

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
BEAUMONT DIVISION

PHILIP R. KLEIN,

*Plaintiff,*

v.

LAYNE WALKER,

*Defendant.*

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CASE NO. 1:14-CV-00509-RC-ZJH

**PLAINTIFF PHILIP KLEIN’S RESPONSE TO DEFENDANT LAYNE WALKER’S  
MOTION FOR SUMMARY JUDGMENT  
BASED ON THE MERITS**

TO THE HONORABLE JUDGE OF SAID COURT:

Comes now Philip Klein (“Klein”) making this his Response to Defendant Layne Walker’s Motion for Summary Judgment Based on the Merits (“Response”); and in support hereof, Klein would show the following:

**A. Summary Judgment Standard**

A motion for summary judgment requires the Court to determine whether the moving party is entitled to judgment as a matter of law based on the evidence thus far presented. Fed. R. Civ. P. 56(c). Summary judgment is proper "if the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to judgment as a matter of law." *Kee v. City of Rowlett*, 247 F.3d 206, 210 (5th Cir. 2001) (quotations omitted). A genuine issue of material fact exists if a reasonable jury could enter a verdict for the non-moving party. *Crawford v. Formosa Plastics Corp*, 234 F.3d 899, 902

(5th Cir. 2000). The party moving for summary judgment must demonstrate the absence of a genuine issue of material fact but need not negate the elements of the nonmovant's case.

*Exxon Corp. v. Oxxford Clothes, Inc.*, 109 F.3d 1070, 1074 (5th Cir. 1997). If the movant meets this burden, then the nonmovant is required to go beyond its pleadings and designate, by competent summary judgment evidence, the specific facts showing that there is a genuine issue for trial. *Id.* The court views all evidence in the light most favorable to the non-moving party and draws all reasonable inferences in that party's favor. *See Colson v. Grohman*, 174 F.3d 498, 506 (5th Cir. 1999) (citing *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 255 (1986)).

Klein's Second Amended Complaint ("SAC") lists 135 enumerated paragraphs of alleged facts. In support of those facts as contested by Defendant Layne Walker ("Walker"), Klein attaches to and incorporates as part of this Response various exhibits enumerated 1 through 30. Those exhibits are indexed and identified in a separate document attached to them.

#### **B. Cast of Charaters**

The "**cast of characters**", key players (other than Klein and Walker) who are referred to in this Response are as follow:

1. Layne Walker or Walker who is the party Defendant, is the former sitting Judge in the 252 District Court of Jefferson County, Texas and is currently a state "certified" Visiting District Judge. (Exhibit 8);
2. Mark Sparks ("Sparks"), a lifelong friend of Walker's reportedly from Vidor, Texas, also a licensed attorney, formerly employed by Provost Umphrey Law Firm ("PU") and now employed by the Beaumont law firm, Mostyn Law Firm; Sparks upon occasion represents Walker, as he has in the prosecution of Walker's administrative complaints against Klein

before the Process Server's Board of Review (Exhibit2) (more particularly on or about June 6, 2014), and in two federal actions brought against Walker by Stella Morrison and Steve Hartman.

3. Jeffrey Dorrell ("Dorrell"), a licensed lawyer practicing in Harris County, Texas, currently lists himself as a partner in the law firm of Hanszen Laporte, and a First Amendment specialist.
4. Thomas Christopher Retzlaff ("Retzlaff"), [alias Tom Retlaff,] TDCJ no. 00819427, FBI no. 252143J5, NCIC 2435 etc., Subject of Superior Court Judicial Attachment(s) for Defaulting, issued by the Superior Court of California, County of Santa Clara on March 5, 2015, and June 18, 2015 (Exh 4), a convicted felon, and self-proclaimed, and witnessed associate of Dorrell;
5. Shane Phelps ("Phelps") a criminal defense attorney and former Assistant Dist. Atty. in Brazos County who was appointed by Walker (Exhibit 8), as a special prosecutor to prosecute Brad Beaulieu, Eric Heilman, John Morgan and reportedly Klein. *Id.*
6. Jerry Jordan ("Jordan"), and Internet blogger and NASCAR reporter who was believed to have been the media person to whom Walker made leaks about his personal enemies. (Exhibit 6, Jordan's SETx Investigates Article of December 2013; Exhibit 7, transcription of a televised news broadcast).

