

1 STATE OF MINNESOTA  
2 COUNTY OF KANDIYOHI

DISTRICT COURT  
EIGHTH JUDICIAL DISTRICT

3  
4 Steve Quest, Court File No.: 34-CV-23-12  
5 Plaintiff,  
6 vs.  
7 Nicholas Robert Rekieta, Rekieta Law, LLC  
8 Defendant.

9  
10 TRANSCRIPT OF PROCEEDINGS  
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12 The above-entitled matter came on for hearing before the  
13 Honorable Jennifer K. Fischer, on April 10, 2023, at the  
14 Kandiyohi County Courthouse in Willmar, Minnesota via Zoom.

15 APPEARANCES

16 David Schneider, Attorney at Law, appeared for and on  
17 behalf of the Plaintiff.

18 Marc Randazza, Attorney at Law, appeared for and on behalf  
19 of the Defendant.

20 Matt Kezhaya, Attorney at Law, appeared as local sponsoring  
21 counsel for Mr. Randazza.  
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1 THE COURT: 34-CV-23-12. Steve Quest versus  
2 Nicholas Robert Rekieta and Rekieta Law LLC. This is  
3 Motion hearing. I see there was a motion,-- special  
4 motion to dismiss filed by Mr. Randazza on February 14,  
5 and there have been exhibits submitted as well as  
6 memorandum filed by both sides. I note attorney, David  
7 Schneider, for plaintiff. Then we've got Mr. Randazza  
8 for defendant. And then Mr. Kezhaya, are you the pro hac  
9 vice? I don't hear you.

10 MR. KEZHAYA: (indiscernible)-- I am the  
11 sponsoring attorney, Your Honor. Hello.

12 THE COURT: Yes, okay. Thank you. All right,  
13 Mr. Randazza, your motion.

14 MR. RANDAZZA: Thank you very much, Your Honor.  
15 Your Honor, as you've probably noticed looking at the  
16 file, there are hundreds of pages of exhibits here.  
17 Really, to boil it down, and to boil down what this  
18 motion is about, I think we first have to have perhaps an  
19 opening scene where we introduce the characters. Mr.  
20 Rekieta is, I suppose if you were to sum him up, a legal  
21 comedian. He spends his Saturday nights on camera  
22 discussing legal issues, always in a humorous tone, often  
23 in a tone that personally is not my cup of tea, including  
24 he at least one time directly insulted my law partner.  
25 In fact, that's how I came to know him. However, this is

1 just par for the course. It's as if he's the triumph,  
2 the insult comic dog of the legal profession. Now on the  
3 other side, we have Mr. Quest, and I say that with  
4 quotes. I am not stipulating that that's actually his  
5 name. He has had, at least, claimed name changes, but  
6 let's refer to him, the plaintiff, as Mr. Quest. Mr.  
7 Quest has sought and frankly achieved fame since at  
8 least, I would say, the early two thousands. I sincerely  
9 hope the court is not familiar with the original video  
10 Two Girls, One Cup. I would like to summarize it by  
11 saying, despite a career where I have had to watch  
12 pornographic movies as part of my First Amendment  
13 practice, it shocks me I've never made it past the first  
14 7 seconds of it without having an adverse reaction in my  
15 stomach, and I'm not being hyperbolic. However, Mr.  
16 Quest stormed onto the scene then when that video came  
17 out and produced his own version of it, one in which he  
18 showed himself and a child's doll consuming what was  
19 supposed to be feces and then engaging in, I would say,  
20 sexually charged acts. That certainly got him a great  
21 degree of notoriety. Over the years, he enjoyed that  
22 notoriety and built upon it. He claims to have been the  
23 originator of the theory, and I use that term loosely,  
24 that no one actually died at Sandy Hook. In fact, he's  
25 expressed some umbrage, that such theories have been

1 credited to other people. He's got at least 71,000  
2 YouTube followers as of today. He has used that fame and  
3 used that platform in ways that, frankly, I find  
4 disturbing. Threatening Dr. Fauci, for example. Whether  
5 you agree or disagree with Dr. Fauci's positions or how  
6 he executed his duties, actually threatening him, I think  
7 is beyond the pale, and he has also used that platform in  
8 order to attack people who he thinks are his perceived  
9 enemies, including Mr. Rekieta. I think since at least  
10 2019, these two gentlemen have been in conflict. And  
11 since then, he has attacked Rekieta, I'd say, calling  
12 him, I think, just some of the examples I have here on my  
13 outline, but a non-exhaustive list referring to Mr.  
14 Rekieta frequently as a quote end quote retard, con man,  
15 fraud, and the two of them have certainly gotten into it  
16 so to speak. But there is no doubt here, through all of  
17 these pages of exhibits that we show going back decades,  
18 that Mr. Quest is indeed a public figure. Now, my  
19 friend, Mr. Schneider, has objected to many of these  
20 exhibits as improper, but we are not submitting these for  
21 the truth of the matters asserted. Simply, that this  
22 public controversy has gone on and on and on for more  
23 than a decade. One of the other hallmarks of Mr. Quest's  
24 online presence is a strange claim that he is a member of  
25 the intelligence community, meaning CIA, FBI, and that he

