

LEONARD POZNER AND  
 VERONIQUE DE LA ROSA  
*Plaintiffs,*

V.

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

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IN THE DISTRICT COURT OF  
  
 TRAVIS COUNTY, TEXAS  
  
 345<sup>th</sup> JUDICIAL DISTRICT

**ORDER ON  
 DEFENDANTS’ OBJECTIONS TO  
 PLAINTIFFS’ EVIDENCE SUBMITTED IN RESPONSE TO DEFENDANTS’ MOTION  
 TO DISMISS UNDER THE TEXAS CITIZENS PARTICIPATION ACT**

CAME ON TO BE HEARD on the 1<sup>st</sup> day of August, 2018, Defendants Alex E. Jones, Infowars, LLC and Free Speech Systems, LLC Motion to Dismiss Under the Texas Citizens Participation Act. Having considered the Defendants’ Objections to Plaintiffs’ Evidence submitted in response to Defendants’ Motion and having heard the argument of counsel, the Court finds as follows:

**1. AFFIDAVIT OF FRED ZIPP**

Affidavit Statements	Objections	Court’s Ruling on Objection
Page 1, First paragraph under Scope of Review “whether assertions could be responsibly published”	Lack of foundation/predicate  Not Relevant  Vague and Ambiguous  Hearsay	Overruled    Sustained
	Lack of foundation/predicate  Lack of identification of materials reviewed	Overruled    Sustained

	Hearsay		
Page 2, First paragraph under Background Knowledge of InfoWars, second sentence	Not relevant Hearsay	Overruled	Sustained
Second paragraph under Background Knowledge of InfoWars “significant amount of time”	Vague and Ambiguous Conclusory	Overruled	Sustained
Second paragraph under Background Knowledge of Infowars, second sentence	Conclusory Lack of foundation/predicate Not relevant	Overruled	Sustained
Third paragraph under Background Knowledge of Infowars, second sentence	Conclusory Violates TRE 404 Lack of foundation/predicate	Overruled	Sustained
Fourth paragraph under Background Knowledge of Infowars,	Not relevant Hearsay Lack of predicate/foundation Conclusory	Overruled	Sustained
Page 3, First paragraph under number 1, first sentence	Conclusory Lack of foundation/predicate Not relevant Lack of personal knowledge Exhibit A-26 is hearsay, lacks a foundation and	Overruled	Sustained

	predicate and is not complete		
Page 3, middle three paragraphs	Violates TRE 1002	Overruled	Sustained
Last paragraph under number 1 at bottom of the page and continuing to page 4 beginning “My review...” First and second sentence.	Vague and Ambiguous (“suggests”)  Lack of personal knowledge  Lack of foundation/predicate  Conclusory  Not relevant  Hearsay as to second and third sentence	Overruled	Sustained
Same paragraph, third sentence	Defendants incorporate the same objections to this sentence as they stated to the affidavit and conclusions of Mr. Fredericks.  Not relevant  Violates TRE 403  Hearsay  Lack of foundation/predicate	Overruled	Sustained
Same paragraph, fourth and fifth sentence	Not relevant  Not probative  Improper opinion of expert on question of law  Lack of personal knowledge	Overruled	Sustained

	Lack of foundation/predicate  Speculation		
Page 4, first paragraph under paragraph 2.	First sentence: Not relevant, violates TRE 404, conclusory, lack of foundation/predicate, hearsay, lack of personal knowledge  Second sentence: Not relevant, vague and ambiguous, conclusory, lack of foundation/predicate, lack of personal knowledge, hearsay  Third sentence: Not relevant, vague and ambiguous, conclusory, lack of foundation/predicate, lack of personal knowledge,	Overruled	Sustained
First paragraph under 2. A.	Not relevant Lack of persona knowledge	Overruled	Sustained
Second paragraph under 2. A.	Not relevant  Hearsay  Lack of foundation/predicate	Overruled	Sustained
Third paragraph under 2. A.	First sentence: Not relevant, conclusory, speculative  Second and third sentence: Not relevant, hearsay, lack of personal knowledge, lack of foundation/predicate,	Overruled	Sustained
Page 5, top paragraph (under two top photos)	Not relevant,	Overruled	Sustained

	speculative, hearsay, conclusory, lack of personal knowledge, lack of foundation/predicate		
Bottom paragraph (under two lower photographs)	Not relevant, speculative, hearsay, conclusory, lack of personal knowledge, lack of foundation/predicate	Overruled	Sustained
Page 6 , top paragraph (under two top photos)	Not relevant, speculative, hearsay, conclusory, lack of personal knowledge, lack of foundation/predicate	Overruled	Sustained
Bottom paragraph (under two lower photographs)	Not relevant, speculative, hearsay, conclusory, lack of personal knowledge, lack of foundation/predicate	Overruled	Sustained
Page 7, photo	Not relevant	Overruled	Sustained

	Hearsay  Lack of foundation/predicate		
Page 7, top paragraph (under photo and above B.)	Not relevant,  speculative,  hearsay,  conclusory,  lack of personal knowledge,  lack of foundation/predicate	Overruled	Sustained
Paragraph B.	Not relevant  Conclusory  lack of personal knowledge,  lack of foundation/predicate	Overruled	Sustained
Last paragraph (under B)	Not relevant  Conclusory  lack of personal knowledge,  lack of foundation/predicate  Exhibit 24 is not complete	Overruled	Sustained
Page 8, top photo	Not relevant  Hearsay  Lack of foundation/predicate	Overruled	Sustained
Page 8, top paragraph	Not relevant  Conclusory	Overruled	Sustained

	<p>Hearsay</p> <p>Lack of foundation/predicate</p> <p>Lack of personal knowledge</p> <p>Violates TRE 1002</p>		
Lower photo	<p>Hearsay</p> <p>Not relevant</p> <p>Lack of foundation/predicate</p>	Overruled	Sustained
Bottom paragraph	<p>Not relevant</p> <p>Hearsay</p> <p>Lack of personal knowledge</p> <p>Lack of foundation/predicate</p> <p>Conclusory</p> <p>Violates TRE 1002</p>	Overruled	Sustained
Page 9 photo	<p>Not relevant</p> <p>Hearsay</p> <p>Lack of foundation/predicate</p>	Overruled	Sustained
First paragraph	<p>First sentence: Not relevant, Lack of personal knowledge, Lack of foundation/predicate, conclusory</p> <p>Second sentence: Not relevant, Lack of personal</p>	Overruled	Sustained

	<p>knowledge, Lack of foundation/predicate, conclusory, speculative</p> <p>Third sentence: “did not reasonably suggest any cover-up or manipulation”: Not relevant, Lack of foundation/predicate, conclusory, speculative</p> <p>Fourth sentence: Not relevant, Lack of personal knowledge, Lack of foundation/predicate, conclusory</p> <p>Violates TRE 1002</p>	
Paragraph C.	<p>Not relevant</p> <p>Lack of personal knowledge</p>	Overruled    Sustained
Last paragraph	<p>First sentence: Not relevant, Lack of personal knowledge</p> <p>Second and third sentence: Not relevant, Lack of personal knowledge, Lack of foundation/predicate, conclusory, hearsay</p> <p>Violates TRE 1002</p>	Overruled    Sustained
Page 10 photo	<p>Not relevant</p> <p>Hearsay</p> <p>Lack of foundation/predicate</p>	Overruled    Sustained
Paragraph D.	<p>Not relevant, Lack of personal knowledge</p>	Overruled    Sustained



