STATE OF WISCONSIN
COURT OF APPEALS
DISTRICT IV

Leonard Pozner,
Plaintiff-Respondent

v. Appeal No. 2022AP001751

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

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STATEMENT OF THE ISSUES PRESENTED FOR REVIEW

Issue 1: Pozner cannot take Fetzer's intangible intellectual property directly without assignment of rights and appointment of receiver to manage or sell the properties.

General Area of the law: Intellectual Property taking case and statutory law.

Necessary facts: Pozner improperly motioned for the direct taking of intellectual property without an assignment of rights or the appointment of a receiver to convert the property to money to satisfy the money judgment and the judge improperly granted it.

Policies that should be followed: Tangible and Intangible property should have an intermediary that converts the properties into money to satisfy the money judgment. The law does not recognize the taking of property directly by a money judgment creditor by simply assigning a value and taking it for their own person use.

Issue 2: Pozner is Judicially Estopped from Reducing the Money Judgment Debt with the Taking Order's Intangible Property.

General area of the law: Case law dealing with judicial estoppel intended to prevent a litigant from misusing the court by changing their earlier position they successfully persuaded the court to accept which now places the court in a contradictory position and discredits its reasoning and credibility.

Necessary facts: Pozner obtained a summary judgment finding three sentences in the books he took to be defamatory to him and his deceased son. He cannot now claim that he can publish the material covered by those copyrights implying that the books were not defamatory to make money to reduce the money judgment. Therefore even with an assignment of right and appointment of a receiver the book copyrights remain of zero value to Pozner's ability to use them to reduce his money judgment. Even the court admitted the property was worthless.

Policies that should be followed: The policy should remain that litigants cannot claim a property that harmed them for which they were awarded monetary damages is now useful to them to make money to satisfy and money judgment. Either the property was harmful and they can't use it without harming themselves, or the property was not harmful in the first place.

Issue 3: Taking Order & Lawsuit are Abuse of Process.

General area of the law: Case law on misuse of judicial processes and procedures to achieve a goal not intended by the law and beyond the scope of the law.

Necessary facts: Pozner's moving for the direct taking of intangible intellectual property without an assignment of right or appointment of receiver violated case law principles of satisfying money judgments with tangible and intangible property. An ulterior motive must also be shown which was the shutting down of 400+ page books that had only three sentences in them that were ruled defamatory depriving Fetzer of his 1st Amendment rights to freedom of the press.

Policies that should be followed: The current law should be maintained that prevents a litigant from misusing the machinery of justice to achieve a goal which is not contemplated by the law being applied. The taking of books which were ruled "irrelevant" to the case outside the three sentences cannot now be taken while violating the provisions of how one can convert intellectual property into money to satisfy and money judgment.

ORAL ARGUMENT AND PUBLICATION

The means of taking intangible intellectual property to satisfy a money judgment is somewhat complicated, but the other two issues are not. The other two issues prove what was going on with the misuse of the taking order procedure and the lawsuit. It might be beneficial for this Court to hear argument from both parties as to what this lawsuit and taking order was really all about and why.

If this Court reverses the Taking Order in this appeal no publication would be necessary. However, if this Court affirms Judge Remington's Taking Order the affirmation most certainly should be published as it would alter the law of Wisconsin and all Wisconsin attorneys and courts should know they don't need to bother with assignment of rights and appointment of receivers any longer, for now the judge may simply transfer intangible intellectual property directly to a judgment creditor.

Or in the alternative, the affirmation should be published to set a special case of intellectual property taking where assignment of rights and appointment of

receivers are still required to transfer intangible property to satisfy a monetary judgment unless the facts of the case deal with the unquestionable infallible reporting of the mass media cartel concerning mass shootings. In such cases the court may do anything it likes regardless any laws or judicial principles.

STATEMENT OF THE CASE

The Pozner v. Fetzer case was filed November 27, 2018 claiming that three sentences written in a book and one sentence written in a blog by Fetzer were defamatory. Fetzer had claimed that a scan of an incomplete death certificate purporting to be that of Pozner's son published on the web by Pozner was a fake fabricated forgery. Fetzer also published the same scan of the incomplete death certificate in the same 400+ page book he edited entitled *Nobody Died At Sandy Hook: It Was A FEMA Drill To Promote Gun Control* (Nobody Died).

The Original Complaint filed by Pozner attached an "official" version of the alleged death certificate claiming that the incomplete one seen, published and commented upon by Fetzer, was materially the same: "The official death certificate attached hereto does not differ in any material respect from the one released publicly by Plaintiff." (R1:6). Pozner admitted in his Complaint that (R1:6 ¶20):

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

Pozner published the incomplete, uncertified death certificate on his own website. Fetzer at the hearing on summary judgments stated that it was against Connecticut law for parents to possess uncertified death certificates (R.231:30:10-14):

> MR. FETZER: The issue of defamation. There can have been no defamation because by Connecticut law not even parents are allowed to possess uncertified death certificates. That was an uncertified death certificate. By Connecticut law, he was not entitled to possess it.

Pozner filed a motion for summary judgment (R102) asserting that there were no factual disputes between Pozner and Fetzer and that he had furnished evidence of all elements of defamation against Fetzer. Pozner claimed his son was killed at Sandy Hook Elementary on December 14, 2012 by "Multiple Gunshot Wounds" as stated on the alleged "death certificates" while Fetzer claimed that the same school had been closed prior to 2008 and submitted a FEMA manual for a mass casualty drill involving children scheduled for the same day. Fetzer also submitted the Federal Bureau of Investigation National Uniform Crime Report (FBI UCR) for Newtown, Connecticut, showing zero murders and non-negligent manslaughters for all of 2012. That FBI report remains the same today.[1] Judge Remington granted the summary judgment finding Fetzer liable for defamation. Fetzer appealed to This Court and it affirmed the summary judgment on March 18, 2021, ruling that:

[1] https://ucr.fbi.gov/crime-in-the-u.s/2012/crime-in-the-u.s.-2012/tables/8tabledatadecpdf/table-8-state-cuts/table_8_offenses_known_to_law_enforcement_by_connecticut_by_city_2012.xls

> "¶3 There is no reasonable dispute regarding the following facts.
>
> "¶4 On December 14, 2012, a mass shooting occurred at Sandy Hook Elementary School in Newtown, Connecticut. 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." *Pozner v. Fetzer*, 397 Wis.2d 243, 959 N.W.2d 89(Table), 2021 WI App 27(Table) (Wis. App. 2021)

This court quoted the above two cases to support its affirmation of the "reasonable" facts in the Pozner v. Fetzer case. Those facts were determined by *stipulation* of the defendant in the first, relying solely on protection of the Texas Citizen Participation Act, and in the second by *assumption* of the court as required in the defendant's motion to dismiss. This Court then stated Fetzer's "position" immediately thereafter in the next paragraph concluding that there were no material fact disputes between the parties:

> "¶5 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 "fiction[al]" 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'?" Id.

