

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

JASON LEE VAN DYKE	§	
Plaintiff	§	
	§	
v.	§	Case No. 4:18cv247
	§	
THOMAS CHRISTOPHER RETZLAFF	§	
a/k/a Dean Anderson d/b/a BV Files, Via	§	
View Files L.L.C., and ViaView Files	§	
Defendant	§	

PLAINTIFF'S MOTION FOR CLARIFYING ORDER

I. FACTS

1. On July 31, 2018, this Court entered an order staying further proceedings in this lawsuit pending Defendant's interlocutory appeal of this Court's order denying his motion to dismiss this cause of action under the Texas Citizens Participation Act. ECF 79.
2. This is not the only litigation pending between the parties. Specifically, there are multiple frivolous bar disciplinary actions that have been initiated against Plaintiff by Defendant with the State Bar of Texas. There is additional imminent litigation between the parties due to Defendant's continued harassment of Plaintiff during the pendency of his appeal, and most recently, Defendant's harassment of Plaintiff's seventy year old mother (who is currently battling breast cancer).
3. On October 25, 2018, Defendant was ordered to appear and did, in fact, appear for a deposition by video conference in one of those disciplinary cases. A copy of the subpoena ordering Defendant to appear, which was signed by Defendant, is attached hereto as Exhibit "A" and incorporated by reference herein.
4. Prior to his deposition, Retzlaff made multiple statements to attorney Kristin Brady with the Office of the Chief Disciplinary Counsel of the State Bar of Texas in which he

stated his intention to use this Court's order staying proceedings in this case as a legal basis for refusing to answer Plaintiff's cross-examination questions in the lawyer discipline case.

4. Anticipating such frivolous objections at the deposition, Plaintiff attempted to conference with Jeffrey Dorrell, attorney for Defendant, and Kristin Brady, attorney representing the Commission for Lawyer Discipline, concerning a telephone call to the discovery hotline for the U.S. District Court for the Eastern District of Texas with respect to this issue. Copies of the correspondence sent by Plaintiff to both attorneys is attached hereto as the following exhibits:

Exhibit "B" - Email from Plaintiff to Dorrell/Brady (10-24-18)

Exhibit "C" - Email from Plaintiff to Dorrell/Brady (10-25-18)

5. Plaintiff received no response either from Mr. Dorrell or from Ms. Brady and, at approximately 10:38 a.m. on October 25, 2018, telephoned the discovery hotline for the U.S. District Court for the Eastern District of Texas to obtain clarification of this issue. Specifically, Plaintiff asked for the judge on duty to clarify that the order granting a stay in this case is not applicable to any other case (including any lawyer discipline case initiated by Defendant against Plaintiff).
6. The judge on duty at the time declined to issue any ruling on Plaintiff's request and counsel was informed that a motion for a clarifying order is the appropriate forum for presenting an issue such as this.
7. The deposition of Defendant in the lawyer discipline case began on October 25, 2018 at approximately 1:00 p.m. central standard time. During the deposition, Defendant refused to provide any meaningful answers to Plaintiff's cross-examination questions.

He repeatedly cited this Court's order granting of a stay in this case as the basis for his refusal to answer Plaintiff's questions. Excerpts from the deposition wherein Defendant used this Court's orders in this case as a basis for refusing to answer questions in the state bar disciplinary case are attached hereto as Exhibit "D" and incorporated by reference herein (with relevant portions highlighted).

II. ARGUMENT

7. Defendant has filed multiple state bar grievances against Plaintiff. All of the cases filed against Plaintiff by Defendant are entirely lacking in either legal or factual merit. Plaintiff is, nevertheless, required to expend considerable time and resources defending himself against such actions. Defendant is now attempting to utilize the orders of the Court in this case to testify against Plaintiff in other cases free from reasonable cross-examination. This is neither fair nor equitable to Plaintiff.
8. Defendant is a notorious vexatious litigant with a well-known and documented history of stalking individuals such a Plaintiff across state lines in violation of 18 U.S.C. § 2261A. Defendant has stalked Plaintiff repeatedly for nearly two years and has now extended his stalking activities toward members of Plaintiff's immediate family. Plaintiff has already filed an injunction against harassment against Defendant in the Superior Court of Maricopa County Arizona and intends to prosecute additional civil actions against Defendant to prevent, and if necessary, to punish any further harassment by Defendant of Plaintiff and his family.
9. This Court should not permit Defendant to utilize a stay in this case to avoid questioning in Plaintiff's litigation against him in Arizona or further cross-examination by Plaintiff of Defendant in the multiple state bar discipline cases that Defendant has

filed against Plaintiff.

