

EXHIBIT AA

4 AREAS WHERE JUDGE UNDERHILL IS WRONG ON SOME BASIC FACTS OF CASE – Necessary Clarifications.

1 ≈ Judge Underhill Wrong on Basic Facts: ECF 66 Page 6

Judge Underhill: “By the time a WPD officer arrived at the Fresh Market, Lawrence was gone, but the store manager told the officer that Lawrence had been involved in similar incidents before. See id. at ¶ 3”

FALSE!!

See Arrest Warrant to which reporter Mark Sudol read. Store manager NEVER told officer that I had been involved in similar incidents! Judge Underhill does not digest the primary players and basic facts of the Arrest Warrant and puts slanderous words in the mouth of the store manager who **in all actuality store manager said in paragraph 3 of the Arrest Warrant that he saw nothing and was unaware that anything happened.** – **See Exhibit A – Arrest Warrant.**

Arrest Warrant Sections 3

3. That upon police arrival at the store, there was no one fitting that description found in the area. **In speaking with the store manager, Anthony Castagnazzi, he stated that he did not see anyone fitting that description in the store and was unaware that anything had happened.**

FACT: If the manager had said there were previous incidents then he would have easily recognized me and fingered me. The facts are as the warrant shows he never had problems with me. The facts are that the officer while talking with the manager learned of other incidents from his own department.

FACT: There is no previous police Incident Report involving this market nor any time did a manager approach me about a complaint nor is there any quote anywhere from a manager about previous concerns. I was a regular peaceful customer.

This is a major error and given all the crazy unproven and un-provable material thrown at me I can relate to the potential mix up here but this is Judge Underhill’s job to get the details correct. The Arrest Warrant is not long and is a simple read. **This is a major error by Judge Underhill because he is falsely injecting phantom previous incidents into the arresting incident** when in all actuality the other long past unproven and un-provable incidents were fully investigated 2002-2006 and then 2017 and never resulted in any arrest with all statute of limitations in effect thus there can never be any casual allusion to any kind of **stalking** let alone assumed factual **stalking behavior** as if there was any kind of crime resulting in an arrest. Police would have been in dereliction of duty if there were **actual stalking**.

See the yet again the open question about these Incident Reports resulting in NO arrest and or reference to them via an Arrest Warrant at ECF 66 Page 2 where Judge Underhill admits these unproven and un-provable Incident Reports are generally viewed to be not admissible by the Second Circuit.

2 ≈ Judge Underhill Wrong on Basic Facts: ECF 66 Page 11

Judge Underhill: “Ex. I to Def.’s Reply, Doc. No. 44-2 (reporting a “possible stalking incident” over a period of months in 2006 spanning numerous locations, including two parking lots);”

2

FALSE!! And once again an Incident Report that was fully investigated resulting in no arrest of any kind and a case that is known to be long closed and an Incident Report generally not admissible. And notice the language - *“possible stalking incident”* (I write in grey for a reason) **but after investigation NO ARREST AKA NO STALKING thus this 14 year old Incident Report that resulted in NO CHARGES that police initially describe as a “possible” stalking within the long gone Incident Report for allegedly “over a period of months” is not relative to the arresting incident and not relative at all since there was never any police action aka no probable cause, no intent, no crime - nothing. Reporter never read any past Incident Report – Reporter read the Arrest Warrant and nothing else!** This is inappropriate activism by Judge Underhill for this 14 year old Incident Report can never be deployed to prove anything other than there was no probable cause for anything and I did not do anything criminal and thus was not *“arrested for stalking several women”*. You cannot even conclude there was *stalking-like behavior* because then the police would have been in dereliction of duty for not arresting me for anything.

FACT: The police never needed a Complainant’s Sworn Written Statement to arrest me as is evident in the sole arrest from March 5, 2018 – one count of Second Degree Breach of Peace immediately viewed by the prosecutor as an Infraction and fine of \$90 in May of 2018 – there was no Sworn Written Statement and there was nothing criminal that happened!

