APPEAL OF DENIALS APPENDICES 1-8

Appendix 1

Decision and Order Denying James Fetzer's Motion for Relief from Judgment

Judge Frank Remington

(June 20, 2024)

BY ORDER OF THE COURT

6/20/24

Frank Remington Date
Circuit Court Judge

FILED
JUN 20 2024
DANE COUNTY CIRCUIT COURT

STATE OF WISCONSIN CIRCUIT COURT BRANCH 8 DANE COUNTY

LEONARD POZNER,

Plaintiff,

v. Case No. 2018-CV-3122

JAMES FETZER,

Defendant.

DECISION AND ORDER
DENYING JAMES FETZER'S MOTION FOR RELIEF FROM JUDGMENT

INTRODUCTION

James Fetzer published fake stories accusing Leonard Pozner of fabricating his child's death certificate. Pozner sued for defamation and, in 2019, a jury awarded him $450,000. Now, five years later, Fetzer complains that the verdict was the product of a vast conspiracy to commit fraud. As a result of my participation in the supposed fraud, Fetzer asks me to sanction myself then order a new trial. I liberally construe Fetzer's rambling papers to seek relief from judgment under Wis. Stat. § 806.07, then deny Fetzer's motion because it does not establish any grounds for relief.

DECISION

I. Liberally construing his papers, Fetzer seeks relief from judgment.

Before turning to his argument, I recognize that Fetzer represents himself. Courts liberally construe pro se litigants' filings. *bin-Rilla v. Israel*, 113 Wis. 2d 514, 520-21 (1983). However, "we have long required pro se litigants, just like those with an attorney, to act reasonably in defense of their rights." *State ex rel. Wren v. Richardson*, 2019 WI 110, ¶24, 389 Wis. 2d 516, 936 N.W.2d 587. This means that "while we construe pro se petitions, motions, and briefs to make the most intelligible argument we can discern, we do not impute to pro se litigants the best argument they could have, but did not, make." *Id.*, ¶25.

I next apply this standard to determine what sort of relief Fetzer seeks. On its face, Fetzer's motion seeks three principal remedies: he asks (1) that the 2019 judgment against him "must be vacated," (2) that both myself and two of Pozner's attorneys be "sanctioned and subject to suitable penalties," and (3) "the case remanded for trial on the merits." Fetzer Mot., dkt. 599:26. Fetzer cites no legal authority that might entitle him to any of these remedies. Liberally construing his papers, however, it is clear that Fetzer alleges a wide-ranging conspiracy to commit fraud upon the court. *Id.* at 1 ("The extrinsic fraud was by FEMA, the media, and the Obama administration …."). As best I can tell, the purpose of Fetzer's new papers are to submit evidence on which I should find the existence of a fraud upon the court and then grant relief from the 2019 judgment against him. I therefore construe the papers as a motion for relief from judgment.

II. Legal standard for relief from judgment.

Wisconsin Stat. § 806.07(1) allows relief from judgment "upon such terms are just …." To prevail, the moving party "bears the burden to prove that the requisite conditions existed." *Connor v. Connor*, 2001 WI 49, ¶28, 243 Wis. 2d 279, 627 N.W.2d 182. After proving a reason for relief,

the movant must also show the motion was made "within a reasonable time ...." Wis. Stat. § 806.07(2). "Any credible evaluation of a motion's timeliness will necessarily consider the reasons for the moving party's delay as well as the prejudice visited upon the non-moving party." *State ex rel. Cynthia M.S. v. Michael F.C.*, 181 Wis. 2d 618, 627, 511 N.W.2d 868 (1994).

In addition to the enumerated reasons for relief in § 806.07(1), the plain statutory text of § 806.07(2) also authorizes "an independent action, based on fraud upon the court, to set aside a judgment." *Dekker v. Wergin*, 214 Wis. 2d 17, 20, 570 N.W.2d 861 (Ct. App. 1997) (citing *Walker v. Tobin*, 209 Wis. 2d 72, 79, 568 N.W.2d 303 (Ct. App. 1997)). Although the statutory text authorizes an "independent action," courts have treated fraud upon the court as grounds for a motion for relief from judgment. *See* 11 Wright & Miller, *Federal Practice & Procedure Civ.* § 2868 (3d ed. 2024) ("A party is not bound by the label used in the party's papers. A motion may be treated as an independent action or vice versa as is appropriate."); *see Bankers Mortg. Co. v. United States*, 423 F.2d 73, 78 (5th Cir. 1970) (explaining the history of the "independent action"); *see also Nelson v. Taff*, 175 Wis. 2d 178, 187, 499 N.W.2d 685 (Ct. App. 1993) (Wisconsin courts may rely on federal cases interpreting analogous rules).

A movant claiming fraud upon the court must prove five elements:

(1) a judgment which ought not, in equity and good conscience, to be enforced;

(2) a good defense to the alleged cause of action on which the judgment is founded;

(3) fraud, accident, or mistake which prevented the appellant in the judgment from obtaining the benefit of his claim;

(4) the absence of fault or negligence on the part of appellant; and

(5) the absence of any remedy at law.

Dekker, 214 Wis. 2d at 21 (alterations omitted).

III. Fetzer's motion fails under either procedure.

Although it appears Fetzer actually seeks relief under the "independent action" procedure in § 806.07(2), I begin by examining Fetzer's motion to see whether he can prove he is entitled to relief from judgment for any of the reasons set forth in § 806.07(1). Fetzer says a series of frauds occurred during this litigation in 2019, the proof of which was contained in a book he wrote in 2015. Fetzer Br., dkt. 599:19. For example, borrowing his words, Fetzer says the fraudulent complaint was "so manifestly defective that even a first-year law student would have rejected it …." Fetzer Br., dkt. 599:17. But if these frauds occurred in 2019, and if Fetzer knew about them either because they were obvious to a first-year law student or because Fetzer had already written a book on the topic, then § 806.07(2) required Fetzer to explain some reason why his five-year delay in bringing a motion for relief from judgment was reasonable. He offers no such explanation, so I deny Fetzer any relief from judgment under § 806.07(1).

I turn, next, to the independent action procedure for relief from judgment in § 806.07(2). This inquiry goes nowhere because, beyond Fetzer's repeated use of the phrase "fraud upon the court," he addresses none of the elements of an independent action for relief from judgment. *See generally* Fetzer Br., dkt. 599. While I have liberally construed Fetzer's motion to seek relief under this section, I cannot develop an argument for him. *Richardson*, 2019 WI 110, ¶25. In any event, an independent action based on fraud could never entitle Fetzer to relief unless he acted "seasonably" and "without inexcusable negligence in the action." *Dekker*, 214 Wis. 2d at 22 (quoting *Lawn v. Kipp*, 155 Wis. 347, 371 (1914)). Here, to repeat, Fetzer professes his belief in a massive conspiracy to commit fraud but, to the extent his new motion is not already precluded by previous litigation, Fetzer has sought no relief for five years. As a result, even if I believed that

"FEMA, the media, and the Obama administration" defrauded this court, I would still deny Fetzer's motion because he inexplicably waited too long. *See, e.g., id.* at 19 (dismissing independent action under § 806.07(2) after plaintiff "failed to act in a timely or prudent fashion to protect his own interests ....").

ORDER

For these reasons,

IT IS ORDERED that James Fetzer's motions for relief from judgment are denied.

This is a final order for purpose of appeal.

Appendix 2

MOTION TO OPEN JUDGMENT PURSUANT TO EXTRINSIC FRAUD AND FRAUD UPON THE COURT

James H. Fetzer, Ph.D.

(June 17, 2024)

STATE OF WISCONSIN CIRCUIT COURT DANE COUNTY

LEONARD POZNER,

Plaintiff,

vs. Case No. 18CV3122

JAMES FETZER,

Defendant.

MOTION TO OPEN JUDGMENT PURSUANT TO EXTRINSIC FRAUD AND FRAUD UPON THE COURT

NOW COMES James H. Fetzer, Ph.D., pro se, to Open the Judgment of $1.1 million dollars in awards entered against him by Extrinsic Fraud and Fraud upon the Court practiced upon him. The extrinsic fraud was by FEMA, the media, and the Obama administration by presenting Exercise L-366 conducted on 12/13/12 as a real-time (LIVE) mass shooting in which 20 children and six adults were killed. The Fraud upon the Court was by committed by Officers of the Court, including Leonard Pozner attorneys, Genevieve M. Zimmerman (WI#1100693) and Jacob Zimmerman (MN#0330656), who (separately and jointly) perpetrated Fraud upon the Court by falsely alleging a death that did not occur and suborning perjury by presenting in support the deposition testimony of an impostor witness; and by Dane County Circuit Court Judge Frank Remington, who disallowed Dr. Fetzer from challenging the extrinsic fraud by setting aside his extensive and detailed evidence that the purported death had not occurred but was based upon a staged event, which the

mainstream media and the federal government had declared to be a real event to promote the government's gun-control agenda, on the basis of which he granted Summary Judgment to Plaintiff (Exhibit A); by sanctioning Dr. Fetzer when he sought to expose the identity of the impostor witness, thereby denying him a real contest in the hearing of case No. 18 CV 3122, *Pozner v Fetzer, et al.*; and by denying the existence of disputed facts when they were pervasive and fundamental to the case, on appeal at 2021 WI App. 27, 397 Wis. 2d 243, 959 N. W. 89 (Wis. Ct. App. 2021), WI Sup Ct, cert denied, and by the U.S. Supreme Court, cert denied; and, in support thereof, Dr. Fetzer states as follows:

JURISDICTION

1. This case is brought under the rule announced in the case of *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.[1]
2. It would be "manifestly unconscionable" for this decision to stand; indeed, case No. 18 CV 3122, *Pozner v Fetzer, et al.*, seems to be a perfect example of Fraud upon the Court as SCOTUS intended (Donald Griffin Jr., *Equitable Relief from Judgments Obtained by Fraud, Intrinsic and Extrinsic*, 36 Marq. L. Rev. 198 (1952).
3. It entails the Violation of Constitutional Rights Under Color of Law as defined

[1] *Bulloch v United States*, 763 F2d 1115, 1121 (10th Cir. 1985); *Appling v State Farm Mutual Automobile Insurance Company*, 340 F3d 769, 781 (9th Cir 2003).