First paragraph under D.	<p>First sentence: Not relevant, lack of personal knowledge</p> <p>Second sentence: Not relevant, lack of personal knowledge</p> <p>Third sentence: Not relevant, lack of personal knowledge, hearsay</p> <p>Exhibit A2 is hearsay, lacks a foundation and predicate and is not complete.</p> <p>Last sentence: Not relevant, lack of personal knowledge</p>	Overruled    Sustained
Bottom paragraph	<p>Not relevant</p> <p>Hearsay</p> <p>Lack of personal knowledge</p> <p>Lack of foundation/predicate</p> <p>Conclusory</p>	Overruled    Sustained
Page 11, photo	<p>Not relevant</p> <p>Hearsay</p> <p>Lack of foundation/predicate</p>	Overruled    Sustained
First paragraph (above E)	<p>First sentence: Not relevant, lack of personal knowledge, lack of foundation/predicate conclusory</p> <p>Second sentence: Not relevant, lack of personal knowledge, lack of foundation/predicate</p>	Overruled    Sustained

	<p>conclusory</p> <p>Last sentence: Not relevant, lack of personal knowledge, lack of foundation/predicate conclusory</p>		
Paragraph E	<p>Not relevant, Lack of personal knowledge</p> <p>Violates TRE 1002</p>	Overruled	Sustained
First paragraph under E.	<p>Both sentences: Not relevant, Lack of personal knowledge</p> <p>Violates TRE 1002</p>	Overruled	Sustained
Bottom paragraph	<p>First sentence: Not relevant, Lack of personal knowledge, lack of foundation/predicate, speculative, hearsay, conclusory – Violates TRE 1002</p> <p>Second sentence: Not relevant, Lack of personal knowledge</p> <p>Third sentence: Not relevant, Lack of personal knowledge, lack of foundation/predicate, hearsay</p> <p>Fourth and fifth sentence including caption continuing on page 12: lack of foundation/predicate, hearsay</p>	Overruled	Sustained
Page 12, top paragraph and captions	<p>Not relevant, Hearsay, lack of foundation/predicate</p>	Overruled	Sustained

Middle paragraph	<p>First and second sentence: Not relevant, lack of foundation/predicate, lack of personal knowledge</p> <p>Third and fourth sentence: Not relevant, Hearsay. Lack of personal knowledge, lack of foundation/predicate</p> <p>Fifth and sixth sentence: Not relevant, lack of foundation/predicate, lack of personal knowledge</p> <p>Seventh through ninth sentences: Not relevant, Hearsay. Lack of personal knowledge, lack of foundation/predicate</p> <p>Tenth sentence: Not relevant, lack of foundation/predicate, lack of personal knowledge, speculation</p> <p>Eleventh sentence: Not relevant, conclusory, lack of foundation/predicate, speculation</p>	Overruled    Sustained
Last paragraph continuing to page 13	<p>First sentence: Not relevant Second sentence: Not relevant, vague and ambiguous, hearsay, lack of foundation/predicate</p> <p>Third sentence: Not relevant, hearsay, lack of foundation/predicate, lack of personal knowledge</p>	Overruled    Sustained

	Last sentence: Not relevant, conclusory, lack of foundation/predicate, speculative		
Page 13, paragraph 1	Not relevant, conclusory, lack of foundation/predicate, Expert testimony not probative on matters of law	Overruled	Sustained
First paragraph under 1	Not relevant, conclusory, lack of foundation/predicate Expert testimony not probative on matters of law	Overruled	Sustained
All paragraphs under A starting on page 13 and continuing to the second to the last paragraph on page 19	Not relevant, previous acts are outside of statute of limitations, violates TRE Rule 403, lack of personal knowledge, lack of foundation/predicate, hearsay Violates TRE 1002  Exhibits A3-A13 and A20-25 are not relevant, contain statements outside of statute of limitations, hearsay and lack foundation and predicate.	Overruled	Sustained
Page 19, bottom paragraph	First sentence: Lack of personal knowledge  Second sentence: Lack of personal knowledge, lack of foundation/predicate, speculative, conclusory, expert opinion not reliable, expert opinion not needed to assist fact finder to interpret words used in broadcast (TRE Rule 702), opinion	Overruled	Sustained

	<p>not based on stated broadcast (TRE Rule 703) – Violates TRE 1002</p> <p>Third sentence: Not relevant; conclusory, lack of foundation/predicate, speculative, Expert opinion not probative on question of law or actual malice</p> <p>Last sentence: Not relevant; conclusory, lack of foundation/predicate, speculative, Expert opinion not probative on question of law or actual malice</p>	
<p>Page 20, top paragraph</p>	<p>First sentence: Not relevant, lack of personal knowledge Violates TRE 1002</p> <p>Second and third sentence: Not relevant, lack of personal knowledge, conclusory, lack of foundation/predicate Violates TRE 1002</p> <p>Exhibit A28 is not authenticated, it is not relevant and it is not a complete transcript of that broadcast.</p> <p>Fourth sentence: Not relevant regarding accusations about a cover-up, lack of personal knowledge</p> <p>Fifth and sixth sentences: Not relevant,, lack of personal knowledge</p>	<p>Overruled      Sustained</p>

	Exhibit A29 lacks authentication, is not relevant and is not a complete copy of the broadcast.		
Second paragraph, page 20	Both sentences: Not relevant and lack of personal knowledge.  Exhibit A30 lacks authentication, is not relevant and is not a complete copy of the broadcast.	Overruled	Sustained
Third paragraph , page 20 (paragraph under B)	Not relevant, lack of foundation/predicate	Overruled	Sustained
Fourth paragraph, page 20	All sentences: Not relevant, Expert opinion not probative on question of law and actual malice, lack of foundation/predicate, speculative	Overruled	Sustained
Fifth paragraph, page 20 continuing to page 21	All sentences: Not relevant, Expert opinion not probative on question of law and actual malice, lack of foundation/predicate, speculative	Overruled	Sustained
Page 21, first paragraph	First sentence: Not relevant, Expert opinion not probative on question of law and actual malice, lack of foundation/predicate, speculative, conclusory, lack of personal knowledge, hearsay  Second sentence: Not relevant, hearsay, lack of foundation/predicate	Overruled	Sustained

	<p>Third sentence: Not relevant, hearsay, lack of foundation/predicate, conclusory</p> <p>Fourth sentence and quotation: Not relevant, hearsay, lack of foundation/predicate, Quotation violates TRE 1002</p>		
Second paragraph, page 21	paragraph and quotation: Not relevant, hearsay, lack of foundation/predicate, violates TRE 1002	Overruled	Sustained
Third paragraph, page 21	<p>First sentence: Not relevant, speculative, Expert opinion not probative on question of law, conclusory, lack of foundation/predicate</p> <p>Second sentence: Not relevant, speculative, Expert opinion not probative on question of law and actual malice, conclusory, lack of foundation/predicate, vague and ambiguous</p> <p>Third sentence: Not relevant, speculative, lack of personal knowledge, lack of foundation/predicate, conclusory.</p>	Overruled	Sustained
Last paragraph, page 21	First sentence: Not relevant, Expert opinion not probative on question of law, lack of foundation/predicate, speculative, conclusory	Overruled	Sustained

