

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

FILED
2008 SEP -8 P 2: 15
CLERK, US DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY [Signature]
DEPUTY

TOM RETZLAFF,
Plaintiff,

Vs.

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

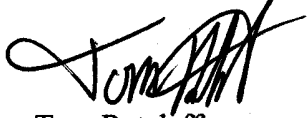
CIVIL ACTION NO. 5:08-CV-00170-OLG

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

1. Plaintiff's moves for an order protecting him from having to participate in a September 10, 2008, deposition.
2. The grounds for this motion are: Plaintiff has a previously scheduled medical appointment on the morning of September 10th and in the afternoon he has a previously scheduled court hearing in the 150th District Court of Bexar County, Texas. In addition, 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.

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 8, 2008, before 5:00 p.m. local time of the recipient.



Tom Retzlaff