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6 Defendant, pro se

7 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA

8 IN AND FOR THE COUNTY OF MARICOPA

9  
10 STATE OF ARIZONA,

11 Plaintiff,

12 vs.

13 THOMAS CHRISTOPHER RETZLAFF,

14 Defendant.

Case No.: CR2020-136827-001 DT

**DEFENDANT'S AMENDED SECOND  
REQUEST FOR WITNESS SUBPOENA**

(ASSIGNED TO COMM. TERRI CLARKE)

SCHEDULING CONFERENCE: APRIL 1

PRELIMINARY HEARING: APRIL 5

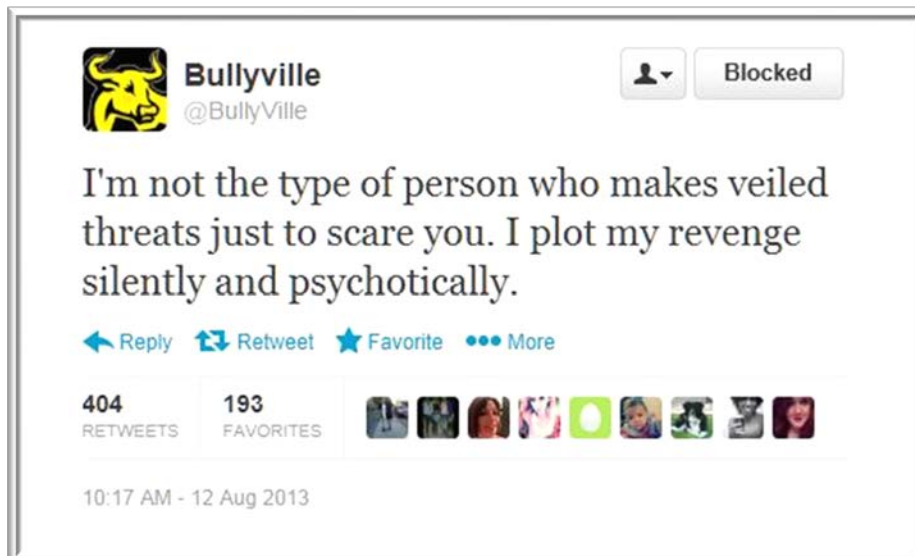
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19 **In our judicial system, 'the public has a right to every man's evidence.'"**

20 ***Trump v. Vance*, 591 U.S. \_\_\_, 140 S.Ct. 2412, 2424 (2020).**

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23  
24 **A. INTRODUCTION**

- 25  
26 1. Defendant, Thomas Retzlaff, is accused in a Direct Complaint filed by Ed  
27 Leiter of the Maricopa County Attorney's Office of committing (a)  
28 computer tampering (A.R.S. 13-2316(A)(5)), (b) two counts of taking the

1 identity of another (A.R.S. 13-2008(A)), and (c) one county of forgery  
2 (A.R.S. 13-2002(A)(1)). The so-called “victim” in this case is Mr.  
3 Retzlaff’s daughter, Brittany Retzlaff, who is the employee / unwitting  
4 stooge of a revenge pornographer named James McGibney out of Round  
5 Rock, Texas, and a rouge FBI agent named Walker Wicevich who for the  
6 past several years has been working very closely with his informant  
7 McGibney, feeding him confidential FBI information and documents which  
8 McGibney then uses as a part of his eight-year scorched-earth campaign of  
9 destruction against Mr. Retzlaff and his other enemies.<sup>1</sup>



22 2. The instant legal action is one of several orchestrated over the past eight  
23 years by James McGibney of *ViaView, Inc.*—a particularly vicious Internet  
24 presence Tom Retzlaff has criticized. McGibney suits typically involve

27 <sup>1</sup> As the result of complaints filed by Mr. Retzlaff and/or his Texas attorneys with the  
28 Hanszen Laporte law firm in Houston, the FBI’s Office of Inspector General and the Department  
of Justice’s Office of Professional Responsibility have opened up misconduct investigations into  
Wicevich and his troubling actions.