	<p>Second sentence: Not relevant, Expert opinion not probative on question of law and actual malice, lack of foundation/predicate, speculative, conclusory</p> <p>Third sentence: Not relevant, lack of personal knowledge, lack of foundation/predicate, conclusory</p> <p>Last sentence: Lack of personal knowledge</p> <p>Exhibit A26 is not authenticated, and is not a complete transcript of the broadcast</p>		
Page 22, first paragraph:	Not relevant, Expert opinion not probative on question of law and actual malice, lack of foundation/predicate, speculative, conclusory	Overruled	Sustained
Paragraph 2	Not relevant, Expert opinion not probative on question of law and actual malice, lack of foundation/predicate, speculative, conclusory	Overruled	Sustained
Second paragraph (under 2)	Not relevant, Expert opinion not probative on question of law and actual malice, lack of foundation/predicate, speculative, conclusory	Overruled	Sustained
Paragraph A	Not relevant, Expert opinion not probative on question of law and actual malice, lack of foundation/predicate,	Overruled	Sustained



	speculative, conclusory	
Third paragraph, page 22 (under A)	<p>First through third sentences: Not relevant, lack of foundation/predicate, speculative, conclusory</p> <p>Fourth sentence: Defendants incorporate their objections to Mr. Fredericks affidavit, not relevant, hearsay, lack of personal knowledge, lack of foundation/predicate</p> <p>Entire paragraph is objectionable as it seeks to bolster improper expert opinion on question of law</p>	Overruled    Sustained
Fourth paragraph, page 22	<p>First sentence: Not relevant, speculative, lack of foundation/predicate, conclusory</p> <p>Second sentence: Not relevant, hearsay, lack of foundation/predicate, conclusory</p> <p>Last sentence and photos: Not relevant, hearsay, lack of foundation/predicate</p> <p>Photos are hearsay; lack of personal knowledge; lack of authentication; lack of foundation/predicate; violates TRE 1002</p>	Overruled    Sustained
Last paragraph, page 22 continuing to page 23	Second sentence: Not relevant, Expert opinion not probative on question of law and actual malice, lack of	Overruled    Sustained

	<p>foundation/predicate, conclusory, speculative</p> <p>Third sentence: Not relevant, Expert opinion not probative on question of law and actual malice, lack of foundation/predicate, conclusory, speculative</p> <p>Fourth sentence: Not relevant, Expert opinion not probative on question of law and actual malice, lack of foundation/predicate, conclusory, speculative</p>	
Page 23, paragraph B	Not relevant, Expert opinion not probative on question of law and actual malice, lack of foundation/predicate, conclusory, speculative; Violates TRE 403, 404 and 608(b)	Overruled      Sustained
First paragraph (under B)	<p>Not relevant, Expert opinion not probative on question of law and actual malice, lack of foundation/predicate, conclusory, speculative</p> <p>Second sentence: Not relevant, lack of personal knowledge, conclusory, lack of foundation/predicate</p> <p>Exhibit A1 is not authenticated, is not relevant and is not a complete transcript of the broadcast.</p> <p>Third sentence: Not relevant, lack of personal knowledge, conclusory, lack</p>	Overruled      Sustained

	<p>of foundation/predicate</p> <p>Fourth sentence: Not relevant, lack of personal knowledge, conclusory, lack of foundation/predicate,</p> <p>Last sentence: Not relevant, lack of personal knowledge, conclusory, lack of foundation/predicate</p> <p>Entire paragraph is objectionable as it seeks to bolster improper expert opinion on question of law</p>	
Second paragraph, page 23	<p>First paragraph: Not relevant</p> <p>Second sentence: Not relevant, violates TRE 404, lack of foundation/predicate, lack of personal knowledge, hearsay, vague and ambiguous</p> <p>Third sentence: Not relevant, hearsay, lack of foundation/predicate, conclusory</p> <p>Entire paragraph is objectionable as it seeks to bolster improper expert opinion on question of law</p>	Overruled    Sustained
Third paragraph, page 23 (above C)	<p>First sentence Not relevant, speculative, conclusory, lack of personal knowledge, lack of foundation/predicate</p>	Overruled    Sustained

	<p>Second sentence: Not relevant, vague and ambiguous, lack of personal knowledge</p> <p>Third sentence: Not relevant, Expert opinion not probative on question of law and actual malice, lack of foundation/predicate, conclusory, speculative</p> <p>Last sentence: Not relevant, Expert opinion not probative on question of law and actual malice, lack of foundation/predicate, conclusory, speculative</p> <p>Entire paragraph is objectionable as it seeks to bolster improper expert opinion on question of law</p>		
Paragraph C	Not relevant, Expert opinion not probative on question of law and actual malice, lack of foundation/predicate, conclusory, speculative; violates TRE 403, 404, and 608(b)	Overruled	Sustained
Last paragraph, page 23 (under C) continuing to page 24	Each sentence: Not relevant, entire paragraph is objectionable as it seeks to bolster improper expert opinion on question of law and actual malice, violated TRE 404,403	Overruled	Sustained
All other paragraphs on page 24	Not relevant, violates TRE 404, 403, all paragraphs are objectionable as they seek	Overruled	Sustained

	to bolster improper expert opinion on question of law and actual malice		
Page 25 photo	Not relevant, violates TRE 404, 403	Overruled	Sustained
Page 25, first paragraph (under photo)	Not relevant, Expert opinion not probative on question of law and actual malice, lack of foundation/predicate, conclusory, speculative	Overruled	Sustained
Paragraph D	Not relevant, Expert opinion not probative on question of law and actual malice, lack of foundation/predicate, conclusory,	Overruled	Sustained
Second paragraph, page 25 (under D)	Not relevant, Defendants also incorporate herein all objections to Mr. Pozner's affidavit	Overruled	Sustained
Third paragraph	<p>First sentence: Not relevant, hearsay, lack of personal knowledge,</p> <p>Second sentence: Not relevant, hearsay, lack of foundation/predicate, lack of personal knowledge</p> <p>Exhibit A14 is not authenticated, is not relevant and is not a complete transcript of the broadcast.</p> <p>Last sentence: Not relevant, hearsay, lack of foundation/predicate, lack of personal knowledge</p> <p>Exhibit A15 is not authenticated, is not</p>	Overruled	Sustained

	<p>relevant and is not a complete transcript of the broadcast.</p> <p>Entire paragraph is objectionable as it seeks to bolster improper expert opinion on question of law and actual malice</p>	
Fourth paragraph	<p>Each sentence: Not relevant, lack of personal knowledge, lack of foundation/predicate,</p> <p>Exhibit A16 is not authenticated, is not relevant and is not a complete transcript of the broadcast.</p> <p>Entire paragraph is objectionable as it seeks to bolster improper expert opinion on question of law and actual malice</p>	Overruled    Sustained
Page 26, first paragraph	<p>Each sentence: Not relevant, lack of personal knowledge, lack of foundation/predicate</p> <p>Exhibits A17 and A18 are not authenticated, are not relevant and are not complete transcripts of the broadcasts.</p> <p>Entire paragraph is objectionable as it seeks to bolster improper expert opinion on question of law</p>	Overruled    Sustained

	and actual malice	
Second paragraph and quotation	<p>Not relevant, lack of personal knowledge</p> <p>Exhibit A19 is not authenticated, is not relevant and is not a complete transcript of the broadcast.</p> <p>Entire paragraph is objectionable as it seeks to bolster improper expert opinion on question of law and actual malice</p>	Overruled    Sustained
Third paragraph	<p>First sentence: Not relevant, lack of personal knowledge, lack of foundation/predicate, conclusory</p> <p>Second sentence: Not relevant, Expert opinion not probative on question of law and actual malice, lack of personal knowledge, lack of foundation/predicate, conclusory, speculative</p>	Overruled    Sustained
Conclusion	<p>First sentence: Not relevant, Expert opinion not probative on question of law and actual malice lack of personal knowledge, lack of foundation/predicate, conclusory, speculative</p> <p>Second sentence: Not</p>	Overruled    Sustained

