shooting.

18           Yeah. So Sandy Hook is a synthetic, completely  
19 fake with actors, in my view, manufactured. I couldn't  
20 believe it at first. I knew they had actors there clearly,  
21 but I thought they killed some real kids; and it just shows  
22 how bold they are that they clearly used actors. I mean,  
23 they even ended up using photos of kids killed in mass  
24 shootings here in a fake mass shooting in Turkey. So, yeah -  
25 - or Pakistan. The sky is now the limit. I appreciate your

1 call.

2 Shirley in Louisiana. You're on the air, welcome.

3 (END OF AUDIO FILE)

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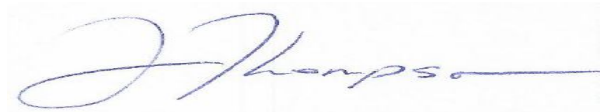
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## **Exhibit A13**

2015-02-12 - InfoWars broadcast relating to HONR copyright claim (Clip at 0m26s)

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CONNECTICUT MASSACRE SHOOTING

TRANSCRIPT OF INFOWARS BROADCAST  
INFOWARS BROADCAST RELATING TO HONR COPYRIGHT CLAIM

FEBRUARY 12, 2015

CLIP AT 0M 26S

1           MR. JONES: And again, if they can do this to us,  
2 they can do it to anybody. And we're going to give you the  
3 name of the video as well that they are trying to sensor.  
4 Mystery Sandy Hook victim dies again in Pakistan, and I'm  
5 going to show you some of these photos from the BBC of people  
6 in Pakistan holding up photos of children they say were  
7 killed by terrorists; and it is one of the Sandy Hook  
8 victims. So we just said, man, what's going on in Pakistan?  
9 What are they faking?

10           Well, the answer to that was the HONR or HONR  
11 network, Lenny Pozner reportedly lost his son there came in  
12 and filed a copyright claim on us showing a BBC news article.  
13 You can't do that. For those that don't know how copyright  
14 works, I could show a clip off the news if I was analyzing it  
15 in commentary, but I could certainly show newspapers all day  
16 long.

17           I've been doing this for 20 years. I took RTF.  
18 That was the first thing they taught us. I've had to sit in  
19 on lawyer meetings. I've been involved in lawsuits that  
20 we've won dealing with this, and I've countersued people.  
21 It's all on record. I know what I'm talking about. I know  
22 what I'm talking about on defamation. Knock on wood, we've  
23 never had that problem. Other people have and have settled  
24 with us out of court twice. So I know of what I speak.

25           And you can't go to somebody's YouTube channel and

1 say they showed a news article from the BBC, and then say  
2 that you can't show that because someone in Pakistan was  
3 holding up a photo of your son, who reportedly died at Sandy  
4 Hook, and they're saying the same person died in a terror  
5 attack in Pakistan. Obviously, we've got to investigate  
6 this, just like we investigated Brian Williams and his  
7 claims.

8           So, you know, we're sorry for everybody's losses,  
9 whatever. We're investigating this though because we live in  
10 a system where the media exploits things and twists things.

11           Paul Watson thinks the official story of Sandy Hook  
12 is true. He's my chief reporter, and we get major heat from  
13 the folks that think Sandy Hook was totally staged, saying  
14 why aren't you on the same page. Because we're  
15 investigating.

16           I think there's some cover-ups there. I know  
17 they're using blue screens. I've seen the footage of people  
18 going in and out in circles in the building. It doesn't look  
19 right. It doesn't pass the smell test. There are literally  
20 hundreds of smoking guns here that this thing doesn't add up.

21           (END OF AUDIO FILE)

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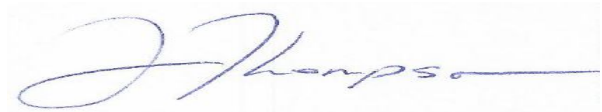
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## **Exhibit A14**

2015-02-12 - InfoWars broadcast relating to HONR copyright claim (Clip at 23m34s)

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CONNECTICUT MASSACRE SHOOTING

TRANSCRIPT OF INFOWARS BROADCAST  
INFOWARS BROADCAST RELATING TO HONR COPYRIGHT CLAIM

FEBRUARY 12, 2015

CLIP AT 23M 34S



1           MR. JONES: And these families that have been used  
2 to push gun control, you name it, is now not just going after  
3 the Second Amendment, they're now going after the First  
4 Amendment. What do you make of that?

5           I mean, I guess -- should I just shut up forever  
6 and never -- just quit my show? I mean, is that what you're  
7 saying? Or if I want to do a report on Wells Fargo Bank  
8 laundering drug money -- that was in Bloomberg. If I go  
9 stand across the street from Wells Fargo, will they claim  
10 it's -- oh, I had the Federal Reserve of San Antonio three  
11 years ago when we had an End the Fed rally out in front of  
12 it. I forgot. I had them claim a copyright claiming that  
13 their building was their copyrighted material, and I couldn't  
14 show it. Of course that was overturned. You people are out  
15 of your minds.

16           If you go to this HONR Network that reportedly has  
17 filed this claim trying to take down our YouTube channel, and  
18 they have taken down the video and suspended some of our  
19 rights while we're "under investigation," they say on their  
20 website they will use every means necessary to shut down, to  
21 bring awareness to hoaxers activity and to criminally and/or  
22 civilly prosecute those who willingly and publicly defame,  
23 harass, and emotionally abuse the victims of high profile  
24 tragedies. That means questioning any tragedy is abuse, and  
25 that's what they're pushing in the EU. You can't criticize

1 anything, no more free speech. Of high profile tragedies  
2 and/or family members. "We intend to hold such abusers  
3 personally accountable for their actions in whatever capacity  
4 the law allows."

5 Well, you better look into what happened to Rite  
6 Haven and other groups that have gone down this road. I  
7 mean, I'm sorry that you don't want us to show BBC showing  
8 your son at rallies of dead children in Pakistan. We just  
9 are saying something is going on here.

10 And we're sorry that, you know, the First Amendment  
11 is so upsetting, but we're going to be investigating this.  
12 We're going to be looking into this. We're going to be  
13 countering this, and we're going to be dealing with this.

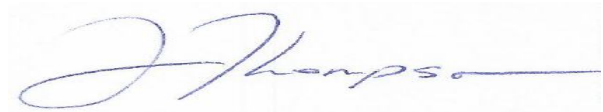
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A handwritten signature in blue ink, appearing to read "J Thompson", is written over a light blue rectangular background.

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Julie Thompson, CET-1036

## **Exhibit A15**

2015-02-12 - InfoWars broadcast relating to HONR copyright claim (Clip at 31m14s)

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CONNECTICUT MASSACRE SHOOTING

TRANSCRIPT OF INFOWARS BROADCAST  
INFOWARS BROADCAST RELATING TO HONR COPYRIGHT CLAIM

FEBRUARY 12, 2015

CLIP AT 31M 14S

1           MR. JONES: And I've been massively criticized for,  
2 you know, not going with the whole thing being staged the  
3 first year or so. Wolfgang Halbig, former state police  
4 officer, former customs officer, he then over the next 20  
5 years became the biggest school safety trainer in the county  
6 to major colleges, you name it. I mean, he's the guy. And  
7 he just said, "Where are the helicopters being launched for  
8 the kids? Where is the ambulances?" The whole thing was  
9 disregarded, and then they wouldn't let him in to anything  
10 and acted very suspicious. Then they came to his house and  
11 threatened him.

12           You know, the answer to the censorship is we're  
13 just going to redouble our efforts investigating Sandy Hook.  
14 We need to stop cowering down to these people, and let them  
15 know we're not putting up with their bullying anymore. And  
16 this is part of the attack on free speech worldwide, ladies  
17 and gentlemen.

18           We're taking your phone calls on this subject.  
19 I'll shift gears into some others coming up after we talk to  
20 more of the callers and have some of the folks in here, David  
21 Knight and, of course, Rob Dew of InfoWars Nightly News, who  
22 have hosted Sandy Hook debates with so called debunkers of  
23 the official story and debunkers of the debunkers. So for  
24 holding a debate in America and showing both sides, we now  
25 need to be taken off the air for the children. Isn't that

1 just precious? This is how totalitarianism comes, always  
2 packaged for the children.

3 Brian in Alabama, you're on the air. Go ahead.

4 (END OF AUDIO FILE)

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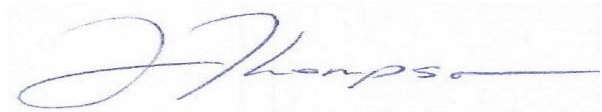
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## **Exhibit A16**

2015-02-12 - InfoWars broadcast relating to HONR copyright claim (Clip at 34m10s)

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CONNECTICUT MASSACRE SHOOTING

TRANSCRIPT OF INFOWARS BROADCAST  
INFOWARS BROADCAST RELATING TO HONR COPYRIGHT CLAIM

FEBRUARY 12, 2015

CLIP AT 34M 10S

1           MR. JONES: Before we could even investigate it,  
2 there were videos with tens of millions of views bringing up  
3 the anomalies. There's been a real move to shut those folks  
4 down. What do you think of us being censored? What's been  
5 happening to you?

6           UNIDENTIFIED MALE: I can tell you lots about  
7 Lenny. This man is something that you've never seen before.  
8 He's got a group of trolls, and if you don't mind, I'll just  
9 go ahead and call them out. These people would be Keith --

10          MR. JONES: Well, listen, hold on. I don't want to  
11 give these people any attention. I'm going to have to get  
12 with lawyers on this and deal with this. But I understand  
13 that -- I mean, if they're trying to shut us down when we're  
14 just investigating it and looking at all sides, it must be  
15 horrible for folks out there that vehemently think this is  
16 staged. So just specifically, what have you gone through?

17          UNIDENTIFIED MALE: I can't even put up a video  
18 showing that he has put up a copyright strike against me  
19 without him copyrighting striking that. They have taken my  
20 information, and they had -- they gave it to one of his  
21 trolls in his network. And they went and they looked up all  
22 my information and put up a whole blog post about me and my  
23 daughter is what this troll network has done. These people  
24 are vial. And, Lenny, if you're listening, your day is  
25 coming, my friend. It is coming.

1           MR. JONES: Wow. I mean, this sounds like a war is  
2 going on. I think they made a major mistake involving us  
3 because we were basically showing both sides and getting  
4 criticized by both groups for it.

5           UNIDENTIFIED MALE: Oh, I totally agree. They  
6 don't know what they bit off. Go after them, Alex. Crush  
7 them.

8           MR. JONES: Well, I mean, I just want them to leave  
9 the First Amendment alone. But I mean, it does show that --  
10 how would they claim it's a Fox News copyright violation.  
11 There's no Fox News on there. It's a news article. I mean,  
12 how do you do that? It's just -- it's amazing.

13          UNIDENTIFIED MALE: They have two different email  
14 addresses they use. I noticed you said that for this claim  
15 they used the HONR@gmail. The other one that they use -- I  
16 won't say it, but I'll tell you off air if you want to know  
17 what that is off air.

18          MR. JONES: Well, I just -- I'm not somebody to  
19 mess with, and I understand that they can, you know, use  
20 children or whatever and then say, you know, the First  
21 Amendment is bad. But I mean, I got to defend the First  
22 Amendment, and it's just wild to get into this subject when  
23 you got all this stuff happening worldwide, all these moves  
24 against the First Amendment going on. It's pretty hardcore.

25          So we're going to have our news director in here

1 with our news anchor and talk about this because they're  
2 trying to shut us down.

3 (END OF AUDIO FILE)

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## **Exhibit A17**

2015-02-12 - InfoWars broadcast relating to HONR copyright claim (Clip at 38m59s)

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CONNECTICUT MASSACRE SHOOTING

TRANSCRIPT OF INFOWARS BROADCAST  
INFOWARS BROADCAST RELATING TO HONR COPYRIGHT CLAIM

FEBRUARY 12, 2015

CLIP AT 38M 59S



1 MR. DEW: And so --

2 MR. JONES: So, see, we're not even supposed to  
3 have a debate --

4 MR. DEW: Right.

5 MR. JONES: -- in America.

6 MR. DEW: You're not even allowed to talk about it.

7 MR. KNIGHT: And if you look at that debate, the  
8 guy who was opposing Halbig never offered any -- never  
9 responded to anything that --

10 MR. DEW: He just attacked Halbig.

11 MR. KNIGHT: Halbig had some very specific  
12 questions, and the guy always just attacked him.

13 MR. JONES: Why didn't they call rescue  
14 helicopters?

15 MR. KNIGHT: Exactly, yeah.

16 MR. JONES: On and on and on.

17 MR. DEW: Why were the ambulances not even at the  
18 school? They were stuck at the firehouse.

19 MR. KNIGHT: Why did they destroy -- why did they  
20 classify the investigation? They've never done that with any  
21 previous shootings.

22 MR. DEW: Right.

23 MR. KNIGHT: Why did they knock down the school and  
24 destroy it?

25 MR. JONES: Why did Mayor Bloomberg alert his

1 people to get ready the day before for a big push?

2 MR. KNIGHT: Yeah.

3 MR. DEW: They made it a felony to release a birth  
4 certificates or death certificate information. What kind of  
5 country is that where you can't release birth certificate and  
6 death certificate information? I mean, if there's, you know  
7 -- what have you got to hide, as they like to say to us? You  
8 know, why are you so concerned about privacy? What have you  
9 got to hide? But it's only if you're going after one of  
10 their -- I think it looks like an operation. It looks like  
11 something went on there, and it stinks to high heaven.

12 MR. JONES: A drill.

13 MR. DEW: Stinks to high heaven. You got the actor  
14 father who comes out, gets into character. I was a theater  
15 major. I worked with actors. I used to watch them get ready  
16 before they would go out and cry like that. I remember --

17 MR. JONES: You have a degree in theater.

18 MR. DEW: I was in the play Our Town, and I'm  
19 sitting there watching these other people about to go out and  
20 do the funeral scene; and they're pumping themselves up,  
21 doing exactly what he did (breathing).

22 MR. JONES: First he's laughing and smiling, and  
23 then --

24 MR. DEW: And then he walks out, and then he's  
25 totally sad, crying. He was cracking jokes right before.

1 That's an actor. That's an actor. I'm sorry.

2 MR. JONES: You're not allowed to say that. I  
3 mean, Brian Williams was shot down in that helicopter.

4 MR. DEW: There it is right there. He's smiling.  
5 I mean, he's just --

6 MR. JONES: Then he huffs and puffs and gets --

7 MR. DEW: Yeah. And that's what -- that is a tale-  
8 tale sign of somebody acting right there. Now, I don't know  
9 for a fact that this guy is an actor. That looks like acting  
10 all the way. It's just amazing that they continue to really  
11 go after people. I've got an article here from a guy, I  
12 think was our last caller, Michael. He's been -- he's been  
13 getting all kinds of grief from Mr. Pozner, anything that  
14 comes out. Social media shut down due to Sandy Hook false  
15 copyrights.

16 What's interesting is they list the address for the  
17 HONR Network in Boca Raton, Florida. You look up the address  
18 on that, which says 908 North Dixie Highway. It is the  
19 address for a women's clothing store and a UPS -- U-Haul  
20 rental place, U-Haul Neighborhood Dealer. So here's the 908  
21 North Dixie Highway. There is no suite, but it's got two  
22 different buildings listed at that address. One is JJ Shop  
23 women's clothing store, and you go to the other one, same  
24 address, U-Haul Neighborhood Dealer.

25 Now, you go to their About HONR Network -- I'll go

1 to this one right here, guys. You can leave the camera right  
2 there, HONR Network right there. It lists their --

3 MR. JONES: They say they're in Connecticut.

4 MR. DEW: It says they're in Newtown, Connecticut.  
5 But you go to that address, it's a U-Haul UPS -- I'm sorry.  
6 It's a UPS store, same address, Main Street, Newtown,  
7 Connecticut. It's a UPS store.