### **C. Credibility Issues**

Defendant Walker's Motion relies principally on the verification of Walker, the affidavit of Dorrell, the affidavit of Shane Phelps, and the affidavit of Jordan. There are material questions about the credibility of those Affiant witnesses.

For example, Walker in his deposition was asked if he had become involved in "any personnel matters in the County outside of his court ever", and said that he had never asked Sheriff Woods

to far anyone with an explanation for the background of the question being given that Sheriff Mitch Wood had previously testified that Walker had approached Sheriff Wood and asked Wood to terminate the employment of Chief Deputy Zena Stephens. (Exhibit 8, deposition of Walker, 14/3-15/15, 58/2-21) Sheriff Wood recalls that Walker came to him and asked him to terminate Chief Stephens, because “all the bailiffs were talking about him [Walker]”. (Exhibit 25[excerpt from the oral deposition of George Mitchell Woods, March 5, 2014] 32/25-34/7) Sheriff Wood even recalled that after Walker had asked him to terminate Zena Stephens he was approached by Jerry Jordan who said that he “had received information that some of my employees—he didn’t specifically name chief Stevens—that some of my employees in the law enforcement division, my upper administrative people, were working off-duty on a pipeline job. And he—his allegation was that they were working on that pipeline job during hours that they should have been working for the county. Double dipping was his terminology that he used.” Sheriff Wood said that although Jordan didn’t tell him who Jordan’s source was for the investigation, he, would “pretty well suspected... Walker... When [Jordan] [’s told would]’s that [Jordan had]’s just come from talking to Judge Walker and [Jordan]’s wanted [Woods]’s response on something.. It’s not too hard to connect those dots” (Ibid, at 36/3-38/21).

In his Declaration, Walker seems to imply that he did not appoint Shane Phelps and did not appoint Shane Phelps or any other special prosecutor to investigate Klein. (Declaration of Layne Walker at ¶ 4) However, Walker testified in his deposition that he first met Shane Phelps when he, Walker appointed him special prosecutor.(Exhibit 8, deposition of Walker, 104/8-105/1) Walker also testified that he did not leak to Jordan that he, Walker had appointed Special Prosecutor Shane Phelps to investigate John Morgan for perjury, and Klein for coercing the witnesses (recruited by Walker to give affidavits that Steven Hartman had disrupted the court

when he waited to attempt service on Walker of a federal summons. Yet, not only did Jordan's blog of December 8, 2013 suggest that Walker had been Jordan's source, but also the TV news report carried carried the story that Klein was being investigated for coercion of witnesses, Jordan later was perceived to have verified to Klein that "yeah", Walker had been his source for the story. Even channel 12, KFDM use broadcast on January 13, 2014 that "Investigative journalist Jerry Jordan says on his SCT investigates.com website that Attorney John Morgan is the target of that investigation as well as blogger Philip Klein. District Judge Layne Walker has appointed a special prosecutor from Brian to determine if charges should be brought against Morgan and Klein, according to Jordan. The investigation stems from alleged perjury during Morgan's child custody case and from alleged witness intimidation relating to the Stephen Hartman case." (Exhibit 7, transcript of KFDM news article with Klein's photograph: Exhibit 6, South East Texas Investigates by Jerry Jordan; and Exhibit 9, affidavit of Klein).

