

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
SAN ANTONIO

TOM RETZLAFF	§	
Plaintiff,	§	
	§	
v.	§	
	§	NO: 5:08-CV-00170-OLG
LYNDA YVONNE DE LA VINA,	§	
DIANE BAKER WALZ, KYLE	§	
MERLETTE SNYDER, KATHERINE ANNE	§	
POPE,	§	
Defendants.	§	

DEFENDANTS' ALTERNATIVE DISPUTE RESOLUTION REPORT

TO THE HONORABLE U.S. DISTRICT JUDGE ORLANDO L. GARCIA:

Defendants Lynda de la Vina, Diane Walz, Kyle Snyder, and Katherine Pope (the "Defendants"), named in their personal capacities by Plaintiff Tom Retzlaff, file this report on alternative dispute resolution ("ADR"). It is intended to comply with this Court's June 2008 Scheduling Order that controls the case.¹

1. Parties have not discussed any settlement of the case; Defendants intend to notice the deposition of Retzlaff under the July 2008 Order that compels it. (Undersigned counsel has not yet noticed the deposition due to competing litigation demands, including trial in Fort Worth August occurring August 11-15 and August 18, 2008. *Norton v. Tex. Dept. of Family and Prot. Serv.*, No. 153-204426-04 (153rd Dist. Ct., Tarrant County, Tex.)). So as to comply with

¹ On August 22, 2008, at a court hearing in other litigation brought against a undersigned counsel confirmed with Tom Retzlaff that he was still represented by attorney Louis Martinez. By telephone message left with Retzlaff's counsel on August 25, 2008, Defendants sought to confer about the content of this Report. Retzlaff's counsel did not respond by the time of this filing.

the Scheduling Order and Local Rule CV-88, however, Defendants stipulate to using any active and available member the Court's approved list of neutrals identified in the Order.

2. Defendant de la Vina is designated as the person responsible for settlement negotiations. Defendants might supplement her name with one other UTSA official. Defendants have been informed of the ADR procedures available in the U.S. District Court for the Western District of Texas.
3. Defendants do not at this time believe that ADR is appropriate. Material discovery remains, and a local court (Bexar County Court at Law No. 3) has designated Retzlaff "vexatious" due to the nature and extent of his civil litigation practices, which have harassed a host of public officials, institutions, and private defendants.

CONCLUSION

Defendants hereby comply with the Scheduling Order's ADR Report deadline in this case and the related Local Rule CV-88.

