# In The Supreme Court of the United States

Alexander E. Jones; Free Speech Systems, LLC,

Applicants,

v.

Erica Lafferty, et al.,

Respondents.

On Application for Extension of Time to File a Petition for Writ of Certiorari to Circuit Justice Sonia Sotomayor

## APPLICATION FOR AN EXTENSION OF TIME TO FILE PETITION FOR A WRIT OF CERTIORARI TO THE SUPREME COURT OF CONNECTICUT

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#### CORPORATE DISCLOSURE STATEMENT

Pursuant to Supreme Court Rule 29.6, Applicant Free Speech Systems, LLC ("FSS") states that it has no parent corporation and that no publicly held company owns 10% or more of Applicant's stock. FSS is owned by Alex Jones, and Jones has filed for bankruptcy protection in the Southern District of Texas. Although a Trustee has been appointed over his assets, they are still managed by Jones, who is the manager of FSS.

### TABLE OF CONTENTS

CORPORATE DISCLOSURE STATEMENT	i
Table of Contents	ii
Table of Authorities	iii
Background	1
REASONS FOR GRANTING AN EXTENSION OF TIME	7
Conclusion	9

## TABLE OF AUTHORITIES

CASES
Bose Corp. v. Consumers Union, 466 U.S. 485, 104 S. Ct. 1949 (1984)
Harte-Hanks Commc'ns v. Connaughton, 491 U.S. 657, 109 S. Ct. 2678 (1989)
New York Times v. Sullivan, 376 U.S. 254 (1964)
CONSTITUTIONAL PROVISIONS
U.S. Const. amend. I
U.S. Const. amend. V
U.S. Const. amend. VIII
U.S. Const. amend. XIV
Statutes
28 U.S.C. §1257
Rules
Sup. Ct. R. 13.5
Sup. Ct. R. 22
Sup. Ct. R. 29.6
Sup. Ct. R. 30.2
Sup. Ct. R. 30.3
OTHER AUTHORITIES
Cause No(s). 22-33553, <i>In re: Alexander E. Jones</i> , 23-03035, <i>Heslin, et al v. Jones, et al</i> , 23-03037, <i>Wheeler, et al v. Jones, et al</i> , and 24-03279, <i>Wheeler, et al v. Jones, et al</i>

To the Honorable Sonia Sotomayor, Associate Justice of the Supreme Court of the United States and Circuit Justice for the Second Circuit:

In accordance with this Court's Rules 13.5, 22, 30.2, and 30.3, Applicants Alexander E. Jones and Free Speech Systems, LLC ("FSS"), respectfully, request that the time to file their petition for a writ of certiorari in this Court be extended for 60 days, up to and including Friday, September 5, 2025. The Supreme Court of Connecticut denied certification for their review of this case on April 8, 2025 (Appendix A). Absent an extension of time, the petition for writ of certiorari would be due in this Court on July 7, 2025. The jurisdiction of this Court is based on 28 U.S.C. §1257.

#### BACKGROUND

This case involves a libel judgment of \$1,436,620,000 -- believed to be one of the largest in American history. This judgment was rendered against Alexander E. Jones and FSS (collectively, "Jones" or "Applicants") -- who are clearly media defendants. These damages were awarded after the trial court entered an administrative default judgment decreeing the media defendant in a libel case, liable for all Plaintiffs' claims and striking all of Jones's defenses with the Plaintiffs being excused from offering any proof -- in the vernacular, a Death Penalty Sanction.

The forthcoming petition will present several unresolved constitutional issues of national significance, including whether state courts may, through procedural sanctions, judicially impose liability in defamation cases involving public figures without any showing of fault, falsity, or actual malice; whether nine figure punitive damages based on such sanctions comport with due process; and whether a media defendant can be held liable for acts of unrelated third parties under the First Amendment. At the minimum, however, if this case is allowed to stand, simple entry of an administrative default judgment by a state court will become a new path to circumvent this

Court's numerous definitive holdings on the sanctity of the Freedom of Speech and Press rights embodied in the First Amendment to the Constitution.

The suit regarded broadcasts and publications published over an approximate 6-year time span concerning matters of public focus and debate, namely the shooting of 20 young children and 6 adult teachers/administrators at Sandy Hook elementary school in December 2012 and the ensuing gun control efforts -- which are clearly matters of public concern.