Fetzer appealed this Court's opinion to the Supreme Court of Wisconsin and his Petition for Review was denied on February 16, 2022. Fetzer filed his Petition for Writ of Certiorari in the U.S. Supreme Court on May 16, 2022 asking the question:

> "May rules of summary judgment vary throughout the states allowing the Wisconsin Judiciary to conduct and affirm a non-jury trial under the pretense of a summary judgment proceeding, the process of which violates all the rules of summary judgment in Texas, depriving Wisconsin citizens of their equal rights to a trial by jury and due process under the 7th and 14th Amendments and further allowing a Wisconsin judge to determine the validity of major national events through unsound summary judgment methodology?"

Pozner filed his "Motion For Turnover Of Property To Apply Property to Satisfy Judgment" on April 26, 2022 (R490) (App.6) and Judge Remington granted the Amended Taking Order turning over intangible intellectual property on July 8, 2022 (R510) (App.55) consisting of four versions of the book Nobody Died and four website domain names directly to Pozner for his own personal use. Judge Remington set a fixed value of all those intangible properties at $100,000 and deducted it from Fetzer's $457,395.13 judgment debt.

Fetzer filed his Motion For Reconsideration inter alia on July 13, 2022 (R514) (App.12) and his Motion to Stay on July 19, 2022 (R515) (App.43) in the Circuit court. Both were denied on August 29, 2022 (R528) (App.3). Fetzer filed his Notice of Appeal of the August 29, 2022 ruling on October 13, 2022 (R529). The Notice of Appeal For Inspection was filed November 8, 2022 stating it would forward the record to This Court on November 15, 2022 (R536) which it did. Fetzer's brief in this appeal of the Taking Order is due the day after Christmas, December 26, 2022.

STATEMENT OF FACTS

Facts commencing the lawsuit and what happened in and out of court were covered in the Statement of the Case. The facts here will be limited to those relevant to this appeal of Pozner's Taking Order.

Pozner filed his "Motion For Turnover Of Property To Apply Property to Satisfy Judgment" (The Taking Order) on April 26, 2022 (R490) (App.6). Fetzer argued in his RESPONSE BRIEF IN OPPOSITION TO PLAINTIFF'S MOTION FOR TURNOVER OF PROPERTY TO APPLY PROPERTY TO SATISFY JUDGMENT (R499) that the court could not transfer intellectual property directly to Pozner without first appointing a receiver to convert the property to money to satisfy the money judgment.

Judge Remington granted the Amended Taking Order turning over intangible intellectual property on July 8, 2022 (R510) (App.55) consisting of four versions

of the book Nobody Died and four website domain names directly to Pozner for his own personal use. Judge Remington set a fixed value of all those intangible properties at $100,000 and deducted it from Fetzer's $457,395.13 judgment debt.

Fetzer filed his Motion For Reconsideration inter alia on July 13, 2022 (R514) (App.12) arguing that only money can satisfy a money judgment and that cannot be accomplished by assigning a value to property and deducting it from the judgment debt and then taking that property for personal use. Fetzer also showed that the property was worthless to Pozner and that Pozner could not convert it to money to satisfy a money judgment and that Pozner was judicially estopped from claiming he could make any money from property the court has found defamatory to him. Fetzer could convert that book property to money by removing the three sentences from the book and publish it as a new edition. Fetzer maintained that the property taken should be Zero dollars and therefore cannot reduce the money judgment and cannot be taken merely for personal satisfaction.

Fetzer also argued that the improper use or perversion of the property taking judicial process with the motive of preventing the future publication of Fetzer's books which were not found libelous or defamatory absent only three sentences was an abuse of process which caused him a loss of $6,277.50 to defend (App.38). His Motion For Reconsideration inter alia was denied on August 29, 2022 along with his Motion to Stay.

Fetzer filed his Motion to Stay on July 19, 2022 (R515) (App.43) in the Circuit court and argued that the U.S. Supreme Court would answer his question showing

that the rules of summary judgment in Wisconsin put all Wisconsin/US citizens at risk of being denied their state and US rights to a trial by jury. Fetzer showed that Wisconsin judges are not required to accept the facts and evidence of nonmovants as true who are at risk of losing their right to trial by jury and may instead take the movant's facts and evidence as true who are not at risk of losing their right to a trial by jury. The Supreme Court of the US decided it was much more important to make sure LGBTQ couples can make wedding announcement platform operators create beautiful proclamations for them as well as Scripturally ordained couples.

Both Fetzer's Motions for Reconsideration and for Stay were denied on August 29, 2022 (R528) (App.3). Fetzer filed his Notice of Appeal of the two denials on October 13, 2022 (R529). The Notice of Appeal For Inspection was filed November 8, 2022 stating it would forward the record to this court on November 15, 2022 (R536) which it did. Fetzer's brief in this appeal of the Taking Order is due the day after Christmas.

Fetzer filed his Application for Stay of the Taking Order to the Supreme Court of the United States on August 31, 2022. The U.S. Supreme Court denied Fetzer's Petition for Writ of Certiorari on October 3, 2022. Fetzer's Application for Stay of the Taking Order at the U.S. Supreme Court was denied on October 11, 2022. Fetzer's Petition for Rehearing of both the Writ and Taking Order at the U.S. Supreme Court was filed on October 28, 2022 and the same was denied on December 5, 2022.

ARGUMENT

Introduction:

Once again Dr. Fetzer will attempt to use the law to obtain justice, in this instance, regarding how his intangible intellectual property should be handled to pay off his unjust money judgment debt. It is obvious to all who have seen this case that the summary judgment upon which Fetzer's guilt was established is manifestly unjust. This conclusion has eluded the judiciary directly involved all the way to the Supreme Court of the United States.

