DKT NO: X06-UWY-CV186046436-S : COMPLEX LITIGATION DKT

ERICA LAFFERTY

: JUDICIAL DISTRICT WATERBURY

v.

: AT WATERBURY, CONNECTICUT

ALEX EMRIC JONES : MARCH 22, 2021

DKT NO: X06-UWY-CV186046437-S

WILLIAM SHERLACH

v.

ALEX EMRIC JONES

DKT NO: X06-UWY-CV186046438-S

WILLIAM SHERLACH

v.

ALEX EMRIC JONES

HEARING

BEFORE THE HONORABLE BARBARA N. BELLIS, JUDGE

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

Representing the Plaintiff(s):

ATTORNEY CHRISTOPHER MATTEI
ATTORNEY ALINOR STERLING

Representing the Defendant(s):

ATTORNEY KEVIN SMITH
ATTORNEY CAMERON ATKINS
ATTORNEY MARIO CERAME for defendant Genesis Comm.

Recorded By:
Darlene Orsatti

Transcribed By:
Darlene Orsatti
Court Recording Monitor
400 Grand Street
Waterbury, CT 06702

1 THE COURT: All right. Good afternoon,
2 everyone. We are on the record in the Lafferty
3 versus Jones matters. The lead Docket No.
4 CV18-6046436. And if plaintiff's counsel can
5 identify themselves for the record.
6 ATTY. MATTEI: Good afternoon, your Honor.
7 This is Chris Mattei on behalf of the plaintiffs, and
8 I'm joined by my colleague Alinor Sterling.
9 THE COURT: Good afternoon. And for the Jones
10 defendants.
11 ATTY. ATKINSON: Good afternoon, your Honor.
12 Cameron Atkinson and Kevin Smith from Pattis & Smith
13 on behalf of the Jones defendants.
14 THE COURT: Good afternoon. And Attorney
15 Cerame.
16 ATTY. CERAME: Yes, your Honor. Attorney Mario
17 Cerame for defendant Genesis Communication Network
18 Incorporated, from Brignole, Bush and Lewis.
19 THE COURT: Thank you. So, I've reviewed the
20 amended motion for protective order and the objection
21 to the motion. Before I hear from, I'm not sure
22 who's speaking for the Jones defendants. Either
23 Attorney Atkinson or Attorney Smith. Is there
24 anything -
25 ATTY. ATKINSON: That would be Attorney Smith,
26 your Honor.
27 THE COURT: Okay.

1 ATTY. SMITH: Yes, your Honor.
2 THE COURT: I just wanted to make sure there
3 wasn't anything else that had been submitted that I
4 missed.
5 ATTY. SMITH: No, your Honor. Not by the Jones
6 defendants.
7 THE COURT: Okay. So, the ball is in your
8 court, Attorney Smith. And I would be interested in
9 hearing from you as to other restricted activities
10 besides the purported recommendation from the
11 physician, that your client not attend the
12 depositions.
13 ATTY. SMITH: Yes, your Honor. I am not aware
14 of any other restricted activities other than to say
15 that he is remaining home under the supervision of
16 this physician as we understand it, pending the
17 results of tests that have been arranged.
18 THE COURT: Okay. And do you have - and I'll
19 hear whatever argument that you might have, but do
20 you have any evidence that the Court can hear?
21 ATTY. SMITH: Your Honor, we did receive a
22 letter yesterday afternoon here at the office from
23 the physician. Again, that has been - we've been
24 authorized to share that with the Court in an ex
25 parte manner for an in-camera review. And I can
26 provide that to the Court. However, the client thus
27 far as I understand it, has not authorized disclosure

1 to the other side.
2 THE COURT: So, you're looking to submit
3 ex parte the letter from the physician?
4 ATTY. SMITH: Yes, your Honor. For your Honor
5 to review in-camera. Similar to a motion for
6 confidential records, disclosure, or something of
7 that nature.
8 THE COURT: All right. And what else. Before I
9 hear from plaintiff's counsel, is there anything else
10 Attorney Smith, that you wanted to mention?
11 ATTY. SMITH: Well, your Honor, I guess I could
12 respond seriatim to some of the claims made by the
13 plaintiffs. First off, we do have a doctor's letter
14 in hand, which we received yesterday afternoon. I
15 myself have not spoken with the doctor, but as
16 Attorney Pattis wrote in the motion, he has. And
17 then we did thereafter receive that letter, which the
18 doctor told us -
19 THE COURT: Attorney Smith, I'm just going to -
20 I'm sorry. I apologize.
21 ATTY. SMITH: Yes, your Honor.
22 THE COURT: I'm just going to interrupt you for
23 a second. I just want to sort of address first this
24 in-camera submission. Because the last thing -
25 ATTY. SMITH: Yes, your Honor.
26 THE COURT: - that I read, sir, was that you -
27 your client had not authorized your firm to disclose

1 the name of the physician or the medical diagnosis.
2 So that's changed since your filing?
3 ATTY. SMITH: Your Honor, I believe that the
4 filing was that it wasn't - we weren't authorized to
5 disclose that to the opposing parties. However, we
6 have authorization to disclose that to the Court.
7 And I think we asked for that to be done ex parte.
8 I'm not sure when I saw the motion, which I did not
9 draft. I'm not sure that we asked for in particular
10 for an in-camera review, but as I conceptualize it,
11 that's what's being requested.
12 THE COURT: So, I'm going to read - I'm going to
13 read to you Attorney Smith, because we all need to be
14 accurate here.
15 ATTY. SMITH: Yes, your Honor.
16 THE COURT: The amended motion for protective
17 order that Attorney Pattis filed. I'm just going to
18 read the last full paragraph. My client has not
19 authorized me to disclose the nature of the medical
20 conditions, or the identity of the physician. It is
21 my hope that upon receipt of the physicians' letter,
22 I can share it with the Court on an ex parte basis.
23 So the last filing, just to be accurate, because you
24 need to be accurate with me.
25 ATTY. SMITH: Yes, your Honor.
26 THE COURT: The last filing in this official
27 record is that there was no physician's letter and