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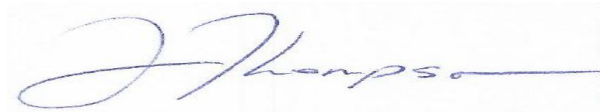
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## **Exhibit A18**

2015-02-12 - InfoWars broadcast relating to HONR copyright claim (Clip at 42m23s)

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CONNECTICUT MASSACRE SHOOTING

TRANSCRIPT OF INFOWARS BROADCAST  
INFOWARS BROADCAST RELATING TO HONR COPYRIGHT CLAIM

FEBRUARY 12, 2015

CLIP AT 42M 23S

1           MR. DEW: You'd think, you know, if they had this  
2 organization, they would have some sort of headquarters where  
3 they would be setting up a memorial.

4           MR. JONES: Well, we'll just start investigating  
5 that, and I guess I'm going to have to probably go on up to  
6 Newtown. I'm going to have to probably go investigate  
7 Florida as well.

8           (END OF AUDIO FILE)

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13 Julie Thompson, CET-1036  
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## **Exhibit A19**

2015-03-04 - New Bombshell Sandy Hook Information In-Bound (Clip at 16m53s)

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CONNECTICUT MASSACRE SHOOTING

TRANSCRIPT OF INFOWARS BROADCAST  
NEW BOMBSHELL SANDY HOOK INFORMATION IN-BOUND

MARCH 04, 2015

CLIP AT 16M 53S

1           MR. JONES: I've seen this over and over again.  
2 False flags don't just happen at the start of The Running Man  
3 in fiction movies. They are the bread and butter of  
4 totalitarian elements within governments, and who can deny  
5 we're going in a totalitarian direction that ends up hurting  
6 all Americans but a tiny group. It hurts them as well in the  
7 end, but they are of their -- their feather. Birds of a  
8 feather flock together, of their father the devil I guess you  
9 could say.

10           Before we go back to Wolfgang W. Halbig, I want to  
11 open the phones up specifically for your questions or  
12 comments. We don't have time for diatribes or not a bunch of  
13 name-calling against people that say Sandy Hook happened or  
14 people that say it didn't, serious questions. I'd love to  
15 hear from you. I'm not admonishing the general audience, but  
16 you know, some of the trolls out there. I don't want to  
17 attack some of the supposed parents of the victims because  
18 that opens some dangerous doors.

19           I don't want to attack Halbig, but you can bring up  
20 any questions or comments. You can disagree with him, or  
21 agree with him, or add points.

22           Here's the toll-free number - (800) 259-9231, (800)  
23 259-9231.

24           If we've seen false flags over and over again and  
25 then you've got all these anomalies and clear loop tapes and

1 clear blue screen/green screens -- I mean, they really  
2 screwed up. CNN screwed up during the Gulf War with fake  
3 green screen stuff. It was blue screen in that case, chroma  
4 key. You can have pink screen if you wanted to. It's just  
5 the color is going to be blue and mint green. And you know,  
6 fake scud attacks that are admitted.

7           So I just -- it had all the signs too. How they  
8 were so ready that day, how they capitalized them, how they  
9 rolled out all these groups.

10           (END OF AUDIO FILE)

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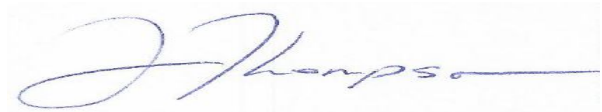
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## **Exhibit A20**

2015-03-04 - New Bombshell Sandy Hook Information In-Bound (Clip at 32m30s)

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CONNECTICUT MASSACRE SHOOTING

TRANSCRIPT OF INFOWARS BROADCAST  
NEW BOMBSHELL SANDY HOOK INFORMATION IN-BOUND

MARCH 04, 2015

CLIP AT 32M 30S



1 MR. JONES: Wolfgang --

2 MR. HALBIG: You know, I agree with you. And I'll  
3 say this to you: I'm begging that I'm wrong. And if they  
4 answer my questions to my satisfaction and to Alex's  
5 satisfaction, if they answer it to the people of America to  
6 their satisfaction, I will run to the nearest mental health  
7 facility -- and I've said it before -- I'll voluntarily  
8 enroll myself because if I dare upset these parents or  
9 children or school, I need mental health.

10 But I tell you what, I have spent my life doing  
11 this, and when people refuse to answer simple, logical  
12 questions, it raises the red flag. And I am telling you I'm  
13 not going to stop until we get the answers.

14 MR. JONES: We know it stinks. I mean, it's phony.  
15 The question is what is going on. We don't know. We just  
16 know it's fake. How fake we don't know. It's sick.

17 Thank you, John.

18 Kyle, Jay, Jimmy, Erik, your calls are straight  
19 ahead.

20 (END OF AUDIO FILE)

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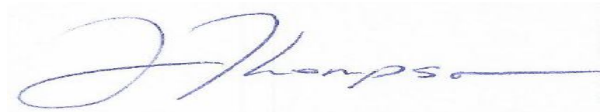
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Julie Thompson, CET-1036

## **Exhibit A21**

2015-07-07 - Govt Is Manufacturing Crises (Clip at 32m)

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CONNECTICUT MASSACRE SHOOTING

TRANSCRIPT OF INFOWARS BROADCAST  
GOVERNMENT IS MANUFACTURING CRISES

JULY 7, 2015

CLIP AT 32M

1           MR. JONES: I didn't watch the nightly news one  
2 night last week. I tend to watch it in the morning on my  
3 iPad while I get on the elliptical, and I've got, you know,  
4 televisions in there that I monitor as well in the gym, in  
5 the public gym I go to.

6           And I heard them back there talking yesterday  
7 afternoon about a show they did last week, and I knew that we  
8 had sent our East Coast reporter, Dan Bidondi, up there to  
9 cover it. And I heard Dew talking about his uncle, who I  
10 know was a Navy Seal and a decorated FBI agent, who retired a  
11 few years ago, and is part of a big security firm.

12           And I heard Dew talking, and I was like, "Are you  
13 kidding me?" His uncle talking to other FBI people, who I  
14 guess are still in, was told, "You ought to go check out  
15 Sandy Hook. We're not allowed to. It doesn't add up." And  
16 his uncle went to the hearings, and I didn't even realize, we  
17 have video of him at the hearings and Bidondi interviewing  
18 him and what he said on air, and what he said off air. And  
19 he told Dew, "Yeah. You can repeat what I said."

20           He's been in the John Gotti trial. He's a well-  
21 known FBI agent. He's been in a whole bunch of stuff, a  
22 bunch of big cases. And he told Dew, "I have never seen  
23 people acting so weird and so suspicious and saying no one  
24 knows anything and no paperwork on anything." He's a former  
25 Navy Seal, retired FBI agent, and I'm --

1           And I know what will happen. These guys are  
2 compartmentalized. They're like Mr. America most of them.  
3 They really think they're the good guys, and overall they are  
4 good guys. But they're compartmentalized. Right next to  
5 them is the devil and above them people like Eric Holder, as  
6 bad as it gets.

7           They'll go investigate something, find out it's  
8 true, and then be shut down. And I would imagine after we  
9 talk about this, he's going to -- he's going to get a visit  
10 because he's now investigating Sandy Hook. Rob Dew's uncle  
11 is now investigating Sandy Hook, former FBI agent, retired.  
12 That's got to really freak them out. And I'm not going to  
13 put words in his mouth, but he said he's never seen something  
14 that looks this fake. It's because it is, folks.

15           I don't know if they really killed kids. I don't  
16 know, but they -- we got emails and memos that school was  
17 shut down a year before. They tore it down. They covered it  
18 up. No rescue helicopters, no ambulances. Within an hour  
19 and a half they had a sign saying, "Check in here." It was a  
20 media event.

21           If they did kill kids, they knew it was coming,  
22 stocked the school with kids, killed them, and then had the  
23 media there, and that probably didn't even happen. I mean,  
24 no wonder we get so many death threats and so much heat and  
25 so much other stuff I'm not going to get into, behinds the

1 scenes, when we touch Sandy Hook because, folks, it's as  
2 phony as a \$3 bill.

3 (END OF AUDIO FILE)

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Julie Thompson, CET-1036



## **Exhibit A22**

2015-07-07 - Retired FBI Agent Investigates Sandy Hook Mega Massive Cover Up (Clip 0-5m)

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CONNECTICUT MASSACRE SHOOTING

TRANSCRIPT OF INFOWARS BROADCAST  
RETIRED FBI AGENT INVESTIGATES SANDY HOOK

MEGA MASSIVE COVER-UP

JULY 07, 2015

CLIP AT 0-5M

1           MR. JONES: We have been warned. We have been  
2 warned. We have been threatened. We have been told through  
3 official channels, unofficial channels, threats, you name it,  
4 stop investigating Sandy Hook.

5           Now, when this first happened a few years ago, I  
6 didn't come out of the gate saying it was a false flag, and I  
7 got criticized by a lot of our listeners who were smart folks  
8 and who went and really investigated that, hey, Alex, you  
9 need to look at this again.

10           All I know is that the official story doesn't add  
11 up, and that when retired state police officers, and school  
12 investigation experts, and school safety experts, and others  
13 began to investigate it, they were threatened.

14           No emergency helicopters were sent. The ambulances  
15 came an hour and a half later and parked down the road. DHS  
16 an hour and a half later with the time stamp put up signs  
17 saying sign in here. They had porta-potties being delivered  
18 within an hour and a half. It looked like a carnival. It  
19 looked like a big PR stunt.

20           Came out that Bloomberg a day before sent an email  
21 out to his gun control groups in all 50 states saying,  
22 "Prepare to roll, maybe operation coming up." That came out  
23 in the news.

24           We have the emails from city council back and forth  
25 and the school talking about it being down a year before. We

1 have the school then being demolished, and the records being  
2 sealed.

3           We have videos that look just incredibly suspicious  
4 where people are laughing and everything, and then they start  
5 huffing and puffing and start crying on TV, which is pure  
6 acting method. You've got a degree, Rob, in theater. I  
7 mean, this is -- this is something that even laypeople  
8 notice. So I began to investigate.

9           They had a weird anti-terrorism unit from the state  
10 nearby with men in the woods, which were on video from  
11 helicopter. Then they said that didn't exist. And so we'll  
12 recap some of the history of this.

13           But now, your uncle, John Dew, Navy Seal, retired  
14 FBI agent, works for a successful security company, I had  
15 missed this episode of the nightly news back on June 4th and  
16 then again last week when you did an update. And then I  
17 heard you talking about it yesterday. I knew that we'd sent  
18 our reporter down, Dan Bidondi, there for days to cover the  
19 city council hearings about it and the fact that they're  
20 sealing everything.

21           And then you just said, "Oh, yes, and that's why  
22 I'm trying to get my uncle to tell me more." Because he's  
23 been in John Gotti hearings and been involved in huge cases,  
24 pretty prominent FBI agent before he retired, and in his  
25 words he said he seen the most secretive mafia stuff ever,

1 and he's never seen people more closed-lipped. He's never  
2 seen something where it basically stinks. And we'll use his  
3 words, but the headline here is retired FBI agent  
4 investigating Sandy Hook. I mean, that was just amazing to  
5 me that so much goes on around here that I miss some of  
6 what's happening.

7           Next time a former Navy Seal FBI agent -- I don't  
8 care if it's your uncle --

9           MR. DEW: Yeah.

10          MR. JONES: -- you know, is investigating something  
11 like this, we want to hear about it. I want to try to get  
12 him on. I know he's going to get heat probably, and they'll  
13 probably try to threaten him. But really kudos to him.

14          I mean, you told me that he went and investigated  
15 it because other insiders said you need to go look at this.  
16 I guess people currently in the FBI aren't allowed to, but,  
17 man, the fix is in.

18          So, Rob Dew, tell us about your uncle, tell us  
19 about all this. I wish we would have gotten more than a two-  
20 minute interview with him with Bidondi. Bidondi did a great  
21 job. I just wish I would have known about this. I would  
22 have gone up there. Halbig tried to get me to go. I just am  
23 trying to launch the TV network, and the new website, and  
24 everything else.

25          But I mean, this is just so big. And the more we

1 look at Sandy Hook, I don't want to believe it's a false  
2 flag. I don't know if kids really got killed. But you got  
3 green screen with Anderson Cooper where I was watching the  
4 video and the flowers and plants are blowing in some of them,  
5 and then they blow again the same way. It's looped, and then  
6 his nose disappears.

7 MR. DEW: Uh-huh (affirmative).

8 MR. JONES: I mean, it's fake. The whole thing is  
9 just -- I don't know what happened. It's kind of like if you  
10 see a hologram at Disney World in the Haunted House, you  
11 know. I don't know how they do it, but it's not real. When  
12 you take your kids to see, you know, the Haunted House and  
13 ghosts are flying around, they're not real, folks. It's  
14 staged. I mean, a magician grabs a rabbit out of his hat. I  
15 know he's got a box under the table that he reaches in and  
16 gets the rabbit.

17 I don't know what the trick is here. I got a good  
18 suspicion, but when you've got Wolfgang Halbig, who was the  
19 top -- I mean, 20/20, CNN, I mean, ran the most successful  
20 school safety course in the country, got the contracts at  
21 Columbine, making millions of dollars a year, he believed it  
22 was real. People called him. He went and investigated. No  
23 paperwork, no nothing. It's bull. And now an FBI retired  
24 agent who retired, you know, with decorations --

25 I mean, Dew, this is just unprecedented. I can't

1 believe I missed this. Recap what happened, and then we've  
2 got some of the questions from Bidondi. He told you a lot  
3 more. Well, just tell us what he said.

4 (END OF AUDIO FILE)

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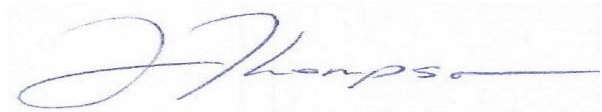
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## **Exhibit A23**

2015-07-07 - Retired FBI Agent Investigates Sandy Hook Mega Massive Cover Up (Clip  
9M40S)

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CONNECTICUT MASSACRE SHOOTING

TRANSCRIPT OF INFOWARS BROADCAST  
RETIRED FBI AGENT INVESTIGATES SANDY HOOK

MEGA MASSIVE COVER-UP

JULY 07, 2015

CLIP AT 9M 40S

1           MR. DEW: So they were already on the scene right  
2 after it happened. That using u

3           MR. JONES: Let's remember, they ran fast and  
4 furious killing thousands of Mexicans, hundreds of Americans,  
5 including six law enforcement to blame the Second Amendment.  
6 CBS News got the memo.

7           MR. DEW: Yeah.

8           MR. JONES: That was a false flag killing thousands  
9 to blame the Second Amendment and martyr Mexicans and say  
10 you're racist if you don't turn your guns in. So they've  
11 done it before, and, my gosh, they've done it again.

12          MR. DEW: Yeah.

13          MR. JONES: Keep going.

14          MR. DEW: Well, guys, actually, let's play the clip  
15 from my uncle. It's actually clip number two. We'll play  
16 that one first. It's really short.

17          MR. JONES: I want to play it, but tell us more of  
18 what he said because you told me more than that.

19          MR. DEW: Okay. Well, he was concerned that there  
20 -- because he had believed in the initial story, the official  
21 story. He said, well, now this doesn't add up. If you have  
22 all these people, they should just be giving the paperwork  
23 and going on with their lives, if they don't want, you know  
24 -- because right now it's all being --

25          MR. JONES: It's 101 they're covering up.

1           MR. DEW: He goes nobody acts like that if they're  
2 on the up and up.

3           MR. JONES: It's like if a cop pulls you over and  
4 you're busy cramming stuff under the -- under the seat.

5           MR. DEW: Right. Saying, don't worry. Hold on.  
6 I'm looking for my license or whatever.

7           MR. JONES: Yeah.

8           MR. DEW: You know, nobody has the proper  
9 paperwork. Nobody can deliver it. They deliver videos  
10 without time stamps from police squad cars. There's videos  
11 without time stamps that they give to them and say these are  
12 the copies from the squad car. Yet you go online and you  
13 could see squad car video from the same squad car, and it's  
14 got time code on it. So how did they give him video without  
15 time code, and he's viewing it at the police station?