The only explanation for this phenomenon must be that there is a hidden doctrine or force being applied in all judicial actions where the facts question the narratives of the mass media cartel or the new infallible ministry of truth for which even the third branch of government cannot contest with the application of its principles.

How else could a Judge Remington find that an incomplete, uncertified death certificate could be materially the same as a complete death certificate that is certified? Does he probate incomplete death certificates?

How else could appellate justices write in the very beginning of a 58 page opinion that there were no reasonable material fact disputes between Pozner and Fetzer while declaring in back-to-back paragraphs the most diametrically opposed set of facts and evidence possible?

How could anyone read past a profound declaration of opposites declared to be in agreement between parties by the justices without severe cognitive dissonance?

If a reader could survive the absolute contradiction of that judicial conclusion in the first four pages, they would accept anything no matter how absurd in the balance of the 58 pages. If you can't strain a camel how can you strain a gnat?

It is almost impossible for Fetzer to now focus only upon the violations of the property taking statutes of Wisconsin as if suddenly the judiciary will apply lawful principles in his case. How can Fetzer ignore the obvious and hope that by some accident of human nature the law will be suddenly followed after being told that an incomplete death certificate without a state file number or a state certification is no different in any material way than the "official" death certificate with those features, and that there is no reasonable material fact disputes between Pozner claiming his son was killed at a mass shooting and Fetzer who claims the mass shooting never occurred but was rather a FEMA Drill staged for the purposes of disarming the American people against the law of the land? Why on earth would Fetzer now believe that This Court would reverse an unlawful taking order against him just because it violated Wisconsin statutes and the national principles of how to obtain a monetary satisfaction of a money judgment with intangible intellectual property?

What harm would it have done to deny Pozner's motion for summary judgment and let him prove his case before a jury of his peers? The denial of a summary judgment does not deny a right of any kind. There is no constitutional right to a summary judgment. But there is a state and federal constitutional right to a trial by jury. There would have been no harm for the Pozner v. Fetzer case to have gone to

a trial by jury to determine liability for defamation or libel. But it was more important to deny Fetzer a right to a trial by jury and avoid a jury hearing any of Fetzer's evidence that the Sandy Hook Mass Shooting did not happen. Why not let a jury decide if the Sandy Hook Mass Shooting occurred based upon the evidence they hear and see? What harm would that have done? Regardless of whether or not the Sandy Hook Mass Shooting occurred, the manner in which Fetzer was found guilty of defamation was not lawful under any sound rules of law.

It appears that the Wisconsin courts relied upon what they called "*reasonable*" facts and evidence to determine what evidence would be considered in the summary judgment. But to determine what is reasonable the court must *weigh the evidence* which a judge cannot do in a summary judgment. The judge can only determine *agreement* or *disagreement* as to the facts and evidence. A judge that deems facts reasonable or not has taken upon himself the role of the jury to weigh evidence. A judge who finds the nonmovant's facts and supporting evidence unreasonable in a summary judgment and disregards those facts is conducting a *non-jury trial* under the cloak of a *summary judgment* and denying the nonmovant of their right to a trial by jury.

And this Court's own assessments of what is reasonable and what is unreasonable are of necessity based upon its own background knowledge and understanding. As a case in point, this Court declares that it is reasonable to believe "Neil Heslin's defamation claim disputing Heslin's assertion that he held his deceased son in his arms", which appears based upon ignorance of the fact that

Wayne Carver, M.D., declared during his press conference, "Uh, we did not bring the bodies and the families into contact" (R.231:169 Exhibit 10 NOBODY DIED, p. 61), which directly contradicts the Heslin declaration which this Court found to be " reasonable".

As a point of logic the Heslin statement and the Carver assertion cannot both be true but can both be false, as Fetzer has observed. So which is "reasonable"? How could this Court with its limited knowledge of the facts of the case possibly know what was reasonable? This means the Circuit, Appellate and Supreme Court of Wisconsin all weighed the evidence as a juror, rather than looked for agreement or disagreement of the facts and evidence to correctly deny the summary judgment.

This case reinforces the necessity for the submission of disputed facts to juries for their determination on the basis of evidence rather than be resolved by Courts who may know no better as one more exemplification of the poverty of the Wisconsin Summary Judgment methodology. This is what happens when judges are allowed to find facts rather than agreement or disagreement to facts.

A hidden force appears to be at work in this case creating the illusion of justice in denying Fetzer's right to a trial by jury over harmlessly denying Pozner's motion for summary judgment and proceeding to a trial by jury so both sides could put on their evidence for a jury to weigh the reasonableness thereof in establishing all the elements of defamation to determine guilt, some of which are most definitely

missing. Regardless, Fetzer will now faithfully proceed once again in the face of hidden forces denying justice from day one of the lawsuit.

Issue 1: Pozner cannot lawfully take Fetzer's intangible intellectual property directly without assignment of rights and appointment of a receiver to manage or sell the properties.

Fetzer's common law unregistered book copyrights and his website domain names cannot be taken in the manner utilized and authorized by Judge Remington.

This appeal is restricted to a post judgment taking order. Wisconsin statutes do not permit a court to transfer any kind of property much less intangible intellectual property (book copyrights and domain names) of a Judgment Debtor directly to a Judgment Creditor to satisfy a monetary judgment. All property must be converted to money and then given to the money judgment creditor. Fetzer, the judgment debtor is not claiming his common law book copyrights and domain names are exempt but rather that Pozner, the money judgment creditor, cannot end up possessing them in the manner in which it has occurred. The said statutes require a court to order an assignment of their rights to a receiver to auction tangible property and/or manage intangible property giving the monetary proceeds to the Judgment Creditor until the monetary judgment is satisfied.

In this case Judge Remington assigned an arbitrary fixed value of $100,000 for four book editions and four website domain names and deducted that amount from the $457,395.13 judgment and ordered the turnover of that property directly to Mr. Pozner to possess for his own purposes. Dr. Fetzer is not arguing that his

intangible intellectual property is exempt or beyond execution of any kind until the monetary judgment has been satisfied, but rather, it cannot be turned over to Leonard Pozner directly and permanently as has occurred. And these arguments were made by Fetzer in his Response to Pozner's Motion to Turnover Property (R.499) (App.25) and at all hearings concerning the taking of intellectual property.