IV. CONCLUSION

10. Defendant is abusing the orders entered by the Court in the above-numbered and styled case to make frivolous objections and to prevent reasonable cross-examination in bar discipline proceedings that Defendant has initiated against Plaintiff. Defendant is likely to continue this behavior in disciplinary actions that he has filed against Plaintiff and in the suit for an injunction against harassment that Plaintiff has filed against Defendant in Arizona. This court should enter an order clarifying that the stay granted in this case is inapplicable to discovery in other cases.

V. PRAYER

11. Plaintiff prays that this Court enter an order clarifying its memorandum opinion and order entered on July 31, 2018. Specifically, Plaintiff prays that this Honorable Court enter an order clarifying that its order granting a stay in this case is inapplicable to proceedings or discovery requests in any other litigation between the parties or in any state bar disciplinary proceeding initiated by Defendant against Plaintiff.

Respectfully submitted,

/s/ Jason Lee Van Dyke

Jason L. Van Dyke

State Bar No. 24057426

108 Durango Drive

Crossroads, TX 76227

P – (469) 964-5346

F – (972) 421-1830

Email: jason@vandykelawfirm.com

CERTIFICATE OF CONFERENCE

I certify that on November 9, 2018, I conferred with plaintiff Jeffrey Dorrell regarding the foregoing motion for clarifying order. Mr. Dorrell is opposed to this motion. Therefore, this matter is presented to the Court for consideration.

/s/ Jason Lee Van Dyke
JASON LEE VAN DYKE

CERTIFICATE OF SERVICE

I certify that a true and correct copy of the foregoing was electronically filed on the CM/ECF System, which will automatically serve a Notice of Electronic Filing on Jeffrey Dorrell, Attorney for Defendant.

/s/ Jason Lee Van Dyke
JASON LEE VAN DYKE

THE STATE OF TEXAS
WITNESS SUBPOENA FOR DEPOSITION

CASE NUMBER: 201707583

Before the District 14 Grievance Committee,
Evidentiary Panel 14-2

COMMISSION FOR LAWYER DISCIPLINE

V.

JASON LEE VAN DYKE

TO: ANY SHERIFF OR CONSTABLE OF THE STATE OF TEXAS OR OTHER PERSONS
AUTHORIZED TO SERVE AND EXECUTE SUBPOENAS AS PROVIDED IN RULE 176
T.R.C.P.

YOU ARE HEREBY COMMANDED TO SUMMON:


Thomas C. Retzlaff
3030 N 3rd Street
Suite 200
Phoenix, Arizona 85012

Who is represented to reside outside 150 miles of the State Bar of Texas, in which the above suit is pending, or who may be found within such distance, to appear, and give testimony on the **25th day of October 2018, at 1:00 p.m.** central time at the offices of Phoenix Deposition Service, CopperPoint Tower, 3030 North Third Street, Suite 200, Phoenix, Arizona 85012 at an oral deposition in this case on behalf of the Petitioner, and to remain in attendance from day to day until lawfully discharged.

This subpoena was issued at the request of Petitioner, whose attorney of record is Kristin V. Brady, 14651 Dallas Parkway, Suite 925, Dallas, Texas 75254.

CONTEMPT. FAILURE BY ANY PERSON WITHOUT ADEQUATE EXCUSE TO OBEY A SUBPOENA SERVED UPON THAT PERSON MAY BE DEEMED A CONTEMPT OF THE COURT FROM WHICH THE SUBPEONA IS ISSUED OR A DISTRICT COURT IN THE COUNTY IN WHICH THE SUBPOENA IS SERVED, AND MAY BE PUNISHED BY FINE OR CONFINEMENT, OR BOTH. TEXAS RULES CIVIL PROCEDURE 176.8(A).