1 there's no mention of any in-camera review. Correct?
2 ATTY. SMITH: There was no physician's letter
3 and there was no mention of in-camera review.
4 Correct. I did not hear that in that motion, your
5 Honor.
6 THE COURT: All right.
7 ATTY. SMITH: However, it said - hope to - I
8 THE COURT: Listen -
9 ATTY. SMITH: - believe it said that after we
10 received it, hope to get authorization to share it
11 with the Court ex parte. And so that's what I'm
12 representing. I guess that's a change since
13 yesterday afternoon when that was filed. We do have
14 the authorization to share that with the Court,
15 ex parte for - the Court obviously would have to
16 review that in order to make its determination.
17 THE COURT: So just so that you're clear, and
18 we're all clear, right? The filing - your filing at
19 that point of your filing, your last filing in the
20 official file, your client had not authorized you to
21 disclose the medical condition or the name of the
22 physician. Putting aside a letter, which had not yet
23 been received. So, are you - correct?
24 ATTY. SMITH: Had not authorized us to disclose
25 that at that point. Yes, your Honor. That is
26 correct.
27 THE COURT: Okay. So what has changed from the

1 filing of your motion for protective order? Are you
2 now - you're now authorized to submit it in-camera.
3 And I haven't heard from plaintiffs' counsel on that
4 yet. And you've disclosed that to plaintiffs'
5 counsel or is this news to them?
6 ATTY. SMITH: This is the first time that I'm
7 having any discussions with plaintiffs' counsel, your
8 Honor. So, I don't know unless - I know Attorney
9 Mattei and Attorney Pattis have had discussions that
10 I'm sort of brought up to speed on. I don't know if
11 they've had any discussions with regard to that. We
12 have received a letter, and we have been authorized
13 to disclose that to the Court.
14 THE COURT: Attorney Mattei are you speaking for
15 the plaintiffs?
16 ATTY. MATTEI: Yes, your Honor.
17 THE COURT: Had you heard before now that there
18 was a letter, and that the defendant's were looking
19 to submit it in-camera?
20 ATTY. MATTEI: The only information I had
21 relating to that your Honor, is what was in the
22 amended motion for protective order that was filed
23 yesterday. And that was - I had had a conversation
24 with Attorney Pattis prior to that in which he
25 relayed to me that if he received a letter, he would
26 be looking to submit it ex parte. But I had no
27 information regarding Mr. Jones' authorization prior

1 to just hearing that from Attorney Smith.
2 THE COURT: All right. So, Attorney Smith, for
3 the first time you're now orally requesting an
4 in-camera review, ex parte, of this letter. Correct?
5 ATTY. SMITH: Yes, your Honor.
6 THE COURT: Okay. And are you authorized to
7 disclose even the name of the physician? Or is that
8 something that your client is not even willing to
9 share?
10 ATTY. SMITH: Again, not with the opposition,
11 your Honor. But certainly, that's all available.
12 All that information is contained within that letter,
13 which I'm authorized to disclose to the Court.
14 THE COURT: Okay. And so, this is not something
15 that under seal can be filed. So that it would be
16 confidential. Not released to the public, but just
17 to opposing counsel.
18 ATTY. SMITH: Your Honor, I don't have that
19 authorization at this point. No.
20 THE COURT: Okay. And so can I ask you Attorney
21 Mattei, if you're able to respond? I know this is
22 the first time you're hearing this. What is your
23 position on an in-camera review?
24 ATTY. MATTEI: We oppose, your Honor, any ex
25 parte in-camera review of the letter that proports to
26 justify Mr. Jones' excusal from his deposition. We
27 think that the procedures that have been followed in

1 this case to date to protect sensitive information,
2 including medical information, should be followed.
3 That would be the filing under seal of any sort of
4 personal protected medical information of Mr. Jones.
5 So that the plaintiffs can then have a full and fair
6 opportunity to oppose the requested postponement, if
7 the Court is in fact going to rely on that letter.
8 And we think that that should address any of Mr.
9 Jones' privacy concerns.
10 THE COURT: All right. So, Attorney Smith, and
11 I'm going to give you as much time as you want. I
12 really don't mean to cut you off, but I - without
13 having - I'm going to see if I can deal with this
14 without the necessity of an in-camera review, because
15 I want to see how detailed this letter is. So, it's
16 from a medical physician who's currently licensed.
17 ATTY. SMITH: As I understand it, your Honor,
18 yes.
19 THE COURT: Okay. And are you able to say what
20 state the physician is licensed in? Or what states?
21 ATTY. SMITH: I am not, your Honor. Again, we
22 got this letter yesterday afternoon. It doesn't
23 reflect that information. I haven't directly spoken
24 with this physician. That was Attorney Pattis who
25 did so. I'm covering this because he is in-flight.
26 THE COURT: I understand. So, from the letter I
27 cannot glean where the physician is licensed, or if

1 they're currently licensed. Is that correct or
2 incorrect?
3 ATTY. SMITH: That is correct from the letter,
4 your Honor.
5 THE COURT: All right. So I just want to make
6 sure when you say that, it's correct. So if I were
7 to look at this letter, I could not tell if the
8 physician is currently licensed. True or false?
9 ATTY. SMITH: True.
10 THE COURT: Okay. And I could not tell where
11 the physician practices. True or false?
12 ATTY. SMITH: True.
13 THE COURT: All right. Does it have an address
14 for the physician?
15 ATTY. SMITH: No, your Honor, it does not.
16 THE COURT: Just give me a moment. All right.
17 So, it doesn't address the state the physician is in,
18 whether he's currently licensed and where he's
19 located. In a nutshell.
20 ATTY. SMITH: Correct, your Honor.
21 THE COURT: Okay. Does it address how long -
22 does it address whether there is currently a
23 patient/physician relationship between Mr. Jones and
24 this physician?
25 ATTY. SMITH: Yes, it does, your Honor.
26 THE COURT: And are you able to state with, I
27 don't want you to get yourself in a pickle. But are