	<p>relevant, Expert opinion not probative on question of law and actual malice, lack of personal knowledge, lack of foundation/predicate, conclusory, speculative</p> <p>Third sentence: Not relevant, Expert opinion not probative on question of law and actual malice lack of personal knowledge, lack of foundation/predicate, conclusory, speculative</p> <p>Last sentence: Not relevant, Expert opinion not probative on question of law and actual malice, lack of personal knowledge, lack of foundation/predicate, conclusory, speculative</p>	
All websites listed in footnotes	Lack of authentication; lack of foundation/predicate; not relevant; violate TRE 404, 608(b) and 703. In addition, footnotes 5, 6, 12, 13, 14-18, 41-43, 45 and 47 are hearsay.	Overruled      Sustained

**2. AFFIDAVIT OF BROOKE BINKOWSKI**

<b>Paragraph</b>	<b>Affidavit Objections</b>	<b>Court's Ruling on Objections</b>
3 <sup>rd</sup>	<p>Not relevant – TRE 401, 402</p> <p>Conclusory, lack of foundation/predicate, lack of personal knowledge – TRE 701, 702,703</p>	Overruled      Sustained



4 <sup>th</sup>	<p>Hearsay – TRE 801(d), 802</p> <p>Conclusory, lack of foundation/predicate, lack of personal knowledge – TRE 701, 702,703</p>	<p>Overruled    Sustained</p>
5 <sup>th</sup>	<p>Not relevant – TRE 401, 402</p> <p>1<sup>st</sup> clause -- Conclusory, lack of foundation/predicate, lack of personal knowledge – TRE 701, 702,703</p> <p>2<sup>nd</sup> clause - Hearsay – TRE 801(d), 802; Best Evidence Rule – TRE 1001, 1002, 1007</p> <p>2<sup>nd</sup> clause -- Conclusory, lack of foundation/predicate, lack of personal knowledge – TRE 701, 702,703</p>	<p>Overruled    Sustained</p>
6 <sup>th</sup>	<p>Not relevant – TRE 401, 402</p> <p>Conclusory, lack of foundation/predicate, lack of personal knowledge – TRE 701, 702,703</p> <p>Hearsay – TRE 801(d), 802; Best Evidence Rule – TRE 1001, 1002, 1007</p>	<p>Overruled    Sustained</p>

7 <sup>th</sup>	<p>Not relevant – TRE 401, 402, 702</p> <p>No predicate for expert testimony – TRE 703</p> <p>Conclusory, lack of foundation/predicate, lack of personal knowledge – TRE 701, 702,703</p> <p>Hearsay – TRE 801(d), 802; Best Evidence Rule – TRE 1001, 1002, 1007</p>	Overruled      Sustained
8 <sup>th</sup>	<p>Not relevant – TRE 401, 402, 702</p> <p>No predicate for expert testimony – TRE 703</p> <p>Conclusory, lack of foundation/predicate, lack of personal knowledge – TRE 701, 702,703</p>	Overruled      Sustained
9 <sup>th</sup>	<p>Not relevant – TRE 401, 402, 702</p> <p>No predicate for expert testimony – TRE 703</p> <p>Conclusory, lack of foundation/predicate, lack of personal knowledge – TRE 701, 702, 703</p> <p>Hearsay – TRE</p>	Overruled      Sustained

	801(d), 802; Best Evidence Rule – TRE 1001, 1002, 1007	
10 <sup>th</sup>	<p>Not relevant – TRE 401, 402, 702</p> <p>No predicate for expert testimony – TRE 703</p> <p>Conclusory, lack of foundation/predicate, lack of personal knowledge – TRE 701, 702, 703</p>	Overruled      Sustained
11 <sup>th</sup>	<p>Not relevant – TRE 401, 402, 702</p> <p>Hearsay – TRE 801(d), 802</p> <p>Best Evidence Rule – TRE 1001, 1002, 1007</p> <p>No authentication – TRE 901</p>	Overruled      Sustained
12 <sup>th</sup>	<p>Not relevant – TRE 401, 402, 702</p> <p>Hearsay – TRE 801(d), 802</p> <p>Best Evidence Rule – TRE 1001, 1002, 1007</p> <p>No authentication – TRE 901</p> <p>Conclusory, lack of foundation/predicate, lack of personal</p>	Overruled      Sustained

	knowledge – TRE 701, 702, 703	
13 <sup>th</sup>	<p>Not relevant – TRE 401, 402, 702</p> <p>Hearsay – TRE 801(d), 802</p> <p>Best Evidence Rule – TRE 1001, 1002, 1007</p> <p>No authentication – TRE 901</p> <p>Conclusory, lack of foundation/predicate, lack of personal knowledge – TRE 701, 702, 703</p>	Overruled    Sustained
14 <sup>th</sup>	<p>Both sentences:</p> <p>No predicate for expert testimony – TRE 703</p> <p>Not relevant – TRE 401, 402, 702</p> <p>Hearsay – TRE 801(d), 802</p> <p>Best Evidence Rule – TRE 1001, 1002, 1007</p> <p>No authentication – TRE 901</p> <p>Conclusory, lack of foundation/predicate, lack of personal knowledge – TRE</p>	Overruled    Sustained

	701, 702, 703  Expert opinion testimony not probative on question of law and actual malice	
15 <sup>th</sup>	No predicate for expert testimony – TRE 703  Not relevant – TRE 401, 402, 702  Hearsay – TRE 801(d), 802  Best Evidence Rule – TRE 1001, 1002, 1007  No authentication – TRE 901  Conclusory, lack of foundation/predicate, lack of personal knowledge – TRE 701, 702, 703	Overruled    Sustained
16 <sup>th</sup>	Not relevant – TRE 401, 402, 702  Hearsay – TRE 801(d), 802  Best Evidence Rule – TRE 1001, 1002, 1007  No authentication – TRE 901  Conclusory, lack of	Overruled    Sustained

	<p>foundation/predicate, lack of personal knowledge – TRE 701, 702, 703</p> <p>Expert opinion testimony not probative on question of law and actual malice</p>	
17 <sup>th</sup>	<p>No predicate for expert testimony – TRE 703</p> <p>Not relevant – TRE 401, 402, 702</p> <p>Hearsay – TRE 801(d), 802</p> <p>Best Evidence Rule – TRE 1001, 1002, 1007</p> <p>No authentication – TRE 901</p> <p>Conclusory, lack of foundation/predicate, lack of personal knowledge – TRE 701, 702, 703</p> <p>Expert opinion testimony not probative on question of law and actual malice</p>	Overruled    Sustained
18 <sup>th</sup>	<p>Violates TRE 404(a), (b).</p> <p>No predicate for expert testimony –</p>	Overruled    Sustained