Issued on the 2 day of Oct. 2018.



Harold "Rick" Frederick Hagen
Presiding Member, District No 14, Panel 14-2

BEFORE THE DISTRICT 14 GRIEVANCE COMMITTEE
EVIDENTIARY PANEL 14-2
STATE BAR OF TEXAS

COMMISSION FOR LAWYER
DISCIPLINE,
Petitioner

V.

JASON LEE VAN DYKE,
Respondent

§
§
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CASE NO. 201707583

ACCEPTANCE OF SERVICE OF SUBPOENA BY
WITNESS UNDER TEXAS RULE OF CIVIL PROCEDURE 176

I accept service of this subpoena.



Witness

Tom Retzlaff

Witness Name Printed

12 Oct 18

Date

Jason Van Dyke

From: Jason Van Dyke
Sent: Wednesday, October 24, 2018 10:38 AM
To: 'Jeffrey Dorrell'; 'Kristin Brady'
Subject: Discovery Hotline Conference Request
Attachments: Mr Jason L Van Dyke.vcf

Dear Mr. Dorrell:

As you may or may not be aware, there is a deposition tomorrow for Mr. Retzlaff for one of the multiple disciplinary proceedings that he has filed against me with the State Bar of Texas. I have learned in discovery that Mr. Retzlaff is under the impression that Judge Mazzant's order in my civil case involving your client grants him the right to refuse to answer my questions at tomorrow's deposition. I would like to get with you, and Ms. Brady if she wishes to be on the call, to contact the discovery hotline for the U.S. District Court for the Eastern District of Texas this afternoon concerning Mr. Retzlaff's position on this matter. Simply put, it is my opinion that Judge Mazzant's order grants him the right to refuse to answer my questions in a deposition for an entirely different matter – even if some of my questions involve fact issues which may be common to both matters.

I understand from talking to Ms. Devlin that you are out sick today and I certainly do not wish to disturb you, but I thought it best to have this matter resolved in advance of tomorrow's deposition so as to avoid the need of calling the court during the actual deposition.

I am copying Kristin Brady from the Office of the Chief Disciplinary Counsel on this correspondence.

	<p>Mr. Jason L. Van Dyke The Van Dyke Law Firm P.L.L.C.</p> <p>108 Durango Drive Crossroads, TX 76227 (469) 964-5346 Work (972) 421-1830</p> <p>jason@vandykelawfirm.com</p>
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Jason Van Dyke

From: Jason Van Dyke
Sent: Thursday, October 25, 2018 9:27 AM
To: 'Jeffrey Dorrell'; 'Kristin Brady'
Subject: Discovery Hotline Call - 10:30 a.m. today
Attachments: Mr Jason L Van Dyke.vcf

Dear Mr. Dorrell and Ms. Brady:

I have not heard back from either of you, so I am writing to let both of you know that I will be calling the discovery hotline for the U.S. District Court for the Eastern District of Texas today at 10:30 a.m. CST concerning Mr. Retzlaff's claims about my not being allowed to ask certain questions at today's deposition. Please call my cell phone at 469-964-5346 prior to that time if you wish to be on the call.



Mr. Jason L. Van Dyke
The Van Dyke Law Firm P.L.L.C.

108 Durango Drive
Crossroads, TX 76227
(469) 964-5346 Work
(972) 421-1830

jason@vandykelawfirm.com

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1 A Correct.

2 Q All right. Now, if you look above it, it
3 looks like it was sent to a dean714@yandex.com. Did I
4 read that correctly?

5 A Yes, you did.

6 Q Okay. Who is Dean? And it's signed Dean
7 Anderson. Who is Dean Anderson, if you know?

8 A I can't answer that question.

9 Q And why can't you?

10 A Well, there is a order from the federal court
11 in the SLAPP lawsuit that Van Dyke filed against me for
12 \$100 million. There is a stay in that case ordered by
13 the federal judge for any kind of discovery with
14 regards to that.

15 Q Okay. I want to stop you right there. We are
16 not in the federal court case and there is no stay in
17 this case, and I am asking you the question of who Dean
18 Anderson is. Are you going to refuse to answer that
19 question even though we are not in a federal court?

