

SUPERIOR COURT OF CALIFORNIA, COUNTY OF SANTA CLARA
191 N. First Street
San Jose, CA 95113-1090

ENDORSE.

FILED

JAN - 2, 2015

DAVID H. YAMASAKI
Chief Executive Officer/Clerk
Superior Court of CA County of Santa Clara
BY _____ DEPUTY

KATHY DAVIDSON

TO: Jay Leiderman
5740 Ralston St. Suite 300
Ventura, CA 93003

RE: ViaView Inc. Vs Thomas Retzlaff
Case Nbr: 1-14-CH-005460

PROOF OF SERVICE

ORDER ISSUED ON MATTERS TAKEN UNDER SUBMISSION

was delivered to the parties listed below in the above entitled case as set forth in the sworn declaration below.

Parties/Attorneys of Record:

CC: Thomas Retzlaff
PO BOX 46424, Phoenix, AZ 85063-6424

If you, a party represented by you, or a witness to be called on behalf of that party need an accommodation under the American with Disabilities Act, please contact the Court Administrator's office at (408)882-2700, or use the Court's TDD line, (408)882-2690 or the Voice/TDD California Relay Service, (800)735-2922.

DECLARATION OF SERVICE BY MAIL: I declare that I served this notice by enclosing a true copy in a sealed envelope, addressed to each person whose name is shown above, and by depositing the envelope with postage fully prepaid, in the United States Mail at San Jose, CA on 01022015. DAVID H. YAMASAKI, Chief Executive Officer/Clerk by Kathy Davidson, Deputy

KATHY DAVIDSON

COPY

FILED

HON. SOCRATES PETER MANOUKIAN
Judge of the Superior Court
County Of Santa Clara

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JAN - 2, 2015

DAVID H. YAMASAKI

Chief Executive Officer/Clerk

Superior Court of CA County of Santa Clara

BY: _____ DEPUTY

KATHY DAVIDSON

Superior Court for the State of California
County of Santa Clara

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VIA VIEW, INC.,

Plaintiff,

vs.

THOMAS RETZLAFF,

Defendant.

CASE NUMBER: 114 CH 005460

ORDER ON APPLICATION OF
DEFENDANT FOR NEW TRIAL;

ORDER ON APPLICATION OF
PLAINTIFF FOR ORDER TO SHOW
CAUSE IN RE CONTEMPT

MOTION OF DEFENDANT FOR NEW TRIAL

The application of Defendant for a new trial is DENIED. It has long been the rule in California that a defendant who chooses to litigate the merits of a lawsuit after its motion to quash has been denied has no right to raise the jurisdictional question on appeal. (*Jardine v. Superior Court* (1931) 213 Cal. 301, 304; *State Farm General Ins. Co. v. JT's Frames, Inc.* (2010) 181 Cal. App. 4th 429, 437.

ORDER TO SHOW CAUSE IN RE CONTEMPT

On 29 July 2014, this Court issued a permanent restraining order lasting a period of three years preventing Defendant from harassing, intimidating, etc. the persons of Brittany Retzlaff, Jason S. Leiderman, Esq., James McGibney and Christina McGibney;

committing acts of unlawful violence on or making threats of violence against said persons; follow or stalk the person during work hours or to or from the place of work; contact the person, directly or indirectly, in any way, including, but not limited to, in person, by telephone, in writing, by public or private mail, by office mail, by e-mail, by text message, by fax or by other like chronic means; enter the persons' workplace; take any action to obtain the persons' address or locations; stay 1000 feet away from all protected persons; not possess guns or firearms; and to pay costs in the amount of \$10,000 to counsel for Plaintiff.

Defendant knew of this order as he was present by way of Skype communication and he argued the matter on the merits.

Attorney Leiderman filed a declaration in support of the application for an order to show cause for this hearing.

It appears that Mr. Retzlaff used the alias "Dean Anderson" as one claiming to be the co-administrator of the BV Files blog. (Declaration of Denise Hollas). The order issued by this Court prevented Mr. Retzlaff from contacting Brittany Retzlaff directly or indirectly.

In an Internet post on 9 August 2014, Mr. Retzlaff posted "Sucks to be you McGibney" as well as posting his home address of 5608 East Quiet Cloud Ct., Las Vegas.

On 11 August 2014, Mr. Retzlaff sent an e-mail to Brittany in violation of the no contact order to the effect that "any California restraining order is unenforceable in foreign countries and out-of-state."

On 12 August 2014 at 6:33 p.m. Mr. Retzlaff posted under the name "does Kevlar come with court orders?" the following:

"I think Brittany's life is in great danger. Getting involved with McGibney is putting your self sic] in the spot light and people will want to hurt her because of the period lots of people with restraining orders get murdered every year. Lots."

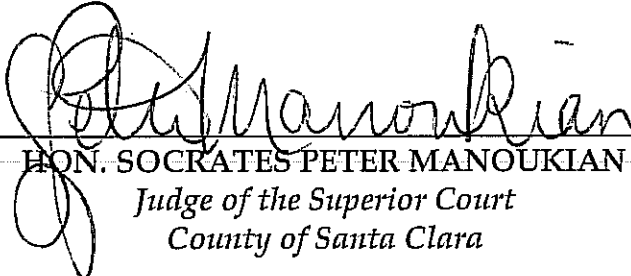
In an e-mail dated the 13th of August 2014, Denise Hollas (mother of Brittany Retzlaff) communicated that on the prior day, Thomas Retzlaff called her saying he will "beat the ship out of Brittany Retzlaff if she ever comes back to that USA"

In an Internet post of 20 August 2014, Mr. Retzlaff posted "If the [sic] are really that dangerous, do you honestly think that a stupid TRO will protect you? Not unless it's covered in Kevlar maybe."

Therefore, good cause appearing, IT IS ORDERED that Defendant Thomas Retzlaff is ORDERED TO SHOW CAUSE why he should not be held in contempt of a lawful court order which restrained and enjoined him from the foregoing acts. The Order to Show Cause will be set for 9:00 a.m. on Monday, 2 February 2015 in Department 19 of the above entitled court. All papers in support of or in opposition to the order to show cause will be due five Court days prior to the hearing.

IT IS FURTHER ORDERED that Defendant Thomas Retzlaff appear in person.

2 January 2015
DATED:


HON. SOCRATES PETER MANOUKIAN
Judge of the Superior Court
County of Santa Clara