1 you able to state whether the letter indicates that
2 there is a current patient/physician relationship?
3 Or how long that relationship existed? Is it two
4 days or 25 years?
5 ATTY. SMITH: Your Honor, particular length of
6 time isn't stated. However, it appears to be a
7 current relationship.
8 THE COURT: And are you able to tell me
9 whether - what other restrictions besides the
10 depositions. What other restrictions are in the
11 letter?
12 ATTY. SMITH: Again, your Honor, without getting
13 too deeply into it. There are other restrictions
14 there, including remaining home under doctor's
15 supervision pending testing results.
16 THE COURT: All right. So are there any - can
17 you tell me whether there are any physical
18 restrictions. You know, don't work out, don't
19 exercise? Whether there are any driving
20 restrictions? Whether there are any work or
21 work-related restrictions. Or does this just address
22 the restrictions for the deposition?
23 ATTY. SMITH: Well, your Honor, I think there is
24 a general restriction regarding remaining home.
25 Pending these -
26 THE COURT: I understand, but -
27 ATTY. SMITH: - under his supervision. Pending

1 these test results. The only specific restriction
2 that it addresses, there's nothing like do not drive,
3 anything of that nature. The only specific thing
4 that it addresses would be attending depositions this
5 week.
6 THE COURT: All right. So, I guess what I'm
7 trying to figure out is whether - I don't know if Mr.
8 Jones, for example, has a home gym like many people
9 do. Does it address - so, I understand that the
10 recommendation is remain home. Is it remain home and
11 don't physically exert yourself?
12 ATTY. SMITH: Your Honor, it doesn't
13 specifically say remain home, don't physically exert
14 yourself. Again, it's more general than that. It
15 could certainly be viewed as encompassing that.
16 THE COURT: And does it address whether Mr.
17 Jones, the recommendation is that he not engage in
18 any work or work-related activities while home? So
19 for example, sometimes we're in this remote venue
20 from home and yet we're working.
21 So does the letter address whether he can work
22 or not? And I say that because as I'm sure you saw
23 in the objection that was filed, there was an
24 indication that Mr. Jones was live on the air for
25 four or five hours yesterday, in addition to other
26 broadcasts.
27 ATTY. SMITH: Your Honor, it does not address

1 that.
2 THE COURT: Okay. And is there a date and time
3 on that letter?
4 ATTY. SMITH: There is a date at the top. I do
5 not have a time.
6 THE COURT: And the date is what date?
7 ATTY. SMITH: March 21, 2022.
8 THE COURT: And who is the letter addressed to?
9 Were you able to say that? Is it to whom it may
10 concern? Is it to Attorney Pattis -
11 ATTY. SMITH: It is to whom it may concern, your
12 Honor.
13 THE COURT: All right. And just tell me how
14 many sentences in the letter?
15 ATTY. SMITH: If you'll hold, I'll count them.
16 Seven full sentences, your Honor.
17 THE COURT: So, if for example, Attorney Smith,
18 the Court wanted to determine whether the letter is
19 genuine. How would the Court do that exactly?
20 ATTY. SMITH: Well, your Honor, I suppose the -
21 what we have as far as genuine would be the testimony
22 of Attorney Pattis. His motion which he filed, and
23 then I suppose - we do know the physician's name. We
24 could ask to have him, I guess provide testimony.
25 THE COURT: Well, I don't have testimony from -
26 ATTY. SMITH: Or we could ask -
27 THE COURT: I don't have a testimony from

1 Attorney Pattis -
2 ATTY. SMITH: Sorry, your Honor.
3 THE COURT: - I have a motion. And -
4 ATTY. SMITH: Yes.
5 THE COURT: So I don't have any - I have no
6 evidence. I have argument in a motion is what I
7 have. And then I have this letter that I have not
8 seen that you're asking for the first time the Court
9 to look at in camera. But - okay. So, continue.
10 ATTY. SMITH: We've been answering questions
11 sort of back and forth, your Honor. When you say
12 continue -
13 THE COURT: I know that you wanted to continue
14 to argue and respond to some of issues that
15 plaintiffs raised in their objection. So, take your
16 time.
17 ATTY. SMITH: Well, your Honor, I know there's a
18 claim here that this is both a threadbare attempt, as
19 well as - I'm not sure if it was a paltry attempt.
20 There were both threadbare and flimsy attempt at
21 delay. Certainly, I believe that opposing counsel is
22 aware that Mr. Jones has appeared for numerous
23 depositions in related cases. So, he had submitted
24 himself before. So, I think that despite the what
25 the opponents might say is suspicious timing here, he
26 does have a history of actually appearing for his
27 depositions and providing testimony.

1 So, we think that's an unfair claim to make
2 here. Again, he's willing to submit this to the
3 Court for its review. The procedures I think that
4 have been suggested by the plaintiffs as being
5 sufficient to seal and maintain confidentiality, our
6 client believes given what's happened in the Texas
7 cases where such materials have been leaked and
8 shared otherwise, I think he's just - lacks faith in
9 those procedures and thus has requested this
10 procedure.
11 THE COURT: Attorney Smith, what is the
12 objection of at a minimum, providing to plaintiff's
13 counsel or filing under seal a redacted letter. For
14 example, removing the name of the medical condition
15 and the name of the doctor? I'm not even sure what
16 the - is it the name of the medical condition that is
17 the issue?
18 ATTY. SMITH: Your Honor, I think it's both of
19 those concerns. I think it's both of the name of his
20 treating physician, as well as what the medical
21 conditions are. I think he's concerned about both of
22 those things becoming public knowledge.
23 THE COURT: So at a minimum you could exchange a
24 copy of that letter redacting the name of the doctor
25 and redacting the name of the medical condition.
26 ATTY. SMITH: Again, your Honor -
27 THE COURT: - so that the plaintiffs have an -

