## IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS

SAN ANTONIO DIVISION

FILED

2009 FEB 20 P 12: 51

CLERK. US DISTRICT COURT WESTERN DISTRICT OF JEXAS

BY\_\_\_\_\_REPUTY

TOM RETZLAFF, Plaintiff,

Vs.

LYNDA YVONNE DE LA VINA, CIVIL ACTION NO. 5:08-CV-00170-OLG DIANE BAKER WALZ, KYLE MERLETTE SNYDER, KATHERINE ANNE POPE,

Defendants.

## PLAINTIFF'S MOTION TO SUPPRESS DEPOSITION OR, IN THE ALTERNATIVE, MOTION FOR PROTECTIVE ORDER

- Plaintiff's moves for an order suppressing the September 24, 2008, deposition and protecting him from any use of that deposition.
- The grounds for this motion are: Defense counsel interfered with plaintiff's right to have counsel and to confer with counsel at this deposition, in violation of plaintiff's fundamental Constitutional rights. Defense counsel instructed plaintiff's attorney, Louis Martinez, to leave the deposition are and to not take part in the deposition. To make matters worse, plaintiff's counsel basically did just that! Thus, plaintiff's counsel was wholly ineffective!!
- 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.

In addition, plaintiff requests an evidentiary hearing so that he could present sworn testimony in support of this motion.

Please take note that plaintiff will bring this motion for hearing before this court on \_\_\_\_\_\_, at \_\_\_\_\_\_\_, in San Antonio, Texas.

Respectfully submitted,

Tom Retzlaff

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(210) 317-9800 OFFICE

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**PLAINTIFF** 

## **CERTIFICATE OF SERVICE**

I certify that a copy of plaintiff's motion and notice of motion to suppress deposition and for a protective order was served on defendants through their counsel of record, Lars Hagen, by telephonic document transfer to fax number (512) 320-0667, on February 20, 2009, before 5:00 p.m. local time of the recipient.

Tom Retzlaff

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	RETZLAFF, intiff,
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DIAN MER POPI	DA YVONNE DE LA VINA, CIVIL ACTION NO. 5:08-CV-00170-OLG NE BAKER WALZ, KYLE LETTE SNYDER, KATHERINE ANNE E, fendants.
	ORDER SETTING HEARING  By order of this court, a hearing has been set for a bind SCT. By the SC.
to sup	By order of this court, a hearing has been set for plaintiff Tom Retzlaff's motion opress deposition on theday of, 2009, at
In the	Federal Courthouse in San Antonio. Said hearing is for the receipt of testimony
and e	vidence.
	SIGNED thisday of February, 2009.