

FILED
11-27-2018
CIRCUIT COURT
DANE COUNTY, WI
2018CV003122
Honorable Frank D.
Remington
Branch 8

STATE OF WISCONSIN	CIRCUIT COURT	DANE COUNTY CASE TYPE: DEFAMATION
<p>LEONARD POZNER, c/o: Meshbeshier & Spence, Ltd. 1616 Park Avenue Minneapolis, MN 55404</p> <p>Plaintiff,</p> <p>vs.</p> <p>JAMES FETZER, 800 Violet Lane Oregon, WI 53575,</p> <p>MIKE PALECEK, 7545 Bear Trap Junction Road Saginaw, MN 55779,</p> <p>and</p> <p>WRONGS WITHOUT WREMEDIES, LLC, 6256 Bullet Drive, Crestview, FL, 32536,</p> <p>Defendants.</p>		<p>Court File No. _____ Judge: _____</p> <p>SUMMONS</p>

To the above named Defendants: You are hereby notified that the Plaintiff named above has filed a lawsuit against you. The Complaint, which is attached, states the nature and basis of the legal action.

Within 45 days of receiving this Summons, you must respond with a written answer, as that term is used in Chapter 802 of the Wisconsin Statutes, to the Complaint. The court may reject or disregard an answer that does not follow the requirements of the statutes. The answer must be sent or delivered to the court, whose address is: Clerk of Circuit Court, Dane County, 215 S Hamilton St., Madison, WI 53703, and to The Zimmerman Firm, Plaintiff's attorney, whose address is: 15 Crocus Hill, Saint Paul, MN 55102.

You may have an attorney help or represent you.

If you do not provide a proper answer within 45 days, the court may grant judgment against you for the award of money or other legal action requested in the Complaint, and you may lose your right to object to anything that is or may be incorrect in the Complaint. A judgment may be enforced as provided by law. A judgment awarding money may become a lien against any real estate you own now or in the future, and may also be enforced by garnishment or seizure of property.

Genevieve M. Zimmerman
(WI#1100693)
MESHBESHER & SPENCE, LTD.
1616 Park Avenue
Minneapolis, MN 55404
Phone: (612) 339-9121
Fax: (612) 339-9188
gzimmerman@meshbesh.com

THE ZIMMERMAN FIRM, LLC
Jacob Zimmerman (MN#0330656)
1043 Grand Avenue #255
Saint Paul, MN 55105
jake@zimmerman-firm.com

FILED
11-27-2018
CIRCUIT COURT
DANE COUNTY, WI
2018CV003122
Honorable Frank D.
Remington
Branch 8

STATE OF
WISCONSIN

CIRCUIT COURT

DANE COUNTY

CASE TYPE:
DEFAMATION

LEONARD POZNER,

Court File No. _____

Judge: _____

vs.

JAMES FETZER,
MIKE PALECEK,
WRONGS WITHOUT
WREMEDIES, LLC

CIVIL COMPLAINT &
DEMAND FOR JURY
TRIAL

COMPLAINT

Plaintiff Leonard Pozner (hereinafter, "Plaintiff") brings this Complaint against James Fetzer, Mike Palecek, and Wrongs Without Wremedies, LLC (hereinafter collectively "Defendants") and, by and through his attorneys, alleges as follows:

INTRODUCTION

1. Plaintiff suffered a parent's worst nightmare: his son, N.P., was killed in a mass shooting on December 14, 2012 at Sandy Hook Elementary School. This case arises out of accusations made by Defendants in, among other places, their 2016 book, "Nobody Died At Sandy Hook." Defendant Fetzer has a long history of harassing Plaintiff and other Sandy Hook parents with defamatory lies, and has slandered Plaintiff repeatedly in the years since the tragedy at Sandy Hook. This

case focuses narrowly on one falsehood: that Plaintiff circulated a forgery of N.P.'s death certificate.