20 A Yes. And I have several reasons why I --
21 first off, that is --

22 Q Give me a reason other than federal court.

23 A Attorney-client privilege if myself and my
24 attorney know who this person is based on our work
25 product.

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1 Q Is your attorney Mr. Anderson's attorney?

2 A I don't know.

3 Q Are you his attorney?

4 A I'm not anybody's attorney.

5 Q Okay. So then you understand the
6 attorney-client privilege wouldn't apply to you and
7 Mr. Anderson?

8 A Well, if Mr. Dorrell and I have information on
9 this and my information is based on that work product,
10 I can't answer that.

11 Q I'm going to tell you that's not correct --

12 A Okay.

13 Q -- and not in accordance with the law
14 regarding attorney-client privilege. So again, are you
15 refusing to answer my question in regards to who Dean
16 Anderson is?

17 A Well, when it comes to taking an advice from
18 an attorney, I take the advice from the attorney that
19 I'm paying for.

20 Q So are you telling me it's Mr. Dorrell's
21 advice for you to refuse to answer the question of who
22 Dean Anderson is?

23 A I'm not answering that question because of the
24 stay ordered by the federal court and based on the fact
25 that attorney work product privilege. In addition, I'm

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1 also going to claim a Fifth Amendment protection as
2 well, because Van Dyke has accused me of being Dean
3 Anderson, and he has accused me of committing crimes
4 and saying that Dean Anderson and I are one in the same
5 committing crimes against him. He is trying to
6 conflate two separate individuals.

7 Q Let's move on. In P-3, did you receive that
8 threat on March 28th, 2018? Did you receive that from
9 Mr. Anderson?

10 A I don't see my e-mail header on this.

11 Q Correct. I received this e-mail from you on
12 either Monday or Tuesday this week.

13 A Okay, then if you did, then yes.

14 Q Let's just move on to P-4.

15 A Okay.

16 Q Are you there?

17 A Yes, ma'am.

18 Q Okay. So let's start off at the -- it looks
19 like it's from Dean to -- is that your e-mail,
20 retzlaff@texas.net?

21 A Yes, it is.

22 Q And the subject is, "Fwd: Die"?

23 A Yes.

24 Q And the date at the top is Tuesday,
25 March 27th, 2018. Is that correct?

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1 A All right. I think I found it.

2 Q Okay. The highlighted portion begins with the
3 word "Earlier." So just so we're on the correct
4 document; is that correct?

5 A No, that's not what it says on 5 Charlie.

6 Q What does the highlighted portion begin with,
7 sir?

8 A This stuff there. That's what I see under 5c.

9 Q No, sir. That was 5 bravo. I'm asking you
10 about 5 Charlie. Can you --

11 A Oh, okay. All right. Go ahead. Yeah, just
12 the way these tabs are stuck in there, it's got me --
13 all right. Go ahead. What's your question?

14 Q It says here that you found out that I got a
15 job as an assistant district attorney in Victoria
16 County; is that accurate?

17 A Yes.

18 Q Where did you learn that information?

19 A I can't say that.

20 Q Why not?

21 A Because there is a discovery stay in the
22 federal lawsuit, and I can't answer that question.

23 Q You understand that we're not here in the
24 federal lawsuit today. This is a Bar disciplinary
25 proceeding?

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1 A Not my problem. The federal judge is very
2 specific. And in fact, I remember you crying like a
3 bitch this morning about wanting to get a discovery
4 conference call with the judge. How did that work out
5 for you, Van Dyke?

6 MR. VAN DYKE: Objection, non --

7 THE WITNESS: Well, you -- you tried to call
8 up the federal judge to ask him to give you a ruling on
9 this thing. What happened when you called him?

10 MR. VAN DYKE: Objection, nonresponsive.

11 THE WITNESS: Yeah, yeah, because this is
12 pretty fucking funny, right? Ha-ha. Giggle there, fat
13 boy. You're the one who said this morning you were
14 calling up the federal judge to get an opinion on
15 whether or not we can talk about these things because
16 of the court-ordered stay, the discovery stay. All
17 right? You're fishing for stuff that you know you are
18 not allowed to get. And what happened when you called
19 the federal court this morning to ask? What did they
20 tell you?

