

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
SAN ANTONIO

TOM RETZLAFF  
Plaintiff,

v.

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

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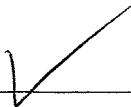
NO: 5:08-CV-00170-OLG

**DEFENDANTS' REQUEST FOR ADMISSIONS  
FROM NON-PARTY WITNESS**

TO: Lydia L. Edwards, Integrity Legal Support Solutions, 114 West 7th Street, Suite 240, Austin, TX 78701.

Defendants Lynda de la Vina, Diane Walz, Kyle Snyder, and Katherine Pope (the "Defendants") to Lydia L. Edwards, a non-party witness to the deposition of Plaintiff Tom Retzlaff, which occurred September 24, 2008. Please indicate your answer by marking "admit" or "deny" in the space provided, verify your answers through the attached "Verification" form, and return it to the undersigned counsel at his indicated mailing address.

1. You were the shorthand reporter for the September 24, 2008, deposition of Plaintiff Tom Retzlaff taken by the Defendants at 3460 North East Parkway, San Antonio, Texas.

  
\_\_\_\_\_

(admit)

\_\_\_\_\_

(deny)



2. The attached transcript excerpt (pp. 106–109) correctly transcribes the testimony and other recorded occurrences between about 12:23pm and 1:15pm, which included an agreement to take a lunch break and the resumption of the deposition after that break, during the September 24, 2008 deposition of Plaintiff Retzlaff.

(admit)  (deny)

3. Before resuming the recording of his deposition testimony at 1:13pm, and while you were present, you heard Plaintiff Retzlaff state that he thought about “killing people” in connection with his litigation.

(admit)  (deny)

**VERIFICATION OF LYDIA L. EDWARDS**

STATE OF TEXAS

§

COUNTY OF TRAVIS

§

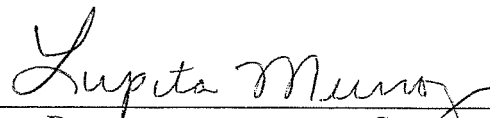
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**BEFORE ME**, the undersigned notary public, on this day personally appeared Lydia L. Edwards, who after being duly sworn, stated under oath that she has personal knowledge of the foregoing responses she has given to Defendants' Request for Admissions, presented to her by Lynda de la Vina, Diane Walz, Kyle Snyder, and Katherine Pope, that she is duly authorized to execute this verification, and that all of her answers are sworn as true and correct.

  
LYDIA L. EDWARDS

**BEFORE ME**, the undersigned authority, on this day personally appeared LYDIA L. EDWARDS, known personally to me to be the person subscribed in the foregoing instrument.

Given under my hand and seal of office on this 3<sup>rd</sup> day of Dec. 2008.

  
NOTARY PUBLIC IN AND FOR THE STATE OF TEXAS

Lupita Muñoz  
[Printed Name]

My Commission Expires: 7-26-11

Respectfully submitted,

GREG ABBOT  
Attorney General of Texas

KENT C. SULLIVAN  
First Assistant Attorney General

DAVID S. MORALES  
Deputy Attorney General for Litigation

ROBERT B. O'KEEFE  
Chief, General Litigation Division



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LARS HAGEN  
Texas Bar No. 24034470  
Assistant Attorney General  
General Litigation Division  
P.O. Box 12548, Capitol Station  
Austin, Texas 78711-2548  
(512) 463-2120 (Telephone)  
(512) 320-0667 (Facsimile)

ATTORNEYS FOR DEFENDANTS

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing document and referenced attachment has been served via U.S. Postal Service mail on November 24, 2008, to:

LOUIS D. MARTINEZ  
Law Office of Louis D. Martinez  
1004 S. St. Mary's Street  
San Antonio, Texas 78205  
Counsel for Plaintiff Retzlaff



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LARS HAGEN  
Assistant Attorney General

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
SAN ANTONIO DIVISION

TOM RETZLAFF )  
Plaintiff, )  
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LYNDA YVONNE DE LA VINA, )  
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VIDEOTAPED DEPOSITION OF TOM RETZLAFF  
September 24, 2008

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BE IT REMEMBERED that the videotaped deposition of TOM RETZLAFF was reported by Lydia L. Edwards, Certified Shorthand Reporter, by machine shorthand on September 24, 2008, at the Office of the Attorney General of Texas, located at 3460 North east Parkway, San Antonio, Texas, between the times of 10:32 o'clock a.m. and 3:30 o'clock p.m., after which time the deposition was reduced to writing and set forth as follows:

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1 MR. HAGEN: I think we'll just take a 12:23 PM  
 2 break and get some food and stretch our legs and  
 3 resume at --  
 4 THE WITNESS: I mean, I'm planning on  
 5 leaving. I got other stuff to do today. 12:23 PM  
 6 MR. HAGEN: Well, Mr. Retzlaff --  
 7 THE WITNESS: You know, if you want to  
 8 keep going, that's fine.  
 9 MR. HAGEN: We do intend to keep going,  
 10 and as a courtesy to everybody at the table, not -- 12:23 PM  
 11 this is not just about you -- we'll break until, say,  
 12 1:00 o'clock and then resume and hopefully conclude  
 13 in the afternoon, all right?  
 14 THE VIDEOGRAPHER: This is the end of  
 15 Tape No. 2. We are off the record at 12:24. 12:24 PM  
 16 (At this time, a brief recess was  
 17 taken for lunch, after which time an  
 18 instrument was marked for  
 19 identification as Exhibit B.)  
 20 THE VIDEOGRAPHER: This is the 01:13 PM  
 21 beginning of Tape No. 3. We are back on the record  
 22 at 1:13.  
 23 Q. (BY MR. HAGEN) Mr. Retzlaff, we were just  
 24 having a conversation about the medical release that  
 25 you've had a chance to further review during lunch; 01:13 PM

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1 is that right? 01:13 PM  
 2 A. Actually I didn't look at it at all during  
 3 lunch.  
 4 Q. Okay.  
 5 A. But I did think about it a bit.  
 6 Q. True or false: We just now were talking  
 7 about this release of information?  
 8 A. Yes.  
 9 Q. Okay. Now, at the tail end of our  
 10 conversation off the record on this, you made mention 01:13 PM  
 11 of thinking about killing people, did you not?  
 12 A. Oh, Mr. Hagen, I make mention about many  
 13 different things, but if we want to talk about this  
 14 medical release, let's talk about the medical  
 15 release. 01:13 PM  
 16 Q. Mr. Retzlaff, are you denying now on the  
 17 record that you just made reference --  
 18 A. I'm not even discussing it.  
 19 Q. -- to thinking about killing people? Did you  
 20 not do that?  
 21 A. I'm not even discussing it.  
 22 Q. So you're not going to answer this question?  
 23 A. No, I'm not.  
 24 Q. Okay. Do you want to take a Fifth on that  
 25 question?

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1 A. No. I'm just not going to discuss it. 01:14 PM  
 2 Q. Okay.  
 3 A. You know, you throw a few zingers out there,  
 4 and maybe I might, too.  
 5 Q. Okay. Well, we can go ahead and I can 01:14 PM  
 6 subpoena Mr. Martinez who is not your counsel on this  
 7 lawsuit and have him testify to what was said. We  
 8 can take that up if you want to at a different time.  
 9 Shall we do that?  
 10 A. And that's fine. 01:14 PM  
 11 Q. Okay.  
 12 A. And that's fine --  
 13 Q. Okay.  
 14 A. -- if that's --  
 15 Q. Okay.  
 16 A. -- what you want to do.  
 17 Q. Okay. I do.  
 18 A. Okay.  
 19 Q. I think I do, Mr. Retzlaff.  
 20 A. Okay.  
 21 MR. HAGEN: Are you agreeable to that,  
 22 Mr. Martinez?  
 23 MR. MARTINEZ: Well, if I'm a fact  
 24 witness, I'm a fact witness.  
 25 MR. HAGEN: Okay. And did you hear the

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1 threat that was made?  
 2 MR. MARTINEZ: I heard a statement. I  
 3 don't know what the characterization of it was.  
 4 MR. HAGEN: Do you want to go ahead and  
 5 tell us what the statement was that Mr. Retzlaff 01:14 PM  
 6 made?  
 7 MR. MARTINEZ: I don't know that this  
 8 is the proper venue for this, the proper way to do  
 9 this, but I'm not under subpoena. I'm not under  
 10 oath.  
 11 MR. HAGEN: Are you declining to say?  
 12 MR. MARTINEZ: I'm declining to say at  
 13 this point.  
 14 MR. HAGEN: Okay.  
 15 THE WITNESS: And it certainly wasn't a 01:14 PM  
 16 threat. No threats were made.  
 17 Q. (BY MR. HAGEN) Okay. Well, what did you  
 18 say?  
 19 A. I don't know. I'm not going to discuss it.  
 20 Q. Okay. 01:15 PM  
 21 A. Okay.  
 22 Q. Okay.  
 23 A. But I'm telling you point-blank no threats  
 24 were made, Lars.  
 25 Q. Okay. So the conclusion that you were 01:15 PM