Walker's own brother, Glynn Walker testifies that Walker had expressed a clear motive to retaliate against Klein for perceived wrongs done to him by Klein. (Exhibit 15, Sworn Affidavit of Glynn Walker [regarding Defendant Walker's motive and planned retribution in retaliation against Philip Klein]) Interestingly, Walker testified in his deposition that he had never had any interactions with ours met Klein before June 6, 2014 at the Austin hearing on Walker's complaint against Klein. (Exhibit 8 Dep0 Walker, 16/4-14) Walker also testifies in his Declaration at ¶¶ 9, and 12 that he represented himself to the PSRB on June 6, 2014 as an "Ex-judge from Beaumont" and has "not exercise any judicial or official authority after January 14, 2014." Nevertheless, he testified in his deposition "I'm still a visiting judge. So, I can't appear in court on behalf of the litigant. I cannot sign pleadings at this point. You will need that the article from Jerry Jordan a may not now met duck that I really would like to have it but that's [a status he will retain] until

he decides differently.” (Exhibit 8, Depo. of Walker, 19/4-13. Since stepping off of the bench after serving 11 years and 14 days, on January 14, 2014, (Exhibit 8, Depo. Of Walker, 15/21-16/1). Nevertheless in a letter by Sparks to the PSRB, on June 2, 2014, Walker stated over and over that Judge Walker his client and events in Judge Walker’s court were the issue. “I represent Judge Layne Walker in the afore-mentioned matters..**each Court-including Judge Walker’s felony courtroom-has well-publicized courtroom procedures..In fact, ..Judge Walker’s court-as so many-was every day...**” (Exhibit 3, Letter of Mark Sparks to Mark Blenden, PSRB) When he testified to the PSRB on June 6, 2014, Walker was introduced by Sparks as

Walker and Dorrell each claim that they did not know each other until that recent day when in May Walker was indicted and Klein commented on it Walker secured Dorrel’s representation in May, 2016, and neither know Retzlaff except that Dorrell says he is a “lunatic”. From Retzlaff’s blogs, they have a closer relationship. (Exhibit 11 and 13, excerpts of blogs by Retzlaff) on “viaviewfiles.com” Those blogs tell a different story from Retzlaff’s view and that offered by Walker and his lawyer, Dorrell. Walker, Retzlaff, and Dorrell are in Retzlaff’s words, “musketeers”. It is clear that Dorrell, whether brought into the mix by Sparks or simply his own self-promotion, came in with Retzlaff. Dorrell, has been reasonably identified on Irontroll.com, as “Gus Pillsbury”, and “Gus Pillsbury” is (was) the publisher of OperationKleinWatch or KW,. (Exhibit 12, Irontroll.com report). Dorrell’s credibility and his denial of cooperative association with Retzlaff, in open court, the 67<sup>th</sup> District Court, Tarrant County, Texas, in cause no. 067-270669-14, on February 4, 2016. Specifically in Exhibit F and G to the Affidavit of James McGibney, April 4, 2016 (Exhibit 17, Affidavit of James McGibney), in the case of *James McGibney et al v. Thomas Retzlaff, et al*, wherein McGibney is represented by Evan Stone, and the defendants, more specifically, Neil Rauhauser (who was served with process), and Thomas

C. Retzlaff who avoided service (yet Retzlaff was noted by the court as having repeatedly telephoned the courtrooms' staff, been in the courtroom's environs, and hand-filed documents for Dorrell (or in the case) in the clerk's office; Retzlaff was also noted to have lengthy, private conferences with Dorrell outside the courtroom, have inside information of the content and speaking styles of Judge Cosby during telephone conferences of Dorrell, Judge Cosby, and Evan Stone, was present and observed the proceedings, and was treated by Dorrell's invoices (apparently before the disclosure was apprehended by Dorrell and redacted) as Dorrell's client along with Neil Rauhauser. (Id.)

Dorrell portrays a different picture in his Affidavit for Walker regarding his, Dorrell's relationship with Retzlaff than the relationship revealed in the facts acknowledged by Judge Donald Cosby, the facts verified by James McGibney, and his exhibits to his Affidavit, and the documents and observations by James McGibney's lawyer Evan Stone. (Id.)

