

NO. D-1-GN-18-001842

LEONARD POZNER AND
VERONIQUE DE LA ROSA,

Plaintiffs,

v.

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

Defendants

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IN THE DISTRICT COURT OF

TRAVIS COUNTY, TEXAS

345th JUDICIAL DISTRICT

**DEFENDANTS’ OBJECTION TO THE COURT’S REFUSAL TO RULE ON
OBJECTIONS AND SECOND RENEWED REQUEST FOR RULINGS ON
TIMELY FILED OBJECTIONS TO PLAINTIFFS’ EVIDENCE**

COME NOW, Defendants Alex E. Jones, Infowars, LLC and Free Speech Systems, LLC, (collectively, the “Defendants”), and hereby file this their Objection to the Court’s Refusal to Rule on Objections and Second Renewed Request for Rulings on Timely Filed Objections to Plaintiffs’ Evidence and in support of same would respectfully show this Honorable Court as follows:

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

and filed their Objections to Plaintiffs' Evidence Submitted in Response to Defendants' Motion to Dismiss Under the Texas Participation Act.

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

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

Though prepared to argue at the hearing Defendants' objections to Plaintiffs' evidence submitted prior to the hearing, at the hearing on August 1 the Court announced that it would take the objections under advisement and rule at a later time. On August 27, 2018 Defendants' filed their Renewed Request for Rulings on Timely Filed Objection to Plaintiffs' Evidence. Notwithstanding Defendants' timely filing of objections and timely requests that the Court rule on same, the Court failed to rule on those objections and entered its order denying Defendants' Motion to Dismiss on August 29, 2018.

Accordingly, Defendants hereby object to the Court's refusal to rule on their timely filed objections and again ask the Court to immediately rule on same.

PRAYER

Wherefore, Defendants pray that this Honorable Court make and enter its rulings on Defendants previously filed objections, that the Court sustain those objections and strike the related evidence and that the Court make such other rulings as it deems just and equitable.

RESPECTFULLY SUBMITTED,

GLAST, PHILLIPS & MURRAY, P.C.

/s/ Mark C. Enoch

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