

CAUSE NO. D-1-GN-18-006623

SCARLETT LEWIS	*	IN THE DISTRICT COURT OF
Plaintiff	*	
	*	
	*	
VS.	*	TRAVIS COUNTY, TEXAS
	*	
ALEX E. JONES, INFOWARS,	*	
LLC, AND FREE SPEECH	*	
SYSTEMS, LLC,	*	
Defendants	*	53RD JUDICIAL DISTRICT

ORAL/VIDEOTAPED DEPOSITION

OF

ROBERT JACOBSON

Wednesday, March 20, 2019

ORAL/VIDEOTAPED DEPOSITION OF ROBERT JACOBSON, produced as a witness at the instance of the Plaintiff, and duly sworn, was taken in the above-styled and numbered cause on Wednesday, March 20, 2019, from 12:01 p.m. to 1:55 p.m., before Debbie D. Cunningham, CSR, reported via Machine Shorthand at the offices of Kirker Davis, LLP, 8310-1 N. Capital of Texas Highway, #350, Austin, Texas 78731, pursuant to the Texas Rules of Civil Procedure and/or any provisions stated on the record or attached hereto.

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APPEARANCES

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Joe Bazan

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1 (Wednesday, March 20, 2019, 12:01 p.m.)

2 P R O C E E D I N G S

3 THE VIDEOGRAPHER: We are on the record  
4 for the videotaped deposition of Robert Jacobson taken  
5 on Wednesday, March 20th, 2019. The time is  
6 approximately 12:01 p.m.

7 Will the court reporter please swear in  
8 the witness?

9 ROBERT JACOBSON,  
10 having been duly sworn, testified as follows:

11 EXAMINATION

12 BY MR. BANKSTON:

13 **Q. Good afternoon, Mr. Jacobson. Can you**  
14 **introduce yourself for our record?**

15 A. I am Robert Jacobson.

16 **Q. Okay.**

17 MR. ENOCH: Mark, I'd like to ask a  
18 couple of questions and make a comment real quickly.

19 MR. BANKSTON: I don't think you've been  
20 given any orders from the Court to do any discovery.  
21 So, no, Mr. Enoch, you're not asking this witness any  
22 questions.

23 MR. ENOCH: Mr. Jacobson --

24 MR. BANKSTON: Mr. Enoch --

25 MR. ENOCH: -- were you served with a

1 subpoena?

2 MR. BANKSTON: Mr. Enoch, please point me  
3 to the order in which you've been allowed to do any  
4 discovery or take any questions of any witness. Point  
5 me to it, Mr. Enoch.

6 MR. ENOCH: Please do not --

7 MR. BANKSTON: Right now, point me to it.

8 MR. ENOCH: Please do not interrupt.

9 MR. BANKSTON: Then you're going to --  
10 Mr. Enoch, stop talking to the witness.

11 MR. ENOCH: Mr. Jacobson --

12 MR. BANKSTON: Mr. Enoch, this deposition  
13 will be suspended; and I will seek sanctions if you  
14 speak one more time to this witness.

15 MR. ENOCH: Mr. Jacobson, have you been  
16 served with a deposition subpoena?

17 MR. BANKSTON: Mr. Enoch, we're going off  
18 the record. We're done. The deposition's done.

19 MR. ENOCH: We are not going off the  
20 record.

21 MR. BANKSTON: The deposition is  
22 suspended.

23 MR. ENOCH: We are not going off the  
24 record.

25 MR. BANKSTON: You have no ability to

1 take any testimony, Mr. Enoch. None. Zero.

2 MR. ENOCH: Mr. Bankston, I suggest  
3 instead of getting emotional about it, if you'd let me  
4 ask this question --

5 MR. BANKSTON: No, we're not going to  
6 allow you any questions, Mr. Enoch.

7 MR. ENOCH: Please don't interrupt me  
8 again.

9 MR. BANKSTON: Mr. Enoch, you have no  
10 right to ask your questions. Before you ask that  
11 question -- a single question to that witness again,  
12 direct me to what authority you think you have to --

13 MR. ENOCH: Did you serve a subpoena on  
14 this witness?

15 MR. BANKSTON: I don't -- I served a  
16 Notice of Deposition on this witness.

17 MR. ENOCH: Sir, if you didn't serve a  
18 subpoena, he's under an NDA and a confidentiality  
19 agreement. He is not excused from that. You did not  
20 provide him with an order from this Court. He cannot  
21 testify today. You should have served him with a  
22 subpoena, and you did not.

23 MR. BANKSTON: Do you want to take this  
24 up with the judge --

25 MR. ENOCH: No, sir.

1 MR. BANKSTON: -- or are you going to let  
2 him testify today?

3 MR. ENOCH: That's what I want to talk  
4 with this witness about.

5 MR. BANKSTON: You're not going to talk  
6 to him about it.

7 MR. ENOCH: Well --

8 MR. BANKSTON: You don't have the ability  
9 to do discovery. I'm going to ask this witness  
10 questions. If you --

11 MR. ENOCH: Mr. Bankston --

12 MR. BANKSTON: If you instruct him not to  
13 answer and try to prevent this deposition from  
14 happening, I will take it up to the Court.

15 MR. ENOCH: Mr. Bankston, you are the one  
16 preventing me from asking any questions.

17 MR. BANKSTON: I am.

18 MR. ENOCH: Then do what you need to do,  
19 sir.

20 MR. BANKSTON: That's what we're gonna  
21 do.

22 MR. ENOCH: I'm going to make sure this  
23 witness knows of his obligations under the  
24 non-disclosure agreement and confidentiality agreement  
25 that he signed. Are you going to --

1 MR. BANKSTON: You sent him a letter  
2 telling him what his confidentiality agreements are,  
3 telling him to observe them. You have already had these  
4 communications with this witness. You have no reason to  
5 ask this witness any questions today. The Court has not  
6 granted your client any discovery whatsoever, and you  
7 will stop interfering with this deposition. You have no  
8 reason to be asking this client about confidentiality  
9 when you have already informed him of his obligations.

10 MR. ENOCH: Mr. Bankston, I'm going to  
11 ask the question; and if you instruct him not to  
12 answer --

13 MR. BANKSTON: I don't represent this  
14 witness.

15 MR. ENOCH: Mr. Jacobson, did you receive  
16 a letter from me in December or so advising of my  
17 client's insistence that you maintain confidentiality  
18 under your agreement which you reached with Alex Jones  
19 and with Free Speech?

20 THE WITNESS: I don't recall.

21 MR. ENOCH: Okay. Do you still have  
22 those confidentiality and non-disclosure agreements?

23 THE WITNESS: I don't recall. I don't --  
24 I have -- since traumatic -- since whatever happened to  
25 me at work, my files have been scattered around. I'd



1 also like to add that that non -- that NDA was forced  
2 upon me after employment with Alex for over eight  
3 years --

4 MR. ENOCH: Sir --

5 THE WITNESS: -- on the record.

6 MR. ENOCH: Sir, you can -- I'm not  
7 arguing with you.

8 MR. BANKSTON: Mr. Enoch, you --  
9 objection.

10 You've already done what you said you  
11 were going to do. Don't start have conversations with  
12 the witness. Don't do it. Don't influence his  
13 testimony, Mr. Enoch.

14 MR. ENOCH: Mr. Bankston, please stop  
15 interrupting me.

16 MR. BANKSTON: Well, then I will put --  
17 first, before you ask your question --

18 MR. ENOCH: Rule 99 --

19 MR. BANKSTON: I object to the record --  
20 I object; and my objection is to the form of your  
21 question.

22 MR. ENOCH: Very well.

23 Mr. Jacobson, are you familiar with the  
24 requirements in the documents that you signed that you  
25 maintain confidentiality unless you are subpoenaed or

1 ordered by the Court?

2 THE WITNESS: I'm familiar with the  
3 action that was forced upon me after being employed by  
4 him, with language in that NDA which includes things  
5 like "the known universe" and stuff. It's garbage, and  
6 I --

7 MR. ENOCH: So you're not --

8 THE WITNESS: No, no, I am not aware  
9 of -- I know that it was forced upon me. I was employed  
10 by Alex for over eight years, and they forced it upon  
11 me. I was a -- so I don't know where it is. I don't  
12 know what the language is, and I don't recall anything.

13 MR. ENOCH: I'd like to mark as an  
14 exhibit, please, madam --

15 (Exhibit 1 marked.)

16 MR. BANKSTON: Object to any exhibits  
17 being offered by you.

18 Mr. Enoch, what are you doing? Let's  
19 just talk. What do you think you're doing?

20 MR. ENOCH: I want to make sure --

21 MR. BANKSTON: You're not questioning  
22 this witness anymore.

23 MR. ENOCH: Mr. Bankston --

24 MR. BANKSTON: This is not your  
25 deposition. You have no ability to do discovery. I've

1 had extraordinary patience with allowing you to ask  
2 questions of the witness to ascertain whether he knows  
3 there's a confidentiality agreement. I will also be  
4 asking him about that same confidentiality agreement.

5 Now that that's been done, you have no  
6 reason to be questioning him. The only reason you're  
7 doing it is to influence this witness. That's literally  
8 the only reason you're doing it. I consider what you're  
9 doing highly improper; and I am asking you once again:  
10 Knock this off, Mr. Enoch. What are you do?

11 MR. ENOCH: Mr. Jacobson, do you  
12 recognize Exhibit Number 1?

13 THE WITNESS: I don't have any recall of  
14 this exhibit.

15 MR. ENOCH: Would you look at your  
16 signature on the last page and please identify that?

17 MR. BANKSTON: We need to go off the  
18 record and call the Court right now, Mr. Enoch --

19 MR. ENOCH: Do you recognize your  
20 signature?

21 MR. BANKSTON: -- and Mr. Jacobson.

22 THE WITNESS: I -- I want you to notice  
23 the date.

24 MR. ENOCH: Did you --

25 THE WITNESS: When was my employment

1 started, sir? Sir, I don't have any representation  
2 here. When was my employment started? When was the  
3 first day I started working?

4 MR. BANKSTON: Mr. Jacobson, let's stop  
5 for a second.

6 (Simultaneous speakers.)

7 MR. BANKSTON: Mr. Enoch, stop. We're  
8 going off the record right now. We're calling the  
9 Court.

10 MR. ENOCH: Very well.

11 THE VIDEOGRAPHER: Off the record at  
12 12:07 p.m.

13 (Off the record from 12:07' to 12:08' p.m.)

14 (The following is only on the  
15 stenographic record:

16 THE REPORTER: Do you want the telephone  
17 conversation on the record?

18 MR. BANKSTON: No, ma'am, you can go off  
19 the record.

20 MR. ENOCH: No, I do not agree to go off  
21 the record.

22 MR. BANKSTON: Apparently they're  
23 transcribing this phone call.

24 MR. OGDEN: The court administrator?

25 MR. BANKSTON: Excuse me. If that's to

1 the court administrator, yeah, can you give me Elissa or  
2 Tiffaney's number?

3 MR. OGDEN: Sure. Elissa is 512.854 --

4 MR. BANKSTON: No, keep the video on and  
5 put it on Mr. Enoch.

6 854 --

7 MR. OGDEN: 9366.

8 MR. BANKSTON: -- 66. Thank you.)

9 THE VIDEOGRAPHER: On the record at  
10 12:08 p.m.

11 (Phone ringing followed by a recording  
12 stating: Please leave a message for Elissa Hogan.  
13 After the tone, please record your message.)

14 MR. BANKSTON: Have you got a separate  
15 number for Tiffaney?

16 MR. OGDEN: Yes. 512.854.7278.

17 (Phone ringing followed by a recording  
18 stating: Please leave a message for Tiffaney Gould.)

19 MR. BANKSTON: All right. For the  
20 record's purposes, I have attempted to --

21 MR. OGDEN: Mark -- sorry -- try the  
22 court administration.

23 MR. BANKSTON: All right. Well, no.  
24 That's a totally different office, Bill. That's Judge  
25 Livingston's court administration office.

