

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

FILED

2008 SEP 22 PM 2:06

CLERK, U.S. DISTRICT COURT,
WESTERN DISTRICT OF TEXAS

BY
DEPUTY CLERK

TOM RETZLAFF,
Plaintiff,

Vs.

LYNDA YVONNE DE LA VINA,
DIANE BAKER WALZ, KYLE
MERLETTE SNYDER, KATHERINE ANNE
POPE,
Defendants.

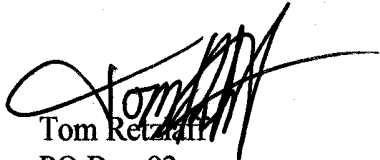
CIVIL ACTION NO. 5:08-CV-00170-OLG

**PLAINTIFF'S SECOND MOTION &
NOTICE OF MOTION FOR PROTECTIVE ORDER**

1. Plaintiff's moves for an order protecting him from having to participate in a deposition, as well as an order recalling the court's June 11, 2008, scheduling order and its July 22, 2008, order compelling plaintiff's deposition.
2. The grounds for this motion are: plaintiff was never given any kind of notice or an opportunity to be heard with regards to defendants' previously filed motion to compel this deposition. Defendants never served plaintiff with a copy of their motion, nor was plaintiff ever notified about the court hearing. Lastly, defense counsel never once contacted plaintiff in an effort to confer about the setting of this deposition. Neither was plaintiff ever aware of the court's scheduling order until very recently. No copy was ever delivered to him by the court or opposing counsel.

3. This motion is based on the pleadings and papers on file in this case and the attached memorandum of points and authorities, along with attached exhibits.
4. Please take note that plaintiff will bring this motion for hearing before this court on _____, at _____, in San Antonio, Texas.

Respectfully submitted,



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PLAINTIFF, PRO SE

CERTIFICATE OF SERVICE

I certify that a copy of plaintiff's motion and notice of motion for protective order was served on defendants through their counsel of record, Lars Hagen, by telephonic document transfer to fax number (512) 320-0667, on September 22, 2008, before 5:00 p.m. local time of the recipient.



Tom Retzlaff