FACT: The police carefully use the language *“possible”* in this 2006 Incident Report resulting in no arrest much like being careful to not deploy the *stalking let alone harassing* language in the Arrest Warrant to which News 12 reporter read at time of slander and libel.

If we are considering possibility in things we need to consider possibility in all things from all sides hence more and more questions and ambiguities and lack of facts which demand Due Process of Law – JURY with witnesses LET ALONE AN ARREST. **Where is my side of the obviously ambiguous story?** Once again – irrelative Incident Report especially when being portrayed by the largest media company in the area of being a *“stalker of several women”*.

Judge Underhill goes on to reference in a ham-fisted way very old Incident Reports reporter Mark Sudol never read – he read a narrative of long gone KNOWN closed cases that never resulted in any arrest/charges but despite knowing this fact of these past “cases” being closed the reporter goes ahead to paint the darkest picture without any facts from these Incident Reports that should have been redacted according to the Westport Police (See Exhibit E), a special news report that never sought to *“dull impacts”*. REALITY - News 12 reporter **hyped impact** by delving into things best left alone. NEWS 12 REPORTER MARK SUDOL READ THE ARREST WARRANT that never deployed the “stalking” or harassing language (both Course of Conduct terms), never mentioned any arrest let alone conviction from past Incident Reports, and read an Arrest Warrant that clearly said I have no criminal history in Ct..

It is also falsely interpreted by Judge Underhill that there was numerous locations when the FACTS are these incident reports talk about a market or café, for if indeed there were “numerous locations” involving a complainant I would and should have been arrested to which I never was. More ambiguity and lost facts and never can be attained facts so why is a man not afforded some

kind of fair and balanced understanding based on the police investigations, let alone understanding beyond the “average reader” as to how these persecutions happen? - **Language from one extreme creating more extremes.** Falsely interpreting a mere Incident Report devoid of arrest should never be fodder to paint someone a **stalker!** The “**stalking**” language from News 12 if not properly punished only begets more extremes and damages. This cannot be allowed to happen for it prejudices “**the “substantially true” inquiry which is heavily fact-dependent”** **ECF 66 Page 12.**

FACT: If I did anything wrong in the past I would have been arrested! News 12 reporter Mark Sudol never read any of these Incident Reports at time of the libel and slander. The 4 submitted fully investigated Incident Reports (Altice USA past Exhibits) Judge Underhill is flirting with as evidence of **substantial stalking women** while simultaneously writing courts most often do not allow these Incident Reports entered as evidence, is not fair and wasting the court’s time. How could they be entered as evidence – there was no established behavior of anything especially criminal. Are we prepared to empower media to run with stories accusing people of **stalking** let alone “**arrested for stalking several women**” without any **stalking evidence** and **stalking arrests?**

FACT: News 12 reporter Mark Sudol KNEW these incidents were case closed and doxxed me of these never can be proved incidents against police “matters of practice to redact from release” such information he is slanderously sharing by hyping and not “dulling” his coverage of the arresting incident by portraying me as a “preying on women”/“arrested for stalking several women” to which he can never ever prove.

3 ≈ Judge Underhill Wrong on Basic Facts: ECF 66 Page 19

Judge Underhill: “All six (News) reports mention that Lawrence had been charged with similar incidents in California.”

FALSE!!

The Arrest Warrant never said this but News 12 did in their slanderous reports! There is that false plural again - “*similar incidents in California*”? - **WHERE?!!! No evidence was submitted of this News 12 lie** so why is Judge Underhill referring to non-existent incidents in California? **There is no evidence of this News 12 lie in the form of any California police reports** and I tried to include this News 12 lie in my original Complaint but Judge Underhill narrowed the Complaint to only the deployment of the **stalking** language.