Under 18 U.S.C. § 241 and § 242 by denying Dr. Fetzer his 7th Amendment Right to a Trial by Jury, and his 14th Amendment Right to Equal Protection because the Summary Judgment protocols of WI vary widely from those of other states, such as TX.

5. And pursuant to the Wisconsin Code of Judicial Conduct as set forth in Ch. 60 of the Wisconsin Supreme Court (https://www.wicourts.gov/sc/rules/chap60.pdf) and to Wisconsin Statute 806.07(2)k "This section does not limit the power of a court to entertain an independent action to relieve a party from judgment, order, or proceeding, or to set aside a judgment for fraud on the court".

PARTIES

6. James H. Fetzer, Ph.D., Plaintiff, resides at 800 Violet Lane, Oregon, WI 53575.

7. Leonard Pozner, purported father of Noah Pozner, who was present at the Sandy Hook crime scene, was photographed with his son prior to his son's alleged murder on December 14, 2012. That photograph has appeared worldwide. The last known Connecticut address for this Leonard Pozner is 261 South Main Street, #332, Newtown, CT 06470. See the picture published on 02 May 2017 in *The Guardian* in an article authored by Hadley Freeman (attached hereto as Exhibit B.)[2] Notice this photograph is "Courtesy Leonard Pozner".

THE EXTRINSIC FRAUD

[2] https://www.theguardian.com/us-news/2017/may/02/sandy-hook-school-hoax-massacre-conspiracists-victim-father (last viewed 2-17-24)

8. On December 14, 2012, The U.S. Federal Emergency Management Agency conducted a Site Activation Call-down Drill. The drill was listed on the CT FEMA schedule as Exercise L-366 and distributed with a map from FEMA Headquarters in Bridgeport, CT, to Sandy Hook Elementary School in Newtown, CT (Exhibit C). The Exercise Plan explains that it will be conducted on 12/13/12 beginning at 8:00 AM and end at 11:20 PM to be evaluated on 12/14/12 as a real-time (LIVE) event (Exhibit D). This mock FEMA drill (in which no one died) was converted into a fraud against the American people and its judicial system with the claim that 6 adults and 20 children had been killed and two adults injured.
9. Further proof comes from the Affidavit of Brian Davidson, Private Investigator licensed in Texas of October 28, 2022, who conducted a review of the Connecticut State Police files and not only found proof that the Sandy Hook event was not a mass murder but that the site was not even an operating school (Exhibit E).
10. These findings are confirmed by other official documents of the US government, including the FBI Consolidated Crime Report for 2012, which shows no murders or non-negligent manslaughters in Newtown during 2012. Since Sandy Hook is a subdivision of Newtown, the FBI Report confirms that there were no murders of non-negligent manslaughters in Sandy Hook during 2012 (Exhibit F).

FRAUD UPON THE COURT

11. The fraud against the court began between February 7, 2013 and December 11, 2014, when Donna L. Soto, administrator of the Estate of Victoria L. Soto (case # 13-00070), Nicole Hockley, co-administrators of the estate of Dylan C.

Hockley (case # 14-0564); William Sherlach, executor of the estate of Mary J. Sherlach (case # 13-00062); Leonard Pozner, administrator of the estate of Noah S. Pozner (case # 14-0589); Gilles J. Rousseau, administrator of the estate of Lauren G. Rousseau; David C. Wheeler, administrator of the estate of Benjamin A. Wheeler (case # 14-0567); Neil Heslin and Scarlett Lewis, co-administrators of the estate of Jesse McCord Lewis (case # 13-0048); Mark and Jacqueline Barden, co-administrators of the estate of Daniel G. Barden (case # 14-0577); and Mary D'Avino, administratrix of the estate of Rachel M. D'Avino (case # 13-0036) opened probate estates in the State of Connecticut, Court of Probate, Region #22 Probate District, for the above alleged decedents.

12. On January 26, 2015, the fraud on the court was continued by the filing by Donna L. Soto, Administrator of the Estate of Victoria L. Soto, Nicole Hockley, co-administrators of the estate of Dylan C. Hockley; William Sherlach, executor of the estate of Mary J. Sherlach; Leonard Pozner, administrator of the estate of Noah S. Pozner; Gilles J. Rousseau, administrator of the estate of Lauren G. Rousseau; David C. Wheeler, administrator of the estate of Benjamin A. Wheeler; Neil Heslin and Scarlett Lewis, co-administrators of the estate of Jesse McCord Lewis; Mark and Jacqueline Barden, co-administrators of the estate of Daniel G. Barden; and Mary D'Avino, administratrix of the estate of Rachel M. D'Avino, of a complaint for damages against Bushmaster Firearms

International, LLC, et al., in the Superior Court of Connecticut at case number UWY-CV-15-60520025-S.

13. The Plaintiffs alleged that the persons they represent were murdered on the morning of December 14, 2012, at Sandy Hook Elementary School, Newtown, CT.

14. On April 14, 2016, by unpublished opinion, Ct. Superior Court Judge Barbara N. Bellis granted the Defendants' Motions to Dismiss. Her decision was overruled on appeal and the case remanded for trial. *Soto, et al v. Bushmaster Firearms International, LLC, et al.*, 331 Conn 53, 202 A. 3d 262 (2019), *cert denied*, 547 U. S. 1111, 126 S. Ct. 1913.

15. On July 27, 2020, Remington Outdoor Company, Inc. and its subsidiaries and affiliates, which included Bushmaster Firearms International, LLC, filed for bankruptcy in the United States Bankruptcy Court for the Northern District of Alabama, at case number 20-81688-CRJ11.

16. Neither the *Jones v Heslin* nor the *Soto v Bushmaster* cases were decided by a trial by jury on the merits. To the contrary, they were decided on preliminary motions. The citation by the WI Appellate Court in the decision against Dr. Fetzer was a furtherance of the extrinsic fraud practiced upon the court and Dr. Fetzer.

17. On September 10, 2021, Dr. Fetzer filed a Motion to Intervene in the case of *Soto, et al v Bushmaster, et al* (Exhibit G).

18. On September 20, 2021, Remington filed its objection to Dr. Fetzer's Motion to Intervene in *Soto v Bushmaster* (Exhibit H).

19. On September 22, 2021, Judge Bellis denied the Fetzer Motion to Intervene.

20. On September 24, 2021, Fetzer filed a Motion to Intervene in the Remington bankruptcy to present evidence that nobody died at Sandy Hook (Exhibit I).

21. On September 27, 2021, without objection from attorneys for the Remington Creditors committee to the Fetzer Motion to Intervene, the Bankruptcy Court denied the Fetzer Motion.

22. On May 16, 2022, the Plaintiff's withdrew the *Soto v Bushmaster* case as settled.

FRAUD UPON THE COURT IN DANE COUNTY

21. The Complaint (November 27, 2018) attached a death certificate for a party (cited as "N.P.") alleged to have died during a mass shooting at Sandy Hook Elementary School in Newtown, CT, on December 14, 2012 (Exhibit J).

22. The *complete* death certificate attached to the Complaint was not the same as the *incomplete* death certificate for which Dr. Fetzer was being sued, which Pozner himself had given to Dr. Fetzer's research colleague, Kelley Watt; yet the Complaint asserted that they were "not materially different" (Exhibit K).

23. Dr. Fetzer's Answer (January 2, 2019) enumerated multiple grounds on which the authenticity of this or any other death certificate for parties at the alleged shooting was disputable, including an aerial photograph of the parking lot of the school at Sandy Hook on December 14, 2012, reveals that there were no blue and white signage or parking spaces for the handicapped as required for

an open facility under state and federal laws and regulations implementing the Americans with Disabilities Act, and confirms the school was not open on December 14, 2012, and questioned the identity of Plaintiff Leonard Pozner, whom Dr. Fetzer suspected to be a legal fiction fronting for Reuben Vabner, a party whom he believed (and continues to believe) played a key role in orchestrating the FEMA exercise as mass murder (Exhibit L).

