

## Alex Jones Paid Price For Uniquely 'Offensive' Lies, Attys Say

By **Cara Salvatore**

*Law360 (October 13, 2022, 9:57 PM EDT)* -- A Connecticut jury's \$965 million verdict against Alex Jones over his false claims about the Sandy Hook shooting was a perfect storm resulting from an unlikeable and unapologetic witness, years of repetition of a particularly repugnant lie, and a social media era that enables precise measurement of the lie's reach, experts say.

A jury of six in Waterbury, Connecticut, reached the verdict Wednesday after hearing nearly three weeks of testimony including the detailed experiences of an FBI first responder and 14 relatives of people murdered in the Dec. 14, 2012, shooting at Sandy Hook Elementary School.

All 15 were harassed after conspiracy theorist Jones declared beginning the day of the shooting that it was suspicious, a lie he fleshed out over years with opinions that family members were "actors."

Experts called the massive verdict an outlier, citing Jones' behavior on and off the witness stand.

"He didn't do himself any favors testifying in court," said Jeff McFarland, an entertainment litigator at McKool Smith with defamation litigation expertise as well as experience representing entities including movie studios. "He seemed unapologetic and antagonizing."

The collection of lies was also particularly hurtful, experts said, a targeted attempt to worsen what was already the worst day of many of the plaintiffs' lives. The "murder of kids and the denial of that fact ... probably pushed the verdict to the [level] that it was," McFarland said. "It's hard to imagine something more offensive."

The families' lawyers explicitly incorporated social media calculations into their case and invited the jury to look at those numbers in their deliberations. Plaintiffs' expert Clint Watts testified there were at least 550 million repetitions of the "hoax" lie through three social media sites.

According to First Amendment expert Kevin Goldberg of the Freedom Forum, the plaintiffs invited jurors to "look at the amount of action this got in social media and try to think about, what value would you put on a retweet or a tweet or a share?"

The social reach may not have been the decisive factor, given that each plaintiff got a completely individualized award. Jurors asked for readback of the full testimony of one plaintiff during deliberations, suggesting they were closely attuned to that plaintiff's experiences.

Goldberg said that while the verdict was completely appropriate, juries in other, less extreme cases may use a calculation like that as a basis to be overly harsh.

"If you could apply that [social media calculus] to a mainstream publication who didn't act the same way," he said, "that could be a problem."

The families are expected to have great difficulty collecting such a large verdict from a person and company that have never been forthcoming about their finances.

In that regard, they'll be in the same boat with plaintiffs in an earlier Sandy Hook defamation trial in Texas, where a jury returned a \$49 million verdict. Another trial is planned in Texas in the coming months.

Jones' media company, Infowars — known legally as Free Speech Systems LLC — filed for bankruptcy on the first day of that earlier Texas trial. Jones also has the option of filing for personal bankruptcy.

McFarland and Douglas Mirell of Greenberg Glusker said Jones' lack of candor about assets and his company's financial position would make things difficult for the plaintiffs, and perhaps for Jones as well.

In bankruptcy, according to Mirell, there are consequences for failing to make disclosures, just as Jones' refusal to engage in meaningful handover of information in the Connecticut case ultimately resulted in a default judgment of liability against him, leaving the jury to consider only damages.

McFarland said that in Infowars' bankruptcy, the court "will put the screws to him," and it will be "interesting to see what the families will do as far as attempting to enforce the judgment."

"It's a lot of work, and catching people with their assets in a particular place is, at best, spotty," he said, given the ease and speed of moving money around now.

Even if the full verdict is not paid, Mirell said the case could serve as a warning to other bad actors in defamation cases

"I hope it gets people thinking and/or second-guessing practices that they've adopted up until now, where they thought, 'I can be as outrageous and as mendacious as I want, without consequence,'" Mirell said. "I'm hoping that people begin to rethink that mindset."

--Editing by Peter Rozovsky.