PARTIES

2. Plaintiff Leonard Pozner is an individual residing in the State of Florida.

3. On information and belief, Defendant James Fetzer is a resident of the State of Wisconsin and of Dane County. On information and belief, he resides at 800 Violet Lane, Oregon, Wisconsin. Mr. Fetzer is an editor of the "Expanded 2016 Revised" version of "Nobody Died At Sandy Hook." Mr. Fetzer is a co-author of Chapter 11 of that book, titled "Are Sandy Hook Skeptics Delusional with 'Twisted Minds.'" On information and belief, Defendant Fetzer is a co-founder of Moon Rock Books.

4. On information and belief, Defendant Mike Palecek is a resident of the State of Minnesota. On information and belief, he resides at 7545 Bear Trap Junction Road, Saginaw, MN. Mr. Palecek is listed as an editor of the "Expanded 2016 Revised" version of "Nobody Died At Sandy Hook." On information and belief, Defendant Palecek is a co-founder of Moon Rock Books.

5. Defendant Wrongs Without Wremedies, LLC is a Florida limited liability company with a principal address at 6256 Bullet Drive, Crestview, FL, 32536. Defendant Wrongs Without Wremedies, LLC is the owner of a fictitious name, Moon Rock Books Publishing, registered with the State of Florida under

registration number G16000003745. The “Expanded 2016 Revised” version of “Nobody Died At Sandy Hook” identifies the publisher as “Moon Rock Books.” The book lists the address for Moon Rock Books as 6256 Bullet Drive, Crestview, FL 32536.

JURISDICTION AND VENUE

6. Substantial and not isolated acts giving rise to the causes of action asserted herein occurred in the State of Wisconsin and within this venue.

7. This Court has jurisdiction over both the parties and the subject matter because, on information and belief, a substantial number of the events giving rise to this complaint occurred in Dane County. On information and belief, Defendants Palecek and Wrongs Without Wremedies, LLC coordinated publication of the defamatory falsehoods with Mr. Fetzer, who is a resident of this State and County. Additionally, Dane County is the proper venue for this action because, on information and belief, the underlying acts leading to the events giving rise to the Complaint occurred in Dane County.

Factual Background

8. Plaintiff is the father of deceased minor, N.P.

9. N.P. was killed during the December 14, 2012 Sandy Hook Elementary School Shooting.

10. Shortly after the Sandy Hook shooting, conspiracy theorists began to claim that N.P. was not killed in the tragedy, that Plaintiff was not N.P.’s father,

and that Plaintiff was complicit in a grand conspiracy to fake the massacre.

Plaintiff undertook efforts to respond to and debunk such falsehoods, and such effort is ongoing today. Those efforts included releasing his son, N.P.'s, death certificate to rebut claims that his son was not killed at Sandy Hook.

11. Prior to undertaking such responses, Plaintiff had no meaningful public presence.

12. Defendant Fetzer has claimed for years that the Sandy Hook shooting was a government conspiracy. Defendants Fetzer and Palecek released the original edition of "Nobody Died At Sandy Hook" in October of 2015.

13. In that book, Defendants asserted that Plaintiff's son, N.P., did not die at Sandy Hook. Defendant Fetzer has alternatively claimed that N.P. was not a real person. Defendant Fetzer has alternatively claimed that N.P. was not Plaintiff's son. Plaintiff has undertaken efforts to respond to and debunk false statements and denigration of the memory of his murdered son.

14. The harm to Plaintiff arising out of Defendants' wide-ranging accusations is neither imagined nor limited to emotional distress or mental pain. Plaintiff has had to move on several occasions. Conspiracy theorists, fueled by, among others, Defendants' falsehoods, have threatened Plaintiff's very life.

15. In January of 2016, Florida resident Lucy Richards left menacing voicemail messages and sent violent online threats to Plaintiff, including messages stating: "you gonna die, death is coming to you real soon" and "LOOK BEHIND

YOU IT IS DEATH.” When Richards was later sentenced, Senior U.S. District Judge James Cohn stated: “I’m sure [Plaintiff Leonard Pozner] wishes this was false, and he could embrace [N.P.], hear [N.P.’s] heartbeat and hear [N.P.] say ‘I love you, Dad’...Your words were cruel and insensitive. This is reality and there is no fiction. There are no alternative facts.” As part of her sentence, Ms. Richards will not be permitted to access a list of conspiracy-based websites upon her release, including websites maintained by James Fetzer.