	<p>TRE 703</p> <p>Not relevant – TRE 401, 402, 702</p> <p>Hearsay – TRE 801(d), 802</p> <p>Best Evidence Rule – TRE 1001, 1002, 1007</p> <p>No authentication – TRE 901</p> <p>Conclusory, lack of foundation/predicate, lack of personal knowledge – TRE 701, 702, 703</p> <p>Expert opinion testimony not probative on question of law and actual malice</p>	
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**3. AFFIDAVIT OF JOHN CLAYTON**

<b>Affidavit of John Clayton</b>	<b>Objection</b>	<b>Court's Ruling on Objection</b>
Affidavit of John Clayton	<p>Rule 703 Relevance</p> <p>Reliability</p> <p>Rule 404 Relevance</p> <p>Rule 406 Relevance</p> <p>Rule 403 Relevance</p>	<p>Overruled    Sustained</p>

**4. AFFIDAVIT OF LEONARD POZNER**

Paragraph	Affidavit Statements	Objections	Court's Ruling on Objections
All paragraphs	All statements	Does not state personal knowledge of bases for such knowledge, violates TRE 602	Overruled    Sustained
7	<p>First sentence: Not relevant, conclusory, confusing, vague and ambiguous (conflicts with paragraph 6 statements)</p> <p>Second sentence: Not relevant, conclusory, lack of foundation/predicate, lack of personal knowledge, violates TRE 404, 608 (b) and 403</p> <p>Last sentence: Not relevant, conclusory, lack of foundation/predicate, lack of personal knowledge, violates TRE 404, 608 (b) and 403</p>		Overruled    Sustained
8	First and second sentence: Not relevant, conclusory, lack of foundation/predicate,		Overruled    Sustained



	lack of personal knowledge, violates TRE 404, 608 (b), 1002 and 403		
9	Each sentence: Not relevant, conclusory, lack of foundation/predicate, lack of personal knowledge, violates TRE 404, 608 (b), 1002 and 403		Overruled Sustained
10	First through third sentences: Not relevant  Last sentence: Not relevant, conclusory, lack of foundation/predicate, lack of personal knowledge, speculative		Overruled Sustained
12	First sentence: Not relevant,  Second sentence: Not relevant, conclusory, lack of foundation/predicate, lack of personal knowledge, violates TRE 404, 608 (b), 1002 and 403  Third sentence: Not relevant, conclusory, lack of foundation/predicate, lack of personal knowledge, violates TRE 404, 608 (b),		Overruled Sustained

	1002 and 403		
13	<p>First sentence: Not relevant</p> <p>Second sentence: Not relevant, confusing, vague and ambiguous (the Sandy Hook hoax story)</p> <p>Third sentence: Hearsay, conclusory, lack of foundation/predicate, lack of personal knowledge</p> <p>Fourth sentence: Hearsay, lack of foundation/predicate, lack of personal knowledge</p> <p>Fifth sentence: Conclusory, lack of personal knowledge, lack of foundation/predicate, violates TRE 1002</p> <p>Sixth sentence: Conclusory, lack of personal knowledge, lack of foundation/predicate, violates TRE 1002</p>		Overruled    Sustained
14	<p>First sentence: Conclusory, lack of foundation/predicate, lack of personal knowledge</p> <p>Second sentence: Not</p>		Overruled    Sustained

	<p>relevant, conclusory, lack of foundation/predicate, lack of personal knowledge, violates TRE 404, 608 (b), 1002 and 403</p> <p>Third and fourth sentence: Not relevant</p> <p>Fifth sentence: Not relevant, conclusory, confusing, vague and ambiguous, violates TRE 1002</p> <p>Sixth through eighth sentence: Not relevant, conclusory, confusing, vague and ambiguous, violates TRE 403, 1002</p>		
15	<p>First sentence: Not relevant, lack of personal knowledge, conclusory, lack of foundation/predicate, speculative</p> <p>Second sentence: Not relevant, lack of personal knowledge, conclusory, lack of foundation/predicate, speculative, hearsay</p> <p>Third sentence: Not relevant, lack of personal knowledge, conclusory, lack of foundation/predicate,</p>		Overruled    Sustained

	<p>speculative, hearsay</p> <p>Fourth sentence: Not relevant, lack of personal knowledge, conclusory, lack of foundation/predicate, speculative, hearsay, violates TRE 1002</p>		
16	<p>Not relevant, lack of personal knowledge, conclusory, lack of foundation/predicate, violates TRE 403</p>		Overruled    Sustained
17	<p>First sentence: Not relevant, confusing, vague and ambiguous (reviving the Sandy Hook hoax conspiracy), lack of personal knowledge, conclusory, lack of foundation/predicate, violates TRE 403</p> <p>Second through last sentence: Not relevant, conclusory, lack of foundation/predicate</p> <p>Entire paragraph: not relevant</p>		Overruled    Sustained

**5. AFFIDAVIT OF ENRIQUE ARMIJO**

Paragraph	Objections	Court’s Ruling on Objection
<i>Paragraph 11</i>	The views expressed in this paragraph are purely speculative, hypothetical and not tied to the facts of the case. Even with the adverb “clearly” the last sentence is a legal conclusion not a factual one, and is merely the unsupported <i>ipse dixit</i> of the declarant	Overruled    Sustained
<i>Paragraph 12</i>	Paragraph 12 is again a purely speculative, hypothetical argument not founded on the facts or grounded in any scientific knowledge and rests alone on the declarant’s <i>ipse dixit</i> . There is no way to test his hypotheses.	Overruled    Sustained
<i>Paragraph 13</i>	This paragraph misses the issue entirely; the question is whether Plaintiffs were public figures in 2017 when the statements made the basis of this case were published. The opinion expressed in this paragraph is unreliable because it does not take into account Plaintiffs’ activities in the intervening years when they made themselves public figures.	Overruled    Sustained
<i>Paragraph 14</i>	A continuation of paragraph 13 and objectionable on the same basis	Overruled    Sustained
<i>Paragraphs 15 – 17</i>	Speculation; not tied to the facts of the case or grounded in scientific knowledge; no way to test the hypotheses	Overruled    Sustained
<i>Paragraphs 18 and 19</i>	Unreliable; not tied to any identifiable facts in the case. What material did declarant	Overruled    Sustained

	review to reach his conclusion and what methodology did he apply?		
<i>Paragraph 20</i>	Since declarant does not share his data or methodology, whether he found no reasonable basis is of no consequence	Overruled	Sustained
<i>Paragraphs 22 and 23</i>	Declarant does not show how his conclusion is derived from the facts of the case; thus there's too great an analytical gap.	Overruled	Sustained
<i>Paragraph 24</i>	An opinion on a pure question of law.	Overruled	Sustained
<i>Paragraphs 25 – 29</i>	The scope of the “controversy” is an element of whether Mrs. De La Rosa is a public figure; as such it is a question of law for the Court.	Overruled	Sustained
<i>Paragraphs 30 – 34</i>	These paragraphs merely reiterate what the declarant said in the previous cases and are improper opinions on questions of law. Thus, and to the extent that they depend on the earlier paragraphs they suffer from the same flaws and as such should not be considered	Overruled	Sustained