FACT: I was charged 25 years ago in California with False Imprisonment, Domestic Violence, and Stalking my ex-girlfriend by breaking an unknown restraining order via numerous phone calls from 3,000 miles away and was convicted of Domestic Violence in California (1996) which stands as my only conviction to date. There are no “*similar incidents*” in reference to Westport Connecticut supermarket Incident Reports. There are no California Incident Reports of anything and only the 1996 charges.

MEANING – There was no **stalking** if you knew the “**heavily fact-dependent substantial truth**” and “**resolving all ambiguities**” aka details of the 25 year old case and completed Due Process

of Law. Perhaps the fact that I did not submit printout evidence of my criminal background check in the past was at issue, but I assumed courts had records. Now this issue is resolved.
SEE EXHIBITS F, G - MY LACK OF CRIMINAL HISTORY

Judge Underhill does more than assume the worst here. He takes a known lie and runs with it in his decision ECF 66. There was Due Process in 1996 – and there was no **stalking** let alone charged with similar incidents!!!! Where are submitted California Incident Reports let alone arrests from California?

FACT: There are no Incident Reports from California or anywhere else but Westport Connecticut. SO ONCE AGAIN – This ECF 66 Decision is replete with simplicities, avoidances, and contradictions, but also the seemingly inability to process all the basic facts.

4 ≈ Judge Underhill Wrong on Basic Facts: ECF 66 Page 21

Judge Underhill: “In all six reports, News 12 reported that police (or “authorities” in the case of Article 2) say Lawrence (1) had been named in 10 similar cases, (2) faced similar charges in California, and (3) had a protective order filed against him. Those facts were plainly drawn from the Arrest Warrant Application: News 12 noted that “police sa[id]” those facts, and News 12 even cited the Arrest Warrant in TV Reports 1 and 2 and Article 1. Thus, those statements would be untrue only if police did not say them. The Arrest Warrant Application, which was authored by a WPD officer, makes it perfectly clear that the police did say the things that Lawrence disputes. See id.

FALSE! Once again – Where is there justification to interpret any stalking ever happened? **POLICE NEVER DEPLOYED THE STALKING OR HARASSING LANGUAGE IN THE ARREST WARRANT.** Police deserve to have their personal reasoning for an alleged and now never proven **one count Second Degree Breach of Peace** (thus logically concluded in reference to all also other alleged incidents free of any arrest after investigation – never proven and unprovable) in front of a Prosecutor and Judge and Jury with Due Process of Law without a reporter dubiously ascertaining and **“outright falsely”** interpreting the Arrest Warrant against police “matters of practice to redact from release” (see Exhibit E) the kind of material News 12 reporter (and only reporter in the community) is playing with weeks after the arrest for his special un-provable story. Police did not go public with this narrative as evident in their Official Police Press Release and Facebook Post of the arrest (see Exhibit A). The Westport Police’s lead FOIA officer’s Email submitted now in Exhibit E shows their intentions (not the reporter’s intentions) which was and is not to share long gone past incident reports free of arrests in a criminal way tied to an arresting charge – one count of Second Degree Breach of Peace let alone any kind of made up **“outright false”** charge of **“arrested for stalking several women”**. Police did not want to publically create all the ongoing Damages I have experienced (the **“impact”**) to which they would be liable for.

FACT: The police purposely kept this doxxing of past arrests devoid of convictions like the **1996 Stalking/Violation of Restraining Order** charge out of their corrupt Feb. 6, 2019 second false arrest for Email Harassment. YES. Here is how the police share my Arrest

5

Record in the second false arrest for a single solitary September 18, 2018 alleged harassing Email that resulted in a Feb. 6, 2019 false arrest/case deemed by Judge Underhill not relative to this March 14-15, 2018 Altice case at hand based on the first false arrest of March 5, 2018 as Judge writes in his Decision ECF 66 page 12 because it happen after the slander and libel and in many ways because of the slander and libel to be shown in Damages. Facts are the police were paranoid from the News 12 coverage possibly making them culpable.