21 Q BY MR. VAN DYKE: Are you done?

22 A I'm waiting for your response.

23 MR. VAN DYKE: Object to the nonresponsive
24 parts of Mr. Retzlaff's answer.

25 THE WITNESS: Well, I'm not going to violate a

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1 federal court order.

2 Q BY MR. VAN DYKE: How about you answer the
3 question, and then you can file a motion for sanctions
4 against me for violating the federal court's order?
5 How about that, Mr. Retzlaff?

6 A Except I would be the one violating the court
7 order, so no, I can't help you with that.

8 Q I will agree to your motion for sanctions.

9 A It doesn't matter, okay? It doesn't matter
10 what you want to agree or disagree to. Okay? The
11 federal judge was very clear in black and white, and
12 the statute is very clear in black and white. You
13 don't get to do discovery.

14 Q Are you refusing to answer my question about
15 where you learned the information that you referenced
16 in your grievance?

17 A Yes. And also, it's not relevant. It doesn't
18 matter where I heard it from.

19 Q It says in this grievance you contacted Steve
20 Tyler. When did you contact him?

21 A I don't recall exactly. I've had many, many
22 communications with Steve. I don't recall.

23 Q How do you know Mr. Tyler?

24 A He was in the Army -- knock it off.

25 He was in Germany about the same time I was.

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1 personal life I'm not gonna give it to you. Violent
2 Nazi motherfuckers who send death threats forfeit their
3 right by wrongdoing to get my personal information or
4 personal information about my family.

5 Q Is that your legal opinion?

6 A That's my personal opinion. I'll tell you
7 what Jeff Dorrell had to say, but don't worry about it.

8 Q Would you agree with me that San Antonio is
9 not located in Victoria County? Can we at least agree
10 on that?

11 A Yes.

12 Q Okay. Would it be accurate to say that
13 Victoria County is an approximately two-hour drive from
14 San Antonio?

15 A No.

16 Q Do you know how long of a drive it is?

17 A Oh, I get there much quicker than that.

18 Q How long does it take you to get there,
19 Mr. Retzlaff?

20 A It depends upon from where I am traveling
21 from, but it depends. Anyways, what difference does it
22 make?

23 Q Well, you don't really know Mr. Tyler
24 personally, do you?

25 A I can't answer that question. That's -- you

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1 know, you are going into matters that -- that the
2 federal court has put on hold.

3 Q Well, Mr. Retzlaff, you said that you know
4 Mr. Tyler in your complaint against me. I'm just
5 trying to inquire as to whether what you said in your
6 complaint is true or not. So is that true or not true?
7 Do you know Mr. Tyler personally?

8 A Well, that's two different questions, because
9 the complaint doesn't say that. The State Bar
10 complaint doesn't say that.

11 Q Okay. So you said, "So I contacted Steve
12 Tyler, the District Attorney (who I know because I live
13 in San Antonio)."

14 A Right.

15 Q And said, "Do not hire this dude - he is a
16 fucking lunatic."

17 A And -- and -- and I stand by that answer. It
18 says what it says.

19 Q So would you also stand by when you said
20 that -- when you state in your grievance that you told
21 him that I was a drug addict?

22 A That's not what I said.

23 Q Okay. So you didn't tell him I was a drug
24 addict?

25 A That's not what it says. That's not what the

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1 A I don't know.

2 Q Did you give this letter to anybody?

3 A Oh, yeah. Shit, I shared it with everybody.

4 Q Who all did you share this letter with?

5 A Oh, Jesus, 20, 30 people at least. I'm not
6 sure. News media. I gave one to Ken White. I gave
7 him a copy, I remember that. A lot of people. A lot
8 of people got this letter.

9 Q Isn't it true you published it to a Web site?

10 A I'm sorry, I can't help you with that.

11 Q I'm just asking you if it's true or not. Did
12 you post it to a Web site or not?

13 A And again, I'm sorry, I can't help you with
14 that question. We're stepping into areas where the
15 federal court said we can't talk about.

