

D-1-GN-18-001835

NEIL HESLIN and
SCARLETT LEWIS

VS.

ALEX E. JONES and
FREE SPEECH SYSTEMS, LLC

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IN DISTRICT COURT OF
TRAVIS COUNTY, TEXAS
261st DISTRICT COURT

**ORDER ON PLAINTIFFS’ MOTION FOR SANCTIONS FOR FALSE PLEADINGS,
GROUNDLESS REMOVAL, AND BAD FAITH DISRUPTION OF TRIAL**

On this day, the Court considered Plaintiffs’ Motion for Sanctions for False Pleadings, Groundless Removal, and Bad Faith Disruption of Trial.

Plaintiffs’ Motion seeks sanctions against Defendants’ counsel F. Andino Reynal, alleging a bad faith scheme to disrupt this litigation with an abusive and frivolous bankruptcy and groundless removal. A hearing was held on November 22, 2022. After considering the pleadings, the record, and the arguments of counsel, the Court finds that Plaintiffs’ Motion should be granted.

The Court finds, for the reasons expressed by the United States Trustee and the Plaintiffs herein, that the April 2022 bankruptcy was undertaken in bad faith for an abusive and improper purpose. The Court also agrees with the United States Trustee and the Plaintiffs that the removal by InfoWars, LLC -- initiated twelve hours after being non-suited from this lawsuit -- is a further indication of bad faith. The Court also finds that Mr. Reynal’s filings of a Notice of Removal and a Suggestion of Bankruptcy in this Court contained knowingly groundless statements, insofar that they stated that InfoWars, LLC was a defendant in the underlying action. The Court has also considered a totality of the

circumstances that resulted in the unnecessary postponement of the trial, including the procedural history of the case, the timing of the removal, and the Court's experience with Mr. Reynal and its assessment of the credibility of his representations.

The Court finds Mr. Reynal acted without valid cause and for sole purpose of avoiding trial. The Court also finds that Mr. Reynal acted in bad faith by rejecting a request to accept service of subpoena on Rob Dew on the day prior to Mr. Dew signing agreements on behalf of InfoWars, LLC as its 100% equity holder, a fact which was not disclosed to the Plaintiffs until after the case was removed. The Court notes that when Rob Dew was made 100% equity holder of InfoWars, LLC, Mr. Reynal was obligated to supplement his client's discovery responses. Not only did Mr. Reynal neglect to supplement discovery, but his response to Plaintiffs' inquiry about the subpoena was misleading.

The Court has also considered the improper motivation for the removal and the effect upon the Court's function. The Court finds that the removal of this case was part of a scheme that was pursued for the purposes of harassment and/or delay and to prevent this Court from proceeding with a scheduled hearing. The Court finds that the conduct at issue significantly interfered with the Court's legitimate exercise of core functions.

For all of these reasons, the Court finds there is good cause for sanctions to issue. The Court therefore ORDERS that:

1. Sanctions will be assessed against attorney F. Andino Reynal pursuant to Tex. R. Civ. P. 13, Tex. R. Civ. P. 215, and the Court's inherent powers.
2. Plaintiffs are awarded reasonable attorney's fees in connection with their Motion, attorney's fees incurred in April trial preparation, attorney's fees incurred in the bankruptcy courts relating to InfoWars, LLC, and any non-refundable fees for April trial

accommodations. The Court finds that such a sanction is just and has a rational relationship to the misconduct at issue.

3. Plaintiffs are ordered to file evidence establishing their fees and expenses, segregating any fees for trial preparation in April. Plaintiffs are ordered to provide the Court evidence of their fees and expenses for their trial preparation for the July-August trial so that the Court may compare the two. Plaintiffs must file their evidence no later than March 9, 2023. Mr. Reynal must file any objections no later than March 23, 2023. The Court will hold a hearing on the fees and expenses and on the appropriate amount of sanctions on April 6, 2023 at 2:00pm in the 459th District Court, in person, in the Travis County Civil and Family Court Facility building, 11th Floor, Courtroom 11B.

4. After evaluating Plaintiffs' evidence, this Court will assess the amount of the sanction in a future order, and may, in its discretion, award an additional punitive monetary sanction if the Court concludes that an additional sanction is necessary for sufficient deterrent effect.

5. In addition, pursuant to the discretion of the Court described in *Law Offices of Windle Turley, P.C. v. French*, 164 S.W.3d 487, 492 (Tex. App.—Dallas 2005, no pet.), Plaintiffs are conditionally awarded their appellate attorney's fees should Mr. Reynal unsuccessfully appeal this Order. If Plaintiffs incur attorney's fees in an unsuccessful appeal, they are ordered to file evidence establishing such fees. Mr. Reynal may file any objection within ten days of the filing of Plaintiffs' evidence.

Dated January 13, 2023.


Hon. Maya Guerra Gamble