A.C. 45401

LAFFERTY, ERICA , ET AL.,	:	**APPELLATE COURT**
	:	**STATE OF CONNECTICUT**
	:	
V.	:	
	:	
JONES, ALEX EMERIC, AT AL.,	:	
	:	**APRIL 1, 2022**

APPELLANTS' EMERGENCY MOTION FOR REVIEW OF TRIAL COURT'S DENIAL OF MOTION TO STAY ORDER OF THE TRIAL COURT

Pursuant to Practice Book §§ 61-14 and 66-6, the Appellants respectfully request this Court review the trial court's denial of their motion to stay the finding of contempt and levying of sanctions by the trial court against Alex Jones and issue the narrowly tailored stay requested herein. The trial court's contempt sanctions were issued on March 30, 2022 and imposed a $25,000 per-weekday fine commencing on April 1, 2022 and increasing by $25,000 per-weekday thereafter until Mr. Jones sits for two days of depositions.

I. BRIEF HISTORY OF THE CASE

As part of a rescheduling agreement between counsel, the deposition of Alex Jones in this case was rescheduled to occur on March 23, 2022 and March 24, 2022 in Austin, Texas, where Mr. Jones resides. The deposition was duly noticed under cloak of a court approved commission to take a deposition. The plaintiffs did not subpoena Mr. Jones.

On March 21, 2022, Mr. Jones' counsel sought an emergency protective order to temporarily delay the deposition on the advice of Mr. Jones' doctor. The Court denied the motion after a hearing on March 22, 2022, and ordered Mr. Jones to appear for deposition the following day Counsel for Mr. Jones submitted an additional affidavit and a notarized

letter from another treating physician in a renewed motion for a protective order. The Court ordered denied the protective order, requiring Mr. Jones to appear unless otherwise hospitalized.

On March 23, 2022, counsel for the Plaintiffs and counsel for Mr. Jones appeared at the place designated in Austin, Texas for his deposition. Mr. Jones did not appear for his deposition.

Mr. Jones' nonappearance came upon the advice of a physician, Dr. Benjamin Marble, who arrived in Austin to visit him on March 20, 2022. *See* **Exhibit A**, **¶ 6**. On March 21, 2022, Dr. Marble's personal observations of Mr. Jones so alarmed him that he insisted on conducting a physical examination of Mr. Jones. *Id.* at ¶ 7. He immediately advised Mr. Jones to go to an emergency room or call 911. *Id*. at ¶ 8. After Mr. Jones refused, Dr. Marble advised him to stay home, which Mr. Jones did not do. *Id*. at ¶¶ 9-11. Dr. Marble subsequently arranged for a comprehensive medical workup to be conducted for Mr. Jones on March 23, 2022 by Dr. Amy Offutt. *Id*. at ¶ 12.

Dr. Marble remains firm in his initial recommendation that Mr. Jones neither attend a deposition nor return to work until the results of the comprehensive medical workup are returned, and he opines that Mr. Jones stands at serious risk of harm. *Id*. at ¶¶ 14-15.

Mr. Jones completed his testing with Dr. Offutt on March 23, 2022. **Exhibit B.** Dr. Offutt describes Mr. Jones' medical issues as time-sensitive and potentially serious, and she advised him to avoid too much stress pending further testing. *Id*. Dr. Offutt also provided him with ER precautions, and she advised him not to attend court proceedings. *Id*.

These items were presented to the trial court and entered as exhibits at the March 24, 2022 deposition.

The plaintiffs sought emergency relief from the trial court, and the Court called for an expedited briefing schedule on what, if any, sanction should enter. **Exhibit C.** Thereafter, it permitted the Plaintiffs to file a supplemental motion to hold Jones in contempt. No show cause order was entered. Argument took place on the afternoon of March 30, 2022. The court took no evidence, and relied merely on arguments of counsel. **Exhibit D**. Among the relief sought by the plaintiffs was an order for the arrest of Jones.

At approximately 2:30 p.m. on March 30, 2022, the trial court ruled from bench, holding Jones in contempt, finding he acted in bad faith, and imposed a fine of $25,000 per business day, said fine increasing by $25,000 each business day until Jones sits for two days of depositions. He is required to travel to Connecticut. The fines are to end on April 15, 2022. If Jones completes the depositions, he can apply to the court for return of the fines. In addition, the court ordered that Jones must pay the costs associated with the aborted depositions in Texas. The court wisely did not order a capias.

The fines are set to begin accruing on April 1, 2022, despite the fact that no deposition notice for Jones has been served. Indeed, after the sanctions order entered, the plaintiffs noticed the depositions of four other persons – and not Jones – during the week of April 4, 2022. These depositions had previously been agreed upon by all counsel in the case. The trial court denied a motion to reconsider staying imposition of the fines until April 11, 2022, saying that it was incumbent on Jones, in effect, to notice his own deposition by providing the plaintiffs with 24-hours notice of his availability. **Exhibit E.**

II. SPECIFIC FACTS RELIED UPON

The Appellants filed a motion to stay the trial court's finding of contempt and entry of sanctions pending the disposition of a public interest appeal on March 31, 2022. They subsequently filed this appeal later that day. The trial court denied the motion to stay. **Exhibit F.** That motion was denied on April 1, 2022. The appellants now request that this Court review the trial court's denial and issue a *narrowly tailored* stay of the Sanction Order so that they do not suffer irreparable physical and financial harm while this Court determines the merits of their appeal.

III. LEGAL GROUNDS RELIED UPON

The Court should stay the order of the trial court pending the disposition of this appeal pursuant to Practice Book § 61-14:

> In any case in which there is no automatic stay of execution and in which the trial court denies, or refuses to rule on, a motion for stay, an aggrieved party may file a motion requesting a stay of execution of the judgment from the court having appellate jurisdiction pending the filing of and ruling upon a motion for review. The motion must be filed with the appellate clerk.

Practice Book § 61-14.

In making a determination as to whether to issue a stay, courts balance the equities that our courts have consistently relied on *Griffin Hospital v. Commission on Hospitals & Health Care*, 196 Conn. 451, 493 (1985), which counsels the court to apply 'familiar equitable principles in the context of adjusting the rights of the parties during the pendency of the litigation until a final determination on the merits.' *Id.,* 458. While approving a general 'balancing of the equities test' as the benchmark for granting or denying a motion for stay, *Griffin* also recites a list of non-exclusive factors that a court may consider including the likely outcome on appeal, whether the movant faces irreparable prospective

harm from the enforcement of the judgment, and the effect of the delay occasioned by a stay upon the non-moving parties. *Id.*, 458-59. The court may also consider "the public interest involved." (Footnote omitted.) *Griffin Hospital v. Commission on Hospitals & Health Care*, supra, 456.

Here, the equities favor a stay. The trial court imposed severe sanctions on Mr. Jones that eventually total more than $1.5 million. The terms and severity of the trial court's sanctions are undeniably extraordinary, and the Jones Defendants are entitled by law to seek review of that order from this Court. *See Incardona v. Roer*, 309 Conn. 754, 760 (2013) (holding that a contempt order and sanctions pursuant to a contempt order constitute a final judgment immediately appealable). The severity of the trial court's sanctions become more apparent when one considers that it is forcing Mr. Jones to discover extraordinary sums of liquid financial assets on a daily basis to keep from incurring another contempt sanction. For instance, over the next six business days, Mr. Jones will be forced to produce the following daily sums: $25,000; $50,000; $75,000; $100,000; $125,000; $150,000. The American financial system simply does not move that fast. Thus, the trial court creates a scenario in which it is inevitable that it will further sanction Mr. Jones.