16. Defendants published a second edition of “Nobody Died At Sandy Hook” in 2016. That edition does not purport to be a mere reprinting of the first edition, but is instead described as “Expanded” and “Revised.” The copyright page of that book states that it was published in May of 2016 by Moon Rock Books.

17. The second edition of “Nobody Died At Sandy Hook” accuses Plaintiff of issuing and/or possessing a forged copy of N.P.’s death certificate. In particular, page 183 of Nobody Died At Sandy Hook states: “Noah Pozner’s death certificate is a fake, which we have proven on a dozen or more grounds.” At page 232 the book states, [Mr. Pozner] sent her a death certificate, which turned out to be a fabrication.” At page 242, the book states, “As many Sandy Hook researchers are aware, the very document Pozner circulated in 2014, with its inconsistent tones, fonts, and clear digital manipulation, was clearly a forgery.”

18. Mr. Fetzer’s publication of this false accusation against Plaintiff was not limited to the book. He repeated that false statement on one or more blog posts,

including, *e.g.*, <https://phibetaiota.net/2018/08/james-fetzer-in-solidarity-with-alex-jones-how-we-know-sandy-hook-was-a-fema-drill-nobody-died-obama-officials-confirmed-it-was-an-anti-gun-propaganda-exercise>. That post is dated August 5, 2018. There, Defendant Fetzer made the following false statement: “It [N.P.’s death certificate] turned out to be a fabrication, with the bottom half of a real death certificate and the top half of a fake, with no file number and the wrong estimated time of death at 11 AM, when ‘officially’ the shooting took place between 9:35-9:40 that morning.” That statement is false, both in its particular fact and in the main point, essence, or gist in the context in which it was made, because N.P.’s death certificate is not a fabrication or forgery or fake. The context of that statement referred specifically to Plaintiff, as confirmed by the previous sentence, which, while also false, identifies Plaintiff by name.

19. The Connecticut Department of Public Health maintains official death records for the State of Connecticut. The Connecticut Department of Public Health, Vital Records Division, issued an official death certificate for N.P. A true and correct copy of that death certificate (sensitive information redacted) is attached hereto as Attachment A. The official death certificate attached hereto does not differ in any material respect from the one released publicly by Plaintiff.

20. Distribution or possession of a document one knows to be a forgery of a written instrument officially issued or created by a public office, public servant or governmental instrumentality is a crime in Connecticut.

COUNT ONE
DEFAMATION (BY ALL DEFENDANTS)

21. All previous allegations are incorporated by reference.

22. Plaintiff is a private individual and is neither a public official nor a public figure.

23. The statements excerpted from “Nobody Died At Sandy Hook” are false, both in their particular facts and in the main point, essence, or gist in the context in which they were made, because N.P.’s death certificate is not a fabrication or forgery.

24. The statements excerpted from “Nobody Died At Sandy Hook” refer directly to Plaintiff by name, and the surrounding context likewise indicates that the comments implicate Plaintiff. Given the surrounding assertions, a reasonable reader would understand the statement to imply that Plaintiff knowingly possessed and distributed a fabricated death certificate.

25. The statements excerpted from “Nobody Died At Sandy Hook” are continuations and elaborations of an underlying false assertions which Defendants have advanced for several years.

26. Defendants’ defamatory publications were designed to harm Plaintiff’s reputation and subject Plaintiff to public contempt, disgrace, ridicule, or attack.

27. Defendants acted with actual malice. In particular, Defendants' published their statements knowing that the statements were false or with reckless disregard for the truth or falsity of the statements.

28. Defendants' defamatory publications were not privileged.

29. Defendants' defamatory statements constitute defamation per se. The harmful nature of the defamatory statements is self-evident. The defamatory statements implicate Plaintiff in criminal conduct.

30. Defendants' defamatory publications have and will continue to cause harm to the Plaintiffs. Due to Defendants' conduct, the Plaintiffs have suffered and continue to suffer substantial damages in an amount to be proven at trial.

COUNT TWO
DEFAMATION (DEFENDANT FETZER)

31. All previous allegations are incorporated by reference.

32. The statements excerpted from Defendant Fetzer's August 2018 blog post are false, both in their particular facts and in the main point, essence, or gist in the context in which they were made, because N.P.'s death certificate is not a fabrication or forgery. The surrounding context implies that Plaintiff knowingly distributed a falsified death certificate.