1 MR. OGDEN: Well, right now --

2 MR. BANKSTON: Okay. Go back on mute.

3 For the record, I have attempted to call  
4 the Court on an emergency basis. I have been unable to  
5 get ahold of Staff Attorney Elissa Hogan or Court  
6 Coordinator Tiffany Gould.

7 I have properly Noticed this deposition.  
8 I am entitled to question the witness first. I'm  
9 entitled to question the witness about the topics that  
10 the Court ordered that I am allowed to question him on.

11 Mr. Enoch did not Notice this deposition.  
12 He is not entitled to question the witness first. While  
13 I attempted to stop him from this highly improper  
14 conduct, he completely ignored me and continued to  
15 question the witness, agitating the witness, who is not  
16 represented by counsel.

17 This witness has agreed to appear  
18 voluntarily with the understanding that Plaintiff was  
19 conducting discovery today, has never made any agreement  
20 to appear here unrepresented to be inquized [sic] by  
21 his former employee's [sic] counsel. He never made that  
22 agreement.

23 Mr. Enoch knows it is highly improper to  
24 interrupt my questioning, prevent me from questioning  
25 the witness first, and just start his own examination.

1 That would be true under even normal deposition  
2 circumstances; but today we are here on expedited  
3 discovery under the Texas Civil Participation Act, which  
4 grants my client the right to discovery, to respond to a  
5 Special Motion to Dismiss brought by my Enoch's client. It  
6 gives him absolutely no right to conduct any discovery.

7           This deposition has been highly improper,  
8 and so this is the agreement I'm going to make: I have  
9 not been able to contact the Court. I've not been able  
10 to do that. Mr. Enoch insists on questioning. He won't  
11 let me question and just ignores what I'm doing. Under  
12 those circumstances and given the level of agitation by  
13 Mr. Jacobson, who is here today without counsel, I am  
14 suspending the deposition unless Mr. Enoch agrees to  
15 cease his improper efforts to question this witness and  
16 continues to act appropriately in just defending the  
17 deposition.

18           Mr. Enoch, if you cannot agree to do  
19 that, this deposition is suspended; and it will be added  
20 to my Motion for Sanctions being filed with the Court  
21 today. What would you like to do?

22           MR. ENOCH: Well, I don't agree with  
23 anything you just said. It was all self-serving. It  
24 doesn't accurately reflect what was happening.

25           The only reason I asked him a question

1 about this document is to show his signature. Now that  
2 I've shown it to him, you may go ahead and question him.  
3 Under Rule 199 I don't know of anything that prevents me  
4 from asking questions out of order, sir. Are you aware  
5 of anything?

6 MR. BANKSTON: Yeah, I am, actually.

7 MR. ENOCH: The parties may attend and  
8 ask questions.

9 MR. BANKSTON: I actually agreed -- I  
10 actually am aware of it under Chapter 26 of the Remedy  
11 Code. You have no right to conduct the deposition; only  
12 I do.

13 MR. ENOCH: I disagree with that; and  
14 rather than talk about it now --

15 MR. BANKSTON: We'll take it up with the  
16 Court. I agree.

17 MR. ENOCH: I think that would be an  
18 appropriate --

19 MR. BANKSTON: I agree. So, Mr. Enoch --

20 MR. ENOCH: Please continue your  
21 deposition.

22 MR. BANKSTON: Well, Mr. Enoch, before I  
23 stopped my deposition and you said that you were going  
24 to ask him one thing about one document and whether it  
25 was his signature; and now you say you're done, when I



1 asked --

2 MR. ENOCH: And he refused to answer the  
3 question.

4 MR. BANKSTON: He sure did.

5 And when I asked you, "Okay. You've  
6 asked him. Are you done," you completely ignored me,  
7 continued to berate this client -- I mean, this person;  
8 and he expressed to you that he was very --

9 MR. ENOCH: Mr. --

10 MR. BANKSTON: Hold on, Mr. Enoch. He  
11 expressed to you that he was agitated. Are you now  
12 saying you have asked the totality of the questions you  
13 intend to ask this witness?

14 MR. ENOCH: Of course not.

15 MR. BANKSTON: Then we are suspending  
16 this deposition.

17 MR. ENOCH: I don't know what I'm going  
18 to ask or if I'm going to ask anything until you're done  
19 with your examination, Mr. Bankston.

20 MR. BANKSTON: Well, apparently you did  
21 because you started asking questions before I even  
22 started my examination, Mr. Enoch; and you know that's  
23 highly improper.

24 I'm asking you right now: Do you intend  
25 to question this witness today?

1 MR. ENOCH: Mr. Bankston, I am alarmed  
2 that this witness is not represented by counsel. I am  
3 concerned that he is not aware of his rights and  
4 obligations under legally binding contracts with my  
5 client. I want to make sure he is aware of those to  
6 protect himself or to get counsel of his own choosing.

7 MR. BANKSTON: You've been able to do  
8 that --

9 MR. ENOCH: Excuse me. Do not interrupt  
10 me, again. I did not interrupt you.

11 It appears that you have not counseled  
12 him one bit about this. You're interested in getting  
13 him to voluntarily disclose information that he's  
14 obligated not to do without court order. You did not  
15 serve a subpoena. You did not tell him of the effect of  
16 that under his agreement. He now knows it. You may  
17 continue your deposition.

18 MR. BANKSTON: Mr. Enoch, let's make this  
19 clear for the record: I do not have his agreement.  
20 When you sent this letter that informed him of that  
21 agreement --

22 MR. ENOCH: You do now.

23 MR. BANKSTON: -- I asked you at the  
24 time -- didn't I, Mr. Enoch -- I sent you a letter and  
25 said, "Your letter's very unclear. It could, in fact,

1 cause this witness to think he's not supposed to testify  
2 today. Wouldn't it be best if you disclosed to  
3 everybody what that agreement is?" You didn't do that.  
4 You waited until we walked into this room to put it down  
5 on the table.

6           You say you have every right to inform  
7 this client -- or this person of his obligations and you  
8 were worried that he doesn't understand what those were.  
9 I understand that, which is why you sent that letter,  
10 which I think is a perfectly reasonable thing to do; and  
11 if you wanted to call this witness, talk to him, or  
12 contact him, that's perfectly appropriate. To ambush  
13 him at the moment of his testimony is not appropriate,  
14 and it is not appropriate to start asking questions  
15 before I even ask questions.

16           MR. ENOCH: Mr. --

17           MR. BANKSTON: If you intend to ask more  
18 questions today, let me know because we will suspend the  
19 deposition so that Mr. Jacobson can get counsel and so  
20 that we can take it up with the Court to see if your  
21 actions today were proper. Do you want to ask questions  
22 today or not, Mr. Enoch?

23           MR. ENOCH: Mr. Bankston, I did not know  
24 until my first question of this witness that you had not  
25 served him with a subpoena, as I think you were

1 obligated to do to obtain his testimony. Therefore, I  
2 wanted to make sure he was aware of Exhibit 1. It does  
3 not allow his voluntarily participation in your  
4 discovery without a court order or subpoena.

5 Now, with respect to questions of this  
6 witness, I can't answer that now because I haven't heard  
7 your questions. I think I'm entitled to ask questions  
8 under the Rules; you think I'm not. So go ahead and ask  
9 your questions. Let's see if I have questions. If I  
10 do, the Rules allow me to make my record. You can  
11 object as you wish, and then we can take it up with the  
12 judge. We've spent a lot of time haggling right now.  
13 We've taken the witness' time. Ask your questions.

14 MR. BANKSTON: You've taken the witness'  
15 time.

16 MR. ENOCH: Ask your questions.

17 MR. BANKSTON: You've taken my time,  
18 Mr. Enoch. That's what you've done.

19 MR. ENOCH: Ask your questions.

20 MR. BANKSTON: And I can tell you this:  
21 I don't represent this witness; and when I'm done asking  
22 my questions, if he wants to get up and walk out of this  
23 room without saying another word to you, I'm not  
24 stopping him.

25 MR. ENOCH: On what basis?

1 MR. BANKSTON: I'm not stopping him. I  
2 have no control over this man, Mr. Enoch. I have none.  
3 I don't represent him.

4 MR. ENOCH: Well, you understand that  
5 your Notice says we're here from day to day; and you  
6 understand cross-examination is allowed.

7 MR. BANKSTON: Yeah. And what do you  
8 want me to do to stop him? What do you want me to do --

9 MR. ENOCH: Why don't you just ask your  
10 questions?

11 MR. BANKSTON: Should I chain him to the  
12 chair, Mr. Enoch?

13 MR. ENOCH: Mark, please start asking  
14 your questions. Let's get on with the deposition. Will  
15 you do that, please?

16 MR. BANKSTON: Yeah, now we'll do that,  
17 Mr. Enoch. We sure will.

18 MR. ENOCH: Do.

19 Q. (BY MR. BANKSTON) Mr. Jacobson, I'm really  
20 sorry about all that.

21 A. Yes, sir.

22 Q. I believe the only -- I'm not sure if we got  
23 this question out. Did you introduce yourself for the  
24 record?

25 A. Yes, sir. I am Robert Jacobson.

1 Q. Okay. Did you used to work at InfoWars?

2 A. Yes, sir.

3 Q. When were you hired by InfoWars?

4 A. I was hired in 2004 by Alex Jones.

5 Q. Do you know what corporate entity you were  
6 hired by?

7 A. At the time I felt I was hired by Alex Jones,  
8 and he was an independent proprietor.

9 MR. ENOCH: Objection, nonresponsive.

10 Q (BY MR. BANKSTON) Do you know today what  
11 entity your former employer claims you worked for?

12 A. Yes.

13 Q. What entity is that?

14 A. Free Speech Systems, LLC.

15 Q. Okay. When did your employment end?

16 A. My employment ended on May 1st of 2017 -- or  
17 April 30th.

18 Q. So am I right that that's over a decade that  
19 you were at InfoWars?

20 A. I was there for around 13 years,  
21 approximately.

22 Q. As an employee, did you have a confidentiality  
23 agreement of any kind?

24 A. Not for the first six years or so.

25 Q. Okay. So does that mean around 2010 or so the

1 **idea of confidentiality came up?**

2 A. Confidentiality was passed around the office  
3 but was never given to me until years after; and it was  
4 more of a -- you know, sort of an ultimatum, sort of  
5 suggested, putting my livelihood at risk.

6 Q. Apparently -- I wanted to show you something I  
7 wanted to mark as Exhibit 1, but I believe Mr. Enoch has  
8 already highjacked that exhibit. So I am going to mark  
9 this as Exhibit 2.

10 MR. ENOCH: Object to the sidebar. Move  
11 to strike.

12 (Exhibit 2 marked.)

13 Q. (BY MR. BANKSTON) Mr. Jacobson, I've handed  
14 you what's been marked as Exhibit 2. Have you ever seen  
15 a copy of that before, or do you remember seeing that?

16 A. Yes.

17 Q. I want to direct you to the second page. I'm  
18 going to read the paragraph that appears on this page 2.  
19 "You are reminded that you have important continuing  
20 obligations under your confidentiality non-disclosure  
21 agreements with my client. You are expected to strictly  
22 observe those duties and obligations." Do you feel like  
23 you understand what obligations are being referred to  
24 here?

25 A. I do.

1           **Q.    Have you abided by those obligations?**

2           A.    Yes, sir.  In fact, may I add something?  My  
3 understanding of the non-disclosure is not to reveal any  
4 company secrets.  I don't think abuse or abusive  
5 behavior inside the company constitutes company secrets.  
6 I don't think misbehavior inside the company by an adult  
7 who runs the business constitutes company secrets.  In  
8 fact, I'm here to try to bring light to the truth of  
9 abusive behavior inside the walls of InfoWars; and I  
10 don't think anything I say today violates the NDA, which  
11 would be constituting of company secrets, their formulas  
12 in how they produce the news.  Nothing like that is  
13 going to be revealed today.  What will be revealed is  
14 abusive behavior and the behavior of Mr. Jones and his  
15 staff.