1 false claims to obtain *ex parte* restraining orders and phony criminal  
2 allegations. This time, McGibney uses Tom's daughter as his functionary.  
3 This is not a run-of-the-mill criminal case but the latest attempt by  
4 McGibney to silence free speech and online criticism of McGibney's  
5 company (a revenge porn website that sexually blackmails victims).  
6

- 7
- 8 3. For more than eight years, McGibney and his associates have been forum  
9 shopping their phony allegations around to police and prosecutors in at least  
10 four different states until they found one foolish enough to finally take the  
11 bait and file charges against Mr. Retzlaff – which is why we are here today.  
12
- 13 4. McGibney openly brags about having an online army of trolls at his beck  
14 and call.  
15



<http://america.aljazeera.com/articles/2014/10/7/james-mcgibney-bullyville.html>

1 During pretrial discovery in the \$100 million federal defamation lawsuit  
2 filed against Mr. Retzlaff by the attorney / leader of the *Proud Boys* white  
3 supremacist gang, Jason Lee Van Dyke, it was discovered that Van Dyke  
4 has been in daily communication with McGibney and a Texas private  
5 investigator named Philip Klein and that they have all been working together  
6 to bring Mr. Retzlaff down by each of them filing a series of phony reports  
7 with law enforcement, to include the FBI, falsely claiming that Mr. Retzlaff  
8 has committed various crimes and that Mr. Retzlaff is a member of ISIS, Al-  
9 Qaeda, and the Aryan Brotherhood. For reasons yet to be fully discovered,  
10 they found a witting accomplice in the name of Phoenix FBI Special Agent  
11 Walker Wichvich – a man who has been involved with Mr. Retzlaff’s  
12 daughter (the alleged “victim” in this case) for many years.<sup>2</sup>  
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21 <sup>2</sup> As the Court is no doubt aware, Van Dyke was recently implicated in a plot to assassinate  
22 Mr. Retzlaff and his lawyers (which led to the withdraw of Mr. Retzlaff’s Arizona counsel in this  
23 case, Robert Campos). See *Proud Boys’ Former Lawyer Used The Gang In An Assassination*  
24 *Plot, Texas Police Say* [https://www.huffpost.com/entry/proud-boys-lawyer-jason-lee-van-](https://www.huffpost.com/entry/proud-boys-lawyer-jason-lee-van-dyke_n_5e97a760c5b6a92100e1c6e7)  
25 [dyke\\_n\\_5e97a760c5b6a92100e1c6e7](https://www.huffpost.com/entry/proud-boys-lawyer-jason-lee-van-dyke_n_5e97a760c5b6a92100e1c6e7). What the Court is not aware of is the fact that Special  
26 Agent Wicevich was directly involved in this assassination plot when it was revealed in federal  
27 court that he had been feeding confidential information and documents to Van Dyke, McGibney,  
28 and others, and that Wicevich knew about this murder plot, yet never once warned Mr. Retzlaff  
or his attorneys that their lives were in grave danger!! Mr. Retzlaff, who is a former state and  
federal law enforcement officer, only found out when a friend of his in law enforcement tipped  
him off about the existence of an FBI audio recording of Van Dyke and more than 20 members  
of the *Proud Boys* actually plotting their attacks. Mr. Retzlaff has obtained a copy of the  
recording and will be only too happy to play to in open court.

1 5. As a result of these completely false reports, Mr. Retzlaff and his family  
2 have been swatted FOUR times in the past several years by the FBI / ATF /  
3 DOJ: (a) October 20, 2015; (b) June 14, 2017; (c) September 26, 2017; and,  
4 (d) June 12, 2018.