16          MR. JONES: This is mega-massive cover-up.

17          MR. DEW: It's crazy. So you know --

18          MR. JONES: My God.

19          MR. DEW: -- he just basically -- my uncle doesn't  
20 say much. He's the kind of guy that doesn't say a lot. He  
21 just -- he kind of, you know -- so Dan -- I don't know how  
22 Dan figured out he was my uncle. But he went over and talked  
23 to --

24          MR. JONES: Oh, your uncle is not telling you he's  
25 up there?

1           MR. DEW: No, no, no. He never told me he was  
2 going up there. I got the text from Dan. That's how I found  
3 out he was there, and then I texted him; and the I called him  
4 the next day because he couldn't talk at the time. It was  
5 probably 11:30 at night that night. It was June --

6           MR. JONES: Well, I suggest you call him and see  
7 what he thinks now, see if he's been threatened or anything.  
8 But please continue with what else he told you. So former  
9 Navy Seal, retired FBI agent. Sandy Hook doesn't add up. He  
10 said -- that's the quote, "Doesn't add up"?

11          MR. DEW: Well, we can take the quote from him. He  
12 said he's never seen anything like this before.

13          MR. JONES: But to you what did he say?

14          MR. DEW: That -- and then that's what -- to me  
15 what he's saying is that from all of his experience in the  
16 years that he has worked as an FBI agent. He's retired. He  
17 went into the FBI pretty much out of -- out of the Navy. He  
18 was a -- he went to the Naval Academy. He was a Navy Seal.  
19 This guy is on the up and up. I've known him all my life,  
20 you know. Very --

21               He doesn't tell you what he does in terms of -- you  
22 know, we used to go up there and visit him when he was  
23 working, and he would just leave and come back. And you  
24 know, he was doing his -- doing casework or whatever.

25               But from what he told me, he said that this thing

1 doesn't add up, and it's the weirdest court proceeding he's  
2 ever been in, in his entire life. And he's been in a lot of  
3 court proceedings. He was in New York City, stationed in New  
4 York City.

5 MR. JONES: Well, let me tell you, we get more  
6 threats over this than anything. I mean, they --

7 MR. DEW: Yeah.

8 MR. JONES: They're hiding something.

9 MR. DEW: They definitely are.

10 MR. JONES: Let's ask your opinion, your gut level,  
11 without getting into the personalities involved. You can  
12 clearly see they're scared. The wagons are circled. They  
13 could just release all this. There is no paperwork.

14 MR. DEW: Oh, there is none.

15 MR. JONES: I mean, that's what they -- it's all --  
16 so, I mean, I guess totally made up with green screens,  
17 everything. And we've got them on green screens.

18 MR. DEW: Yeah.

19 MR. JONES: I mean, what is going on here?

20 MR. DEW: On top of that --

21 MR. JONES: That's how evil these people are is  
22 that they can have CNN involved, all these people. It's like  
23 a Manhattan project of the gun grabbers.

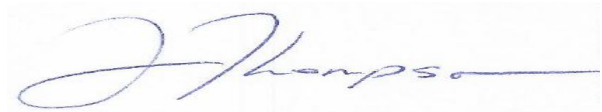
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## **Exhibit A24**

2016-11-18 - Alex Jones Final Statement on Sandy Hook (Clip at 4m59s)



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CONNECTICUT MASSACRE SHOOTING

TRANSCRIPT OF INFOWARS BROADCAST  
ALEX JONES FINAL STATEMENT ON SANDY HOOK  
NOVEMBER 18, 2016  
CLIP AT 4M 59S

1           MR. JONES: Number one, the day before this tragic  
2 event happened an email was sent out by Bloomberg's anti-gun  
3 group saying prepare for a big event. But the biggest piece  
4 of evidence, the smoking gun, if you would, of a cover-up, of  
5 whatever really happened is the Wayback Machine, the internet  
6 archive. We see Sandy Hook's Newtown website K through 12  
7 having zero traffic 2008, '09, '10, '11, '12, and then all of  
8 a sudden it just explodes. It's impossible to have zero  
9 traffic to a K through 12 entire school system. And the word  
10 is that school system was shut down for those years. That's  
11 what the records show. They tell us it was open.

12           I don't know if the moon landings were faked, but I  
13 don't put anything past these anti-gunners. And early on,  
14 that day we watched footage of kids going in circles in and  
15 out of the building. You'd be running them away from the  
16 building. Emergency helicopters weren't called. Instead  
17 port-potties were prepared for the press within hours of the  
18 event.

19           I saw the helicopters that did respond, the police  
20 helicopters saying that there were men or a man in the woods  
21 in camouflage. The media later said that was a conspiracy  
22 theory. So early on I'm like, well, I saw local news of the  
23 guy in the woods, and they took him in custody. Now they're  
24 saying it never happened. So that shows there some kind of  
25 cover-up happening.

1           And then I saw Anderson Cooper -- I've been in TV  
2 for 20-something years; I know a blue screen or a green  
3 screen -- turn, and his nose disappear. Then I saw clearly  
4 that they were using footage on the green screen looped  
5 because it would show flowers and other things during other  
6 broadcasts that were moving and then basically cutting to the  
7 same piece of footage.

8           Then I saw CNN do faked satellite interviews with  
9 reporters clearly with the same traffic and the same cars  
10 right behind them conducting the interview face to face.

11           Then we see footage of one of the reported fathers  
12 of the victims, Robby Parker, doing classic acting training  
13 where he's laughing and joking. And they say, hey, we're  
14 live, and he goes, oh. And maybe that's real. I'm sure it  
15 is.

16           (Video played - not transcribed)

17           But you add it to all the other things that were  
18 happening and all the other fake news the media has been  
19 caught in, and CNN back in 1991 openly faking scud missile  
20 attacks on Saudi Arabia and Israel when they were back in  
21 Atlanta; and the satellite feeds caught them admitting that  
22 it was all fake. We'd be crazy not to question this because  
23 bare minimum they were faking some of the shots and some of  
24 the coverage.

25           (Video played - not transcribed) So to be clear, we

1 point out clear chroma key, also known as blue screen or  
2 green screen being used, and we're demonized. We point out  
3 they're clearly doing fake interviews. We point out that  
4 normal emergency procedures weren't followed, and their  
5 answer is to say that we said nothing died.

6 (END OF AUDIO FILE)

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Julie Thompson, CET-1036

## **Exhibit A25**

2016-11-18 - Alex Jones Final Statement on Sandy Hook (Clip at 15m22s)

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CONNECTICUT MASSACRE SHOOTING

TRANSCRIPT OF INFOWARS BROADCAST  
ALEX JONES FINAL STATEMENT ON SANDY HOOK  
NOVEMBER 18, 2016  
CLIP AT 15M 22S

1           MR. JONES: And why should anybody fear an  
2 investigation if they have nothing to hide. In fact, isn't  
3 that in Shakespeare's Hamlet, me thinks you protest too  
4 much."

5           So here is my statement for the media when they  
6 call up saying where do you stand on this: where I've always  
7 stood. When there were other mass shootings, I would simply  
8 point out that they're very rare statically, and why should  
9 we all give up our rights because some other bad person does  
10 something. A guy with a car runs over 50 people. Do we ban  
11 driving cars? It's the same thing.

12           And there have been other instances of shootings  
13 that are very suspicious. Aurora is one, just look into  
14 that.

15           But this particular case they are so scared of an  
16 investigation. So everything they do basically ends up  
17 blowing up in their face. So you guys are going to get what  
18 you want now. I'm going to start reinvestigating Sandy Hook  
19 and everything else that happened with it.

20           I'm Alex Jones signing off for InfoWars.com. If  
21 you're watching this transmission, think for yourself. I  
22 know it's a thought a crime (sic). And then ask yourself:  
23 what is so strange about Sandy Hook and that tragedy?

24           But I will say this finally. My heart does goes  
25 out to all parents that lose children, whether it's to



1 stabbings, or whether it's to car wrecks, or whether it's to  
2 stranglings, or whether it's to blunt force trauma, or  
3 murder, firearms, whatever the case is. I'm a parent, and my  
4 heart goes out to all parents that have lost children in  
5 these tragic events.

6           And so if children were lost in Sandy Hook, my  
7 heart goes out to each and every one of those parents and the  
8 people that say they're parents that I see on the news. The  
9 only problem is I've watched a lot of soap operas, and I've  
10 seen actors before. And I know when I'm watching a movie and  
11 when I'm watching something real. Let's look into Sandy  
12 Hook.

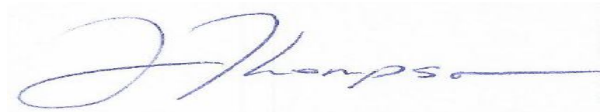
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## **Exhibit A26**

2017-04-22 - Sandy Hook Vampires Exposed (Clip at 29m)

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CONNECTICUT MASSACRE SHOOTING

TRANSCRIPT OF INFOWARS BROADCAST

SANDY HOOK VAMPIRES EXPOSED

APRIL 22, 2017

CLIP AT 29M

1           MR. JONES: So here are these holier than though  
2 people. When we questioned CNN, who supposedly is at the  
3 sight of Sandy Hook, and they've got in one shot leaves  
4 blowing and flowers that are out. And you see the leaves  
5 blowing, and they go -- they glitch. They're recycling a  
6 green screen behind them. You've got -- who's the female  
7 lawyer who used to be on CNN, fake southern accent, whatever?  
8 She's on there with cars driving in a cul-de-sac in circles,  
9 and you see it's the same cars going in circles. And then  
10 we've got Anderson Cooper famously, not just with the flowers  
11 blowing in a fake, but when he turns, his nose disappears  
12 repeatedly because the green screen isn't set right.

13           And they don't like to do live feeds because  
14 somebody might run up. CNN did that in the Gulf War and  
15 admitted it. They just got caught two weeks ago doing it in  
16 supposedly Syria. Then the green screen cuts out, and they  
17 got, you know, phones ringing. And all we're saying is if  
18 these are known liars that lied about WMDs, and lied to get  
19 us into all these wars, and back the Arab spring, and Libya,  
20 and Syria, and Egypt, and everywhere else to overthrow  
21 governments and put in radical Islamicists.

22           If they do that and have blood on their hands and  
23 lied about the Iraq war, and were for the sanctions that  
24 killed a half million kids, and let the Islamicists attack  
25 Serbia, and lied about Serbia launching the attack when it

1 all came out later that Serbia didn't do it, how could you  
2 believe any of it, if you have a memory and you're not Dory  
3 from Finding Dory, you know, the Disney movie? Thank God  
4 you're so stupid. Thank God you have no memory. It all goes  
5 back to that.

6           Now, I could go on and on about the wars, the lies,  
7 the racial attacks they cover up that are on white people.  
8 And I'm not black/white, but just this weekend they have  
9 Science is Real marches everywhere. And here in Austin they  
10 have signs officially saying white men run science; that's  
11 why they don't believe in global warming. No.

12           (END OF AUDIO FILE)

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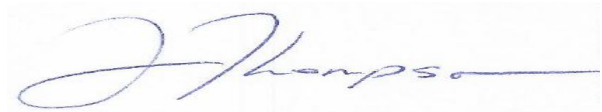
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## **Exhibit A27**

2017-04-22 - Sandy Hook Vampires Exposed (Clip at 59m)



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CONNECTICUT MASSACRE SHOOTING

TRANSCRIPT OF INFOWARS BROADCAST

SANDY HOOK VAMPIRES EXPOSED

APRIL 22, 2017

CLIP AT 59M

1           MR. DEW: Yeah. Hey, Alex, the whole Sandy Hook  
2 think is a quagmire because of the way the media and the  
3 officials up there were so secret about everything, and  
4 that's where people started questioning. That's the big  
5 thing. They were saying anybody who says anything on the  
6 internet and gets caught with it, we're going to go after  
7 them.

8           They come out, first day, they have the wrong name  
9 of the supposed shooter. They have his older brother. And  
10 they have guns that they're calling out. Then they're  
11 pulling guns out of cars. They're finding people in the back  
12 woods that are dressed up in SWAT gear.

13          MR. JONES: And that's on helicopter footage, and  
14 they say it never existed; and then they later admit it does.  
15 And then the school was closed until that year, and in the  
16 videos it's all rotting and falling apart. And nobody is  
17 even in it, and the kids are going in circles in and out of  
18 the buildings with their hands up. And then they never  
19 called rescue choppers. I mean, exactly.

20          MR. DEW: Yeah. There's a lot of weirdness.  
21 There's some supposed dash-camera footage where the people  
22 are smiling and getting their lunches ready, the police  
23 officers. You think you're going to have smiling police  
24 officers at a time when, you know, they're supposedly  
25 bringing out 20 dead kids, and they're smiling and getting

1 their lunches ready on top of a police car.

2 MR. JONES: And they had porta-potties being  
3 delivered an hour after it happened for the big media event.

4 MR. DEW: Yeah. Yeah. It's -- I'm amazed that --  
5 and then, you know, we've never seen -- there's never been  
6 any even blurred photos of any bodies or anything. We've  
7 seen every other incident where there's dead bodies.

8 MR. JONES: They sure showed us the nerve-gassed  
9 kids in Syria, didn't they?

10 MR. DEW: Yeah. Oh, yeah. Well, we didn't even  
11 get blurred images with the dead kids in Syria. We got -- we  
12 got crisp photos. We got --

13 MR. JONES: Video.

14 MR. DEW: -- you know, UN photos being held up.

15 (END OF AUDIO FILE)

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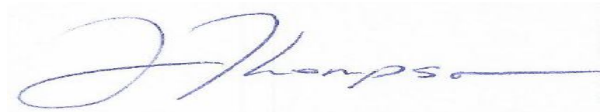
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## **Exhibit A28**

2017-06-13 - What Alex Jones Really Believes About Sandy Hook (Clip at 14m)

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CONNECTICUT MASSACRE SHOOTING

TRANSCRIPT OF INFOWARS BROADCAST  
WHAT ALEX JONES REALLY BELIEVES ABOUT SANDY HOOK

JUNE 13, 2017

CLIP AT 14M

1           MR. JONES: And how they're all colluding and the  
2 fake polls. You guys are the globalists. You're the  
3 enemies. You're the people that have hijacked America.  
4 You're the threat to our children. You're the people that  
5 are cold and heartless and don't care, not us.

6           But again, I want to encourage people to read the  
7 Zero Hedge article that breaks it all down because they  
8 absolutely are on target with this report where they ask the  
9 questions that the media seems so scared that I might even  
10 actually talk about if the Megyn Kelly interview aired.

11           Why does the Sandy Hook Elementary School website  
12 have zero traffic for four years before the event and show it  
13 was closed?

14           Why were there several reports of other shooters  
15 dressed in camouflage in the woods that fled, whom the police  
16 allegedly detained?

17           Why were porta-potties, sandwiches, and fruit  
18 drinks, and chips brought up and set up for the crime scene  
19 in just an hour or so?

20           Sandy Hook -- it just goes on and one. An FBI  
21 crime stat which shows no murders occurred in Newtown in  
22 2012.

23           Why didn't they let paramedics and EMTs in the  
24 building if 27 children were declared dead in 8 minutes?

25           Why was Adam Lanza's home burned to the ground by

1 the bank?

2           Why have they declared all the records totally  
3 secret?

4           These are questions the public has. They're the  
5 ones asking it. They're the ones demanding it. I've said I  
6 believe children did die there, but PR firms were involved,  
7 admittedly, hyping it up as much as possible. But there's  
8 been a cover-up, and Anderson Cooper got caught faking where  
9 his location was with blue screen.

10           I mean, it's all there. We don't know what  
11 happened. I believe kids died. But the same media that's  
12 faking a bunch of other stuff and faking war propaganda is  
13 saying that I have said things that I never said that have  
14 been taken out of context, and now won't report when I'm  
15 saying don't air the interview on Father's Day to hurt  
16 fathers, and demonize men, and that you edited me out of  
17 context; and that I don't want it aired. Why won't they  
18 actually report on what I'm saying?

19           I'm Alex Jones. This is the InfoWars. Coming up,  
20 Owen Shroyer in the studio for the next 30 minutes. Then  
21 I'll be back in the studio coming up live. Please spread the  
22 word because the truth lives at InfoWars.com.

23           (Cut to different clip)

24           MR. JONES: Let's go to Devin in Florida. Devin in  
25 Florida, you're on the air.



1 UNIDENTIFIED MALE: Great. Hey, thank you so much.

2 Listen, I --

3 (END OF AUDIO FILE)

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## **Exhibit A29**

2017-06-19 - Megyn Kelly Profile (Clip at 7m55s)

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CONNECTICUT MASSACRE SHOOTING

MEGYN KELLY PROFILE

JUNE 19, 2017

CLIP AT 7M 55S

1 MS. KELLY: At the top of that list is Jones'  
2 outrageous statement that the slaughter of innocent children  
3 and teachers at Sandy Hook Elementary School, one of the  
4 darkest chapters in American history, was a hoax.

