FILED 10-30-2024 CLERK OF WISCONSIN COURT OF APPEALS

STATE OF WISCONSIN COURT OF APPEALS DISTRICT IV

Leonard Pozner, Plaintiff-Respondent

v.

Appeal No. 2024AP002027

James Fetzer, Defendant-Appellant

> Appeal From the Circuit Court of Dane County Case No. 2018CV003122 Judge Frank D. Remington, Presiding

BRIEF OF APPELLANT

James H. Fetzer, Ph.D. Pro Se 800 Violet Lane Oregon, WI 53575 (608) 835-2707 jfetzer@d.umn.edu

2

3

TABLE OF CONTENTS

TABLE OF CONTENTS

TABLE OF AUTHORITIES

STATEMENT OF ISSUES PRESENTED FOR REVIEW

Issue 1: May Dr. Fetzer be sanctioned under 802.05 for his submissions when his submissions were non-frivolous and therefore non-sanctionable, especially when the passport in question is counterfeit, the party whose image appears is not Noah Pozner, and Dr. Fetzer's intent was to expose this blatant fraud upon the court? Issue 2: May a fictitious person, Leonard Pozner, whom Dr. Fetzer has explained from the beginning of this case already in his Answer to be, like his purported deceased son, Noah Pozner, not a real person, have standing to bring charges under color of law, as Dr. Fetzer asserted but the Court ignored, dismissed,

or suppressed, as it has Dr. Fetzer's proof that Noah Pozner is a fiction?

Issue 3: Is the court in this case permitted to deny a litigant's Constitutional right to represent himself pro se—a citizen's sacred right that is of much higher priority than an attorney's license to practice law that is both given him and forbidden him by the various states' Supreme Courts?

ISSUES PRESENTED FOR REVIEW.	4
STATEMENT OF THE CASE	6
STATEMENT OF FACTS.	7
ARGUMENT.	8
CONCLUSION.	18

TABLE OF AUTHORITIES

STATUTES

18 USC § 241 and § 242 Violation of Constitutional Rights Under Color of Law				
Wisconsin Stats. Chapter 757. General Provisions Concerning Courts of Record, Judges,				
Attorneys and Clerks, Section 757.19 Disqualification of judge, specifically 757.19(2)(g) 5,6			
Wisconsin Stat. 802.04 Form of pleadings.	6			
Wisconsin Stat. 807.12 Suing by fictitious name or as unknown	5, 18			
Wisconsin Stat. 943.392 Fraudulent Data Alteration	4, 18			
Wisconsin Stat. 946.31 Subornation of Perjury	5, 18			
Wisconsin Stat. 946.65 Obstructing Justice	4, 5, 18			
CASES				
United States v Throckmorton, 98 U. S. 61 (1878)	6			
Pozner v Fetzer, et al., 18 CV 3122 (2018).	6			
RULES				
Guide to WISCONSIN APPELLATE PROCEDURE for the SELF-REPRES LITIGANT (July 1, 2021).	SENTED 6			
Wisconsin Code of Judicial Conduct, Ch. 60	19			
Wisconsin Code of Judicial Conduct, Ch. 20				
SCR 20:3.1, Meritorious claims and contentions	5, 19			
SCR 20.3.3 Candor toward the tribunal	5, 19			

Page 4 of 20

ISSUES PRESENTED FOR REVIEW

Issue 1: May Dr. Fetzer be sanctioned under 802.05 for his submissions when his submissions were non-frivolous and are therefore non-sanctionable, when the passport in question is counterfeit, the party whose image appears is not Noah Pozner, and his intent was to expose this blatant fraud upon the Court? *General Area of the Law:* Wis. Stat. 943.392 Fraudulent data alteration. Whoever, with intent to injure or defraud, manipulates or changes any data, as defined in s. 943.70 (1) (f), is guilty of a Class A misdemeanor. Wis. Stat. 946.65 Obstructing justice. (1) Whoever for a consideration knowingly gives false information to any officer of any court with intent to influence the officer in the performance of official functions is guilty of a Class I felony. (2) "Officer of any court" includes the judge, reporter, bailiff and district attorney.