5  
6 6. After more than eight years of this, it is now time to finally pull back the  
7 curtain and reveal all.  
8

9  
10 **B. Argument & Authorities**

11  
12 7. Rule 5.2(a) of the Arizona Rules of Criminal Procedure states that, if  
13 requested, the magistrate **must** issue subpoenas to secure the attendance of  
14 witnesses for the preliminary hearing. (emphasis added)

15  
16 8. Mr. Retzlaff realizes that this is a great deal for the Court to take in, and  
17 getting sent down the rabbit hole of nonsense that is *The Internet* is hardly  
18 the job you signed up for. But it is important for this Court to understand  
19 the context of these allegations at issue in this case and just exactly why it is  
20 that we are all here today. For more than eight years, Mr. Retzlaff has been  
21 named a party (or named as an “un-included or ‘un-indicted’ co-  
22 conspirator”) in this and several other SLAPP lawsuits filed by Brittany  
23 Retzlaff and/or her employer James McGibney, either on behalf of  
24  
25  
26  
27  
28

1 themselves or on behalf of one or more clients of attorneys representing  
2 them.<sup>3</sup> Specifically:

- 3
- 4 a) Case No. 067-270669-14; *James McGibney and ViaView, Inc. v.*  
5 *Thomas Retzlaff, et al*; In the 67th Judicial District Court of Tarrant  
6 County, Texas;
- 7 b) Case No. 02-16-00244-CV; *James McGibney and ViaView, Inc. v.*  
8 *Neal Rauhauser*; In the Fort Worth Court of Appeals;
- 9 c) Case No. 126,841; *John S. Morgan v. Sheryl Johnson-Todd*; In the  
10 County Court at Law No. 1 of Jefferson County, Texas.
- 11 d) Case No. 2014-CI-17145; *E.M. and V.B.M. v. Klein*; In the 73<sup>rd</sup>  
12 District Court of Bexar County, Texas;
- 13 e) Case No. 04-16-00675-CV; *Thomas Retzlaff v. Philip R. Klein, Klein*  
14 *Investigations & Consulting and James W. Landess*; In the San  
15 Antonio Court of Appeals;
- 16 f) Case No. 198,246; *Stephen Hartman v. Layne Walker, et al*; In the  
17 58<sup>th</sup> Judicial District of Jefferson County, Texas;
- 18 g) Case No. 09-16-00299-CV; *Layne Walker v. Stephen Hartman*; In the  
19 Beaumont Court of Appeals;
- 20 h) Case No. 2014-1-CH-005460; *ViaView, Inc. v. Thomas Retzlaff*; In the  
21 Superior Court of Santa Clara (Calif) County;
- 22 i) Case 1:14-cv-00509; *Philip R. Klein v. Layne Walker*; In the U.S.  
23 District Court for the Eastern District of Texas – Beaumont Division;

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26 <sup>3</sup> For the Court’s edification, a strategic lawsuit against public participation (SLAPP) is a  
27 lawsuit that is intended to censor, intimidate, and silence critics by burdening them with the cost  
28 of a legal defense until they abandon their criticism or opposition. In the typical SLAPP, the  
plaintiff does not normally expect to win the lawsuit. The plaintiff’s goals are accomplished if  
the defendant succumbs to fear, intimidation, mounting legal costs, or simple exhaustion and  
abandons the criticism.

1  
2 j) No. 17-40052; *Philip Klein v. Layne Walker*, In the U.S. Fifth Circuit  
3 Court of Appeals;

4 k) Case No. F-201,904; *In the Interests of Anne Kathleen Morgan,*  
5 *Joseph Demetrious Morgan, and David Michael Morgan, minor*  
6 *children*; In the 252<sup>nd</sup> Judicial District of Jefferson County, Texas.

7 l) Case No. 1:13-cv-00355; *Stephen Hartman v. Layne Walker, et al*; In  
8 the U.S. District Court for the Eastern District of Texas – Beaumont  
9 Division;

10 m) No. 16-40396; *Stephen Hartman v. Layne Walker, et al*; In the U.S.  
11 Fifth Circuit Court of Appeals;

12 n) Case H041521; *ViaView, Inc. v. Thomas Retzlaff*; In the Sixth District  
13 Court of Appeal (Calif);

14 o) Case No. 5:14-cv-01059; *James McGibney & ViaView, Inc. v.*  
15 *Thomas Retzlaff, et al*; In the U.S. District Court for the Northern  
16 District of California – San Jose Division.

17 p) Case No. 4:18-cv00-247; *Jason Lee Van Dyke vs Thomas Retzlaff*; In  
18 the U.S. District Court for the Eastern District of Texas – Sherman  
19 Division.

