

ARROWHEAD  
JUSTICE COURT  
14 OCT -2 PM 1:10

1 Mark D. Chernoff (016420)  
2 **CHERNOFF LAW FIRM, PC**  
3 14300 North Northsight Blvd., Suite 205  
4 Scottsdale, Arizona 85260

5 Telephone: (602) 253-8818  
6 Facsimile: (480) 719-7370

7 Counsel: MChernoff@azFirm.net

8 Orders: Office@azFirm.net

9 Attorneys for Non-Party Doe

10 **IN THE ARROWHEAD JUSTICE COURT**

11 **IN AND FOR THE COUNTY OF MARICOPA, STATE OF ARIZONA**

12 TOM RETZLAFF, an individual,

Case No.: CC2014-122228

13 Plaintiff,

**WITHDRAWAL OF REQUEST  
FOR ORAL ARGUMENT ON  
MOTION TO QUASH**

14 v.

15 JASON SCOTT LEIDERMAN,

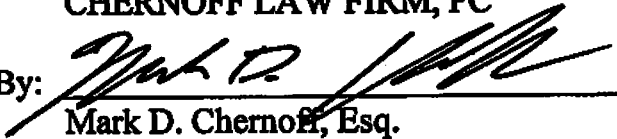
(Assigned to Hon. Craig Wismer)

16 Defendant.

17 Undersigned counsel hereby withdraws the request for oral argument in  
18 connection with the Motion To Quash filed in this matter. Undersigned counsel is  
19 withdrawing. Non-Party Doe may represent his/her/itself. Oral argument would  
20 jeopardize the anonymity that Non-Party Doe seeks to protect. Therefore argument is  
21 waived and it is requested that the Court rule based on the papers as filed.

22 **RESPECTFULLY SUBMITTED THIS 2<sup>nd</sup> day of October, 2014.**

23 **CHERNOFF LAW FIRM, PC**

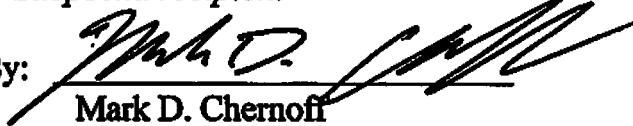
24 By: 

25 Mark D. Chernoff, Esq.  
26 14300 North Northsight Blvd., Suite 205  
27 Scottsdale, Arizona 85260  
28 Attorneys for Non-Party Doe

1 ORIGINAL filed with the  
2 Clerk of the Court, and a  
3 COPY mailed this 2<sup>nd</sup> day  
4 of October, 2014 to:

5 Thomas Retzlaff  
6 P.O. Box 46424  
7 Phoenix, Arizona 85063-6424  
8 *Plaintiff pro per*

9 Compliance Department  
10 Domains by Proxy, LLC  
11 14747 North Northsight Blvd., Suite 111- PMB 309  
12 Scottsdale, Arizona 85260  
13 *Subpoena recipient*

14 By:   
15 Mark D. Chernoff

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10 IN THE ARROWHEAD JUSTICE COURT

11 IN AND FOR THE COUNTY OF MARICOPA, STATE OF ARIZONA

12 TOM RETZLAFF, an individual,

13 Plaintiff,

14 v.

15 JASON SCOTT LEIDERMAN,

16 Defendant.

Case No.: CC2014-122228

**MOTION TO WITHDRAW**

(Assigned to Hon. Craig Wismer)

17 Pursuant to JCRCP 102(d), attorney Mark D. Chernoff and his firm Chernoff Law  
18 Firm, PC (collectively, "Counsel") hereby move to withdraw with client consent.

19 Counsel represents the following Non-Party Doe (the "Client"). This pseudonym is  
20 used because the non-party was subject to a subpoena and their identity is protected from  
21 disclosure pursuant to the United States Constitution, First Amendment. See, Motion to  
22 Quash filed with this Court. For the same reason, a typewritten signature is used, and  
23 was entered with permission from the client to avoid any possibility of handwriting  
24 recognition or analysis.