1 ATTY. SMITH: - at this point, I don't have
2 authorization for that from the client. I can
3 certainly discuss such a procedure with him to redact
4 those things from him. I'm not sure if we redacted
5 things that go towards his - the doctor's name, as
6 well as the various medical conditions, symptoms,
7 etcetera. I don't know that there's really much
8 information that's left there. I'm sorry, I'm
9 getting a message here that says bad network quality.
10 THE COURT: Okay. I'm able to hear you. So,
11 I'm sure all -
12 ATTY. SMITH: Okay. It's still moving on my
13 end.
14 THE COURT: Can you hear me?
15 ATTY. SMITH: That's what I was closing out
16 there.
17 THE COURT: Okay. So, you're only authorized to
18 request an in-camera review or nothing. So you're
19 not authorized to even redact the letter. You want
20 the plaintiffs to see nothing, even if it's redacted
21 without the medical conditions and the name.
22 ATTY. SMITH: That's correct, your Honor.
23 THE COURT: All right. And so I'm going to get
24 back to my original question. How do I determine
25 this as genuine? I mean, I don't - it's just a name.
26 It's got no address. It doesn't have a state. It
27 doesn't have the name of any - how is the Court

1 supposed to - since you have the burden here, how is
2 the Court supposed to address whether it's genuine?
3 ATTY. SMITH: Well, your Honor, again, I suppose
4 we could have testimony. Or if the Court wishes we
5 can attempt to get affidavits, or other means of
6 putting forward evidence to the Court with regard to
7 it. I understand that he is a licensed physician in
8 Florida. And again, I can provide further
9 information to the Court. As I say, this is
10 information that came to us yesterday in the
11 afternoon, I think post 3:30 in the afternoon. I was
12 in court this morning until roughly 11:30. So we go
13 to the hearing with the evidence we have, not perhaps
14 the evidence that we wish we had. And this is what I
15 have at this point. Though I am more than happy to
16 endeavor to get other evidence for the Court.
17 THE COURT: All right. Anything further before
18 I hear from Attorney Mattei?
19 ATTY. SMITH: No, your Honor.
20 THE COURT: Do you know when - you should know
21 when the - when your client last saw this physician?
22 Was last examined -
23 ATTY. SMITH: I believe he remains at home under
24 his supervision, your Honor.
25 THE COURT: No - no, I'm sorry. When he last
26 was either examined by the physician or treated by
27 the physician or consulted with the physician. When

1 was that last occurrence?
2 ATTY. SMITH: I understand that was as recently
3 as yesterday based on this letter.
4 THE COURT: I guess I'm just trying to reconcile
5 the information that's been provided to the Court,
6 which was essentially yesterday at 3:30. Mr. Jones
7 contacted Attorney Pattis indicating that he was with
8 his doctor. I'm trying to reconcile that. That
9 indication that he was with his doctor at 3:30 when
10 he contacted Attorney Pattis, along with the
11 plaintiff's opposition, which indicates that for four
12 hours or so, at that same time he was actually
13 broadcasting live his show.
14 So, I'm just trying to figure out how - it just
15 doesn't make sense to me that he's with his doctor in
16 the middle of a live broadcast. And you're telling
17 me on the one hand he's supposed to stay at home, and
18 he's restricted. But on the other hand, I have a
19 citation, a formal citation to a broadcast, which
20 suggests that he actually was working all day
21 yesterday. So I'm just trying to reconcile this
22 based on what you've submitted.
23 ATTY. SMITH: Yes, your Honor. I guess two
24 things. I'm not sure that that's anything more than
25 the same argument that you have from us regarding the
26 letter and as far as citations in their opposition.
27 But moving aside from that, I believe that while he

1 was working, to the extent that that is working,
2 while he was broadcasting, if he was broadcasting, I
3 believe he was under the supervision of his
4 physician.
5 THE COURT: So, you're taking the Court's time,
6 right? And having - we did this on an emergency
7 basis, and I'm not sure that I'm getting the
8 information straight. But I don't see why there's
9 any reason that any of this information should not be
10 provided to the Court. So, to your knowledge, and if
11 you don't know, we can take a recess and you sure can
12 find out. To your knowledge, when did your client
13 broadcast live yesterday, if at all? Do you know
14 that information, or is that something you can find
15 out? Because the suggestion was -
16 ATTY. SMITH: Your Honor, as I understand it, he
17 was broadcasting at various points yesterday.
18 THE COURT: So was he broadcasting live after
19 this purported recommendation from the doctor that he
20 not attend his deposition? I'm just trying to figure
21 out. Is the only restriction basically, you can -
22 you're not restricted physically. You're not
23 restricted from driving. You can broadcast live, but
24 you just can't attend that deposition.
25 ATTY. SMITH: Your Honor, that I'm not sure. I
26 don't think that when the letter was sent to us that
27 it - sat to delineate exactly what all of the

1 restrictions might be.
2 THE COURT: So, he's permitted to - there's no
3 restriction on his broadcasting live from home, for
4 example, based on your review of that letter.
5 ATTY. SMITH: Based upon my review of that
6 letter, I would say that so long as it doesn't
7 exacerbate and doesn't conflict with what the results
8 of the pending tests were.
9 THE COURT: So to answer the question, there's
10 no restriction on his broadcasting live from home,
11 but he is - the doctor's restricting him or
12 recommending a restriction on his deposition.
13 ATTY. SMITH: Yes. No restriction listed here
14 noted regarding any broadcasting from home, but
15 simply not to attend deposition this week.
16 THE COURT: Okay. So, can you address that
17 issue for me? How do I reconcile that? How does
18 it - why is it reasonable in any way, shape, or form,
19 for a doctor to only restrict a deposition, but not
20 restrict any work or work-related activities? How
21 does that make sense to you? You can broadcast live
22 from home for four hours straight, or throughout the
23 day, but you can't sit for questions and answers
24 under oath. Can you address that if you can?
25 ATTY. SMITH: I guess because when he goes, at
26 least looking at this letter, when he would go to a
27 deposition, I don't suppose he could be - he could