20 9. There is an old saying that “The enemy of my enemy is my friend” and that  
21 has caused Brittany to become very good friends with an extremely bizarre  
22 cast of characters – all for the express purposes of making Tom’s life as  
23 horrendous and difficult as possible. Forcing him to spend hundreds of  
24 thousands of dollars on attorney’s fees and litigation expenses. While each  
25 of these cases has been resolved in Mr. Retzlaff’s favor, such a victory is but  
26 a hollow one when one considers the amount of time, money, and mental  
27 aggravation this has all caused. In December 2015, Judge Cosby of the 67<sup>th</sup>  
28 District Court of Tarrant County, Texas, ordered McGibney to pay over \$1.3  
million in attorney’s fees and sanctions as a result of a SLAPP lawsuit filed

1 against Mr. Retzlaff and several others. As of yet, McGibney has paid  
2 nothing towards this judgment.  
3

4 10. “In our judicial system, ‘the public has a right to every man’s evidence.’”

5 ***Trump v. Vance***, 591 U.S. \_\_\_, 140 S.Ct. 2412, 2424 (2020). Furthermore,  
6 “In almost every setting where important decisions turn on questions of fact,  
7 due process requires an opportunity to cross-examine adverse witnesses.”

8 ***Goldberg v. Kelly***, 397 U.S. 254, 269 (1970). “Where the evidence consists  
9 of the testimony of individuals whose memory might be faulty or who, in  
10 fact, might be perjurers or persons motivated by malice, vindictiveness,  
11 intolerance, prejudice, or jealousy, the individual’s right to show that it is  
12 untrue depends on the rights of confrontation and cross-examination.”

13 ***Brock v. Roadway Exp., Inc.***, 481 U.S. 252, 276 (1987) (Stevens, dissenting  
14 in part), quoting ***Greene v. McElroy***, 360 U.S. 474, 496-97 (1959); see also  
15 ***Goldberg***, 397 U.S. at 269 (right of confrontation of witnesses is not limited  
16 to criminal cases).  
17

18 11. James A. McGibney has been identified by the State as being an adverse  
19 witness. As such, Mr. Retzlaff has a fundamental Constitutional right to  
20 cross-examine this individual whose memory might be faulty or who, in fact,  
21 might be a perjurer or person motivated by malice, vindictiveness,  
22 intolerance, prejudice, or jealousy.  
23

24 12. Texas subscribes to the ***Uniform Act to Secure the Attendance of***  
25 ***Witnesses from Without the State in Criminal Proceedings***, found in Texas  
26 Code of Criminal Procedure article 24.28. Section 3 of the Act states that:

27 *If a judge of a court of record in any State which by its laws has*  
28 *made provision for commanding persons within that State to attend*  
*and testify in this State certifies under the seal of such court that there*



1                    *is a criminal prosecution pending in such court, or that a grand jury*  
2                    *investigation has commenced or is about to commence, that a person*  
3                    *being within this State is a material witness in such prosecution, or*  
4                    *grand jury investigation, and that his presence will be required for a*  
5                    *specified number of days, upon presentation of such certificate to any*  
6                    *judge of a court of record in the county in which such person is, such*  
7                    *judge shall fix a time and place for a hearing, and shall make an*  
8                    *order directing the witness to appear at a time and place certain for*  
9                    *the hearing.*

10                    13. James McGibney has been identified by the State as an adverse witness to  
11                    Mr. Retzlaff and a person with knowledge of relevant facts. Thus, his  
12                    testimony is material to Mr. Retzlaff's defense to these specious allegations.  
13                    Due to the Covid situation, McGibney can appear remotely from his home  
14                    without any undue burden or cost.