The Court imposed these extraordinary consequences in an indirect contempt proceeding that violated Connecticut Supreme Court's decision in *Puff v. Puff*, 334 Conn. 341 (2020). *Puff* establishes that a trial court cannot merely rely on the representations of counsel in indirect contempt proceedings. *Id*. at 366. Instead, the trial court must rely on evidence adduced at a hearing attended by due process considerations and the party moving for contempt bears the burden of producing such evidence. Here, the trial court

did not entertain any evidence, shifted the burden of production entirely to Alex Jones, and relied entirely on the representations of plaintiffs' counsel to find Mr. Jones in contempt. It denied Mr. Jones' counsel's request for additional time to produce evidence, and it made no detailed factual findings. *Puff* clearly prohibits this sort of proceeding, and Mr. Jones is extremely likely to prevail on the merits of his appeal.

Additionally, granting a stay will not result in any prejudice to the plaintiffs. Mr. Jones has never sought to escape his deposition in this case entirely. He merely followed medical advice not to sit for it when his health could be jeopardized by it. He has already offered to come to Connecticut to give his deposition on the week of April 11, 2022. The Plaintiffs will have their opportunity to question Mr. Jones. Subjecting him to a contempt trap is wholly unnecessary, especially when that trap is created in a hearing that violates due process and clearly established precedent from the Connecticut Supreme Court.

IV. CONCLUSION

For the foregoing reasons, the Appellants request that this Court stay the trial court's order of sanctions pursuant to its civil contempt finding until the Court can dispose of this appeal. They request immediate emergency relief.

Dated: March 31, 2022

Respectfully Submitted,

Alex Jones,
Infowars, LLC;
Free Speech Systems, LLC;
Infowars Health, LLC; and
Prison Planet TV, LLC

BY:/s/ Norman A. Pattis /s/
/s/ Cameron L. Atkinson /s/
Norman A. Pattis
Cameron L. Atkinson
PATTIS & SMITH, LLC
Juris No. 423934
383 Orange Street
New Haven, CT 06511
V: 203-393-3017 F: 203-393-9745
npattis@pattisandsmith.com
catkinson@pattisandsmith.com

ORDER

The foregoing having been heard; it is hereby ordered:

GRANTED / DENIED

_____
Judge/Clerk

CERTIFICATIONS

The undersigned hereby certifies the following:

That the foregoing has been delivered electronically to the last known e-mail address of each counsel of record for whom an e-mail address has been provided, pursuant to PB § 67-2(b); and

For Genesis Communications Network, Inc.:
Mario Kenneth Cerame, Esq.
Brignole & Bush LLC
73 Wadsworth Street
Hartford, CT 06106

For Plaintiffs:
Alinor C. Sterling, Esq.
Christopher M. Mattei, Esq.
Matthew S. Blumenthal, Esq.
KOSKOFF KOSKOFF & BIEDER
350 Fairfield Avenue
Bridgeport, CT 06604

For Trustee Richard M. Coan

Eric Henzy, Esq.
ZEISLER & ZEISLER P.C.
10 MIDDLE STREET
15TH FLOOR
BRIDGEPORT, CT 06604

That the foregoing has been redacted or does not contain any names or other personal identifying information that is prohibited from disclosure by rule, statute, court order or case law, pursuant to PB § 67-2(i)(3);

That the foregoing complies with all other applicable provisions of the Practice Book.

That counsel has complied with all other applicable provisions of the Practice Book.

/s/ Cameron L. Atkinson /s/

Exhibit A

NO. X06-UWY-CV-18-6046436-S	:	**SUPERIOR COURT**
ERICA LAFFERTY, ET AL	:	**COMPLEX LITIGATION DOCKET**
V.	:	**AT WATERBURY**
ALEX EMRIC JONES, ET AL	:	**MARCH 23, 2022**

NO. X06-UWY-CV-18-6046437-S	:	**SUPERIOR COURT**
WILLIAM SHERLACH	:	**COMPLEX LITIGATION DOCKET**
V.	:	**AT WATERBURY**
ALEX EMRIC JONES, ET AL	:	**MARCH 23, 2022**

NO. X06-UWY-CV-18-6046438-S	:	**SUPERIOR COURT**
WILLIAM SHERLACH, ET AL	:	**COMPLEX LITIGATION DOCKET**
V.	:	**AT WATERBURY**
ALEX EMRIC JONES, ET AL	:	**MARCH 23, 2022**

RENEWED MOTION FOR PROTECTIVE ORDER RE: DEPOSITION OF ALEX JONES

The defendant, Alex Jones, renews his "Amended Motion for Protective Order RE: Deposition of Alex Jones," filed on, March 21, 2022. See, Dkt# 730.00. In support of this renewed motion the defendant submits the sworn statements of two medical professionals: Dr. Benjamin Marble and Dr. Amy Offutt. These statements are attached hereto as Exhibit A.

As part of a rescheduling agreement between counsel, the deposition of Alex Jones in this case was rescheduled to occur on March 23, 2022 and March 24, 2022. On March 21, 2022, Mr. Jones' counsel sought an emergency protective order to temporarily delay the deposition on the advice of Mr. Jones' doctor. The Court denied the motion after a hearing on March 22, 2022.

On March 23, 2022, counsel for the Plaintiffs and counsel for Mr. Jones appeared at the place designated in Austin, Texas for his deposition. Mr. Jones did not appear for his deposition.

NO. X06-UWY-CV-18-6046436-S	:	SUPERIOR COURT
ERICA LAFFERTY, ET AL	:	COMPLEX LITIGATION DOCKET
V.	:	AT WATERBURY
ALEX EMRIC JONES, ET AL	:	MARCH 23, 2022

NO. X06-UWY-CV-18-6046437-S	:	SUPERIOR COURT
WILLIAM SHERLACH	:	COMPLEX LITIGATION DOCKET
V.	:	AT WATERBURY
ALEX EMRIC JONES, ET AL	:	MARCH 23, 2022

NO. X06-UWY-CV-18-6046438-S	:	SUPERIOR COURT
WILLIAM SHERLACH, ET AL	:	COMPLEX LITIGATION DOCKET
V.	:	AT WATERBURY
ALEX EMRIC JONES, ET AL	:	MARCH 23, 2022

AFFIDAVIT OF DR. BENJAMIN MARBLE

I, Dr. Benjamin Marble, being duly sworn, hereby state:

1. I am over the age of 18 and understand the meaning of an oath.
2. I am a physician licensed to practice in the states of Florida, Alabama, and Mississippi.
3. I graduated from the University of South Alabama at Mobile Medical School in 1997.
4. I completed my Family Practice Residency in the year 2000.
5. I was nominated for a Nobel Peace Prize in 2021.
6. I arrived in Austin, Texas to visit with Mr. Jones on March 20, 2022.
7. On March 21, 2022, I was so alarmed by my personal observations of Mr. Jones' physical health that I conducted a physical examination of him.
8. Based on that assessment, I immediately advised Mr. Jones to go to an Emergency Room or call 911.
9. Mr. Jones refused to do so.

10. I then advised him to stay at home and rest until further medical testing could be conducted.

11. It is my understanding that Mr. Jones has not remained home as advised.

12. I then arranged for Mr. Jones to have a comprehensive medical workup, to be conducted by Dr. Amy Offutt – of Marble Falls, Texas.

13. Mr. Jones' medical testing with Dr. Offutt was scheduled for this morning – March 23, 2022.

14. Based on my communications with Dr. Offutt's office, subsequent to Mr. Jones' initial evaluation and testing, I stand by my recommendation that Mr. Jones neither attend a deposition nor return to work until the test results are completed and returned.