33. The statements excerpted from Defendant Fetzer's August 2018 blog post refer directly to Plaintiff by name, and the surrounding context likewise indicates that the comments implicate Plaintiff.

34. The statements excerpted from Defendant Fetzer's August 2018 blog post are continuations and elaborations of an underlying false assertions which Defendants have advanced for several years.

35. Defendant's defamatory publications were designed to harm Plaintiff's reputation and subject Plaintiff to public contempt, disgrace, ridicule, or attack.

36. Defendant Fetzer acted with actual malice. In particular, Defendant Fetzer published his statements knowing that the statements were false or with reckless disregard for the truth or falsity of the statements.

37. Defendant's defamatory publications were not privileged.

38. Defendant's defamatory statements constitute defamation per se. The harmful nature of the defamatory statements is self-evident. The defamatory statements implicate Plaintiff in criminal conduct.

39. Defendants' defamatory publications have and will continue to cause harm to the Plaintiffs. Due to Defendants' conduct, the Plaintiffs have suffered and continue to suffer substantial damages in an amount to be proven at trial.

COUNT THREE **CONSPIRACY**

40. All previous allegations are incorporated by reference.

41. With regard to the statements in "Nobody Died At Sandy Hook," Defendants acted together, as a cabal, to accomplish their defamation. Defendants

had a meeting of the minds on the object or course of action underlying their recklessly defamatory publication.

42. As a result of this meeting of the minds, Defendants collectively committed the unlawful overt acts detailed above.

43. Defendants are jointly and severally liable for the injuries Plaintiff suffered due to Defendants' wrongful actions.

DAMAGES

44. Plaintiff has suffered general and special damages, including a severe degree of mental stress and anguish which have disrupted his daily routine and caused a high degree of psychological pain.

45. Plaintiff has also suffered damage to his reputation and image, both up to the present and into the future.

46. Because Defendants' conduct amounts to defamation per se, Plaintiff is also entitled to an award of presumed damages.

47. Plaintiff is also entitled to an award of nominal damages and a judgment clearing his name.

48. Plaintiff is also entitled to exemplary damages because the Defendants acted with malice.

49. Plaintiff is also entitled to pre-judgment and post-judgment interest, costs of court, and attorney's fees.

JURY DEMAND

50. Plaintiff respectfully requests a jury of twelve persons on all claims so triable.

PRAYER FOR RELIEF

51. WHEREFORE, the plaintiffs pray for judgment against the defendants as follows:

- A. Ordering compensation for all general, special, incidental, and consequential damages suffered by plaintiff as a result of the defendants' conduct;
- B. Awarding plaintiff his reasonable attorney's fees and costs, to the fullest extent allowed by law; and
- C. Granting all such additional or further relief as this Court deems just and equitable under the circumstances.

Dated: November 27, 2018

/s/ Genevieve M. Zimmerman
Genevieve M. Zimmerman (WI#1100693)
MESHBESHER & SPENCE, LTD.
1616 Park Avenue
Minneapolis, MN 55404
Phone: (612) 339-9121
Fax: (612) 339-9188
gzimmerman@meshbesh.com

THE ZIMMERMAN FIRM, LLC
/s/ Jacob S. Zimmerman
Jacob Zimmerman (MN#0330656)
1043 Grand Avenue #255
Saint Paul, MN 55105
jake@zimmerman-firm.com

Attachment A: Official Death Certificate of N.P. (sensitive information redacted)

I HEREBY CERTIFY THAT THIS IS A TRUE COPY OF THE ORIGINAL RECEIVED FOR RECORD.