**6. AFFIDAVIT OF GRANT FREDERICKS**

<b>Paragraph, Page or line</b>	<b>Objections</b>	<b>Court's Ruling on Objections</b>
p. 5, l. 3-26;	Not relevant – TRE 401, 402  No authentication – TRE 901	Overruled    Sustained

	<p>Best Evidence Rule – TRE 1001, 1002</p> <p>Hearsay – TRE 801(d), 802</p> <p>Conclusory, lack of foundation/predicate, lack of personal knowledge – TRE 602, 701, 702,703</p>	
p. 6, l. 1 -4	<p>Not relevant – TRE 401, 402</p> <p>No authentication – TRE 901</p> <p>Best Evidence Rule – TRE 1001, 1002</p> <p>Hearsay – TRE 801(d), 802</p> <p>Conclusory, lack of foundation/predicate, lack of personal knowledge – TRE 602, 701, 702,703</p>	Overruled    Sustained
p. 6, l. 9 – 11	<p>Not relevant – TRE 401, 402</p> <p>Conclusory, lack of foundation/predicate, lack of personal knowledge – TRE 602, 701, 702,703</p>	Overruled    Sustained
p. 6, l. 13 -14	<p>Not relevant – TRE 401, 402</p> <p>Conclusory, lack of foundation/predicate, lack of personal</p>	Overruled    Sustained

	knowledge – TRE 602, 701, 702,703	
p. 6, l. 21 – 25, 1 <sup>st</sup> and 2 <sup>nd</sup> sentences	Not relevant – TRE 401, 402  No authentication – TRE 901  Best Evidence Rule – TRE 1001, 1002  Hearsay – TRE 801(d), 802  Conclusory, lack of foundation/predicate, lack of personal knowledge – TRE 602, 701, 702,703  Expert failed to offer evidence or opinion in order to rule out other plausible potential causes	Overruled    Sustained
p. 7, l. 9	Not relevant – TRE 401, 402  No authentication – TRE 901  Best Evidence Rule – TRE 1001, 1002  Hearsay – TRE 801(d), 802  Conclusory, lack of foundation/predicate, lack of personal knowledge – TRE 602, 701, 702,703	Overruled    Sustained
p. 7, l. 11 – 12	Not relevant – TRE	Overruled    Sustained



	<p>401, 402</p> <p>No authentication – TRE 901</p> <p>Best Evidence Rule – TRE 1001, 1002</p> <p>Hearsay – TRE 801(d), 802</p> <p>Conclusory, lack of foundation/predicate, lack of personal knowledge – TRE 602, 701, 702,703</p>	
p. 7, l. 15	<p>Not relevant – TRE 401, 402</p> <p>No authentication – TRE 901</p> <p>Best Evidence Rule – TRE 1001, 1002</p> <p>Hearsay – TRE 801(d), 802</p> <p>Conclusory, lack of foundation/predicate, lack of personal knowledge – TRE 602, 701, 702,703</p>	Overruled    Sustained
p. 7.l. 17 -19	<p>Not relevant – TRE 401, 402</p> <p>No authentication – TRE 901</p> <p>Best Evidence Rule – TRE 1001, 1002</p> <p>Hearsay – TRE</p>	Overruled    Sustained

	801(d), 802  Conclusory, lack of foundation/predicate, lack of personal knowledge – TRE 602, 701, 702,703	
p. 7, l. 21- 24	Not relevant – TRE 401, 402  No authentication – TRE 901  Best Evidence Rule – TRE 1001, 1002  Hearsay – TRE 801(d), 802  Conclusory, lack of foundation/predicate, lack of personal knowledge – TRE 602, 701, 702,703	Overruled    Sustained
p. 8, l. 1 – 8	Not relevant – TRE 401, 402  No authentication – TRE 901  Best Evidence Rule – TRE 1001, 1002  Hearsay – TRE 801(d), 802  Conclusory, lack of foundation/predicate, lack of personal knowledge – TRE 602, 701, 702,703	Overruled    Sustained
p. 8, l. 10 -11	Not relevant – TRE 401, 402, 702	Overruled    Sustained

	<p>Hearsay – TRE 801(d), 802</p> <p>Best Evidence Rule – TRE 1001, 1002, 1007</p> <p>No authentication – TRE 901</p> <p>Conclusory, lack of foundation/predicate, lack of personal knowledge – TRE 701, 702, 703</p>	
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**7. AFFIDAVIT OF VERONIQUE DE LA ROSA**

<b>Paragraph, sentence, clause</b>	<b>Objections</b>	<b>Court's Ruling on Objections</b>
3, 1 <sup>st</sup> sentence 1 <sup>st</sup> clause	Assumes facts not in evidence, no predicate & conclusory – TRE 602, 701	Overruled    Sustained
1 <sup>st</sup> sentence, 2 <sup>nd</sup> clause	Conclusory – TRE 701	
2 <sup>nd</sup> & 3 <sup>rd</sup> sentence	Conclusory – TRE 701	
4 <sup>th</sup> sentence	Conclusory – TRE 701; Lack of personal knowledge – TRE 602	
4, 1 <sup>st</sup> sentence	No predicate, lack of personal knowledge & conclusory – TRE	Overruled    Sustained

2 <sup>nd</sup> sentence	602, 701 Conclusory – TRE 701		
3 <sup>rd</sup> sentence, 2 <sup>nd</sup> clause	Conclusory – TRE 701		
6, 1 <sup>st</sup> clause	Conclusory – TRE 701	Overruled	Sustained
9	Hearsay – TRE 801(d), 802; No predicate & conclusory – TRE 602, 701	Overruled	Sustained
10	Conclusory – TRE 701  Hearsay – TRE 801(d), 802  No authentication – TRE 901  Best Evidence Rule – TRE 1001, 1002  Lack of foundation/predicate, lack of personal knowledge – TRE 602	Overruled	Sustained
11, 2 <sup>nd</sup> sentence	Conclusory, lack of foundation/predicate, lack of personal knowledge – TRE 602, 701	Overruled	Sustained
12, 1 <sup>st</sup> clause	Conclusory, lack of foundation/predicate, lack of personal knowledge – TRE 602, 701	Overruled	Sustained

2 <sup>nd</sup> clause	Conclusory, lack of foundation/predicate, lack of personal knowledge – TRE 602, 701		
13, 1 <sup>st</sup> sentence, 2 <sup>nd</sup> clause	Conclusory, lack of foundation/predicate, lack of personal knowledge – TRE 602, 701	Overruled	Sustained
2 <sup>nd</sup> sentence	Conclusory, lack of foundation/predicate, lack of personal knowledge – TRE 602, 701  Assumes facts not in evidence, no predicate & conclusory – TRE 602, 701		
14, 1 <sup>st</sup> sentence	Not relevant – TRE 401, 402	Overruled	Sustained
2 <sup>nd</sup> sentence	Not relevant – TRE 401, 402		
3 <sup>rd</sup> sentence	Not relevant – TRE 401, 402 Conclusory – TRE 701		
15, 1 <sup>st</sup> & 2 <sup>nd</sup> clauses	No authentication – TRE 901  Best Evidence Rule – TRE 1001, 1002  Hearsay – TRE 801(d), 802	Overruled	Sustained
Last clause	Conclusory, lack of		