15                    14. Mr. Retzlaff makes a request to summon the following individual:

- 16                    a. **James Alexander McGibney**, (DOB: October 31, 1973; SSN: \*\*\*-  
17                    \*\*\*-5888) who resides at: **4305 Ridgebend Dr., Round Rock, TX**  
18                    **78665.**

19                    15. The witness shall be **ORDERED** to produce at the Preliminary Hearing the  
20                    following documents and / or records:

- 21                    a) All documents reflecting communications between you (or from  
22                    any other 3rd party) pertaining to any of the following individuals:  
23                    i. Walker Wicevich  
24                    ii. Philip Klein  
25                    iii. Jason Lee Van Dyke  
26                    iv. Evan Stone  
27                    v. John Morgan  
28

- 1 vi. Marc Randazza
- 2 vii. Brittany Retzlaff
- 3 viii. Collin Retzlaff
- 4 ix. Denise Hollas
- 5 x. The individuals pseudonymously known as “Catty Idiot”
- 6 and “Captain Obvious.”

7 To include all emails, text messages and any other form of communication  
8 (to include notes of any conversations), from January 1, 2014, to the date of  
9 your response.

- 10
- 11 b) All documents identifying any of the authors of any content on the
- 12 “BV Files” blog located at [www.ViaViewFiles.net](http://www.ViaViewFiles.net). A response to
- 13 this request will include which specific person(s) you claim are the
- 14 author(s), along with what specific content the person(s) is the
- 15 author of.
- 16
- 17 c) All documents pertaining to any technical, scientific, or
- 18 investigative methods you – or those assisting you or those you
- 19 have relied upon – have used to determine who is an owner,
- 20 administrator, author, and/or contributor of content to the “BV
- 21 Files” blog located at [www.ViaViewFiles.net](http://www.ViaViewFiles.net).
- 22
- 23 d) All documents pertaining to any technical, scientific, or
- 24 investigative methods you – or those assisting you or those you
- 25 have relied upon – have used to determine that Thomas Retzlaff is
- 26 the author or creator of the “affidavit” that was allegedly forged by
- 27 Mr. Retzlaff (in Count 3 of the Complaint), as opposed to any of
- 28 the other 7.8 billion people on this planet.

- 1 e) All documents supporting a claim that Thomas Retzlaff is an  
2 administrator of, or is otherwise exercising control over, the *BV*  
3 *Files* blog.  
4
- 5 f) All documents pertaining to any technical, scientific, or  
6 investigative methods you have used (or those you have relied upon  
7 have used) to determine that Thomas Retzlaff is an owner,  
8 administrator, author, or contributor of content to the “BV Files”  
9 blog located at [www.ViaViewFiles.net](http://www.ViaViewFiles.net).  
10
- 11 g) Your most current resume.
- 12
- 13 h) All documents evidencing the involvement of any other individuals  
14 (to include alleged co-conspirators) in the administration and/or  
15 authoring of content on the “BV Files” blog.
- 16
- 17 i) All documents evidencing the involvement of any other individuals  
18 (to include alleged co-conspirators) in this or any other matter for  
19 which you or the government are investigating Mr. Retzlaff.
- 20
- 21 j) All documents and records pertaining to your communications  
22 with the following pseudonymous individuals known to use the  
23 following social media accounts or “handles”:  
24
- 25 i. Catty Idiot (<https://twitter.com/CattyIdi0t>;  
26 <https://twitter.com/JoinUs4Tea>;  
27 <https://twitter.com/CredibleIntel>;  
28 <https://twitter.com/retzlafiles>).
  - ii. Captain Obvious ([https://twitter.com/Captien\\_00](https://twitter.com/Captien_00);  
[https://twitter.com/Captien\\_007](https://twitter.com/Captien_007);  
[https://twitter.com/Captian\\_007](https://twitter.com/Captian_007);  
[https://twitter.com/Captian\\_0](https://twitter.com/Captian_0)).

1           iii. Iron Troll ([https://twitter.com/Resist\\_NOW](https://twitter.com/Resist_NOW);  
2           <https://twitter.com/ZileOhai>).

3           iv. Bullyville (<https://twitter.com/Bullyville>;  
4           <https://twitter.com/bullyville>;  
5           <https://twitter.com/jamesmcgibney>;  
6           <https://twitter.com/cheaterville>;  
7           <https://twitter.com/BullyBlast>;  
8           <https://twitter.com/TheMcGibneyGang>;  
9           <https://twitter.com/YourAnonNews>)

10          v. As well as the individual subscriber and residential address  
11          to which IP Address **24.218.124.197** was registered to on or  
12          around December 7, 2015, that was involved in the  
13          publication of supposedly confidential FBI documents and  
14          information related to this specific case and investigation  
15          into Mr. Retzlaff and his supposed co-conspirators.