boxes 12 & 22 corrected as per Father 6-14-13 Leonard Pozner

VS-4ME 4/04		STATE OF CONNECTICUT		CERTIFICATE OF DEATH - RW		STATE FILE NUMBER	
DEPARTMENT OF PUBLIC HEALTH		OFFICE OF THE CHIEF MEDICAL EXAMINER		2012-07-078033			
1. DECEDENT'S LEGAL NAME (include AKA's if any) (First, Middle, Last) Noah Samuel Pozner				2. SEX <input checked="" type="checkbox"/> MALE <input type="checkbox"/> FEMALE	3. ACTUAL OR PRESUMED DATE OF DEATH (MM/DD/YYYY) (Spell Month) December 14, 2012	4. ACTUAL OR PRESUMED TIME OF DEATH 11:00AM	
5. Age at last birthday 6	6. Under 1 Year Mo. Days Hours Min	7. Date of Birth (MM/DD/YYYY) November 20, 2006		8. BIRTHPLACE (City, State or Foreign County) Danbury, Connecticut			
9. RESIDENCE-STATE Connecticut		10. RESIDENCE-COUNTY Fairfield		11. RESIDENCE-CITY OR TOWN Sandy Hook			
12. RESIDENCE-STREET AND NO. 37 Alpine Circle 3 Kale Davis Road		13. APT NO. ---	14. ZIP CODE 06482	15. EVER IN US ARMED FORCES <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		16. MARITAL STATUS AT TIME OF DEATH <input type="checkbox"/> Married <input type="checkbox"/> Married but Separated <input type="checkbox"/> Widowed <input type="checkbox"/> Divorced <input checked="" type="checkbox"/> Never Married <input type="checkbox"/> Unknown	
17. SURVIVING SPOUSE'S NAME (if wife, give maiden name)				19. MOTHER'S NAME PRIOR TO FIRST MARRIAGE (if not 1946-1956) Veronique Patricia Haller			
18. FATHER'S NAME (First, Middle, Last) Lenny Pozner				20. INFORMANT'S NAME Veronique Pozner			
21. INFORMANT'S RELATIONSHIP TO DECEDENT Mother				22. MAILING ADDRESS (Street and Number, City, State, Zip Code) 3 Kale Davis Road Sandy Hook, Connecticut 06482			
23. IF DEATH OCCURRED IN A HOSPITAL: <input type="checkbox"/> Inpatient <input type="checkbox"/> ED/Outpatient <input type="checkbox"/> Dead on Arrival				24. IF DEATH OCCURRED SOMEWHERE OTHER THAN A HOSPITAL: <input type="checkbox"/> Hospice Facility <input type="checkbox"/> Nursing Home <input type="checkbox"/> Decedent's Home <input checked="" type="checkbox"/> Other (specify) Public School			
25. CITY OR TOWN OF DEATH & ZIP CODE SANDY HOOK 06482		27. COUNTY OF DEATH FAIRFIELD		28. METHOD OF DISPOSITION: <input checked="" type="checkbox"/> Burial <input type="checkbox"/> Cremation <input type="checkbox"/> Entombment <input type="checkbox"/> Removal from state <input type="checkbox"/> Other (specify)			
29. FUNERAL FACILITY - Name and Address (street, town, state, zip) Abraham L. Green and Son Funeral Home 88 Beach Rd. Fairfield, Connecticut 06424				31. DATE OF DEATH 12/17/2012		32. WAS BODY EMBALMED? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (if Yes, Name of Embalmer)	
30. FILE NUMBER 12-17604		37. DATE PRONOUNCED DEAD (MM/DD/YYYY) 12/14/2012		38. TIME PRONOUNCED 11:00 AM		33. LICENSE NUMBER OF SIGNER IN BOX 34 2130	
39. WAS AN AUTOPSY PERFORMED? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				48. PART I. Enter the chain of events, diseases, injuries, or complications that directly caused the death. DO NOT enter terminal events such as cardiac arrest, respiratory arrest, or vascular/obstructive diseases showing the etiology. DO NOT ABBREVIATE. Enter only one cause on a line. Add additional lines if necessary. IMMEDIATE CAUSE (Final disease or condition resulting in death) -> (a) Multiple Gunshot Wounds Due to (or as a consequence of): (b) _____ Due to (or as a consequence of): (c) _____ Due to (or as a consequence of): (d) _____			