1 will dox, meaning reveal personal information about  
2 anybody who he perceives to be one of his online enemies.  
3 So, having shown that he is a public figure, and he has  
4 willfully courted that public figure status, we then have  
5 to set up two rules of law that we should examine. One  
6 being just whether he can seek liability. He can seek--  
7 I'm sorry, let me restart there, what standard by which  
8 he must prove a defamation claim. Since he's a public  
9 figure, he's going to have to show by clear and  
10 convincing evidence that, indeed, Mr. Rekieta stated  
11 these things about him knowing that they were false, or  
12 with a reckless disregard for the truth. Now, something  
13 is not false if it is an opinion or frankly, if it is a  
14 joke, especially if it is labeled as such. Now, I can  
15 forgive again, my friend Mr. Schneider, for perhaps not  
16 watching the entire video of Mr. Rekieta insulting his  
17 client. Like I said, perhaps it is tedious to do so, but  
18 we do show in our papers that almost every statement that  
19 he said he is qualified as I'm joking herein, except for  
20 one, and begging the court's pardon, but there's going to  
21 be some risqué content in here wherein he claims that Mr.  
22 Quest quote unquote fucked a watermelon, end quote. I  
23 have reviewed the video in question, and I have reviewed  
24 dialogue by Mr. Quest talking about it, and I can  
25 absolutely say with authority there is a false statement

1 of fact in that. The melon was not a watermelon, but it  
2 appears to be a honeydew. This is the kind of thing that  
3 Mr. Quest is suing for defamation over. If we look at  
4 each and every statement, to the extent that we can  
5 divine them from the amended complaint, we can find that  
6 they are either statements of hyperbole, statements of  
7 opinion, or they are backed up by evidence that is in the  
8 record that shows them to be true.

9 Which brings us to the next point, and frankly, I  
10 think an important one, and that is choice of law. As  
11 Your Honor noted, we have invoked Colorado's anti-slap  
12 law because that is the State of Residence of Plaintiff.  
13 Now, the plaintiff alleged this in his complaint and  
14 prior to ever filing an anti-slap motion, I always ask  
15 the plaintiff if they'd like to amend their complaint,  
16 because I do not wish for perhaps somebody to have  
17 written something hastily trying to get in under a  
18 statute of limitations, not having had time to think  
19 about it, to be stuck with the complaint that they start  
20 with. At no point did I ever suspect that one of the  
21 things he had to clean up was State of Residence. But in  
22 the amended complaint, yet again, Mr. Quest claims to be  
23 a resident of Colorado. As such, we invoked the Colorado  
24 anti-slap law because the most significant relationship  
25 to a defamation plaintiff's claim is where is his

1 reputation center, which is almost always where he lives.  
2 This is a rule of law that is not just some obscure  
3 thing. This goes right back to the jurisdictional case  
4 of Calder versus Jones before the Supreme Court, where  
5 the Supreme Court saw that since the Plaintiff's  
6 residence and reputation were centered in California,  
7 that California was both the proper jurisdiction and the  
8 proper place for the law to be imported from. Same here.  
9 Now, Mr. Quest does claim that he is on some kind of  
10 sabbatical in Illinois, claiming only after he realized  
11 that Colorado had an anti-slap law that did apply,  
12 inconsistently with both of his versions of his  
13 complaint, that that's where he really is. However, he  
14 has shown in his sworn affidavit he hasn't changed his  
15 voter registration, hasn't changed his vehicle  
16 registration, and can still be served with process there.  
17 And in fact, my friend Mr. Schneider himself averred that  
18 he wasn't even aware that Mr. Quest was allegedly in  
19 hiding in Illinois. Accordingly, I cannot see how  
20 Illinois law would apply, but this Court should apply  
21 Colorado law. Applying Colorado law only creates one  
22 great distinction between Minnesota law and Colorado law.  
23 There is only one great distinction that you need to be  
24 concerned with, Judge, and that is the fact that  
25 Colorado's anti-slap law does apply. Now there is some

