

SUMMARY of COMPLAINT AGAINST JACOB ZIMMERMAN

to the Wisconsin Office of Lawyer Regulation, olr.intake@wicourts.gov
Drafted and submitted by Alison Maynard, joined by James Fetzer, April 5, 2023

Jacob S. (“Jake”) Zimmerman, who is admitted to the practice of law in Minnesota, represented the plaintiff, Leonard Pozner, *pro hac vice* in *Pozner v. Fetzer*, case no. 18 CV 3122 in Dane County Circuit Court. This suit alleged Prof. James Fetzer had defamed Pozner by alleging, in Fetzer’s book *Nobody Died at Sandy Hook* (2d edition), that the death certificate of Pozner’s putative son Noah, allegedly killed in the Sandy Hook school shooting in Connecticut in December 2012, was a fake. The death certificate published in Fetzer’s book had, in fact, been provided to Fetzer by Pozner himself, through an intermediary named Kelley Watt.

Dr. Fetzer is a professor emeritus at the University of Minnesota, but resides in Wisconsin. Along with other volunteer attorneys, I helped him defend for three months in 2019, without compensation and without doing anything in a representative capacity, until he found representation. I am a Sandy Hook researcher, myself, and have been severely retaliated against by both Zimmerman and Pozner, as has Prof. Fetzer.

- ***Misrepresentation to the court that he had a burial permit.*** In connection with his response to Pozner’s motion for summary judgment Prof. Fetzer filed a motion to strike the affidavit of Samuel Green, the funeral director. One ground for the motion was that Green’s statements about how he had obtained a burial permit for Noah were hearsay, since the permit itself was not produced (Exhibit A, par. 6). In his response to the motion Zimmerman (and co-counsel) implicitly admitted the lack of a burial permit, characterizing Green’s affidavit as describing only the process he followed for obtaining the burial permit (Exhibit B, p. 5, subpar. D). At the hearing, then—which took place in person--Zimmerman approached the court and informed it that he had a “sealed copy” of the burial permit with him and was happy to introduce it into evidence (Exhibit C, at p. 91, l. 20-p. 92). Sometime later, in reading the transcript, I asked Mr. Zimmerman by email why he had not provided a copy to the defendant. His answer was evasive and abusive. He kept insisting he had filed the burial permit electronically. Our email exchange is Exhibit D. He also insisted the burial permit was contained in an affidavit he’d filed electronically with the court, but it wasn’t, see [here](#). I then communicated with the court clerk, who informed me that no burial permit had been filed (Exhibit E). Thus, Zimmerman’s representation to the court that he possessed the burial permit and could introduce it into evidence was false (as Judge Remington himself had to have observed). The court denied Fetzer’s motion to strike Green’s affidavit, based on this misrepresentation by Zimmerman (as well as the court’s misapprehension of the best evidence rule).

- ***Violation of court’s order permitting him to practice pro hac vice.*** Jake Zimmerman is admitted to practice law in Minnesota, but not in Wisconsin. His wife Genevieve, also a lawyer, is admitted in Wisconsin. Genevieve filed a motion to admit Jake *pro hac vice* in case 18 CV 3122, as required by Wisconsin rule, on Feb. 15, 2019, which was granted the same day (Exhibits F-1 and F-2; we do not have their affidavits).

The order requires Genevieve to appear in all court proceedings along with Jake, including in phone conferences, and to sign all papers filed with the court. The two of them violated this order on at least two occasions (and thus Genevieve should be disciplined, along with Jake). I direct the panel to [this link](#) (which is safe) of the recording of a phone conference held April 18th, 2019, at which only Jake appeared, as established at the very beginning. I have also attached as Exhibit G the first page of the transcript from the summary judgment hearing held June 17th, 2019, which shows again that only Jake—without Genevieve--was present. Both Jake and Genevieve thumbed their noses at the court's order on April 18th and June 17th, 2019, therefore. (The entire transcript of 6/17/19 is [here](#).)

- ***Misrepresentation of affiliation with law firm.*** The opening page of the transcript which is Exhibit G also states that Jacob Zimmerman is with the firm of Meshbesh & Spence in St. Paul, MN. This misrepresentation also appears on the transcript of March 11th, 2019, the opening page of which is Exhibit J (with transcript in its entirety [here](#)). I confirmed with the firm that Jake is not employed by Meshbesh & Spence. I then called the court reporter, Colleen Clark, to ask whether Zimmerman had informed her he was employed by Meshbesh & Spence, and she said, with some edginess, she “did not remember.” In my experience, court reporters ask attorneys for their business cards, but she said she did not do that. Even if it was her mistake, however, Jake should have corrected it with the court, and did not, so he bears responsibility for this misrepresentation. Genevieve also had a duty to correct it.

- ***Misrepresentation that death certificate was certified.*** I grieved Jacob Zimmerman to Minnesota, where he is licensed, on Feb. 10, 2020, for other material misrepresentations he made to the Dane County Circuit Court. The Minnesota authorities declined to take action so I ask this tribunal to now consider these matters itself, since Zimmerman's false statements have compromised the integrity of the judicial process and caused enormous harm to Dr. Fetzer. That earlier complaint is Exhibit H-1, incorporated by reference in full in the present complaint. The order denying it is Exhibit H-2. In this grievance I pointed out that the *affidavit* of Leonard Pozner which Jake filed in support of his motion for summary judgment attests, four times, that the death certificate he provided to Kelley Watt *was certified*. This statement, which was authenticated by Jake Zimmerman as well as sworn to by Pozner, was made to circumvent Fetzer's claim that the death certificate he was provided by Pozner and published in the book was *uncertified*, and thus a forgery as a matter of Connecticut law. Later, however, in his deposition, Pozner authenticated the uncertified death certificate Fetzer published in his book as the one he provided to Ms. Watt. He thus supported Fetzer's position. Fetzer should have been completely exonerated from the claim of defamation, since the uncertified death certificate was a forgery as a matter of law, as explained in Fetzer's MSJ.

The point for this tribunal is that Zimmerman submitted to the court an affidavit signed by his client which was the opposite of what his client testified to at his deposition. Zimmerman then came out with an excuse at the summary judgment hearing,

saying the certification was “cut off in the scan,” something not mentioned in either the affidavit or deposition of his client. While this mere argument of counsel should have been ignored, at the least it set up an issue of material fact as to whether the death certificate Pozner provided to Kelley Watt, who provided it to Dr. Fetzer, was complete, bearing on whether it was a forgery. Not being contained in Pozner’s sworn affidavit, this new fact by rights should have been excluded from consideration. But, again, Judge Remington denied Fetzer’s motion for summary judgment in a single line, and ignored Fetzer’s opposition to Pozner’s MSJ, not mentioning this or any other issues of fact Fetzer had raised. (Note, too, that Fetzer and the other defendants were not even able to take Pozner’s deposition until May 28th, 2019, when their response to Pozner’s summary judgment motion was due May 16th, another abuse of discretion by the judge. Proceedings in this case were crazily accelerated, all discovery and motion practice forced to completion between March and June, 2019.) Judge Remington granted summary judgment *on liability* to the plaintiff, leading to an absurd \$1,000,000-plus damages award against Dr. Fetzer, as well as the outrageous handover of his blog to Pozner.

There must be some consequences imposed on Jacob Zimmerman for his continual violation of court orders and ethical standards, as well as his incompetence and abusiveness in dealing with other people. He must be barred from practicing in Wisconsin, and other sanctions imposed. His wife Genevieve, a Wisconsin attorney, should also be disciplined for her violation of court orders as detailed herein.

Thank you.

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James Fetzer, Ph.D. [signature on separate

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