Retzlaff has not only insulted and defamed Klein, (as well as John Morgan) but he has threatened, cyber-bullied, and defamed the lawyers who have represented those who have legally opposed him, or Dorrell, or Walker. When Dorrell obtained representation of two persons (the biological mother and her new mate, "EM and VRM", residents of Mexico), filed suit against Klein in Bexar County, regarding the mother's alleged illegal possession of her children born to an earlier marriage from the father in San Antonio, the managing custodial parent. Dorrell with Retzlaff's clear involvement, for the purpose of destroying Klein's livelihood by depriving Klein of insurance, filed an \$8 million dollar suit against Klein in Bexar County on allegedly thin-if-not-vaporous-claims against Klein and the American father, James W. Landess. Klein's insurance carrier, "Mid-West", was allegedly bullied by Retzlaff with false claims and slander against Klein, and cancelled Klein's coverage and defense. Klein obtained coverage from Lloyds of London

through a Houston insurance agent. Klein's designated defense counsel, Rick Espy, inferentially because effective in his representation of Klein against Dorrell, became the target of Retzlaff and by clear inference, Dorrell. Retzlaff began bullying then threatening Espy, threatening and defaming Espy's family, including his daughter, at a westcoast university, and even threatening to confront Espy's wife at Espy's home. Espy filed the necessary reports with appropriate law enforcement agencies and withdrew from Klein's representation.

If Retzlaff is to be believed, Dorrell is Retzlaff's employer, shadow lawyer, or associate. To believe Retzlaff is merely a lunatic goupie of Dorrell's is implausible; Dorrell and his law firm have invested too much time and advice or money into shielding and advancing Retzlaff's interests, and assisting in Retzlaff related matters to plausibly be no more than as Dorrell describes their relationship to be. After all, Retzlaff had insider knowledge of and published immediate information about Judge Cosby's yelling and pitch of voice during a phone conversation the Judge had with Dorrell and Stone. (Exhibit 17, Affidavit of James McGibney, exhibit F @ 4/12-13, 4/22-5/3, 10/13-15/18)

There is not only a material fact question as to Dorrell's and Walker's disclaimer of knowledge of and conspiracy with Retzlaff, but also there exists a material question of fact as to whether Walker, Dorrell and Retzlaff have agreed to a plan to do to Klein what Retzlaff and Dorrell have done to McGibney, and by their piling on to Morgan to Morgan. Even today, Retzlaff allegedly "pro-se" has attempted to intervene into Morgan's personal lawsuit against Morgan's former wife's lawyer, Sheryl Todd-Johnson, who is being defended by Dorrell, to block Morgan's attempt to learn from Google Bloggers about internet publication of matters related to that case. (Exhibit 10). In that document, Morgan has again become Retzlaff's and Dorrell's target for cyber-bullying and defamation. (Id.)

As for Retzlaff, he is the subject of the public record of grossness and misdeeds described in the various records of his criminal and unlawful misdeeds. (Exhibit 4)

“At all material times to this lawsuit, Plaintiff Klein has been a political observer and commentator through the Southeast Texas Political Review (“STPR”), a DPS licensed Private Investigator, Personal Protection Agent, and Supreme Court Process Server.” This asserted fact is not disputed, except to the extent that Walker characterizes the STPR as being Klein’s invention to hurt people, and Dorrell calls the STPR soap-opera blog, or such. Walker does remember that Klein wrote about his, Walker’s management of the County’s Indigent Defense Fund (“IDF”). Walker recalled in his deposition that Klein had filed a complaint against Walker for using Indigent Defense Fund monies to pay his political supporters and friends, non-lawyers. (Exhibit\_\_\_, Depo. Of Walker at 31/24-33/4). Of course, the County verified in records produced to Klein that non-lawyer, political operative Arthur Lewis received substantial funds from the IDF on orders of Walker. (Exhibit 19, Jefferson County Public Records).