1 question here, and I think a very interesting legal  
2 question that Mr. Schneider raised and that is whether or  
3 not the Minnesota Constitution would tolerate the  
4 application of the Colorado anti-slap law, and I think it  
5 would. The Minnesota Supreme Court did invalidate your  
6 anti-slap law to the extent that it was a version of the  
7 law similar to the one that Washington state had that  
8 supplanted the role of the jury in weighing evidence. It  
9 required clear and convincing evidence in order to move  
10 past the motion and that has been held both by Minnesota  
11 and Washington to be a violation of a Seventh Amendment  
12 right to a jury. Nevada's also had this defect which we  
13 cured in 2015. So, here you do not have that issue.  
14 What you really need to show here is that there is enough  
15 to get over a directed verdict. You don't need to weigh  
16 the evidence. There's no competing evidence here. The  
17 only competing evidence we have is, well, perhaps the  
18 complaint and Mr. Quest's affidavit, which claims that he  
19 doesn't live there, but that he does live there. This is  
20 not the kind of thing that gets you past an anti-slap  
21 motion. Now, the one final thing that I think Mr.  
22 Schneider has raised that we should address is that we  
23 can't possibly grant this without discovery. However,  
24 that's not how anti-slap works, and frankly, it's not  
25 even how summary judgment works. There is a procedure in



1 Minnesota which is familiar to me even as a non-Minnesota  
2 attorney, because it's identical to Rule 56 D of the  
3 Rules of Federal Civil Procedure 56.04, and what that  
4 requires is if you file a slap suit or, frankly, you file  
5 any kind of a suit and you face summary judgment and you  
6 wish to avoid summary judgment, you cannot simply recite  
7 the words, I wish to take discovery. You must provide an  
8 affidavit laying out exactly what it is you don't have  
9 and what it is that you need in order to prove that.  
10 Now, there is only one thing in the deposition that they  
11 raise and that is Mr. Quest's medical records, which I  
12 don't see how taking my client's deposition or, frankly,  
13 any discovery from my client, would achieve that goal  
14 when that should be in the hands of the plaintiff. Your  
15 Honor, in short, prior to any questions you may have for  
16 me or prior to my friend's presentation, I don't mean to  
17 say this irreverently, but this case is a joke. And what  
18 I mean is, it's two guys who talk smack on the Internet,  
19 and one of them has decided to create a lawsuit, as he  
20 has in the past, which we show in the exhibits, because I  
21 feel like he may feel like Mr. Rekieta has-- he has  
22 something to gain from Mr. Rekieta, or he simply feels  
23 like Mr. Rekieta may have got the best of him. But I  
24 think if you look at somebody who has stepped into the  
25 ring here, he stepped into the ring, voluntarily stepped

1 into the ring of fame, stepped into the ring of verbal  
2 combat with Mr. Rekieta. And I'm very sorry if he  
3 doesn't like how he's been characterized, but he has not  
4 been characterized in any way that's tortious. And just  
5 as a final housekeeping matter, I would like to proffer  
6 all of the exhibits that we have attached for the court's  
7 consideration submitted through MNDES. Thank you very  
8 much, Your Honor, and I'd like to either be ready for  
9 questions from you or pass the talking stick to my  
10 friend, Mr. Schneider.

11 THE COURT: Mr. Schneider.

12 MR. SCHNEIDER: Thank you, Your Honor. May it  
13 please the court. I know in the 53 pages of prose  
14 between defendant memorandum in support of the motion for  
15 dismiss, to dismiss summary judgment and to apply  
16 Colorado law, and in reply to my memorandum opposing  
17 their motions, they only make two references to  
18 Leiendecker versus Asian Women United of Minnesota, 895  
19 Northwest, 2nd 623, Minnesota Supreme Court, May 24,  
20 2017. That case is a seminal case. Mr. Randazza states  
21 on page seven of his reply memorandum that I essentially  
22 misrepresent my cases feel compelled to read from  
23 Leiendecker based upon that, starting with the syllabus,  
24 Your Honor. Our Minnesota Supreme Court said Minn. Stat.  
25 55402 is applied to torts cases violates the party's