16                           MR. ENOCH:  Objection, nonresponsive.

17           **Q       (BY MR. BANKSTON)  Did you understand that**  
18 **there was a judge here in Travis County who issued an**  
19 **order concerning this deposition today going forward?**

20           A.    No -- not sure, actually.

21           **Q.    Okay.**

22           A.    Fuzzy.

23           **Q.    Sitting here today, do you recall seeing a**  
24 **court order concerning your deposition?**

25           A.    Yes.



1           **Q.    Okay. Did you feel comfortable appearing for**  
2 **deposition without a court order?**

3                   MR. ENOCH:  Objection to form.  Assumes  
4 facts not in evidence.  Leading.

5                   You can go ahead and answer subject to  
6 those objections.

7           A.    Again, I'm not sure of that.  I mean, with or  
8 without a court order, I just feel it's the right thing  
9 to do.

10           **Q     (BY MR. BANKSTON)  When you first joined**  
11 **InfoWars, did you believe in its mission?**

12           A.    For the most part, yes.

13           **Q.    Tell me about the kinds of stories or things**  
14 **that you wanted to be working on when you first came to**  
15 **InfoWars.**

16           A.    When I first --

17                   MR. ENOCH:  Objection, form.

18           A.    When I first arrived at InfoWars, my  
19 understanding of InfoWars and Alex's subject matter was  
20 the occult, esoteric politics, let's say, what's going  
21 on behind the curtain, things that politicians don't  
22 tell us in expos^', in that fashion.  Fringe media, off  
23 the mainstream, but still honest was my impression.

24           **Q.    (BY MR. BANKSTON)  Were you passionate about**  
25 **journalism at that time?**

1 MR. ENOCH: Objection to form.

2 A. I was passionate about filmmaking, and I  
3 wanted to be a documentary filmmaker. So in that  
4 aspect, yes, that does, I believe, fall under a broader  
5 umbrella of journalism. So when it comes to documentary  
6 films, I was on board.

7 MR. ENOCH: Objection, nonresponsive.

8 **Q. (BY MR. BANKSTON) Did you want to do good**  
9 **journalism?**

10 A. I did.

11 MR. ENOCH: Objection, form.

12 MR. BANKSTON: What's the form?

13 MR. ENOCH: Well, under the Rules, I'm  
14 not sure it's -- I think you're leading the witness; and  
15 I think -- I'm not sure if I'm supposed to say  
16 objection, leading or form. I think I'm supposed to say  
17 both. So that's my objection. You're leading the  
18 witness.

19 MR. BANKSTON: Okay.

20 Can you scroll up to my last question?

21 (Reporter complies.)

22 **Q. (BY MR. BANKSTON) Mr. Jacobson, what does**  
23 **good journalism mean to you?**

24 A. Good journalism means an objective reporting  
25 of facts. Somebody who can -- or if the journalist can

1 remove his emotion and theory as much as possible from  
2 reporting what he sees or she sees with their own eyes  
3 and ears, empirical evidence reported to the public with  
4 very little bias.

5 **Q. In your mind, what is the relationship between**  
6 **good journalism and corroboration of facts?**

7 A. I think good journalism, if you're going to  
8 have a corroboration of facts, I believe the more  
9 witnesses and points of view of the same action or  
10 activity that is being reported on, the better. And,  
11 for example, just theoretically thinking, one person  
12 can't see both sides of the cup at once. So when two  
13 people are observing it at the same time, you get a  
14 better description of the object in question. And so  
15 the more witnesses that have viewed it, the more  
16 impressions we can get after the fact of what has  
17 actually happened with the object that we're observing.

18 **Q. In your first few years at InfoWars were you**  
19 **comfortable with the style of journalism and the stories**  
20 **you were working on?**

21 MR. ENOCH: Objection, form and leading.

22 Anytime I make an objection like that,  
23 sir, you can go ahead and answer.

24 THE WITNESS: Okay.

25 MR. ENOCH: Let me say one thing. I may

1 ask you not to answer based on a privilege. That's your  
2 choice. That's my client trying to protect a privilege;  
3 but when I object, say "Objection, form or leading," you  
4 can go ahead and answer.

5 THE WITNESS: Okay.

6 Q. (BY MR. BANKSTON) Would you like me to ask  
7 that question again?

8 A. Yes, please.

9 Q. In those first few years at InfoWars, were you  
10 comfortable with the style of journalism and the stories  
11 you were working on?

12 MR. ENOCH: Same objections.

13 A. I was comfortable with the films I was  
14 producing and helping Alex produce. I found them  
15 interesting; and I found that Alex did present enough  
16 expert testimony that it held water, in my mind.

17 Q (BY MR. BANKSTON) All right, Mr. Jacobson.  
18 You understand this lawsuit has to do with Sandy Hook?

19 A. Yes, sir.

20 Q. I want to direct your attention then to that  
21 event, which is end of 2012, very beginning of 2013.

22 A. Okay.

23 Q. For that time period, the start of 2013, by  
24 that time, had the company changed, in your mind?

25 A. Absolutely.

1 MR. ENOCH: Objection, form. Leading.

2 A. Absolutely.

3 Q. (BY MR. BANKSTON) Okay. Mr. Jacobson, I have  
4 a feeling that Mr. Enoch is going to object to just  
5 about every question I ask.

6 A. Okay.

7 Q. So what I would like you to do to accommodate  
8 this, because otherwise it's going to be super-  
9 disruptive on the deposition, take a couple-of-second  
10 pause before you answer my questions because he's going  
11 to step on your answers. Okay?

12 A. Okay.

13 Q. If you can, just take a second pause. And  
14 what I'm going to do is ask you that question again  
15 because it got kind of disrupted, and I think  
16 Mr. Enoch's going to object again.

17 A. Okay.

18 Q. And just for reminders, we may in typical  
19 conversations tend to try to finish each other sentences  
20 or talk over each other, not to interrupt each other,  
21 but to help us get to the point faster. It makes it  
22 very difficult on her.

23 A. Right.

24 Q. She has trouble writing down when two people  
25 are speaking at the same time. So this is why, if you

1 can, if you can take a pause -- you might even want to  
2 check and look over to your former employer's counsel to  
3 see if there is going to be an objection -- that way we  
4 can keep the record clear.

5 A. (Witness nods head.)

6 Q. At the start of 2013, around that time period,  
7 in your mind, had the company changed?

8 MR. ENOCH: Objection to form, leading.

9 A. Yes.

10 Q (BY MR. BANKSTON) Tell me about that.

11 A. When I first started working for InfoWars, it  
12 was an operation with just a handful of employees as far  
13 as I know, possibly five or less; maybe a few more than  
14 I'm aware of. But I was working out of my own private  
15 office. Alex had a tiny office in the far south of  
16 Austin. He had one employee that I knew of, Ryan  
17 Schlickeisen; another employee who I'm not sure of her  
18 name. I can't really recall. But she was a woman who  
19 tended his warehouse, which was in the far south side of  
20 Austin. And I'm not even sure where Alex was  
21 broadcasting out of.

22 In 2010 he had a full-size facility. He  
23 had, as far as I know, over 60 people on his staff, if  
24 not more; and he had a full-blown studio. So it wasn't  
25 just different. It was dramatically different in every

1 way, shape, and form.

2 Q. One of the aspects I want to direct your  
3 attention to is whether you, in your mind, felt that  
4 anything had changed in the company with regards to how  
5 it performed journalism.

6 A. I do.

7 Q. What are your thoughts about that?

8 A. I --

9 MR. ENOCH: Objection, form and -- yeah,  
10 objection, form.

11 Excuse me. Go ahead.

12 A. I feel that Alex's formula definitely changed.  
13 He changed his formula from a complement of the website  
14 and films to no films anymore and more or less the  
15 radio -- the website, radio show, and films was the  
16 original form. He took the film part out, which I  
17 felt -- I felt the films were part of his kind of thing;  
18 and he went more radio show. And that's it -- website,  
19 as far as I know. So in that form of media, I kind of  
20 just felt like he just ditched an important part of his  
21 media. That's all.

22 THE VIDEOGRAPHER: Would you mind  
23 clipping it just a little bit higher?

24 Thank you.

25 Q (BY MR. BANKSTON) Mr. Jacobson, in terms of

1 **InfoWars' consistency or process for corroborating**  
2 **facts, in your mind, had that changed between the start**  
3 **of your employment and the end of your employment?**

4 MR. ENOCH: Objection to form and --  
5 object to form.

6 A. I feel that from the beginning, when I first  
7 started working there, the fact collection was mostly  
8 Alex and -- mostly himself was the researcher. By the  
9 end, Alex let a lot of others do research for him; and I  
10 don't know if these people were specifically qualified  
11 or experienced enough to do that kind of work.

12 Q (BY MR. BANKSTON) **A few months back do you**  
13 **remember calling me about this case?**

14 A. Yes, sir.

15 Q. **Why'd you do that?**

16 A. I was concerned. I wanted to make sure -- I  
17 felt I was part of something, just being in that  
18 building, when all this was going down. I felt terrible  
19 what happened, even though I, myself, know I wasn't  
20 directly involved in, you know, putting this out there  
21 directly, just being in the building, I feel complicit.  
22 I feel I have to right a wrong that I was involved in.  
23 Even though I was part of that wrong, I want to at least  
24 stack a couple of correct decisions up with some of the  
25 mistakes that I have made in the past.



1           **Q.    When you say that you weren't directly**  
2 **involved in putting this out there, what is "this"?**

3           A.    "This" would be Sandy Hook.  Anything that  
4 InfoWars put out concerning Sandy Hook, I had absolutely  
5 no involvement in.

6           **Q.    During your employment, were you exposed to**  
7 **InfoWars' coverage of Sandy Hook?**

8           A.    During my employment, I had other assignments  
9 to do; and I wouldn't much pay attention to the show.  
10 However, when I did and I heard about Sandy Hook, it  
11 actually bothered me.

12          **Q.    Tell me what you mean by that.  What did you**  
13 **hear that bothered you?**

14          A.    I heard them making accusations based on  
15 extremely narrow cross-sections of information, that I  
16 did my best to make the writers and the staff aware that  
17 what they were doing was speculation based on not enough  
18 information.  It bothered me.  That bothered me that I  
19 felt they had no concept of journalist ethics.

20          **Q.    Did you tell anyone at InfoWars your feelings**  
21 **about the Sandy Hook coverage?**

22          A.    I attempted to make it as clear as possible to  
23 the writers that there is something called journalist  
24 ethics and how what they were doing was in a direct  
25 violation of that anytime I caught wind of the Sandy

1 Hook story on InfoWars.

2 Now, mind you, I would like to add that  
3 it's not something I was thinking about all the time,  
4 considering I had other things to do. I'd be working on  
5 other projects. But when it would come on the screen, I  
6 would make it my business to go in to the writers and  
7 explain to them as clearly as possible that there is  
8 journalist ethics; and I tried to demonstrate what those  
9 ethics are and why they are violating them and what the  
10 damage could possibly be. In fact, I remember -- I must  
11 have been in that room four to five times, at least, and  
12 only to be received with laughter and jokes.

13 MR. ENOCH: Objection, nonresponsive.

14 **Q (BY MR. BANKSTON) When you say "the room," is**  
15 **there a specific room you're talking about?**

16 A. The room I'm talking about is the room in  
17 which the writers worked.

18 **Q. About how many writers are we talking about**  
19 **involved in working on Sandy Hook?**

20 MR. ENOCH: Objection to form.

21 A. I believe that there were two -- one primary  
22 writer and perhaps one other that were definitely  
23 involved in Sandy Hook.

24 MR. BANKSTON: Just so I can possibly  
25 clear up that objection, what is the objection to how

1 many writers worked on Sandy Hook?

2 MR. ENOCH: You haven't established he  
3 has personal knowledge, sir.

4 MR. BANKSTON: Okay.

5 Q (BY MR. BANKSTON) Just to help clear up this  
6 issue -- and I believe this has been asked if; so you  
7 have to answer it again, I'm sorry -- but you were  
8 exposed to InfoWars' coverage of Sandy Hook?

9 A. Yes.

10 Q. You would know how many people are working on  
11 Sandy Hook --

12 MR. ENOCH: Objection --

13 Q. -- inside InfoWars?

14 MR. ENOCH: Objection to form and  
15 leading.

16 A. I'm aware of every staff member that worked at  
17 InfoWars as of up to May of 2017.

18 Q. (BY MR. BANKSTON) When it came to coverage of  
19 Sandy Hook and the work that was being done by the  
20 writers, did you see things that you would consider  
21 reckless?