15. In my opinion Mr. Jones stands at serious risk of harm if he submits to stressors.

Dr. Benjamin Marble

Dr. Benjamin Marble

Subscribed and sworn before me, this 23 day of March, 2022.

NOTARY PUBLIC STATE OF TEXAS
LESLIE MUNIZ
Notary Public, State of Texas
Comm. Expires 11-01-2022
Notary ID 131781400

Exhibit B

Amy Offutt, MD

707 3rd St
Marble Falls, TX 78654
Phone: (830)693-9355
Fax: (830)693-9194

March 23, 2022

Alex Jones
[redacted]
Austin, TX 78735
[redacted]

To Whom It May Concern:

This morning, I had a medical visit with Mr. Alex Jones for acute medical issues that were time-sensitive and potentially serious. We started a comprehensive medical evaluation and he has labs that are pending to assess his [redacted] status. I have asked him to avoid too much stress until we have results from the blood tests this morning. I also gave him ER precautions if he develops escalating symptoms. As a result of these findings, I am advising him to not attend court proceedings for now.

Best Regards,

Amy Offutt, MD

Notary Public

NANCY A. SHAW
Notary Public, State of Texas
Comm. Expires 12-13-2025
Notary ID 131379541

Exhibit C

DOCKET NO: UWYCV186046436S

SUPERIOR COURT

LAFFERTY, ERICA Et Al
V.
JONES, ALEX EMRIC Et Al

JUDICIAL DISTRICT OF WATERBURY
AT WATERBURY

3/23/2022

ORDER

ORDER REGARDING:
03/23/2022 734.00 MOTION FOR ORDER

The foregoing, having been considered by the Court, is hereby:

ORDER:

The court declines to issue a capias at this time. but notes that should Mr. Jones fail to appear for the deposition tomorrow, he will be in direct contempt of the court's orders requiring him to appear for his deposition. Nothing prevents the plaintiffs from pursuing a motion for commission and subpoena, nor are the plaintiffs prevented from seeking sanctions should Mr. Jones continue to disregard the court's orders. The Jones defendants have requested an additional opportunity to be heard regarding the other sanctions that the plaintiffs have requested, and the court agrees that all parties should be given adequate time to brief the issues. As such, the plaintiffs should file a new motion regarding the deposition and sanctions, if they so desire, by 5:00 p.m. March 25, 2022, the defendants should file any opposition by 10:00 a.m. on March 29, 2022, and the plaintiffs should file a reply, if any, by 10:00 a.m. on March 30,2022. A hearing will be held on this issue on March 30, 2022 at 2:00 p.m.

Judicial Notice (JDNO) was sent regarding this order.

421277

Judge: BARBARA N BELLIS

This document may be signed or verified electronically and has the same validity and status as a document with a physical (pen-to-paper) signature. For more information, see Section I.E. of the *State of Connecticut Superior Court E-Services Procedures and Technical Standards* (https://jud.ct.gov/external/super/E-Services/e-standards.pdf), section 51-193c of the Connecticut General Statutes and Connecticut Practice Book Section 4-4.

Exhibit D

UWY-X06-CV18-6046436-S ERICA LAFFERTY, ET ALS., v. ALEX EMRIC JONES, ET ALS.	: : : :	SUPERIOR COURT COMPLEX LITIGATION AT WATERBURY, CONNECTICUT MARCH 30, 2022
UWY-X06-CV18-6046437-S WILLIAM SHERLACH, ET AL., v. ALEX EMRIC JONES, ET ALS.	: : : :	SUPERIOR COURT COMPLEX LITIGATION AT WATERBURY, CONNECTICUT MARCH 30, 2022
UWY-X06-CV18-6046438-S WILLIAM SHERLACH, ET AL., v. ALEX EMRIC JONES, ET ALS.	: : : :	SUPERIOR COURT COMPLEX LITIGATION AT WATERBURY, CONNECTICUT MARCH 30, 2022

BEFORE THE HONORABLE BARBARA N. BELLIS, JUDGE

A P P E A R A N C E S :

Representing the Plaintiffs:
ATTORNEY CHRISTOPHER MATTEI
ATTORNEY MATTHEW BLUMENTHAL
ATTORNEY ALINOR STERLING
Koskoff Koskoff & Bieder
350 Fairfield Avenue
Bridgeport, CT 06604

Representing the Defendants, Alex Emric Jones; Infowars, LLC; Free Speech Systems, LLC; Infowars Health, LLC; Prison Planet TV, LLC:
ATTORNEY CAMERON ATKINSON
Pattis & Smith, LLC
383 Orange Street, #1
New Haven, CT 06511

Representing the Defendants, Genesis Communications Network, Inc.:
ATTORNEY MARIO CERAME
Brignole, Bush & Lewis
73 Wadsworth Street
Hartford, CT 06106

Recorded By:
Jocelyne Greguoli
Transcribed By:
Jocelyne Greguoli
Court Recording Monitor
400 Grand Street
Waterbury, Connecticut 06702

1 THE COURT: All right. Good afternoon,
2 everyone. This is Judge Bellis and we are on the
3 record in the three consolidated Lafferty versus
4 Jones matters. Lead docket number Waterbury 18-
5 6046436.
6 Before I have counsel identify themselves for
7 the record, I noted that there was no objection to
8 the request from the media to tape the matter, so
9 that is noted and that can commence and so I'll -- I
10 have a few housekeeping matters of my own, but before
11 I address that, I'll have plaintiffs' counsel please
12 identify themselves for the record and then defense
13 counsel.
14 ATTY. MATTEI: Good afternoon, Your Honor.
15 Chris Mattei on behalf of the plaintiffs, joined by
16 my colleagues, Alinor Sterling and Matt Blumenthal.
17 ATTY. ATKINSON: Good afternoon, Judge. Cameron
18 Atkinson from Pattis and Smith on behalf of the Jones
19 defendants.
20 ATTY. CERAME: Good afternoon, Your Honor.
21 Mario Cerame of Brignole, Bush and Lewis for Genesis
22 Communication Network, Incorporated.
23 THE COURT: Good afternoon, everyone. So my
24 first housekeeping matter was, Attorney Cerame, I
25 know you had one issue, but I wasn't sure if you
26 wanted to address it today before we have our hearing
27 or if you wanted to address it at the next status

1 conference which is fine with the Court. Did you
2 have a preference?
3 ATTY. CERAME: Yes. I -- I was hoping to mark
4 it off for now. Principally, the issue -- For two
5 reasons. Number one, fact witness discovery is not
6 done and so I don't think we can properly move it
7 until fact witness discovery is done. I identified
8 the reason for that in the motion. And secondarily,
9 there is a hope that things will resolve, so I would
10 --
11 THE COURT: All right.
12 ATTY. CERAME: -- just mark it off for now and I
13 hope that that will -- that -- that we'll be able to
14 proceed after fact witness discovery is done or
15 withdraw, one or the other.
16 THE COURT: All right. So you're referring to
17 your motion to withdraw appearance. So that will be
18 on the very short list of items that we carry -- will
19 carry over without addressing it. So I will keep
20 that on the list and when you have a definitive
21 answer, you'll let me know, but I understand that it
22 won't be addressed at the next status conference.
23 ATTY. CERAME: Yes, Your Honor. Thank you.
24 THE COURT: So Attorney Mattei, are you arguing
25 for the plaintiffs today?
26 ATTY. MATTEI: Yes, Your Honor.
27 THE COURT: And Attorney Atkinson, are you

1 arguing for the Jones defendants?
2 ATTY. ATKINSON: Yes, Your Honor.
3 THE COURT: And Attorney Cerame, I don't want to
4 leave you out. That's always my fear. Are you going
5 to look to be heard today on these issues or are you
6 just a bystander?
7 ATTY. CERAME: I think I -- We do not have any
8 skin in the game, Your Honor. I think it's best for
9 us to be a bystander.
10 THE COURT: Okay. I'm not sure that it's
11 necessary to say this, but I am going to say it
12 anyway before I mute myself and let everyone take
13 over. But this -- The argument today is on the
14 plaintiffs' motion for sanctions regarding Mr. Jones'
15 failure to appear for his depositions and then the
16 Jones defendants' objections thereto. We're going to
17 confine ourselves to that argument, so I'm not
18 looking -- I don't want to hear anything about
19 settlement offers. I don't want any -- You know,
20 this isn't a press conference. This is formal
21 argument of a motion, so I don't know that I needed
22 to say it, but I want to confine ourselves to the
23 proper argument that's before the Court today.
24 So my first question before I turn to Attorney
25 Mattei and mute myself is: Attorney Mattei, are you
26 presenting any new evidence today or is this solely
27 argument?