1 right to a jury trial under Article One, section Four of  
2 the Minnesota Constitution. They go into great length on  
3 Minnesota law in this subject and conclude on page 636  
4 stating thus a district court's ruling on anti-slap  
5 immunity necessarily decides the merit of the tort  
6 itself. This result unconstitutionally abridges Article  
7 One section four, again, Leiendecker at page 636. To go  
8 on to page 637, the Leiendecker Court further holds the  
9 legislature can immunize a category of people from  
10 lawsuit, but it cannot interpose the district court as a  
11 fact finder and actions at law. Defendant seeks to be  
12 the apologist for Colorado's anti-slap law, and Judge,  
13 from my review of the law, its burden is lower than the  
14 Minnesota version that was indeed found unconstitutional.  
15 But even though it may be a lower burden, it still flies  
16 in the face of the holding from Leiendecker. Leiendecker  
17 is not an outlier. Indeed, if you've read the cases, I  
18 believe there are a total of seven Leiendecker cases in  
19 this last one. I perhaps unartfully called Leiendecker  
20 2017. Our appellate courts call it Leiendecker two.  
21 Following that case was an unpublished Minnesota Court of  
22 Appeals decision called Diagnostic Imaging versus Hooten.  
23 Case number A16-0241, wherein the Leiendecker Court, the  
24 Supreme Court, directed the Court of Appeals to determine  
25 if the same logic applied they applied in the Leiendecker

1 decision should apply to contract cases. And indeed, our  
2 Minnesota Court of Appeals agree. It's not just tort  
3 cases, but also contract cases. Leiendecker is the law  
4 of the land State of Minnesota. Minnesota is indeed a  
5 case that follows the most significant relationship test  
6 when we have, I don't want to call it a conflict of law,  
7 but a choice of law. And I briefed State versus Castillo  
8 versus Alvarez, a Minnesota Supreme Court decision from  
9 2013, and one can see in certain instances how  
10 Minnesota's law would take precedence over another state.  
11 But the Castillo Alvarez Court made it very clear that  
12 test, the most significant relationship test, is not  
13 appropriate when it is contrary to strong public policy  
14 in Minnesota. I cannot think of a stronger public policy  
15 than the right to a jury trial and any infringement, any  
16 impediment, however weak Colorado's so called anti-slap  
17 law may be in comparison to Minnesota's, Washington's,  
18 and Nevada's more robust law, it is still an impediment,  
19 and thus imposition or use of any impediment to getting  
20 to a jury trial on these facts would be unconstitutional.  
21 Now, as to the matter itself, Mr. Randazza essentially  
22 calls these well, I don't know what he calls them. My  
23 client is upset. I have submitted videos. Mr. Shepard,  
24 one of the lawyers working for Mr. Randazza, kindly  
25 transcribed them. They are clear. Mr. Quest was called

1 a pedophile. He is not charged with pedophilia. He was  
2 not convicted of pedophilia. A false accusation of a  
3 crime is defamatory per se. That's long beam L-O-N-G-B-  
4 E-H-N versus Schoenrock S-C-H-O-E-N-R-O-C-K Minnesota  
5 Court of Appeals decision from 2007. You also, Your  
6 Honor, received a video by disc, and for whatever reason,  
7 MNDES wasn't working this morning. In my memorandum to  
8 you, Your Honor, I wrote that after we finished briefing  
9 this matter, Mr. Rekieta would continue posting videos.  
10 He did so on April 1, 2023. It's quite long. At least  
11 30,000 people have viewed it. But in addition to what  
12 you've seen, Your Honor, and what you've read, what Mr.  
13 Shepherd transcribed for us, Mr. Rekieta now threatens to  
14 rape Mr. Quest. He also threatens to rape me. Perhaps  
15 Mr. Rekieta is following a script written by Alex Jones,  
16 because then Mr. Rekieta begins screaming at me, calling  
17 me an idiot, among other epithets. Your Honor, exhibit  
18 25 the Minnesota Lawyer article written by Kevin Federle  
19 is accurate. Mr. Rekieta has created an online eight  
20 factory.

21 Now, who is a public figure? A limited purpose  
22 public figure has been briefed extensively. Both sides  
23 rely on the Gertz versus Robert Welch decision as a  
24 basis. That's a US supreme Court case from 1974.  
25 Minnesota has adopted it in Chafoulias versus Peterson.

1 That's a Minnesota 2003 case. But the number one  
2 requirement in order to be determined to be a limited  
3 purpose public figure is whether a public controversy  
4 ever existed. But for this lawsuit, Your Honor, I would  
5 never have heard the name Steve Quest before, and I would  
6 not consider anything Mr. Rekieta does, at least in  
7 Willmar, Minnesota, capable of rising to become a public  
8 controversy. A public controversy might be funding for  
9 building a border wall or defending lawsuits brought by  
10 people who were hurt on January 6, or you can imagine a  
11 number of other such instances. The people on the  
12 internet, these two people specifically my client, cannot  
13 stand to be a public whatever controversy there is, is a  
14 public controversy. I cited and briefed the Maguire  
15 versus Boland decision, Your Honor. A high school  
16 basketball coach from a large suburb of Minneapolis,  
17 Woodbury. Following high school basketball, I can't  
18 imagine that a basketball coach is not a limited purpose  
19 public figure. The district court would have agreed with  
20 me. The Court of Appeals agreed with me. The Supreme  
21 Court disagreed and said, no, there is no public  
22 controversy given those facts when you're just simply  
23 talking about someone like a basketball player. So, I  
24 don't see Mr. Quest as being a public figure. With  
25 regard to the negligent infliction of emotional distress

