

JAMES MCGIBNEY, and VIAVIEW, INC.,	§	IN THE DISTRICT COURT
	§	
Plaintiffs,	§	
	§	
v.	§	OF TARRANT COUNTY, TEXAS
	§	
THOMAS RETZLAFF, LORA LUSHER, JENNIFER D'ALLESANDRO, NEAL RAUHAUSER	§	
MISSANNONEWS, JANE DOE 1, JANE DOE 2, JANE DOE 3, JANE DOE 4, AND JANE DOE 5,	§	
Defendants.	§	67TH JUDICIAL DISTRICT

AFFIDAVIT OF JAMES MCGIBNEY

STATE OF CALIFORNIA §  
COUNTY OF Santa Clara §

BEFORE ME, the undersigned authority on this day personally appeared James McGibney, who upon being by me duly sworn upon his oath did state as follows:

1. “My name is James McGibney, I am over the age of 18 years and I am fully competent to make this affidavit. I have personal knowledge of the matters set forth below and they are true and correct.
2. I am one of the named Plaintiffs in Cause No. 067-270669-14 captioned James McGibney and ViaView, Inc. v. Thomas Retzlaff, Lora Lusher, Jennifer D’Allesandro, Neal Rauhauser, Missannonews, Jane Doe1, Jane Doe 2, Jane Doe 3, Jane Doe 4 and Jane Doe 5 pending in the 67th Judicial District Court of Tarrant County, Texas (the “Litigation”). I am also the Chief Executive Officer of the named corporate Plaintiff, ViaView, Inc.
3. I am a former United States Marine, having served tours of duty with Third Surveillance Reconnaissance Intelligence Group and Marine Security Guard Battalion. I was awarded a Navy Achievement Medal for my service. I earned my Master’s Degree in Criminal Justice from Boston University and attended Harvard Business School for my Executive Education.

4. Within Attorney Jeffrey Dorrell's filing on December 3<sup>rd</sup>, 2015 titled "Rauhauser's Reply In Support of TCPA Attorney's fees and Sanctions" Mr. Dorrell makes the following false statements:

- A. **Dorrell's statement - Page #3** – *"Plaintiff James McGibney claim to have hacked into the email system of Hanszen Laporte, LLP law firm for the stated purpose of inserting exogenous pedophilic pornography into it"*.

**McGibney's response – This is false.** I never claimed to have hacked into the email system of Hanszen Laporte and I did not hack into the email system of Hanszen Laporte. Furthermore, I never stated that I inserted exogenous pedophilic pornography into it, nor did I insert data of any kind into their systems or interact with their systems in any way.

- B. **Dorrell's statement - Page #4** – *"As to McGibney's bald admission to hacking counsel's email system – which McGibney does not deny"*.

**McGibney's response – This is false.** I never admitted to hacking counsel's email system. I emphatically deny this assertion. I never made that statement. I did not hack into counsel's email system nor did I ever claim to or "admit" to. Furthermore, to illustrate the deep connection that exists between Attorney Jeffrey Dorrell and his "very close and personal friend" convicted felon, Thomas Retzlaff, please see **Exhibit "A"**. Thomas Retzlaff violated the existing restraining order in place against him and left the following voicemail message for my employer.

**Retzlaff's voicemail message from November 30<sup>th</sup>, 2015** - *"He is going on Twitter claiming he's hacked into the email accounts of the attorney representing me in Houston, claiming that he's put child porn on this man's computers."*

- C. **Dorrell's statement - Page #5** – *"Plaintiffs also lightly dismiss McGibney's Twitter statements – presumably including those in which Dorrell is called a dangerous pedophile with an insatiable appetite for young hairless boys"*.

**McGibney's response – This is false.** I never made those statements on Twitter, or anywhere else. As the court may recall, Attorney Jeffrey Dorrell FALSELY attributed tweets from another account on Twitter about Mr. Dorrell regarding Dorrell and his husband sharing pedophilic content with Attorney Jeffrey Dorrell's friend and alleged client, Thomas Retzlaff, a convicted sex offender and court documented pedophile. We responded to those FALSE accusations via an affidavit submitted to this court on June 16<sup>th</sup>, 2014, **Exhibit "B"**. I can definitely relate to Mr. Dorrell's frustration with

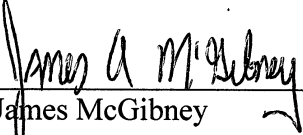
respect to being called a pedophile within a public forum. That's exactly why we sued his client, Neal Rauhauser—and I maintain my assertion that it was Rauhauser who called me a pedophile repeatedly within a public forum for years and who, along with his partner in crime, Thomas Retzlaff, attacked my company.