5 MR. HESLIN: I watched my son. I buried my son. I  
6 held my son with a bullet hole through his head.

7 MS. KELLY: Neil Heslin's son Jessie, just six  
8 years old, was murdered along with 19 of this classmates and  
9 6 adults on December 14, 2012, in Newtown, Connecticut.

10 MR. HESLIN: I dropped him off at 9:04. That's  
11 when we dropped him off at school with his book bag. Hours  
12 later I was picking him up in a body bag.

13 MS. KELLY: Alex Jones repeatedly claimed that the  
14 shooting never happened. Here he is on InfoWars in December  
15 2014.

16 MR. JONES: But it took me about a year with Sandy  
17 Hook to come to grips with the fact that the whole thing was  
18 fake.

19 MS. KELLY: You said the whole thing is a giant  
20 hoax. How do you deal with a total hoax? It took me about a  
21 year with Sandy Hook to come to grips with the fact that the  
22 whole thing was fake. I did deep research, and, my gosh, it  
23 just pretty much didn't happen.

24 MR. JONES: At that point -- and I do think there's  
25 some cover-up and some manipulation -- that is pretty much

1 what I believed. But then I was also going in devil's  
2 advocate. But then we know there's mass shootings and these  
3 things happen. So again --

4 MS. KELLY: You're trying to have it all ways,  
5 right?

6 MR. JONES: No, I'm not.

7 MS. KELLY: If you wrongly went out there and said  
8 it was a hoax, that's wrong.

9 MR. JONES: But what I already answered your  
10 question was listeners and other people are covering this. I  
11 didn't create that story.

12 MS. KELLY: But, Alex, the parents, one after the  
13 other, devastated, the dead bodies that the coroner  
14 autopsied.

15 MR. JONES: And they blocked all that, and they  
16 won't release any of it. That's unprecedented, even --

17 MS. KELLY: All of the parents --

18 MR. JONES: -- the reports.

19 MS. KELLY: -- decided to come out and lie about  
20 their dead children.

21 MR. JONES: I didn't say that.

22 MS. KELLY: What happened to the children?

23 MR. JONES: I will sit there on the air and look at  
24 every position and play devil's advocate.

25 MS. KELLY: Was that devil's advocate; the whole

1 thing is a giant hoax; the whole thing was fake?

2 MR. JONES: Yes. Because I remember in -- even  
3 that day I go back from memory, them saying but then some of  
4 it looks like it's real. But then what do you do when  
5 they've got the kids going in circles in and out of the  
6 building with their hands up? I've watched the footage, and  
7 it looks like a drill.

8 MS. KELLY: When you say parents faked their  
9 children's death, people get very angry.

10 MR. JONES: Yeah. Well, let's -- oh, I know. But  
11 they don't get angry about the half million dead Iraqis from  
12 the sanctions, or they don't get angry about --

13 MS. KELLY: That's a dodge.

14 MR. JONES: No, no. It's not a dodge. The media  
15 never covers all the evil wars it has promoted, all the big  
16 things.

17 MS. KELLY: That doesn't excuse what you did and  
18 said about Newtown. You know it.

19 MR. JONES: But I -- here's the difference. Here's  
20 the difference. I looked at all the angles of Newtown, and I  
21 made my statements long before the media even picked up on  
22 it.

23 MS. KELLY: In our interview we asked Jones  
24 numerous times what he now believes, and he never completely  
25 disavowed his previous statements.

1           MR. JONES: I tend to believe that children  
2 probably did die there, but then you look at all the other  
3 evidence on the other side. I can see how other people  
4 believe that nobody died there.

5           MS. KELLY: Of course, there --

6           (END OF AUDIO FILE)

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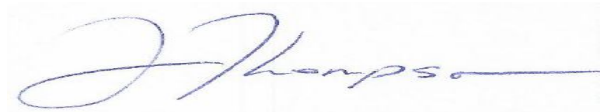
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## **Exhibit A30**

2017-10-26 - JFK Assassination Documents To DROP Tonight (Clip at 1h13m30s)

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CONNECTICUT MASSACRE SHOOTING

TRANSCRIPT OF INFOWARS BROADCAST  
JFK ASSASSINATION DOCUMENTS TO DROP TONIGHT

OCTOBER 26, 2017

CLIP AT 1HR 13M 30S

1           MR. JONES: ...top trend forecaster. But look at  
2 this article that was on Infowars.com a few days ago that I  
3 read. I meant to cover, and then I heard Lee Ann McAdoo  
4 during the break. A lot of our radio ads aren't radio ads.  
5 They're just one minute little information news pieces,  
6 something we do. We just change things up. And I'd  
7 forgotten in the documents the CIA visited Lanza and  
8 reportedly recruited him about a year before the shooting. I  
9 mean, they bulldozed the house to get rid of it.

10           I don't know what really happened with Sandy Hook,  
11 folks. We've looked at all sides. We played devil's  
12 advocate from both sides, but I mean, it's as phony as a \$3  
13 bill with CNN doing fake newscasts, with blue screens. I  
14 mean, Nancy Grace got caught doing it, Anderson Cooper. I  
15 mean, that is just a crazy -- that's the kind of stuff that I  
16 read on InfoWars.com that I don't even get to.

17           Speaking of that --

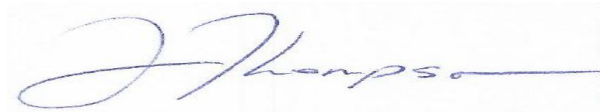
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13 Julie Thompson, CET-1036  
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## **Exhibit A31**

2017-03-08 - Hunt For Wikileaks Source Begins (Clip at 1h11m)

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CONNECTICUT MASSACRE SHOOTING

TRANSCRIPT OF INFOWARS BROADCAST  
HUNT FOR WIKILEAKS SOURCE BEGINS

MARCH 08, 2017

CLIP AT 1HR 1H 11M

1 UNIDENTIFIED MALE: Now, Dr. Steve Pieczenik,  
2 totally legit, right?

3 MR. JONES: Oh, yeah.

4 UNIDENTIFIED MALE: High level?

5 MR. JONES: I mean, when he comes on the show, it's  
6 in like Italian newspapers, and then they send like, you  
7 know, FBI to his house; and he's called before federal  
8 courts. When he releases stuff, they threaten him with him  
9 national security arrest.

10 UNIDENTIFIED MALE: Doctor --

11 MR. JONES: That's how real he is.

12 UNIDENTIFIED MALE: Dr. Steve Pieczenik, and you  
13 got some heat for this. This is kind of changing the subject  
14 a little. Dr. Steve Pieczenik on your show said that no kids  
15 died at Sandy Hook. That it was a Homeland Security drill  
16 that they passed off as a real event.

17 MR. JONES: He says that.

18 UNIDENTIFIED MALE: That's what he says.

19 MR. JONES: And I've been hit really hard with it.  
20 I can't prove it one way or the other. I know Anderson  
21 Cooper is standing up there and turns, and his whole nose  
22 disappears. I work in TV. I know what a blue screen is,  
23 bro.

24 UNIDENTIFIED MALE: Yeah. And I have one question  
25 about Sandy Hook, the one question, the Tower 7 question is:



1 why weren't the medivac helicopters called?

2 MR. JONES: Pieczenik ran the operation to  
3 overthrow at least seven countries.

4 UNIDENTIFIED MALE: Yeah.

5 MR. JONES: I mean, that's on record.

6 UNIDENTIFIED MALE: Yeah.

7 MR. JONES: He co-wrote Tom Clancy's books. He's  
8 the Jack Ryan character.

9 UNIDENTIFIED MALE: Yeah.

10 MR. JONES: That's because he used to be in covert  
11 action himself.

12 UNIDENTIFIED MALE: Uh-huh (affirmative).

13 MR. JONES: That's how he got into the CIA was --  
14 here's a big secret about the CIA. Like they've got hit men  
15 that are like former Special Forces and stuff that are Army,  
16 Navy, Marine Corps, you know, because you like graduate out  
17 of the Seals and out of things into squads that are put in  
18 strategic locations around the country, sleeper cells.

19 And so that's basically what goes on, but who they  
20 really have for assassins are doctors and psychiatrists. And  
21 so a lot of these people you see that are doctors and  
22 psychiatrists and things that head up things that, oh, were  
23 in the Navy or in the Army, they were all put through secret  
24 programs and a bunch of other stuff, and they're the real hit  
25 men. And there's some weird thing in the government where

1 it's a medical procedure we're doing, like torture is all a  
2 medical procedure.

3 UNIDENTIFIED MALE: Yeah.

4 MR. JONES: It's this thing with doctors. So if  
5 they send real hit men after you, it's guys with medical  
6 degrees. Isn't that crazy?

7 UNIDENTIFIED MALE: Uh-huh (affirmative). Anderson  
8 --

9 MR. JONES: It's all very professional done though,  
10 you understand.

11 UNIDENTIFIED MALE: You mentioned Anderson Cooper.  
12 What -- people think he's -- he was in the CIA, right?

13 MR. JONES: Yes.

14 (END OF AUDIO FILE)

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## 1 CERTIFICATE OF TRANSCRIPTIONIST

2 I certify that the foregoing is a true and accurate  
3 transcript of the digital recording provided to me in this  
4 matter.

5 I do further certify that I am neither a relative, nor  
6 employee, nor attorney of any of the parties to this  
7 action, and that I am not financially interested in the  
8 action.

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13 Julie Thompson, CET-1036  
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## **Exhibit A32**

2017-04-28 - Alex Jones Austin Press Conference (Clip at 30m29s)

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CONNECTICUT MASSACRE SHOOTING

TRANSCRIPT OF INFOWARS BROADCAST  
ALEX JONES AUSTIN PRESS CONFERENCE

APRIL 28, 2017

CLIP AT 30M 29S

1 MR. JONES: That's a joke too. You what?

2 UNIDENTIFIED MALE: You seriously believe Sandy  
3 Hook is a false flagstone?

4 MR. JONES: I think -- I think we should  
5 investigate everything because the government staged so much  
6 stuff. Then they lie and say that I said the whole thing was  
7 totally fake when I was playing devil's advocate in debate.  
8 I said, "Maybe the whole thing is real. Maybe the whole  
9 thing is fake." They were using blue screens out there.

10 UNIDENTIFIED MALE: So you're serious?

11 MR. JONES: Why won't the media -- I know that's  
12 the anointed thing your editors tell you to go out --

13 UNIDENTIFIED MALE: I'm not the media.

14 MR. JONES: -- and like -- well, that's what the  
15 media talks about. Screw this. You're just regurgitating  
16 that. They ask about -- they ask about Sandy Hook. They ask  
17 about Sandy Hook, and I say, yes, government stage things.

18 UNIDENTIFIED MALE: Yeah.

19 MR. JONES: So it's not bad to question them.  
20 Anyways, you guys have fun.

21 UNIDENTIFIED MALE: Thanks.

22 UNIDENTIFIED MALE: Why don't you just make your  
23 apology?

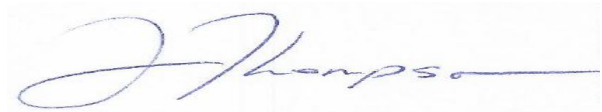
24 (END OF AUDIO FILE)

25

## 1 CERTIFICATE OF TRANSCRIPTIONIST

2 I certify that the foregoing is a true and accurate  
3 transcript of the digital recording provided to me in this  
4 matter.

5 I do further certify that I am neither a relative, nor  
6 employee, nor attorney of any of the parties to this  
7 action, and that I am not financially interested in the  
8 action.

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13 Julie Thompson, CET-1036  
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## **Exhibit B**

Brooke Binkowski Affidavit



**AFFIDAVIT OF BROOKE BINKOWSKI**

STATE OF CALIFORNIA           §  
   §  
SAN DIEGO COUNTY           §

Before me, the undersigned notary, on this day personally appeared Brooke Binkowski, a person whose identity has been established to me. Upon being duly sworn, Affiant states:

My name is Brooke Binkowski. I am over the age of 21 and competent to make this affidavit.

I am a multimedia journalist and professional researcher, and I am the Managing Editor of Snopes.com.

The Snopes.com website was founded by David Mikkelson in 1994 as an expression of his interest in researching urban legends, and it has since grown into the oldest and largest fact-checking site on the Internet.

Over twenty years later, Snopes.com has come to be regarded as an essential source for research on rumors and misinformation. Our work has been described as painstaking, scholarly, and reliable, and has been lauded by the world's top folklorists and journalists.

As part of my work with Snopes, I routinely investigate claims made in media and on the internet to assess their validity; last year, I received recognition from my colleagues in the form of what is called the Sunshine Award for my anti-disinformation work.

As part of my work, I am called upon to assess the content and meaning of a variety of statements, ranging from news articles, video or written commentary, oral interviews, social media content, forwarded emails, anonymous viral content, and an endless supply of other materials.

As part of my work, I have years of experience in assessing the tone and intent of a given text, as well as expertise in parsing meaning and innuendo.

In the course of this work, I have become very familiar with InfoWars.

InfoWars frequently makes factual claims in its broadcasts which are the subject of fact-checking by the Snopes staff.

I am extremely familiar with the overall tone and style of the content broadcast by InfoWars.

I have viewed portions of an InfoWars video entitled "Sandy Hook Vampires Exposed."

During the broadcast, Mr. Jones discussed an interview between Anderson Cooper and Sandy Hook mother Veronique De La Rosa (formerly Pozner).

Mr. Jones claimed that the interview is fake, and that Mr. Cooper's nose disappears in video footage because "the green screen isn't set right."

It is clear Mr. Jones was making a statement of fact, not an opinion. Mr. Jones provided no indication that he was delivering an opinion rather than a claim of fact.

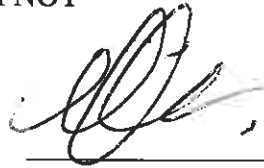
Mr. Jones did not discuss any other possibilities for the visual effect or identify his statements as a theory.

The clear meaning and implication of Mr. Jones' statements is that Mrs. De La Rosa participated in a faked interview with Anderson Cooper as part of a cover-up of some horrible secret about Sandy Hook.

In combination with other statements made in the broadcast, a viewer could reasonably interpret these comments as asserting that the Sandy Hook shooting was staged and that Mrs. De La Rosa and Mr. Pozner were not real parents.

This fits a larger pattern of behavior by Mr. Jones, in that he routinely denigrates victims of shootings and their families, and encourages viewers and listeners — directly and indirectly — to harass those victims.

FURTHER YOUR AFFIANT SAYETH NOT

A handwritten signature in black ink, appearing to read 'BB', is written over a horizontal line.

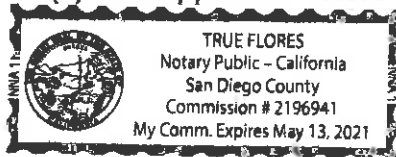
Brooke Binkowski

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California  
County of San Diego

Subscribed and sworn to (or affirmed) before me on this 13<sup>th</sup>  
day of July, 2018, by Kimberly Brooke  
Binkowski

proved to me on the basis of satisfactory evidence to be the  
person(s) who appeared before me.



(Seal)

Signature

A handwritten signature in blue ink, appearing to be "Kimberly Binkowski", written over a horizontal line.

## **Exhibit C**

Grant Fredericks Affidavit

CAUSE NO. D-1-GN-18-001842

LEONARD POZNER AND  
VERONIQUE DE LA ROSA  
*Plaintiffs*

VS.

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

§  
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§

IN DISTRICT COURT OF  
  
TRAVIS COUNTY, TEXAS  
  
345<sup>th</sup> DISTRICT COURT

---

**AFFIDAVIT OF GRANT FREDERICKS**

---

STATE OF WASHINGTON       )  
  )  
COUNTY OF SPOKANE       )       ss.

Before me, the undersigned notary, on this day personally appeared Grant Fredericks, a person whose identity has been established to me.