1 ATTY. MATTEI: Your Honor, we don't intend to
2 present any evidence during the hearing today. We
3 would ask that the Court accept as evidence the
4 exhibits that we've attached to our pleadings and
5 also the exhibits that the Jones defendants attached
6 to their pleadings in connection with this motion.
7 That, we think, is the record and -- and should be
8 sufficient for the Court to make any findings it
9 needs to make.
10 THE COURT: All right. Well, it's -- The way
11 I'm looking at it, it is already part of the Court
12 record by way of being attached as exhibits to the
13 motions.
14 And so, Attorney Atkinson, please, the same
15 question to you: Are you presenting any new evidence
16 today or are we proceeding on what's been submitted
17 to date?
18 ATTY. ATKINSON: Your Honor, as far as what
19 we're prepared to do today, we were proceeding on
20 what's been submitted. I would just note for the
21 record that -- that if you -- your intention is to
22 take up the motion for contempt today, we would
23 request additional law time to prepare witnesses for
24 -- to decide whether we're preparing witnesses for
25 that sort of a hearing.
26 THE COURT: That -- That is what is down today.
27 What is down today, which is clear, is the

1 plaintiffs' motions -- motion for sanctions which
2 request different relief including contempt and other
3 items and your objections thereto, so I am prepared
4 to proceed today because that is the clear agenda
5 that we all had.
6 What I think would be helpful to the Court would
7 be during plaintiffs' argument, if plaintiffs can
8 outline the relief that they're seeking and then if
9 the defendants can respond in kind to each of the
10 different areas of relief that the plaintiff is
11 raising with the Court. That would be helpful.
12 So at this point, I'm going to mute my
13 microphone and turn the floor over to Attorney Mattei
14 for his argument.
15 ATTY. MATTEI: Thank you, Your Honor. Your
16 Honor, I think the Court is pretty well apprised of
17 the facts that have been developed last week and in
18 our pleadings here, so I don't want to belabor what
19 was presented to the Court last week while we were in
20 Texas preparing to take Mr. Jones' deposition. I --
21 I would just say that in terms of the orders that the
22 Court entered last week directing Mr. Jones to appear
23 for his deposition, both on March 23rd and then
24 subsequently on March 24th, we believe that the
25 record establishes that those orders were clear,
26 direct; that counsel for the defendants acknowledged
27 an understanding of those orders; and then later on

1 the record of Mr. Jones' deposition on March 24th
2 conceded that Mr. Jones himself understood that those
3 orders required him to attend his deposition and that
4 he had elected not to.
5 I also -- And so it -- When it comes to the
6 initial issue of whether the Court entered clear
7 orders directing Mr. Jones to appear, we think that
8 that has been clearly established. With respect to
9 Mr. Jones' willful disregard of the Court's orders,
10 we think the circumstances laid out in your pleadings
11 establish that Mr. Jones did so willfully and there
12 are several key factors, I think, to keep in mind.
13 They're -- Number one being counsel's own concession
14 on the record that Mr. Jones understood he was
15 required to be at his deposition and had declined to
16 show; the fact that the Court had given Mr. Jones
17 multiple opportunities to present evidence to support
18 a finding that he should be excused from attending;
19 and that the Court had found he had failed to do
20 that; and then of course Mr. Jones' appearance on his
21 show over the course of March 21st, 22nd, by way of
22 reporting on March 23rd, an apparent disregard of his
23 own doctor's orders, if in fact, that's what his
24 orders -- his doctors instructed him to do and
25 clearly showing an ability to appear for deposition
26 had he wished to comply with the Court's orders.
27 Getting to the -- the Court's request that we

1 focus on the relief that we're seeking, we are asking
2 essentially for the Court to set conditions that will
3 coerce Mr. Jones to appear for his deposition. What
4 we want more than anything else is for Mr. Jones to
5 sit for his deposition which is why the relief that
6 we've requested is conditional on him doing that.
7 So for example, we've requested that the Court
8 instruct the jury at the hearing in damages that it
9 should draw an adverse inference against Mr. Jones on
10 any issue relating to damages in light of his refusal
11 to be deposed in this case and that the Court enter
12 those findings, but withdraw that order should Mr.
13 Jones appear for his deposition. We've asked the
14 Court to order that Mr. Jones will not be permitted
15 to present any evidence -- affirmative evidence at
16 the hearing in damages should he fail to appear for
17 his deposition. We've asked the Court to incarcerate
18 Mr. Jones until he purges his contempt and we think
19 that that type of sanction is required here given the
20 -- the long trail of conduct Mr. Jones has engaged in
21 during the course of this case in order to induce him
22 to comply with the Court's order and we've asked the
23 Court to impose a fine on a daily basis up until the
24 time Mr. Jones purges his contempt, which fine will
25 revert to Mr. Jones when he does submit to
26 deposition.
27 So all of the relief that we've -- we've

1 requested, we think is in line with requiring Mr.
2 Jones to purge himself of his contempt and in line
3 with the -- the main goal here which is just to
4 change Mr. Jones' calculus. It seems to us that Mr.
5 Jones has made a deliberate decision that he would
6 rather suffer the contempt of the Court than expose
7 himself to deposition and so what we've tried to do
8 in fashioning the relief we've requested is change
9 that calculus to make it clear to Mr. Jones that the
10 penalties that will accrue to him as a result of his
11 further non-compliance are not worth it and that he
12 should sit for deposition in order to avoid them.
13 So -- And then of course, Your Honor, we've
14 asked for the -- the costs and fees incurred by the
15 plaintiffs in their attempt to take Mr. Jones'
16 deposition and then in their attempts to brief to the
17 Court why he should be required to sit for his
18 deposition last week and we've presented those costs
19 and fees in our motion.
20 So those are the different components of the
21 relief that we are seeking. Again, all of which we
22 think are reasonably designed to compel Mr. Jones to
23 comply with the Court's orders to sit for his
24 deposition and reflect the seriousness of the
25 violation that he -- that he committed last week.
26 You're muted, Judge.
27 THE COURT: Trying to be polite. I had a