22 A. Yes.

23 Q. Can you tell me, are there any individual  
24 employees that you believed engaged in reckless conduct  
25 regarding Sandy Hook?

1 A. Yes.

2 MR. ENOCH: Objection to form and  
3 leading.

4 A. Yes, I do.

5 Q. (BY MR. BANKSTON) Okay. Tell me who the  
6 employees are that you developed opinions about their  
7 work on Sandy Hook.

8 A. First and foremost would be Rob Dew.

9 Q. Okay. Let's start with Mr. Dew. What is your  
10 observations about Mr. Dew's journalistic integrity as  
11 it respects Sandy Hook allegations?

12 MR. ENOCH: Objection to form.

13 A. I feel that Mr. Dew was overzealous to receive  
14 any type of hint that perhaps this might have been a  
15 phony act, a staged act. Any type of whisper that came  
16 through to him, he would celebrate.

17 MR. ENOCH: Objection, nonresponsive.

18 Q (BY MR. BANKSTON) Do you know Adan Salazar?

19 A. Yes, sir.

20 Q. Have you seen or did you ever observe any work  
21 being done by Adan Salazar on Sandy Hook?

22 A. Yes.

23 Q. Do you have an opinion as to whether that work  
24 was done responsibly by Mr. Salazar?

25 MR. ENOCH: Objection to form.

1 A. I do have an opinion of that.

2 Q. (BY MR. BANKSTON) Can you tell me what facts  
3 and observations you may have seen that would inform  
4 that opinion of Mr. Salazar?

5 MR. ENOCH: Objection to form.

6 A. Like I've stated already, whenever the subject  
7 came up, I would immediately clarify to the writers that  
8 there is a journalistic ethics that they're violating;  
9 and what I've pointed out to Adan specifically is that  
10 you're taking the word of one witness primarily and a  
11 couple of speculative other facts and calling it the  
12 truth without actually going down and investigating it  
13 ourselves or actually going with our own reporters and  
14 corroborating what these people are saying.

15 I made it aware to Adan that Wolfgang  
16 Halbig could have a lot of issues that we're not  
17 considering, that by taking the word of this one man so  
18 heavily with such a great accusation that he's accusing  
19 people of is so irresponsible, so damaging. I asked him  
20 to consider the size of the audience.

21 And Adan Salazar responded with -- and  
22 I'm going to quote him because he said it to me many  
23 times -- "I want to print up a T-shirt that says,  
24 'Halbig was right.' I want bumper stickers that say,  
25 'Halbig was right,'" to a laughing room.

1 MR. ENOCH: Objection, nonresponsive.

2 Q. (BY MR. BANKSTON) Do you feel that  
3 Mr. Salazar ever mocked your concerns about Sandy Hook  
4 coverage?

5 A. Absolutely.

6 MR. ENOCH: Objection to form.

7 A. Absolutely.

8 Q (BY MR. BANKSTON) Let's talk about -- you  
9 mentioned the name Mr. Halbig, correct?

10 A. Yes, sir.

11 Q. Can you briefly describe who Mr. Wolfgang  
12 Halbig is?

13 A. As far as I can recall, whenever Sandy Hook  
14 was on the air or Alex or whoever was hosting was  
15 covering Sandy Hook, it was always accompanied by  
16 Mr. Halbig. And when I took a look at Mr. Halbig and  
17 considering he was the one and only person and the  
18 claims -- or as far as I know, he was the one and only  
19 person because whenever I would tune in, he was always  
20 on.

21 So based on that impression, I would say  
22 he was the one and only person. And every time I saw  
23 him, I saw somebody that if he was amongst a group, a  
24 large group of people, okay; but a one and only person,  
25 I felt that this person may have mental problems. This

1 person may have a lot of emotional problems. He could  
2 be a lonely man. He could be somebody looking for  
3 attention. There could be a lot of questions to be  
4 asked before we present forward as a news organization  
5 such a heavy accusation as accusing the parents of  
6 slaughtered children of being liars.

7 I think that perhaps we should have asked  
8 the question "what is Wolfgang Halbig's story" before we  
9 put this story to the public. This story should never  
10 have been put forward to the public at all without --  
11 and if they knew ethics in journalism, they would have  
12 known that immediately; but they have absolutely no  
13 ethics experience, in my opinion. Therefore, the story  
14 went forward; and the damage was caused.

15 MR. ENOCH: Objection, nonresponsive.

16 **Q. (BY MR. BANKSTON) Mr. Jacobson, I think it's**  
17 **fair to say you have strong opinions about Mr. Halbig?**

18 A. I do. I have strong opinions about his  
19 validity as a sole witness.

20 **Q. Okay.**

21 MR. ENOCH: Objection to form -- same  
22 objection, nonresponsive.

23 **Q. (BY MR. BANKSTON) Who is Halbig's points of**  
24 **contact at InfoWars? Who did he talk to?**

25 MR. ENOCH: Object to form.

1           A.    I don't know.  As far as I know, it's the  
2 people handling who were handling the Sandy Hook story.

3                   MR. ENOCH:  Objection, nonresponsive.

4                   MR. BANKSTON:  What's the form to asking  
5 him who Halbig's point of contact is?

6                   MR. ENOCH:  Speculation, sir.

7                   Mr. Bankston, when I -- when you ask me a  
8 question, the Rules require that I respond to you  
9 clearly.  I did so.

10                   MR. BANKSTON:  You did.

11                   MR. ENOCH:  No reason to chuckle, sir.

12                   MR. BANKSTON:  It's funny, Mr. Enoch.  
13 I'm sorry if the things that happen in this deposition  
14 are funny.

15                   MR. ENOCH:  I think it's unprofessional,  
16 sir.

17                   MR. BANKSTON:  I think it's  
18 unprofessional for a witness to talk about having  
19 information from CIA kill teams about Las Vegas, and  
20 that's why I chuckle at it.

21                   I think it's unprofessional for you to  
22 make constant objections even when they have no legal  
23 basis.  That's why occasionally, yes, you will see the  
24 corners of my mouth turn and smile.

25                   I'm obviously asking about his personal



1 knowledge. That's what I'm asking him about. So that  
2 is why I smile.

3 Q. (BY MR. BANKSTON) Are you familiar with the  
4 types of claims made by Mr. Halbig?

5 A. Some of them.

6 Q. I want to ask you about some claims and if you  
7 know what they are. Have you ever heard the claim from  
8 Mr. Halbig or repeated from Mr. Halbig by somebody else  
9 that the school was actually closed before the shooting?

10 MR. ENOCH: Objection to form.

11 A. I have heard, yes.

12 Q. (BY MR. BANKSTON) Did you see anything in  
13 your time at InfoWars that would make you think that  
14 people were acting irresponsibly as it concerns that  
15 particular claim?

16 MR. ENOCH: Objection to form.

17 You may answer.

18 A. Yes.

19 Q. (BY MR. BANKSTON) What kinds of things did  
20 you see -- excuse me. Scratch that.

21 Who did you see acting irresponsibly with  
22 respect to that claim?

23 MR. ENOCH: Objection to form.

24 A. Mr. Robert Dew and Mr. Adan Salazar.

25 Q. (BY MR. BANKSTON) Are you familiar with the

1 **claim that no paramedics were allowed inside of the**  
2 **building?**

3 A. I mean, I've heard it.

4 **Q. Okay. It's not something you had direct**  
5 **exposure to?**

6 A. No, outside of me just briefly watching it on  
7 a video as if I was audience.

8 **Q. Have you ever heard the allegation that there**  
9 **are photographs of children who are supposedly dead who**  
10 **are actually alive?**

11 A. Yes, I've heard that allegation.

12 **Q. Do you -- from what you have seen inside of**  
13 **InfoWars, have you seen anything that has caused you to**  
14 **form an opinion about that allegation?**

15 MR. ENOCH: Objection to form.

16 A. I mean, you know, my opinion is it's so  
17 distasteful -- and it happened a while ago, that -- you  
18 know, it happened a while ago. So it was just all these  
19 things seem to -- all of the little allegations that  
20 Halbig and all these other people set forward, I sort of  
21 see it as individual cross-sections of information that  
22 each one was improperly handled.

23 MR. ENOCH: Objection, nonresponsive.

24 **Q. (BY MR. BANKSTON) Did you ever voice any**  
25 **criticism of Mr. Halbig specifically while you were at**

1 **InfoWars?**

2 A. Yes, I did.

3 **Q. Who did you voice that criticism to?**

4 A. Adan Salazar.

5 **Q. Are you familiar with the Sandy Hook parent**  
6 **Leonard Pozner? Have you heard that name?**

7 A. I have heard the name.

8 **Q. Okay. Have you ever seen written**  
9 **communications, like e-mails, from Mr. Halbig? Have you**  
10 **seen what his e-mails look like?**

11 A. No, I haven't.

12 **Q. Okay. Do you know if Mr. Halbig ever came to**  
13 **InfoWars? Did he ever come to the Austin location?**

14 A. I'm not aware of that.

15 **Q. Okay. Do you happen to know whether anybody**  
16 **ever from InfoWars went to visit Mr. Halbig in Florida?**

17 A. Again, I'm not sure.

18 **Q. Okay. Do you know anything about InfoWars**  
19 **helping raise money for Mr. Halbig?**

20 MR. ENOCH: Objection to form.

21 A. I'm unaware of anything like that.

22 **Q (BY MR. BANKSTON) Okay. Are you aware of**  
23 **Mr. Halbig ever engaging in any sort of harassing**  
24 **behavior towards people involved in Sandy Hook?**

25 A. I've never heard of Halbig himself engaging in

1 that kind of behavior.

2 **Q. Okay. Do you know who Dan Bidondi is?**

3 A. Yes, sir.

4 **Q. Can you describe what Mr. Bidondi has ever**  
5 **done for InfoWars?**

6 A. Mr. Bidondi worked for InfoWars briefly, for  
7 about a year or so; and he served as an on-air reporter  
8 and journalist.

9 **Q. Okay. Are you aware if Mr. Bidondi ever went**  
10 **to Newtown to cover Sandy Hook?**

11 A. I'm not sure. I don't know.

12 **Q. Have you ever met Mr. Bidondi?**

13 A. Yes, sir.

14 **Q. Okay. If you were going to pick someone to**  
15 **treat this story with respect and sensitivity, would you**  
16 **pick Mr. Bidondi?**

17 A. No, sir.

18 MR. ENOCH: Objection to form and  
19 leading.

20 A. No, I wouldn't.

21 **Q. (BY MR. BANKSTON) Can you explain why not?**

22 MR. ENOCH: Same objections.

23 A. Because Mr. Bidondi is very emotional and  
24 when -- and he's also very belief based and I always  
25 viewed him as more of somebody who could be a character

1 than more of a journalist. And to send somebody like  
2 that with such a serious accusation to cover that,  
3 especially to talk and conversate with Mr. Halbig,  
4 knowing Bidondi, how impassioned he gets over these  
5 things and how impressionable he is with these kinds of  
6 scenarios, especially with conspiracy kinds of  
7 situations -- Mr. Bidondi gloms onto conspiracy kind of  
8 situations; he really magnates towards them -- no, I  
9 wouldn't because he would, I think, bias the situation  
10 and not fairly report it and be over-emotional.

11 MR. ENOCH: Objection, nonresponsive.

12 Q. (BY MR. BANKSTON) When you say that  
13 Mr. Bidondi tends to glom onto conspiracy scenarios, can  
14 you tell me what you mean by that?

15 MR. ENOCH: Objection to form.

16 A. I mean that he really -- you know, a lot of  
17 his programming when he was working at InfoWars had to  
18 do with the occult and all this stuff; but a lot of it  
19 also has to do with, for example, a big claim to fame  
20 for Dan Bidondi would be the Boston -- his appearance as  
21 a reporter for the Boston bombing. He made a national  
22 spectacle of himself and in an unprofessional way,  
23 which, of course, made him a celebrity at InfoWars.