Upon being duly sworn, Affiant states:

My name is Grant Fredericks. I am over the age of 21 and competent to make this affidavit. I have been asked to provide opinions in the field of forensic video analysis.

I am a Certified Forensic Video Analyst with extensive experience in the recovery, scientific examination, and evaluation of recorded video and audio information involving criminal and

1 civil investigations in the United States (US), Canada, the United Kingdom (UK), and  
2 elsewhere. I have been continuously active in this science since 1984.

3  
4 I attained an undergraduate degree in Television Broadcast Communications, with an emphasis  
5 on television engineering in 1982.

6  
7 Between 1982 and 1987, I was a television news reporter and producer, working extensively  
8 with composited video, commonly referred to as 'green-screen' technology; also known as  
9 'blue-screen' and 'chroma-key' production.

10  
11 As a Forensic Video Analyst, I have processed thousands of videotapes and computer discs  
12 containing digital multimedia evidence for both criminal and civil cases. I have been providing  
13 expert testimony as a Forensic Video Analyst since the early 1990's. In the past ten (10) years I  
14 have provided expert testimony in the field of Forensic Video Analysis more than one hundred  
15 and fifty (150) times in US and Canadian courts at all levels. I have testified as an expert in  
16 Forensic Video Analysis in Washington State, Oregon, Idaho, California, Nevada, North  
17 Dakota, Colorado, Arizona, Iowa, Missouri, Massachusetts, Pennsylvania, Connecticut,  
18 Michigan, Maine, New York, Texas, Florida, British Columbia, Alberta, Manitoba, Ontario,  
19 New Brunswick, in the Yukon Territories, London, England, Auckland, New Zealand, in the  
20 Cayman Islands, and elsewhere.

21  
22 From 1999 until December of 2012, I was the Principal Instructor for a series of Forensic  
23 Video Analysis courses offered by the Law Enforcement & Emergency Services Video  
24 Association (LEVA), a non-profit organization that has trained more than 3,000 law  
25 enforcement video analysts from throughout the world.

1 From 2006 until December of 2012, I was the Team Leader for LEVA's Forensic Video  
2 Analysis Certification Program.

3  
4 From 1998 until 2013, I was the Team Leader of LEVA's Curriculum Development  
5 Committee, and I continue as an active member of the Committee.

6  
7 For the last sixteen (16) years, I have been a contract instructor of Forensic Video Analysis and  
8 Digital Multimedia Evidence Processing for the Federal Bureau of Investigation (FBI)  
9 National Academy in Quantico, VA.

10  
11 From 2006 until 2014, I was the Digital Video Advisor to the International Association of  
12 Chiefs of Police (IACP) for its In-Car Video project and for its Digital Interview Room  
13 Standards project, which are funded by the US Department of Justice (DOJ). These programs  
14 are focused specifically on the development of compression standards for improved  
15 performance of digital video systems to ensure accurate presentation in court. I am a co-author  
16 of the national standards for mobile video recording systems for law enforcement.

17  
18 From 2007 to 2014, I was an instructor of Forensic Video Analysis at the University of  
19 Indianapolis, IN. I have provided more than 2,900 hours of classroom instruction to video  
20 analysts from throughout the world who have attended the university's Digital Multimedia  
21 Evidence Processing Lab. Students served as video analysts, primarily from law enforcement  
22 agencies in the US, Canada, the UK, Australia, and Asia. Each of the courses focused on  
23 digital video and analog video engineering principles, and on the application of proper  
24 scientific methodologies for processing digital multimedia evidence, including scientific  
25 techniques used to determine image timing intervals in order to accurately convert time-lapsed  
26 video into real-time video for synchronization of separately recorded video sources.



1 One of the courses that I taught at the University of Indianapolis was entitled  
2 Photographic/Video Comparisons, which focused on the identification of vehicles, clothing,  
3 and weapons captured to digital and analog video recording sources. Vehicle identification  
4 examines class and unique characteristics of Questioned Vehicle, and often included headlight  
5 spread pattern analysis. I have taught this course in Canada at the British Columbia Institute of  
6 Technology, in the UK, and in Indianapolis for each of the last twenty (20) years.

7  
8 A significant element of the Photographic/Video Comparison course material, and of the other  
9 courses that I teach, involves the science of Reverse Projection. Reverse Projection is the  
10 scientific process of obtaining accurate measurements and making accurate observations from  
11 photographic and video images. Reverse Projection has been used among imaging scientists,  
12 investigators, and in US courts regularly for more than forty (40) years as a tool to reproduce  
13 crime and accident scenes, in order to conduct measurements and to make other accurate  
14 observations.

15  
16 I currently teach a hands-on course called Video Examinations for the Police Investigator. This  
17 course focuses on reflection of light, pixel tracking, digital compression technology,  
18 macroblock analysis, motion vector analysis, color measurement/analysis, speed estimation,  
19 and on digital and analog artifact (error) identification for the sole purpose of ensuring accurate  
20 interpretation of video evidence. Since each of the signal and digital components could impact  
21 the meaning of images, the majority of testimony that I have provided includes a narrative  
22 explanation of the events captured to the video recording system.

23  
24 I am a former Police Officer with the City of Vancouver Police Department in Canada where I  
25 was assigned to the Criminal Investigation Division as the head of the department's Forensic  
26 Video Unit.

1 **Work Request**

2  
3 At the request of Mark Bankston, attorney, I have performed an initial reviewed and analysis  
4 of the following four video clips:

- 5  
6 1. Pozner Cooper Interview (360p).mp4  
7 a. (File Hash: 9c29e026d1a3a5ef48903cd19f230df9)  
8 2. Pozner Cooper Interview (720p).mp4  
9 a. (Files Hash: 4145adc0fe52d263954c3df9a3ee396a)  
10 3. Pozner Cooper Interview (InfoWars 2013).mp4  
11 a. (File Hash: 12b370c3e58745f491b9cc0c0b7ff13d  
12 4. Pozner Cooper Interview (InfoWars 2017).mp4  
13 a. (File Hash: eba535d93fcc15c1419c1446937291e8)

14 .  
15 Clip #1 is a publicly available copy of a video interview between Plaintiff Veronique De La  
16 Rosa and Anderson COOPER which originally aired on CNN following the Sandy Hook  
17 school shooting. This clip has been transcoded from a higher quality version of the depicted  
18 events.

19  
20 Clip #2 is a publicly available copy of a video interview between Plaintiff Veronique De La  
21 Rosa and Anderson COOPER which originally aired on CNN following the Sandy Hook  
22 school shooting. This clip is a higher quality version of Clip #1.

23  
24 Clip #3 is purported to be a video segment from a January 27, 2013 broadcast from InfoWars.

25  
26 Clip #4 is purported to be a video segment from an April 22, 2017 broadcast from InfoWars.

1 In InfoWars' Clips #3 and #4, Mr. Alex JONES discussed video footage of the CNN interview  
2 with the Plaintiff in which JONES describes that the tip of Anderson COOPER'S nose  
3 disappears as he is turning his head. Mr. JONES claimed the footage proves that the interview  
4 was filmed using a blue-screen.

5  
6 A blue-screen, or green-screen, is used in chroma key compositing to insert a pre-recorded or  
7 remote background behind a live subject.

8  
9 There was no reasonable basis to conclude that the production used a chroma key process. The  
10 errors described by Mr. JONES are caused by digital video compression, not compositing  
11 (layering scenes or images).

12  
13 Each of the provided video files employ H.264 (MPEG4) compression, which is the most  
14 common method of digital video compression.

15  
16  
17 H.264 is a lossy compression method. The term lossy refers to video where information is  
18 removed from an original recording and errors are created.

19  
20 Each of the provided video clips have different levels of H.264 compression.

21 To a reasonable degree of engineering certainty, the visual anomaly in the video was caused by  
22 post-production compression. Post-production compression refers to the process of  
23 'transcoding'. 'Transcoding' describes the process of converting a video file from one format  
24 into another format.  
25  
26

1 A 'transcoded' digital video file that uses lossy-compression will add compression errors that  
2 cannot be reversed.

3  
4 Lossy compression is destructive and irreversible. In other words, when *Video A* is transcoded  
5 into a lossy format, creating *Video B*, *Video B* cannot be transcoded back to the same quality of  
6 the original *Video A*. Each time a video file is transcoded, image quality is reduced.  
7

8  
9 Video Clip #2 is a much higher quality video than Video Clips #3 or #4.

10  
11 Video Clip #2 represents a far less lossy copy of the video that is the subject of Mr. JONES'  
12 claims, as described in Clips #3 and #4.  
13

14  
15 Video Clip #2 does not have the errors that are the subject of Mr. JONES' comments.  
16

17 Since Video Clip #2 has higher image resolution, with fewer compression errors, and is void of  
18 the specific error described by Mr. JONES (COOPER'S nose does not disappear), Video Clips  
19 #3 and #4 were created using destructive methods, post CNN Broadcast.  
20

21 I have located a higher quality version of the interview which has been publicly available on  
22 YouTube since April 24, 2013.<sup>1</sup> The anomaly described by JONES does not appear in this  
23 video. This is significant because the publicly available source of the video used by Mr.  
24 JONES shows no evidence of chroma-key compositing.  
25

26  

---

<sup>1</sup> <https://www.youtube.com/watch?v=kFw20eLL0w0>

1 It does not require a high level of technical expertise to understand that Mrs. De La Rosa's  
2 interview was not conducted in front of a blue-screen. Compression is a basic concept in the  
3 field of TV Production and web-based video broadcasting. Anyone with experience in analog  
4 or digital video production, or in web-based broadcasting, should have arrived at the same  
5 conclusions. No credible video professional, editor, or web-content specialist would conclude  
6 that the visual anomaly is evidence of a chroma key process, such as a blue-screen or green-  
7 screen.  
8

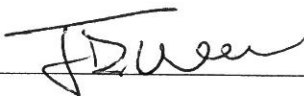
9  
10 It is my opinion that InfoWars either had knowledge of the falsity of its statements, or made  
11 those statements while having serious doubts about the truth of those statements.  
12

13  
14  
15 Further, your affiant sayeth naught.  
16

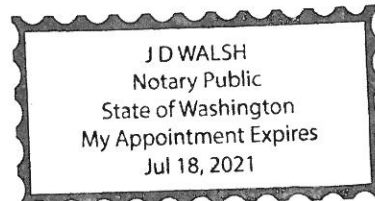
17 

18 Grant Fredericks  
19

20 Subscribed and sworn to before me this 3<sup>rd</sup> day of July, 2018.  
21

22  
23   
24

25 Notary Public  
26



## **Exhibit D**

Leonard Pozner Affidavit

**AFFIDAVIT OF LEONARD POZNER**

STATE OF FLORIDA       §  
                                     §  
ORANGE COUNTY       §

Before me, the undersigned notary, on this day personally appeared LEONARD POZNER, a person whose identity has been established to me. Upon being duly sworn, Affiant states:

1. My name is Leonard Pozner. I am over the age of 21 and competent to make this affidavit.
2. Prior to the Sandy Hook hoax controversy caused by Mr. Jones, I did not play any role in public life, nor did I seek or have access to mass media.
3. In response to fake information being spread about the Sandy Hook shooting by Mr. Jones and others, I started the HONR Network, a 501(c)(3) non-profit organization which helps address the problem of fake conspiracy theories about victims of national tragedies.
4. HONR has volunteers who work tirelessly to identify content which is harassing, defamatory, or discloses private personal information about victims of national tragedies. Volunteers then submit requests to content providers such as Google, YouTube, or Facebook asking to remove the content.
5. It is the goal of HONR to keep the families and their private lives out of the online discussions among conspiracy enthusiasts and professional hoaxers.
6. My impetus for creating HONR was my own experience seeing InfoWars and others popularize the false hoax claims about Sandy Hook and expose victims to dangerous unwanted attention.
7. My work with HONR would not have occurred had it not been for InfoWars' actions and the lies Mr. Jones aggressively fostered. In the month following the shooting, Mr. Jones alleged that my wife faked an interview with Anderson Cooper, and he cited this lie as key evidence in his claim that Sandy Hook was staged as part of a fraudulent or criminal plot. He has continued to repeat this lie for years, and he gave a platform to other malicious liars.
8. Over the next few years, Mr. Jones devoted dozens of his broadcasts to Sandy Hook. He was relentless in stating the event was fake and that my family were part of a cover-up.




9. Mr. Jones has specifically targeted me in his broadcasts. For example, when I was successful in having an InfoWars hoax story removed from YouTube, Mr. Jones went on an angry rant about me for nearly an hour. During this February 12, 2015 broadcast, he also hosted a call with an obsessed fellow conspiracy theorist who issued a threat to me. Mr. Jones then he showed his audience my personal information and maps to addresses associated with my family. Mr. Jones stated he would personally visit Florida to come investigate me.
10. In the years since the shooting, my family and I have been forced to move seven times. I maintain post office boxes in multiple cities to confuse conspiracy fanatics. My utility accounts are not in my name. We also take many other unusual steps to maintain our privacy that I would prefer not to disclose in a public document. To this day, conspiracy fanatics routinely exchange the latest personal information they have been able to discover about my family or post our personal details online.
11. In years following the tragedy, I have on occasion spoke publicly about how Mr. Jones and others have been spreading dangerous false information. I never wanted to enter the public discussion over whether Sandy Hook was staged. I was only responding to false statements made about my family to let people know about the danger of these hoaxes. Our intention has always been to secure more privacy and less attention from these dangerous hoaxers.
12. I was somewhat hopeful that Mr. Jones' malicious actions towards me and my family would end in late 2016, when he broadcast a video titled "Alex Jones Final Statement on Sandy Hook." In this video, Mr. Jones once again accused my wife of faking an interview with Anderson Cooper, as he has done on numerous other occasions. He concluded the video by accusing us of being actors.
13. Over the next year, I consciously attempted to avoid Mr. Jones' broadcasts. But I could not avoid the fact that online, the Sandy Hook hoax story was not going away. I then became aware sometime in March 2018 that Mr. Jones had continued to broadcast false statements about Sandy Hook and my son's death. I learned that on April 22, 2017, Mr. Jones had published a video, nearly an hour long, entitled "Sandy Hook Vampires Exposed." Mr. Jones repeated his prior lies about Sandy Hook, including the accusations about my wife's interview. Mr. Jones told his viewers that none of it was to be believed.
14. This video has caused me severe anguish and anger. I have tried for over five years to remain strong in the face of Mr. Jones' endless abuse. I had dedicated my life to debunking the conspiracy theory he spread. I've spent countless hours online in a struggle to preserve and safeguard my son's memory. But after viewing Mr. Jones' broadcast from April 22, 2017 breathing new life into these lies, I have come to realize that my son's legacy will never be pure. It will always be tainted by this ugly footnote. There will be an asterisk on my son's name that Mr. Jones created. When the story of my son is remembered by history, it will be forever tied to this horrible man.




15. Mr. Jones' 2017 statements also put my family in further danger. Due to Mr. Jones' lies, my family and I have been subjected to harassment and threats from his audience over the years. One of his fans, Lucy Richards, was successfully located by law enforcement and prosecuted for a series of disturbing death threats she made against me. After the end of her sentence in federal prison, she will be prohibited from viewing InfoWars programming.
16. When I learned of Mr. Jones' statements in 2017 reviving his sick hoax fantasy, I immediately felt an acute fear for my safety and the safety of my family.
17. I have suffered a high degree of mental stress and psychological pain due to Mr. Jones reviving the Sandy Hook hoax conspiracy in 2017. I felt that I had been making progress over the years in coming to terms with my grief, but when I learned about the "Sandy Hook Vampires Exposed" broadcast, I became both outraged and hopeless. I began to have serious trouble sleeping, and the severe stress and anxiety began to disrupt my daily routine. Due to these issues, I have decided to return to a therapist to renew psychological counselling.

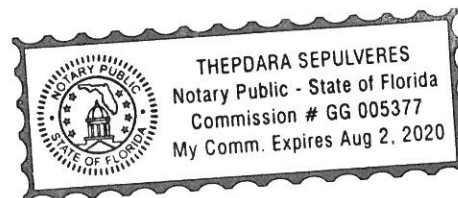
FURTHER YOUR AFFIANT SAYETH NOT

  
Leonard Pozner

STATE OF FLORIDA  
COUNTY OF Orange  
The foregoing instrument was acknowledged before me this 5th  
day of June 2018, by Leonard Pozner who is  
personally known to me or who has produced FL ID  
as identification and who did take an oath.