16          k) Copies of all audio and/or video recordings of Brittany Retzlaff.

17          l) Copies of all prior statements made by Brittany that pertains to Mr.  
18          Retzlaff.

19          m) All communications between you and Walker Wicevich (and any  
20          other FBI / DOJ employee), as well as any notes made regarding  
21          such communications.

22          n) Copies of all audio /video recordings of yourself and of your  
23          meetings with any law enforcement officials or prosecution staff.  
24          This includes any local, state, or federal officials. This includes  
25          any notes of any such meetings.  
26  
27  
28

- 1 o) Copies of all prior statements made by you that pertains to Mr.  
2 Retzlaff.  
3
- 4 p) All communications between you and Jason Lee Van Dyke, as  
5 well as any notes made regarding such communications.  
6
- 7 q) Copies of all audio /video recordings of Jason Lee Van Dyke.  
8
- 9 r) Copies of all prior statements made by Van Dyke that pertains to  
10 Mr. Retzlaff.  
11
- 12 s) All communications between you and Philip Klein, as well as any  
13 notes made regarding such communications.  
14
- 15 t) Copies of all audio /video recordings of Philip Klein.  
16
- 17 u) Copies of all prior statements made by Klein that pertains to Mr.  
18 Retzlaff.  
19
- 20 v) All communications between you and Jay Leiderman, as well as  
21 any notes made regarding such communications.  
22
- 23 w) All communications between you and Evan Stone, as well as any  
24 notes made regarding such communications.  
25
- 26 x) All communications between you and John Morgan, as well as any  
27 notes made regarding such communications.  
28
- 29 y) All communications between you and Marc Randazza, as well as  
30 any notes made regarding such communications.

1 z) All communications between you and Wayne Reaud (and any  
2 person acting on Reaud's behalf), as well as any notes made  
3 regarding such communications.  
4

5 aa) Copies of all audio & visual recordings and photographs of  
6 Thomas Retzlaff from any source, as well as any of his friends,  
7 family members, and business associates. This includes, but is not  
8 limited to, any kind of surveillance from any source.  
9

10 bb) All records pertaining to "swatting" incidents / FBI / ATF or  
11 Dept of Justice employee contacts involving Mr. Retzlaff and/or  
12 his family members that took place on or about (a) October 20,  
13 2015; (b) June 14, 2017; (c) September 26, 2017; and, (d) June 12,  
14 2018.

15 cc) All documents reflecting communications pertaining to or  
16 referencing yourself, Walker Wicevich, Philip Klein, Jason Lee  
17 Van Dyke and the alleged "victim" Brittany Retzlaff, including  
18 audio recordings, letters, reports, e-mails, text messages, drafts of  
19 affidavits, interlineated comments on drafts of affidavits. and any  
20 other form of communication (to include notes of any  
21 conversations).  
22

23 dd) All documents pertaining to complaints filed by Mr. Retzlaff  
24 with the FBI against Jason Lee Van Dyke, James McGibney, and  
25 Philip Klein.  
26

27 ee) All documents pertaining to complaints / reports / inquiries filed  
28 or made by any 3<sup>rd</sup> party with the FBI pertaining to Jason Lee Van  
Dyke, James McGibney, and Philip Klein.

1  
2 ff) All communications between yourself and the pseudonymous  
3 individuals known as “Catty Idiot” and “Captain Obvious”, along  
4 with all documents you have referencing their real identities and  
5 residential address and contact information.

6  
7 gg) All communications between yourself and Denise Hollas,  
8 Collin Retzlaff, Brittany Retzlaff, Daniel German Vasquez  
9 Saldana, and any other individual associated or related to Mr.  
10 Retzlaff.