Although the victims were 20 young children and 6 adult teachers/administrators, suit was filed in Connecticut by an unrelated FBI agent and adult relatives of a few of the victims, all of whom had injected themselves into the public eye following the Sandy Hook crisis and the ensuing gun control controversy -- clearly becoming public figures. <sup>1</sup>

Well before the damages-only trial that would produce the record-breaking \$1.4B result, the trial court entered its Death Penalty sanction, which judicially decreed all of Respondents/Plaintiffs' claims to be true as a matter of law, not only irrevocably strapping to Jones every statement the complaint attributed to him but judicially decreeing them to be defamatory and false -- with no proof required.

The Death Penalty sanction also judicially decreed that every statement alleged to have been made by Jones was not only false but made with malice, obviating not only the need for "clear and convincing" proof but removing any burden for the plaintiffs to have to prove anything. As a further part of the Death Penalty sanction, Jones was judicially decreed liable for all acts committed by anyone the plaintiffs claimed was a Jones listener, such that if an unrelated or even

2

<sup>&</sup>lt;sup>1</sup> For example, Plaintiff Erica Lafferty, the adult daughter of the principal, was a speaker at the 2016 Democratic National Convention and introduced her friend and candidate for president, Hillary Clinton. David and Francine Wheeler substituted for President Obama himself in his weekly, nationally televised address to publicly advocate these issues. William Aldenberg was a law enforcement official. The other plaintiffs were equally active in public advocacy.

unidentified third party was alleged to have "harassed" one of the plaintiffs, Jones was judicially decreed liable for it. Without question the Death Penalty sanction violated Jones's Constitutional rights.

With the trial court having instructed the six jurors in the damages-only trial that the court had previously determined Jones to have maliciously defamed the plaintiffs and that Jones was responsible for all alleged acts of unrelated third parties, deliberating approximately 28 miles from the murder site, the six jurors found the following record-breaking compensatory damages and the court assessed the following punitive damages:

- FBI Agent (William Aldenberg), unrelated to any victim, received \$90,000,000 in compensatory damages<sup>2</sup> and \$40,000,000 in punitive damages;
- the adult daughter of the principal (Erica Lafferty), received \$76,000,000 in compensatory damages and \$35,300,000 in punitive damages;
- the adult husband of the school psychologist (William Sherlach), received \$36,000,000 in compensatory and \$22,000,000 in punitive damages;
- the adult mother of one of the teachers (Donna Soto) received \$48,000,000 in compensatory damages and \$26,000,000 in punitive damages;
- three adult siblings of the same teacher (Jilliam Soto-Martino, Carlee Soto-Parisi, and Carlos Soto), collectively received \$191,600,000 in compensatory damages and \$94,130,000 in punitive damages;
- a mother and father of one student (Ian and Nicole Hockley), collectively received \$155,200,000 in compensatory damages and \$71,730,000 in punitive damages;

3

<sup>&</sup>lt;sup>2</sup> The compensatory damages for each plaintiff were awarded separately for defamation/slander damages and emotional distress damages, when emotional distress is a part of a defamation award, resulting in a double award.

- a mother and father of a second student (Mark and Jacqueline Barden), collectively received \$86,400,000 in compensatory damages and \$48,800,000 in punitive damages;
- a mother and father of a third student (David and Francine Wheeler), collectively received \$109,000,000 in compensatory damages and \$56,330,000 in punitive damages;
- a single father of a fourth student (Robbie Parker), received \$120,000,000 in compensatory damages and \$50,000,000 in punitive damages; and
- a single mother of a fifth student (Jennifer Hensel), received \$51,000,000 in compensatory damages and \$27,330,000 in punitive damages.

The draconian Death Penalty sanctions that dispensed with Jones's Constitutional rights and resulted in these outrageous awards, were entered for only three express reasons. The first was that Jones filed a motion to obtain a commission for an out-of-state deposition of Hillary Clinton, the close friend of plaintiff Erica Lafferty who was also a vocal critic of Jones and thought to be behind the suit. In the motion for a deposition commission to depose Ms. Clinton, the following two sentences were used by Jones's lawyers to explain the reason for their request:

"On advice of counsel, at least one plaintiff has refused to answer how so many of the clients all ended up represented by the same firm. The witness claimed not to know how her legal fees were being paid."