Necessary Facts: Dr. Fetzer first raised the issue of the true identity of the Plaintiff, who calls himself "Leonard Pozner", but whom Dr. Fetzer identified as Reuben Vabner, already in his Answer to the Complaint. And Dr. Fetzer has explained on several occasions that the purported victim, Noah Pozner, is a fiction created out of photographs of Reuben Vabner's younger son, Michael Vabner, whose image was also used to create the counterfeit passport, which the Court and Pozner attorneys are desperately seeking to conceal lest they suffer sanctions appropriate to their offense. **Issue 2: May a fictitious person, Leonard Pozner, whom Dr. Fetzer has explained from the beginning of this case already in his Answer to be, like his purported deceased son, Noah Pozner, not a real person, have standing to bring charges under color of law, as Dr. Fetzer asserted but the Court**

Page 5 of 20

ignored, dismissed, or suppressed, as it has Dr. Fetzer's proof that Noah Pozner is a fiction?

General Area of the Law: A fictitious plaintiff cannot file a lawsuit in Wisconsin. However, under Wis. Stat. 807.12, a plaintiff can use a fictitious name for a defendant in a lawsuit if the defendant's name is unknown. These actions were also in violation of Wis. Stat. 946.31 Perjury and of Wis. Stat. 946.65 Obstructing justice. *Necessary facts:* Pozner's attorneys knew then and know now that "Leonard Pozner" is a fiction, that their real client is Reuben Vabner, and that the party who has appeared in court as "Leonard Pozner" is not "Leonard Pozner" but appears to be Reuben Vabner's older son, Benjamin Vabner, where the Officers of the Court have suborned perjury on behalf of their client/plaintiff "Pozner" in violation of fundamental principles of judicial procedure, including both SCR 20:3.1 Meritorious claims and contentions and SCR 20:3.3, Candor toward the tribunal (**MOJ, Exhibit Z**) **Issue 3: Is the court in this case permitted to deny a litigant's Constitutional**

right to represent himself pro se—a citizen's sacred right that is of much higher priority than an attorney's license to practice law that is both given him and forbidden him by the various states' Supreme Courts?

General area of the law: 18 USC § 241 and § 242 Violation of Constitutional Right Under Color of Law, Wisconsin Stats. Chapter 757. General Provisions. Concerning Courts of Record, Judges, Attorneys and Clerks, Section 757.19 Disqualification of judge, specifically 757.19(2)(g), the Guide to WISCONSIN\ APPELLATE PROCEDURE For the SELF-REPRESENTED LITIGANT (July 1,

2021) and Wis. Stat. 802.04, Form of pleadings; and *United States v Throckmorton*, 98 U. S. 61 (1878), that Fraud upon the Court may be brought at any time in any court when a party has been prevented from presenting a valid defense.

Necessary Facts. Dr. Fetzer was taken to the cleaners by Judge Remington and the Pozner attorneys, who blatantly violated his constitutional rights from beginning to end. Now that Dr. Fetzer has found his bearings with new proof of the subornation of perjury by Pozner and Judge Remington (with expert affidavits and proof galore in support), they are grasping after straws to save themselves from blatant violations of Dr. Fetzer's Constitutional Rights under Color of Law, which Dr. Fetzer has exposed for the public and the courts to see beginning with his Motion to Open Judgment Pursuant to Extrinsic Fraud and Fraud upon the Court dated June 17, 2024, his Request for Relief dated June 24, 2024, and other briefs, all of which have been opposed by Pozner, where Judge Remington has ruled in Pozner's favor every time.

STATEMENT OF THE CASE

This case is an attempt by the Court and Plaintiff to circumvent, suppress and avoid confronting the evidence presented by Dr. Fetzer in his Motion to Open Judgment Pursuant to Extrinsic Fraud and Fraud upon the Court dated June 17, 2024 (and elsewhere) by imposing sanctions that would restrict Dr. Fetzer's ability to pursue justice and expose extrinsic fraud and fraud upon the court by Judge Remington in collusion with Pozner and his attorneys. This is only the latest instance of a pattern of deprivation of Dr. Fetzer's Constitutional rights under color of law by Judge Remington and Pozner's attorneys. All other documents submitted *Pozner v. Fetzer* are hereby incorporated/reaffirmed lest this court be subject to redundant pleadings.

STATEMENT OF FACTS

1. Dr. Fetzer submitted his MOTION TO OPEN JUDGMENT PURSUANT TO EXTRINSIC FRAUD AND FRAUD UPON THE COURT on June 17, 2024.