“In order to maintain his professional licenses, Walker has maintained liability insurance from Lloyds of London.” In the Bexar County suit brought by Dorrell against Klein, replacement insurance was obtained through L Corrado Insurance Agency Inc. in Houston Texas from Lloyds of London. On June 14, 2016 El Dorado was given written notice by Klein that Klein Investments Inc. would be canceling its insurance through El Dorado on June 24, 2016. (Exhibit 24, “EXHIBIT 24”/correspondence with Victoria Aguirre, El Dorado Ins. Agency, Inc.) Klein was forced to cancel the policy because Retzlaff had induced El Dorado to provide to him Klein’s confidential information. Statements made by Retzlaff on May 17, 18 and 19, 2016 coincidentally followed closely on the May 11, 2016 indictment of Walker by the Jefferson County grand jury. (Exhibit 27, Indictment of Walker)., Retzlaff wrote Ms.Aguiree (sic) on May 17, 2016, saying, “As a result

of my complaint to you, your insured Philip Klein is now conducting a campaign of online harassment against me and several others. Attached is a printout from his website which, on page 8, you will notice he specifically starts to make mention of me and my insurance claim with you people. Klein then goes on to make further false allegations against me by making bogus claims of criminal conduct and falsely claiming I have committed various crimes in the past. I have obtained a copy of Klein's insurance policy with your company I want you to know that, when it comes time for me to file a lawsuit against you people, I will be very carefully drafting my complaint so that your company will be unable to refuse coverage by claiming that Klein is acting outside the bounds of his policy coverage. I am also very concerned that individuals within your company are aiding and encouraging Klein to engage in this misconduct against me and my family, which will result in additional claims to my lawsuit. Klein specifically mentions his reasons for attacking me argue to communications to and from your company. I bet you I can file a lawsuit that will survive any attempts at summary judgment. In fact I am willing to bet you \$75,000 of your company's money that I can do so-here, in Arizona. FYI-The Jeffrey Dorrell mentioned in Klein's rant is a man who, yesterday, just wanted case before the United States Supreme Court in a 7-1 decision; thus, continuing his winning streak in the highest courts unabated. He has an unblemished record in both state and federal courts. He is, I hate to say, one of the only attorneys I have ever met who is actually better at this than I am. And I am proud to call him my friend. (He doesn't like Klein, either) .. The couple of thousands of dollars that Klein his pay to you all in premiums will pale next to the attorneys fees that I, Mr. Dorrell, and many many others will drain from your company coffers, Ms. Aguirre. Your company is a very small company. But the fact that you enable criminals like Philip Klein to operate (because without your insurance he would not be able to maintain his PI license), this makes you all of target." (Exhibit 11 and 13, copies of

emails from Retzlaff to El Dorado Insurance Agency). On May 17, 2016 “Tom Retzlaff, wrote an email to Victoria Aguirre at El Dorado insurance agency and stated “At some point you know the Klein’s application for insurance with your company will become discoverable and relevant in these lawsuits I have had experience with business liability insurance before and one of the questions that they always ask is past and present litigation involving the applicant and his business. Are you and your company aware that Philip Klein has been involved-as a defendant and a plaintiff-and probably close to 30 different lawsuits in very recent years? Are you aware of Klein’s recent federal bankruptcy filing, too? Klein has created what seemed to be dozens of ‘Klein Industries’-type related shell companies that seem specifically designed to hide his liabilities and is litigation -related activities, as well as hiding is more unsavory business practices, too. Where (sic) you guys aware of all of this when you gave him insurance? Because it looks to me like a recipe for fraud of many different types. If your company knew about this, but still gave Klein insurance, that’s important. I can provide you with further information on each of Klein’s lawsuits. Though I suspect that Jeff Dorrell has a more complete list. A guy who engages in such obviously shady business practices in this aspect of his life is likely to be doing so in other aspects of his business life, too, that affect your ability to provide proper financial compensation to the many victims of Klein. I fully anticipate an exodus of claimants beating down your door on a similar scale as that found with pedophile priest. Klein has cause that much damage that many people. Tom Retzlaff. 18 attachments” (Id.)

