

CAUSE NO. 067-270669-14

JAMES MCGIBNEY, and
VIAVIEW, INC.,

Plaintiffs,

v.

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.

§
§ IN THE DISTRICT COURT
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§
§ OF TARRANT COUNTY, TEXAS
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§

§
§ 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 have reviewed Rauhauser's Supplemental Reply to Plaintiffs' Response to Rauhauser's Amended Motion to Dismiss ("Supplemental Reply") and the Exhibits thereto, including the Affidavit of Jeffrey L. Dorrell filed by Mr. Dorrell with the Court on June 12, 2014.



4. "In the Supplemental Reply signed and filed by Mr. Dorrell, Mr. Dorrell makes false statements and falsely accuses me of making statements which I did not make.
5. "In the Supplemental Reply signed and filed by Mr. Dorrell, Mr. Dorrell falsely accuses me and ViaView, Inc. of "launching a full frontal attack" on him. Neither I nor ViaView have launched "a full frontal attack on Mr. Dorrell as he alleges in the Supplemental Reply he signed and filed.
6. "In the Supplemental Reply signed and filed by Mr. Dorrell, Mr. Dorrell falsely states/implies that either I or ViaView, Inc. stated that "If you defend SLAPP suits filed by McGibnesy and ViaView, you will become the target of the most vicious public attacks we are capable of launching." Neither I nor ViaView, Inc. have made such a statement and no employee, agent or person or persons acting on behalf of or with my or ViaView, Inc.'s authority has made this statement.
7. "Mr. Dorrell falsely states in the Supplemental Reply signed and filed by him that I and my "agents" have used the Twitter account "@CattyIdiot" to make allegations regarding Mr. Dorrell.
8. "Mr. Dorrell falsely states in the Supplemental Reply signed and filed by him that I and my agents have been using the Twitter account "@CattyIdiot". I do not own, do not have access to, cannot log into and cannot in any way control the Twitter account "@CattyIdiot". No employee, agent or person or persons acting on my behalf or with my authority owns, has access to, can log into or in any way control the Twitter account "@CattyIdiot". It is therefore not possible for me, or my "agents" to use the Twitter account "@CattyIdiot" as Mr. Dorrell claims in the Supplemental Reply he signed and filed.
9. Mr. Dorrell falsely states in the Supplemental Reply he signed and filed with the Court that "Using the Twitter account "@CattyIdiot," McGibney and his agents then began widely alleging that Dorrell is a "monster" and a "violent pedophile" with "an insatiable appetite for young hairless boys"". As stated above I do not own, do not have access to, cannot log into and cannot in any way control the Twitter account "@CattyIdiot". No employee, agent or person or persons acting on my behalf or with my authority owns, has access to, can log into or in any way control the Twitter account "@CattyIdiot". It is therefore not possible for me, or my "agents" to use the Twitter account "@CattyIdiot" to make the statements Mr. Dorrell is falsely attributing to me.
10. "Mr. Dorrell in the Supplemental Reply he signed and filed with the Court falsely states that I used the Twitter account "@CattyIdiot," to announce my "intent to damage Dorrell's law practice by 'locating and communicating with each one of his clients' to tell them of 'all the rumors and hearsay' he has gleaned.". As stated above I do not own, do not have access to, cannot log

into and cannot in any way control the Twitter account "@CattyIdiot". No employee, agent or person or persons acting on my behalf or with my authority owns, has access to, can log into or in any way control the Twitter account "@CattyIdiot". It is therefore not possible for me, or my "agents" to use the Twitter account "@CattyIdiot" to make the statements Mr. Dorrell is falsely attributing to me. Mr. Dorrell's statement that I have announced my intent to damage his law practice by locating and communicating with each of his clients is false. Mr. Dorrell's statement that I intend to damage his law practice by locating and communicating with each of his clients is false.

11. "Mr. Dorrell falsely states in the Supplemental Reply he signed and filed with the Court that using the Twitter account "@CattyIdiot" I made/posted/tweeted the following:

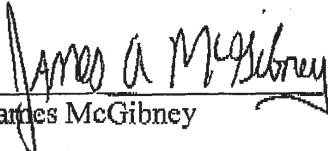
"I mean the fact that #Dorrell may or may not be a pedo isn't really important ... what is important is that we tell all his clients that he is."

and,

"You guys [Rauhauser] wanted to play and Jeffrey Dorrell has endorsed your behavior by representing you... So I guess it's time for me to accurately report all the rumors and hearsay I am told each and every day by my millions of followers with regard to that great First Amendment attorney Jeffrey Dorrell... who just also happens to be rumored to be a violent pedophile with an insatiable appetite for young hairless boys...[T]hat monster Dorrell needs to be stopped, and if that involves identifying, locating and communicating with each one of his clients and partners and their families (since they likely all have children), that that is what I (we) will do."

As stated above I do not own, do not have access to, cannot log into and cannot in any way control the Twitter account "@CattyIdiot". No employee, agent or person or persons acting on my behalf or with my authority owns, has access to, can log into or in any way control the Twitter account "@CattyIdiot". It is therefore not possible for me, or my "agents" to use the Twitter account "@CattyIdiot" to make the above statements as Mr. Dorrell alleges in the Supplemental Reply he signed and filed.

FURTHER AFFIANT SAYETH NAUGHT.


James McGibney

SUBSCRIBED AND SWORN TO BEFORE ME by the said McGibney on this ____ day
of June, 2014.

NOTARY PUBLIC IN AND FOR
THE STATE OF CALIFORNIA

State of California

County of Santa Clara

Subscribed and sworn to (~~or affirmed~~) before me on this 13th day of June
20 14 by James McGibney

proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

Sarah Madriz
Signature

(Notary seal)