Circuit Court Judge Remington issued his Decision and Order Denying James
 Fetzer's Motion for Relief from Judgment on June 20, 2024.

Dr. Fetzer submitted his Request for Relief from Judgment or Order on June 20,
 2024.

Emily Feinstein submitted her Motion to Seal or Redact a Court Record on June
 20, 2024.

5. Circuit Court Judge Remington Denied Dr. Fetzer's Request for Relief from Judgment or Order on June 24, 2024).

 Circuit Court Judge Remington issued his Order to Seal or Redact a Court Record on June 24, 2024.

 Emily Feinstein submitted her Notice of Motion and Motion for Sanctions and Order to Show Just Cause on June 20, 2024 (Appendix B)

 Circuit Court Judge Remington issued his Notice of Briefing Schedule Regarding Plaintiff's Motion for Sanctions and Order to Show Just Cause on June 24, 2024

(Appendix C).

9. Response of Defendant dated 24 July 2024 (Appendix D).

10. Plaintiff's Reply in Support of Its Motion for Sanctions dated August 3, 2024

(Appendix E)

11, Decision and Order Sanctioning James Fetzer Under Wis. Stat. 802.05 datedOctober 4, 2024 (Appendix A)

Page 8 of 20

ARGUMENT

This case brutally illustrates that Wisconsin Summary Judgment procedures are seriously (even fatally) flawed by allowing Courts to set aside (or simply ignore) a defendant's evidence as though it did not exist or had never been accepted as evidence. Dr. Fetzer submitted proof after proof that Sandy Hook was a FEMA drill (including offering the FEMA MANUAL for the exercise and the FBI's Consolidated Crime Report for 2012). The Court ruled none of it was relevant to the truth or accuracy of a death certificate asserting decedent had died at Sandy Hook of "multiple gunshot wounds". It was an absurdity from scratch.

And when Dr. Fetzer showed that the purported decedent, Noah Pozner, was a fiction created from photos of Michael Vabner (his purported older halfbrother), they were ignored. Dr. Fetzer is now being sanctioned for offering proof that Noah Pozner is a fiction, supported not only by photos showing photos of "Noah" are of Michael Vabner as a child but also that the fraud extended to the creation of a counterfeit passport, which is a federal crime. Dr. Fetzer offers three lines of proof that he cannot be sanctioned because he did not commit the sanctionable offense of which he stands accused.

The Motion to Sanction (**Appendix B**) and the Decision and Order to Sanction (**Appendix A**) both cite **Exhibit O** of Dr. Fetzer's Motion to Open Judgment Pursuant to Extrinsic Fraud and Fraud upon the Court (**MOJ Exhibit O**, **page 41**, which presents a scan of a passport that was published with the approval of Leonard Pozner (real name: Reuben Vabner) in support of his claim to have lost his six-year-old son during the Sandy Hook school shooting, but where **pages 42-46** following (and the preceding text) explain that this document does not satisfy State Department requirements and is fake. The passport number on the scan has been redacted in accord with Court Order:



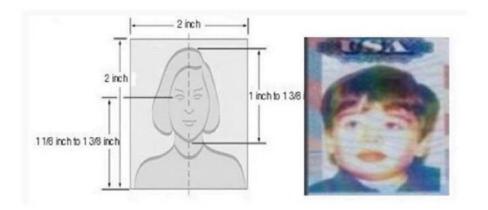
Pozner suppresses the context, because Dr. Fetzer was offering proof that "Noah Pozner" is a fiction created out of photographs of his (purported) older half-brother, Michael Vabner, as Pozner and his attorneys—and, no doubt, Judge Remington, as well—are fully aware. Thus, on **page 42** of **Exhibit O**, Dr. Fetzer reviews Department of State photographic requirements:

Document 606	Filed 06-17-2024	Page 10 of 60
Case 2018CV003122	Document 196 Filed 06-10	-2019 Page 42 of 48
	EXHIBIT 2	20
Photo Composi	tion Template	
	Starting November 1, 2016, eye no longer be allowed in visa	
the chin Center the head		ression and be facing the camera
Paper Photo Head Si	ze Template	
	2 tech	PC h
116 201 10 1 30 201		
 The height of the inches (25 mm - 	35 mm) e height is between 1 1/8 inches	in) should measure 1 inch to 1 3/8 to 1 3/8 inches (28 mm - 35 mm)