1 and intentional infliction of emotional distress, part of  
2 what the plaintiff must do in such instances is produce  
3 evidence of harm, serious harm. For instance, medical  
4 records. In fact, one case, Bohdan versus Alltool  
5 Manufacturing, that's a Minnesota Court of Appeals  
6 decision from 1987, requires that there be severe  
7 emotional distress with attendant physical  
8 manifestations. Your Honor, some of these things that  
9 Mr. Rekieta said about Mr. Quest just happened or just  
10 happening. The records are being generated as we speak.  
11 It's impossible to disclose something that hasn't been  
12 generated yet. And I am grateful to counsel for citing  
13 the Rings Red versus City of Duluth decision. If you  
14 look at Mr. Randazza's reply brief on page seven, he  
15 cites Rings Red. and Rings Red is an interesting case  
16 because it's a defamation case that was dismissed at the  
17 district court level, but then largely reinstated at the  
18 appellate level with one exception and that one exception  
19 was Rings Read did not offer any evidence as to actual  
20 malice by his-- the people who defamed him. Well, if you  
21 read Rings Red, the exact language goes like this, it's  
22 the last page of Rings Red. That's September 19, 2022.  
23 Again, it's an unpublished decision. It's noted as A as  
24 in Adam 22-0374. Reading Rings Red, the court writes,  
25 but Rings Read conducted no discovery and placed no facts

1 on record. Only a district court decision from one of  
2 his lawsuits against the city. Because Rings Red failed  
3 to demonstrate a genuine issue of material fact that  
4 actual malice and municipal respondents are entitled to  
5 summary judgment. I think discovery is really important,  
6 Judge, if the evidence is being developed as we speak and  
7 will be developed over time. And unlike the Rings Red  
8 decision, I fully intend to conduct discovery. So, I  
9 don't think Rings Red stands for the proposition  
10 proffered by Mr. Randazza. The case-- a case like this  
11 and the choice to declare documents as evidence at any  
12 level, I use in my practice on cases where we are well  
13 into discovery, especially on matters where there will be  
14 no dispute as to how the person collecting the evidence  
15 is collecting it. It's never a matter of controversy.  
16 In this case, Your Honor. You're going to see videos  
17 that are attributed to one individual that, through the  
18 development of facts through discovery, will find really  
19 wasn't created by that individual. You're going to hear  
20 and see comments that say one thing on its face, and then  
21 upon viewing it, something quite different is said.  
22 Right now, I think the only record we have is what I've  
23 submitted, because I use affidavits. And for that reason  
24 and that reason alone, I believe the court would be  
25 correct in simply denying summary judgment on all counts



1 and the request for dismissal and to use imposed Colorado  
2 law and then order us through discovery. There's no harm  
3 in discovery. In fact, the defendants may frankly find  
4 other reasons to move for summary judgment or may not  
5 find reasons to move for summary judgment. But through  
6 discovery, at least the court will have a record upon  
7 which to rule. That's all I have, Your Honor. Thank  
8 you.

9 THE COURT: Right. I will take the motion under  
10 advisement.

11 MR. SCHNEIDER: Thank you, Your Honor.

12 MR. RANDAZZA: Your Honor.

13 THE COURT: Yes?

14 MR. RANDAZZA: Would it be improper for the  
15 defendant to have a rebuttal?

16 THE COURT: Not improper, but I'm not granting  
17 that today.

18 MR. RANDAZZA: Well, thank you anyway, Your  
19 Honor. Have a wonderful day.

20 MR. SCHNEIDER: Thank you, Honor.

21 THE COURT: Thank you all.  
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1 STATE OF MINNESOTA )

2 ) SS:

3 COUNTY OF KANDIYOHI )

4 I, Ashley Welz, hereby certify that I am an Official  
5 Court Reporter in the Eighth Judicial District of the State of  
6 Minnesota; that I transcribed to typewriting the foregoing  
7 transcript from the audio recordings taken in Kandiyohi  
8 County, Minnesota on April 10, 2023; and that the foregoing  
9 partial transcript consisting of 17 page constitutes a full,  
10 true, and accurate transcription of said proceeding.

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