1 question. Am I correct in that the specifics with
2 respect to the attorney's fees and costs that you're
3 claiming and the specifics with respect to the
4 adverse inferences and preclusions of ever --
5 evidence, the specifics were not in your original
6 motion, but in your reply brief that was filed today?
7 ATTY. MATTEI: Correct, Your Honor. Correct.
8 THE COURT: All right. So I think as a matter
9 just of fundamental fairness that because costs and
10 fees and the adverse inferences and preclusions of
11 evidence were requested in the original motion that
12 you filed and then requested in the new motion for
13 sanctions, but there were no specifics, that I can
14 expect Attorney Atkinson to address overall the
15 topics of whether costs and fees should be awarded or
16 whether there should be any adverse inference or
17 evidence preclusions, but if the Court does believe
18 either or both are in order, any specifics would be
19 held to another day because that -- the specific
20 information on the amounts and the details were not
21 filed until your reply brief today and I don't think
22 that's sufficient time for the Jones defendants to
23 respond.
24 ATTY. MATTEI: One -- One note on the specifics,
25 Your Honor, with respect to the factual findings,
26 what -- what we tried to do in our reply was
27 articulate factual findings relating to Mr. Jones'

1 non-appearance, but because the facts that will be
2 presented at trial are not yet specifically known,
3 what we've indicated is that or what we've asked for
4 is for an adverse inference instruction specific to
5 issues that are later presented at trial on the
6 question of damages.
7 So in some ways, it's -- it's really impossible
8 for us to articulate with -- with precision what
9 inferences the jury would be asked to draw. We've
10 kind of set out a category where we expect there to
11 be multiple facts presented at trial, but anyway, I
12 just wanted to explain why we did it that way.
13 THE COURT: All right. But in -- In any event,
14 if Mr. Jones produces himself for a deposition, that
15 issue on the adverse inferences and evidence
16 preclusion would not need to be addressed, correct?
17 ATTY. MATTEI: Correct, Your Honor.
18 THE COURT: Did I interrupt you?
19 ATTY. MATTEI: That's all I have, Judge.
20 THE COURT: Oh, okay.
21 ATTY. MATTEI: Unless you have any questions.
22 THE COURT: I do not besides the ones that I
23 asked.
24 Attorney Atkinson?
25 ATTY. ATKINSON: Yes, Your Honor. Thank you.
26 If -- I would ask the Court's indulgence to bear with
27 me as I have a bit of a shaky internet connection

1 today.
2 Your Honor, at the outset, Mr. Jones recognizes
3 that the plaintiffs have a right to take his
4 deposition. He recognizes that he has to sit for one
5 in this case. He sat for three, by my account, in
6 cases relating to the Sandy Hook litigation in Texas.
7 As our motions and papers have indicated, what
8 has occurred here is he's ultimately listened to his
9 doctor's advice. There are two critical points that
10 I -- I think bear without hyperbolizing all of them
11 in the world. First, initially and today, there was
12 an uncontroverted record before this Court and there
13 still is that Mr. Jones' doctors thought his
14 conditions were serious enough to require emergency
15 medical care and that they rendered precautionary
16 advice that included a recommendation that he go to
17 the emergency room immediately. Mr. Jones had --
18 THE COURT: Attorney Atkinson, I have a question
19 in that regard. When you say uncontroverted record,
20 you're not suggesting to the Court that the Court had
21 to accept the evidence that was submitted as opposed
22 to evaluating the evidence to determine if it was
23 credible, genuine, reasonable, and the like?
24 ATTY. ATKINSON: Not at -- at all, Your Honor.
25 I'm not in any way suggesting to you not to do your
26 job as a judge. That -- That would be crazy, in my
27 view. What I am telling -- suggesting to you is --

1 is what has been presented to you shows without a
2 shadow of a doubt that Mr. Jones' doctors, the people
3 that he has sought his medical attention from, were
4 making these recommendations and that that kind of
5 leads into where I -- where I was going.
6 Mr. Jones had no desire to go to the emergency
7 room and I think most of us would share his lack of
8 enthusiasm for going to the emergency room. What we
9 had happen here was it took some serious persuading
10 for him to recognize the seriousness of his
11 condition, to follow his doctor's advice to avoid
12 stress until they cleared him to incur it again.
13 Second -- The second point that I think bears
14 emphasizing is Mr. Jones has never sought to
15 indefinitely postpone his deposition or to escape it
16 entirely in this case. All he sought is to postpone
17 it temporarily until his doctors cleared him to sit
18 for it. A deposition is a stressful undertaking and
19 with all due courtesies to my adversaries' accolades,
20 they are experienced attorneys of the bar. They've
21 had a long -- long and storied careers. It's a
22 stressful undertaking to go through two consecutive
23 days of depositions --
24 THE COURT: So Attorney Atkinson, I hear what
25 you're saying. I truly do. On the one hand, though,
26 you're telling me that he sat for depositions in the
27 past so he -- it's not like he's a neophyte at

1 depositions and there was nothing in the record to
2 suggest either that the doctor that said don't attend
3 the deposition even knew what a deposition was and
4 there was nothing -- no evidence that was submitted
5 from Mr. Jones or from anyone else that said it would
6 be stressful or that he found it stressful or that
7 the stress would exacerbate or endanger his health.
8 I just want to make sure that we have a clear
9 record. I hear what you're saying though. I do.
10 Continue.
11 ATTY. ATKINSON: And I -- I -- I think that goes
12 to where I'm heading, Your Honor, is -- and I -- I
13 don't mean to belabor the point or challenge your
14 earlier statement, but this is the reason why we
15 stated in our motion papers that Mr. Jones does not
16 waive his rights under Quin -- the Quin -- the Cooley
17 case to have an opportunity to present evidence as to
18 these issues.
19 Again, I'm not going to challenge your ruling on
20 that, but I -- I do want to make the record clear as
21 to that. This Court should not hold Mr. Jones in
22 contempt.
23 He -- There was a carveout to Your Honor's order
24 of if he experienced escalating symptoms that
25 required the need -- required him to be hospitalized,
26 that he would not need to attend his deposition. As
27 I --

1 THE COURT: So let me stop you there, Attorney
2 Atkinson. I don't -- No evidence was submitted to
3 the Court after that order. There's no evidence
4 whatsoever that there were -- and I believe my exact
5 language was escalating symptoms such that he was
6 hospitalized because, of course, it would be
7 unreasonable for the Court to order anyone to attend
8 a deposition when a medical professional -- a valid
9 medical professional actually admitted him to the
10 hospital, but I never was given any evidence that
11 suggested he had escalating symptoms such that he was
12 hospitalized and that was the only carveout. I think
13 we would all agree that it would be not a good thing
14 to -- to require someone who's hospitalized to attend
15 a deposition.
16 ATTY. ATKINSON: I --
17 THE COURT: Do you understand differently? Do
18 you understand that there was actual evidence
19 submitted to the Court that he developed escalating
20 symptoms such that he was hospitalized?
21 ATTY. ATKINSON: No, Your Honor, and what -- not
22 -- again, not to belabor the point, but the -- this
23 is why we believe additional time is necessary. The
24 -- The plaintiffs' motion for contempt was filed on a
25 Friday. It's incredibly hard to gather evidence in
26 three to four days and we would -- we would submit
27 that alone is enough for a reason for more time to

1 enable us to determine whether such evidence exists
2 that we -- in a form that we can present it to you.
3 It's -- In -- In our view, the Court's orders
4 created a difficult choice for Mr. Jones. He was
5 advised that if he incurred stress, that the
6 consequences to his health could prove disastrous.
7 While we freely concede he did not listen to the
8 initial recommendations that his doctors made and, as
9 I stated earlier, it took some persuading to get him
10 to take this seriously, he ultimately did listen to
11 his doctor's directives. The Court's order put him
12 in an extraordinary difficult -- extraordinarily
13 difficult position in that --
14 THE COURT: Attorney Atkinson, can I --
15 ATTY. ATKINSON: -- in that --
16 THE COURT: Can I please get back to an earlier
17 point that you made with respect to the submitting
18 additional evidence? So this hearing today was
19 scheduled one week ago. It was scheduled one week
20 ago today. I never received any motion for
21 continuance, formally or informally, from any party
22 indicating that more time was needed to arrange for
23 witness testimony or other -- other evidence. If I
24 had, I would have ruled on it.
25 So I just want to make sure the record is clear
26 on that. And I did notice, much to my surprise, and
27 I was delighted that the defendants' briefs, which