24 MR. ENOCH: Objection, nonresponsive.

25 Q. (BY MR. BANKSTON) When you say that him

1 **making a spectacle made him a celebrity at InfoWars, can**  
2 **you tell me what you mean by that?**

3 MR. ENOCH: Objection to form, leading.

4 A. He basically accused -- instead of asking a  
5 question at the Boston bombing situation, he made an  
6 accusation in which case he was escorted out of the  
7 building in typical, you know, journalist activist  
8 style, which has been popularized by InfoWars; and  
9 because he did that, he was much celebrated by the  
10 people at InfoWars. And for a moment there, you know,  
11 he was on the top of his game, I suppose, inside that  
12 office.

13 MR. ENOCH: Objection, nonresponsive.

14 **Q. (BY MR. BANKSTON) When you were at InfoWars,**  
15 **in general, if a person did something in public that was**  
16 **agitating, was that good for their career at InfoWars or**  
17 **bad for their career at InfoWars?**

18 A. It was --

19 MR. ENOCH: Objection to form.

20 A. It was excellent for their career. I can  
21 point to several examples where it's not reporting at  
22 all; it's pure agitation by many members of the staff.  
23 And I have also been very critical of that. It's been  
24 pure -- in fact, some of it is so agitating it's almost  
25 to the level of public disruption, so -- including --

1 can I go on?

2 **Q. (BY MR. BANKSTON) Please.**

3 MR. ENOCH: Objection, nonresponsive so  
4 far.

5 **Q. (BY MR. BANKSTON) Let me ask you another**  
6 **question. Can you give me an example of some of the**  
7 **things you're talking about when you say "agitation"?**

8 A. Yes. Ms. Millie Weaver last year or the year  
9 before that -- I'm not sure when; but it was in the  
10 last, perhaps, twelve months, I believe, because it was  
11 after I left -- she showed up at a Hillary Clinton book  
12 signing event that was at BookPeople. These people were  
13 not there to protest. These people were not there  
14 to...Hillary. This was far after the election. Nobody  
15 was campaigning. But Ms. Millie Weaver decided to show  
16 up with a lot of Trump gear, which obviously is going to  
17 be -- as we follow the news, we know it's agitating  
18 towards -- in a very political way, you know.

19 And so, in my opinion, just by looking at  
20 that, I noticed that reporters don't show up sponsoring  
21 politicians. So for her to go there and say -- and, in  
22 fact, the name of this video on YouTube is called  
23 Journalists Harassed or something. She identifies  
24 herself as a journalist while she shows up wearing  
25 political gear directly aiming at the opposite end of

1 the spectrum, asking abrasive questions about Hillary  
2 Clinton. Now, that's not journalism. That's agitation;  
3 and that is a clear-cut case example of them swapping  
4 out the words "agitation" for "journalism" and vice  
5 versa.

6 MR. ENOCH: Objection, nonresponsive.

7 Q. (BY MR. BANKSTON) Have you ever seen anyone  
8 at InfoWars engaged in conduct that you believed was  
9 designed to elicit a negative emotional reaction from  
10 the subject being interviewed?

11 MR. ENOCH: Objection to form and  
12 leading.

13 A. I've never been involved in, let's say, people  
14 planning such things. However, I've never worked with  
15 Millie Weaver closely or Owen Schroeder closely. These  
16 guys show up -- both of them show up --

17 Owen, I don't find to be -- I think he's  
18 very -- in my opinion, he's a very smart guy. So he  
19 must know what he's doing by showing up at these  
20 political events wearing Trump hats and whatnot. He  
21 must know the difference between a journalist and an  
22 agitator, how a journalist has to appear neutral in his  
23 stance and how an agitator appears politically motivated  
24 on one side or the another at the moment, present in the  
25 spot. So I don't know about Millie, but I do know that



1 Owen Schroeder should definitely know the difference.

2           So that being said, I mean, I've never  
3 been involved in, let's say, let's go down there and  
4 cause a fight kind of discussion; but I do know that  
5 they should know better, showing up at these places with  
6 these kinds of -- you know, this kind of gear that will  
7 affect people's emotions is pretty obvious.

8           MR. ENOCH: Object, nonresponsive.

9           **Q (BY MR. BANKSTON) While you were at InfoWars,**  
10 **did you ever hear anybody inside the organization**  
11 **express negative feelings about the Sandy Hook parents?**

12           MR. ENOCH: Objection to form.

13           A. No, except for what Alex said live on the air.

14           **Q. (BY MR. BANKSTON) Were you uncomfortable with**  
15 **the things that Mr. Jones said on the air?**

16           A. Yes, I was.

17           MR. ENOCH: Objection to form and  
18 leading.

19           I'm sorry. Would you just hesitate,  
20 please, before you give your answer?

21           THE WITNESS: Yes, sir.

22           MR. ENOCH: Thank you.

23           **Q (BY MR. BANKSTON) Specifically as it regards**  
24 **to comments about the Sandy Hook parents, were you ever**  
25 **disturbed by anything you saw at the set on InfoWars?**

1 MR. ENOCH: Objection to form.

2 A. I was disturbed by the way they said  
3 Mr. Pozner changed; he went from a laughing stance to a  
4 serious stance when the camera was on him briefly before  
5 he was asked to call. I wanted to -- you know, again,  
6 this is another thing I attempted to clarify with  
7 Mr. Salazar and others that when you go through an  
8 extreme tragedy, your emotions are all over the place.  
9 And this is a known fact.

10 Just because somebody laughs at a joke  
11 somebody tries to -- you know, you're not immune to  
12 humor even if you went through a massive tragedy. For a  
13 brief moment somebody could say something; and it's,  
14 "Oh, ha, ha." You know, you don't have any really  
15 control over if somebody makes you laugh. You don't  
16 have that control. And I tried -- just because somebody  
17 went through a massive tragedy doesn't mean that you  
18 have to jump on the guy for smiling right before the  
19 camera was on him.

20 In fact, a lot of people who experience  
21 this level -- well, I don't know about this level -- but  
22 tragedy in their life, they don't begin to even mourn  
23 until days after. They go through shock. So I was  
24 disgusted and I did attempt to clarify to everybody that  
25 people go through a range of emotions after a traumatic

1 event.

2 MR. ENOCH: Objection, nonresponsive.

3 Q. (BY MR. BANKSTON) Have you ever while working  
4 at InfoWars heard the term "crisis actors"?

5 A. Yes.

6 Q. What do you understand that term to mean?

7 A. I believe it means that there are people from  
8 Special Forces, let's -- per se, or something like that.  
9 They are people from a nefarious group run through the  
10 government or outside for special -- special interest  
11 money, let's say, who will then attempt to cause a phony  
12 event to -- like, for example, crisis actors faking  
13 their death or things like that to change a shift in  
14 policy or things like that. That's what I understand a  
15 crisis actor to be.

16 Q. Have you ever heard while at InfoWars the term  
17 crisis actors or a similar allegation being attached to  
18 the Sandy Hook event?

19 MR. ENOCH: Objection to form.

20 A. Yes, I have.

21 Q (BY MR. BANKSTON) While you were at InfoWars  
22 did you feel that you would ever see evidence which you  
23 would consider sufficient to responsibly make that  
24 allegation on the air?

25 MR. ENOCH: Objection to form.

1 A. No.

2 Q (BY MR. BANKSTON) What is your personal  
3 feeling, sitting here today, about an allegation that  
4 there were crisis actors in use at Sandy Hook?

5 MR. ENOCH: Objection to form.

6 A. I mean, my opinion is -- my personal feeling  
7 is it was shocking to hear -- well, it wasn't shocking  
8 that they went down that line because they went down  
9 that line of thought before; but the weight of the  
10 accusation in this particular case, it was shocking that  
11 they didn't do more research. They didn't go further  
12 into it. They didn't -- I mean, what I constantly tried  
13 to clarify is a story of this level should not be  
14 brought forward unless they are -- I tried to make it  
15 clear that they need as much evidence in this story as  
16 if they were going to court to prove their case; and if  
17 they didn't have that, they didn't have a story.

18 MR. ENOCH: Objection, nonresponsive.

19 Q. (BY MR. BANKSTON) Can you tell us who Paul  
20 Watson is?

21 A. Paul Watson is sort of Alex's alternate host.  
22 He's basically like Alex's sidekick.

23 Q. Okay. Have you ever been aware of  
24 Mr. Watson's opinions about the Sandy Hook hoax  
25 allegations?

1 A. No.

2 Q. Do you know of anyone else at InfoWars who  
3 ever voiced an objection regarding any element of the  
4 Sandy Hook coverage or the coverage as a whole?

5 A. I don't know if -- I mean, I did it  
6 independently on my own; and then I would have talk to  
7 others about it.

8 MR. ENOCH: Objection, nonresponsive.

9 Q (BY MR. BANKSTON) Have you ever had any  
10 private conversations with any of your coworkers at  
11 InfoWars about negative reservations about the Sandy  
12 Hook coverage?

13 MR. ENOCH: Objection to form.

14 A. Yes.

15 Q. (BY MR. BANKSTON) And what coworkers would  
16 that be?

17 A. I spoke with Ashley Beckford. I spoke with...  
18 I spoke with Adan Salazar. I spoke with Kit Daniels. I  
19 spoke with... I must have spoken -- and others I don't  
20 recall. I have spoken quite a bit.

21 Q. Can you tell us: Who is Kit Daniels?

22 A. Kit Daniels is a writer at InfoWars.

23 Q. Was Kit Daniels ever involved in any of the  
24 Sandy Hook coverage?

25 A. I'm unsure.

1           **Q.    Okay.  Are you familiar with an allegation**  
2 **concerning an alleged blue screen video interview with**  
3 **Anderson Cooper?**

4           A.    I am.

5           **Q.    When you were at InfoWars, did you ever work**  
6 **in video technology?**

7           A.    Yes, I did.

8           **Q.    Okay.  Can you explain to us kind of your**  
9 **background and your training and experience in video**  
10 **technology?**

11          A.    My background began in New York City.  I was  
12 working for several audio recording studios, including  
13 The Hit Factory in New York City, which is a legendary  
14 studio.  I moved to Austin shortly after that.  I worked  
15 for the Austin Music Network -- before that I worked for  
16 a music studio here, in Austin, Texas.  I then worked  
17 for the Austin Music Network for about three and a half  
18 years, where I got even better.  Then I moved from there  
19 and I worked for Alex for 13 years producing roughly ten  
20 of his feature-length documentaries.

21                   MR. ENOCH:  Objection to form --  
22 objection, nonresponsive.

23           **Q.    (BY MR. BANKSTON)  Can you explain to us:**  
24 **What is blue screen compositing?**

25          A.    Blue screen compositing is when you can stand

1 in front of a blue screen and you can add any background  
2 you'd like behind you, so.

3 Q. Okay. Mr. Jacobson, I am going to play you a  
4 video clip that is going to be Exhibit 2 to this  
5 deposition.

6 MR. ENOCH: I think it's Exhibit 3.

7 MR. BANKSTON: Oh, it will be, yeah.  
8 Change that number.

9 (Exhibit 3 marked.)

10 MR. BANKSTON: Let me ask that question  
11 again, Mr. Jacobson.

12 Q. (BY MR. BANKSTON) Mr. Jacobson, I'm going to  
13 show you a video clip that is going to be Exhibit 3 to  
14 this deposition. That is a video clip from a part of an  
15 InfoWars episode. So I'd like you to watch it, and I'm  
16 going to ask you some questions about it. Okay?

17 A. Okay.

18 (Video playing.)

19 Q (BY MR. BANKSTON) First, Mr. Jacobson, based  
20 on your training and experience in video technology, was  
21 what we just saw clearly blue screen?