1 remain at home under the supervision of the doctor.
2 THE COURT: Is the doctor at home with him?
3 ATTY. SMITH: I believe that the doctor has been
4 with him, and he has remained under the doctor's
5 supervision, your Honor.
6 THE COURT: Physically with the doctor.
7 ATTY. SMITH: As I understand it. Yes, your
8 Honor.
9 THE COURT: And what do you base that on?
10 ATTY. SMITH: I base that upon, again, without
11 disclosing, I base that upon the information that I
12 have here within the letter regarding the physician.
13 As well as my knowledge of the client's whereabouts
14 and who he has been in the company of.
15 THE COURT: Okay. So is there any reason then,
16 if the physician is accompanying him during the
17 broadcast and at his home, why can't the physician
18 accompany him to the deposition? Wouldn't be the
19 first time that happened.
20 ATTY. SMITH: That I don't know, your Honor.
21 But I don't suppose that that would be remaining
22 home, and we still have the pending test results.
23 Again, these questions are probably not best put to
24 me, but put to the physician himself.
25 THE COURT: Put it -
26 ATTY. SMITH: Whose opinions these are.
27 THE COURT: - but you haven't - Attorney Smith,

1 you haven't offered the - you have offered - you
2 haven't offered the testimony of the physician, so
3 I'm trying to get from you what little information
4 that is available. So, if the physician were to
5 remain with him at home, he could be deposed?
6 ATTY. SMITH: I don't know, your Honor. I would
7 have to check with him to see.
8 THE COURT: All right. Anything further?
9 ATTY. SMITH: No, your Honor.
10 THE COURT: All right. Thank you for being
11 patient with the questions, Attorney Smith. Attorney
12 Mattei.
13 ATTY. MATTEI: Thank you, your Honor. Your
14 Honor, this whole thing to me, and I'm choosing my
15 words carefully here, is extraordinarily disturbing.
16 Mr. Jones appears to be on the air right now
17 broadcasting his live show, the Alex Jones Show, as
18 he does every day. I checked ten to 15 minutes ago.
19 He appeared to be on the air. I was just informed
20 that among the articles he cited on the air, was an
21 article that you can tell from the broadcast was
22 printed out today at 9:17 a.m.
23 So, while I sympathize to some extent with this
24 position Attorney Smith is in, not having been
25 involved in this case before. What is clear is that
26 this notion that Mr. Jones is responsibly complying
27 with some unidentified physician's recommendation,

1 that he be at home under his physicians' care, is
2 completely bogus. Dropped on the Court and the
3 plaintiff's less than two days before he's to be
4 deposed for the first time, in a case that's been
5 pending since 2018.
6 So, although the plaintiff's do not have access
7 to this letter, it seems obvious, both given the
8 course of conduct in this case, the fact that there
9 is no evidence before the Court, other than
10 statements of counsel, and the representation I just
11 made based on my personal knowledge of having looked
12 at the Infowars Website. And I'd encourage Attorney
13 Atkinson perhaps to pull it up on his computer while
14 we're sitting here right now.
15 That this is a dishonest attempt by Mr. Jones to
16 avoid being put under oath, and perhaps to some
17 extent to disrupt the plaintiff's preparation for his
18 deposition, because we were forced to respond to this
19 yesterday. We're on this hearing now. There's the
20 prospect of testimony from this doctor, all while
21 we're supposed to be preparing for his deposition.
22 So, in our view there is simply no basis for the
23 Court to make specific findings that Mr. Jones has
24 some medical issue that's going to prevent him from
25 sitting for a deposition while he is currently on the
26 air raising money for his legal defense. Yesterday
27 he was claiming during his broadcast that he's going

1 to fight these lawsuits to the end. I invite him to
2 do that by showing up at his deposition tomorrow.
3 THE COURT: All right. So, Attorney Smith, have
4 you lodged the - for Appellate purposes, have you
5 lodged the letter? You need to perfect your record
6 here. Have you lodged the letter from the physician
7 with the Court?
8 ATTY. SMITH: No, your Honor, we have not lodged
9 the record with the Court. We were waiting todays
10 hearing.
11 THE COURT: All right. Well, I can't force you
12 to do anything. But if you are - want to make this
13 an appealable issue, don't you need to - doesn't it
14 need to be submitted somehow? Are you intending to
15 do that or not?
16 ATTY. SMITH: Your Honor -
17 THE COURT: I mean -
18 ATTY. SMITH: Again, we had authorization to
19 disclose this to the Court for an ex parte.
20 THE COURT: Right.
21 ATTY. SMITH: In which case we would submit it
22 for such an in-camera review to the Court as a Court
23 Exhibit.
24 THE COURT: Well, wouldn't it have to be lodged
25 and sealed? I don't just get it as an in-camera
26 exhibit and then let it fly. It would have to be
27 made part of the official Court file for appellate

1 purposes.

2 ATTY. SMITH: It would, your Honor. It was

3 unclear to us, I believe, whether or not the Court

4 would agree to an ex parte review, an in-camera

5 review of it. If the Court is inclined to do so,

6 then yes, we will certainly lodge it with the Court

7 for that and ask that it be made a Courts Exhibit.

8 THE COURT: All right. So, here's what we're

9 going to do. You can lodge it with the Court now by

10 emailing it now to Attorney Ferraro, and he will be

11 in charge of lodging it with the Court sealed. And I

12 am over objection going to conduct the in-camera

13 review. But we now have a good appellate record. We

14 will reconvene at 3 o'clock.

15 So, I want that emailed now so I have time to

16 read it. And when we come back at 3 o'clock,

17 Attorney Smith, you will represent as an officer of

18 the court whether or not Mr. Jones is currently on

19 the air as Mr. Mattie suggested. Do you understand?

20 You're muted.

21 ATTY. SMITH: Yes, I understand.

22 THE COURT: All right. So, we will take a

23 recess. I will await that document, and we will

24 reconvene at 3 p.m.

25 (Recess. Resumed.)