  
Print Name: Thepdara Sepulveres  
Notary Public  
My commission expires: 8-2-20

(SEAL)



## **Exhibit E**

Veronique De La Rosa Affidavit

**AFFIDAVIT OF VERONIQUE DE LA ROSA**

STATE OF FLORIDA       §  
                                      §  
ORANGE COUNTY       §


Before me, the undersigned notary, on this day personally appeared VERONIQUE DE LA ROSA, a person whose identity is known to me. Upon being duly sworn, Affiant states:

1. My name is Veronique De La Rosa. I am over the age of 21 and competent to make this affidavit.
2. My son was killed in the Sandy Hook Elementary School massacre on December 14, 2012.
3. Prior to Mr. Jones first making accusations about me in January of 2013, I had played no public role in my life. My only exposure to the media had been the brief interviews I granted in the immediate aftermath of the shooting. I did not seek out media attention in the days following the shooting. The media sought me out, and I granted a few of the requests for interviews.
4. I never sought to be any kind of public figure. I merely recognized that I was involved in a matter that had attracted public attention. I gave interviews about the event and about my feelings, but it was not my intention to relinquish my privacy or surrender my interest in the protection of my own name.
5. Just over a month following the tragedy, on January 28, 2013, I traveled to Hartford along with other Sandy Hook parents to give testimony to the Connecticut General Assembly about my experience and my opinion on gun regulation. I also made remarks at a March for Change rally in Hartford shortly thereafter.
6. It was never my intention to become a public figure or thrust myself to the forefront of this issue, but merely to relate my unique story to government leaders in the aftermath of our tragedy, which I felt was my duty as a citizen.
7. I am not a member of Sandy Hook Promise, Newtown Action Alliance, nor do I engage in lobbying on behalf of any gun advocacy organization.
8. In the aftermath of the shooting, my brother, Alexis Haller, accompanied our family on a trip to the White House.

9. My brother claims that during the visit, he met a staff member who encouraged him to reach out if he had any concerns.
10. Because of this comment, my brother drafted a series of ideas for gun regulation and submitted his proposals to the White House.
11. I had no involvement in the preparation of that document or its submission to the White House. My brother took this initiative on his own, without my input.
12. Due to my brother's continuing unilateral actions, I soon thereafter had a family member instruct the media that Alexis Haller did not speak on our behalf.
13. Since the time of my testimony in Hartford, my family and I have jealously guarded our privacy. We have taken extraordinary and unusual measures to increase our anonymity in the ensuing years in the face of harassment by those who believe Sandy Hook was staged.
14. It has never been my intention to participate in any public debate over whether the events at Sandy Hook were staged. Nor did I seek to participate in any public debate over whether my son died. I find the entire discussion vile and deeply upsetting.
15. On December 10, 2015, I co-wrote a letter with my ex-husband to the Florida Sun-Sentinel condemning conspiracy theorists who were promoting the idea that Sandy Hook was a hoax.
16. In these comments, I was only responding to the defamation of me and my family. My only public statements about the Sandy Hook hoax "controversy" were to address these lies. The only reason I have any public prominence in the hoax "controversy" is because Mr. Jones and other "conspiracy theorists" have inflicted that publicity upon me, against my wishes.
17. Beginning just one month following the shooting, Mr. Jones first alleged that I faked an interview with Anderson Cooper, and he cited this lie as key evidence in his claim that Sandy Hook was staged as part of a fraudulent or criminal plot. He has continued to repeat this lie for years.
18. There is no truth to Mr. Jones' allegation. There was no blue-screen or technical trickery involved in my interview. I did not misrepresent myself to the public or collude with CNN to fake the interview. The interview was conducted in front of the Edmond Town Hall in Newton, Connecticut. I am not an actress. I am an ordinary mother who lost her son due to the horrific attack carried out by Adam Lanza. I am not in league with CNN or elements of the government to carry out any cover-up of the events. Mr. Jones' allegations are false in every respect.
19. Over the next few years, Mr. Jones devoted dozens of his broadcasts to Sandy Hook. He was relentless in stating the event was fake and that my family was part of a cover-up.

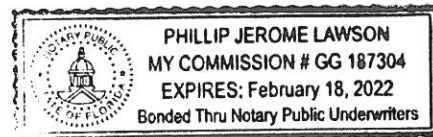
20. Mr. Jones has specifically targeted me in his broadcasts. My interview with Anderson Cooper has been repeatedly discussed as evidence of a cover-up.
21. When posters featuring an image of my son were used at a rally in the aftermath of a school shooting in Pakistan, Mr. Jones used this fact to imply to his audience that the Sandy Hook shooting was staged.
22. I was somewhat hopeful that Mr. Jones' malicious actions towards me and my family would end in 2016, when he broadcast a video titled "Alex Jones Final Statement on Sandy Hook." In this video, Mr. Jones once again accused me of faking an interview with Anderson Cooper, as he has done numerous other occasions. He concluded the video by accusing the Sandy Hook families of being actors.
23. Over the next year, I consciously attempted to avoid Mr. Jones' broadcasts. Sometime in March or April 2018, I became aware that Mr. Jones had continued to broadcast false statements about Sandy Hook and my son's death.
24. Sometime in March or April 2018, I learned that Mr. Jones had published a video on April 22, 2017 entitled "Sandy Hook Vampires Exposed." Mr. Jones repeated his prior lies about Sandy Hook, including the accusations about my interview. Mr. Jones told his viewers that none of it was to be believed.
25. This video has broken me. For five years, I have endured Mr. Jones tormenting me and my family. But after his 2016 "final statement," I truly hoped that the hoax claims would die off and that Mr. Jones would see no value in continuing his sick lies.
26. When I viewed the April 22, 2017 video, I realized Mr. Jones will never willingly stop tormenting victims. I became totally despondent and wracked with extreme mental stress.
27. Mr. Jones' 2017 statements also put my family in further danger. Due to Mr. Jones' lies, our family has been subjected to harassment and threats from his audience over the years. One of these individuals, Lucy Richards is serving a federal prison sentence for death threats she made against my ex-husband Leonard. Due to the threats and harassment we received, my family and I have been forced to move several times.
28. When I learned of Mr. Jones' statements in 2017 reviving his sick hoax fantasy, I immediately felt an acute fear for my safety and the safety of my family.
29. I have suffered a high degree of psychological stress and mental pain due to Mr. Jones reviving the Sandy Hook hoax conspiracy in 2017. Before learning of the 2017 statements, I had started to think that Mr. Jones would finally leave our family alone. But when I learned about the "Sandy Hook Vampires Exposed" broadcast, I became both outraged and hopeless. I have suffered extreme insomnia, depression, panic attacks, and bouts of uncontrollable grief. My anguish has been so severe that it began to disrupt my daily routine. Due to these issues, I have decided to return to a therapist to renew psychological counselling.

FURTHER YOUR AFFIANT SAYETH NOT

  
Veronique De La Rosa

DL# 462-875-67-644-0

Phillip J. Lawson Notary  
Phillip J. Lawson 07-6-2018



## **Exhibit F**

H. Wayne Carver II, M.D. Affidavit

**AFFIDAVIT OF H. WAYNE CARVER II, M.D.**

STATE OF Connecticut §  
  §     H. Wayne Carver II  
New London COUNTY     §

Before me, the undersigned notary, on this day personally appeared H. Wayne Carver, M.D.,  
a person whose identity has been established to me. Upon being duly sworn, Affiant states:

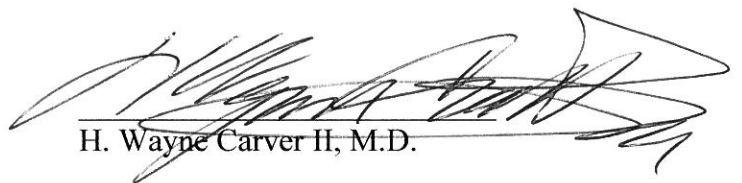
1. My name is H. Wayne Carver, M.D. I am over the age of 21 and competent to make this affidavit.
2. For 26 years, I was the State of Connecticut's chief medical examiner.
3. I oversaw the process by which medical examinations were performed on victims of the Sandy Hook massacre.
4. I personally performed the medical examination of deceased minor N.P., a student slain at Sandy Hook.
5. I was one of the many state employees who entered Sandy Hook Elementary School on December 14, 2012.
6. Upon entering the building, it was obvious that Sandy Hook was a functioning elementary school. It was not rotting or falling apart. The school was filled with evidence that it had been in operation.
7. I am personally familiar with individuals who had children attending Sandy Hook Elementary School between 2008-2012.
8. Based on my firsthand observations, I know that paramedics and tactical paramedics entered the building to assess and triage the victims.
9. I am familiar with Alex Jones and InfoWars. I am aware of prior statements by Mr. Jones in which he has asserted that the Sandy Hook massacre was staged. These comments have generated significant pain in the Newtown community.
10. I have viewed segments from an April 22, 2017 video broadcast by InfoWars entitled "Sandy Hook Vampires Exposed."
11. These segments make various claims about the Sandy Hook massacre, including a discussion of an interview between Veronique De La Rosa and Anderson Cooper.



12. After watching these segments, I understood InfoWars was claiming that Mrs. De La Rosa conducted a fraudulent interview in front of a blue-screen, and that the interview was not actually in Newtown in front of the Edmond Town Hall.
13. I also understood from the video that InfoWars was accusing Mrs. De La Rosa of engaging in a fraud or cover-up of the truth regarding the Sandy Hook massacre and the death of her child.
14. By logical implication, I also understood Mr. Jones to be accusing Leonard Pozner, who was Mrs. De La Rosa's husband, of engaging in a fraud or cover-up of the truth regarding the death of their child.
15. After viewing the statements, it was my understanding that the broadcast was intended to reinforce the validity of Mr. Jones' prior statements about Sandy Hook, serving as further evidence that the event was staged.
16. Given the nature of InfoWars' allegations, I also understood the broadcast to implicate Mr. Pozner and Mrs. De La Rosa in criminal conduct, such as making false statements to government officials or engaging in other forms of criminal misrepresentation.
17. After viewing the video segments, I also drew the conclusion that InfoWars was accusing other families and state officials, including myself, of engaging in a fraud or cover-up of the truth regarding the Sandy Hook massacre, since I understood the underlying point of InfoWars' argument about Sandy Hook was that the event was staged.

FURTHER YOUR AFFIANT SAYETH NOT

Karen C. Pompea

  
H. Wayne Carver II, M.D.

KAREN C. POMPEA  
NOTARY PUBLIC OF CONNECTICUT  
MY COMMISSION EXPIRES 10/31/2020

## **Exhibit G**

Andrea DiStephan Affidavit

**AFFIDAVIT OF ANDREA DISTEPHAN**

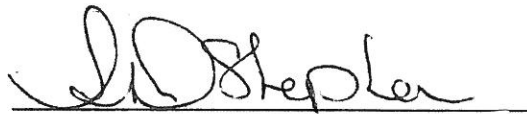
STATE OF CONNECTICUT     §  
  §  
FAIRFIELD COUNTY         §

Before me, the undersigned notary, on this day personally appeared Andrea DiStephan, a person whose identity is known to me. Upon being duly sworn, Affiant states:

1. My name is Andrea DiStephan. I am over the age of 21 and competent to make this affidavit.
2. I am personally acquainted with Leonard Pozner and Veronique De La Rosa.
3. I have viewed portions of the April 22, 2017 broadcast from InfoWars entitled “Sandy Hook Vampires Exposed.” (<https://www.youtube.com/watch?v=rUnljKhWTXI>)
4. The portions I viewed concerns an interview between Veronique De La Rosa and Anderson Cooper in Newtown (28:00 – 30:00), as well as a discussion between Mr. Jones and one of his employees regarding reasons they do not believe the official narrative of Sandy Hook (59:00 – 1:01:30).
5. I am also generally familiar with the prior allegations from Mr. Jones that the Sandy Hook massacre was staged or a hoax, as well as his allegations that actors were used in this hoax.
6. After viewing portions of the April 22, 2017 broadcast, I understood Mr. Jones to be making the claim that Mrs. De La Rosa was a participant in a staged interview in front of a blue-screen, and that she was not actually standing in Newtown.
7. After viewing portions of the April 22, 2017 broadcast, I understood Mr. Jones to be making the claim that Mrs. De La Rosa was engaging in a fraud or cover-up of the truth regarding the Sandy Hook massacre.
8. Because Leonard Pozner was married to Mrs. De La Rosa and the father of Noah Pozner, a victim of the massacre, I also understood Mr. Jones to be accusing Mr. Pozner of engaging in a fraud or cover-up of the truth regarding the Sandy Hook massacre.

9. Due to the nature of the allegation made by Mr. Jones, and due to the general context and history in which Mr. Jones' comments were made, I also understood the April 22, 2017 broadcast to implicate Mr. Pozner and Mrs. De La Rosa in criminal conduct, such as making false statements to government officials or engaging in other forms of criminal misrepresentation.
10. After viewing portions of the April 22, 2017 broadcast, I understood both Leonard Pozner and Veronique De La Rosa to be among the "Sandy Hook Vampires" referenced by Mr. Jones in the title.

FURTHER YOUR AFFIANT SAYETH NOT



Andrea DiStephan

Mary Ellen Demers  
NOTARY PUBLIC  
My Commission Expires 10/31/2021

Sworn to and subscribed  
before me this  
27th day of April, 2018  
Brookfield Town Clerk's Office  
*Mary Ellen Demers*

## **Exhibit H**

Enrique Armijo Amicus Curiae Declaration

LEONARD POZNER AND  
VERONIQUE DE LA ROSA  
*Plaintiffs*

VS.

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

§  
§  
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§  
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§  
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§

IN DISTRICT COURT OF  
  
TRAVIS COUNTY, TEXAS

345<sup>th</sup> DISTRICT COURT

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**AMICUS CURIAE DECLARATION OF PROFESSOR ENRIQUE ARMIJO**

---

1. My name is Enrique Armijo. I am over the age of twenty-one and competent to make this declaration.

2. I come before the Court as *amicus curiae*. I have not been retained by any party in this litigation. I declare under penalty of perjury that the following is a true and correct statement of my legal opinions.

**Background**

3. I am a legal scholar who studies the intersection between the First Amendment and online speech. I am a professor and Associate Dean for Academic Affairs at Elon University School of Law in Greensboro, North Carolina, where I teach and research in the areas of the First Amendment, constitutional law, torts, and media and internet law.

4. My academic work has recently appeared in the Boston College Law Review, the Washington and Lee Law Review, the North Carolina Law Review Communication Law and Policy, Political Science Quarterly, and other journals. My work has been cited by the Federal Communications Commission, the Federal Election Commission, and other agencies, and in testimony before the U.S. Senate Committee on Governmental Affairs.

5. I have also provided advice on media and internet law reform to governments, stakeholders and NGOs located around the world, including in Africa, Asia and the Middle East. Most recently, I have worked on media and communications reform projects in Myanmar (Burma) for the U.S. Department of State with Annenberg's Center for Global Communications Studies at the University of Pennsylvania. In addition, I am also an Affiliate Fellow of the Yale Law School Information Society Project.

6. I also comment regularly on media law-related issues in print and electronic media, including for *Bloomberg News*, *The Conversation*, law360.com, the *Atlanta Journal-Constitution*, and other outlets.

7. Before my academic career, I practiced with Covington & Burling LLP in Washington, D.C., where I advised journalists, news organizations and trade associations on media law-related issues. As an appellate lawyer, I represented clients in media cases pending before the U.S. Supreme Court and the federal and state courts of appeal. I was also a Visiting Scholar at the Programme for Comparative Media Law and Policy at the University of Oxford's Centre for Socio-Legal Studies.

8. I am also an elected member of the American Law Institute.

### **Limited Purpose Public Figures**

9. I have reviewed Defendants' Motion to Dismiss under the Texas Citizens Participation Act. I wish to offer my scholarly opinion that current First Amendment doctrine and sound policy does not support a finding that these Plaintiffs should be considered "limited purpose public figures."