22 A. It was --

23 MR. ENOCH: Objection to form.

24 A. It was not clearly blue screen.

25 Q. (BY MR. BANKSTON) Okay. Would anybody with

1 **competent video experience think this was blue screen?**

2 MR. ENOCH: Objection to form.

3 A. Not at first view.

4 **Q. (BY MR. BANKSTON) Would anybody with**  
5 **competent video experience have serious doubts about**  
6 **saying this was blue screen?**

7 MR. ENOCH: Objection to form.

8 A. I feel they would. They would be on the  
9 fence. If they saw this video, they would have  
10 questions.

11 **Q (BY MR. BANKSTON) Okay.**

12 A. Can I go further and explain that?

13 **Q. Actually, let me ask you a question on that.**  
14 **Okay?**

15 A. Okay.

16 **Q. Your opinion about whether or not it could be**  
17 **fairly asserted that this is clearly blue screen, in**  
18 **forming your opinion on whether that could be asserted,**  
19 **can you tell me about any of the things you see in this**  
20 **video or any of your experience that would inform that**  
21 **opinion?**

22 A. There's nothing --

23 MR. ENOCH: Objection -- I'm sorry.

24 Objection to form.

25 Please continue.



1           A.     There's nothing in that video that will  
2 clearly indicate to me that that was a blue screen  
3 event.

4           **Q     (BY MR. BANKSTON)   Okay.   And so if a**  
5 **witness -- if anyone was to say, "I can look at that**  
6 **video.   I work with blue screen.   It's got all the**  
7 **telltale signs.   That's clearly blue screen," in your**  
8 **opinion, is that person acting responsibly?**

9                     MR. ENOCH:   Objection to form.

10          A.     No, I don't.   I think that, based on what we  
11 see on that screen, that could be -- that error in the  
12 nose would have been caused by a number of different  
13 reasons; and none of them are clear from what we see  
14 there without knowing what happened behind the scenes  
15 with the operating room controllers, so on and so forth.  
16 That could have been a natural glitch that happens all  
17 the time on YouTube.   We see it all the time where  
18 pixels smudge.   There is no secret about that.   There  
19 must be a million videos or more where pixels smudge all  
20 the time.

21                     In order for that -- should I continue?

22          **Q.     If you do have more facts that you are basing**  
23 **your opinion on.**

24          A.     The only thing I can tell you about that is  
25 the only way that that is possibly green screen is if

1 Anderson Cooper is not standing next to that woman.

2 MR. ENOCH: Objection, nonresponsive to  
3 the entire answer, including after the continuation of  
4 the question "if you have more facts."

5 Q (BY MR. BANKSTON) When you say, "That means  
6 Anderson Cooper wasn't standing next to that woman," are  
7 you making an opinion about whether the woman in the  
8 video was actually on location?

9 MR. ENOCH: Objection to form, leading.

10 A. I'm not making opinion on anything. What I'm  
11 saying is: If his nose was cutting off, that means he  
12 stepped out of the green screen or the blue screen  
13 bounds; and his nose was cut off, which would suggest  
14 she was somewhere else. He was standing in one room,  
15 she's standing somewhere else. That's what it would  
16 mean.

17 If he stepped outside the -- and she's  
18 not outside the green screen bounds, how could he have  
19 stepped outside the green screen bounds if she is -- she  
20 would be disappeared. She wouldn't even be on the  
21 screen. We would see -- if that was green screen, we  
22 would see -- she would either -- it would be a cut-out.

23 See, what they're suggesting is Anderson  
24 Cooper, okay, would be in this screen. Everything else  
25 would be green. He would be -- they would composite

1 behind him the town hall scene that you see behind him.  
2 He would step outside, and his nose would get cut off.  
3 She would also be outside that box. If the box is only  
4 this big and he steps outside, she would also be outside  
5 that box, part of the composite, which would mean that  
6 she would have to be on location while he was somewhere  
7 else.

8 MR. ENOCH: Objection, nonresponsive.

9 Q (BY MR. BANKSTON) Would it be accurate to say  
10 if this theory of how -- if the setup that you're  
11 describing is true, would it be accurate to say then  
12 that the woman in the interview would not be actually  
13 looking at Anderson Cooper?

14 A. That's what it would mean.

15 MR. ENOCH: Objection to form and  
16 leading.

17 A. It would mean that what you see in there is  
18 two people who are acting remarkably responsive to each  
19 other on a super-human level, in my opinion, because,  
20 you know, they wouldn't be looking at each other. She  
21 would be in one location. He would potentially be,  
22 according to this theory, in a CNN studio around the  
23 corner, down the block, miles away, if not on the other  
24 side of the globe. So they would not be in the same  
25 place at the same time to have that interaction if he

1 stepped outside the bounds of the green screen and his  
2 nose got cut off.

3 MR. ENOCH: Objection, nonresponsive.

4 Q (BY MR. BANKSTON) Now, if somebody is wearing  
5 glasses in a green screen shot --

6 A. Uh-huh.

7 Q. -- will the green screen background that's  
8 being composited, will that show up in the reflection of  
9 their glasses?

10 MR. ENOCH: Objection to form.

11 A. Sometimes.

12 Q. (BY MR. BANKSTON) If there's a projection  
13 being used?

14 MR. ENOCH: Objection to form.

15 A. Depending how the lights are. If the lights  
16 are blasting against that green screen, yes. If the  
17 lighting guy takes that into accounts, they can -- you  
18 know, depending on the lights. If the lights are bright  
19 and blasting at them, yes, you would see green screen.  
20 Also depending on his proximity to the screen.

21 Q. (BY MR. BANKSTON) Okay. Maybe -- I think  
22 maybe I didn't ask -- the question was a little inartful  
23 there. Let's come back up here. If there's lights  
24 being shined on the green screen --

25 A. Uh-huh.

1 Q. -- then it might be possible to see green in  
2 some glasses?

3 A. Yes.

4 MR. ENOCH: Objection to form.

5 Q. (BY MR. BANKSTON) My question is: If there's  
6 a background being put on that green screen, does it  
7 show up live there on the green screen; or is that just  
8 in the computer?

9 MR. ENOCH: Objection to form.

10 A. It's just in the computer.

11 Q. (BY MR. BANKSTON) If a person's wearing  
12 glasses and they're being filmed against a green screen,  
13 will the projected image that's in the computer of the  
14 town hall, or whatever, appear in their glasses?

15 MR. ENOCH: Objection to form.

16 A. Absolutely not.

17 Q (BY MR. BANKSTON) Okay. Did you -- as a part  
18 of your discussions with people at InfoWars about Sandy  
19 Hook, have you raised complaints about this video  
20 allegation?

21 MR. ENOCH: Objection to form, leading.

22 A. Not -- no. I mean, it was one of those  
23 things. I just kind of mixed it in with all the rest of  
24 it. It wasn't -- it was just one of those points that  
25 was just so silly. It's just I can't -- I couldn't

1 believe that Alex was jumping all over that when he  
2 knows perfectly well YouTube pixels smudge.

3 MR. ENOCH: Objection, nonresponsive.

4 Q. (BY MR. BANKSTON) Was any -- were you -- at  
5 any time during your time at InfoWars past 2013, were  
6 you aware that parents had been complaining about this  
7 coverage?

8 A. No, not immediately. I really became aware of  
9 it sometime afterwards when I saw, actually, I think, a  
10 PBS special on what was going on; and it really hit home  
11 at that point. I was like, this is...

12 Q. Well, you understand -- what is your  
13 understanding -- scratch that.

14 Was the InfoWars staff aware of the  
15 public controversy they were causing with Sandy Hook  
16 allegations?

17 MR. ENOCH: Object to form.

18 A. I believe they were.

19 Q (BY MR. BANKSTON) Was the staff aware of the  
20 public opinion about their Sandy Hook coverage?

21 MR. ENOCH: Object to form.

22 A. I believe they were. I believe that they were  
23 aware of a dual opinion at the same time, and they got a  
24 rush out of it.

25 MR. ENOCH: Objection, nonresponsive.

1 Q (BY MR. BANKSTON) Were you still employed at  
2 InfoWars at the time that Mr. Jones was interviewed by  
3 Megyn Kelly?

4 A. No.

5 Q. Did you ever become aware that parents were  
6 being harassed by believers in the Sandy Hook hoax  
7 conspiracy theory?

8 A. Yes, I became aware of that.

9 Q. When do you think you became aware of that?

10 A. Somewhere around 2014, 2015. Maybe 2015.  
11 Like I said, when I saw that PBS documentary.

12 Q. So the PBS documentary you saw, that was when  
13 you were employed at InfoWars?

14 A. I was still employed there.

15 Q. In light of the harassment that you became  
16 aware of, did it cause you to form any opinions about  
17 the level of caution that would be required in covering  
18 Sandy Hook from then on out?

19 MR. ENOCH: Objection to form, leading.

20 A. Absolutely. Like I've already stated, I  
21 marched into the writers' room several times and  
22 attempted to point out that they have an ethical  
23 responsibility to abide by.

24 MR. ENOCH: Objection, nonresponsive.

25 Q. (BY MR. BANKSTON) Do you feel, based on your

1 personal knowledge inside the company, that InfoWars was  
2 responsive to those criticisms and began to act  
3 appropriately?

4 MR. ENOCH: Objection to form.

5 A. No, I don't.

6 Q (BY MR. BANKSTON) Okay, Mr. Jacobson. We are  
7 about an hour in.

8 A. Uh-huh.

9 Q. As you know, your deposition was ordered for,  
10 I believe it was two or two and a half hours today.

11 A. Uh-huh.

12 Q. I'm not going to keep you that long, but I am  
13 going to take a short break.

14 A. Uh-huh.

15 Q. And we do have some more to cover.

16 A. Okay.

17 Q. We might get near two hours -- I don't know --  
18 but I'm going to try to get you out as soon as I can  
19 today. But why don't we for the moment -- we'll take a  
20 15-minute break.

21 A. Uh-huh.

22 Q. And then we'll come back and resume after our  
23 break. Thank you.

24 MR. OGDEN: Hey, Mark. Will you call my  
25 cell phone?



1 MR. BANKSTON: Absolutely.

2 THE VIDEOGRAPHER: We are off the record  
3 at 1:12 p.m.

4 (Off the record from 1:12 to 1:30 p.m.)

5 THE VIDEOGRAPHER: We're back on the  
6 record at 1:30 p.m.

7 Q (BY MR. BANKSTON) Mr. Jacobson, earlier we  
8 had talked about a writing room; and I want to ask you  
9 questions about that room itself. That room was the  
10 center of the writing process at InfoWars; is that  
11 right?

12 A. Yes, up until the last three years that I  
13 worked there.

14 Q. Okay. From your personal knowledge and  
15 observations of the writers, can you tell me, as it  
16 concerns the writing process for coverage of Sandy Hook,  
17 what, if anything, concerned you about that process?

18 MR. ENOCH: Objection to form.

19 A. The fact that they took Halbig's word for it,  
20 and that was the article. The article was: Whatever  
21 came out of Halbig's mouth was news.

22 Q (BY MR. BANKSTON) When you were, as you  
23 mentioned earlier, communicating your thoughts to people  
24 at InfoWars about the Sandy Hook coverage, can you  
25 describe to me on a scale of one, being not outrageous

1 at all and ten, being extremely outrageous, on that  
2 one-to-ten scale, what is the level of outrageousness of  
3 this conduct that you were trying to impart?

4 MR. ENOCH: Objection, leading and form.

5 A. It was a ten.

6 Q. (BY MR. BANKSTON) Tell me why you thought  
7 that.

8 MR. ENOCH: Same objections.

9 A. I mean, it's one thing to make a mistake.  
10 It's another thing to have somebody come in -- and I  
11 don't even -- I'm not aware if I was the only person or  
12 not, but I know I was doing it -- to come in and say,  
13 "Hey, this is wrong. You're making a mistake." It's  
14 one thing, you know, to actually have a mistake and  
15 something else to have it pointed out to you, not just  
16 once but over and over and over again, and to not only  
17 hear the damage that you're doing to people outside of  
18 your zone but to actually laugh about it, I thought  
19 that's a ten.

20 MR. ENOCH: Objection, nonresponsive.

21 Q (BY MR. BANKSTON) How long have you known  
22 Mr. Jones?

23 A. I've known Mr. Jones since he employed me in  
24 2004.

25 Q. In your 15 years of knowing Mr. Jones, have

1 you arrived at any kind of opinion about whether  
2 Mr. Jones is capable of rational action or whether he is  
3 too mentally unwell to even be capable of rational  
4 action?