26 THE COURT: All right. We're back on the

27 record. I did review the letter. Thank you,

1 Attorney Smith. You moved very quickly with that.
2 And Mr. Ferraro, I'll direct you again to just make
3 sure you lodge that with the Court as sealed, so that
4 it is not accessible, but it is available for an
5 Appellate record.
6 So, Attorney Smith, you were going to report
7 back to the Court as to whether Mr. Jones was
8 broadcasting live before?
9 ATTY. SMITH: Yes, your Honor. It appears to me
10 that he is broadcasting.
11 THE COURT: Okay. And I did not ask you, but I
12 am going to assume based on what you've told me, that
13 he is broadcasting live from his home. Is that
14 correct? To your knowledge.
15 ATTY. SMITH: Your Honor, I'm not sure where he
16 is broadcasting from exactly. I can't tell that from
17 viewing the broadcast. I can see him on the live
18 broadcast.
19 ATTY. MATTEI: Your Honor, I can tell having
20 watched Mr. Jones over many hours, that he is
21 broadcasting from the studio that he always
22 broadcasts from, which does not appear to be his
23 home.
24 THE COURT: All right. So - okay. So because
25 the, obviously part of the recommendation from this
26 individual, is that he remain at home. So we are
27 going to pass it. All right. We'll pass the matter

1 for five minutes. Attorney Smith, you are going to
2 come back, and you are going to report to me whether
3 that broadcast during our argument, before we took
4 this last break, was from his home, which is what the
5 indication is that he's confined to, or whether it's
6 from his studio's. All right. So, we'll take a
7 five-minute recess.
8 ATTY. SMITH: Your Honor, I will endeavor to do
9 so. I'm not sure that I can get a hold of him in
10 five minutes.
11 THE COURT: I have faith, Attorney Smith, that
12 you can contact whoever you need to contact. Whether
13 that's Attorney Pattis, or whoever else from the
14 defendant's has knowledge. It shouldn't even take
15 you five minutes to find out whether that broadcast
16 was from his home or from his studio.
17 Because what's being presented to the Court is
18 argument that he is remaining at home and needs to
19 remain at home, and he can't leave his home. And God
20 help everyone if in fact that broadcast was from his
21 studio, in light of these arguments. All right. So,
22 we'll pass the matter.
23 (Recess. Resumed.)
24 THE COURT: All right. We're back on the
25 record. Attorney Smith.
26 ATTY. SMITH: Yes, your Honor. I reached out to
27 get in touch with Mr. Jones as well as Attorney

1 Pattis. I believe Attorney Pattis must be in the air
2 because it goes immediately to voicemail. And I
3 don't get a response to text, which is unusual for
4 him. He usually responds to me. And I - the number
5 that I called for Mr. Jones is not available, not
6 taking calls right now.
7 I don't have any way other than those two means
8 to get in touch with Mr. Jones. So, I - we called a
9 number of times. I am simply unable to get in touch
10 with him in this short amount of time.
11 THE COURT: Are you troubled, Attorney Smith, by
12 the suggestion from Attorney Mattie that the live
13 broadcast that was going on during your argument,
14 where you were arguing that he was at home, and that
15 his physician was recommending that he be - that he
16 stay at home. Are you troubled by Attorney Mattei's
17 representation that the broadcast appears to be from
18 his studio and not his home?
19 ATTY. SMITH: Your Honor, I suppose I would be
20 troubled by anybody not following their physician's
21 advice, if that is what is the case here. Again, my
22 argument is that what this letter submitted to us
23 would indicate, was that he was to remain home under
24 his doctor's supervision. I have no way to enforce
25 anybody to follow that. If they are not following
26 that, I would be concerned.
27 I'm also equally concerned by an invocation that

1 God help everyone, depending upon what should happen
2 here, frankly. I think that turns the heat up way
3 beyond what is necessary in this matter.
4 THE COURT: Attorney Smith, I would think that
5 you would be as concerned as the Court, and as
6 troubled by the Court, given what information has
7 been given to the Court. So what we have is a letter
8 that you have submitted that indicates that Mr. Jones
9 remains at home. That is what the letter says that
10 he remains at home. Correct? He is - on my advice,
11 he is remaining home under my supervision. So you
12 have submitted for an in-camera ex parte review, this
13 letter that you're not - you're refusing to make
14 available to the other side that says Mr. Jones is
15 remaining home.
16 Your argument is that he cannot attend the
17 deposition because his doctor is recommending that he
18 remain home. That he must remain home based on the
19 doctor's recommendation. That is what you're telling
20 the Court in a nutshell. He must remain home based
21 on the doctor's recommendation.
22 And I have Attorney Mattei representing to the
23 Court, that he's broadcasting live from a studio
24 during this argument, that in fact he is not at home.
25 This is very serious in the Courts' opinion. You're
26 making representations to the Court and submitting
27 documents to the Court that indicates he is remaining

1 at home, but I have the lawyer on the other side
2 saying, he's not at home, that's his studio. What
3 would you suggest that the Court do with this
4 situation?
5 ATTY. SMITH: I would suggest that the Court
6 perhaps have a hearing and have some testimony
7 regarding these conflicting versions and withhold the
8 decision. Or else, if the Court is so inclined, then
9 the Court should rule on the motion for protective
10 order.
11 THE COURT: And you're not at all troubled by
12 the fact that you have submitted a letter from the
13 Court that indicates his remaining at home, and one
14 of the other lawyers in this case has suggested to
15 the Court, that in fact he is not at home? That's
16 what the issue is here. The issue is, here in a
17 nutshell, that he can't attend these depositions,
18 he's at home. He must remain at home. He is at
19 home.
20 ATTY. SMITH: Your Honor, again, I've submitted
21 to the Court a letter from a physician treating him
22 who says he is to remain at home under supervision,
23 that is dated as of yesterday.
24 Again, I have not control over whether or not
25 somebody is following that doctor's orders. I am not
26 in Texas. I have tried to contact my client in order
27 to confirm for the Court where he is at this very