25 In accordance with the applicable rule, undersigned counsel advises the Court that  
26 he no longer is willing to handle this matter due to the content of an email received from  
27 plaintiff, a copy of which is attached hereto as Exhibit 1. The Court is further advised  
28

1 that this application contains the authorization signature of the Client on the attached  
2 "Client Consent" form. By the signature, the Client acknowledges Client is informed of  
3 scheduled events, deadlines and pending motions as follows:  
4

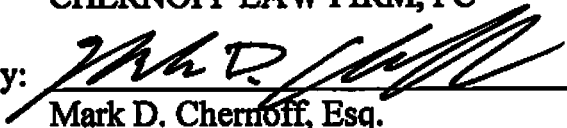
DATE	EVENT
09/29/2014	Deadline for plaintiff's response to Motion To Quash (passed, no response brief received by undersigned counsel)
Not Yet Scheduled/Waived by separate filing.	Oral Argument

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12 To protect the Client's privacy and anonymity, the direct Client address is not  
13 provided. However, the Client can be reached directly through the registrar of the  
14 internet domain that is in dispute, who will forward all mail. The address where all  
15 filings should be sent is:  
16

17 Compliance Department  
18 Domains by Proxy, LLC  
19 14747 North Northsight Blvd., Suite 111- PMB 309  
20 Scottsdale, Arizona 85260

21 With this application, undersigned counsel is providing a proposed form of order  
22 to the Court.

23 RESPECTFULLY SUBMITTED THIS 3<sup>rd</sup> day of October, 2014.

24 CHERNOFF LAW FIRM, PC  
25 By:   
26 Mark D. Chernoff, Esq.  
27 14300 North Northsight Blvd., Suite 205  
28 Scottsdale, Arizona 85260  
*Attorneys for Non-Party Doe*

1 ORIGINAL filed with the Clerk  
2 of the Court, and a COPY mailed  
3 this 2<sup>nd</sup> day of October, 2014 to:

4 Thomas Retzlaff  
5 P.O. Box 46424  
6 Phoenix, Arizona 85063-6424  
7 *Plaintiff pro per*

8 Compliance Department  
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By: 

Mark D. Chernoff

**CLIENT CONSENT**

The undersigned Client hereby consents to withdrawal of Counsel as set forth in the Motion to Withdraw to which this Client Consent is attached. The Client acknowledges receiving a copy of the Motion prior to its filing, and that Client reviewed its contents. The Client further acknowledges Client was advised to seek separate counsel in connection with the Motion.

NON-PARTY DOE

/s/ Non-Party Doe

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# **Exhibit 1**

## **Mark Chernoff**

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**From:** Tom Retzlaff <retzlaff@texas.net>  
**Sent:** Friday, September 26, 2014 4:02 PM  
**To:** Mark Chernoff  
**Cc:** 'Jeffrey Dorrell'  
**Subject:** RE: Retzlaff v. Leiderman, Arrowhead Justice Court, case # CC2014-122228  
**Attachments:** Binder1.pdf

**Importance:** High

Dear Mr. Chernoff,

This was just filed today in federal court. It was personally placed on the desk of Judge Beth Freeman. I understand that the matter has been referred to the US Attorney's Office for the Northern District of California for possible prosecution of your clients James McGibney and Jason (Jay) Leiderman for felony witness tampering, threats, and blackmail.

This is why my subpoena request is relevant and how these defamatory actions alleged in my justice court complaint all tie together.

Do you wish to have your good name associated with witness tampering and a federal investigation? Do you wish to get dragged into the federal lawsuit in San Jose on behalf of some asshole who thinks it's funny to buy up websites in people's names so he can harass and defame them?

I am still waiting to see if you are interested in speaking about this discovery dispute so that we can come to a resolution that doesn't waste a whole lot of time or money.