5 MR. ENOCH: Objection to form and  
6 leading.

7 A. In my 15 years of knowing Alex, I feel he is  
8 very capable of rational actions, and I think the growth  
9 of his business is evidence of that. Like, while his  
10 opinions may be tasteless, he definitely made conscious  
11 decisions to run a business. He flipped the switches  
12 himself. In fact, he micromanages that place; and,  
13 obviously, some of the decisions he made were  
14 successful. He took a business from a few handful of  
15 people to what it is today. So based on that evidence,  
16 I do feel that he's more than rational in his decisions.

17 MR. ENOCH: Objection, nonresponsive.

18 Q (BY MR. BANKSTON) Based on your conversations  
19 and years with Mr. Jones, do you have an opinion on  
20 whether or not Mr. Jones can understand right from  
21 wrong?

22 MR. ENOCH: Objection to form.

23 A. Yes.

24 Q (BY MR. BANKSTON) Okay. What is your  
25 opinion?

1 A. I think he --

2 MR. ENOCH: Objection to form.

3 A. I think he knows right from wrong, and he can  
4 definitely distinguish it. And, again, it's not just my  
5 opinion on this. He goes on the air and proselytizes  
6 morality all the time, which, clearly, he knows what's  
7 going on; and he's making a conscious decision. If he  
8 can proselytize it and verbalize it and actually  
9 articulate it that well to everybody, then, he's  
10 definitely thinking about it; and he's aware of what's  
11 going on.

12 MR. ENOCH: Objection, nonresponsive.

13 **Q (BY MR. BANKSTON) With respect to your**  
14 **background, have you -- what is your level of experience**  
15 **and exposure to compositing live shots onto backgrounds?**

16 A. I mean, in my experience, I've been asked to  
17 do it; and I've done it.

18 **Q. Okay.**

19 A. I've produced those videos.

20 **Q. The films and things that you would make for**  
21 **InfoWars, did you perform any graphics work or**  
22 **compositing work while working on those videos?**

23 A. Mostly graphics works. I mean, aside from my  
24 video editing, I would do graphics much more than video  
25 compositing for the films.

1 Q. Does InfoWars in it's studio -- during the  
2 years you were there, did it perform any green screen or  
3 blue green compositing there at the facility?

4 A. Yes.

5 Q. When it comes to video technology, does that  
6 remain your profession today?

7 A. Yes.

8 MR. ENOCH: Objection to form.

9 A. Yes.

10 MR. BANKSTON: What's the basis on that?

11 MR. ENOCH: I don't know what you mean by  
12 "video technology." It's vague and ambiguous.

13 Q. (BY MR. BANKSTON) Do you know what video  
14 technology is?

15 A. Yes, sir.

16 Q. When I ask you the question, you work in video  
17 technology, can you tell me what you mean by video  
18 technology?

19 A. I take technology designed to work on video as  
20 my tools and create a product for my clients.

21 Q. When it comes to video technology, are you  
22 someone who considers himself to have specialized  
23 knowledge or skill in that technical field?

24 MR. ENOCH: Object to form. Speculating,  
25 form, and leading.

1 A. Yes.

2 Q (BY MR. BANKSTON) Okay. Can you tell me how  
3 many years experience you have in working with video  
4 production and video technology?

5 MR. ENOCH: Objection to form.

6 A. I have 17 years in video technology, and I  
7 have over 20 years -- over 20 years in media technology  
8 in general.

9 Q (BY MR. BANKSTON) You understand the  
10 difference between a layman and a technical person? Do  
11 you understand those terms?

12 A. Yes, sir.

13 MR. ENOCH: Objection to form.

14 A. Yes, sir.

15 Q (BY MR. BANKSTON) When it comes to video  
16 production and video technology, do you consider  
17 yourself a layman; or do you consider yourself as  
18 someone who has technical expertise?

19 MR. ENOCH: Objection to form.

20 A. I consider myself as somebody who has  
21 technical expertise.

22 Q (BY MR. BANKSTON) Okay. Do you still have an  
23 opinion as to whether or not alternative media can be a  
24 force for good if done correctly?

25 MR. ENOCH: Objection to form.

1           A.    I feel that alternative media -- I think the  
2 subject is much bigger than that.  I think that media in  
3 itself or journalism is when you cross the ethical  
4 boundary, then it will be a force for good; but if  
5 people are independent and refuse to abide by standards  
6 that are journalist standards that have been established  
7 for decades already and followed, or maybe even  
8 centuries by some standards, you know, if they refuse to  
9 do that, then no, it won't be a force for good.  It will  
10 be a force for people to be confused and tear each other  
11 down.  If they can figure out that, hey, who's going to  
12 be the standard of that.  So I do think that there will  
13 always be a professional standard of journalism, and  
14 independent journalism should be put in its place.

15                   MR. ENOCH:  Objection, nonresponsive.

16           **Q.    (BY MR. BANKSTON)  When it comes to**  
17 **professionalism in journalism, do you have an opinion --**  
18 **or let me scratch that.**

19                   **When it comes to professionalism in**  
20 **journalism, have you been exposed to events, perceived**  
21 **things with your own eyes and ears, that gives you an**  
22 **opinion on whether it went right or whether it went**  
23 **wrong as it regards Sandy Hook?**

24                   MR. ENOCH:  Objection, form.

25           A.    I don't really have a comment on that.  I'm

1 not really sure.

2 Q (BY MR. BANKSTON) Okay. Do you today have  
3 any sense of guilt about the coverage about Sandy Hook  
4 that came out of InfoWars?

5 MR. ENOCH: Objection to form, leading.

6 A. Yes. As I mentioned in my statements  
7 previously, the reason why I'm here is because of a  
8 tremendous amount of guilt that I didn't act faster.  
9 Maybe I should have quit. Maybe I could have caught the  
10 story faster or been better at explaining; but, yes, I  
11 do.

12 MR. ENOCH: Objection, nonresponsive.

13 Q. (BY MR. BANKSTON) Are you still on friendly  
14 terms with InfoWars?

15 A. No.

16 Q. Were you terminated?

17 A. Yes.

18 Q. Have you filed a complaint with the EEOC?

19 A. Yes.

20 Q. And just for the record, I want to make it  
21 clear because I've used an abbreviation. You filed a  
22 complaint with the Equal Opportunity Employment  
23 Commission?

24 A. Yes, sir.

25 Q. Tell me why you filed a complaint.



1           A.     Alex's abusive behavior and the unethical and  
2 racist behavior of his staff and the environment that's  
3 racist and abusive in general at InfoWars.

4                   MR. ENOCH:  Objection, nonresponsive.  
5 Move to strike.

6           A.     There was evidence against me that I submitted  
7 to the EEOC of myself being Photoshopped onto a Rabbi's  
8 face and passed around the office.  There was Owen  
9 Schroeder sitting on the air calling me the resident  
10 Jew, as well as Rob Dew.  There was a culture of  
11 anti-Semitism inside InfoWars.  And so I went to the  
12 EEOC with that and a culture of abuse propagated mostly  
13 by Alex Jones himself.

14                   MR. ENOCH:  Objection, nonresponsive.

15           **Q     (BY MR. BANKSTON)  Do you know, sitting here**  
16 **today, if you're the only person who's brought such a**  
17 **complaint or if there's anybody else who's brought**  
18 **similar complaints?**

19                   MR. ENOCH:  Objection to form.

20           A.     I know of several people who have brought  
21 exactly the same complaint or similar, very similar  
22 complaints about Alex Jones and the office of InfoWars,  
23 many of which are public.

24           **Q     (BY MR. BANKSTON)  Do you feel that people**  
25 **might look at your EEOC claim and think you're biased?**

1           A.    I feel, yes, people will look at my EEOC  
2 complaint and claim that I'm biased.  Should I continue?

3           **Q.    No.  I have a question for you.**

4           A.    Okay.

5           **Q.    If you've got an EEOC claim and you've got bad  
6 blood with InfoWars, why should people believe you?**

7           A.    Because people should understand just because  
8 Alex -- I have a complaint with Alex doesn't make Alex  
9 an angel.  Myself and others have all witnessed it.  I  
10 am doing my due diligence in bringing forth abuse that  
11 Alex had against me as others have brought forth Alex --  
12 abuse that Alex has against them as well as the fact  
13 that does not negate the fact that this stuff about  
14 Sandy Hook didn't happen, either.  What happened to me  
15 is real.  What Alex did to the Sandy Hook parents is  
16 also real at the same time.  Just because one is true  
17 doesn't make the other untrue.  They're both true at the  
18 same time.

19                    Alex is an abusive man.  Alex -- and  
20 every testimony that you see in public, whether it is,  
21 you know, on the record -- you know, we have videos and  
22 specials all over the place, news articles written about  
23 this.  It's no secret of Alex's behavior.  It's no  
24 secret.

25                    Therefore, you know, just because I

1 mounted a complaint because of Alex's bad behavior  
2 doesn't mean he behaved badly for Sandy Hook. People  
3 should understand just because one is true, the other --  
4 it doesn't mean the other's automatically untrue.

5 MR. ENOCH: Objection --

6 A. Are they going to feel that I'm biased? Yes,  
7 but that doesn't mean -- you know, everything is true  
8 that I am saying. And again...

9 MR. ENOCH: Objection, nonresponsive.

10 Q (BY MR. BANKSTON) If the Sandy Hook parents  
11 who brought these suits were awarded money from Alex  
12 Jones, would it benefit you in any way?

13 A. No.

14 Q. If the Sandy Hook parents who brought these  
15 suits are awarded money from Mr. Jones, let's say, a  
16 significant amount of money, do you know of any way that  
17 could be a detriment to you?

18 A. The one way is if the EEOC rules in my favor,  
19 it might jeopardized a potential compensation for myself  
20 farther down the line.

21 Q. So you -- do you feel that if the Sandy Hook  
22 parents are ultimately compensated by Mr. Jones, do you  
23 have any opinion about whether that could potentially  
24 threaten your ability to get compensation for your  
25 injuries?

1           A.     I'm not doing any of this for compensation.  
2 I'm doing this because Alex is disgracing himself so  
3 badly in the way he has made the parents suffer, as well  
4 as myself. He's still on the air to this day saying  
5 things that are arguably true or arguably not true; we  
6 don't know. But we do know that he affects his audience  
7 in a way that angers and mobilizes them; and it's  
8 unclear if anything he's saying is fact or fiction,  
9 opinion or speculation. But what he does do is mobilize  
10 a large amount of people in irrational thinking because  
11 there's no way to tell whether what Alex is saying on  
12 the air is news or not, true or false, speculation, or  
13 opinion, jokes or not; but he advertises it all as news.  
14 He is the InfoWars.

15                   MR. ENOCH: Objection, nonresponsive.

16           **Q     (BY MR. BANKSTON) Mr. Jacobson, have -- all**  
17 **of your answers today, have they been based on your**  
18 **personal knowledge?**

19                   MR. ENOCH: Objection to form.

20           A.     As far as I know.

21           **Q     (BY MR. BANKSTON) Okay. Mr. Jacobson, that's**  
22 **all I believe I have for you at this time.**

23                   MR. ENOCH: Go ahead. I'm sorry. I  
24 didn't mean to interrupt you.

25                   MR. BANKSTON: Sure.

1                   That's all I have for you in terms of  
2 questions. I have a few things I need to put on the  
3 record.

4                   MR. OGDEN: Mark, can you check your  
5 e-mail?

6                   MR. BANKSTON: Yeah, sure.

7                   They don't need to concern you. If you  
8 would like to be excused while I put this on the record,  
9 I can do that.

10                  MR. ENOCH: And I would like to ask  
11 questions. Are you going to prevent me from doing that,  
12 Mark?

13                  MR. BANKSTON: We're going to talk about  
14 that on the record in just a minute.

15                  MR. ENOCH: Well, that's what I'm asking  
16 you.

17                  MR. BANKSTON: Yeah, so we're going to  
18 let Mr. Jacobson go because we're not going to have this  
19 discussion in front of a witness.

20                  MR. ENOCH: No, sir, we're not gonna --

21                  MR. BANKSTON: We're not going to let  
22 him leave the building, Mark. We're going to let  
23 Mr. Jacobson go to the bathroom, and then I'm going to  
24 put something on the record. And if you have some  
25 things to say about it, you can say whatever you want on

1 the record. And then Mr. Jacobson will be in the  
2 building.