1 moment.
2 THE COURT: Attorney Smith, I'm not faulting you
3 personally in any way, shape, or form. You're just
4 doing your job. But what you did was you submitted
5 ex parte information to the Court, which doesn't say
6 recommend - it doesn't just say recommend, it says he
7 is remaining home. So I have you submitting this
8 ex parte information, so the Court is told he is
9 remaining home. It's really not complicated. The
10 Court's told, he is remaining home, and then I have
11 Attorney Mattei noting that there's a live broadcast
12 during these arguments, and it appears, in fact, that
13 he's at the studio and that he is not remaining home.
14 ATTY. SMITH: Understood, your Honor. I'm
15 trying to confirm where he is. I have never been to
16 those studios. I cannot look at it and see and tell
17 where he is. I am endeavoring to get that
18 information for the Court. I'm providing to the
19 Court all the information that I have.
20 THE COURT: I would think that you would have a
21 duty and an obligation, given the evidence that you
22 submitted to the Court by way of this ex parte letter
23 that indicates he is remaining at home. And by
24 virtue of your arguments that he cannot attend the
25 deposition because he is supposed to remain at home.
26 If in fact the evidence that you submitted, the
27 letter that says he is remaining at home is

1 inaccurate, wouldn't you have an obligation to
2 correct that? That was what I was trying to give you
3 an opportunity to do -
4 ATTY. SMITH: Your Honor, I -
5 THE COURT: - because that is what you submitted
6 that he was remaining -
7 ATTY. SMITH: I would. But as I say, five
8 minutes was insufficient for me to do so. I think
9 it's insufficient for anybody to do so. I don't sit
10 and watch Infowars, frankly, I don't watch Infowars.
11 I am here to represent my client. I am presenting
12 the evidence that I have. I would say this letter is
13 dated yesterday, is remaining home. I will seek to
14 get something that is updated for the Court. It
15 appears, according to Mr. Mattei's representations,
16 which are being accepted not as simply argument, but
17 as evidence. Whereas, you know - we are not afforded
18 the same. That here we are. I am happy to get as
19 much information as I can for the Court, but I,
20 again, the first news that I had that he was
21 broadcasting live, was when Attorney Mattei asked for
22 us to turn on our television or computer or however
23 somebody was looking at it -
24 THE COURT: Attorney Smith, I think the reason
25 that I took the recess to give you an opportunity to
26 respond so that you could actually represent to the
27 Court, and I was willing to take your word whether he

1 was broadcasting from home, or whether he was
2 broadcasting from studio. I certainly did not - I
3 reported what Attorney Mattei said. Whether he's
4 accurate or not, I don't know. I was giving you the
5 opportunity to find that out, and to correct what the
6 Court has been led to believe.
7 ATTY. SMITH: Which I would love to do, your
8 Honor. However, as I said before, I did not think
9 five minutes would be sufficient to do so. It did
10 not prove sufficient to do so.
11 THE COURT: Attorney Cerame, did you want to be
12 heard?
13 ATTY. CERAME: Well, your Honor, I would just
14 note I did look at the livestream, the stream that's
15 going on right now. I couldn't verify whether Mr.
16 Jones was speaking in front of a green screen or not.
17 Some of it's prerecorded. It's plainly prerecorded,
18 and some of it - I'm not - may be or may not be. I
19 can't tell. So, that's all I have to say, your
20 Honor. Otherwise, you know, as an officer of the
21 court, I make that representation. I have no other
22 dog in this race.
23 THE COURT: Thank you. Attorney Smith, did you
24 have anything else to add?
25 ATTY. SMITH: No, your Honor.
26 THE COURT: Attorney Mattei, anything else to
27 add?

1 ATTY. MATTEI: Your Honor, as we have been
2 arguing here, we have been taking screen shots of Mr.
3 Jones' live broadcast. And if it would be helpful to
4 the Court to make its own determination about whether
5 Mr. Jones is in his studio that he is normally in, or
6 his home, we can present those to the Court.
7 I am happy to make the representation that Mr.
8 Jones is broadcasting from the same space that I
9 always see him broadcasting from. And he often
10 refers to it as being in studio. So, you know - and
11 then I would just your Honor, if you want further
12 argument on the motion for protective order itself,
13 I'm prepared to do that. But I don't know that
14 that's what you're asking for at this point.
15 THE COURT: All right. So on the issue of
16 whether the Court has been misled on whether or not
17 Mr. Jones is remaining at home. Attorney Smith, I
18 have no doubt that you will take the necessary steps.
19 And I mean this. I have no doubt you'll take the
20 necessary steps to advise the Court, if in fact the
21 Court has been misled by your argument, and by the
22 statement in the letter that Mr. Jones is remaining
23 at home. Okay. So I leave that to you for another
24 day.
25 If it does not need correction, then it doesn't
26 need correction. But I - you'll look at the rules of
27 professional conduct and you'll do I'm sure, I have

1 no doubt, you'll do what is appropriate and necessary
2 in that regard. Okay. So, now I'll get to the
3 substance of the actual motion.
4 ATTY. SMITH: Your Honor, just for purposes of
5 the record. The letter that we submitted, was that
6 marked as a Courts Exhibit?
7 THE COURT: I - we can mark it as a Courts
8 Exhibit, but it's sealed and lodged with the Court.
9 So, I leave that to Mr. Ferraro's discretion as to
10 how to handle it. It's not - if it's a Court
11 Exhibit, it's got to be sealed, but it's got to
12 remain I suppose lodged.
13 THE CLERK: Yes, your Honor. It's my
14 understanding that if it is a Court Exhibit, it is
15 then available to the public.
16 THE COURT: Well, that's what I'm trying -
17 THE CLERK: I will check on that before I - we
18 do either way lodged. I mean it's in an envelope
19 sealed now in my possession, and it will stay that
20 way locked in the exhibit vaults until we can figure
21 out which is the proper way to do it so that it's not
22 available to the public.
23 THE COURT: All right. So, Mr. Ferraro, I leave
24 that to you to work with counsel on to make sure that
25 we've done it properly, according to the rules of
26 practice.
27 THE CLERK: Yes, your Honor.