11 hh) All documents pertaining to your purchase, ownership, and  
12 transfer of the website domains: JeffreyDorrell.com;  
13 JeffDorrell.com; BrittanyRetzlaff.com; ThomasRetzlaff.com;  
14 DeniseHollas.com; TomRetzlaff.com; CollinRetzlaff.com;  
15 RobertRetzlaff.com; ScottRetzlaff.com; KeliRetzlaff.com;  
16 AmeliaRetzlaff.com; WalkerWicevich.com; NoelleWicevich.com;  
17 TonyLaporte.com; KentHanszen.com; SueBasko.com;  
18 NealRauhauser.com; LoraLusher.com; LaneLipton.com, along  
19 with any derivations of those names.

20  
21 ii) All documents reflecting any surveillance activities performed by  
22 any individuals hired by you, acting on your behalf, or otherwise  
23 known by you on Thomas Retzlaff or any of his family members  
24 from January 1, 2014, to the date of your response. This also  
25 pertains to any surveillance activities performed by any private  
26 individuals.

27  
28 jj) All documents pertaining to any agreements made by the DOJ /  
FBI and its so-called “witness” / informant James McGibney.

1  
2 kk) All documents evidencing any and all communications between  
3 any and all employees of the Department of Justice / FBI and  
4 James McGibney, Philip Klein, John Morgan, Wayne Reaud, and  
5 Jason Lee Van Dyke, that reference or pertain to Mr. Retzlaff.

6  
7 ll) All documents pertaining to the FBI / DOJ investigation into  
8 yourself and your involvement in running a “revenge  
9 pornography” website called “Cheaterville” and a cyber bullying /  
10 cyber stalking website called “Bullyville”, to include their  
11 investigation of you for extortion and sexual blackmail.

12 mm) All documents pertaining to the FBI / DOJ investigation and  
13 prosecution of known associates / co-conspirators of you:  
14 Matthew Keys (Case # 2:13-cr-00082 in the E.D. of Calif), Deric  
15 Lostutter (Case # 5:2016-cr-00062 in the E.D. of Ky), and Justin  
16 Liverman (Case # 1:16-cr-00313 in the E.D. of Va) and one  
17 associate, Christopher Doyon (aka “Commander X”) (Case # 5:11-  
18 cr-00683 in the N.D. of Calif), who is currently a fugitive from  
19 justice.

20  
21 nn) All documents pertaining to the FBI / DOJ investigation into  
22 your involvement with the illegal hacking groups *Anonymous* and  
23 *The Rustle League*.

24  
25 oo) All documents pertaining to the FBI / DOJ investigation into  
26 claims that you have bragged in news articles and on social media  
27 about having access to, and utilizing, the *Shadow Brokers* /  
28 *Anonymous* ‘leaked’ hacking tools belonging to the NSA’s Office



1 of Tailored Access Operations (such as *EternalBlue*), which is  
2 easily available online.

3  
4 pp) All documents pertaining to the FBI / law enforcement  
5 investigation into reports that you threatened to hack into the  
6 computer servers of the Hanszen Laporte Law Firm in Houston  
7 and insert child pornography into their emails and computer  
8 systems as a means of discrediting and harming attorneys who are  
9 representing Mr. Retzlaff in a series of lawsuits filed by McGibney  
10 and his associates.

11  
12 qq) All documents pertaining to you allegedly hacking into the  
13 emails, computers, social media accounts, spoofing or  
14 impersonation, of other individuals such as: Hunter Moore, Neal  
15 Rauhauser, James Duffy, Brandon King, Lora Lusher, Sue Basko,  
16 Craig Britton, Chance Trahan, Tami Vaheer, Jennifer D'  
17 Alessandro, Sue May Wong, Marcie Wogan, Vincenza Leonelli  
18 Spina, William Welna, and Joseph Camp.

19  
20  
21 **I. DEFINITIONS**

22  
23  
24 For purposes of this subpoena, "Communication" and  
25 "communications" means any and all inquiries, discussions, conferences,  
26 conversations, negotiations, agreements, meetings, interviews, telephone  
27 conversations, letters correspondence, notes, telegrams, facsimiles,  
28 electronic mail (e-mail), text, memoranda, documents, writings, or other

1 forms of communications (electronic or physical), including but not limited  
2 to both oral and written communications.