16 MR. VAN DYKE: That's -- objection,
17 nonresponsive.

18 Q BY MR. VAN DYKE: You are not going to tell me
19 whether you published this on a Web site?

20 A You know, I think I might have put it on
21 Facebook, but I'm not sure.

22 Q Oh, so you have a Facebook account?

23 A No, I didn't say that. I said I think it
24 might have gone on Facebook, but I'm not sure.

25 Q Do you have a Facebook account?

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1 A I think it might have been on the -- the
2 Popehat blog. But, you know, we're getting into areas
3 that -- that -- that are involving the federal lawsuit.
4 One of the things you said in the federal lawsuit, you
5 accused me of -- of running some kind of blog or
6 something like that, and I'm not going to answer any
7 questions about that.

8 Q Let's -- let's get -- make it clear. Do you
9 operate a blog commonly known as BV Files?

10 A And again, I'm not gonna answer that question.
11 We have a federal court order that stays discovery on
12 these matters. In addition, you and other people have
13 accused me of crimes with regards to that blog, so I'm
14 not going to answer that question.

15 Q What is the legal basis for your refusal to
16 answer other than the federal court's order?

17 A I find your -- your question to be harassing
18 and in violation of my Fifth Amendment rights. You --
19 you want to sit here and -- and make claims that I've
20 done these criminal things with regards to blogging, so
21 any kind of question about blogging I'm not going to
22 talk about.

23 Q Go to -- why don't you go then to Exhibit 9.

24 A All right.

25 Q Do you know what this is?

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1 Q Would it be accurate to say that this page
2 references John Morgan?

3 A I don't -- I don't think so.

4 Q What's at the top of the page 6 that you are
5 looking at, Mr. Retzlaff?

6 A You know, I am sorry. I'm gonna have to shut
7 you down here. I'm really starting to feel harassed by
8 these questions about John Morgan and -- and about
9 Philip Klein. I'm being harassed by that. I'm not
10 going to answer any more questions about those guys.

11 Q What about you? How about you go to page 7.

12 A Sorry, again, I'm -- I'm -- when it comes to
13 this blog, I'm not answering any questions about it for
14 the reasons I've already stated.

15 Q You're on page 7?

16 A Say again.

17 Q So that's not a picture of you on page 7 in
18 the Court of Appeals for the Second District of Texas?
19 Is that you?

20 A Oh. Yes, that's a photograph of me.

21 Q Okay. And then on page 9, do you know who
22 those -- those people who are photographed at the top
23 of page 9, do you know who they are?

24 A Again, I -- I can't help you with that.

25 You're starting to harass me with these questions.

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1 This is completely irrelevant stuff, and it's
2 harassing, you know, and -- and we're talking about
3 stuff that the federal judge has ordered stayed. And,
4 you know, you're the one who -- you and McGibney and
5 Klein and Morgan have accused me of various crimes
6 involving this blog, and I'm not going to answer any
7 questions on that, you know, for, you know, Fifth
8 Amendment reasons, and as well as it's harassing and
9 annoying.

10 Q All right. What about page number 10?

11 A It doesn't matter what page you go to, the
12 response is the same.

13 Q Oh, I don't want to hear your response,
14 Mr. Retzlaff.

15 A I've already given my response, and now I'm
16 starting to feel harassed.

17 Q So you are not gonna answer any questions
18 about this exhibit; is that correct?

19 A Correct. Anything to do with blogs I'm not
20 going to answer any questions to for the reasons I've
21 already stated.

22 Q And that -- and is the legal basis for your
23 objection your Fifth Amendment privilege against
24 self-incrimination?

25 A I'm sorry, dude, I've got nothing more for

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1 you. You're trying to violate a federal court order
2 that says we can't talk about these things, and -- and
3 that's all it is. And, you know, your question's
4 harassing. And your -- and it also delves into Fifth
5 Amendment stuff, too. So, you know, you're the one
6 who --

7 Q But --

8 A You're the one -- listen, dude. You're the
9 one who accused me of committing a crime with this
10 blog. So when it comes to stuff like that, I'm not
11 answering any questions.