25. During the Scheduling Conference (March 11, 2019), Judge Frank Remington complimented Pozner's attorneys for a "carefully crafted Complaint" that was limited to the truth or falsity of the death certificate (Exhibit M, pages 49-50), issuing his ruling that *"Whether or not Sandy Hook ever happen ed or not is not relevant to this – the – the truthfulness or the accuracy of the death certificate ... Whether or not Sandy Hook happened is for another day and another place"*:

> "Whether or not Sandy Hook ever happened or not is not relevant to the – the – truthfulness or the accuracy of the death certificate. Now I understand the – the defendant's overall theory in believing that it never happened, and I'm not going to take the bait and let this case go down that – that path and into that rabbit hole.
>
> "Whether or not Sandy Hook ever happened is for another day in another place. The only question for me is to guide the parties into engaging in discovery that either proves the death certificate was – was true, was real, was accurate and legitimate or not."

26. During the Telephone Motion Hearing of April 18, 2019, Judge Remington bifurcated the case to *disallow* Dr. Fetzer concurrent discovery regarding his three counterclaims for Abuse of Process, Fraud and Theft by Deception, and Fraud on the Court, thereby precluding Dr. Fetzer from further investigation of the identity of the Plaintiff Leonard Pozner (Exhibit N).

27. On April 22, 2019. following research on the observation of Kelley Watt, to

whom Pozner had provided the death certificate published in Dr. Fetzer's book—that Noah Pozner bore a striking resemblance to his purported older half-brother, Michael Vabner—Dr. Fetzer moved for expanded DNA testing to include not only Leonard Pozner and Noah Pozner, but Reuben Vabner and Michael Vabner as well, based upon evidence demonstrating that Noah Pozner was a fiction made up of photographs of Michael Vabner as a child. This would have laid to rest or confirmed Dr. Fetzer's suspicions about the identity of the Plaintiff, but Judge Remington denied the motion, although it included detailed proof that Noah Pozner was a fiction made up of photos of his presumptive older half-brother and therefore is not dead, presumably relevant to the authenticity of Noah Pozner's death certificate (Exhibit O).

28. On May 21, 2019, Dr. Fetzer participated in the Oral Deposition of Wayne Carver, M.D., the Medical Examiner for the State of Connecticut, whose role was central in conveying to the public the false impression that the Sandy Hook FEMA exercise L-366 had been a real shooting (Exhibit P).

29. It was therefore unsurprising when Dr. Fetzer presented many indications that Sandy Hook had been a FEMA exercise rather than a mass murder, such as the sign, "EVERYONE MUST CHECK IN", Porta-Potties in place, bottled water (and pizza) at the firehouse, many wearing nametags on lanyards, and even parents bringing children to the scene, all copiously documented in *Nobody Died At Sandy Hook* (Exhibit P, pages 54-75).

30. When Dr. Fetzer presented three Noah Pozner death certificates—the one published in Dr. Fetzer's book (Exhibit J within P, with no file number), the

one attached to the Pozner Complaint (Exhibit K, with a handwritten file number), and the one obtained by co-defendant Dave Gahary from the State of Connecticut (Exhibit L, with a partially printed file number), Dr. Carver responded to the latter of the three and said, "Well, first of all, this was—I have no idea what it is" (Exhibit P, page 81, lines 7-8).

31. On June 17, 2019, Dr. Fetzer participated in the Oral Deposition of a party who was introduced by Pozner's attorneys as Leonard Pozner, the father of the decedent Noah Pozner, during which Dr. Fetzer presented evidence that Noah Pozner was a fiction created out of photographs of Michael Vabner, the younger son of Reuben Vabner, when he was a child; that a passport posted on the website of Leonard Pozner was counterfeit (which is a federal crime); and other proof of Fraud upon the Court (Exhibit Q).

32. During the Oral Hearing (June 17, 2019), Jake Zimmerman introduced a new (fifth) death certificate for Noah Pozner (Exhibit 2, sealed by the court), which had not been provided to Dr. Fetzer prior to the Oral Hearing. Indeed, Attorney Zimmerman then argued that it had been the one Pozner had given to Kelley Watt, but where the bottom town certification and side state certification had been removed to fabricate the one published by Dr. Fetzer (Exhibit R, pages 50).

33. Dr. Fetzer protested this new death certificate was not the one for which he had been sued and when Judge Remington asked him if it, too, were a fake, he replied, "Well, it is on multiple grounds!" (Exhibit R, page 51)

34. Judge Remington asked Dr. Fetzer if he could feel the embossed seal on the

new document, which was partially shredded (because of the thinness of the paper used to create it). Judge Remington was ready to rule when Dr. Fetzer observed he had not yet been allowed to testify yet (Exhibit R, pages 44-65).

35. During his testimony, Dr. Fetzer patiently reviewed the differences between the four death certificates (Exhibits 4-7) and that reports of two (2) forensic document experts (Larry Wickstrom and A.P. Robertson) introduced prior to the hearing had concluded that *all four are fake* (Exhibit R, pp. 114-164).

36. Even though Pozner did not have an expert supporting the authenticity of any of the (now five) death certificates, Judge Remington ruled that Dr. Fetzer's experts were "not persuasive", saying that he didn't "think they were helpful", while finding Dr. Fetzer liable for defamation of Leonard Pozner (Exhibit R, pages 164-171).

37. The Court asked Dr. Fetzer to include his "Oral Hearing Briefing Notes" as an exhibit. (Exhibit S).

38. In his Decision and Order on Post-Verdict Motions, Judge Remington asserts that Dr. Fetzer now claims that "he qualifies as a media defendant", which he said he had not raised before; and that 'The undisputed facts show that Noah Pozner's death certificate was (and is) authentic' and that 'no reasonable factfinder can conclude that Dr. Fetzer acted with ordinary care when he published the statements claiming the death certificate was fake' (Exhibit T).

DEPOSITON BY IMPOSTOR

39. Prior to the Oral Hearing, a video deposition was taken featuring a second Leonard Pozner who said he was the father of Noah Pozner and appeared as a

witness against Dr. Fetzer on May 28, 2019. (See Dr. Fetzer's Affidavit of June 10, 2019, summarizing his questioning of the witness (Exhibit Q). The witness Pozner is in a business suit on the left in Exhibit A of the Affidavit of Wolfgang Halbig of December 13, 2023 (Exhibit W).

40. Having participated in the deposition of the Leonard Pozner who appeared as the Plaintiff in the WI case against Dr. Fetzer, Dr. Fetzer attests that the Pozner in the business suit in Exhibit A attached to the Affidavit of Wolfgang Halbig dated December 13, 2023 (attached hereto as Exhibit W) is the person who appeared as the Plaintiff against him (Exhibit X).

41. The address and real name for this Leonard Pozner is unknown but the address of his attorney of record, Jacob Zimmerman, is known: The Zimmerman Firm, LLC, 1043 Grand Avenue #255, Saint Paul, MN 55105; jake@zimmerman-firm.com. (See case No. 18 CV 3122, *Pozner v Fetzer, et al.*)

42. Comparison of the crime scene Leonard Pozner with the Leonard Pozner whom Dr. Fetzer deposed in Madison, WI, establishes that they are not one and the same but are two different persons.

43. The Leonard Pozner who was photographed on September 21, 2023, while being issued a speeding ticket, is the same Leonard Pozner who appeared in Court in Florida. See paragraph 6 of Affidavit of Wolfgang Halbig (Exhibit W.)

44. The Leonard Pozner sitting in an automobile while getting a speeding ticket with a current address that is known. He resides at 155 Court Avenue, Unit 2510, Orlando, FL 32801, formerly of 261 South Main Street, #332, Newtown,

CT 06470. This picture (of this Leonard Pozner in casual clothes) is not identified by exhibit number in the Halbig Affidavit but is attached as Photograph Three to the Affidavit of Wolfgang Halbig (Exhibit W).

45. Dr. Fetzer asked Brian Davidson, P.I., to verify or falsify the conclusions of Wolfgang Halbig. Davidson's Affidavit of June 15, 2024 (Exhibit Y) confirms that Speeding Ticket Pozner (whom Halbig identified as the same person who appeared in his Florida Court case as Leonard Pozner) is the same person who appeared in Dane County as Leonard Pozner on May 28, 2019 (Exhibit Y).

46. By multiple lines of proof, Davidson proves that that person (call him "Expert Witness Pozner") is not the same person as the Crime Scene Pozner from Sandy Hook and that Noah Pozner is a fiction made up out of photographs of Michael Vabner as child (Exhibit Y).

47. Dr. Fetzer believes the Crime Scene Leonard Pozner is Reuben Vabner, whose younger son, Michael, was the photographic source for the fictional Noah, and that Benjamin Vabner, the older son of Reuben Vabner, has become the Expert Witness in these Sandy Hook lawsuits, keeping it all in the family (Exhibit Z).

CONTEMPT OF COURT

48. On May 13, 2019, while Dr. Fetzer was unrepresented by legal counsel, he agreed to a confidentiality order having been told that it would not inhibit or affect his use of the deposition to defend himself in this lawsuit.

49. Because Dr. Fetzer suspected that the Leonard Pozner who was deposed in my case was not the Leonard Pozner at the crime scene, he sought out Wolfgang

Halbig as an impeachment witness and had the Leonard Pozner video deposition sent to him.