I thank you for your time, sir.

Best regards,

Tom Retzlaff  
PO Box 46424  
Phoenix, Arizona 85063-6424  
(210) 317-9800

The information in this electronic mail is confidential and may be legally privileged. It is directed solely to the addressee and no one else is authorized to have access to this electronic mail. If you are not the addressee to whom it is directed, you are prohibited or it may be illegal to copy, to distribute, or take any action related to the contents of this electronic mail

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**From:** Mark Chernoff [mailto:MChernoff@azfirm.net]  
**Sent:** Tuesday, September 23, 2014 11:13 AM  
**To:** Tom Retzlaff



**Cc:** Jeffrey Dorrell  
**Subject:** RE: Retzlaff v. Leiderman, Arrowhead Justice Court, case # CC2014-122228

Dear Mr. Retzlaff:

Your email is cutoff at the end. The concluding sentence is, "You also might want to take a moment to consult with a" It appears you had something more to say. I think it makes sense for me to consider and possibly respond to your email as a complete document. Please either resend it or let me know what the remainder of the email was supposed to say.

In addition, I note that Mr. Dorrell is copied, but is not your attorney of record in this matter. If he is representing you in this case, please let me know and I will communicate directly with him.

Thank you.

Sincerely,  
Mark D. Chernoff  
Direct: (602) 253-8818

This electronic mail transmission contains information from the Chernoff Law Firm, PC that may be confidential or privileged. Such information is solely for the intended recipient, and use by any other party is not authorized. If you are not the intended recipient, you are advised that any disclosure, copying, distribution or use of this message, its contents or any attachments is prohibited. Any wrongful interception of this message is punishable as a Federal Crime. If you have received this message in error, please notify the sender immediately by telephone at (602) 253-8818 or by electronic mail at [MChernoff@azfirm.net](mailto:MChernoff@azfirm.net)

**From:** Tom Retzlaff [<mailto:retzlaff@texas.net>]  
**Sent:** Friday, September 19, 2014 12:12 PM  
**To:** Mark Chernoff  
**Cc:** Jeffrey Dorrell  
**Subject:** Retzlaff v. Leiderman, Arrowhead Justice Court, case # CC2014-122228  
**Importance:** High

Dear Mr. Chernoff,

I have recently received your motion to quash. I can tell that your client, Jason Leiderman, spent a lot of time preparing the exhibits and arguments for you – his finger prints are all over this. However, beforehand you really should have complied with Ariz. R. Civ. P. 37(a)(2)(C), which requires you to make an effort to resolve a discovery dispute prior to your seeking court intervention or sanctions, before going to all of this trouble.

Needless to say, I would have been very receptive to you had you done so, even though you failed to lodge an objection within the 14 day time period, as required Rule 45(c)(5)(A)(ii). I know for an absolute fact that GoDaddy notified the account holder (your client) the very next day on August 12<sup>th</sup>. So there can be no claim on your part that your client didn't know. As for whether or not I used the correct form for the subpoena, well that doesn't seem to matter much since your client's "privacy rights" were adequately protected.

I also know that your client James McGibney and his attorney Jason (Jay) Leiderman are a couple of lunatics who you should stay very far away from if you value your good name and law practice.

In case you did not know, they are in the habit of buying up websites in the names of people they do not like and then posting defamatory content about them, as they did in this case here involving a very good and personal friend of mine. Jeffrey Dorrell is a very well respected attorney from Houston, TX. You can learn about him here: <http://www.hanszenlaporte.com/about-us/jeffrey-l-dorrell/>

Attached are some documents filed in federal court that show the kind of people whom you are working for.