1 THE COURT: And if we could make it a Court, an
2 actual Court Exhibit without making it available to
3 the public, because it does contain medical
4 information, then we'll do that to protect the
5 privacy. And if we can't, I think for appellate
6 purposes we actually - we should have a good
7 appellate record either way. All right.
8 So, I would say that the movant's have submitted
9 no credible evidence upon which the Court can
10 properly enter an order postponing the deposition of
11 Mr. Jones. I have to say, I have no idea as to
12 whether the letter that I did review in-camera is
13 genuine. Nor do I have any way of knowing whether
14 the author of the letter is currently licensed. I
15 have been called upon to review records for
16 purposes - similar to this for purposes of trial
17 continuance or deposition continuances related to
18 either a party or a lawyer, countless times.
19 But I have never seen one as bare bones as this
20 one. This one did not have any letterhead. It had
21 no address on it. It just has no indication of
22 whether the doctor is a sole practitioner. Whether
23 he's in a group. It doesn't indicate what kind of
24 doctor it is. There's absolutely no description of
25 his practice. The Court has no information besides a
26 name.
27 And there's been no evidence besides that

1 in-camera letter. The letter fails to address the
2 length of the patient/physician relationship. It
3 does not say that the physician examined Jones or
4 evaluated Jones. Nothing else was submitted along
5 the lines of a bill or doctors notes. Any other
6 evidence like that. And this is not actually a
7 medical record, it is just this bare bones note.
8 With respect to the reasonableness of the
9 recommendation that Jones not attend his deposition,
10 the only the restriction really is, is that he is
11 remaining home and that he should not attend the
12 deposition.
13 The letter doesn't address any other
14 restrictions that one would expect to see, such as
15 limitations or restrictions on his physical activity
16 or physical exertion. Restrictions related to
17 driving. Restrictions related to work or work-
18 related activities. And there is really absolutely
19 no explanation at all as to why the recommendation
20 that Mr. Jones remain at home. There's no basis for
21 it, except saying, on my advice he is remaining home
22 under my supervision.
23 And it appears to the Court unreasonable to
24 suggest that Jones can broadcast live for hours.
25 Whether it's from home remotely, or from the studio.
26 But that he cannot sit for a deposition. And I say
27 that because in connection with motions that were

1 filed several years back in this matter, the Court
2 was called upon to review portions of Jones'
3 broadcast. And I would say that at least the
4 portions of the broadcast that the Court was required
5 to review in connection with the motions, the Jones
6 demeanor during those broadcasts were anything but
7 calm.
8 So it is not - the Court can't reconcile the
9 nature of at least the broadcast the Court saw, along
10 with a deposition. It just doesn't make sense to the
11 Court that you can broadcast in such a manner, but
12 you can't sit for a professional deposition with
13 lawyers. And I again, leave to counsel to address
14 the issue of the letter from this purported
15 physician, which states, quote, on my advice he is
16 remaining home under my supervision.
17 And counsel's argument that he can't attend the
18 deposition because he needs to stay at home, and the
19 suggestion from opposing counsel that Mr. Jones is
20 broadcasting from his studio. And what appears to be
21 agreement by everyone involved, that he has been
22 broadcasting live today, including during the
23 arguments that we've had.
24 So, for these reasons the motion for protective
25 order is denied. Certainly, anyone can continue to
26 file whatever motions they need to file on any of
27 these issues. And I leave it to counsel to discuss

1 themselves the logistics of the deposition, along the
2 lines of having the physician, assuming he is a
3 currently licensed physician in proximity and
4 available during the deposition on premises, so that
5 should there be any issues, his physician would be
6 available.
7 All right. Anything else today?
8 ATTY. MATTEI: Your Honor, I would just say
9 since -
10 ATTY. SMITH: Yes, your Honor. With regard to
11 the Court's ordering me to advise the Court whether
12 or not the Court has been misled. What form does the
13 Court wish that advisement to take? Should that be a
14 letter to the Court, as well as to everybody, akin to
15 something in Federal Court? I simply have never done
16 such a thing.
17 THE COURT: Attorney Smith, I - when I say I
18 have no doubt that you're going to do the right
19 thing, I don't say that lightly. So I know that if
20 anything needs to be corrected, I know you're going
21 to do the right thing and correct it.
22 My suggestion would be that it be done in the
23 official file because what we have in this official
24 file is the lodged document, and we also have as part
25 of the record, your argument. So if there needs to
26 be a correction, and if in fact Mr. Jones is not at
27 home and has not been at home, then I think it needs

1 to be done in the official file. Okay. And if it
2 doesn't need to be done, that's fine. Or even if you
3 want to file a document that indicates that in fact,
4 he was home, just to clarify it. You can do that as
5 well. Nothing stops you from doing that. Okay.
6 ATTY. SMITH: Okay.
7 ATTY. MATTEI: Your Honor, if I could just for
8 the record and since Attorney Pattis is not here.
9 The - if Mr. Jones wishes to be accompanied to the
10 deposition tomorrow by his physician, the plaintiffs
11 have no objection to that. And I did want to make
12 clear that the deposition is scheduled to commence
13 tomorrow at 9 a.m. Central, at a location that Mr.
14 Pattis has been advised here in Austin. And so if
15 that could be communicated to him as well. Thank
16 you.
17 THE COURT: All right. Anything further?
18 ATTY. MATTEI: No, your Honor.
19 THE COURT: All right. We're adjourned.
20 ATTY. CERAME: Thank you, your Honor.
21 (Court adjourned.)
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26
27

DKT NO: X06-UWY-CV186046436-S	:	COMPLEX LITIGATION DKT
ERICA LAFFERTY		
	:	JUDICIAL DISTRICT WATERBURY
v.		
	:	AT WATERBURY, CONNECTICUT
ALEX EMRIC JONES	:	MARCH 22, 2022
DKT NO: X06-UWY-CV186046437-S		
WILLIAM SHERLACH		
v.		
ALEX EMRIC JONES		
DKT NO: X06-UWY-CV186046438-S		
WILLIAM SHERLACH		
v.		
ALEX EMRIC JONES		

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, G.A. #4, Waterbury, Connecticut, before the Honorable Barbara Bellis, Judge, on the 22nd day of March, 2022.

Dated this 23rd day of March, 2022 in Waterbury, Connecticut.

Darlene Orsatti

Court Recording Monitor