on May 18, 2016 Retzlaff wrote an email to Carlos Peniche general counsel for El Dorado, with a copy to Savanna Boyles for Lloyd’s of London. The subject in Retzlaff’s email was “Retzlaff v. Klein Investigations & Consulting” in that email, Retzlaff’s said, “Right now Klein is using his insurance company to pay for the services of Klein’s running buddy/sidekick attorney

John Morgan to run up the tab on you guys so Morgan can have some living expenses. I filed a complaint against Morgan with the State Bar. See attached. Morgan is now facing MILLIONS of anti-SLAPP sanctions under Tex CPRC Ch. 27 for filing a bogus lawsuit against the attorney representing his ex-wife-a very nice lady represented by....Jeff Dorrell. Klein and his employer-your insured, Steve Hartman, are also facing millions in anti-SLAPP sanctions for yet another Morgan lawsuit, this time filed against state District Court Judge Layne Walker, who is represented by.... Jeff Dorrell. Jeff just won a very big case in front of the US Supreme Court on Monday in a 7-1 decision. I do not believe that he has ever lost a case in either the Texas Supreme Court or the US Supreme Court it is my position that your insurance company will be responsible for paying these court sanctions. And if Klein is using Morgan to defend in the San Antonio case, and you guys her foot in the tap there, that shows a clear conflict of interest and Morgan ought to be disqualified. You guys are getting scammed by these two, if that is the case. Klein came out to my ex-wife's house in Phoenix, as you know, and tried to intimidate her and my children on the eve of an important court hearing in Texas the next day. This makes is (sic) extremely personal, Mr. Peniche. I hope you understand. Thanks". (Id.) On May 18, Retzlaff sent a mother email to Carlos Peniche with the same subject matter saying, "One of the concerns I express yesterday is that I am reading over Klein's March 29 deposition in a federal lawsuit while at the same time reading over his application for insurance with EDI A. In it Klein was supposed to reveal to you all any litigation he is been involved in for the past five years. Also one of his employees (a guy covered by your insurance) have been arrested and the state of TX suspended his PI license for period of time. It does not appear that Klein had told you all any of this, and that appears to be a material misrepresentation. Do you have a more up-to-date policy application?? Thanks!" (Id.)

It is undisputed that “Defendant Walker is: the grandson of the late Jefferson County Commissioners, both Mr. and Mrs. Ted Walker; son of Judge Ron Walker, former State District Judge, former Chief Judge of the Ninth Court of Appeals, and Jefferson County Judge; and nephew of Ted Walker, former District Attorney of Jasper County, Texas.”

It is undisputed that “Defendant Walker affiliated with local criminal defense lawyer Lum Hawthorne in the practice of criminal law on or about 1993, in whose office he remained until he became an active State District Judge in 2002.” ( Exhibit 8, Depo. of Walker, 45/4-22)

It is undisputed that “On January 1, 2002, Defendant Walker was invested as the District Judge of the 252<sup>nd</sup> District Criminal Court, Jefferson County, Texas.”

“Coincidentally, in 2007, after Klein began criticizing Walker’s father, County Judge Ron Walker, two Googlespot bloggers appeared on the internet and began attacking Klein using especially mephitic language; the two anti-Klein blogs are: “OperationKleinwatch”; and Sam the Eagle”.

“In 2008 the two anti-Klein blogspots, “OperationKleinwatch” and “Sam the Eagle,” began to be noticed by Klein because of the impact on his business.” (Exhibit 9, A Klein Affidavit)

Coon, and Michael Neil Harrison (Clear Channel Communications) who was Coon’s internet guy, and Dorrell, were connected directly and/or through through their common roots in Vidor, Texas and to Vidor High School.

Walker had lifetime connections with his attorney, Walker’s attorney, Mark Sparks. (Exhibit 8, Depo. Of Walker, 25/19-22) Dorrell, formerly with the Escamilla firm, San Antonio/Houston, is now with the Houston/Katy law firm of Hanszen Laporte.