	<p>foundation/predicate, lack of personal knowledge – TRE 602, 701</p> <p>Assumes facts not in evidence – TRE 602, 701</p>	
<p>16, 1<sup>st</sup> sentence, 1<sup>st</sup> clause</p> <p>1<sup>st</sup> sentence, 2<sup>nd</sup> clause</p> <p>2<sup>nd</sup> sentence</p>	<p>No authentication – TRE 901</p> <p>Best Evidence Rule – TRE 1001, 1002</p> <p>Hearsay – TRE 801(d), 802</p> <p>Assumes facts not in evidence – TRE 602, 701</p> <p>Conclusory, lack of foundation/predicate, lack of personal knowledge – TRE 602, 701</p> <p>No authentication – TRE 901</p> <p>Best Evidence Rule – TRE 1001, 1002</p> <p>Hearsay – TRE 801(d), 802</p> <p>Conclusory, lack of foundation/predicate, lack of personal knowledge – TRE 602, 701</p> <p>Assumes facts not in</p>	<p>Overruled    Sustained</p>



<p>3<sup>rd</sup> sentence</p> <p>7<sup>th</sup> sentence</p> <p>8<sup>th</sup> sentence</p>	<p>predicate – TRE 702, 703, 705</p> <p>Conclusory, lack of foundation/predicate, lack of personal knowledge – TRE 602, 701</p> <p>Conclusory, lack of foundation/predicate, lack of personal knowledge – TRE 602, 701</p> <p>Conclusory, lack of foundation/predicate, lack of personal knowledge – TRE 602, 701</p>	
<p>19, 1<sup>st</sup> sentence</p> <p>2<sup>nd</sup> sentence</p>	<p>No authentication – TRE 901</p> <p>Best Evidence Rule – TRE 1001, 1002</p> <p>Hearsay – TRE 801(d), 802</p> <p>Conclusory, lack of foundation/predicate, lack of personal knowledge – TRE 602, 701</p> <p>Assumes facts not in evidence – TRE 602, 701</p> <p>No authentication – TRE 901</p> <p>Best Evidence Rule –</p>	<p>Overruled    Sustained</p>



	<p>TRE 1001, 1002</p> <p>Hearsay – TRE 801(d), 802</p> <p>Conclusory, lack of foundation/predicate, lack of personal knowledge – TRE 602, 701</p> <p>Assumes facts not in evidence – TRE 602, 701</p>	
20, 1 <sup>st</sup> sentence	<p>No authentication – TRE 901</p> <p>Best Evidence Rule – TRE 1001, 1002</p> <p>Hearsay – TRE 801(d), 802</p> <p>Conclusory, lack of foundation/predicate, lack of personal knowledge – TRE 602, 701</p> <p>Assumes facts not in evidence – TRE 602, 701</p>	Overruled    Sustained
2 <sup>nd</sup> sentence	<p>No authentication – TRE 901</p> <p>Best Evidence Rule – TRE 1001, 1002</p> <p>Hearsay – TRE 801(d), 802</p> <p>Conclusory, lack of</p>	

	<p>foundation/predicate, lack of personal knowledge – TRE 602, 701</p> <p>Assumes facts not in evidence – TRE 602, 701</p>	
21	<p>No authentication – TRE 901</p> <p>Best Evidence Rule – TRE 1001, 1002</p> <p>Hearsay – TRE 801(d), 802</p> <p>Conclusory, lack of foundation/predicate, lack of personal knowledge – TRE 602, 701</p> <p>Assumes facts not in evidence – TRE 602, 701</p>	Overruled    Sustained
22, 1 <sup>st</sup> sentence	Assumes facts not in evidence – TRE 602, 701	Overruled    Sustained
2 <sup>nd</sup> sentence	<p>No authentication – TRE 901</p> <p>Best Evidence Rule – TRE 1001, 1002</p> <p>Hearsay – TRE 801(d), 802</p> <p>Conclusory, lack of foundation/predicate, lack of personal knowledge – TRE</p>	

3 <sup>rd</sup> sentence	<p>602, 701</p> <p>Assumes facts not in evidence – TRE 602, 701</p> <p>No authentication – TRE 901</p> <p>Best Evidence Rule – TRE 1001, 1002</p> <p>Hearsay – TRE 801(d), 802</p> <p>Conclusory, lack of foundation/predicate, lack of personal knowledge – TRE 602, 701</p> <p>Assumes facts not in evidence – TRE 602, 701</p>	
23, 2 <sup>nd</sup> sentence	<p>No authentication – TRE 901</p> <p>Best Evidence Rule – TRE 1001, 1002</p> <p>Hearsay – TRE 801(d), 802</p> <p>Conclusory, lack of foundation/predicate, lack of personal knowledge – TRE 602, 701</p> <p>Assumes facts not in evidence – TRE 602, 701</p>	Overruled    Sustained
24, 1 <sup>st</sup> sentence	No authentication –	Overruled    Sustained

	<p>TRE 901</p> <p>Best Evidence Rule – TRE 1001, 1002</p> <p>Hearsay – TRE 801(d), 802</p> <p>Conclusory, lack of foundation/predicate, lack of personal knowledge – TRE 602, 701</p> <p>Assumes facts not in evidence – TRE 602, 701</p>	
2 <sup>nd</sup> sentence	<p>No authentication – TRE 901</p> <p>Best Evidence Rule – TRE 1001, 1002</p> <p>Hearsay – TRE 801(d), 802</p> <p>Conclusory, lack of foundation/predicate, lack of personal knowledge – TRE 602, 701</p> <p>Assumes facts not in evidence – TRE 602, 701</p>	
3 <sup>rd</sup> sentence	<p>No authentication – TRE 901</p> <p>Best Evidence Rule – TRE 1001, 1002</p>	

	<p>Hearsay – TRE 801(d), 802</p> <p>Conclusory, lack of foundation/predicate, lack of personal knowledge – TRE 602, 701</p> <p>Assumes facts not in evidence – TRE 602, 701</p>	
25, 1 <sup>st</sup> sentence	Conclusory, lack of foundation/predicate, – TRE 602, 701	Overruled    Sustained
2 <sup>nd</sup> sentence	<p>Conclusory, lack of foundation/predicate, lack of personal knowledge – TRE 602, 701</p> <p>Assumes facts not in evidence – TRE 602, 701</p>	
3 <sup>rd</sup> sentence	<p>Not relevant – TRE 401, 402</p> <p>Conclusory, lack of foundation/predicate, lack of personal knowledge – TRE 602, 701</p> <p>Assumes facts not in evidence – TRE 602, 701</p>	
26, 1 <sup>st</sup> sentence	<p>Conclusory, lack of foundation/predicate, – TRE 602, 701</p> <p>Assumes facts not in</p>	Overruled    Sustained



4 <sup>th</sup> sentence	<p>Conclusory, lack of foundation/predicate, lack of personal knowledge – TRE 602, 701</p> <p>Assumes facts not in evidence – TRE 602, 701</p>		
28, 1 <sup>st</sup> clause	<p>Conclusory, lack of foundation/predicate, lack of personal knowledge – TRE 602, 701</p> <p>Assumes facts not in evidence – TRE 602, 701</p> <p>Hearsay – TRE 801(d), 802</p>	Overruled	Sustained
29, 1 <sup>st</sup> sentence	<p>Conclusory, not relevant, lack of foundation/predicate, lack of personal knowledge – TRE 602, 701</p> <p>Assumes facts not in evidence – TRE 602, 701</p> <p>Hearsay – TRE 801(d), 802</p> <p>Lack of predicate for expert – TRE 702, 703</p>	Overruled	Sustained
2 <sup>nd</sup> sentence	Not relevant – TRE 401, 402		
3 <sup>rd</sup> sentence	Conclusory, not		

	relevant, lack of foundation/predicate, lack of personal knowledge – TRE 602, 701	
	Assumes facts not in evidence – TRE 602, 701	
	Hearsay – TRE 801(d), 802	
4 <sup>th</sup> sentence	Conclusory, not relevant, lack of foundation/predicate, – TRE 701	
5 <sup>th</sup> sentence	Conclusory, not relevant, lack of foundation/predicate, – TRE 701, 702, 703	
6 <sup>th</sup> sentence	Conclusory, not relevant, lack of foundation/predicate, – TRE 701, 702, 703	