12 Q All right. Well, fine. Why don't you go to
13 Exhibit 10, then.

14 A We're gonna have to hurry up here because I'm
15 going to have to go here in a little bit.

16 Q Well, you've been subpoenaed to be here today,
17 Mr. Retzlaff.

18 A It doesn't matter.

19 Q Let's look at what's been marked as Exhibit
20 10.

21 A Yeah, what about it?

22 Q Well, you state in that e-mail that you
23 accessed State Bar records.

24 A I don't say that this is an e-mail. I don't
25 know what this is.

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1 person? Because somebody uses the word D or A or
2 simply that there's some kind of grand conspiracy, they
3 are connected? What does that have to do with you
4 going on Twitter calling people niggers and saying
5 you're going to lynch them?

6 MR. VAN DYKE: Objection to the nonresponsive
7 parts of the answer.

8 THE WITNESS: No, I'm objecting. That's my
9 objection, okay. Your question is -- is harassing and
10 it's irrelevant. All right?

11 I'm skipping ahead here, you know, to some of
12 these e-mails. I'm not going to talk about No. 17.
13 That's some stuff with that guy I guess you claimed you
14 worked with. I don't know. That's not my e-mail. I
15 can't authenticate that.

16 Q BY MR. VAN DYKE: All right. What about
17 No. 18, Mr. Retzlaff? Are you going to talk about that
18 one?

19 A No. No, I'm not.

20 Q What about No. 19?

21 A Again, no.

22 Q Well --

23 A This is all stuff from your federal lawsuit
24 against me, dude. I'm not talking about it. There's
25 a -- there's a reason the federal judge said you are

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1 not allowed to do discovery on this thing. You know,
2 once the appeal gets out of the way, then -- then maybe
3 we can talk. Except the only person getting grilled is
4 going to be you.

5 Q Mr. Retzlaff, how often have you contacted my
6 clients since this -- since this proceeding has been
7 going on?

8 A I -- I'm not going to answer that question
9 because I find that to be harassing and irrelevant.

10 Q Did you contact Gavin McInnes?

11 A Again, you know, we've got a federal stay on
12 that, so, you know, what Mr. Dorrell has done or hasn't
13 done, I can't talk about that. That's attorney-client
14 privilege. You know, what his strategy is and what
15 he's planning on doing and who he's going to do it to,
16 that's work product and strategy, dude.

17 Q Are you going to answer any of my other
18 questions today or are we just wasting our time?

19 A You're wasting everybody's time with -- you
20 know you shouldn't be asking these questions, okay?
21 This isn't a fishing expedition, okay, on stuff that
22 you can't talk about.

23 Q Because I think what we're gonna -- we're
24 gonna get to the bottom of is that you and Dean
25 Anderson are one and the same person, is what we're

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1 going to get to today here, Mr. Retzlaff. So why don't
2 you just come out --

3 A And how is --

4 Q -- and say you're the same person.

5 A Let's pretend for a moment that your bizarre
6 conspiracy is true. How is that gonna help you with
7 the State Bar? How is that gonna help you?

8 Q The fact that you've lied to them.

9 A Lied to them? You're the one who called me
10 up, Jeff Dorrell up and said that you're gonna murder
11 me. Okay? You sent e-mails. You filed a SLAPP
12 lawsuit against me for \$100 million. Dude, your bar
13 career is over with no matter what happens. Okay?
14 You're never going to be a lawyer again, and nobody is
15 ever going to hire you because of shit you did. And
16 you're trying to blame me for it. You're the one who
17 goes on Twitter calling people niggers and threatening
18 to lynch them. Do you think you are going to get
19 clients doing that crap?

20 You know, if I was the guy that owned Texas
21 Title -- you know, just like Roseanne Barr got fired
22 for shit she said on Twitter. What makes you so
23 special, buddy? You think you get to keep your job and
24 be an assistant DA but you get to be in a white
25 supremacist group? No, you do not, and that's your

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1 fault. Okay?

2 Just like you breaking into your truck and
3 staging a crime, committing a felony, dude, all right,
4 you are going to jail. You know, I'm sitting here
5 looking on my phone waiting on the e-mail for when they
6 come busting in the door there and dragging your ass
7 off.