Here is how the police carefully keep my past 1996 **stalking/violation of restraining order charge** that was DISMISSED (see Exhibit F) out of the Sept. 18, 2018 second false Arrest Warrant and Police Report resulting in the corrupt Feb. 6, 2019 arrest.

Section 20 of Feb. 6, 2019 false Arrest Warrant for alleged Email Harassment.

20. That I conducted a criminal history check for the accused which revealed his arrest by Officer Sullivan on 03/05/2018 for Breach of Peace. In addition, the accused has an arrest record in the state of Florida dating back to 1986 and in California dating back to 1994. Prior to his arrest by Officer Sullivan, the accused was most recently arrested on 10/31/2013 for "BAT: SPOUSE/EX SP/DATE/ETC".

This is once again undeniable evidence the Westport Police want nothing to do with portraying me as a **stalker!!!**

Fact: News 12 took down their "**outright false**" coverage after a call from my lawyer. Do you think police would want an arrest to have so much hype and then be forced to retract their arrest. Of course not. They chose a lower level of a charge and a lower level of language. I doubt they would want to invite a lawsuit by arresting someone for **Second Degree Breach of Peace** and but writing in the Arrest Warrant words like **stalking and harassing** which are not in the Arrest Warrant. Would police for example arrest for petty theft by describing the arrest as armed robbery? Of course not.

The police narrative has numerous mistakes that was worthy of a Franks Hearing – number of past alleged incidents and grossly writing that in "all incidents women were afraid to give statements out of fear of retaliation" – utter nonsense and never shown in any incident report, and contradictory because the arresting incident itself never had a woman giving a Sworn Written Statement. **News 12 should have added up some facts over time with proper police interviews and waited for the facts of this strange arrest devoid of evidence instead of rushing their "outright false" reports. It was not as if they are reporting at the time of the arrest - they had 2 weeks to get it right.** The police narrative is selling a warrant yet the facts remains I would probably never have thought of suing the police had it not been for News 12 reporter Mark Sudol and Wendy Higgins Chambers because the contested differences would not have been made public and I would have moved on in life most likely paying the \$90 infraction fine offer (resulting in not a misdemeanor and not on my criminal record) instead of showing up to court for 3 years via costly and time-consuming plane flights back to the area for a desired trial that never happens.

FACT: News 12 created all the problems with this utter fiasco including problems the Westport Police themselves are wary of to this day. The Westport Police are not happy with them. Police never deployed **the stalking language** in the Arrest Warrant.

Police make false arrests and people are found not guilty and police can be held sometimes in extreme and rare occasions be held responsible for Damages from the arrest yet the facts are that it is News 12 who put the police in a current precarious position. Without News 12 I have no Damages and no case against the police. The police were not even interviewed by News 12. Police would never say any “stalking” happened in the past because that would say they did not do their jobs – misconduct. Why would they hype their carefully chosen language of “*following and get into personal space*” Arrest Warrant language for they never attempted to arrest me for anything in the past hence – Judge cannot convict of any **stalking behavior** referencing unproven and un-provable incident reports fully investigated resulting in no arrest cases long closed as the reporter knew while reading the Arrest Warrant – no criminal record in Ct. – the town of Westport of News 12’s “stalking” accusations.

Police said there were 9 past “cases” (only 4 submitted by Altice and in all actuality there were 6 past Incident Reports) and NEVER said I was “*stalking or stalking several women*” or writing “*arrested for stalking several women*” in the Arrest Warrant to which is the issue – what News 12 reporter Mark Sudol read and **KNEW - I had no Ct. criminal record** (state and town – Westport and Westport only of market “*stalking*”) **and that these unproven and un-provable (statute of limitations) Incident Reports were cases closed.** It is impossible to be **stalking** for the Incident Reports happened back in 2003, 2004, 2006, and then in 2017 – 17 years ago, 16 years ago, 15 years ago, and then 3 years ago (See ECF 26) and it is impossible to **stalk** a phantom (no names) from a single past incident at a market without any repeated sighting, complaint, and documentation, request for restraining order, let alone arrest since the one-time alleged “incident” complaint.

