

NO. X06-UWY-CV-18-6046436-S : SUPERIOR COURT
ERICA LAFFERTY, ET AL : COMPLEX LITIGATION DOCKET
V. : AT WATERBURY
ALEX EMRIC JONES, ET AL : MARCH 31, 2022

NO. X06-UWY-CV-18-6046437-S : SUPERIOR COURT
WILLIAM SHERLACH : COMPLEX LITIGATION DOCKET
V. : AT WATERBURY
ALEX EMRIC JONES, ET AL : MARCH 31, 2022

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**JONES DEFENDANTS' EMERGENCY MOTION TO STAY ORDER PENDING
SUPREME COURT DECISION ON APPLICATION TO TAKE PUBLIC INTEREST
APPEAL**

Pursuant to Practice Book § 61-12 the Jones defendants move the Court for an order staying enforcement of the Court's order issued on March 30, 2022 holding Alex Jones in civil contempt and imposing a \$25,000 per-weekday fine commencing on April 1, 2022 and increasing by \$25,000 per-weekday thereafter until Mr. Jones sits for two days of depositions. The Jones Defendants have filed an application with the Connecticut Supreme Court pursuant to Conn. Gen. Stat. § 52-265a to appeal the Court's order, and, in the interests of justice, respectfully request that the Court stay its order, which imposes fines and compels the defendant to appear at a deposition in Connecticut until the Supreme Court has ruled on his application to appeal.

I. Relevant Facts

After discussions between counsel in the instant case on March 31, 2022, and notwithstanding having taken a public interest appeal to the Connecticut Supreme Court, Mr. Jones has agreed to appear in Connecticut for a deposition at the plaintiffs' law firm

on April 11, 2022. He requests a stay of the order imposing financial sanctions until April 11, 2022, understanding that failure to appear on the date would further compound his difficulties in the instant case.

II. Argument

The Jones Defendants request a stay of the Court's order of contempt sanctions pursuant to Practice Book § 61-12. § 61-12 allows the Court to order the stay of an order in a civil case in the interests of justice and reads in pertinent part:

In noncriminal matters in which the automatic stay provisions of Section 61-11 are not applicable and in which there are no statutory stay provisions, any motion for a stay of the judgment or order of the Superior Court pending appeal shall be filed in the trial court. If the judge who tried the case is unavailable, the motion may be decided by any judge of the Superior Court. Such a motion may also be filed before judgment and may be ruled upon at the time judgment is rendered unless the court concludes that a further hearing or consideration of such motion is necessary. A temporary stay may be ordered sua sponte or on written or oral motion, ex parte or otherwise, pending the filing or consideration of a motion for stay pending appeal. The motion shall be considered on an expedited basis and the granting of a stay of an order for the payment of money maybe conditional on the posting of suitable security.

In the absence of a motion filed under this section, the trial court may order, sua sponte, that proceedings to enforce or carry out the judgment or order be stayed until the time to file an appeal has expired or, if an appeal has been filed, until the final determination of the cause. A party may file a motion to terminate such a stay pursuant to Section 61-11.

Practice Book § 61-12.

"In the absence of a statutory mandate, the granting of an application or a motion for a stay of an action or proceeding is addressed to the discretion of the trial court . . . [T]he power to stay proceedings is incidental to the power inherent in every court to control the disposition of the causes on its docket with economy of time and effort for itself, for counsel, and for litigants. How this can best be done calls for the exercise of

judgment, which must weigh competing interests and maintain an even balance." (Citation omitted; internal quotation marks omitted.) *Lee v. Harlow, Adama And Friedman, P.C.*, 116 Conn. App. 289, 311-12 (2009)

In making a determination as to whether to issue a stay, the court is required to balance the equities our courts have consistently relied on *Griffin Hospital v. Commission on Hospitals & Health Care*, 196 Conn. 451, 493 (1985), which counsels the court to apply 'familiar equitable principles in the context of adjusting the rights of the parties during the pendency of the litigation until a final determination on the merits.' *Id.*, 458. While approving a general 'balancing of the equities test' as the benchmark for granting or denying a motion for stay, *Griffin* also recites a list of non-exclusive factors that a court may consider including the likely outcome on appeal, whether the movant faces irreparable prospective harm from the enforcement of the judgment, and the effect of the delay occasioned by a stay upon the non-moving parties. *Id.*, 458-59. The court may also consider "the public interest involved." (Footnote omitted.) *Griffin Hospital v. Commission on Hospitals & Health Care*, *supra*, 456.

In this case, the equities clearly favor granting the defendants' request for a brief stay to allow the Supreme Court to decide whether it will hear the public interest appeal. To be clear, Conn. Gen. Stat. § 52-265a provides that the "Chief Justice shall, within one week of receipt of the appeal rule whether the issue involves a substantial public interest...". The present motion is requesting the Court's order be stayed until April 11, 2022. If our Supreme Court elects to hear the public interest appeal, the Court's order will then be stayed pursuant to Practice Book § 61-11. The Court's recent order requires Mr. Jones to part with fines that could total more \$1.5 million. The terms and severity of

this Court's sanction are undeniably extraordinary, and the Jones Defendants are entitled by law to seek review of the order.

Granting this brief stay will result in no prejudice to the plaintiffs in this case; will not result in an imposition on the Court or strain judicial economy, and is necessary to avoid irreparable physical and economic harm to Mr. Jones – particularly where Mr. Jones has already communicated his willingness to sit for a deposition to Plaintiffs' counsel and has proposed a date. To deny this request for a *brief* stay of the Court's sanctions order would quite simply result in substantial injustice.

Additionally, Mr. Jones is likely to prevail on the merits of his appeal. The Court's March 30, 2022 order conflicts with clearly established Connecticut Supreme Court precedent that prohibit a court imposing civil contempt sanctions from relying on the representations of counsel in indirect contempt proceedings. *Puff v. Puff*, 334 Conn. 341, 366 (2020). *Puff* also places the burden of establishing contempt on the party seeking an order of contempt. *Id.* at 365. The Plaintiffs unequivocally sought to carry this burden by representations of counsel, and the Court improperly shifted the burden to Mr. Jones to prove why he should not be held in contempt without requiring the Plaintiffs to first carry their burden. *Puff* prohibits contempt from issuing in such a manner. Thus, Mr. Jones is likely to prevail on the merits of his appeal.

WHEREFORE, the Jones Defendants respectfully request that the Court stay enforcement of its March 30, 2022 order until the Connecticut Supreme Court has ruled on their application to take a public interest appeal, that was filed earlier today.

Dated: March 31, 2022

Respectfully Submitted,

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

BY: /s/ Norman A. Pattis /s/
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ORDER

The foregoing having been heard; it is hereby ordered:

GRANTED / DENIED

Judge/Clerk

CERTIFICATION

This is to certify that a copy of the foregoing has been emailed and/or mailed, this day, postage prepaid, to all counsel and pro se appearances as follows:

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