Mr. Pozner listed intangible intellectual property to be turned over directly to himself without an assignment of rights or an appointed receiver. The Judge transferred Dr. Fetzer's common law interest in four book copyrights and four domain names directly to Pozner to possess forever. This does not satisfy nor reduce a money judgment. The jury on damages did not award ownership of Dr. Fetzer's books or websites but rather found money damages in the amount of $457,395.13. Judge Remington should have ordered Dr. Fetzer to assign his common law interest in the four Nobody Died book editions and his four website domain names to a court appointed receiver to sell and give the proceeds to Pozner. In fact, that might not be possible either according to the following author. David J. Cook in his treatise on the taking of intellectual property[2] said (page 10):

> The Supreme Court firmly established this process [assignment of a Receiver] as the method to reach the intellectual property of a judgment-debtor in the seminal case of Ager v. Murray. In Ager, the Supreme Court laid out the underpinnings of current modern day enforcement against patents. Citing to Pacific Bank, Ager provides for the assignment of the patent. *Ager v. Murray*, 105 U.S. 126, 26 L.Ed. 942 (1881) also see *Pacific Bank v. Robinson*, 57 Cal. 520, 524 (1881). (Brackets added)

[2] *David J. Cook, Post-Judgment Remedies in Reaching Patents, Copyrights and Trademarks in the Enforcement of A Money Judgment*, 9 Nw. J. Tech. & Intell. Prop. 128 (2010). https://scholarlycommons.law.northwestern.edu/njtip/vol9/iss3/3

And on page 11:

> In Palacio, the trial court ordered the turnover of a domain name directly to the judgment-creditor under the plenary power of the court to issue a turnover order at the conclusion of a debtor's examination pursuant to California Civil Practice § 708.205(a). The appellate court reversed and held that the trial court could not directly transfer a non-monetary asset to a judgment-creditor. A money judgment entitles the judgment-creditor to monetary satisfaction through payment of money typically arising from a forced sale of a debtor's properties; a garnishment of accounts or receivables; or a levy on wages. The judgment measures the damages in a monetary amount and correspondingly measures satisfaction in a monetary amount. A domain name, however, lacks a precise monetary value necessary to determine whether its transfer satisfies the judgment. This prolongs the litigation and clouds the issue of whether the judgment is satisfied. Is satisfaction of judgment due? Is it overpaid and now a refund is due? Is the judgment underpaid? Execution never ends. Due process wavers frantically here. The defendant would never know the end of the liability or payment and discharge, when property, not money, would be applied on account of the damages. *Palacio Del Mar Homeowners Ass'n, Inc. v. McMahon*, 95 Cal. Rptr. 3d 445 (Cal. Ct. App. 2009) see also *Network Solutions, Inc. v. Umbro Int'l, Inc.*, 529 S.E.2d 80 (Va.2000)

And from the foregoing quote it appears that Dr. Fetzer's book (less the three sentences found to be libelous) could be published and earn a lot of money as it sold 500 copies in less than a month at Amazon. In three or four years the sales would exceed the amount of the judgment debt and Fetzer would be due those excessive proceeds. Therefore, it appears that Fetzer should remain in control of the copyrights and publish a new revised edition and have a receiver appointed to oversee the management and dispersal of the book sale proceeds to the proper parties for a fee.

David Cook makes it clear that intangible intellectual property cannot be executed like other personal and real property (page 10):

> "*Peterson*[3] and *Pacific Bank* hold that a judgment-creditor cannot use a writ of execution to reach a general intangible such as a patent."

At the circuit court hearing for Fetzer's Motions to Stay and for Reconsideration of the Taking Order, the judge said that personal feelings can establish a value of intellectual property to be granted directly to the judgment creditor and contradicts himself later:

> THE COURT: Please. I think you're entitled to some fair compensation. And the point that I was making is Mr. Pozner could take the position that it has no value to anyone else, it has great value to you 'cause, yes, his plan is to shut it down. Appears, I should say. It appears. I don't anticipate him marketing, selling the book Nobody Died at Sandy Hook. It would be entirely inconsistent with the constant position he's taken since day one of this case. So it has great value to him, on a personal basis has value to you. But the measure under I guess the Fourteenth Amendment or the Fifth Amendment, the taking, if you're gonna take someone's asset, you should afford, I mean, some words that's used is just compensation. (R526:22) (App.102)

Then judge Remington contradicts himself by saying that value is not set on an individual's personal value: "We don't set values for takings based on the intrinsic or personal value that someone might think." (R526:24) The judge is treating Pozner as the city of Madison or the state of Wisconsin in a right-of-way eminent domain procedure instead of an individual with a money judgment in which only money can satisfy. The Fifth Amendment speaks of taking property for public use not private use.

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[3] *Peterson v. Sheriff of S.F.*, 46 P. 1060, 1060 (Cal. 1896)

Pozner attempted to execute a Stipulated Order for the sale of Fetzer's vacation manufactured home on June 29, 2020 in a sheriff's sale with proceeds applied to the judgment debt (R441). No bids were received and the manufactured home was not sold. Why didn't Pozner and Judge Remington simply apply a value to the manufactured home and deduct that amount from the judgment debt just as Judge Remington has granted Pozner to do with Fetzer's intangible properties? That way Pozner could possess the manufactured home directly for his own personal use and then sell it later at his leisure if he wanted. Because there must be an intermediary to perform the conversion of that property to money and given to the judgment creditor, the consistent law is that the judgment creditor cannot directly obtain any property of the judgment debtor for their own personal use. All property, tangible or otherwise, must be converted to money by an intermediary and given to the money judgment creditor to reduce the money judgment. Monetary judgments can only be satisfied by monetary payment. And that intermediary is going to be a law enforcement officer or a court appointed receiver and cannot be the money judgment creditor.