Although the name and gender of the deponent were not mentioned and the deposition was characterized, not quoted, the deposition having been designated by protective order to be "confidential," the trial court held that quoting those two sentences was a violation of the protective order. This was treated as Strike One against Jones.

Second, Jones's lawyers could not retrieve in satisfactory form, never-used Google Analytics data that the Plaintiffs alleged would show the number of vitamin supplement sales Jones made during broadcasts when the subject of a media broadcast mentioned Sandy Hook. **This was treated as Strike Two against Jones**.

Third, Jones's lawyers could not retrieve in a form and format to the liking of the Plaintiffs, accounting "subaccounts" from FSS's accounting journal entries, again which the Plaintiffs hoped to use to show a profit motive. **This was treated as Strike Three against Jones**.<sup>3</sup>

Jones's Petition for Certiorari will assert first that the entry of the Death Penalty sanctions against a media defendant, reporting on public controversies involving public figures, violated Jones's First Amendment Rights established in *New York Times v. Sullivan*, 376 U.S. 254, 271 (1964) and a host of following cases. No Supreme Court case has directly addressed the use of a procedural default (sanctions) to judicially impose liability in a First Amendment-defamation case thereby removing a plaintiff's burden to prove falsity or fault, or the requirement to do so by clear and convincing evidence. Furthermore, depriving Jones of a jury trial on liability issues also violated the due process of law provisions of the Fifth and Fourteenth Amendments.

Jones's Petition for Certiorari will assert secondly that this Court mandates that the underlying facts of this case be independently reviewed to confirm Constitutional conformity and whether required Constitutional *facts* have been proved by the required "clear and convincing

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<sup>&</sup>lt;sup>3</sup> The failures to produce Google Analytics and accounting "subaccounts," while available by other means, only "deprived" the plaintiffs of showing Jones's profit motives, which this Court has declared irrelevant in a media defendant libel case: "If a profit motive could somehow strip communications of the otherwise available constitutional protection, our cases from *New York Times* to *Hustler Magazine* would be little more than empty vessels." *Harte-Hanks Commc'ns v. Connaughton*, 491 U.S. 657, 667, 109 S. Ct. 2678, 2686 (1989)). Thus, the claim of need for these scant materials was not to demonstrate libel/defamation and certainly not proper for the entry of death penalty sanctions.

evidence." *Bose Corp. v. Consumers Union*, 466 U.S. 485, 499, 104 S. Ct. 1949, 1958-59 (1984). Yet no appellate court has performed such a review.

Jones's Petition for Certiorari will assert thirdly, that even if a state can enter an administrative default, it cannot do so finding liability for acts for which Jones is clearly not liable. For example, it is Constitutionally forbidden to hold Jones liable for alleged conduct of audience members based only on Jones's occasional encouragement to listeners to investigate for themselves. Yet the Death Penalty sanctions judicially decreed his liability for acts of unknown persons claimed to be alleged listeners.

It will assert fourthly, that a virtually identical suit was brought in Texas by two relatives of a Sandy Hook victim within almost a month of the Connecticut suit, and in the Texas case a virtually identical liability default judgment was also rendered, thus making the Connecticut and Texas cases veritable "identical twins" in all material factual respects. However, whereas in Connecticut each Plaintiff was awarded an average of \$63,000,000 in compensatory damages, in Texas, the average compensatory damage award was only \$2,000,000 per plaintiff. This disparity raises Equal Protection claims under the Fourteenth Amendment.

Many if not all of the Plaintiffs lack standing as they include a governmental FBI agent unrelated to any of the victims and brothers, sisters, daughters and spouses of victims, none of whom was named in any broadcast (with a few insignificant exceptions). Furthermore, the sheer amount of the Connecticut awards, coupled with statements made by the Plaintiffs stating in so many words the need for the jury to punish Alex Jones and make sure he was removed from the airwaves, constitutes an excessive punishment in violation of the Eighth Amendment and a "taking" under the Fifth Amendment.

#### REASONS FOR GRANTING AN EXTENSION OF TIME

As can be readily seen, the issues in this case are important and complicated. This case involves a voluminous record, including many broadcasts that exist only in video form. The undersigned did not represent Applicants (Jones) in the proceedings before the trial court or the Court of Appeals and accordingly, additional time for familiarization with the trial and appellate records to prepare the petition is warranted.