If Judge Underhill thinks the police did say I was **stalking then we best get them on the stand aka TIME FOR A JURY** to see if they were insinuating **stalking** even happened despite never deploying the **stalking** language in the Arrest Warrant let alone any past incident report nor did they charge me for **stalking (an actual charge– 3 LEVELS)** because at best we have feelings and insinuations and no factual evidence. YES this case and decision has NOWHERE NEAR “*resolved all ambiguities*” and a trial with Westport Police, Wendy Higgins Chambers, Mark Sudol, Witnesses, Psychologists, Various Linguistic Experts, Polls, Surveys, etc... is in order because what is to stop another reporter from using the **stalking language** for a report on a **SINGLE COUNT OF Second Degree Breach of Peace** arrests in the future let alone report on my life as if there was ever any **stalking**?

The “**totality**” of material to report on when mentioning **stalking** should be based in actual **proven stalking**, or at least an arrest for allegedly **stalking** in one of the 3 levels of **stalking**, both of which never happened to me. And if one wishes to deploy the very subjective personal feelings dictionary definition of **stalking as not being Course of Conduct** or best multiple cultural definitions of **stalking** (all extreme and negative since 1990 and having nothing to do with my arrest and arrest record!) you best have facts – evidence, arrests, willing witnesses, and convictions and not mere feelings when pointing that number 2 finger. Yes this ECF 66 Decision has nowhere near “*resolved all ambiguities*” and is replete with duplicities. Reporters cannot be allowed to take advantage of the legal system by using arrests before Due Process of Law and after exculpatory Due Process of Law (those past investigated Incident Reports) to push

unproven and un-provable libelous and slanderous agendas.

Judge Underhill: *"It is an open question in the Second Circuit whether courts can take judicial notice of police incident reports, but it seems that many courts refrain from doing so. See, e.g., Alvarez v. County of Orange, N.Y., 95 F. Supp. 3d 385, 398 (S.D.N.Y. 2015); Bejaoui v. City of New York, 2015 WL 1529633, at *6 (E.D.N.Y. Mar. 21, 2015); Serrata v. Givens, 2019 WL 1597297, at *4 (E.D.N.Y. Apr. 15, 2019)." ECF 66 Page 2*

FACT: No past Incident Report fully investigated resulting in no arrest cases known to be closed for years/decades with the statute of limitations in effect hence unproven and un-provable intents of anything can be reported on as **harassing** or worse **stalking**. Incident Reports are not relative to this case for it was the Arrest Warrant held in the reporter's hand that was read at the time of the slander and libel. This Arrest Warrant much like any past Incident Report devoid of an arrest **never** deploys the language of **harassing** or worse **stalking** – NEVER. The police carefully use their language for a reason **"follow" and "get into personal space"**. Who uses this type of language? The police know if they accuse me of **harassing** or **stalking** – course of conduct crimes, and arrest me for **one count of Second Degree Breach of Peace** – a one time alleged and now also un-proven act, this false accusation would set them up to being sued let alone asked by the prosecutor why did you not charge him with a **harassment** or **stalking statute**. Allowing the media to conflate terms in un-scientific, curt, and outright false linguistic ways will diminish the severity of real **stalkers** arrested and convicted of **stalking** and set up too many people to be portrayed as **stalkers** and even give the police the dangerous freedom to write the word **stalk/stalking** in their Police Reports or Official Press Releases on arrests having nothing to do with **stalking** crimes let alone veritable dictionary definitions of **stalking** to which this Brief will via numerous resources now socially scientifically show the truthful **"popular acceptance"** and **"mind of the average viewer"**.