50. The Court found Dr. Fetzer's send of the Pozner video deposition had been a violation of the confidentiality agreement. Judge Remington required him to deliver his copy of the video deposition to his lawyer and restricted his use of it to prove that the Pozner who testified was an expert witness and the one at the crime scene was a crisis actor. Dr. Fetzer argued (to no avail) that, since the crime scene Pozner's photo had been published millions of times around the world, concealment here made sense *only if they were not the same person.*

51. The court found that Dr. Fetzer's distribution of the Pozner deposition video had violated the confidentiality agreement and sanctioned him for $650,000. This was a material denial of the preparation of his legal defense and in violation of the extrinsic fraud standard announced in the *Throckmorton* case cited above.

52. Upon receipt of the Affidavit of Wolfgang W. Halbig dated December 13, 2023, Dr. Fetzer had new evidence of why the Court had taken drastic measures to prevent his use of the video deposition by Leonard Pozner. It was to prevent his discovery of evidence of the existence of two different Pozners as documented in the Halbig Affidavit, which the parties had to conceal from public recognition.

53. Without a trial by jury in the case of *Pozner v Fetzer, et al.*, before the Wisconsin Circuit Court--*or in any other court in which the assertion was made that adults and children died and were injured at Sandy Hook*—Remington Outdoor, Inc. was forced into bankruptcy to take away the ability of the American people to

purchase the Bushmaster semi-automatic weapon and ammunition from the largest gun manufacturer in the Unites States. Remington Outdoor, Inc. has now been splintered into insignificant pieces.

APPEAL DENIED

54. On March 18, 2021, the State of Wisconsin, Court of Appeals, District IV, issued its opinion that the sanctions of $650,000 and damages of $450,000 against Dr. Fetzer were entered based on its mistaken presumption of prior judicial findings:

> "There is no reasonable doubt regarding the following facts:
>
> "On December 14, 2012, a mass shooting occurred at Sandy Hook Elementary School in Newtown, Connecticut.3 Tragically, twenty-six people were killed, including six staff members and twenty children who were aged six and seven. See, e.g., Jones v. Heslin, No. 03-19-00811-CV, 2020 WL 1452025, at *1, *4 (Tex. Ct. App. Mar. 25, 2020) (stating "Neil Heslin's son ... was killed in the Sandy Hook Elementary School Shooting in December 2012" and rejecting the substantial truth doctrine as a basis to dismiss Heslin's defamation claim related to statements disputing Heslin's assertion that he held his deceased son in his arms); Soto v. Bushmaster Firearms Int'l, LLC, 202 A.3d 262, 272 (Conn. 2019) ("On December 14, 2012, twenty year old Adam Lanza forced his way into Sandy Hook Elementary School in Newtown and, during the course of 264 seconds, fatally shot twenty first grade children and six staff members, and wounded two other staff members."). Pozner's six-year-old son, N., was one of the children killed during the Sandy Hook shooting."

2021 WI App. 27, 397 Wis. 2d 243, 959 N. W. 89, (Wis. Ct. App. 2021), page 3.

55. Remarkably, in the following paragraph, the Court of Appeals acknowledged the enormous disparity between the facts asserted by the Plaintiff and by the Defendant:

> "Fetzer, a Wisconsin resident, takes the position that the Sandy Hook shooting was an "elaborate hoax" which, according to Fetzer, was staged by government authorities with the "agenda to deprive U.S. citizens of their rights pursuant to the Second Amendment of the U.S. Constitution." Fetzer takes the position that no one was killed during the Sandy Hook shooting and that part of the "elaborate hoax" included the fabrication of a

> "fictional]" person "called [N.]" Before and during this litigation, Fetzer has asserted that Pozner is a "fraud," "liar," "hypocrite," and "con-artist," and he has accused Pozner of concealing his true identity. Fetzer has also accused Pozner of "engaging in a massive cover-up" with regard to the Sandy Hook shooting. Fetzer is an editor of the book NOBODY DIED AT SANDY HOOK: IT WAS A FEMA DRILL TO PROMOTE GUN CONTROL (2d ed. 2016), and is the co-author of chapter 11 of that book, which is titled "Are Sandy Hook skeptics delusional with 'twisted minds'?"

Clearly, the facts asserted by the parties to this case could hardly have been in greater dispute.

ARGUMENT

As emphasized by Rule 60 of the Wisconsin Supreme Court, in particular, Section SCR 60.03 (1), a judge must act at all times in a manner that promotes confidence in the integrity and the impartiality of the judiciary. That this was not satisfied in case No. 18 CV 3122, *Pozner v Fetzer, et al.*, was manifest from the its initiation, beginning with the Complaint (Exhibit J). Dr. Fetzer was being sued over an *incomplete* death certificate published in a co-edited book, *Nobody Died At Sandy Hook* (Exhibit K), yet the Complaint attached a *complete* death certificate, while asserting they were "not materially different". This was such a blatantly false claim that Judge Remington should have rejected it as invalid on its face; however, he not only treated it as valid but subsequently described it as "carefully crafted".

The concept of materiality revolves around the importance of information in a given legal context and its potential impact on the rights, obligations, or decisions of the parties involved. By accepting a grossly defective Complaint and accepting it as valid, Judge Remington violated Dr. Fetzer's right to be subject to an objective and impartial hearing in a Court of Law. The blatancy of the impropriety was so great that it cannot have been accidental or inadvertent. This Complaint was so

manifestly defective that even a first-year law student would have rejected it and was submitted in violation of SCR 20:3.1, Meritorious claims and contentions.

The legal strategy being followed by Judge Remington and Pozner's attorneys became transparent with the introduction of the fifth and latest version, which was supposed to have been the version provided to Kelley Watt, which her own Affidavit contradicts (Exhibit V). The one provided by Pozner to Kelley Watt was the same one Dr. Fetzer published in the book. Since Kelley Watt's Affidavit was in the Court records and Judge Remington on multiple occasions asserted he "had read everything", he had to know it was false to claim that the one published had (initially) been the scan of an authentic original (the 5th version) from which the state certification on the side and town certification on the bottom had been removed (presumably by Dr. Fetzer). No evidence was presented for this preposterous theory, which both the Court and Pozner's attorneys had to have known to be false (given Kelley Watt's affidavit).

It was also a violation of SCR 20:3.4 to introduce a new document during the hearing that had not been made available in advance. Even though it was a sleight-of-hand (or a "shell game", as Dr. Fetzer called it at the time), it still fails because there was a file number on the 5th version, but there was no file number on the Fetzer-published version. So even trimming the state and town certifications would not have been enough.

No doubt that's why the Court sealed it. Following the hearing, Dr. Fetzer visited Judge Remington's Room at the Dane County Courthouse in Madison and examined it with a magnifying glass. His conclusion—that it's a cheap fake—

would be confirmed by any forensic document expert. But then Judge Remington does not find their reports to be "helpful"—as though they were not judicially determinative in cases involving questions of document authenticity that are unrelated to Sandy Hook and Dr. Fetzer's published book.

The death certificates—in all versions (which turn out to be five)—declare the decedent Noah Pozner, died at Sandy Hook Elementary School, December 14, 2012, of "multiple gunshot wounds" (see, for example, Exhibits J and K). The official narrative asserts that 26 people were killed, including six staff members and 20 children, aged six and seven, including Noah Samuel Pozner. Dr. Fetzer's evidence now includes the new CT FEMA Schedule (Exhibit C), the FEMA Manual for the event (Exhibit D), the new Affidavit of Brian Davidson, P.I. (Exhibit E), and the FBI Consolidated Crime Report for 2012 (Exhibit F).

While the FEMA Manual (Exhibit D) and the FBI Consolidated Crime Report for 2012 (Exhibit F) were both included in Dr. Fetzer's book, *Nobody Died At Sandy Hook* (2015; 2nd ed., 2016), they were set aside by Judge Remington and not viewed as admitted evidence on behalf of Dr. Fetzer. For the purpose of this MOTION TO OPEN JUDGMENT PURSUANT TO EXTRINSIC FRAUD AND FRAUD UPON THE COURT, all four of the exhibits—(C), (D), (E) and (F)—could properly qualify as new evidence that has not been previously considered by the Court in this case. The evidence that Dr. Fetzer sought to introduce was ruled irrelevant to the truth or the accuracy of the death certificate for Noah Pozner and therefore inadmissible.

Under these circumstances, how could Dr. Fetzer's evidence *not be relevant to*

the truthfulness or the accuracy of the death certificate? Judge Remington's ruling was not just legally absurd but (literally) logically impossible. *This was a question of fact for a jury, not a judge, to decide*. There is a finite class of 26 alleged victims, including the purported decedent, the authenticity of whose death certificate was the crucial fact to be ascertained during the proceedings. What more profound proof of bias and prejudice could we have in this case than to exclude Dr. Fetzer's specific and detailed proof that nobody died at Sandy Hook?

The extrinsic fraud was thereby transformed into Fraud upon the Court. This was a crucial step in Judge Remington's plan to facilitate Summary Judgement by eliminating disputed facts and avoid a jury trial, further advanced by bifurcating the case during a Telephone Motion Hearing on April 18, 2019, to deny Dr. Fetzer discovery for his Counterclaims of Abuse of Process, Fraud and Theft by Deception, and Fraud upon the Court, which (almost certainly) would have led to the discovery of further proof of Extrinsic Fraud and of Fraud upon the Court (Exhibit N).