And on the following page, Dr. Fetzer demonstrates that this photo does not satisfy them:



EXHIBIT 21



As **page 6** of **Exhibit Q** reports, during his questioning of the party presented by the Pozner attorneys as Leonard Pozner, Dr. Fetzer identified the source of these scans, which he did not deny, that this passport photograph does not comport with State Department requirements, which he also did not dispute, and claimed that it was the passport Noah has been issued. Proof this passport is fake is reiterated there again (**Exhibit Q, pages 41-46**): It's a counterfeit, as the Officers of this Court are aware:

(a) The passport is not genuine but counterfeit, which follows formally from its failure to satisfy Department of State photograph restrictions.

The proof of fraud in both **Exhibit O and Exhibit Q**, is extensive and compelling, but neither mentioned nor denied by Pozner, namely: that the passport image is one of Reuben Vabner's younger son, Michael Vabner, as a child. Kelley Watt, who co-authored a chapter of *Nobody Died at Sandy Hook: It was a FEMA drill to promote gun control* (2015; 2nd ed., 2016), first suggested that Noah Pozner was a fiction created out of photographs of Michael Vabner as a child (**Exhibit O, pages 1-2**).

Preliminary research confirmed it, so Dr, Fetzer asked JFK research colleague, Larry Rivera, if he could do a superposition (by setting the pupils of the eyes equidistant) to prove or disprove their identity (**pages 2-3**). Larry thereby confirmed their identity as **Exhibit O, 44-48** prove, which ought to have ended the case on April 22, 2019:

Case 2018CV003122	Document 606	Filed 06-17-2024		Page 13 of 60	
	Case 2018CV003122	Document 196	Filed 06-10-2019	Page 45 of 48	

EXHIBIT 23



We thus have additional proof that the passport at issue here is counterfeit, not real:

(a) The real person whose image is on the passport is not Noah Pozner but Michael Vabner, who is not a child and who did not die at Sandy Hook.

Even more devastating proof can be found in MOJ **Exhibit Y**, an affidavit from Brian Davidson, private investigator licensed in Texas dated June 15, 2024, which qualifies as the most important proof of extrinsic fraud and fraud upon the court currently available. For example, he confirms that Noah Pozner is a fiction out of photos of Michael Vabner,



which appears on pages 15-19 of **Appendix Y**. Here are pages 15 and 16, respectively:

Page 16 even includes a photo of "Noah" celebrating his 8th birthday, when he died at 6:



Figure 23 – The photo on the left is straight from the Michael Vabner Facebook Page and it is a very high probability match to the photo on the People page.

Additionally, Noah Pozner supposedly had a sister as is seen in the photographs of Pozner at Sandy Hook. The person claiming to be his sister is Danielle Vabner (Danielle Rogus).



Figure 24- A photograph of Noah Pozner celebrating what appears to be his 8th birthday note that the cake has 8 candles on it. This is impossible if he died at the age of 6.

That Pozner's attorneys have commit the subornation of perjury follows from proof that the man who appeared in Madison as "Leonard Pozner" is not the same man whose image has appeared millions of times worldwide as the parent of the Sandy Hook Noah Pozner. Judge Remington sanctioned Dr. Fetzer for \$650,000 when he sought to expose the fraud:

Case 2018CV003122





Document 611

Sort by best match

Filter by website / collection
collection
rep-am.photoshelter.com
image/I0000bOGJPZIXDRw - First found on Dec 23, 2012

Page 5 of 30

A17936 [30-05-2024, 16:37:26] [https://www.tineye.com/search/252d5c3b959d8b8bd00263f5..

Figure 7 – The photograph was first found by TinEye reverse image search on December 23rd 2012 just 9 days after the Sandy Hook shooting.

Now look at the images from the court hearing. Pozner appears to be older in the image from 2012 than he is at the court hearing.



Figure 8 – Age of Pozners from the Sandy Hook Shooting December 12th 2012 (Left)versus May 29th 2019 (Right).According to the traffic ticket Pozner received his birthdate is.

