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STATE OF WISCONSIN	CIRCUIT COURT	DANE COUNTY
* * * * *	* * * * *	* * * * *
LEONARD POZNER,)	
)	
	Plaintiff,)
vs.)	Case No. 18-CV-3122
)	
JAMES FETZER, et al.,)	
)	
	Defendants.)

* * * * *

TRANSCRIPT EXCERPT OF JURY TRIAL PROCEEDINGS - DAY 1

commencing on the 14th day of October, 2019, at approximately

1:22 p.m. before the

HONORABLE JUDGE FRANK D. REMINGTON

APPEARANCES: LEONARD POZNER appeared with Attorneys at Law, GENEVIEVE ZIMMERMAN and JACOB ZIMMERMAN, Meshbeshier & Spence, Minneapolis, Minnesota, and EMILY FEINSTEIN and EMILY STEDMAN, Quarles & Brady, Madison, Wisconsin

JAMES FETZER appeared with Attorneys at Law, RICHARD BOLTON and ERIC BAKER, Boardman & Clark, Madison, Wisconsin

Reported by:
Colleen C. Clark, RPR
Official Court Reporter, Branch 8
Dane County Circuit Court
215 S. Hamilton Street Room 4109
Madison, WI 53703-3290

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EXHIBITS

<u>No.</u>	<u>Description</u>	<u>Marked</u>	<u>Received</u>
1	Dr. Roy Lubit 10/5/2019 deposition transcript	3	
2	Court ruling on objections from Dr. Lubit deposition	3	

1 is a book with, I think, 13-some authors, at least 6 of
2 them PhD scholars, and so the -- who they are, and in
3 particular, who Dr. Fetzer is, is a varied group. But I
4 think the evidence will suggest to you that it is -- that
5 it is a serious group and that the book, for instance,
6 *Nobody Died at Sandy Hook*, while it may be provocative in
7 many respects, I think you'll find that it is, in fact, a
8 serious book of academic research.

9 I promised I'd get done, so I will. At the end
10 of the day the -- this case, while it teases you a little
11 bit about a world of, you know, JFK conspiracy theorists
12 and 9/11 and Sandy Hook, at the end of the day, the part
13 of the case that's been allocated to you, what the
14 Judge -- the Court referred to as your province, is really
15 not much different than many minor cases, and the
16 questions you'll have to determine is whether you believe
17 or how much do you believe by the self-reporting by
18 Mr. Pozner that he was damaged by these particular
19 statements, and that's -- that's -- it's not something
20 that the Court can do. It's not something that even
21 Dr. Lubit can do.

22 Ultimately, we're dealing in an area of
23 subjective, and you have to determine whether or not you
24 believe that these particular statements caused the
25 significant injury and damage that Mr. Pozner is claiming.

1 you know, is presented to the Court.

2 MR. FETZER: My concern, Your Honor, is that the
3 diagnosis is based on hearsay, false statements, such as
4 that I claimed that Mr. Pozner had faked the death
5 certificate, which I have never done. I said the death
6 certificate was fake, not that he had faked it.

7 THE COURT: Mr. Bolton.

8 MR. FETZER: The -- the --

9 MR. BOLTON: Jim.

10 THE COURT: Okay. We'll see you all at 8:00 --
11 come back at 8:30 in the morning. You -- I've looked
12 through the jury instructions that have been submitted.
13 There are instructions in the pack about defamation. Once
14 again, I appreciate you agreeing to it. If you intend to
15 suggest another suggestion instruction, that was the one
16 you said you couldn't do over the lunch hour, I didn't
17 blame you for that, but if -- I'd like to know, last call
18 for any additional instructions, no later than we'll take
19 it up 8:30 in the morning.

20 Finally, I'm going to go ahead and seal the jury
21 list that contains the names of the jurors. That's
22 consistent with the stipulation. I need to, under the
23 court's guidelines on sealing documents, state that on the
24 record. As to that, consistent with the parties' joint
25 stipulation, any objection?

1 STATE OF WISCONSIN)
 ss.)
 2 COUNTY OF DANE)

3 I, COLLEEN C. CLARK, Registered Professional
 4 Reporter, Official Court Reporter, Branch 8, Dane County
 5 Circuit Court, hereby certify that I reported in Stenographic
 6 shorthand the proceedings had before the Court on this 14th day
 7 of October, 2019, and that the foregoing transcript is a true
 8 and correct copy of the said Stenographic notes thereof.

9 On this day the original and one copy of the
 10 transcript EXCERPT were prepared by pursuant to Statute.

11 Dated this 29th day of October, 2019.

12
 13 Electronically signed by:

14
 15 Colleen C. Clark
 COLLEEN C. CLARK, RPR
 16 OFFICIAL COURT REPORTER

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 20 The foregoing certification of this transcript
 21 does not apply to any reproduction of the same by
 22 any means unless under the direct control and/or
 23 direction of the certifying reporter.
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