41. PART II. Enter other significant conditions contributing to death but not resulting in the underlying cause given in PART I.				42. IF FEMALE: <input type="checkbox"/> Not pregnant within past year <input type="checkbox"/> Not pregnant, but pregnant 43 days to 1 year before death <input type="checkbox"/> Pregnant at the time of death <input type="checkbox"/> Not pregnant, but pregnant within 42 days of death		43. DID TOBACCO USE CONTRIBUTE TO DEATH? <input type="checkbox"/> Yes <input type="checkbox"/> Probably <input checked="" type="checkbox"/> No <input type="checkbox"/> Unknown	
44. MANNER OF DEATH (Homicide, Suicide, Accidental, Death, Undetermined/Other) Homicide		45. DATE OF INJURY December 14, 2012		46. TIME OF INJURY AM		47. PLACE OF INJURY (Street, City, State, Zip Code) School, Primary or Secondary	
49. LOCATION OF INJURY (Street, Apt. #, City or Town, State, Zip Code) 12 Dickinson Dr., Sandy Hook, CT		50. DESCRIBE HOW INJURY OCCURRED: Shooting				51. IF TRANSPORTATION INJURY, SPECIFY <input type="checkbox"/> Driver/Operator <input type="checkbox"/> Passenger <input type="checkbox"/> Pedestrian <input type="checkbox"/> Other specify	
52. CERTIFIER: On the basis of examination, autopsy investigation, in-quest opinion, death occurred in the state, date, and place, and in the presence of witnesses H. Wayne Carver, II, M.D. Certifier Name (Type or print)				53. CHIEF MEDICAL EXAMINER Office of the Chief Medical Examiner, 11 Shuttle Road, Farmington, CT 06032-1939 (Street) (City or Town) (State) (Zip Code)			
53. MAILING-CERTIFIER: THIS CERTIFICATE WAS RECEIVED FOR RECORD ON December 26, 2012				BY Debbie A. Cavello REGISTRAR			
54. DECEDENT'S EDUCATION-Check the box that best describes the highest degree or level of school completed at the time of death. <input checked="" type="checkbox"/> No grade or less <input type="checkbox"/> 9-12th grade, no diploma <input type="checkbox"/> High School Graduate/GED <input type="checkbox"/> Some college credit, but no degree <input type="checkbox"/> Associate's degree <input type="checkbox"/> Bachelor's degree <input type="checkbox"/> Master's degree <input type="checkbox"/> Doctorate or Professional degree <input type="checkbox"/> Unknown <input type="checkbox"/> Not available		55. DECEDENT OF HISPANIC ORIGIN? <input checked="" type="checkbox"/> No, Not Spanish/Hispanic/Latino <input type="checkbox"/> Yes, Mexican, Mexican American, Chicano <input type="checkbox"/> Yes, Puerto Rican <input type="checkbox"/> Yes, Cuban <input type="checkbox"/> Yes other Spanish/Hispanic/Latino (specify)		56. DECEDENT'S RACE <input checked="" type="checkbox"/> White <input type="checkbox"/> Black or African American <input type="checkbox"/> Asian Indian <input type="checkbox"/> American Indian or Alaska Native (Name of the enrolled or principal tribe) <input type="checkbox"/> Chinese <input type="checkbox"/> Filipino <input type="checkbox"/> Japanese <input type="checkbox"/> Korean <input type="checkbox"/> Vietnamese <input type="checkbox"/> Other Asian (specify) <input type="checkbox"/> Native Hawaiian <input type="checkbox"/> Guamanian or Chamorro <input type="checkbox"/> Samoan <input type="checkbox"/> Other Pacific Islander (specify) <input type="checkbox"/> Other (specify)			
57. DECEDENT'S USUAL OCCUPATION Student		58. KIND OF BUSINESS/INDUSTRY Elementary School		SOCIAL SECURITY NUMBER			

THE SEAL OF THE STATE OF CONNECTICUT IS AFFIXED TO CERTIFY THAT THE ABOVE IS A TRUE COPY OF A RECORD FILED WITH THE STATE OF CONNECTICUT DEPARTMENT OF PUBLIC HEALTH PURSUANT TO THE PROVISIONS OF THE GENERAL STATUTES OF CONNECTICUT.



Elizabeth Frugale
ELIZABETH FRUGALE
REGISTRAR OF VITAL RECORDS

NOV 14 2018
DATE OF ISSUE