Observe that this is not a tough call because "Expert Witness Pozner' is too young and too small to be the "Sandy Hook Pozner". And when the younger Pozner was to appear on "60 Minutes" as the grieving "Sandy Hook Pozner", they hired the most famous make-up artist in the world, Kazu Hiro, to perform a reconstruction to make him look more like the "Sandy Hook Pozner". As Davidson observes, "Why would a man who is willing to allow a spread for People magazine and considers himself a celebrity need to have his face altered for a 60 Minute special?" But of course, the answer is obvious: *Because they are not the same person!* And it's preposterous to think that "Pozner" and his attorneys did not know they were using an impostor to testify here in Madison:



Figure 34- The photo of Kazu Hiro and the fake Leonard Pozner appears to be authentic.

Why would a man (Pozner)who is willing to allow a spread in People magazine and considers himself a celebrity need to have his face altered for a 60 minutes special? I find it highly suspicious that whoever this character is would need to take such drastic measures to conceal his identity.

Conclusions - Wolfgang Halbig appears to be correct that the Sandy Hook Pozner and the Madison Pozner are not the same person but probably wrong to think that the FL Pozner was yet a third impostor. Based upon my research, there are more than one person claiming to be "Leonard Pozner", which leads me to agree with Dr. Fetzer that attorneys in these cases may have suborned perjury by using an impostor witness.

It is also my opinion that photographs of Noah Pozner are actually Michael Vabner and his sister Danielle Vabner-Rogus at a younger age with perhaps a relative.

The very idea of imposing sanctions on Dr. Fetzer as a pro se defendant attempting to expose extrinsic fraud and fraud upon the court only makes sense if he is right and Judge Remington and

the Pozner attorneys have been acting in concert to deprive him of his Constitutional Rights under Color of Law, including by means of fabricating evidence and suborning perjury. The history of this case is replete with denials of Dr. Fetzer's rights. Consider this as a sampler (**Appendix F**).

(1) Judge Remington Suppressed the Affidavit of Kelley Watt

Judge Remington's approach was to manufacture a predetermined outcome by finding that Dr. Fetzer had libeled Leonard Pozner by declaring a death certificate that Pozner himself had provided to Dr. Fetzer's research colleague, Kelley Watt, to be fake. It was done by substituting a different and complete death certificate in the Complaint. The published death certificate, unlike the substitution, had no file number nor state or town certification. Under CT law, not even parents are allowed to possess incomplete death certificates. Kelley Watt's Affidavit exposes the fraud and vitiates the case against Dr. Fetzer but was suppressed by Judge Remington in collusion with the Pozner attorneys (**MOJ**, **Exhibits J**, **K**, **and V**).

(2) Judge Remington Dismissed Proof that Nobody Died at Sandy Hook

Judge Remington excluded Dr. Fetzer's proof that nobody died at Sandy Hook on both legally and logically absurd grounds, when he declared that, "whether or not Sandy Hook ever happened or not is not relevant to this – the – the truthfulness or the accuracy of the death certificate". But the death certificate states the decedent died at Sandy Hook on December 14, 2012, of "multiple gunshot wounds" (**MOJ**, **Exhibit M**). Once again, the proof amassed in Dr. Fetzer's co-edited book, *Nobody Died At Sandy Hook: It was a FEMA Drill to Promote Gun Control* (2015; 2nd ed., 2016), was inconsistent with Pozner's position, thereby producing disputed facts that, had they been admitted, required a jury.

(3) Judge Remington Set Aside Reports of Two Forensic Document Experts

Having restricted the issue to the authenticity or truthfulness of the death certificate and having disallowed extensive and detailed proof Dr. Fetzer had submitted in defense,

Page 16 of 20

Dr. Fetzer provided reports of two (2) forensic document experts—Larry Wickstrom and A.P. Robertson—who found not only that the incomplete death certificate published by Dr. Fetzer was fake but that the complete death certificate attached to the Complaint was also fake (along with two others obtain from the Town of Newtown and from the State), Judge Remington simply dismissed them as "someone else's opinion" and said, "I just don't think they were helpful" (**MOJ**, **Exhibit R**, **pages 163 and 165**). Their uncontested reports (again) vitiated the case against Dr. Fetzer by proving his statements were true. Even the "Noah Pozner" Social Security card turns out to be fake (**Appendix G**, **page 9**).

