

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

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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.

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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 purports 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 today's  
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.)  
22  
23  
24  
25  
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 22<sup>nd</sup> day of March, 2022.

Dated this 23<sup>rd</sup> day of March, 2022 in Waterbury,  
Connecticut.

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Darlene Orsatti

Court Recording Monitor