Further refutation of Judge Remington's Post-Verdict decisions and orders is that even Wayne Carver. M.D., Medical Examiner for the State of Connecticut, could not identify the third of three Noah Pozner death certificates shown to him for the purported decedent, "Noah Samuel Pozner", as a true and correct state-certified death certificate, which provides more proof of pervasive bias and lack of objectivity against Dr. Fetzer by Judge Remington in the commission of Fraud upon the Court (Exhibit R, pages 89-91).

Given the extensive and detailed evidence Dr. Fetzer presented during

the Oral Hearing in this case (Exhibit R) and the Court of Appeals (IV) summary descriptions of the positions of the parties in this case, Judge Remington's post-verdict order, in which he declares (Exhibit T, pages 1-2),

> "The court will deny both motions. As discussed before, Dr. Fetzer's primary argument against the court's entry of a partial summary judgment is that he qualifies as a "media defendant". But not only did Dr. Fetzer fail to raise (the) media-defendant issue until now, he has also failed to articulate how he qualifies as one in his post-verdict materials. The omissions are enough for the court to reject the argument. The court would conclude that Dr. Fetzer acted with negligence when making (or publishing) his statements. The undisputed facts show that Noah Pozner's death certificate was (and is) authentic, and no reasonable factfinder can conclude that Dr. Fetzer acted with ordinary care when he published the statements claiming that the death certificate was fake.

boggles the mind as a grotesque misdescription of the case before his own Court.

Both claims are wrong. Dr. Fetzer had explained his background and his media credentials prior to the Oral Hearing in Defendant's Response to Plaintiff's Opposition to Defendant's Motion to Reconsider (Exhibit U). More obviously, Dr. Fetzer was being sued over three sentences in a book that he had co-edited and for another in a chapter of another. Plaintiff's Complaint itself already established that he was a "media defendant" (Exhibit J), upon which further elaboration follows.

Kelley Watt had submitted an Affidavit (April 23, 2019) affirming that the scan published in Dr. Fetzer's book was the same as the scan that was shared with her by Pozner, which neither Judge Remington nor Pozner's attorneys acknowledged (Exhibit V). Her Affidavit might also be regarded as new evidence as well, since it was not previously considered or else there would have been disputed facts. Both Judge Remington and Pozner's attorneys were blatantly violating their obligations

as Officers of the Court not to practice deception or make false claims in a Court of Law (SCR 20.3.3 Candor toward the tribunal).

And when there are five different versions of a death certificate—one of which even baffled the Medical Examiner for the State of Connecticut—and two forensic document experts agree with Dr. Fetzer in their conclusions that all four of the versions prior to the Oral Hearing are fake—when Dr. Fetzer has even examined the fifth with a magnifying glass and confirmed that it, too, is fake—could it be more obvious that this case was driven by politics *with a predetermined conclusion* rather than by evidence and law? How, after all, could the facts in this case have been in greater dispute?

In relation to the claim that I am a "media defendant", an issue that Judge Remington claims Dr. Fetzer only raised post-verdict, in his prior Defendant's Response to Plaintiff's Opposition to Defendant's Motion to Reconsider, and for Protective Order for Case 2018 CV 003122 (Document 215 dated 06-14-2019), Dr. Fetzer laid out an 8-page explanation of his background and his credentials as an investigative journalist (including some for which he was paid), his last submission prior to the Oral Hearing. Judge Remington might dismiss his failure to rule Dr. Fetzer was a "media defendant" since it was not submitted in the form of a motion.

But how could Judge Remington possibly argue that he did not know that Dr. Fetzer was a "media defendant" when he was being sued for three sentences in a book he had co-edited (to which he had contributed multiple chapters) and for a single sentence in another book (to which he had contributed multiple chapters) as well (Exhibit J)? There are small lies ("white lies") and relatively minor deceits and

deceptions but, in the context of this case, for Judge Remington to falsely assert Dr. Fetzer's standing as a media defendant was in doubt or Dr. Fetzer had not raised an issue when it was implied by the Complaint on which the proceedings in his Court were taking place leaves no room to doubt his commission of Fraud upon the Court.

Judge Remington's further declaration—"The undisputed facts show that Noah Pozner's death certificate was (and is) authentic, and no reasonable factfinder can conclude Dr. Fetzer acted with ordinary care when he published the statements claiming that the death certificate was a fake"—further impugns his own integrity the "undisputed facts" were manufactured by systematic elimination (by excluding proof that nobody died at Sandy Hook, precluding discovery on Dr. Fetzer's three counterclaims (including that of Fraud upon the Court) and by ignoring detailed evidence of death certificate fakery Dr. Fetzer presented during the Oral Hearing, which was substantiated by the reports of two forensic document experts, Larry Wickstrom and A.P. Robertson, as proof that Dr. Fetzer's four assertions were true.

Remarkably, at the conclusion of the Oral Hearing, the Court dismissed both of their Reports as "someone else's opinions" and "I just don't think they were helpful" (Exhibit R, pages 163 and 165). How unreasonable, given they were the conclusions of not one, but two, forensic document experts (who were not opposed by any Pozner expert) and that appeals to forensic document experts remains the standard judicial practice throughout the United States to ascertain the authenticity of documents.

Judge Remington manufactured the outcome of "no disputed facts" to circumvent the jury trial to which Dr. Fetzer was entitled. The Scheduling Conference was used

as the occasion to excluded extensive and detailed proof the Extrinsic Fraud (that Sandy Hook had been a FEMA exercise) outlined in his Answer (Exhibit M). That was not enough so Judge Remington used the Telephone Motion Hearing to further restrict Dr. Fetzer's ability to defend himself by separating his Counterclaims for Abuse of Process, Fraud and Theft by Deception, and Fraud upon the Court for another day and another place (Exhibit N).

Even when focus was restricted to the authenticity of the death certificate, the Court committed the fallacy known as *special pleading* (by citing only evidence favorable to your side), also known as *the method of selecting and exclusion* (by selecting evidence that supports a pre-determined point of view and eliminating the rest) at which Judge Remington proved to be quite adept, even to the point of excluding the reports of two forensic document experts. Could there be any more direct and compelling evidence of Fraud upon the Court than what transpired in case No. 18 CV 3122, *Pozner v Fetzer, et al.*?

The affidavits of Wolfgang Halbig (Exhibit W) and Brian Davidson (Exhibit Y) explain why Dr. Fetzer was prevented by a court order from the possession or the distribution of the video deposition, whereby his defenses were prohibited and denied by the trial court. That was done to protect the Fraud upon the Court from discovery by Dr. Fetzer, which Judge Remington sidetracked via bifurcation so that Dr. Fetzer's Counterclaims for Abuse of Process, Fraud and Theft by Deception, and Fraud upon the Court could not be effectively pursued. Now that their occurrence is known, including suborning of perjury by Genevieve M. Zimmerman (WI#1100693)

and Jacob Zimmerman (MN#0330656), the unwarranted sanctions and judgments against Dr. Fetzer must be vacated and the case be remanded for a new trial.

The Pozner at the traffic stop, who appeared in the Florida court and who gave a video deposition in *Pozner v Fetzer et al.*, are the same but differ from the crime scene Pozner. Pozner's attorneys knew there was more than one Leonard Pozner, especially when they filed a motion to prevent the distribution of his photograph. The reason has become obvious from new evidence presented here: as Exhibits W and especially Y have established, there is more than one Leonard Pozner, which Dr. Fetzer suspected but was not allowed by the Court to pursue at the time Judge Remington granted the Pozner Motion for Summary Judgement.

The Court entered a summary judgement against Dr. Fetzer rather than submit the facts to a jury as required by due process when there are disputed facts and a jury demand. There were disputed facts and there was a jury trial demand. This departure from the rule that summary judgment, which may only be granted when there are no disputed facts, an outcome that was deliberately manufactured by Judge Remington in support of (what appears to have been) a predetermined conclusion. Perhaps most distressing to Dr. Fetzer was that the Court of Appeals (District IV) endorsed this miscarriage of justice when it declared, "There is no reasonable doubt regarding the following facts", endorsing the official narrative of Sandy Hook and the applicability of Summary Judgment, when the positions of the parties could not have been more opposed.

Judge Remington repeatedly asserted, "Juries determine facts, Judges apply the

law", but that was no more true of the Court of Appeals than with the Circuit Court. The factual ignorance of the Court of Appeals extended beyond citing cases that had been decided on procedural grounds (when no Sandy Hook case has been decided on its merits) and accepting the assertion by Neil Heslin (of holding his dead son in his arms), when—as ever serious student of Sandy Hook is aware—Dr. Carver told the world (during his press conference) that the parents were not allowed to come into contact with their deceased children but were identified on the basis of photographs.

That made sense because many of them only existed in the form of photographs. But if the parents were not allowed to come into contact with their dead children—as the Connecticut State Medical Examiner declared during a wide-publicized press conference following the alleged mass shooting—how could Neil Heslin have held is dead son in his arms? Because of its ignorance regarding the facts of the case, the Court of Appeals (IV) blandly accepted an incoherent statement of facts and disregarded Dr. Fetzer's copiously documented case as though it were what was "unreasonable", when precisely the opposite was the case.