The origins of the Retzlaff and Dorrell connection are unknown. However, recently, on July 8, 2016, Retzlaff and his ex-wife appeared on an internet radio station, SUCKIT Productions,

and were recorded. In the broadcast interview, Retzlaff and his ex-wife stated that Retzlaff was a longtime friend of Dorrell, who loves Retzlaff. There was also disclosure by Retzlaff that he was not merely familiar with the case at bar, but had acquired a copy of Klein's deposition. (Exhibit 28, a CD of the recorded interview of Retzlaff and his ex-wife on SUCKIT internet radio.)

Walker, reportedly with Coon's and Sparks' assistance, carefully formed a conspiracy with Dorrell and Retzlaff to put Klein out of business. The group's plan is believed to have existed from about the time of Dorrell's representation of the anonymous bloggers of KW and SE. As recently as July 21, 2016, Retzlaff using the nom de guerre of James Smith Bowden email to John Morgan stating, "So many sanctions for you, for Stella, in this one case against Layne, then some more sanctions against you in another case against Todd, then yet more sanctions against you and that fathead Phil Klein and Hartman against Layne. So hard to keep track of them all. And you still owe my attorneys and the Go Daddy attorneys lots of monies from your silly lawsuit against us !!! When will you pay your bills M-----F----R???..." (Exhibit \_\_, email to Jay Morgan from James Smith sent Thursday, July 21, 2016 3:31 AM )

In October 2015, Retzlaff began writing on his "viaviewfile" as follows:, "so please fill them in on all Klein related misconduct. Getting his liability insurance canceled was just the first step. The next step is getting his PI license revoked. Oh, and yeah, Klein really is the subject of a grand jury investigation and Bayer County (San Antonio) Texas. Hundred percent verified..." (Exhibit 28, collection of Retzlaff's emails or blog postings between October 2015 and March 29, 2016). On December 7, 2015 at 11:29 AM, Retzlaff wrote "Klein is going to lose his businesses sure as the sun rises over Galveston Bay each day. He won't be able to take on a single missing child case without me contacting the families and local authorities and pointing out that Klein is a shady m----f----r and a criminal. Which will result in a loss of monies for this shit head. Kinda like

what I have done to ViaView, McStupid and that jew. Kinda hard to drum up business when someone is whispering into the ears of all your potential customers?” (Id.) On December 8, 2015 at 10:20 PM, Retzlaff and Neal Rauhauser wrote, “As I understand the expected progression of events: First, Morgan gets disbarred. Maybe that was yesterday, we’ll have to wait and see. Second, Philip loses eight million-dollar libel suit. Third, KIC has to close, because can’t get insurance. In addition to the above winging, Philip is now menacing Joseph camp, too.” (Id.) Then and an undated blog believed to have been posted on or about March 29, 2016, Retzlaff stated, “The sooner we can put Philip Klein out of business the faster Philip Klein will be out of business! He is a piece of human garbage.” (Id.) And on the day that Klein was deposed herein by Walker’s attorney, on March 29, 2016, Retzlaff wrote, “Hey Klein! We cannot wait to see a copy of your deposition posted online for all the world to see, you dumb piece of ship exclamation” (Id.)

Retzlaff is less illustrious; and having obviously been represented by Dorrell, has been arrested and convicted for multiple crimes, and even stripped of parental rights because of his outrageous sexual behavior in the presence of his children, even including exposing them to incest and child-sex ( See: *Retzlaff v. Tex. Dep’t of Protective & Regulatory Servs.*, NO. 03-98-00201-CV, 1999 Tex. App. LEXIS 5547 (App.—Austin 1999); *Retzlaff v. Texas Dep’t of Protective & Regulatory Servs.*, 2000 Tex. App. LEXIS 1381 (Tex. App. Austin, Mar. 2, 2000); and *Retzlaff v. Texas Dep’t of Protective & Regulatory Servs.*, 531 U.S. 946, 148 L. Ed. 2d 278, 121 S. Ct. 345, 2000 U.S. LEXIS 6951 (2000)) (Exh 26)

It is undisputed that in 2009, and because of “Kleinwatch” and “Sam the Eagle,” Klein filed a “Rule 202 Investigative Claims” discovery action against Google Inc., and Michael Neil Harrison (a current/former Coon employee), in the 172<sup>nd</sup> District Court of Jefferson County, Texas, in order to discover the account information from Google Inc. and Michael Neil Harrison,

regarding identities of the publishers of “OperationKleinwatch” and “Sam the Eagle,” Judge Floyd granted Klein’s motion and ordered Google to release the information.

