

THOMAS C. RETZLAFF - October 25, 2018

BEFORE THE DISTRICT 14 GRIEVANCE COMMITTEE

EVIDENTIARY PANEL 14-2

STATE BAR OF TEXAS

COMMISSION FOR LAWYER DISCIPLINE,)	Case No. 201707583
)	
Petitioner,)	
)	
v.)	
)	
JASON LEE VAN DYKE,)	
)	
Respondent.)	
_____)	

VIDEOCONFERENCE DEPOSITION OF THOMAS C. RETZLAFF

October 25, 2018

10:59 a.m.

Phoenix, Arizona

Prepared by:
Marcella Daughtry, RPR
Arizona CR No. 50623

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THOMAS C. RETZLAFF - October 25, 2018

1 people, okay.

2 Q Okay. So --

3 A And of course --

4 Q Did you take this as a physical threat?

5 A Say again.

6 Q Did you take this as a physical threat?

7 A Yes.

8 Q Okay. And at this point, were you aware of
9 the respondent's affiliation with the Proud Boys
10 organization?

11 A Yes, I was.

12 Q And did that cause any more concern for your
13 safety?

14 A Absolutely. Absolutely. Especially with
15 myself and my children, my daughter especially. She's
16 very, very upset and concerned.

17 Q Okay. And did you have a belief at that time
18 that either Mr. Van Dyke or someone from the Proud Boys
19 organization could carry out this threat?

20 A Yes, because they've done it before --

21 Q Okay.

22 A -- with other people.

23 Q All right. P-5, are you there?

24 A Yes. I'm looking right at it.

25 Q Okay. Great. And Exhibit P-5 is another

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THOMAS C. RETZLAFF - October 25, 2018

1 there's something mentally wrong with Van Dyke, very,
2 very wrong with Van Dyke. And he has -- he has a
3 complete lack of self-control, and it -- it made me
4 scared.

5 Q Were you in fear, Mr. Retzlaff?

6 A Say again.

7 Q Were you in fear?

8 A Yes, it made me scared. It made me angry.
9 You know, here's some random guy, you know, sending
10 these kinds of messages.

11 Q Did you take any extra safety precautions?

12 A Yes, I did.

13 Q And what were those?

14 A Without going into too much detail regarding
15 sources and methods, you know, being more aware of my
16 surroundings. My son is a police officer here, and
17 he's also in the military. I made him aware of the
18 situation. One time I took my daughter to the gun
19 range, and she got pretty good with a .357 and a
20 shotgun. You know, I've shown Van Dyke's picture to my
21 two dogs so they will recognize him on sight.

22 The condominium high-rise that my father,
23 maybe his trust owned a unit in, I believe the door
24 staff and security staff were shown photographs. My
25 father's newspaper, his security staff were made aware,

THOMAS C. RETZLAFF - October 25, 2018

1 me some letter, you know, wanting to settle the lawsuit
2 in exchange for me dropping the State Bar complaint
3 against him. My response was extremely profane.

4 And I don't want to burden you with -- with my
5 profanities, but, you know, this guy -- this guy is a
6 lunatic. And I've been dealing with lunatics like this
7 for several years in these SLAPP lawsuits.

8 Van Dyke is hooked up with this revenge
9 pornographer and his idiot attorney Evan Stone who
10 lives in Denton, and for some reason he's trying to get
11 my daughter involved in this, which is really stupid,
12 because she doesn't know who he is. You know --

13 Q It's your daughter?

14 A It's my daughter Brittany. She helped me when
15 I was being sued by this McGibney guy. We sabotaged
16 his lawsuits by sending -- McGibney was sent a bunch of
17 disinformation by her and stuff, and he would go into
18 court, and it just turned out to be stupidity. It's
19 stupidity. You know, don't put my name on court
20 papers, you know. That should have been the lesson
21 learned, but Van Dyke didn't learn that, I guess.

22 And in fact this morning --

23 MS. BRADY: Okay, we're gonna -- I'm done with
24 my questioning, and Mr. Van Dyke now has an opportunity
25 to question you, but we're going to take five, ten

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THOMAS C. RETZLAFF - October 25, 2018

1 minutes so we can set up.

2 THE WITNESS: Well, we better hurry up,
3 because like I said, I heard there's a warrant out for
4 his arrest, and I don't know how much longer this guy
5 has got.

6 MS. BRADY: Okay, well, we will -- I'm gonna
7 mute for now, and then when we are back, I will say so.
8 Okay?

9 THE WITNESS: All right. Not too long,
10 please, because I'm planning on --

11 MS. BRADY: Just five, ten minutes.

12 THE WITNESS: -- playing golf with my
13 daughter.

14 (The deposition was at recess from 12:03 p.m.
15 to 12:09 p.m.)

16 MR. VAN DYKE: Let's go back on the record.

17 Madam Court Reporter, does Mr. Retzlaff have
18 the exhibits in front of him that were printed out and
19 mailed to you?

20 THE COURT REPORTER: Yes, let me give them to
21 him.

22

23 EXAMINATION

24 BY MR. VAN DYKE:

25 Q Mr. Retzlaff, would you please look at Exhibit

THOMAS C. RETZLAFF - October 25, 2018

1 Q Okay. All right.

2 A You know, I'm planning on going to play some
3 golf this afternoon with my daughter. I ain't got time
4 for this bullshit.

5 Q All right. I would like you to turn to
6 Exhibit 16, Mr. Retzlaff.

7 A What about it?

8 Q What does the highlighted portion of Exhibit
9 16 say?

10 A It says, "Some people simply cannot be
11 intimidated."

12 Q Isn't that remarkable, we have almost the
13 exact same language in your complaint in Exhibit 5f,
14 don't we?

15 A It's English, so yeah, it is the exact same
16 language.

17 Q Don't both of them say -- reference a man who
18 simply cannot be intimidated?

19 A No. That's not what it says at all. It just
20 says some people can't be intimidated -- or simply
21 cannot be intimidated. That's -- that's what this
22 thing says.

23 Q Okay.

24 A Why, are you trying to say that because, you
25 know, people use the same letters that they're the same

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THOMAS C. RETZLAFF - October 25, 2018

1 STATE OF ARIZONA)
2)
3 COUNTY OF MARICOPA)

4 I, Marcella L. Daughtry, a Certified Reporter,
5 Certificate No. 50623, in the State of Arizona, do
6 hereby certify that the foregoing witness was duly
7 sworn to tell the whole truth; that the foregoing pages
8 constitute a full, true, and accurate transcript of all
9 proceedings had in the foregoing matter, all done to
10 the best of my skill and ability. Pursuant to request,
11 notification was provided that the deposition is
12 available for review and signature.

13
14 I FURTHER CERTIFY that I am not related to nor
15 employed by any of the parties hereto, and have no
16 interest in the outcome.

17
18 WITNESS my hand this 8th day of November,
19 2018.

20
21
22
23 *Marcella L. Daughtry*
24 Marcella L. Daughtry
25 Arizona Certified
Reporter No. 50623

THOMAS C. RETZLAFF - October 25, 2018

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WITNESS SIGNATURE PAGE

PAGE	LINE	CHANGE TO	REASON
_____	_____	<u>Other than some random, minor</u>	_____
_____	_____	<u>typos scattered about, I could not</u>	_____
_____	_____	<u>find anything worth changing-</u>	_____
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* * * * *

I, THOMAS C. RETZLAFF, a deponent exercising my right to read and sign my deposition taken on October 25, 2018, place my signature hereon and make the following changes on this 6th day of December, 2018.


THOMAS C. RETZLAFF

6 Dec 18
DATE