**8. AFFIDAVIT OF H. WAYNE CARVER, II, M.D.**

<b>Paragraph, sentence, clause</b>	<b>Affidavit Statements</b>	<b>Objections</b>	<b>Court's Ruling on Objections</b>
9	I am aware of prior statements by Mr. Jones in which he has asserted that the Sandy Hook massacre was staged.	Assumes facts not in evidence, no predicate & conclusory – TRE 602, 701, 702, 703  Hearsay – TRE 801(d), 802	Overruled    Sustained



	<p>These comments have generated significant pain in the Newtown community.</p>	<p>No authentication – TRE 901</p> <p>Best Evidence Rule – TRE 1001, 1002</p> <p>Lack of foundation/predicate, lack of personal knowledge – TRE 602</p> <p>Assumes facts not in evidence, no predicate &amp; conclusory – TRE 602, 701, 702, 703</p> <p>Hearsay – TRE 801(d), 802</p> <p>TRE 403</p> <p>No authentication – TRE 901</p> <p>Best Evidence Rule – TRE 1001, 1002</p> <p>Lack of foundation/predicate, lack of personal knowledge – TRE 602</p>	
11	<p>These segments make various claims about the Sandy Hook massacre, including a discussion of an interview between Veronique De La Rosa and Anderson</p>	<p>Assumes facts not in evidence, no predicate &amp; conclusory – TRE 602, 701, 702, 703</p> <p>Hearsay – TRE 801(d), 802</p>	<p>Overruled    Sustained</p>

	Cooper.	<p>No authentication – TRE 901</p> <p>Best Evidence Rule – TRE 1001, 1002</p> <p>Lack of foundation/predicate, lack of personal knowledge – TRE 602</p>	
12	After watching these segments, I understood Info Wars 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.	<p>Not relevant – TRE 401, 402</p> <p>Assumes facts not in evidence, no predicate &amp; conclusory – TRE 602, 701, 702, 703</p> <p>Hearsay – TRE 801(d), 802</p> <p>No authentication – TRE 901</p> <p>Best Evidence Rule – TRE 1001, 1002</p> <p>Lack of foundation/predicate, lack of personal knowledge – TRE 602</p> <p>Improper opinion on question of law</p>	Overruled    Sustained
13	I also understood from the video that InfoWars was accusing Mrs. De La Rosa of engaging in a	<p>Not relevant – TRE 401, 402</p> <p>Assumes facts not in evidence, no</p>	Overruled    Sustained

	<p>fraud or cover-up of the truth regarding the Sandy Hook massacre and the death of her child.</p>	<p>predicate &amp; conclusory – TRE 602, 701, 702, 703</p> <p>Hearsay – TRE 801(d), 802</p> <p>No authentication – TRE 901</p> <p>Best Evidence Rule – TRE 1001, 1002</p> <p>Lack of foundation/predicate, lack of personal knowledge – TRE 602</p> <p>Improper opinion on question of law</p>	
14	<p>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.</p>	<p>Not relevant – TRE 401, 402</p> <p>Assumes facts not in evidence, no predicate &amp; conclusory – TRE 602, 701, 702, 703</p> <p>Hearsay – TRE 801(d), 802</p> <p>No authentication – TRE 901</p> <p>Best Evidence Rule – TRE 1001, 1002</p> <p>Lack of foundation/predicate, lack of personal knowledge – TRE</p>	Overruled      Sustained

		602 Improper opinion on question of law	
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.	Not relevant – TRE 401, 402  Assumes facts not in evidence, no predicate & conclusory – TRE 602, 701, 702, 703  Hearsay – TRE 801(d), 802  No authentication – TRE 901  Best Evidence Rule – TRE 1001, 1002  Lack of foundation/predicate, lack of personal knowledge – TRE 602  Improper opinion on question of law	Overruled    Sustained
16	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	Not relevant – TRE 401, 402  Assumes facts not in evidence, no predicate & conclusory – TRE 602, 701, 702, 703  Hearsay – TRE 801(d), 802  No authentication –	Overruled    Sustained

	criminal misrepresentation.	TRE 901  Best Evidence Rule – TRE 1001, 1002  Lack of foundation/predicate, lack of personal knowledge – TRE 602  Improper opinion on question of law	
17	After viewing the video segments, I also drew the conclusion that Info Wars 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.	Not relevant – TRE 401, 402  Assumes facts not in evidence, no predicate & conclusory – TRE 602, 701, 702, 703  Hearsay – TRE 801(d), 802  No authentication – TRE 901  Best Evidence Rule – TRE 1001, 1002  Lack of foundation/predicate, lack of personal knowledge – TRE 602	Overruled    Sustained

**9. AFFIDAVIT OF ANDREA DISTEPHAN**

Paragraph	Objection	Court's Ruling on Objection
<i>Paragraphs 3 and 4</i>	The alleged version of the broadcast is not established as authentic – that is the original, unaltered version.	Overruled    Sustained
<i>Paragraphs 2, 5 – 10</i>	Ms. DiStephan does not identify the source of her “general[] familiar[ity]” with what she characterizes as “prior [hoax] allegations.” These so called “allegations” are irrelevant to the issue, which is whether the April 17, 2017 broadcast defames either Plaintiff by innuendo. The same is true of her purported acquaintance with Plaintiffs. Whether a statement is defamatory is a question of law for the Court. Her opinion is therefore not probative. See <i>Bingham v. Southwestern bell Yellow Pages, Inc.</i> , 2008 Tex. App. LEXIS 463 *9 - *10 (Tex. App. – Ft. Worth 2008, o pet.) (citing <i>Musser v. Smith Protective Svcs., Inc.</i> , 723 S.W.2d 653, 655 (Tex. 1987). The test is how the statement would be construed by the average reasonable person or the general public. See <i>Arant v. Jaffe</i> , 436 S.W.2d 169, 176 (Tex. App. – Dallas 1968, no writ).	Overruled    Sustained

**9. EXHIBIT J**

<b>Exhibit</b>	<b>Objection</b>	<b>Court Ruling on Objection</b>
Exhibit J	Not relevant, has not been authenticated, is hearsay, contains hearsay within hearsay, and violates TRE 403	Overruled    Sustained

**10. EXHIBIT K**

<b>Exhibit</b>	<b>Objection</b>	<b>Court Ruling on Objection</b>
Exhibit K	Not relevant, has not been authenticated, is hearsay, contains hearsay within hearsay, and violates Tex. R. Evid. Rule 403.	Overruled    Sustained

Dated: August \_\_\_\_\_, 2018.

\_\_\_\_\_  
JUDGE