(4) Judge Remington denied Dr. Fetzer Discovery on his Counterclaims

To ensure that Dr. Fetzer not discover more proof of the non-occurrence of mass murder or that the decedent had not died at Sandy Hook, Judge Remington took the further step of bifurcating the case to deny Dr. Fetzer discovery on his counterclaims of Abuse of Process, Fraud and Theft by Deception, and Fraud upon the Court, a deft maneuver to cut off Dr. Fetzer's access to new evidence that might strengthen his case (**MOJ**, **Exhibit N**). This denial of Dr. Fetzer's right to discovery has now been used to claim that Dr. Fetzer had not made allegations of Fraud upon the Court in a timely manner, brought about by Judge Remington's denial of Dr. Fetzer's discovery rights.

(5) Judge Remington Refused to Admit Proof that Noah Pozner is a Fiction

Dr. Fetzer repeatedly advanced proof that the alleged decedent, Noah Pozner, was not a real person but a legal fiction created out of photographs of his purported older half-brother, Michael Vabner. Dr. Fetzer raised the issue by moving to expand DNA testing to include, not just Noah Pozner and Leonard Pozner, but Michael Vabner and Reuben Vabner, whom Dr. Fetzer had concluded to be the basis for "Noah" and for "Leonard" (**MOJ, Exhibit O**). This fact has now been substantiated by the Affidavit of Brian Davidson, P.I., who has also established that the party who testified as "Leonard Pozner" in Madison is not the same

person as the "Leonard Pozner" of Sandy Hook, whose image has appeared millions of times around the world (**MOJ**, **Exhibits W**, **X**, **and Y**). This has enormous importance, not least of all because it implicates Pozner's attorneys in the subornation of perjury.

(6) Judge Remington Refused to Acknowledge Dr. Fetzer as a Media Person

To lower the bar for finding Dr. Fetzer liable, Judge Remington declined to rule that Dr. Fetzer had media standing as an investigative journalist, even though Dr. Fetzer had submitted a brief laying out his experience as an investigative journalist/reporter for decades, including paid assignments (**MOJ**, **Exhibit U**). Even more blatantly, Dr. Fetzer was being sued over three sentences in a book he had co-edited and another in a separate publication to which he had contributed. *How could Judge Remington*, *who insisted that he read every document submitted to the court, have missed this?*

(7) When Dr. Fetzer tried to Expose the Impostor, he was Sanctioned

Among the most important tells that Judge Remington was acting in concert with the Pozner attorneys is that, when Dr. Fetzer attempted to expose the party who had testified under the name of "Leonard Pozner" as an impostor (because he was too young and too small to be the Sandy Hook Pozner), Dr. Fetzer sent the video deposition to Wolfgang Halbig for confirmation. Judge Remington took offense and held Dr. Fetzer in Contempt of Court, adding attorney fees in the amount of \$650,000 to the \$450,000 that would be awarded by the jury for his purported defamation of Leonard Pozner, thereby protecting himself and the Pozner attorneys, when Dr. Fetzer had told the truth (**MOJ, pages 11-15**).

Judge Remington has been so eager to avoid his exposure that he has now violated Dr. Fetzer's due process rights by abandoning the Wisconsin Rules of Civil Procedure, Chapter 802, not once or twice, but three times: (1) by rejecting Dr. Fetzer's Motion to Open Judgment Pursuant to Extrinsic Fraud and Fraud

upon the Court filed on June 20, 2024; (2) by rejecting Dr. Fetzer's Request for Relief from Judgment or Order filed on June 20, 2024, and (3) by granting Plaintiff's Motion to Seal or Redact a Court Record filed on June 24, 2024, which Dr. Fetzer has appealed. But now he has been saddled with another (obscene) motion to sanction him for exposing extrinsic fraud and fraud upon the court by those committing it. Thus,

(b) Dr. Fetzer cannot be sanctioned for publishing a deceased child's protected information with no proper purpose when (i) the subject is not a child, (ii) the subject is not Noah Pozner, and (iii) Dr. Fetzer was exposing commission of fraud upon the court, which is a proper purpose.

CONCLUSION

Dr. Fetzer's submission of the scan of a purported passport—which does not comply with Department of State requirements and is fraudulent on its face—establishes that there were further grounds for submission to a jury, where the current proposal to sanction Dr. Fetzer has no basis in fact on multiple grounds. The alleged violation of the confidentiality of a deceased child's passport number is null and void:

(a) Such sanctions would apply only if this were a genuine passport;

(b) The party whose image is shown is not the party thereby named;

(c) The purported "passport number" is not a valid passport number.