The fraud has been extended by the production of a documentary, *"The Truth vs. Alex Jones"* (2024), which Dr. Fetzer has analyzed and found to included evidence that it was a hoax, which Dr. Fetzer would be glad to share by formal request. Alex Jones' verdict, like the others cited here, was not sent to a jury for a decision on its merits but was decided by the judge on the basis of an alleged failure of discovery. The Extrinsic Fraud and Fraud upon the Court that are proven to have occurred clearly justify reopening of the awards against Dr. Fetzer in *Pozner v Fetzer, et al.*

REMEDY REQUESTED

This Petition urges acceptance both in the interest of justice and to afford the Wisconsin judicial system the opportunity to preserve its integrity, to correct the Extrinsic Fraud and Fraud upon the Court, and to return this case for a jury trial it so clearly warrants and, in the process, to preserve the Constitutional rights and freedoms enjoyed by the American people by protections guaranteed by freedom of speech and the right to a trial by jury.

Circuit Court for Dane County, WI, Case No. 18 CV 3122, *Posner v Fetzer, et al.*, affirmed on appeal at 2021 WI App. 27, 397 Wis. 2d 243, 959 N. W. 89, (Wis. Ct. App. 2021), WI Sup Ct. cert denied, must be nullified based upon Extrinsic Fraud and Fraud upon the Court, perpetrated by the Plaintiff's Attorneys, Genevieve M. Zimmerman (WI#1100693) and Jacob Zimmerman (MN#0330656), which was facilitated by Dane County Circuit Court Judge Frank Remington. The $1.1 million in sanctions must be vacated, the participants in this fraud sanctioned and subject to suitable penalties, and the case remanded for trial on the merits. To allow this to stand would make a mockery of the judicial system.

Respectfully submitted,

/s/ James H. Fetzer, Ph.D.

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Submitted June 17, 2024.

Appendix 3

Request for Relief from Judgment or Order

James Fetzer, Ph.D.
Pro Se Defendant
(June 24, 2024)

STATE OF WISCONSIN CIRCUIT COURT DANE COUNTY

LEONARD POZNER,

Plaintiff,

vs. Case No. 18CV3122

JAMES FETZER

Defendant

REQUEST FOR RELIEF FROM JUDGMENT OR ORDER

Now comes James Fetzer, Ph.D., Pro se, the Defendant asking the Court to set aside the Decision and Order of Judge Frank Remington on June 20, 2024, and permit this case to proceed (Exhibit 1). All previous submissions in Case No. 18CV3122 are incorporated and adopted for the purpose of this request.

The Wisconsin Rules of Civil Procedure Chapter 801 have already been satisfied in this case since this matter commenced by the Pozner Complaint filed on November 27, 2018 (Exhibit J of MOTION TO OPEN JUDGMENT PURSUANT TO EXTRINSIC FRAUD AND FRAUD UPON THE COURT, filed on Jun 17, 2024).

Wisconsin Rules of Civil Procedures Chapter 802 have not been followed since the Court dismissed the case before the Plaintiff had even filed an answer to Defendant's complaint based on new claims.

> 802.01 Pleadings allowed; form of motions. (1) PLEADINGS. There shall be a **complaint** and an **answer**; a **reply** to a counterclaim denominated as such; an answer to a cross claim, if the answer contains a cross claim; a 3rd−party complaint, if a person who was not an original party is summoned under s. 803.05, and a 3rd−party answer, if a

DECISION

I. Liberally construing his papers, Fetzer seeks relief from judgment.

Before turning to his argument, I recognize that Fetzer represents himself. Courts liberally construe pro se litigants' filings. *bin-Rilla v. Israel*, 113 Wis. 2d 514, 520-21 (1983). However, "we have long required pro se litigants, just like those with an attorney, to act reasonably in defense of their rights." *State ex rel. Wren v. Richardson*, 2019 WI 110, ¶24, 389 Wis. 2d 516, 936 N.W.2d 587. This means that "while we construe pro se petitions, motions, and briefs to make the most intelligible argument we can discern, we do not impute to pro se litigants the best argument they could have, but did not, make." *Id.*, ¶25.

I next apply this standard to determine what sort of relief Fetzer seeks. On its face, Fetzer's motion seeks three principal remedies: he asks (1) that the 2019 judgment against him "must be vacated," (2) that both myself and two of Pozner's attorneys be "sanctioned and subject to suitable penalties," and (3) "the case remanded for trial on the merits." Fetzer Mot., dkt. 599:26. Fetzer cites no legal authority that might entitle him to any of these remedies. Liberally construing his papers, however, it is clear that Fetzer alleges a wide-ranging conspiracy to commit fraud upon the court. *Id.* at 1 ("The extrinsic fraud was by FEMA, the media, and the Obama administration ...."). As best I can tell, the purpose of Fetzer's new papers are to submit evidence on which I should find the existence of a fraud upon the court and then grant relief from the 2019 judgment against him. I therefore construe the papers as a motion for relief from judgment.

II. Legal standard for relief from judgment.

Wisconsin Stat. § 806.07(1) allows relief from judgment "upon such terms are just ...." To prevail, the moving party "bears the burden to prove that the requisite conditions existed." *Connor v. Connor*, 2001 WI 49, ¶28, 243 Wis. 2d 279, 627 N.W.2d 182. After proving a reason for relief,

Nonetheless, based on prior evidence submitted by the parties in this matter, including evidence submitted in Defendant's extant complaint, many disputes of material fact are known, including the following tables of the more glaring disagreements in addition to the violations of due process identified above.

DUE PROCESS IMPROPRIETIES

No.	*Due Process Fairness*	*Conduct of the Court*
1.	The parties agreed to a jury trial on the merits.	A jury trial on the merits was requested (Exhibit J) but denied; the Court insisted on a damages trial which returned a punitive $450,000 judgment—having sidestepped a trial on the merits totally. Decision and Order on Post-Verdict Motions (Dec. 12, 2019)
2.	Discovery on the merits and damages are fundamental elements of trial by jury	Defendant was denied discovery on counterclaims and damages due to bifurcation resulting in the unfair damages judgment. Telephone Motion Hearing (Apr. 18, 2019) Exhibit N
3.	In normal course, hearings with the parties are required before judgments are entered	Summary Judgment and Order were entered (a) before Plaintiff's answer, (b) before Defendant's reply, and (c) before a hearing. Decision and Order, Jun. 20, 2024 (Exhibit 1)
4.	In normal course, hearings with the parties are required before judgments are entered	Motions to Seal and Order to seal were entered without a hearing. Order on Motion to Seal or Redact a Court Record (Ju. 22, 2024) Exhibit 4
5.	Complaints of fraud must be plead with particularity	The Court Opinion made light of the detail submitted as if to imply that the particularity requirement to show fraud was somehow inappropriate. Decision and Order, Jun. 20, 2024 ("Fetzer's rambling papers.") Exhibit 1

DISPUTES OF MATERIAL FACT

No.	*Plaintiff's Claim*	*Defendant's Claim*
1.	Sandy Hook was real with 26 dead. Exhibit J.	Sandy Hook was a FEMA L366 "course" Planning for the Needs of Children in Disasters

		managed by Contact Christopher Ackley in Bridgeport CT just 18 miles from Newtown CT. Nobody died. Crisis actors were employed. Exhibit L This Court disallowed material evidence proving the FEMA teaching drill. Exhibit M
2.	Death certificate was complete with file number, town, and state certifications was claimed to be "not materially different from published version." Exhibit J.	Published death certificate was incomplete with no file number and neither town nor state certification. Exhibit K
3.	No experts were provided to authenticate death certificate. Only the words of unqualified attorney were provided and must be considered unremarkable. Exhibit J	Two uncontested expert witnesses verified complete and incomplete versions were both fake. Court acted *sua sponte* to ignore these experts as "not helpful," thus biasing the inquiry. Exhibit R
4.	The witness deposed by Plaintiff named "Leonard Pozner" was never verified as a real person.	Defendant posited that "Leonard Pozner" was an imposter fiction and was denied discovery to verify it due to the bifurcation of the case by the Court. Telephone Motion Hearing (Apr. 18, 2019) Exhibit N

STANDARD OF REVIEW

SUMMARY JUDGMENT

Summary judgment is appropriate when there is no material factual dispute and the moving party is entitled to judgment as a matter of law. *Germanotta v. National Indem. Co.*, 119 Wis. 2d 293, 296, 349 N.W.2d 733 (Ct. App. 1984). Summary judgment methodology is well established. *See, e.g., Lambrecht v. Estate of Kaczmarczyk*, 2001 WI 25, ¶ ¶ 20-24, 241 Wis. 2d 804, 623 N.W.2d 751. *See* also *Green Spring Farms v. Kersten*, 136 Wis. 2d 304, 315, 401 N.W.2d 816 (1987)

DUE PROCESS

The Wisconsin State Constitution and U.S. Constitution provide virtually identical procedural due process and equal protection safeguards. *County of Kenosha v. C. & S. Management, Inc.*, 223 Wis. 2d 373, 588 N.W.2d 236 (1999), 97-0642. *See* also *State v. Ehlenfeldt*, 94 Wis.2d 347, 355, 288 N.W.2d 786 (1980) (the procedural due process requirement of fair notice).