3 MR. ENOCH: Are you going to permit me to  
4 ask questions, yes or no?

5 MR. BANKSTON: I don't think I can stop  
6 you. I literally don't think I can. I think I would  
7 have to, like, go over there and physically restrain you  
8 because you won't abide by rules; but Mr. Jacobson is  
9 just going to go to the bathroom.

10 Now, he's going to come back; and he's  
11 going to sit down in that chair. And whether he wants  
12 to sit around and listen to anything you say is not my  
13 choice, but I'm not releasing him from the building  
14 right now.

15 Mr. Jacobson, would you like to step out  
16 of the room, maybe, for a moment? You can use the  
17 restroom if you need to; otherwise, just wait in the  
18 front room for us.

19 (Witness leaves the conference room.)

20 MR. ENOCH: What is it you would like to  
21 say outside of his presence?

22 MR. BANKSTON: Okay. I have a few things  
23 I need to put on the record.

24 First of all, just to read it really  
25 quick, there is an order entered in this case concerning

1 this deposition. In Paragraph 3 of the Judge's  
2 Discovery Order, it allows that Plaintiff's Motion is  
3 granted and that Plaintiff may take the deposition of  
4 Robert Jacobson. It does not say that the parties may  
5 take the deposition of Robert Jacobson. It says the  
6 Plaintiff may take the deposition of Robert Jacobson.

7           The Civil Remedies Code provides that  
8 limited discovery will be allowed if the party shows  
9 good cause for that discovery and gets an order from the  
10 Court on that limited discovery. Plaintiff has gotten  
11 an order from the Court showing good cause. Defendants  
12 have never attempted to show good cause and, in fact,  
13 under the case law is extremely questionable and I see  
14 no authority for an idea that a defendant would ever be  
15 granted discovery on its own motion. The discovery is  
16 granted for the Plaintiff to meet the burdens, the  
17 onerous burdens caused by the TCPA.

18           Nonetheless, Mr. Enoch has attempted  
19 right from the start to interrupt and hijack my  
20 deposition, which I have properly noticed, and start  
21 asking the witness questions, questions which the  
22 witness was visibly uncomfortable with. This witness  
23 agreed to appear voluntarily at this deposition with the  
24 understanding that he would be questioned by the  
25 Plaintiff's counsel. He has appeared without his own

1 personal counsel and was suddenly ambushed by a barrage  
2 of questions from his former employer, questions he was  
3 not expecting.

4 I need to put this on the record for we  
5 are now on our the third deposition of this case; and in  
6 the first deposition of Mr. Jones, which Mr. Enoch was  
7 not defending but was merely an observer, his name  
8 appeared in all caps where's he's speaking and  
9 interjecting into the record 28 times during the  
10 testimony of Mr. Jones; and that's taking out the times  
11 that it appeared for housekeeping matters, like getting  
12 the witness water or talking about the PO at the end of  
13 the deposition.

14 And I don't want to be tag-teamed and it  
15 was ridiculous and improper but I normally wouldn't  
16 call it out on the record but I reviewed the  
17 transcript -- and I've done this to confirm this -- that  
18 there were questions on the floor about what a certain  
19 building was and whether it was the school or not. And  
20 as part of his interruption, Mr. Enoch blurted out to  
21 the witness that it's the firehouse in the video, a word  
22 that had not previously appeared in the deposition. So,  
23 of course, right after that, Mr. Jones says, quote, "And  
24 I later corrected, you know, that was one of the things  
25 that had been said that wasn't true was that they were



1 at the firehouse. There was other footage from the  
2 school."

3 At best, this was highly improper  
4 conduct, and it's exactly why we don't allow speaking  
5 objections in Texas. At worst, it was an attempt to  
6 communicate an idea to the witness, conduct which is  
7 absolutely repellant to the idea of justice.

8 Yet, on the following day, the problems  
9 continued. I only have a video, not a transcript; but,  
10 once again, Mr. Enoch repeatedly interrupted a  
11 deposition he was not defending, in which he was simply  
12 an observer. And, again, I've watched the video to  
13 confirm; and so has my cocounsel, to confirm both of our  
14 memories, that Mr. Dew, the corporate representative,  
15 visibly reacted to a gesture from Mr. Enoch during a  
16 difficult question. And Mr. Ogden had to call him out  
17 on it; and you can see Mr. Dew's reaction, how narrow  
18 his eyes are in the deposition. During both depositions  
19 Mr. Enoch was repeatedly asked to leave the deposition  
20 if he refused to stay quiet. He stayed but continued to  
21 interrupt.

22 I am putting this all on the record right  
23 now because this deposition began rather contentiously;  
24 and my reaction to it was one of significant  
25 disturbance. I am now in a position where I have a

1 witness who is not represented by counsel. I am facing  
2 a counsel who at the very beginning of this deposition  
3 threw all sense of propriety out the window and began  
4 questioning the witness on multiple issues. Though he's  
5 not the one who noticed this deposition, had no ability  
6 to question that witness first, and almost certainly had  
7 no ability to question him at all. It has caused the  
8 witness to become very agitated.

9 I do not feel I'm equipped to defend this  
10 witness' rights. I don't represent him. What is  
11 happening is totally inconsistent with the Court's  
12 order. We have attempted to contact the Court because I  
13 believe the Court would be wanting to have some sort of  
14 input on, when an order like this only gives me the  
15 right to question, whether Mr. Enoch should be allowed  
16 to question this witness who does not currently have  
17 counsel. I'm very disturbed by this turn of events. I  
18 want this all on the record in case these matters need  
19 to be brought to the Court in any kind of connection  
20 with sanctions.

21 Right now I'm going to finish, and I'm  
22 going to ask Mr. Jacobson to return to the room. I'm  
23 going to tell Mr. Jacobson that I've concluded with my  
24 deposition, the deposition that was ordered in the  
25 Court's order, and that I have no further need of him to

1 be here. I do not know what Mr. Enoch's going to do at  
2 that point. I do not know if Mr. Enoch's going to  
3 attempt to try to keep the witness here. I don't know  
4 what's going to happen.

5 I do know that I am extremely concerned  
6 about a witness who -- I mean, about a lawyer who has  
7 already exhibited an incredible pattern of astonishing  
8 bad conduct in deposition to now take this very  
9 unorthodox turn.

10 That being said, those are my comments on  
11 the record. I will allow Mr. Jacobson to return to the  
12 room and allow him to make the decision in his own best  
13 interest.

14 MR. ENOCH: And I do not intend to  
15 respond tit for tat to what I think is self-serving  
16 diatribe, and I will respond appropriately when  
17 appropriate.

18 Let's have the witness come back in.

19 (Mr. Bankston briefly left the room and  
20 returned with the witness.)

21 MR. BANKSTON: All right, Joe. Let's get  
22 back on the record.

23 THE VIDEOGRAPHER: We're still on.

24 MR. BANKSTON: Mr. Jacobson, that's all I  
25 have for you today. Thank you for your time.

1 MR. ENOCH: Mr. Bankston, if I ask  
2 questions, are you going to seek sanctions against --

3 (Indistinguishable simultaneous  
4 speakers.)

5 MR. ENOCH: Mr. Jacobson, are you  
6 leaving?

7 (Witness leaves the conference room.)

8 MR. BANKSTON: He's leaving, apparently.  
9 He doesn't want to talk to you, I guess.

10 MR. ENOCH: Okay. And my understanding  
11 is that you threatened me with sanctions earlier if I  
12 asked questions. Is my understanding correct, sir?

13 MR. BANKSTON: Yeah, if you were to go  
14 ahead and ask him questions, I would probably bring a  
15 motion against you. It would also be for your other  
16 conduct in the previous two depositions; but, yeah, if  
17 you did that. And, again, let me just make that clear.  
18 You didn't ask him any questions. I still, depending on  
19 what we need to do, might be bringing sanctions against  
20 you.

21 MR. ENOCH: I just -- you don't need to  
22 give me a speech. My question was a simple one: Did  
23 you say you would threaten me with sanctions if I asked  
24 questions? Your answer was in the affirmative. That's  
25 all I need. Thank you very much.

1 MR. BANKSTON: Yeah, if you're going to  
2 engage in improper conduct, I will always put the  
3 possibility of sanctions on the table.

4 MR. ENOCH: I disagree.

5 MR. BANKSTON: And I think you know that  
6 about me by now.

7 MR. ENOCH: Mr. Bankston, we don't have  
8 to have an argument over it. The question was a simple  
9 one. Thank you for answering.

10 MR. BANKSTON: Are we off the record?

11 THE VIDEOGRAPHER: We're off the record  
12 at 1:55 p.m.

13 (Deposition concluded at 1:55 p.m.)

14 (Signature of the witness was waived.)

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CAUSE NO. D-1-GN-18-006623

SCARLETT LEWIS	*	IN THE DISTRICT COURT OF
Plaintiff	*	
	*	
	*	
VS.	*	TRAVIS COUNTY, TEXAS
	*	
ALEX E. JONES, INFOWARS,	*	
LLC, AND FREE SPEECH	*	
SYSTEMS, LLC,	*	
Defendants	*	53RD JUDICIAL DISTRICT

REPORTER'S CERTIFICATION

ORAL/VIDEOTAPED DEPOSITION  
OF

ROBERT JACOBSON,

Taken on March 20, 2019

I, Debbie D. Cunningham, a Certified  
Shorthand Reporter in and for the State of Texas, hereby  
certify to the following:

That the witness, ROBERT JACOBSON, was  
duly sworn by me, and that the transcript of the oral  
deposition is a true record of the testimony given by  
the witness;

That examination and signature of the  
witness to the deposition transcript was waived by the  
witness and agreement of the parties at the time of the  
deposition;

That the original deposition transcript  
was delivered to MR. BANKSTON, Esq.;

That the amount of examination time used

1 by each party at the deposition is as follows:

2 BY MR. BANKSTON:

3 BY MR. ENOCH:

4 BY MR. OGDEN:

5 That \$\_\_\_\_\_ is the deposition  
6 officer's charges to the Plaintiff for preparing the  
7 original deposition transcript and copies of exhibits,  
8 if any;

9 That pursuant to information given to the  
10 deposition officer at the time said testimony was taken,  
11 the following includes counsel for all parties of  
12 record:

13 COUNSEL FOR PLAINTIFF:

14 KASTER LYNCH FARRAR & BALL, LLP  
15 1010 Lamar, Suite 1600  
Houston, Texas  
(T) 713.221.8300

16 By: Mark D. Bankston, Esq.  
mark@fbtrial.com

17 AND  
18 William Ogden, Esq. (VIA PHONE)

19 COUNSEL FOR DEFENDANTS:

20 GLAST, PHILLIPS & MURRAY, P.C.  
21 14801 Quorum Drive, Suite 500  
Dallas, Texas  
(T) 972.419.8300

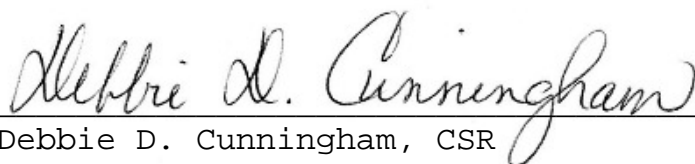
22 By: Mark Enoch, Esq.  
mkenoch@gpm-law.com

23  
24 That a copy of this certificate was served  
25 on all parties shown herein on \_\_\_\_\_,

1 and filed with the Clerk pursuant to Rule 203.3.

2 I further certify that I am neither  
3 counsel for, related to, nor employed by any of the  
4 parties or attorneys in the action in which this  
5 proceeding was taken, and further that I am not  
6 financially or otherwise interested in the outcome of  
7 the action.

8 Certified to by me this day, April 8,  
9 2019.

10  
11  
12 

13 Debbie D. Cunningham, CSR  
14 CSR 2065  
15 Expiration: June 30, 2021  
16 INTEGRITY LEGAL SUPPORT SOLUTIONS  
17 3100 West Slaughter Lane, Suite A-101  
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