In the famous case of O.J. Simpson, the copyright to his book *IF I DID IT*, was never obtained by Fred Goldman, the civil judgment creditor of $38 million against Simpson, but rather, a right to publish it which Simpson had held in his surrogate name of Lorraine Brooke Associates and granted to HarperCollins for a period of time. If HarperCollins failed or ceased to print and sell the book during that specified time, the exclusive right to publish reverted to Lorraine Brooke

Associates (O.J. Simpson). That contractual obligation to revert the publication rights to Simpson became an asset, separate from his common law copyright, held by Simpson which was then levied and sold at a sheriff's sale in which Goldman was a bidder with his judgment debt. But the actual unregistered common law copyright held by Simpson was not reachable by Goldman as summarized by David Cook who worked with Goldman:

> The garnishment of the reversionary rights gave Fred Goldman a leviable interest in the actual book rights through service of the garnishment of the reversionary rights owed by HarperCollins to Lorraine Brooke Associates which served as Simpson's surrogate. While Fred Goldman did not necessarily become the title owner of the reversionary rights, the levy process authorized him to compel the sale of the reversionary rights at a sheriff's (or receiver's) sale and potentially bid in his judgment and acquire the rights themselves at the sheriff's sale. The levy reached the reversionary book rights and might not have effectively reached the unregistered copyright on the basis that Lorraine Brooke Associates retained the copyright itself and only granted HarperCollins the exclusive right to publish the book. (David Cook page 45)

In essence, what was obtained by Fred Goldman from O.J. Simpson was not his common law copyright of his book "IF I DID IT," but rather the right to publish the book which was held by HarperCollins. Goldman could not become the owner of the common law copyright but only the reversionary rights by the use of a sheriff's sale of the reversionary rights to publish which became a leviable asset of O.J. Simpson as the result of the refusal of HarperCollins to continue publication and sale of the book.

Another significant difference between the Pozner v. Fetzer case and the Goldman v. O.J. Simpson case is that Goldman wanted to publish "IF I DID IT"

and could and did make money from it to reduce his judgment debt against Simpson. But Pozner does not want to publish "Nobody Died" and has worked continually to prevent its publication and has convinced a judge that the book has three sentences in it which are defamatory to him. Therefore, Pozner cannot now change his position and say that he wants to publish the book to make money to reduce the judgment debt. Pozner must be held to the fact that he cannot make a penny from any edition of Nobody Died and he cannot apply his judgment to purchase it as it cannot reduce the amount of his money judgment against Fetzer. This makes the book copyrights non-existent to Pozner. There was no finding in the court by jury or judge that the whole book was defamatory to Pozner and that it was harmful to Pozner and for that reason should be given to Pozner to remove from the public for all time as has been done.

Fetzer argued in the following four paragraphs in his Response To Pozner's Motion For Turnover of Property that:

"Copyrights and other intellectual properties are not available for seizure and sale in an execution at law. *Ager v. Murray*, 105 U.S. 126, 127–31 (1881). The U.S. Supreme Court in Ager quoted with approval *Stephens v. Cady*, 55 U.S. 528, 531 (1852):

> The copperplate engraving, like any other tangible personal property, is the subject of seizure and sale on execution . . . . But the incorporeal right, secured by the statute to the author, to multiply copies of the map by the use of the plate, being intangible, and resting altogether in grant, is not the subject of seizure or sale by means of this process.

Id. Because intellectual property is exempt from execution, "[t]he creditor's only option is to have a receiver appointed . . . to carry out the sale." *Jessica Bozarth, Copyrights and Creditors: What Will Be Left of the King of Pop's Legacy?*, 29 Cardozo Arts & Ent. L.J. 85, 86–88 (2011)[4] (citing California law).

"Under Wisconsin law, executions may be made against "personal property" or "real property." Wis. Stat. § 815.05(1s). Any property seized is sold at a public sale. Wis. Stat. § 815.29. By the terms of the statutes, the limitation of execution to "personal property" or "real property" excludes intangible property. See Wis. Stat. § 815.05(1s). See generally *Aaron Perzanowski & Jason Schultz, Reconciling Intellectual Property and Personal Property*, 90 Notre Dame L. Rev. 1211, 1217–25 (2015)[5] (differentiating between personal property interests and intellectual property interests). Therefore, Pozner cannot simply "execute" against intellectual property and have it delivered to him." (R.499) (App.28)

Fetzer also argued in the following four paragraphs in his Response to Pozner's Motion for Turnover of Property that:

"Plaintiff has no right to an execution or direct transfer of the intellectual property held by Fetzer. Pozner has not requested an assignment of rights or an appointment of any receiver instead he asked the Court for the intellectual property to be "turned over and applied to satisfy the judgment." Pozner is not automatically entitled to ownership and control of Fetzer's property under Wis.

[4] https://www.cardozoaelj.com/wp-content/uploads/Journal Issues/Volume 29/Issue 1/Bozarth.pdf
[5] https://scholarship.law.nd.edu/ndlr/vol90/iss3/6/

Stat. § 816.08 by the mere fact that Fetzer is indebted to him. Rather, Wis. Stat. § 816.08 sets forth the standards by which property may be applied toward satisfaction of a judgment.

> **"816.08 Property to be applied to judgment**. The court or judge may order any property of the judgment debtor or due to the judgment debtor, not exempt from execution, to be applied toward the satisfaction of the judgment; but if it appear that any person alleged to have property of the judgment debtor or to be indebted to the judgment debtor claims an adverse interest in the property or denies the debt, such interest or debt shall be recoverable only in an action against such person by the receiver; and a transfer or other disposition of such property or interest may be restrained till a sufficient opportunity be given to the receiver to commence the action and prosecute the same to judgment and execution or until security therefor shall be given as ordered.

"That statute does not provide for a judgment debtor to relinquish his control and ownership rights in property to a judgment creditor to utilize as it sees fit. Pozner does not claim that he has a security interest in any of the property he requests to be turned over nor does he show the Court any authority to grant a turnover of intellectual property.

"Further, the Wisconsin Legislature did not contemplate the satisfaction of money judgments with anything other than either money or a "payment intangible." See *Attorney's Title Guar. Fund*, 2014 WI 63, ¶¶ 20–24. In Attorney's Title Guar. Fund, the Wisconsin Supreme Court explained that while the rights to any proceeds of a legal malpractice claim may be assigned to a creditor, the rights themselves cannot. Id. In that case, the Wisconsin Supreme Court was concerned that assigning "the right to litigate the claim to a receiver would result in a stranger

to the attorney-client relationship litigating the claim." Id. ¶ 21. "[T]here is a real difference between the claim from which the proceeds arise and the proceeds themselves."" Id. ¶ 23. (R.499) (App.29-30)

Fetzer also argued in the following four paragraphs in his Response to Pozner's Motion to Turnover Property that:

"Here just as there is a real difference between a claim and proceeds from a claim, there is a real difference between intellectual property and proceeds from that intellectual property. Pozner intends to have any interest in intellectual property owned by Fetzer turned over to Pozner and applied to the judgment. This goes against the general principles of collection and the Wisconsin public policy that indicates that assignment of rights beyond a right to be paid is beyond the scope of collecting on a money judgment. See id. ¶¶ 20–24.