These points were already proven in Dr. Fetzer's Motion to Expand DNA Testing

(MOJ, Exhibit O), which was reiterated in Exhibit Q and verified by Exhibit Y.

The suppression of Dr. Fetzer's proofs on the core issue is inexplicable absent collusion between the Court and Pozner's attorneys to perpetrate Fraud upon the Court in violation of 18 USC §241 and 242 *Violation of Constitutional Rights Under Color of Law,* of Wis. Stat. 807.12 Suing by fictitious name or as unknown, Wis. Stat 943.392 Fraudulent Data Alteration. Wis. Stat. 946.31 Subornation of Perjury Wis. Stat. 946.65 Obstructing Justice, and of the State of Wisconsin Code of Judicial

Conduct, Ch. 60, especially SCR 20:3.1, *Meritorious claims and contentions* and SCR 20.3.3 *Candor toward the tribunal*.

And the improper purpose of these sanctions becomes apparent when you look at the issues Dr. Fetzer would be prohibited from addressing (absent supervision by an an attorney, whom tt would be practically impossible to find) as Judge Remington has enumerated in his Decision and Order of October 10, 2024 (**Exhibit A, page 9**):

IT IS FURTHER ORDERED that James Fetzer shall file no papers in any Wisconsin circuit court related to all of these subjects:

- Leonard Pozner,
- Noah Pozner,
- any other member of the Pozner family,
- Sandy Hook Elementary School,
- · any other person who attended, or whose child attended Sandy Hook Elementary School,
- · any conspiracy related to Sandy Hook Elementary School, and
- any members of such a conspiracy.

This order shall not prohibit Fetzer from filing papers necessary to pursue an appeal, nor shall it prohibit Fetzer from filing any papers with either the prior written approval of a Wisconsin judge or the signature of a lawyer licensed to practice law in Wisconsin.

What we have here is a judge worried that his corrupt acts are being outed by a pro se defendant and abusing his authority to protect himself and the Pozner attorneys with whom he has been acting in collusion. Could there be a more blatant example of Abuse of Process by a court to protect itself? Or of the parties acting together to deny Dr. Fetzer his Constitutional Rights under Color of Law? This order itself now reflects consciousness of guilt by Judge Frank Remington that he must act swiftly to stop Dr. Fetzer from exposing/blowing the case apart, knowing full well that it has

Page 20 of 20

been fraudulent from the initial Complaint to the Court's determination of liability.

There may have been a time past when the Court of Appeals (IV) could take for granted that a Dane County Circuit Court Judge would not conspire with Plaintiffs and their attorneys to deny a Wisconsin citizen—a former Marine Corps officer and retired professor of philosophy, no less—his Constitutional Right to a Trial by Jury, which was requested by the Plaintiff in this case but extends to the Defendant—and benefits of a nonmovant in a trial of this kind. The outrageous conduct of this judge in this Circuit Court has already become the subject of the first book exposing the charade that passes for the administration of justice in Wisconsin.*

There are parties who clearly deserve to be sanctioned for their gross and illegal misconduct, including the fabrication of evidence and the subornation of perjury. Their names are Jake Zimmerman, Genevieve Zimmerman, and Emily Feinstein, the Pozner attorneys, and Judge Frank D. Remington, who, under these extraordinary circumstances, deserve to have their licenses revoked. The harm to Dr. Fetzer's honor and reputation, not to mention time and expense, has been extremely unjust, and probably beyond repair. But the effort should be made. Reverse this case in its entirety and sanction those who deserve to be sanctioned. Justice requires no less.

Electronically signed by:

/ James H. Fetzer, Ph.D. / James H. Fetzer, Ph.D. 800 Violet Lane Oregon, WI 53575 <u>jfetzer@d.umn.edu</u> (608) 835-2707

Signed this 30th day of October 2024.

• Ronald F. Avery, Judicial Plundering of Dr. James H. Fetzer, Co-author and Co-editor of the book Nobody Died at Sandy Hook (June 2024), ISBN No. 979-8-3507-3335-8 (paperback)