Let me ask you this, sir: How would you like it if someone posted YOUR personal information online, along with photos of yourself, your family members, your home address, and then set about trying to ruin your law practice? In spending a few minutes Googling you I found that you enjoy a pretty respectable reputation as a real estate and commercial litigation guy who is just starting up his own law firm. But how many clicks on a mouse would it take for all that to be gone, so that when someone Googles your name all they see is defamatory crap about you being a *drunken idiot with a gambling problem who dips in to the firm's Client Trust Fund account to fuel his thirst for the slots at the nearest Indian casino? And who also rapes young boys in his spare time?*

Would you like that to appear every time someone Googles you or your law firm's name, sir? Because these are the kinds of lunatics you jumped into bed with. They do this sort of thing for fun.

McGibney and Leiderman have tried to take me on in Texas court and in federal court, and in some stupid little county court in San Jose. They are facing \$1 million in anti-SLAPP court sanctions in Texas, dismissal for lack of jurisdiction & anti-SLAPP violations in federal court, and there is a motion for new trial pending in their little restraining order case (which is stupid because it can't be enforced outside of California anyways).

Leiderman then decided to go on Twitter and blast out defamatory statements about me.

Mr. Chernoff is that something that an ethical lawyer should do? Is that something that YOU would do? That fact that you would not do such a thing because it not only isn't ethical but it's stupid explains why the State Bar of California recently opened up an active investigation into Mr. Leiderman's conduct here.

However, Leiderman did not just call me a convicted sex offender. He also said that I had murdered several police officers and was a member of the Aryan Brotherhood prison gang (which makes it a habit of murdering police officers and other governmental officials). Leiderman also said that I went to prison for sexual assault. Oh, and did I tell you that he claimed that I murdered people, too? And had sex with my daughter? And got her pregnant? Yeah, he said all that, too.

His client James McGibney has made the same defamatory claims as well, and then some!

With one lawsuit per Tweet or internet posting, how many lawsuits do you think I can file? And in how many different jurisdictions (since it is quite possible that I was in different locations when they said these things)?

The "exhibits" you attached to your motion are irrelevant and far more prejudicial than probative. And you know as well as I do that Arizona's vexatious litigant statute doesn't even go into effect until January 1, 2015. And even if it was in effect, it would not apply to me. My case has an arguable basis in fact and/or in law, and that is the only burden that I have to meet to survive any kind of challenge.

Your claim for \$5,000 in sanctions is ridiculous and is beyond the Justice Court's ability to grant (plus, it would be interlocutory and only subject to payment (1) when the case was totally over with and (2) only if I felt like paying it). You could have avoided yourself a whole lot of time, trouble and (allegedly) \$5,000 in expenses had you just followed the Rules and made an attempt to confer with me about this.

HOWEVER, what I am going to do (and have probably already done by the time you get this) is to amend my lawsuit to add additional defamation claims, as well as list John Doe defendants as being involved in a conspiracy with Leiderman

to try to harm my legal representation by defaming me, defaming Mr. Dorrell, and generally acting like a bunch of childish assholes, and that the defendants have a practice of buying up websites to harass people and this JeffreyDorrell.com website is just another example, as well as an effort to harm my legal representation.

Now you get to decide if you want me to be your tar baby and to be involved in what will likely be very protracted and very expensive litigation. Do you wish to fully involve your law firm and your credibility for the sake of a lunatic and a guy who runs a revenge porn / blackmail website who is fast running out of money and who likely won't be able to pay any of your legal expenses?

If you think for an instant that I am making any of this shit up, please do not hesitate to contact Mr. Dorrell, whom I have copied in this email. You may also want to check out PACER so you can follow along with what is going on in the federal case, too.

You also might want to take a moment to consult with a

Tom Retzlaff  
PO Box 46424  
Phoenix, Arizona 85063-6424  
(210) 317-9800

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Total Control Panel

[Login](#)

To: [mchemoff@azfirm.net](mailto:mchemoff@azfirm.net)

[Remove this sender from my allow list](#)

From: [retzlaff@texas.net](mailto:retzlaff@texas.net)

*You received this message because the sender is on your allow list.*