5. I'm a United States Marine, I own up to my words when I say them. I freely admit that I made the following statements:
  - A. I stated that Neal Rauhauser is a dead-beat dad because this is a fact I can support with specific evidence. I have examined court documents that indicate that he is thirteen years behind on child support payments and owes over \$65,000 to his ex-wife and two children. **Exhibit "C"**. Furthermore, we investigated the whereabouts of Rauhauser and delivered our findings to Health and Human Services to aid in their efforts to find him, but on information and belief, they have still not been unable to serve him.
  - B. I stated that Neal Rauhauser is a woman beater because this is a fact I can support with specific evidence. Sworn statements by Neal's ex-wife Nancy Nogg **Exhibit "D"** and corresponding findings by a Nebraska court, reveal that Neal physically assaulted his wife on numerous occasions. Court records show that Neal Rauhauser has an extensive history of domestic violence.
  - C. I stated that Neal Rauhauser has four outstanding warrants for his arrest because these are facts I can support with specific evidence. **Exhibit "E"** clearly details each of these four warrants. It is my belief that Neal Rauhauser has been on the run for over a decade and will never set foot in a courtroom.
  - D. I stated that Neal Rauhauser supports a court documented pedophile and rapist because these are facts I can support with specific evidence. Neal Rauhauser has been openly supporting former co-defendant, Thomas Retzlaff, who is a convicted sex offender and court documented pedophile and rapist.
6. Your honor, the bottom line is that what Attorney Jeffrey Dorrell, Neal Rauhauser and Thomas Retzlaff have attempted to pull off is nothing short of a scam. Defendants Rauhauser and Retzlaff viciously attacked me, my company, my board members, our customers etc. until we were left with no other option but to sue. Retzlaff then fled Texas to Arizona and Rauhauser continued to stay on the run. We attempted to serve him at various locations countless times. On November 2nd, 2014, we had no choice but to dismiss

Neal Rauhauser without prejudice in our Federal lawsuit for the following reasons (a) We have been attempting to serve Mr. Rauhauser for over six months in multiple states. (b) his attorney in Texas, Jeffrey Dorrell refuses to accept service on his client's behalf. (c) Mr. Rauhauser has four outstanding warrants for his arrest in multiple jurisdictions, and he claims to not have a driver's license or any permanent residence (because he is a fugitive of justice). (d) we have had private investigators, process servers and sheriffs try to serve him in three states and look for him in two more plus the District of Columbia to no avail.

7. As a United States Marine, I give my word that I will never again file a defamation lawsuit in the State of Texas. I will, however continue to help victims of revenge porn who reside in Texas through BullyVille.

FURTHER AFFIANT SAYETH NAUGHT.

  
James McGibney

SUBSCRIBED AND SWORN TO BEFORE ME by the said McGibney on this \_\_\_\_ day of December 15<sup>th</sup>, 2015.

**CALIFORNIA COMPLIANT  
NOTARY CERTIFICATE  
ATTACHED**

\_\_\_\_\_  
NOTARY PUBLIC IN AND FOR  
THE STATE OF CALIFORNIA

# California Jurat Certificate

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of Santa Clara

s.s.

Subscribed and sworn to (~~or affirmed~~) before me on this 15<sup>th</sup> day of December Month

20 15, by James McBibney and \_\_\_\_\_  
Name of Signer (1)

\_\_\_\_\_, proved to me on the basis of  
Name of Signer (2)

satisfactory evidence to be the person(s) who appeared before me.

Sarah Madriz  
Signature of Notary Public  
 Sarah Madriz, Notary Public



For other required information (Notary Name, Commission No. etc.)

Seal

OPTIONAL INFORMATION

Although the information in this section is not required by law, it could prevent fraudulent removal and reattachment of this jurat to an unauthorized document and may prove useful to persons relying on the attached document.

Description of Attached Document

The certificate is attached to a document titled/for the purpose of

Affidavit of  
James McBibney

containing 4+ Jurat pages, and dated \_\_\_\_\_

Additional Information
Method of Affiant Identification
Proved to me on the basis of satisfactory evidence: <input checked="" type="checkbox"/> form(s) of identification <input type="checkbox"/> credible witness(es)
Notarial event is detailed in notary journal on: Page # <u>4</u> Entry # _____
Notary contact: <u>408-531-1444</u>
Other
XX