1 were due yesterday at 10 o'clock, were actually filed
2 a full day early, so the briefs were --
3 ATTY. ATKINSON: Your Honor, that --
4 THE COURT: -- early. I was then hoping that
5 plaintiffs' counsel would file theirs early, but they
6 just made their deadline, but continue with your
7 argument.
8 ATTY. ATKINSON: Your Honor, that may have been
9 due to me misreading the deadline for the briefs and
10 I may have inadvertently moved it up a day earlier.
11 I can represent with full confidence to the Court
12 that I was working as if the deadlines for the brief
13 were the ten -- 10 o'clock before I submitted it.
14 THE COURT: All right. Well, you did a terrific
15 job and I think we all probably worked over the
16 weekend, but in any event, the deadline was actually
17 yesterday, but -- for -- for the brief and again, no
18 continuance request, but I did -- I did interrupt you
19 and I'll give you as much time as you need, so
20 continue.
21 ATTY. ATKINSON: Thank you, Your Honor. Turning
22 to -- So just to wrap up, we -- we believe the Court
23 should not hold Mr. Jones in contempt, but if you
24 decide to hold him in contempt, the -- the first --
25 the most important consideration that we would ask
26 you to take into account is not to issue an arrest
27 warrant for Mr. Jones. It is clear, at least before

1 -- before -- in the record before you, in our view,
2 that Mr. Jones has experienced some health problems.
3 We would submit that issuing an arrest warrant for
4 Mr. Jones procuring his incarceration would only
5 serve to exacerbate those health concerns and that
6 alone should counsel against the issuance of that --
7 that warrant.
8 And also, as I stated earlier, Mr. Jones
9 recognizes that he must give a deposition in this
10 case. He recognizes that he must sit for one. An
11 arrest warrant would be a step -- would be a drastic
12 step towards procuring his attendance.
13 With respect to sanctions as to what -- what --
14 pardon me, Your Honor. I'm consulting my notes for a
15 second. With respect to the adverse inferences, Your
16 Honor, if he doesn't depose, I think that's a bit
17 premature at this point. In terms of the denial of
18 an opportunity to present any evidence at trial, it
19 is -- in our view, would raise a due process concern
20 of sorts there. We believe that, if anything, an
21 order from this Court and the escalating fines are
22 sufficient to pro -- procure Mr. Jones' attendance.
23 And then finally, Your Honor, I did want to
24 address the -- in terms of just generally not the
25 specific -- the specifics, but in terms of attorney's
26 fees and costs, I believe we cited the Berzins case
27 in our motion papers where you must make a finding

1 that he has acted -- Mr. Jones has acted in bad
2 faith. Again, relying on the fact that Mr. Jones was
3 getting -- was listening to his doctors. He heeded
4 his doctors, et cetera. He's not sought to
5 permanently delay or escape his deposition in this
6 case and he forwent his deposition pending the
7 results of further medical tests.
8 Given the fact that he just went through a
9 remarkable pandemic where that -- we have all been
10 dependent on expert's advice, doctor's advice as to
11 who is at risk for what and we've deferred to those
12 recommendations, we would submit that the same wise
13 course of conduct here was to defer to that and it
14 was not an action taken in bad faith.
15 And with that, unless Your Honor has further
16 questions for me, I will rest on the papers.
17 THE COURT: I do not. Thank you, Attorney
18 Atkinson.
19 Attorney Mattei?
20 ATTY. MATTEI: Just briefly in response, Your
21 Honor. First, my own omission, I neglected to
22 mention that among the sanctions that we're seeking
23 is that should Mr. Jones appear for his deposition,
24 that he be required to appear in Connecticut and we
25 raised that in our initial motion and then again in
26 our reply. The -- At least in their papers, the
27 defendants did not object to that and so we would ask

1 that when the Court orders his deposition, it do so
2 in Connecticut.
3 Just in response to a couple of the points from
4 Attorney Atkinson, one, on the claim that
5 incarceration at this point would only exacerbate Mr.
6 Jones' health issues, whatever they may be, there is
7 no evidence in the record as to what his current
8 health status is other than what we presented to the
9 Court as being drawn from his March 25th broadcast in
10 which we cited to his broadcast and his claim that he
11 feels like a new person after whatever purported
12 health scare he claimed to have had brought about by
13 a sinus blockage. So there is no evidence that has
14 been presented despite ample opportunity by the
15 defendants to suggest that incarceration pending his
16 deposition would exacerbate any health problems.
17 I don't want to relitigate the evidence that was
18 previously presented to the Court on his medical
19 issues. The Court has reviewed the letter and the
20 affidavits that were submitted by Doctor Marble and
21 Doctor Offutt and found them wanting, found the
22 initial letter submitted by Doctor Marble to -- to
23 not be credible evidence justifying Mr. Jones'
24 excusal, so as far as we're concerned, the Court has
25 already made the findings it needs to make with
26 respect to the excuses that were proffered by -- by
27 Mr. Jones and -- and Your Honor, I think that's all I

1 have in -- in reply to Attorney Atkinson. Thank you.
2 THE COURT: Attorney Atkinson, I'm going to give
3 you a brief opportunity to respond, although I
4 normally wouldn't, to argue again if you want on the
5 issue of the location of the deposition. It was
6 clear to me that in all of the plaintiffs' moving
7 papers they were looking for the deposition to take
8 place in Connecticut at their offices and also, I --
9 I'm somewhat surprised that I -- I actually thought
10 that you -- whoever was arguing for Mr. Jones today
11 would come in and make some kind of offer, you know,
12 to the Court, don't -- we don't want sanctions; we're
13 willing to sit for a deposition on Monday or Friday.
14 Is that -- So if you want to address either or
15 both of those issues, you have an opportunity to. If
16 you don't, that's fine too. It's up to you.
17 ATTY. ATKINSON: Yes. I would -- I would love
18 to, Your Honor. Mr. Jones is willing to sit for a
19 deposition. We would ask both the Court and
20 plaintiffs' counsel to take into consideration that
21 he is unavailable during the first week of April and
22 towards the end of April. I can reveal, as I am
23 authorized to reveal, that at the end of April he
24 will be engaged in trial prep for a case occurring in
25 Texas. We would offer to make him available the week
26 of April 11th for a deposition if the Court orders
27 it.