"It appears that Pozner is not utilizing the property taking order to reduce his money judgment against Fetzer. Rather, Pozner attempts to gain control of valueless assets. Pozner does not gain indefinite ownership and control of said property. As Fetzer repeatedly explained to the court, unless the book can be marketed, the book itself had no financial (or monetary) value. Rather, a receivership and sale or management would be necessary, and any sale proceeds would subsequently be applied to Pozner's judgment until satisfied and then returned to Fetzer.

"Under Wis. Stat. § 816.08, the creditor may "apply specifically identified personal property to the satisfaction of the judgment, which a creditor may do *with*

the assistance of a supplemental receiver." *Attorney's Title Guar. Fund*, 2014 WI 63, ¶ 26 (emphasis added).")

"It appears that Plaintiff is simply attempting to gain control of property for his own purposes, not to satisfy the Money Judgment. Pozner would rather not have anyone else be able to claim an ownership interest in the property, but it is not in the spirit of Wisconsin collections laws for a creditor to gain control over a judgment debtor's property for reasons other than debt collection. A judgment creditor cannot obtain an order to turn over purely sentimental property because it serves emotional value to the creditor. A money judgment entitles a judgment creditor to payment, not to control of property as in a replevin action or as a punitive tactic." (R.499) (App.30-31

Issue 2: Pozner is Judicially Estopped from Reducing the Money Judgment Debt with the Taking Order's Intangible Property:

Pozner is judicially estopped from claiming Fetzer's books or website domain names have any monetary value to Pozner as he has removed them from the internet with his summary judgment ruling in this case. Also his organization HONR has spent the last eight years removing from the internet the domain names of websites that fit the profile of Fetzer's domain names. He cannot now claim these books and domain names have value in the market for him to raise money to reduce the money judgment.

Judge Remington has admitted in open court that those intellectual properties are worthless to Pozner and the same was allowed to stand without objection by

Pozner. The book copyrights taken are worthless to Mr. Pozner, and he is judicially estopped from claiming otherwise.

Fetzer argued in his Motion for Reconsideration inter alia that (App.14-15):

> "Mr. Pozner convinced the court that some material in the Nobody Died books were defamatory, winning a money judgment of $457,395.13 which he used to remove the said books from the public. He now claims that the said book and copyrights have monetary value to him, as if he would publish and sell books containing the slightest defamation against him. The case is the same along with the facts thereof. Clearly all 3 elements of judicial estoppel are present to prevent Mr. Pozner from appraising and taking the Nobody Died books and copyrights, even if Dr. Fetzer held them." (R.514)

Judge Remington has also stated in open court without objection by Pozner that the purpose of the lawsuit and the taking order was to shut down the publication and circulation of the four Nobody Died book editions (R526:22) (App.102). A book that is not marketed cannot make money to reduce a money judgment and hence cannot be levied or aliened or held by Pozner. Valueless property cannot be seized by a money judgment creditor. Valueless property is unseen, invisible and non-existent to the money judgment creditor. The Wisconsin statutes governing taking procedures do not include or are silent in regard to taking anything merely wanted by the judgment creditor by simply attaching an arbitrary value to it and deducting it from the money judgment debt. If property cannot produce money immediately to satisfy the judgment debt it cannot be taken. A judgment creditor cannot enter the property of the judgment debtor and assign values to worthless property and take anything they want for their own personal use as the sole bidder and possessor. That is what Pozner with the aid of Judge Remington have done in

this case. Judge Remington treated the taking of Fetzer's intangible intellectual property as a Fifth Amendment eminent domain procedure executed by Pozner to take private property for "public use" and pay an assigned amount to the owner. Pozner is not the government and he is not using Fetzer's intellectual property for public use or benefit and therefore cannot simply assign a value and deduct it from the judgment debt and take it and possess it for his own personal use forever as he has done.

Mr. Pozner is judicially estopped from claiming that said property has any value to him as the books contain three sentences that were found to be defamatory to him in a summary judgment in the same case. And Fetzer's domain names are worthless to Pozner for the very similar reason. All of Fetzer's website domain names fall into the same profile that Pozner's organization, HONR,[6] has been shutting down for the last eight years,[7] as he plead in his original Complaint (R1:5).

The elements of judicial estoppel are found in *State v. Basil E. Ryan, Jr.*, 2012 WI 16, reversing 2011 WI App 21 ¶33:

> ¶32 We begin by addressing the circuit court's application of the equitable doctrine of judicial estoppel. Judicial estoppel is intended "to protect against a litigant playing 'fast and loose with the courts' by asserting inconsistent positions" in different legal proceedings. State v. Petty, 201 Wis. 2d 337, 347, 548 N.W.2d 817 (1996). "The doctrine precludes a party from asserting a position in a legal proceeding and then subsequently asserting an inconsistent position." Id. "[J]udicial estoppel is not directed

[6] https://en.wikipedia.org/wiki/HONR_Network
[7] https://www.honrnetwork.org/

> to the relationship between the parties but is intended to protect the judiciary as an institution from the perversion of judicial machinery." Id. at 346.
>
> ¶33 For judicial estoppel to be available, three elements must be satisfied: (1) the later position must be clearly inconsistent with the earlier position; (2) the facts at issue should be the same in both cases; and (3) the party to be estopped must have convinced the first court to adopt its position. Id. at 348.

Mr. Pozner's current position is that Fetzer's books and domain names can earn Pozner $100,000 in cash to reduce the money judgment debt he is owed by Dr. Fetzer. His earlier position and efforts have been to remove the same books and websites from the internet and public view. And he has convinced the same court earlier that the books contain three sentences that are defamatory to him. Mr. Pozner cannot now publish them without defaming himself again or admitting they were not defamatory to begin with. And if he alters the contents he has created a new copyright and Fetzer's common law copyright goes unused.