8 Q I've got all day. I'm happy to --

9 A Well, I ain't got all day, because right now
10 you're harassing me, and this is getting completely
11 annoying and irrelevant, and you are fishing for stuff,
12 you know, with regards to this federal lawsuit and this
13 nonsense with the McGibney lawsuit, and -- and we're
14 not going there. You stick to what's relevant, you
15 know, unless you're going to say, geez, I never did
16 call up Jeff Dorrell and threaten Tom Retzlaff, or if
17 you're going to say, geez, I never did send those
18 e-mails to Tom Retzlaff threatening him, then that's
19 fine. What's your defense going to be, Jason, when
20 you're before the grievance committee for the trial?

21 When -- when Kristin asked you, Mr. Van Dyke,
22 did you call up Jeffrey Dorrell and say, yeah, yeah,
23 yada, what are you going to say? You know, you can't
24 beat the rap, dude. You know, you sent the e-mails,
25 you sent the threats.

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1 And what about the crap you did to Ken White?
2 You're gonna deny that, too? You know, you're gonna
3 sit there -- when you're questioned under oath, what
4 are you going to say, dude? You've got no defense.
5 All right. You're looking for ticky-tacky shit to try
6 to deflect, and -- and we're too smart for that, dude.

7 You know, Dean Anderson or the time zone that
8 an e-mail was sent in or whether somebody uses a common
9 English phrase or not or whether somebody posted a
10 picture of Philip Klein on a blog, that's not gonna
11 save you from what the State Bar is going to do. You
12 know, the only thing that could have saved you would be
13 apologizing, begging for forgiveness and promising
14 never to do it again. But it's too late, dude. You
15 had your chance.

16 Q That's not going to happen.

17 A No, of course not. Don't apologize. Don't
18 apologize and walk in there with a defiant attitude
19 that you always have. That's really winning. And I'll
20 tell you something else, dumb-ass. I have never read
21 The Turner Diaries or The Protocols for the Elders of
22 Zion. But the Michigan police, when they busted into
23 your dorm room and found guns and shit in there, they
24 found the same book that Timothy McVeigh had and other
25 antigovernment nuts. You know, you're a lunatic.

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1 Q You're not going to give me truthful answers
2 to any of the rest of my questions today, are you?

3 A I haven't said anything that's not truthful,
4 but there's going to be a lot of shit that I'm not
5 going to be able to talk about, and you know it. You

6 know that you're going into forbidden territory.

7 That's why you were crying to the federal judge this

8 morning to try to get him to -- to give you

9 instructions. And what did the federal judge said when

10 you called his office? What did he say?

11 Q I'm the one asking you the questions.

12 A Come on, big guy, share it. What happened

13 when you called the federal judge today? What

14 happened? Come on, Jason, tell us what happened. Did

15 the federal judge said it was okay for you to ask these

16 questions, or did he tell you to go to fuck away? What

17 did he say?

18 Q You know what, Mr. Retzlaff, I'm going to pass
19 you, and you know why, because I think I -- I think I
20 want to get your behavior in front of a whole committee
21 when this goes to trial, and it's going to trial.

22 MR. VAN DYKE: Pass the witness.

23 MS. BRADY: Hold on. Okay. This is Kristin
24 Brady again.

25 THE WITNESS: Hey.

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION**

JASON LEE VAN DYKE	§	
Plaintiff	§	
	§	
v.	§	Case No. 4:18cv247
	§	
THOMAS CHRISTOPHER RETZLAFF	§	
a/k/a Dean Anderson d/b/a BV Files, Via	§	
View Files L.L.C., and ViaView Files	§	
Defendant	§	

ORDER

After considering Plaintiff's Motion for a Clarifying Order in the above-numbered and styled case, this Court makes the following orders:

It is hereby ORDERED that the order staying proceedings in the above-numbered and styled case on July 31, 2018 is applicable to further proceedings in this case only;

It is FURTHER ORDERED that the order staying proceedings in the above-numbered and styled case on July 31, 2018 is **inapplicable** to any other litigation which currently exists, or which may exist in the future, between Plaintiff and Defendant; and

It is FURTHER ORDERED that the order staying proceedings in the above-numbered and styled case on July 31, 2018 is **inapplicable** to hearings, discovery requests, or depositions in any state or federal lawyer disciplinary proceeding to which Plaintiff is a party and in which Defendant is a witness.