Attorney Jeffrey Dorrell, appeared on behalf of “Kleinwatch” and “Sam the Eagle” interests, and “appealed” Judge Floyd’s order to the Ninth Court of Appeals (“9COA”), which reversed and remanded to Floyd, keeping the identities and account information of Operation Kleinwatch and Sam the Eagle secret from Klein.

Klein “appealed” the Court of Appeals decision to the Texas Supreme Court which declined to alter the Court of Appeal’s the decision, resulting in the matter being returned to Judge Floyd’s court for an evidentiary hearing.

The hearing in Judge Floyd’s court occurred on January 17, 2012, when Dorrell argued Klein to be a “public figure”, he claimed Klein was constitutionally unprotected, and unentitled to the sought-after information.

On January 30, 2012, Floyd denied Klein’s “202” petition for discovery, and Kleinwatch’s ostensible author, “Gus Pillsbury” threatened to write more.

During 2012, about the time of Dorrell appearance in the Kleinwatch, Sam the Eagle Google case, Thomas Retzlaff, a convicted felon and revenge blogger surfaced as an attack blogger for Dorrell and Walker. (See Exhibit 1, Retzlaff’s statement in his James Smith email to Morgan on July 21, 2016)

After Klein was denied the opportunity to confirm the Googlespot bloggers on January 30, 2012, “Kleinwatch” immediately published a blog, “crowing” about Dorrell’s victory over Klein.

The Operation Kleinwatch blog which is still available on the internet<sup>1</sup>, called Klein a “serial abuser of our state courts,” has a “penchant for dating farm animals,” praised

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<sup>1</sup> Operation Kleinwatch: “We Beat Philip R. Klein! Operation Kleinwatch.blogspot.com”

“Kleinwatch’s” and “Sam the Eagle’s” “attorney, Jeffrey L. Dorrell: You are the best!”, called “Philip R. Klein: “a scurrilous piece of human flotsam...”, and said “*I suspect that Philip’s most recent attack on Judge Walker has more to do with the custody suit brought by John Morgan, Phillips attorney, against his ex-wife, than Philip’s silly ‘investigations’...*” (Exhibit\_\_)

Walker repeated that claim against Klein in his March 29, 2016, deposition herein. Then, on January 30, 2012 article, Kleinwatch written by “Gus Pillsbury” continued, “*I’ve lost count of the number of times that Philip has claimed Judge Layne Walker was ‘under investigation’ and that ‘charges are pending’ [signed by Gus Pillsbury at 7:51 p.m.]*”

Then on April 16, 2016, [www.viaviewfiles.net](http://www.viaviewfiles.net), another Retzlaff blog, was published defaming Klein, and also stating,

*“In yet another stunning, not so stunning defeat, Klein got his ass handed to him yet again on account of one of his stupid, vexatious LOLsuits here by American Hero and Honorary Admin of the BV files Texas attorney Joe Fisher! This is a LOLsuit that was filed against our other American Hero and Honorary Admin of the BV files Judge Layne Walker of Texas. The attorney representing Klein is Laurence Wade Watts [all contact information] Hooray for Joe! Hooray for Judge Walker!”*

Respectfully submitted,

WATTS AND COMPANY LAWYERS, LTD.

/s/ Laurence Watts

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PHILLIP R. KLEIN

### **CERTIFICATE OF SERVICE**

I hereby certify that on this the 29th day of July 2016, a true and correct copy of the foregoing was forwarded to opposing counsel(s) of record by electronically filing same in accordance with the Court's ECF service rules, to:

Joe J. Fisher, II  
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