All three elements of judicial estoppel are present: 1) Mr. Pozner's later position is inconsistent with his earlier position; and 2) the facts are identical as it is the same case; and 3) Mr. Pozner has convinced the court of his earlier position to grant him a summary judgment finding the books contained three sentences defamatory to Mr. Pozner and his deceased son (R230). Mr. Pozner cannot change his earlier position and now claim Fetzer's intellectual property has monetary value to Pozner to reduce his money judgment. Pozner cannot take property that has no value to Pozner as it will not reduce Pozner's money judgment. Fetzer's

intellectual property has become invisible and non-existent to Pozner due to it non-existent value to Pozner.

The judge granted a limited permanent injunction against Fetzer to prevent him from repeating the four sentences found to be defamatory, but insisted it did not apply to the balance of the four editions of the Nobody Died. Judge Remington wrote the following in his DECISION AND ORDER ON POST-VERDICT MOTIONS (R.348:18):

> The court can therefore order that these statements not be repeated. See McCarthy, 810 F.3d at 464 (Sykes, J., concurring) ("An emerging modern trend, however, acknowledges the general rule but allows for the possibility of narrowly tailored permanent injunctive relief as a remedy for defamation as long as the injunction prohibits only the repetition of the specific statements found at trial to be false and defamatory.")

The Nobody Died books have value to Dr. Fetzer and he can remove the three defamatory sentences found in the book and publish the book once again to pay off the entire money judgment in three or four years. Pozner should not be allowed to take the one thing that has no value to him for a mere $100,000 and thereby prevent Fetzer from paying off the whole $457,395.13 in three or four years.

Issue 3: Taking Order & Lawsuit are Abuse of Process:

The Taking Order Procedure was an abuse of process to take property in a fashion not intended by law with an ulterior motive to prevent a 400+ page book from being circulated merely because Judge Remington found 3 sentences of it to be libelous.

The three sentences found in the book to be libelous can be removed and the book republished by Dr. Fetzer and sold to pay off the entire judgment debt in three or four years. The Wisconsin property taking statutes were misused to take property, worthless to Pozner, to stop the publication of a 400+ page book and misdirect the websites for Pozner's own purposes all of which violate the 1st Amendment freedom of the press and Wisconsin statutes for post judgment collection.

The two elements of abuse of process are present as shown from the Wisconsin Supreme Court in *Thompson v. Beecham*, 241 N.W.2d 163, 72 Wis.2d 356 (Wis. 1976):

> The essential elements of abuse of process, as the tort has developed, have been stated to be: first, an ulterior purpose, and second, a willful act in the use of the process not proper in the regular conduct of the proceeding. Some definite act or threat not authorized by the process, or aimed at an objective not legitimate in the use of the process, is required;...
>
> The ulterior motive or purpose may be inferred from what is said or done about the process, but the improper act may not be inferred from the motive.
>
> In order to maintain an action for abuse of process, the process must be used for something more than a proper use with a bad motive. The plaintiff must allege and prove that something was done under the process which was not warranted by its terms.

Fetzer has proven in the two preceding Issues that the Wisconsin post judgment taking statutes and law do not allow the direct transfer of the judgment debtor's property, intangible or otherwise, directly to the judgment creditor for their own personal use as sought and obtained by Pozner and ordered by Judge Remington. This is the misuse of the post judgment taking process.

Now that *misuse* of process has been established in the two preceding issues, Fetzer must show an *ulterior motive* which Judge Remington provides with no objection from Pozner. Judge Remington provides the *ulterior motive* of Pozner for the *misuse* of the post judgment enforcement of a money judgment procedure and the entire lawsuit. In the hearing on Dr. Fetzer's motions to Stay and Reconsideration of the Taking Order, Remington admitted the property had no value to Mr. Pozner and that the real motive of Mr. Pozner's whole lawsuit from the beginning was to shut down the whole book and redirect the public. This statement in open court was allowed to stand without objection by Mr. Pozner:

> And you've demonstrated to me I think quite convincingly that these assets honestly don't have any value in the market. It's a personal between the parties. And that's what litigation often is, a personal, an opportunity to use litigation to obtain the personal advantage and result of shutting down the book, seeing that it's not published, and redirecting the traffic from these websites now to a website owned and operated and controlled by Mr. Pozner for his personal view. (R526:25) (App.105)

Judge Remington has identified the *ulterior motive* for the lawsuit and the misuse of the post judgment taking procedures, which was and is to shut down Dr. Fetzer's books and websites that contained evidence that the Sandy Hook Elementary Mass Shooting did not happen as the world was told. But that was not the original stated purpose of the lawsuit which was to repair damage done by four defamatory sentences, three in books and one in a blog post.

The uninformed presumption, and media encouraged implication, in the Pozner case is that Fetzer's whole book harms Pozner and all the families of those who died at the Sandy Hook Mass Shooting. However, that is not the finding of the

court. The court has found that three sentences in the book are defamatory, not that the whole book is defamatory. Pozner had every right to request the court to order the removal of the defamatory sentences before any future publications but Pozner acquired no rights to remove the whole book from the market place.

Fetzer said that an incomplete death certificate was fake, fabricated and forged. Pozner's own evidence proves that the death certificate commented upon by Fetzer was and is incomplete compared to Pozner's "official version" he attached to his original complaint (R1). At what stage of completion does a death certificate become real or sufficient for probate? Fetzer compiled the findings of 13 people who looked into various aspects of the Sandy Hook Mass Shooting event all of which suggested from strong evidence that Sandy Hook Elementary had been closed by 2008, four years before the alleged mass shooting where Pozner's son was allegedly killed. Fetzer had submitted strong evidence to support that claim including the whole book "Nobody Died," (R.231:169-170 Exhibit 10) of which include two federal documents, a FEMA manual for a mass casualty drill involving children scheduled for the same day and an FBI Uniform Crime Report for the nation showing no murders or non-negligent manslaughters in Newtown, Connecticut, for the whole year of 2012. Even though this evidence was admitted as exhibits at hearings it was all found to be *irrelevant* by Judge Remington. This kind of documentation would naturally lead anyone to suspect that maybe no one was killed at Sandy Hook on December 14, 2012. This and much more evidence

naturally lead Fetzer to believe that the incomplete death certificate of Pozner's son was fake, fabricated and forged.