Exercise of selectivity in enforcement does not create a constitutional violation. A violation occurs when there is **persistent selective and intentional discrimination** in the enforcement of a statute in the absence of a valid exercise of prosecutorial discretion. A defendant has the initial burden to present a prima facie showing of discriminatory prosecution before being entitled to an evidentiary hearing. *State v. Kramer*, 2001 WI 132, 248 Wis. 2d 1009, 637 N.W.2d 35, 99-2580. (Emphasis added.)

See Carey v. Piphus, 435 U.S. 247, 259 (1978). "[P]rocedural due process rules are shaped by the **risk of error inherent in the truth-finding process** as applied to the generality of cases." Mathews v. Eldridge, 424 U.S. 319, 344 (1976). (Emphasis added.) This may include an obligation, upon learning that an attempt at notice has failed, to take "reasonable followup [stet] measures" that may be available. *Jones v. Flowers*, 547 U.S. 220, 235 (2006).

Hearing. "[S]ome form of hearing is required before an individual is finally deprived of a property [or liberty] interest." *Mathews v. Eldridge*, 424 U.S. 319, 333 (1976). "Parties whose rights are to be affected are entitled to be heard." *Baldwin v. Hale*, 68 U.S. (1 Wall.) 223, 233 (1863).

Impartial Tribunal. Just as in criminal and quasi-criminal cases, an impartial decision-maker is an essential right in civil proceedings as well. "The neutrality requirement helps to guarantee that life, liberty, or property will not be taken on the basis of an erroneous or distorted conception of the facts or the law. . . . At the same time, it preserves both the appearance and reality of fairness . . . by ensuring that no person will be deprived of his interests in the absence of a proceeding in which he may present

his case with assurance that the arbiter is not predisposed to find against him." *Goldberg v. Kelly*, 397 U.S. 254, 271 (1970); *See* also *Marshall v. Jerrico*, 446 U.S. 238, 242 (1980); *Schweiker v. McClure*, 456 U.S. 188, 195 (1982).

FRAUD

"802.03(2) (2) Fraud, mistake and condition of mind. In all averments of fraud or mistake, the circumstances constituting fraud or mistake **shall be stated with particularity**. Malice, intent, knowledge, and other condition of mind of a person may be averred generally2014." Wisconsin Statutes & Annotations, 802. Civil procedure — pleadings, motions and pretrial practice. 802.03 Pleading special matters. (Emphasis added).

RELIEF SOUGHT

The Court should set aside the Judgment and Order of June 20, 2024, as well as the Seal Judgment and Order of June 22, 2024.

The Court should allow this litigation to proceed and refrain from further *sua sponte* summary judgment motions at least until the discovery phase has been fully completed.

The Court should stay indefinitely any proceeding to attempt to collect on the damages ruling.

Respectfully submitted,

/S/ James H. Fetzer, Ph.D.

James H. Fetzer, Ph.D.
Pro Se Defendant
800 Violet Lane
Oregon WI 53575
jfetzer@d.umn.edu

Submitted June 24, 2024

CERTIFICATE OF SERVICE

I, James Fetzer, Ph.D. hereby certify that per Clerk procedures, a copy of the **REQUEST FOR RELIEF FROM JUDGMENT OR ORDER** was served on the Plaintiff by Wisconsin Court efiling on June 24, 2024.

/S/ James H. Fetzer, Ph.D.

James H. Fetzer, Ph.D.
Pro Se Defendant
800 Violet Lane
Oregon WI 53575
jfetzer@d.umn.edu

PROPOSED ORDER

STATE OF WISCONSIN CIRCUIT COURT DANE COUNTY

LEONARD POZNER,

Plaintiff,

vs. Case No. 189CV3122

JAMES FETZER

Defendant

COURT ORDER

I, Judge Frank Remington, in the above-caption case do hereby grant Defendant's motion and order a continuation of this litigation with the next step being an ANSWER by the Plaintiff to Defendant's complaint MOTION TO OPEN JUDGMENT PURSUANT TO EXTRINSIC FRAUD AND FRAUD UPON THE COURT filed **and** placed on the docket by the Clerk on June 17, 2024, and to be responded to within the time limit specified by the Rules of Civil Procedure from the filing date of this ORDER.

SO ORDERED

Judge Frank Remington

Date

Appendix 4

Denial of Request for Relief from Judgment or Order

Judge Frank Remington
(June 20, 2024)

DENIED. Neither factually or legally meritorious.

F. D. Remington
June 24, 2024

PROPOSED ORDER

FILED
JUN 24 2024
DANE COUNTY CIRCUIT COURT

STATE OF WISCONSIN CIRCUIT COURT DANE COUNTY

LEONARD POZNER,

Plaintiff,

vs.

JAMES FETZER

Defendant.

Case No. 18CV3122

COURT ORDER

I, Judge Frank Remington, in the above-caption case do hereby grant Defendant's motion and order a continuation of this litigation with the next step being an ANSWER by the Plaintiff to Defendant's complaint MOTION TO OPEN JUDGMENT PURSUANT TO EXTRINSIC FRAUD AND FRAUD UPON THE COURT filed **and** placed on the docket by the Clerk on June 17, 2024, and to be responded to within the time limit specified by the Rules of Civil Procedure from the filing date of this ORDER; and likewise with the Plaintiff's MOTION TO SEAL OR REDACT A COURT RECORD of June 20, 2024.

SO ORDERED

_____
Judge Frank Remington

_____
Date

Appendix 5

Motion to Seal or Redact a Court Record

Emily Feinstein
(June 20, 2024)

Enter the name of the county in which this case is filed.

STATE OF WISCONSIN, CIRCUIT COURT,
DANE COUNTY

Enter the Petitioner/Plaintiff's full name.

Petitioner/Plaintiff:
Leonard Pozner
First name Middle name Last name

Enter the Respondent/ Defendant's full name.

Respondent/Defendant:
James Fetzer
First name Middle name Last name

Enter the case number.

Motion to Seal or Redact a Court Record

Case No. 18-CV-3122

This form is used for all case types. Some information may not apply to your case.

In #1, enter the name and date of the documents that you wish to have sealed.

Use GF-242A to request redaction of Social Security, driver license, financial accounts, and other protected numbers to the court.

☒ 1. I request that the following document(s) be **sealed**:

Name of Document	Date of Filing
Motion to Reopen Judgment	6-17-2024
Exhibit W to Motion to Reopen Judgment	6-17-2024

Some documents are confidential by law and do not require a motion to seal. See GF-244 for information about these documents.

☐ 2. I request that the following type of information be **redacted** from the court record:

Location in the Court Record		
Type of Information to be **Redacted**	Date of Proceeding	Page and Line Number

In #2, describe the type of info you wish to have redacted. For example, "Petitioner's home address," date of the documents and exact location of the information. Note every place where the information appears. The court is not responsible for finding the information in other places.
Do NOT put the actual information to be redacted on this form.
Use form GF-245 to provide the information to the court.

3. I am filing form GF-245 to provide the sealed or redacted information to the court.

In #4, if the court needs to consider certain facts to decide this motion, you should include a sworn affidavit setting out the information. Most circuit court records are open to the public. The court will not seal or redact records without a legal basis for the decision. You must cite statutes and case law that support your request.

4. I am making this request based on the following law and facts:
Mr. Pozner is a crime victim, has faced threats to himself and his children, and could face more if his address is publicly available.

In #5, if you are not a party or the attorney for a party, describe your relationship to this case.

☐ 5. I am not an attorney or a party to this case. I am interested because:

Sign and print your name and date the document.

▶Electronically signed by Emily M. Feinstein
Signature

Emily M. Feinstein
Print or Type Name

Attorney for Plaintiff
Relationship to Case

6/20/2024
Date

DISTRIBUTION
1. Court
2. Parties
3. Petitioner, if not a party

Appendix 6

Order to Seal or Redact a Court Record

Judge Frank Remington
(June 20, 2024)

BY THE COURT:

DATE SIGNED: June 21, 2024

Electronically signed by Frank D Remington
Circuit Court Judge

Enter the name of the county in which this case is filed.	STATE OF WISCONSIN, CIRCUIT COURT, DANE COUNTY
Enter the Petitioner/ Plaintiff's full name.	**Petitioner/Plaintiff:** Leonard (First name) Pozner (Last name)
Enter the Respondent/ Defendant's full name.	**Respondent/Defendant:** James (First name) Fetzer (Last name)
Enter the case number.	Case No. 18-CV-3122

Order on Motion To Seal or Redact a Court Record

A motion to seal or redact a court record or transcript has been filed with the court.

