

Velva L. Price
District Clerk
Travis County
D-1-GN-18-001835
Raena Vasquez

NO. D-1-GN-18-001835

NEIL HESLIN,

Plaintiff,

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IN THE DISTRICT COURT OF

v.

TRAVIS COUNTY, TEXAS

ALEX E. JONES, INFOWARS, LLC,
FREE SPEECH SYSTEMS, LLC, and
OWEN SHROYER,
Defendants

261st JUDICIAL DISTRICT

**SUPPLEMENTAL AFFIDAVIT IN SUPPORT OF DEFENDANTS’ FIRST AMENDED
RESPONSE TO PLAINTIFF’S MOTION FOR SANCTIONS AND MOTION FOR
EXPEDITED DISCOVERY AND DEFENDANTS’ MOTION FOR SANCTIONS**

COME NOW, Defendants Alex E. Jones, Infowars, LLC, Free Speech Systems, LLC, and Owen Shroyer (collectively, the “Defendants”), and hereby file a supplemental affidavit in support of their First Amended Response to Plaintiff’s Motion for Sanctions and Motion for Expedited Discovery and Defendants’ Motion for Sanctions.

Defendants hereby file the Affidavit of Kevin Brown attached hereto as Exhibit “A.”

RESPECTFULLY SUBMITTED,

GLAST, PHILLIPS & MURRAY, P.C.

/s/ Mark C. Enoch

Mark C. Enoch
State Bar No. 06630360
14801 Quorum Drive, Suite 500
Dallas, Texas 75254-1449
Telephone: 972-419-8366
Facsimile: 972-419-8329
fly63rc@verizon.net

ATTORNEY FOR DEFENDANTS

CERTIFICATE OF SERVICE

I hereby certify that on this 30th day of August, 2018, the foregoing was sent via efiletxcourts.gov's e-service system to the following:

Mark Bankston
Kaster Lynch Farrar & Ball
1010 Lamar, Suite 1600
Houston, TX 77002
713-221-8300
mark@fbtrial.com

/s/ Mark C. Enoch

Mark C. Enoch

NEIL HESLIN,

Plaintiff,

v.

ALEX E. JONES, INFOWARS, LLC,
FREE SPEECH SYSTEMS, LLC, and
OWEN SHROYER,

Defendants

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IN THE DISTRICT COURT OF

TRAVIS COUNTY, TEXAS

261st JUDICIAL DISTRICT

AFFIDAVIT OF KEVIN BROWN

STATE OF TEXAS

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COUNTY OF TRAVIS

I, Kevin Brown, do hereby declare under penalty of perjury that the following is true and correct.

1. My name is Kevin Brown. I am fully competent and capable in all respects to make this Affidavit. I am an attorney duly licensed to practice law in the State of Texas, and practice in Travis County, Texas, with the firm of Waller Lansden Dortch & Davis, LLP. Along with Eric Taube, I am counsel of record for Defendants in the case styled "*Marcel Fontaine v. Alex E. Jones, Infowars, LLC, Free Speech Systems, LLC and Kit Daniels,*" Cause No. D-1-GN-18-001605, 459th District Court, Travis County, Texas.

2. Mark Bankston and his firm represent the Plaintiff in the Fontaine matter and I have met and spoken with Mr. Bankston and we have jointly attended a hearing in



this matter on August 2, 2018 for our clients' Motion to Dismiss Pursuant to the Texas Citizens Participation Act.

3. Mark Enoch has never been counsel of record or otherwise for our clients in the Fontaine matter. To my knowledge, he did not attend the hearing on August 2 as he is not involved in that proceeding.

4. I have been told that Mark Bankston has sent an email to Mr. Enoch on August 12 in which Mr. Bankston requested confirmation as to whether or not Free Speech Systems, LLC, Infowars, LLC and Alex Jones had deleted social media content. I have seen that email and note that it mentions allegedly deleted material relating to the Parkland School shooting and Mr. Fontaine.

5. I have searched our firm's email records - including those of Mr. Taube's and my own - and we do not show that we ever received any written communication from Mr. Bankston requesting information about whether or not our clients had deleted any social media content relating to the Parkland School shooting or Mr. Fontaine.

6. I do not know why Mr. Bankston would have contacted Mr. Enoch about our clients' document retention relating to Mr. Fontaine or Parkland.

7. I also know that Mr. Bankston did not leave any voicemails for me or Mr. Taube or our assistants requesting information regarding this claimed deletion of social media material.

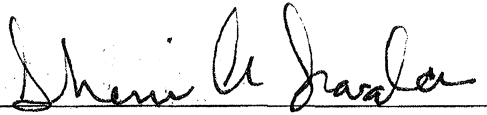
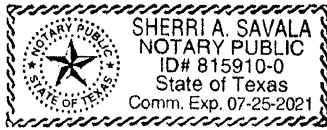
8. The first time I learned of any claims of Mr. Bankston of social media deletion was when I later saw a copy of his email to Mr. Enoch.

Further affiant sayeth not.



Kevin Brown

SWORN TO and SUBSCRIBED before me by Kevin Brown on August 30, 2018.



Notary Public in and for
the State of Texas

My Commission Expires:

7.25.2021