3  
4 “Discussion,” “discussions,” “discuss,” “discusses,” “mention,”  
5 “mentions,” “describe,” “describes,” “analyze” or “analyzes” means any and  
6 all inquiries, conferences, conversations, negotiations, agreements or other  
7 forms or methods of oral communication or such dialogue sent via e-mail,  
8 facsimile, letter, telegram, or other written communication.

9  
10 “Document,” “documents,” “ internal communication,” “internal  
11 communications,” “record,” “records,” “written communication,” “written  
12 communication,” and “written correspondence” means all data, papers, and  
13 books, transcriptions, pictures, drawings or diagrams or every nature,  
14 whether transcribed by hand or by some mechanical, electronic,  
15 photographic or other means, as well as sound reproductions of oral  
16 statements or conversations by whatever means made, including written  
17 papers or memoranda which summarize oral conversations, whether in your  
18 actual or constructive possession or under your control or not, relating to or  
19 pertaining to or in any way to the subject matters in connection which it is  
20 used and includes originals, all file copies, all other copies, no matter how  
21 prepared and all drafts prepared in connection with such writing, whether  
22 used or not, including by way of illustration and not by way of limitation,  
23 the following: books; records; reports; contracts; agreements; video, audio  
24 and other electronic recordings; memoranda (including written memoranda  
25 of telephone conversations, other conversations, discussions, agreements,  
26 acts and activities); minutes; diaries; calendars; desk pads; scrapbooks;  
27 notes; notebooks; correspondence; drafts; bulletins; electronic mail (e-mail);  
28 facsimiles; circulars; forms; pamphlets; notice; statements; journals;

1 postcards; letters; telegrams; publications; inter- and intra- office  
2 communications; photocopies; microfilm; maps; drawings; diagrams;  
3 sketches; analyses; transcripts; electronically stored information (ESI) and  
4 any other documents within the witnesses' possession, custody or control  
5 from which information can be obtained or translated, if necessary, by  
6 detection devices into reasonably usable form, i.e. typed in English.  
7

8 “Electronically stored information” and ”ESI” means any Information  
9 on operational systems including accounting, financial, distribution, or  
10 manufacturing systems; E-mail; Instant Messages (IM); Web pages; text  
11 messages; cell phone data; Excel spreadsheets and underlying formulae;  
12 metadata; computer databases (i.e., Access); erased, fragmented or damaged  
13 data; Blackberry data; and anything stored on computer or other electronic  
14 means located on or in, but not limited to cache memory; optical disks;  
15 magnetic tapes/back-up tapes; magnetic disks (hard drive, floppy disks,  
16 etc.); PDAs, Blackberries, Palm Pilots, and/or Tablets; cell phones; IM tools;  
17 or USB drives.  
18

19 The words “or” and “and” shall be read in the conjunctive and not in  
20 the disjunctive wherever they appear, and neither of these words shall be  
21 interpreted to limit the scope of a request. The use of a verb in any tense  
22 shall be construed as the use of the verb in all other tenses and the singular  
23 form shall be deemed to include the plural, and vice-versa. The singular  
24 form of any noun shall be deemed to include the plural, and vice-versa.  
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Respectfully submitted,

A handwritten signature in black ink that reads "Tom". The letters are cursive and fluid.

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Thomas Retzlaff  
Defendant, pro se

1 **CERTIFICATE OF SERVICE**

2 I certify that on March 12, 2021, a copy of this document was electronically  
3  
4 filed with the Maricopa County Superior Court e-Filing system, which will  
5 automatically serve a Notice of Electronic Filing on the following parties:  
6

7  
8 The Honorable Terri Clarke  
9 Court Commissioner  
10 Maricopa County Superior Court  
11 201 W. Jefferson  
12 Phoenix, AZ 85003  
13

14 Mr. Edward D. Leiter  
15 County Attorney's Office  
16 301 W. Jefferson  
17 Phoenix, AZ 85003

18 Attorney for Plaintiff  
19

20 

21  
22 \_\_\_\_\_  
23 Thomas Retzlaff  
24

25 Courtesy copy sent to:

26 Dave Biscobing  
27 ABC 15 / KNXV-TV  
28 515 N. 44th St.  
Phoenix, AZ 85008