Posing obstacles to the preparation of Jones's petition for certiorari, has been the press of business on numerous other matters that are separate from but related to, the matters that will be before this Court. Between April 8, 2025, and the present, the following events related to Jones have occurred:

- a reply brief was prepared and filed on May 19, 2025, in the Third Court of Appeal of Texas in Cause No. 03-23-00209-CV, *Alex E. Jones and Free Speech Systems*, *LLC v. Neil Heslin and Scarlett Lewis*, in the related Texas case;
- Oral arguments occurred on May 28, 2025 before the Third Court of Appeal of
  Texas in Cause No. 03-23-00209-CV, Alex E. Jones and Free Speech Systems, LLC
  v. Neil Heslin and Scarlett Lewis; and
- a post-argument brief was prepared and filed on June 19, 2025, in the Third Court of Appeal of Texas in Cause No. 03-23-00209-CV, *Alex E. Jones and Free Speech Systems, LLC v. Neil Heslin and Scarlett Lewis*.

As noted, as a result of the Connecticut and Texas judgments, Jones filed a petition for bankruptcy in the Southern District of Texas for himself and FSS, his wholly owned company. The bankruptcy court had previously dismissed FSS from bankruptcy but held the Trustee of the Jones personal bankruptcy estate to be vested with title to the FSS assets (the "Supplemental").

Order"). In that bankruptcy, the bankruptcy Trustee has worked with the Connecticut plaintiffs to gain control of Jones's broadcasting platforms. The Texas plaintiffs appealed the Supplemental Order and during the pendency of that appeal, the bankruptcy court attempted to declare void its earlier Supplemental Order, which it could not do. When the Texas and Connecticut Plaintiffs appeared to have settled their differences, the Texas plaintiffs dropped their appeal of the Supplemental Order which resulted in briefing and argument in a "status conference" in the Bankruptcy Court on the status of the Supplemental Order and control of FSS. Cause No(s). 22-33553, *In re: Alexander E. Jones*, 23-03035, *Heslin, et al v. Jones, et al*, 23-03037, *Wheeler, et al v. Jones, et al*, and 24-03279, *Wheeler, et al v. Jones, et al*.

Additionally, the Trustee recently filed numerous adversaries asserting causes of action against Jones and his relatives, all of which have detracted from the preparation of a petition for certiorari with content that will be maximally useful to this Court.

These matters are in addition to the litigation demands of other clients in other cases, including defending a medical doctor sued by the Texas Medical Board ("TMB"), which involved the TMB noticing and taking several depositions within the past two weeks and extensive motion practice. Other cases have also had critical deadlines as well, interfering with the preparation of the petition.

Additional time is needed for further consideration, research and drafting on the legal arguments that will be made to this Court in filing Applicants' petition. Additional time is also needed to permit the petition's preparation and printing.

Additional time should not result in any prejudice to any party.

#### **CONCLUSION**

Applicant requests that the time to file a petition for a writ of certiorari in the above-captioned matter be extended 60 days to and including Friday, September 5, 2025.

Dated this 27th day of June, 2025.

Respectfully submitted,

/s/ Ben C Broocks

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## TABLE OF APPENDICES

	Page
ORDER OF THE SUPREME COURT OF THE STATE OF	
CONNECTICUT. FILED APRIL 8, 2025	1a

## **SUPREME COURT**

#### STATE OF CONNECTICUT

PSC-240253

ERICA LAFFERTY ET AL.

v.

ALEX EMRIC JONES ET AL.

#### ORDER ON PETITION FOR CERTIFICATION TO APPEAL

The defendants' petition for certification to appeal from the Appellate Court, 229 Conn. App. 487 (AC 46131), is denied.

ECKER, J. would grant the petition for certification.

Jay M. Wolman and Ben C. Broocks, in support of the petition.

Alinor C. Sterling, Christopher M. Mattei, Joshua D. Koskoff, and Matthew S. Blumenthal in opposition.

Decided April 8, 2025

By the Court,

\_\_\_\_\_\_/s/ Carl D. Cicchetti Chief Clerk

Notice Sent: April 8, 2025

Petition Filed: January 21, 2025

Clerk, Superior Court, UWYCV186046436S

Hon. Barbara N. Bellis Clerk, Appellate Court Reporter of Judicial Decisions Staff Attorneys' Office Counsel of Record