10. In *Gertz v. Welch*, the Supreme Court extended the actual malice standard to a new class of defamation plaintiff, the limited-purpose public figure – otherwise private people who had voluntarily thrust themselves to the forefront of controversies that were the subject of public discussion.

11. No one would have "volunteered" for the kind of attention that the Sandy Hook parents have received from the Defendants in this case. If a court were to find that they were public figures because of that attention, then future parents might not speak to media at all, which would do significant harm to the marketplace of ideas that the First Amendment is intended to promote. Clearly, the Plaintiffs' involvement in Sandy Hook itself and their willingness to speak to media about the tragedy does not make them public figures.

12. Making these Plaintiffs prove actual malice in a defamation suit would get the First Amendment backwards. It would stifle important public responses to disastrous events in private lives. It would encourage individuals to accept the tragedies that happen to them and swallow them silently. It would inhibit lawmakers from learning from tragedies and preventing future similar ones by discouraging discussion with those affected. It would also leave grieving families vulnerable to harms to their reputations by mass media.

### **Controversy About Sandy Hook Being Staged**

13. The Defendants have claimed that the Plaintiffs are limited purpose public figures because of their involvement in the controversy over whether Sandy Hook was staged—a controversy the Defendants themselves largely created. This controversy focuses on the actions of the Plaintiffs and others on the day of shooting and shortly thereafter. The problem with this

argument is that Mr. Jones helped create the controversy. A defendant cannot transform a private person into a limited purpose public figure by repeatedly discussing them, as the Supreme Court held in *Hutchinson v. Proxmire*, 443 U.S. 111, 135 (1979). The plaintiff must be a public figure before the controversy created by a defendant's conduct.

14. Nor can rebutting a false claim about oneself cause one to become a limited purpose public figure for purposes of that claim.

15. Any other conclusion would force all victims of similar tragedies not to respond to falsehoods being spread about them. Courts should not promote an outcome that dissuades other potential plaintiffs from using self-help in an effort to rehabilitate their image in the hopes of forestalling or avoiding litigation.

16. It would also give defamation defendants in the media the exclusive power to establish the degree of fault that will be applied to their defamatory statements about private people.

17. This result would also throw defamation law out of balance with long-established principles. Indeed, the United States Supreme Court declined to follow the Defendants' proposed rule in *Gertz v. Welch* itself. There, the Defendant had written an article containing falsehoods about the Plaintiff, but the Court did not consider the existence of that article in deciding whether the Plaintiff was a limited purpose public figure.

18. As to Mr. Pozner's voluntary appearances on media outlets other than the Defendants', Mr. Pozner's limited pleas to media to discuss his family's plight and the problem of online hoaxes were a restrained and proportional response to years of accusations. The law recognizes that we must let defamation victims take reasonable steps to defend their own reputations.

19. The Defendants point to Mr. Pozner's HONR Network, but it is clear that the goals of HONR were to avoid and discourage discussion of Mr. Pozner's family with respect to the relevant controversy. Through HONR, Mr. Pozner was not trying to insert himself into the debate over whether Sandy Hook was staged. Rather, he was actively trying to remove himself from it.

20. In sum, I can find no reasonable basis to find that the Plaintiffs are limited purpose public figures with respect to the controversy over whether Sandy Hook was staged.

### **Controversy About Gun Rights**

21. The Defendants suggest, alternatively, that the Plaintiffs are limited purpose public figures for the purpose of a general debate about gun rights. Here, the Defendants concentrate their argument on a few actions taken by Mrs. De La Rosa approximately two months after the shooting.



22. First, the Defendants cited Mrs. De La Rosa's appearance before the Connecticut General Assembly. The Defendants next cited remarks she made outside the Connecticut State Capital Building at a rally. The Defendants also discussed a profile on the website Forward.com. The Defendants also cited a *Business Insider* article that discusses Mrs. De La Rosa.

23. These activities were a limited response isolated to the weeks following the shooting. The Defendants offered no evidence Mrs. De La Rosa undertook further, ongoing advocacy or pervasive public involvement in the issue.

24. In any case, it must be emphasized that whether or not Mrs. De La Rosa was a limited purpose public figure with respect to the general topic of gun regulation is not dispositive as to whether she was a limited purpose public figure with respect to whether Sandy Hook was staged.

25. There is considerable meaning in the phrase "limited purpose." Unlike celebrities, limited purpose public figures do not surrender protection for all aspects of their lives. As the Supreme Court instructed in *Gertz v. Welch*, "the public figure question should be determined by reference to the individual's *participation in the particular controversy giving rise to the defamation*." 418 U.S. 323, 352 (1974). The particular controversy is whether Sandy Hook was staged. Mrs. De La Rosa's activities in connection with the Connecticut hearings did not give rise to the defamation.

26. Regarding the Plaintiffs' suit against Remington, the fact that a plaintiff participated in a lawsuit, even a lawsuit covered by the media, does not make the plaintiff a limited purpose public figure. The inquiry continues to focus on whether a plaintiff actively sought to enter and influence a specific public debate. Because the Defendants offered no evidence that the Plaintiffs sought media attention in connection with the Remington suit, there is no basis for that private suit to affect their status. The law cannot expect plaintiffs to sleep on their rights, declining to bring lawsuits (in this case, against a party completely separate and apart from Defendants) in fear of increased exposure to defamation.

27. For example, consider a hypothetical private plaintiff who suffers a severe injury caused by a dangerously defective product. A defendant falsely claims that the plaintiff faked the injury. By Defendants' logic in this case, the plaintiff in the hypothetical loses their private status in a defamation claim against the defendant for the false claim if they separately sue the manufacturer of the product for compensation for their harm caused by the defect.

28. In any case, the Plaintiffs' participation in the Remington suit did not give rise to the defamation.

29. Mrs. De La Rosa's appearance on CNN after filing her current claims against InfoWars is obviously irrelevant, as it has no bearing on her status on April 22, 2017.

## Conclusions

30. Under current First Amendment doctrine, I conclude that the Plaintiffs were not limited purpose public figures, either for the controversy at issue regarding the alleged faking of Sandy Hook or for the general topic of gun rights, on April 22, 2017.

31. With respect to the controversy of whether Sandy Hook was staged, the Plaintiffs have only engaged in limited use of the media for self-help in responding to the allegations that had been made for years by Defendants. Moreover, their actions unquestionably show a desire to avoid and discourage these allegations.

32. With respect to the controversy over gun rights, the Defendants have not shown evidence of ongoing involvement. The Defendants cited actions which were isolated to a short time surrounding Mrs. De La Rosa's testimony to Connecticut legislators in January of 2013. Mrs. De La Rosa's involvement was, at best, tangential and trivial to the overall debate. Additionally, Mrs. De La Rosa's brief participation in the gun debate did not give rise to the defamation.

33. The law of defamation makes plaintiff-status-based distinctions with respect to burdens of proof because of concerns about chilling effects on speech. That is true not just with respect to prospective defendants' speech about plaintiffs, but also prospective plaintiffs' speech on issues of public concern. If these particular plaintiffs were forced to show actual malice, then other similarly situated victims might be chilled in speaking openly on issues of public concern, for fear of being treated similarly by courts if they are defamed.

34. In this case, the Plaintiffs had unique and essential perspectives to share in January 2013, and given the immense international interest in their story, their media exposure was relatively limited. Since January 2013, Plaintiffs have guarded their privacy and taken actions to discourage being dragged into public scrutiny. No reasonable construction of the First Amendment would further chill the speech of these parents. That is a harm to the marketplace of ideas greater than any the Defendants could claim will result if their false statements were subject to a negligence standard.



Enrique Armijo

# **Exhibit I**

John Clayton Affidavit

## AFFIDAVIT OF JOHN CLAYTON

STATE OF WASHINGTON     §  
  §  
KING COUNTY               §

Before me, the undersigned notary, on this day personally appeared JOHN CLAYTON, a person whose identity has been established to me. Upon being duly sworn, Affiant states:

1. My name is John Clayton. I am over the age of 21 and competent to make this affidavit.
2. For the past twenty years, I have been a radio talk show host and independent journalist.
3. I maintained a close professional association with Alex Jones during the years 2002 through 2009.
4. During those years, I hosted or appeared on InfoWars programming on numerous occasions. I worked alongside Mr. Jones in investigating, researching, and creating news content. I gained an extensive understanding of Mr. Jones' media operation.
5. I stopped working with Mr. Jones in 2009.
6. My primary motivations for no longer working with Mr. Jones was that he no longer had any commitment to the principles and philosophy of the independent media movement.
7. One of those principles is the practice of rigorous journalism. In alternative media, it is imperative that we get our facts right.
8. Near the end of my work with Mr. Jones, it became apparent that he had made the conscious decision not to care about accuracy. He made it clear that his goal was to produce views on InfoWars content.
9. I personally observed that it become standard practice in InfoWars to disregard basic protocols in journalism.
10. I personally observed countless situations in which Mr. Jones made claims on the air for which he knew had no substantiating evidence.

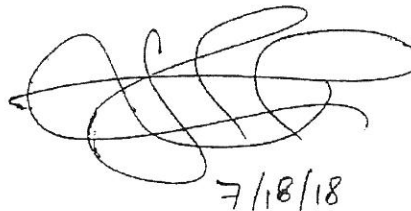
11. From my personal experience, I knew that Mr. Jones understood that the information he put on the air had not been adequately checked for accuracy, and in many cases, he knew the information was false. He did not care.
12. One of the differences of opinion I had with Mr. Jones is that I believe it is good and healthy for journalists to ask questions, but I believe it is dangerous to assert facts with no evidence.
13. I felt the way in which Mr. Jones and InfoWars came to operate was dangerous and wrong.
14. Given my intimate and personal discussions with Mr. Jones on these topics, and after seeing Mr. Jones consciously discard any sense of journalistic obligation, there is no question in my mind that Mr. Jones made the choice to willfully disregard accuracy in pursuit of a larger audience.

FURTHER YOUR AFFLIANT SAYETH NOT



John Clayton

NOTARY



7/18/18

# **Exhibit J**

U.S. v. Richards - Indictment

**Dec 1, 2016**

STEVEN M. LARIMORE  
CLERK U.S. DIST. CT.  
S.D. OF FLA. - MIAMI

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA  
**16-80206-CR-COHN/SELTZER**  
CASE NO. \_\_\_\_\_  
18 U.S.C. § 875(c)

**UNITED STATES OF AMERICA**

**v.**

**LUCY RICHARDS,**

**Defendant.**

**INDICTMENT**

The Grand Jury charges that:

**COUNT 1**  
**Transmitting Threats**  
**Through Interstate Communications**  
**(18 U.S.C. § 875(c))**

On or about January 10, 2016, in Palm Beach County, in the Southern District of Florida,  
and elsewhere, the defendant,

**LUCY RICHARDS,**

did knowingly and intentionally transmit in interstate commerce a communication containing a  
threat to injure the person of another, that is, L.P., in that she stated, in part, “you gonna die, death  
is coming to you real soon,” in violation of Title 18, United States Code, Section 875(c).

**COUNT 2**  
**Transmitting Threats**  
**Through Interstate Communications**  
**(18 U.S.C. § 875(c))**

On or about January 10, 2016, in Palm Beach County, in the Southern District of Florida,

and elsewhere, the defendant,

**LUCY RICHARDS,**

did knowingly and intentionally transmit in interstate commerce a communication containing a threat to injure the person of another, that is, L.P., in that she stated, in part, “death is coming to you real soon and there’s nothing you can do about it,” in violation of Title 18, United States Code, Section 875(c).

**COUNT 3**  
**Transmitting Threats**  
**Through Interstate Communications**  
**(18 U.S.C. § 875(c))**

On or about January 10, 2016, in Palm Beach County, in the Southern District of Florida,  
and elsewhere, the defendant,

**LUCY RICHARDS,**

did knowingly and intentionally transmit in interstate commerce a communication containing a threat to injure the person of another, that is, L.P., in that she stated, in part, “look behind you, death is coming to you real soon,” in violation of Title 18, United States Code, Section 875(c).

**COUNT 4**  
**Transmitting Threats**  
**Through Interstate Communications**  
**(18 U.S.C. § 875(c))**

On or about January 10, 2016, in Palm Beach County, in the Southern District of Florida,  
and elsewhere, the defendant,

**LUCY RICHARDS,**



did knowingly and intentionally transmit in interstate commerce a communication containing a threat to injure the person of another, that is, L.P., in that she wrote, "LOOK BEHIND YOU IT IS DEATH," in violation of Title 18, United States Code, Section 875(c).

A TRUE BILL

\_\_\_\_\_  
FOREPERSON

  
\_\_\_\_\_  
WIFREDO A. FERRER  
UNITED STATES ATTORNEY

  
\_\_\_\_\_  
KAREN E. GILBERT  
ASSISTANT UNITED STATES ATTORNEY

  
\_\_\_\_\_  
ANTHONY LACOSTA  
ASSISTANT UNITED STATES ATTORNEY

UNITED STATES OF AMERICA

CASE NO. \_\_\_\_\_

vs.

## CERTIFICATE OF TRIAL ATTORNEY\*

LUCY RICHARDS,

Defendant. /

## Superseding Case Information:

Court Division: (Select One)

Miami \_\_\_\_\_ Key West \_\_\_\_\_  
FTL \_\_\_\_\_ WPB X FTP \_\_\_\_\_

New Defendant(s) \_\_\_\_\_ Yes \_\_\_\_\_ No

Number of New Defendants \_\_\_\_\_

Total number of counts \_\_\_\_\_

I do hereby certify that:

1. I have carefully considered the allegations of the indictment, the number of defendants, the number of probable witnesses and the legal complexities of the Indictment/Information attached hereto.

2. I am aware that the information supplied on this statement will be relied upon by the Judges of this Court in setting their calendars and scheduling criminal trials under the mandate of the Speedy Trial Act, Title 28 U.S.C. Section 3161.

3. Interpreter: (Yes or No) No  
List language and/or dialect \_\_\_\_\_4. This case will take 5 days for the parties to try.

5. Please check appropriate category and type of offense listed below:

(Check only one)

(Check only one)

I 0 to 5 days X

II 6 to 10 days \_\_\_\_\_

III 11 to 20 days \_\_\_\_\_

IV 21 to 60 days \_\_\_\_\_

V 61 days and over \_\_\_\_\_

Petty \_\_\_\_\_

Minor \_\_\_\_\_

Misdem. \_\_\_\_\_

Felony X6. Has this case been previously filed in this District Court? No (Yes or No)

If yes:

Judge: \_\_\_\_\_

Case No. \_\_\_\_\_

(Attach copy of dispositive order)

Has a complaint been filed in this matter? No

If yes:

Magistrate Case No. \_\_\_\_\_

Related Miscellaneous numbers: \_\_\_\_\_

Defendant(s) in federal custody as of \_\_\_\_\_

Defendant(s) in state custody as of \_\_\_\_\_

Rule 20 from the District of \_\_\_\_\_

Is this a potential death penalty case? No (Yes or No)7. Does this case originate from a matter pending in the Northern Region of the U.S. Attorney's Office prior to October 14, 2003? \_\_\_\_\_ Yes X No8. Does this case originate from a matter pending in the Central Region of the U.S. Attorney's Office prior to September 1, 2007? Yes \_\_\_\_\_ X NoKAREN E. GILBERT  
ASSISTANT U.S. ATTORNEY  
Florida Bar No. 771007

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF FLORIDA

PENALTY SHEET

**Defendant's Name:** LUCY RICHARDS

**Case No:** \_\_\_\_\_

Count: 1

Interstate Transmission of a Threat to Injure

Title 18, United States Code, Section 875(c)

**\*Max. Penalty:** 5 Years' Imprisonment

Count: 2

Interstate Transmission of a Threat to Injure

Title 18, United States Code, Section 875(c)

**\*Max. Penalty:** 5 Years' Imprisonment

Count: 3

Interstate Transmission of a Threat to Injure

Title 18, United States Code, Section 875(c)

**\*Max. Penalty:** 5 Years' Imprisonment

Count: 4

Interstate Transmission of a Threat to Injure

Title 18, United States Code, Section 875(c)

**\*Max. Penalty:** 5 Years' Imprisonment

\*Refers only to possible term of incarceration, does not include possible fines, restitution, special assessments, parole terms or forfeitures that may be applicable.