1 With respect to the issue of him appearing in
2 Connecticut, that would certainly be within the --
3 the Court's province to order. We -- We obviously
4 understand that. We obviously understand that it
5 would present a burden to Mr. Jones to travel here
6 and one of the considerations in specific --
7 specifically that we would raise is to Mr. Jones.
8 And I am a bit reluctant to put this on the record,
9 but we understand that plaintiffs' counsel enforces a
10 fairly strict Covid protocol at their offices
11 including the wearing of masks, et cetera, something
12 that Mr. Jones is not willing to do and we would ask
13 that to be taken into consideration as well.
14 I believe that -- that's all the issues that you
15 were giving me an opportunity to address, Your Honor.
16 If I missed anything, feel free to remind me.
17 THE COURT: Thank you.
18 All right. So I'm going to order a transcript
19 of the following remarks and when it is prepared, I
20 will sign it and place it in the file.
21 So with respect to depositions in general, under
22 our rules of practice, particularly Practice Book
23 Section 13-29 Subsection (c) Subsection (2), the
24 plaintiffs were not required to subpoena Mr. Jones.
25 The plaintiffs properly issued a notice of deposition
26 on Mr. Jones, a defendant, which notice compelled him
27 to appear for a deposition in the county he resides

1 or within 30 miles of his residence and that was done
2 properly.
3 On Tuesday, March 22nd, the Court, after
4 argument on the record, denied the Jones defendants'
5 motion for protective order that had been filed
6 earlier that day and that had asked the Court to
7 postpone Mr. Jones' depositions which were scheduled
8 to take place on Wednesday the 23rd and Thursday the
9 24th. The Jones defendants were given an immediate
10 opportunity to argue their motion the same day it was
11 filed and both the evidence that was submitted and
12 the argument that was made indicated that Mr. Jones
13 was remaining at home under his doctor's supervision
14 when, in fact, he was working at his studios and
15 broadcasting his show.
16 Additionally, the Court painstakingly explained
17 on the record that its in-camera review evaluating
18 the doctor's note submitted by the Jones defendants
19 revealed that the note fell far short. Despite that
20 ruling, Mr. Jones did not appear for his deposition
21 on Wednesday, March 23rd.
22 In denying the Jones defendants' motion, the
23 Court clearly stated that while the logistics of the
24 depositions were left to the parties, the parties
25 could consider having Mr. Jones' physician on the
26 premises during the deposition.
27 On Wednesday, March 23rd, following the filing

1 of the plaintiffs' motion for order, which was filed
2 that day, and the Jones defendants' objection, which
3 was also filed that day, the Court, again on the
4 record after a hearing from counsel, ordered Mr.
5 Jones to appear for his deposition on Thursday, March
6 24th.
7 Despite these rulings from the Court, Mr. Jones
8 did not appear for his deposition on Wednesday, March
9 23rd and he did not appear for his deposition on
10 Thursday, March 24th. Immediately following the
11 hearing on the record on March 23rd, the Court also
12 ordered Mr. Jones, in writing, to appear for his
13 March 24th deposition stating, "The defendant, Alex
14 Jones, is ordered to produce himself tomorrow for his
15 duly noticed deposition as he has not submitted
16 additional evidence for the Court to evaluate on the
17 issue of his alleged medical conditions."
18 Additionally, after the parties filed briefs
19 relating to the plaintiffs' request for a capias, the
20 Court issued a second written order on March 23rd
21 declining to issue a capias at that time, indicating
22 that Mr. Jones would be in contempt of the Court's
23 order should he not appear for his deposition on
24 March 24th and setting a briefing schedule with
25 respect to the other sanctions requested by the
26 plaintiff.
27 Furthermore, after an additional motion for

1 protective order was filed by the Jones defendants at
2 the end of the day on Wednesday, March 23rd, the
3 Court, after evaluating the motions and affidavits,
4 denied the motion in writing and made clear that the
5 Court-ordered deposition was to proceed the next day,
6 although he would be excused from the deposition if
7 he was hospitalized. No such evidence of
8 hospitalization or, in fact, any other evidence has
9 been submitted to the Court, although the motions
10 that have been filed are replete with references to
11 Mr. Jones either broadcasting live from his studio,
12 recording shows, or calling into shows during the
13 time period in question.
14 So while the parties and counsel abided by the
15 Court-ordered deadlines with respect to the filing of
16 their briefs, Mr. Jones, as I said, did not appear
17 for his deposition on Thursday, March 24th.
18 So this hearing today is dealing with the
19 plaintiffs' motions relating to Mr. Jones' failure to
20 appear for his depositions on March 23rd and March
21 24th despite all these Court orders and Jones
22 defendants' objections thereto.
23 Now, I have to note, at this point we're maybe
24 16 or 17 weeks away from jury selection and Mr. Jones
25 has not even been deposed. So we're four years into
26 this case and the Court has repeatedly entered new
27 deadlines for witness depositions and the newest

1 deadline, as far as I know, is April 8th in this long
2 series of modifying scheduling orders for
3 depositions.
4 I have to say that due to these repeated
5 extensions, the several prior trial dates, as well as
6 the age of the case, the existing trial date, which
7 is jury selection on August 2nd and evidence on
8 September 1st, is a firm trial date and parties and
9 counsel should plan accordingly.
10 The Court's authority here is rooted not only in
11 Practice Book Section 13-14, but the Court also has
12 inherent sanctioning power. With respect to the
13 issue of contempt, the Court finds by clear and
14 convincing evidence that the defendant, Alex Jones,
15 willfully and in bad faith violated without
16 justification several clear Court orders requiring
17 his attendance at his depositions on March 23rd and
18 March 24th. That is, the Court finds that Mr. Jones
19 intentionally failed to comply with the orders of the
20 Court and that there was no adequate factual basis to
21 explain his failures to obey the orders of the Court.
22 Now, while the Court has adjudicated Mr. Jones
23 in contempt, Mr. Jones himself has the ability to
24 purge the contempt and Mr. Jones is on notice that he
25 has the ability to purge the contempt and the Court
26 has the power to reduce the fines that it is going to
27 impose once the contempt has been purged as follows:

1 The contempt will be purged when Mr. Jones completes
2 two full days of depositions at the office of
3 plaintiffs' counsel in Bridgeport. Mr. Jones is to
4 pay conditional fines of $25,000 each weekday
5 beginning on Friday, April 1st, increasing by $25,000
6 per weekday payable to the Clerk of the Court in
7 Waterbury and it will be suspended on each day that
8 Mr. Jones successfully completes a full day's
9 deposition where Mr. Jones has given all counsel a
10 minimum of 24 hours' notice of his availability to
11 sit for that particular deposition.
12 So for example, if Mr. Jones' counsel this
13 afternoon informs counsel that Mr. Jones will sit for
14 his deposition on Friday -- that's sufficient notice
15 to the parties, that's 24 hours -- and if he
16 successfully appears and sits for his deposition on
17 Friday, there will be no fine.
18 Another example: If Mr. Jones' counsel this
19 afternoon informs counsel that Mr. Jones will sit for
20 his deposition on Tuesday, April 5th and he does so
21 successfully, the fine will be $25,000 for this
22 Friday, April 1st. There will be no fine on Saturday
23 or Sunday and there will be a $50,000 fine on Monday
24 for a total fine of $75,000 to that point and so on.
25 The last day for the fines will be April 15th
26 and that then gives Mr. Jones an opportunity to purge
27 the contempt by producing himself for two full days

1 of deposition by April 15th. The Court recognizes
2 that this fine, while a conditional fine, is also
3 coercive, but finds that it is reasonable and
4 necessary in this matter and again points out that
5 Mr. Jones himself has the opportunity to complete his
6 deposition and then request reimbursement of the
7 fines that the Court has imposed.
8 The Court declines to issue a capias, although
9 it recognizes that the plaintiffs may pursue that
10 with the Texas Courts if they so desire.
11 The Court also finds that the plaintiffs are
12 entitled to fees and costs in connection with the
13 cancelled depositions that was requested in earlier
14 motions and the details of which were provided in the
15 briefs that were just filed today, so as I indicated
16 earlier, for that reason, the Court will address the
17 amount of the fees and costs that will be awarded at
18 the next hearing giving the Jones defendants adequate
19 time to respond.
20 It is clear, however, that the plaintiffs here
21 simply want and are entitled to the deposition of Mr.
22 Jones and that Mr. Jones has continued to attempt to
23 deliberately disregard the Court's orders and
24 attempts to manipulate the Court process. While
25 paying the fees and costs will reimburse the
26 plaintiffs for the costs incurred in attempting to
27 procure Mr. Jones' deposition, it is not a substitute