This Pozner v. Fetzer lawsuit is setting precedent that no one may any longer question the veracity of the mass media cartel's narrative no matter how strong the refuting evidence may be. The mere fact that there are people who claim an event happened in which they lost loved ones should not preclude the freedom of speech and the press to express legitimate evidence, not of their own making, that the event did not happen. We can not live in a society that will not allow the expression of doubt when credible evidence is revealed that a major event did not happen as told by a private mass media cartel.

We know there are very powerful and super wealthy men and organizations that want the disarmament of the American people rendering them defenseless to tyranny and they may be capable of producing street theater and sending their mass media cartel to narrate the show as well as buying legislation the old fashion way.

One might surely say, "Well if it is proven in court that three sentences (in a book claiming a death certificate was fake, fabricated and forged) were false while the death certificate purported that the deceased had been killed by "multiple gunshot wounds" at Sandy Hook Elementary school, then the whole book concluding it did not happen would also be defamatory and a lie. However, just as Pozner is judicially estopped from claiming the Nobody Died books have value to Pozner, he and Judge Remington are also judicially estopped from claiming that

the whole book (with evidence that the Sandy Hook Mass Shooting did not occur) is false and defamatory or relevant to this lawsuit (R51:49-50) (App.110-111):

> THE COURT: I'm sorry. Death certificate. I'm sorry. Thank you for correcting me. His death certificate. **Whether or not Sandy Hook ever happened or not is not relevant to this -- the -- the truthfulness or the accuracy of the death certificate**. Now, I understand the -- the Defendants' 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. So I'm not concerned with Mr. Pozner's litigation against, quote, Sandy Hook skeptics. That's not relevant and not likely to lead to the discovery of anything relevant that will be admitted in this court. (Emphasis added)

Therefore, Pozner and the Court is now judicially estopped from claiming that the balance of the material and evidence in the Nobody Died book editions is defamatory or lies or should not be read by the public. It further means that Pozner has no moral right to take the book and prevent its publication by Fetzer without the three sentences ruled defamatory. All the evidence in those books were ruled irrelevant in this case and cannot now be made to be false or defamatory by any ruling in the Pozner v. Fetzer lawsuit. All evidence contained in the Nobody Died books were ruled *irrelevant* to deprive Fetzer of a defense and cannot now be made *relevant* to any finding of the Circuit court giving Pozner a moral or legal right to take and prevent the public from seeing and buying Dr. Fetzer's Nobody Died books. Pozner and said court are judicially estopped from changing their position now.

This direct taking of the common law copyright interests of Fetzer by Pozner without an assignment of same and appointment of a receiver violates both Wisconsin statutes and national precedent of converting intellectual property into monetary satisfaction of a money judgment. And that misuse of the taking rules of law to prevent the public from seeing evidence that Sandy Hook did not happen is an evil and ulterior motive that establishes the abuse of process.

This is not only the abuse of property taking law but the whole lawsuit is an abuse of the entire judicial process. Judge Remington has described the weaponization of the judicial system. The purpose of litigation is not to harm or gain personal advantage over someone but to maintain a state of peace between parties and repair the unjust damages done by the transgressor. Judge Remington has revealed his approval of the use of a Wisconsin Court of the people for Pozner to gain a personal advantage over Fetzer to "shut down" his books without allowing the evidence in those books for Fetzer's own defense. And the shutting down of books that have no relevance to this case is a violation of the 1st Amendment right to freedom of speech and the press harming Dr. Fetzer. Judge Remington has agreed to use a court of the people of Wisconsin to turnover Fetzer's property directly to Pozner to prevent the public from seeing the 400+ pages of evidence found by 13 contributors that Sandy Hook did not happen and to redirect Fetzer's websites to Pozner's websites to promote Pozner's "own personal views." See the results of this kind of judicial perversion and use of the judicial system as described by John Locke, the source of the concept of American liberty

according to Thomas Jefferson, *John Locke, Second Treatise of Government* 1689 Chapter III Section 20:[8]

> "[w]here an appeal to the law, and constituted judges, lies open, but the remedy is denied by a manifest perverting of justice, and a barefaced wresting of the laws to protect or indemnify the violence or injuries of some men, or party of men, there it is hard to imagine any thing but a state of war: for wherever violence is used, and injury done, though by hands appointed to administer justice, it is still violence and injury, however coloured with the name, pretences, or forms of law, the end whereof being to protect and redress the innocent, by an unbiased application of it, to all who are under it; wherever that is not bona fide done, war is made upon the sufferers, who having no appeal on earth to right them, they are left to the only remedy in such cases, an appeal to heaven."

The questions may arise: Who are those men or parties of men being indemnified by a barefaced wresting of the laws? And what is the violence these men have done? Is it James H. Fetzer, Ph.D., and those that have simply compiled a book with evidence they have found that indicates the mass media cartel's narrative about Sandy Hook is not correct? Or is it Leonard Pozner and his victorious co-hearts or parents of Sandy Hook victims in destroying gun manufacturers and the most popular media figure outside the cartel? The evidence is clear that no one sued in connection with Sandy Hook has obtained a trial by jury of their peers. And Fetzer, with a 400+ page book of evidence that nobody died at the Sandy Hook, was not allowed to present one word of it in his defense to Pozner's claim that his son died on the same day at the Sandy Hook Elementary Mass Shooting. Who was being prevented from submitting evidence in their

[8] https://constitution.org/2-Authors/jl/2ndtr03.htm

claim? Who was denied their right to a trial by jury? Who did not follow sound rules of summary judgment?

Regardless of the original purpose of Pozner's lawsuit, the employed judicial process, or lack thereof, went way beyond its legitimate authority resulting in the deprivation of Dr. Fetzer's 1st Amendment rights of free speech and freedom of the press as well as depriving him of his 7th and 14th Amendment rights to trial by jury. The use of an incomplete scanned "death certificate" to "shut down" a 400+ page book filled with evidence that Sandy Hook may not have happened as America and the world was told, is abuse of process which should be overturned and reversed.

CONCLUSION

Based upon conclusions of the foregoing issues and arguments, the denial of Fetzer's Motion for Reconsideration inter alia (R538) seeking reversal of the Amended Taking Order (R510) should be reversed, and Dr. Fetzer's intellectual property rights should be restored to Dr. Fetzer.

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James H. Fetzer, Ph.D.

James H. Fetzer, Ph.D.

Pro Se
800 Violet Lane
Oregon, WI 53575
(608) 835-2707
jfetzer@d.umn.ed