## **Exhibit K**

U.S. v. Richards - Transcript

1 UNITED STATES DISTRICT COURT  
2 SOUTHERN DISTRICT OF FLORIDA

3 Case No. 16-80206-CR-COHN

4 UNITED STATES OF AMERICA, )

)

5 Plaintiff, )

)

6 -v- )

)

7 LUCY RICHARDS, )

)

8 Defendant. )

Fort Lauderdale, Florida

)

June 7, 2017

)

9 9:15 a.m.  
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10  
11  
12 EXCERPT TRANSCRIPT OF PLEA & SENTENCING PROCEEDINGS

13 BEFORE THE HONORABLE JAMES I. COHN

14 U.S. DISTRICT JUDGE

15  
16 Appearances:

17 For the Government:

KAREN GILBERT

18 Assistant United States Attorney

99 NE 4th Street

19 Miami, Florida 33132

20 For the Defendant:

ROBERT BERUBE

21 Assistant Federal Public Defender

One East Broward Boulevard

22 Fort Lauderdale, Florida 33301

23 Reporter:

Karl Shires, RMR, FCRR

24 (954) 769-5496

Official Court Reporter

299 East Broward Boulevard, # 203G

25 Fort Lauderdale, Florida 33301

STENOGRAPHICALLY RECORDED COMPUTER-AIDED TRANSCRIPT

1 (Call to Order of the Court.)

2 THE COURT: Folks, good morning.

3 The matter before the Court is the United States of  
4 America versus Lucy Richards. This is Case Number 16-80206-CR.

5 Ms. Richards present. She is represented by Robert  
6 Berube. The government is represented by Assistant United  
7 States Attorney Karen Gilbert.

8 It is the Court's understanding that pursuant to a  
9 written plea agreement that Ms. Richards wishes to enter a  
10 guilty plea to Count 4 of the indictment pending against her.

11 Is that correct, Mr. Berube?

12 MR. BERUBE: Yes, Your Honor, it is.

13 THE COURT: Ms. Richards, I'm going to need to ask you  
14 some questions. You do not need to stand. You can remain  
15 seated.

16 \* \* \* \* \*

17 (Proceedings were had which are not herein transcribed.)

18 THE COURT: Having made your representation as to  
19 Count 4 of this indictment, how do you plead as to Count 4:  
20 Guilty or not guilty?

21 THE DEFENDANT: Guilty, Your Honor.

22 THE COURT: It is the finding of this Court in Case  
23 Number 16-80206-CR, United States of America versus Lucy  
24 Richards, that the defendant is fully competent and capable of  
25 entering an informed plea, that the defendant is aware of the

1 nature of the charge and the consequences of her plea, and that  
2 her plea of guilty is a knowing and voluntary plea which is  
3 supported by an independent basis in fact containing each of  
4 the essential elements of the offense charged in Count 4.  
5 Therefore, Ms. Richards' plea is hereby accepted and the  
6 defendant, Lucy Richards, is adjudged guilty of Count 4,  
7 interstate transmission of a threat to injure in violation of  
8 Title 18 United States Code § 875(c).

9 Now, at the defendant's request the Court has ordered  
10 a presentence report.

11 Have counsel for the respective parties received a  
12 copy of the presentence report?

13 Ms. Gilbert?

14 MS. GILBERT: Yes, sir, we have.

15 THE COURT: Mr. Berube?

16 MR. BERUBE: Yes, Your Honor, we have received it and  
17 everything has been reviewed.

18 THE COURT: Okay. Reviewed with Ms. Richards?

19 MR. BERUBE: Exactly.

20 THE COURT: Okay. I note that there are unopposed  
21 objections to the presentence report which was filed yesterday.  
22 That's Docket Entry 34.

23 Ms. Gilbert, you agree that the government has no  
24 opposition to the objections?

25 MS. GILBERT: Yes, Your Honor. As to I think two of

1       them we agreed on that. What Mr. Berube represented in his  
2       pleading was accurate.

3               THE COURT: Okay. I'm going to sustain the  
4       objections.

5               MR. BERUBE: Thank you, Your Honor.

6               THE COURT: Are there any other objections to the  
7       presentence report?

8               MR. BERUBE: No, there aren't, Your Honor. I didn't  
9       want to interrupt you, but I've had several conversations with  
10      Ms. Gilbert. We have a recommendation if you're interested.

11              THE COURT: Well, I'll get to that in a minute.

12              MR. BERUBE: Okay.

13              THE COURT: But procedurally I want to --

14              MR. BERUBE: Understood.

15              THE COURT: -- announce what the appropriate guideline  
16      range is. The total offense level is 12. The criminal history  
17      category is I. The advisory imprisonment range is 10 to 16  
18      months. The fine range is \$5,500 to \$55,000. And the  
19      supervised release range is one to three years.

20              Now I'll be glad to hear any recommendations.

21              MS. GILBERT: Thank you, Your Honor.

22              Your Honor, understanding, of course, all of the 3553  
23      factors, all of the information that has been given to us, not  
24      only through the investigation but through the additional  
25      psychological report that the defense counsel provided to you,



1 we believe that the appropriate sentence, understanding that  
2 the defendant has now been in custody for just over two months,  
3 obviously she would get credit for the time served for the two  
4 months, but moving forward we would request that the Court  
5 sentence the defendant to five months of home imprisonment  
6 followed by two-and-a-half years or 30 months of supervised  
7 release. We would request the special condition that she  
8 continue with mental health counseling as directed.

9 THE COURT: Okay. Mr. Berube?

10 MS. GILBERT: Oh, Mr. Berube reminded me. And with  
11 the continued condition that she not be permitted to view or  
12 visit or participate in anything on the Internet dealing with  
13 the hoaxes. And I believe we've previously provided to  
14 probation the specific names and websites that she would be  
15 prohibited from viewing, participating in, and things like  
16 that.

17 THE COURT: Mr. Berube, do you wish to add anything?

18 MR. BERUBE: No, sir. That's a correct representation  
19 of our conversations.

20 THE COURT: Ms. Richards, do you wish to be heard?

21 THE DEFENDANT: Yes.

22 MR. BERUBE: Yes, Your Honor.

23 THE DEFENDANT: May I have a cup of water, please,  
24 before I start?

25 May I have a cup of water, sir? Your Honor?

1 THE COURT: Certainly.

2 THE DEFENDANT: Thank you. My mouth is dry.

3 MR. BERUBE: Just take your time.

4 THE DEFENDANT: Okay. Do you want me to stand up,  
5 sir?

6 THE COURT: No, you can remain seated.

7 THE DEFENDANT: If you can't hear me, please tell me.

8 THE COURT: You're coming through loud and clear.

9 THE DEFENDANT: Okay. Good morning, Your Honor. I  
10 wrote down my statement because I knew I would not remember  
11 what I had to say.

12 It is very hard for me to put my feelings into words.  
13 Writing is not my forte. I want to apologize to the victims,  
14 the Pozners; Leonard, Veronique, Noah, their son, and their  
15 family. I don't know where my heart and head were that day,  
16 but they were not in the right place when I made the calls. I  
17 wish I could take them back, but I cannot. My lapse in  
18 judgment caused me -- caused much grievous harm to many people.  
19 It was the worse mistake of my life. I am truly sorry.

20 I also want to apologize to you, Your Honor, the  
21 prosecution, and the Court. You went out of your way to  
22 accommodate me on 2017 March 29, Wednesday. My fear of being  
23 arrested spiraled out of control. I should have turned myself  
24 in earlier when I knew I would be unable to show up and face my  
25 fears, but I did not. It led me to behave in an irrational

1 manner. I will never make any inappropriate calls ever again.  
2 I'm sorry.

3 Thank you, Lucy Richards.

4 THE COURT: All right. Mr. Berube, you filed a motion  
5 to seal the confidential psychological evaluation performed by,  
6 I believe it was, Dr. Miller.

7 MR. BERUBE: Correct.

8 THE COURT: My concern is this. I assume in filing  
9 the confidential psychological evaluation that you wanted the  
10 Court to consider that in determining an appropriate sentence.

11 MR. BERUBE: Absolutely.

12 THE COURT: Is that correct?

13 MR. BERUBE: Yes, sir.

14 THE COURT: Well, shouldn't the public know what the  
15 Court considers in arriving at an appropriate sentence?

16 MR. BERUBE: I think the public should know, Your  
17 Honor. I think that the public will know. They have access to  
18 the Court file. There's a lot of very sensitive information in  
19 that psychological report. Obviously, we have no objection to  
20 that document being unsealed if and when Ms. Richards goes to  
21 see a psychologist or a psychiatrist or a Court-ordered  
22 program. I think that that information belongs to them.

23 This is a very sensational case, Your Honor. I've  
24 discussed this with my client. It was filed under seal because  
25 she found many things in that report to be rather embarrassing.

1           We're not trying to put the Court in a difficult  
2 position either. I understand where you're going. This  
3 case -- after I began representing Ms. Richards, I received  
4 many phone calls from people around the country talking about  
5 everything that took place at Sandy Hook. There are many  
6 people that told me that it never took place. I filed that  
7 motion under seal basically so that it was in your hands before  
8 it made it to the press.

9           I also understand, Your Honor, that that document will  
10 be released unsealed at an appropriate time.

11           THE COURT: Well, you're requesting that it be  
12 unsealed ten years from now.

13           MR. BERUBE: No, I'm not asking that it be unsealed in  
14 ten years.

15           THE COURT: Did I misread it?

16           MR. BERUBE: I think --

17           THE COURT: I thought that was the proposed order.  
18 Maybe I misread it.

19           MR. BERUBE: Your Honor, as you know and as I stated  
20 in the motions, I was out of the district last week. If things  
21 were done in haste by myself, it's not meant --

22           THE COURT: The proposed order says, ordered and  
23 adjudged that the motion to file the document under seal is  
24 granted. The matter shall remain sealed for ten years and then  
25 unsealed and destroyed by the Clerk.

1 MR. BERUBE: That is absolutely my responsibility,  
2 Your Honor. That's my fault.

3 THE COURT: Look, I'm not blaming you. I'm just --  
4 I'm concerned. I'm concerned because I feel that the public  
5 has a right to know.

6 MR. BERUBE: Understood. And I agree with that as  
7 well, Your Honor. I agree with -- I have no concerns. I have  
8 no problem with the public knowing. I have no issues with the  
9 press. I believe what they do is extremely important. I also  
10 have my client who I am concerned about. That's my mistake  
11 that the proposed order said ten years. I came back, I had  
12 deadlines, I needed to get things filed. So I take full  
13 responsibility for that. But that's the motivation that I had.

14 I just wanted -- that was filed two days ago, three  
15 days ago. My concern -- basically the concern -- the bottom  
16 line, Your Honor, is I wanted it resolved and addressed here  
17 and resolved here before it was in the press. That's why it  
18 was sealed. I had no -- I never had any intention to request  
19 that it be sealed for ten years.

20 THE COURT: Okay. Anything further on that issue?

21 MR. BERUBE: No.

22 THE COURT: All right. Since the Court has been asked  
23 to rely on the psychological evaluation, the Court feels that  
24 the public's right to know supersedes the defendant's interest  
25 in confidentiality. So the motion to seal will be denied.

1 Now, the Court has considered the statements of all  
2 parties, the presentence report which contains the advisory  
3 guidelines as well as each of the factors set forth in 18  
4 United States Code § 3553(a).

5 I think it's important at the outset to distinguish  
6 between thought and action. In this country there is no legal  
7 restraint on thought. You have the absolute right to think and  
8 believe as you so desire. There are, however, legal restraints  
9 on communications. You do not have the right to transmit  
10 threats of injury to another through interstate communications.

11 In this case Ms. Richards targeted a grieving parent  
12 who had lost his six-year-old son as a result of the mass  
13 shooting at Sandy Hook Elementary in Connecticut.

14 Ms. Richards was part of a group of people who  
15 believed that this mass shooting was a hoax, part of a  
16 government conspiracy to take away people's right to bear  
17 firearms. Unfortunately for Leonard Pozner, his loss is all  
18 too real. I am sure he wishes this was fake and he could  
19 embarrass Noah, feel Noah's heartbeat, and hear Noah say I love  
20 you, dad. All too real. Mr. Pozner is left with shattered  
21 dreams and a broken heart which will never fully mend.

22 Ms. Richards, I honestly don't fully understand why  
23 you did what you did. What I do know is that your words had an  
24 impact. Your words were disturbing. Your words were cruel and  
25 insensitive. Your words in this instance have consequences.

1 Words do matter. This is reality and there is no fiction.

2 There are no alternative facts.

3           The Court is mindful of Ms. Richards' mental health  
4 history and diagnosis and has carefully reviewed a 14-page  
5 report authored by clinical and forensic psychologist Christina  
6 Miller. In that regard, the Court finds that in this instance  
7 mental illness was not a substantial contributing factor in  
8 this crime. Rather, hate and bigotry appear to have at least  
9 some bearing on Ms. Richards' conduct. Paragraph 11 of the  
10 presentence investigative report lends to this conclusion. And  
11 that's Docket Entry 36.

12           This Court finds that in this case the most prominent  
13 sentencing objectives are adequate deterrence and respect for  
14 the law.

15           This sentence is in no way intended to punish or deter  
16 thought or political ideology. It is, however, intended to  
17 deter and punish communications that embody threats to injure  
18 another. The Court finds that a guideline sentence is  
19 appropriate; however, not the sentence requested by the  
20 parties.

21           The Court finds that a sentence of five months'  
22 imprisonment followed by supervised release of three years with  
23 a special condition of five months' home confinement with  
24 electronic monitoring would provide just punishment, adequate  
25 deterrence, and respect for the law.

1           Accordingly, it is the judgment of this Court that the  
2 defendant, Lucy Richards, is hereby committed to the custody of  
3 the Bureau of Prisons to be imprisoned for a term of five  
4 months as to Count 4.

5           Upon release from imprisonment the defendant shall be  
6 placed on supervised release for a term of three years.

7           Within 72 hours of release the defendant shall report  
8 in person to the probation office in the district where  
9 released.

10           While on supervised release the defendant shall comply  
11 with the mandatory and standard conditions of supervised  
12 release, which include not committing any crimes, being  
13 prohibited from possessing a firearm or other dangerous device,  
14 not unlawfully possessing a controlled substance, and  
15 cooperating in the collection of DNA.

16           The defendant is further ordered to comply with the  
17 following special conditions:

18           Offense-related computer restriction, computer  
19 activity, recordkeeping requirement, mental health treatment,  
20 home detention with electronic monitoring for five months,  
21 permissible search, unpaid restitution fines or special  
22 assessments.

23           It is further ordered that the defendant shall pay a  
24 special assessment of \$100.

25           So the total sentence is five months' imprisonment,



1 five months' home detention with electronic monitoring, three  
2 years' supervised release, and a \$100 special assessment.

3 Now that sentence has been imposed, does the defendant  
4 or her counsel object to the Court's finding of fact or to the  
5 manner in which sentence was pronounced?

6 MR. BERUBE: No, Your Honor.

7 THE COURT: Let me advise you, Ms. Richards, you do  
8 have the right to appeal the sentence imposed. Any notice of  
9 appeal must be filed within 14 days after entry of judgment.  
10 If you're unable to pay for the cost of an appeal, you may  
11 apply for leave to appeal in forma pauperis.

12 Any motions by the government?

13 MS. GILBERT: Yes, Your Honor. We would request that  
14 the Court dismiss Counts 1 through 3.

15 THE COURT: Motion is granted. Anything further?

16 MR. BERUBE: Your Honor, one request. A  
17 recommendation to the Bureau of Prisons that she be held at  
18 Coleman, Central Florida, because she lives near there.

19 THE COURT: I'll recommend a facility located within  
20 the Middle District of Florida.

21 MR. BERUBE: Thank you.

22 THE COURT: All right. Thank you all.

23 (Proceedings concluded at 9:53 a.m.)  
24  
25

C E R T I F I C A T E

I, Karl Shires, Registered Professional Reporter and  
Federal Certified Realtime Reporter, certify that the foregoing  
is a correct transcript from the record of proceedings in the  
above-entitled matter.

Dated this 13th day of June, 2017.

A handwritten signature in cursive script that reads "Karl Shires". The signature is written in dark ink and is positioned above a horizontal line.

Karl Shires, RMR FCRR