THE COURT ORDERS:

The motion to

☒ 1. **seal** the requested information is granted for the reasons set forth in this motion. The clerk shall seal the following documents:
Motion to Reopen Judgment
Exhibit W to Motion to Reopen Judgment

Access to view document(s):
☒ Petitioner/Plaintiff ☒ Respondent/Defendant ☐ Social Worker ☐ Guardian
☐ Attorney ☐ Guardian ad Litem ☐ Probation
☐ Other:

☐ 2. **redact** the requested information is granted for the reasons set forth in this motion. The clerk shall redact the following information:

Access to view document(s):
☐ Petitioner/Plaintiff ☐ Respondent/Defendant ☐ Social Worker ☐ Guardian
☐ Attorney ☐ Guardian ad Litem ☐ Probation
☐ Other:

☐ The clerk shall perform the redaction as identified in this motion for previously filed documents.
☐ The parties shall omit or redact this information from all documents subsequently filed.

☐ 3. seal or redact is denied because
☐ A. the request lacks a sufficient legal basis.
☐ B. the requester has not made a sufficient factual showing.
☐ C. Other:

☐ 4. Other:

DISTRIBUTION:
1. Court
2. Parties
3. Petitioner, if not a party

Appendix 7

Plaintiff's Notice of Motion and Motion for Sanctions and Order to Show Just Cause

Emily Feinstein
(June 24, 2024)

STATE OF WISCONSIN CIRCUIT COURT DANE COUNTY

LEONARD POZNER,
Plaintiff,

vs.

Case No. 18CV3122

JAMES FETZER;
MIKE PALECEK;
WRONGS WITHOUT WREMEDIES, LLC;
Defendants.

PLAINTIFF'S NOTICE OF MOTION AND MOTION FOR SANCTIONS AND ORDER TO SHOW CAUSE

PLEASE TAKE NOTICE that Plaintiff, by Plaintiff's undersigned counsel, will appear before the Dane County Circuit Court, the Honorable Frank Remington presiding, on a date and time to be set by the Court, and seek an Order requiring Defendant Fetzer to show cause why he should not be held in contempt, and why appropriate sanctions should not issue, due to Defendant Fetzer's repeated failure to abide by the Court's Order that Mr. Fetzer follow the requirements of Wis. Stat. §801.19.

I. BACKGROUND

Defendant Fetzer has spent a decade harassing and vilifying Leonard Pozner. Despite admitting in open court the falsity of his reasons for claiming Noah Pozner's death certificate was fake, he continues to publish those statements on his website. Moreover, he continues to claim that Mr. Pozner, who sat before all of us in this courtroom for three days of trial, is not Mr. Pozner. Despite seven hours of deposition, a cross examination in front of a jury, and two rounds of DNA testing, including by the Court-appointed expert, Dr. Fetzer continues to frivolously assert that

Leonard Pozner is an imposter[1]. In this Court and elsewhere, Fetzer has relentlessly pursued a strategy of publishing information to enable Fetzer's hoaxer followers to also harass and threaten Mr. Pozner.

Recently, Dr. Fetzer's cohorts, which include Wolfgang Halbig, who continues to email excerpts from Mr. Pozner's deposition video, and disbarred lawyer Alison Maynard, obtained Mr. Pozner's home address. True to form, Dr. Fetzer immediately filed (and then almost immediately withdrew) a frivolous brief at the United States Supreme Court that disclosed Mr. Pozner's home address.

Dr. Fetzer's most recent unhinged missive, filed with this Court on June 18, 2024, once again violates Wisconsin rules and statutes regarding filing protected information. Defendant Fetzer previously filed an unredacted image of Noah Pozner's passport. (*See* Doc. 85.) At the April 26, 2019 hearing, the Court Ordered Mr. Fetzer to not file the passport in its unredacted form. (Doc. 123 at 11:15-17.) The Court followed up on that oral directive with a written Order repeating the prohibition on filing protected information in unredacted forms. (*See* Doc. 129.) Despite those clear, unambiguous Orders, Dr. Fetzer has once again filed the unredacted passport image. (Doc. 603, Fetzer Aff., Exhibit O, at 139, 141.)

II. ARGUMENT

A. Legal Standard

Contempt for the violation of a court order arises from the court's inherent authority, but is constrained by, in this case, Wis. Stat. § 785 et seq. *See Frisch v Henrichs*, 304 Wis.2d 1, 19, 763 N.W.2d 85, 94-95 (2007). Contempt of court is defined to include intentional disobedience of

[1] Given the fact that the Court-appointed expert concluded that Mr. Pozner is the father of Noah Pozner, Dr. Fetzer's argument that Noah Pozner is actually Noah's step-brother, Michael Vabner, is frivolous. (Doc. 231, at 86:23-87:2.)

the authority, process or order of a court. Wis. Stat. § 785.01(1)(b). Following notice and a motion and evidentiary hearing, a court may impose a remedial sanction. Wis. Stat. § 785.03(1)(a).

B. Dr. Fetzer's Egregious Violation Justifies A Severe Sanction Under § 805.03

Dr. Fetzer was aware of the Court's Order regarding Wis. Stat. § 801.19 and that he was prohibited from filing Noah Pozner's unredacted passport. A failure to follow a court order under Wis. Stat. § 805.03 need not be ongoing, but instead even a single act can give rise to a sanction, including dismissal of an action. *Morrison v. Rankin*, 305 Wis. 2d 240, 257, 738 N.W.2d 588, 596 (Ct. App. 2007).

C. The Court Can Find Defendant Fetzer is in Contempt and Issue a Remedial Sanction under Wis. Stat. § 785.03

Dr. Fetzer is in contempt and therefore the Court may impose a remedial sanction for his intentional violation of the Court's Order. Wisconsin Stat. § 804.12(2)(a)(4) allows the Court to treat the failure to obey a court order as a contempt of court. Contempt of court is governed by Wis. Stat. § 785.03.

Remedial sanctions under Wis. Stat § 785.03 focus on ending the harm to the victim resulting from noncompliance with the order. *Christensen v. Sullivan*, 307 Wis. 2d 754, 765, 746 N.W.2d 553, 559 (Wis. Ct. App. 2008), rev'd on other grounds, 320 Wis. 2d 76, 768 N.W.2d 798. Here, the harm that a remedial sanction for contempt should seek to end is the ability of Dr. Fetzer to file documents in violation of the Wisconsin Rules of Civil Procedure.

Wisconsin Stat. § 785.04 sets forth potential remedial sanctions for contempt. Those sanctions include (a) payment of money sufficient to compensate a party for a loss or injury suffered by the party as a result of a contempt of court; (b) imprisonment while the contempt is ongoing for up to six months; (c) forfeiture of up to $2000 per day while the contempt continues; (d) and order designed to ensure compliance with a prior order; and (e) a sanction of than those

specified if the Court finds those sanctions would be ineffectual to terminate a continuing contempt. *Id.* In addition, the Court may award attorney fees and other litigation costs. *See Town of Seymour v. City of Eau Claire*, 112 Wis. 2d 313 (Ct. App. 1983).

1. Defendant Fetzer's Violation is Ongoing

Defendant Fetzer's contempt is ongoing. He has repeatedly filed Noah Pozner's unredacted passport in spite of clear, unequivocal orders prohibiting him from doing so. That has occurred as part of an overarching, pervasive strategy whereby Dr. Fetzer uses efiling systems to spread confidential and protected information through absurdly frivolous filings.

2. A Meaningful Remedial Sanction Will Encourage Defendant Fetzer To Secure Compliance

Monetary sanctions will not secure Dr. Fetzer's compliance. A jury already awarded Mr. Pozner $450,000. The Court awarded costs. (*See* Doc. 355.) As the Court is aware from Plaintiff's various garnishment and turnover actions, Dr. Fetzer is essentially judgment-proof. While incarceration is certainly a possibility, it is not clear that it would cause Dr. Fetzer to comply.

Given the paucity of options to secure compliance, Plaintiff requests that the Court order Fetzer to not file any document without first seeking review by either Plaintiff's counsel or the Court to ensure that the filing complies with the Wisconsin Rules of Civil Procedure, relevant statutes, and other prior court orders. Plaintiff also requests that the Court's purge condition require Defendant Fetzer to pay the costs and the attorney fees for time expended related to this motion.

III. CONCLUSION

Defendant Fetzer intentionally violated the plain, unambiguous language of the Court's April 26, 2019, Order. Accordingly, Plaintiff asks the Court for an order requiring Defendant Fetzer to show cause why he should not be held in contempt and why a sanction should not be imposed.

Dated: June 20, 2024

QUARLES & BRADY LLP

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Attorneys for Plaintiff Leonard Pozner

Appendix 8

Notice of Briefing Schedule Regarding Plaintiff's Motion for Sanctions and Order to Show Just Cause

Judge Remington
(June 24, 2024)

STATE OF WISCONSIN CIRCUIT COURT BRANCH 8 DANE COUNTY

Leonard Pozner
Plaintiff,
vs.

James Fetzer, et al.
Defendant.

Case No. 2018CV003122

NOTICE OF BRIEFING SCHEDULE REGARDING PLAINTIFF'S MOTION FOR SANCTIONS AND ORDER TO SHOW CAUSE

Notice is hereby given that Briefs shall be served upon opposing counsel and filed with the Court on or before the following dates:

MOVANT'S BRIEF:	**ON FILE**
RESPONSE BRIEF:	**JULY 24, 2024**
REPLY BRIEF:	**AUGUST 8, 2024**

Dated: June 24, 2024

Frank D. Remington, Judge
Circuit Court, Branch 8
215 S Hamilton St., Rm 4109
Madison, WI 53703