1 for his testimony. As such, should Mr. Jones not
2 complete his two full days of depositions by April
3 15, the Court finds that the preclusion of evidence,
4 that is, preventing Mr. Jones from offering evidence
5 which would include calling witnesses, cross-
6 examining witnesses, and the like, and adverse
7 inferences, that is, the establishment of certain
8 facts adverse to the Jones defendants, would be an
9 order as a remedy for non-compliance, the extent of
10 which is a very significant issue and would require
11 extensive briefing and argument from counsel.
12 That is not something, hopefully, that will have
13 to be addressed because Mr. Jones has the ability by
14 April 15th to purge himself of the contempt and avoid
15 any issue, preclusion, or adverse inferences. So if
16 and when that becomes an issue, if he has not
17 submitted to his two full days of deposition by April
18 15th, then the Court will set up a briefing schedule
19 to address issue preclusion and adverse inferences.
20 So really, it will be up to Mr. Jones.
21 All right. So I think that concludes our
22 business for today.
23 Our next status conference, Mr. Ferraro, do you
24 have that date handy? I know that we have to deal
25 with a motion to seal on that date.
26 THE COURT OFFICER: That would be April 20th,
27 Your Honor.

1 THE COURT: All right. It will be here before
2 you know it and then we'll have a good idea at that
3 point, since it's five days after our deadline,
4 what's in store.
5 All right. Thank you, counsel. I want to thank
6 you, and I mean this, for your very thorough and
7 helpful briefs and your professional argument today.
8 ATTY. MATTEI: Your Honor, thank you. May I
9 just raise one unrelated issue? We filed a motion on
10 consent for a commission to issue with respect to the
11 deposition of Rob Dew and since our next status
12 conference isn't until the 20th, I just wanted to put
13 that on the Court's radar because I don't expect --
14 in fact, I know there won't be any responsive
15 briefing because all parties consent, but I just
16 wanted to focus the Court on it.
17 THE COURT OFFICER: Your Honor, I believe you
18 granted that.
19 ATTY. MATTEI: Oh, has it been granted? Okay.
20 THE COURT OFFICER: I believe so.
21 ATTY. MATTEI: Thank you. I apologize.
22 THE COURT OFFICER: Let me check to be sure
23 because --
24 THE COURT: I did. I granted it last night.
25 ATTY. MATTEI: I hadn't seen it. Thank you,
26 Your Honor.
27 THE COURT: I think -- You're not the only ones

1 that have been working on the weekends and at night
2 on this --
3 ATTY. MATTEI: Oh, I know.
4 THE COURT: -- just so you know, so --
5 ATTY. MATTEI: I know.
6 THE COURT: -- Attorney Atkinson, I hear what
7 you're saying about having to file your brief. We've
8 all been working hard.
9 ATTY. MATTEI: Thank you, Your Honor.
10 ATTY. ATKINSON: Your Honor, on that note, with
11 respect to any contesting of the fees and costs,
12 would -- are we allowed to file a written submission
13 as to that?
14 THE COURT: Absolutely. You can --
15 ATTY. ATKINSON: Thank you. We'll have that in
16 before April 20th and hopefully well in advance, Your
17 Honor.
18 THE COURT: Okay. Thank you for that.
19 And we are adjourned. Thank you, counsel.
20 ATTY. MATTEI: Thank you.
21 ATTY. ATKINSON: Thank you, Your Honor.
22 ATTY. CERAME: Thank you, Your Honor.
23 (The matter concluded.)
24
25 * * *
26
27

UWY-X06-CV18-6046436-S ERICA LAFFERTY, ET ALS., v. ALEX EMRIC JONES, ET ALS.	: : : :	SUPERIOR COURT COMPLEX LITIGATION AT WATERBURY, CONNECTICUT MARCH 30, 2022
UWY-X06-CV18-6046437-S WILLIAM SHERLACH, ET AL., v. ALEX EMRIC JONES, ET ALS.	: : : :	SUPERIOR COURT COMPLEX LITIGATION AT WATERBURY, CONNECTICUT MARCH 30, 2022
UWY-X06-CV18-6046438-S WILLIAM SHERLACH, ET AL., v. ALEX EMRIC JONES, ET ALS.	: : : :	SUPERIOR COURT COMPLEX LITIGATION AT WATERBURY, CONNECTICUT MARCH 30, 2022

C E R T I F I C A T I O N

I hereby certify the foregoing pages are a true and correct transcription of the audio recording of the above-referenced case, heard in Superior Court, Judicial District of Waterbury at Waterbury, Connecticut, before the Honorable Barbara N. Bellis, Judge, on the 30th day of March, 2022.

Dated this 30th day of March, 2022 in Waterbury, Connecticut.

_____
Jocelyne Greguoli
Court Recording Monitor

Exhibit E

DOCKET NO: UWYCV186046436S

SUPERIOR COURT

LAFFERTY, ERICA Et Al
V.
JONES, ALEX EMRIC Et Al

JUDICIAL DISTRICT OF WATERBURY
AT WATERBURY

3/30/2022

ORDER

ORDER REGARDING:
03/30/2022 786.00 MOTION TO REARGUE/RECONSIDER

The foregoing, having been considered by the Court, is hereby:

ORDER: DENIED

It would be inappropriate for the plaintiffs to serve a re-notice of deposition on Mr. Jones, as it is now entirely up to Mr. Jones as to whether and when he will be deposed. Mr. Jones is in contempt of court, and in order to purge the contempt, it is incumbent upon him, if he so desires, to provide, on two occasions,a minimum of 24 hours notice of his attendance at a weekday deposition at the office of plaintiffs' counsel in Bridgeport, and to actually sit for the depositions. Plaintiffs' counsel are expected to conduct the depositions provided that the minimum of 24 hours notice has been given to all parties. As such, the order stands. The court has imposed a $25,000 per-weekday fine commencing on Friday April 1, 2022, increasing by $25,000 per-weekday until Mr. Jones sits for two days of depositions, and the fine is stayed on the days that Mr. Jones attends his deposition.

Judicial Notice (JDNO) was sent regarding this order.

421277

Judge: BARBARA N BELLIS

This document may be signed or verified electronically and has the same validity and status as a document with a physical (pen-to-paper) signature. For more information, see Section I.E. of the *State of Connecticut Superior Court E-Services Procedures and Technical Standards* (https://jud.ct.gov/external/super/E-Services/e-standards.pdf), section 51-193c of the Connecticut General Statutes and Connecticut Practice Book Section 4-4.

Exhibit F

DOCKET NO: UWYCV186046436S

SUPERIOR COURT

LAFFERTY, ERICA Et Al
V.
JONES, ALEX EMRIC Et Al

JUDICIAL DISTRICT OF WATERBURY
AT WATERBURY

4/1/2022

ORDER

ORDER REGARDING:
03/31/2022 789.00 MOTION FOR STAY

The foregoing, having been considered by the Court, is hereby:

ORDER:

Having applied the "balancing of the equities" test, in which four factors warrant consideration, i.e., (1) the likelihood of success on appeal; (2) whether the stay is necessary to avoid irreparable harm; (3) the effect of the stay on other parties; and (4) the public interest, the motion for stay is denied. See Griffin Hosp. v. Commission on Hospitals and Health Care, 196 Conn. 451, 456-457(1985). The motion represents that Mr. Jones has notified plaintiffs' counsel that he will attend a deposition on April 11, 2022. The movants are reminded, again, that should Mr. Jones choose to purge the contempt, as this motion suggests may be the case, he can move the court to return the funds.

Judicial Notice (JDNO) was sent regarding this order.

421277

Judge: BARBARA N BELLIS

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