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.	§	

AFFIDAVIT OF KATHERINE POPE

COUNTY OF BEXAR	§
	§
STATE OF TEXAS	§

Before me, the undersigned authority, personally appeared KATHERINE POPE, who being known to me as the person whose signature appears below, and being first by me duly sworn, did depose and say:

- 1. "My name is Katherine Pope. I am over 18 years of age and have never been convicted of a felony crime or any misdemeanor crime involving dishonesty. I have personal knowledge of the matters set forth in this affidavit, am competent to make the affidavit, and the facts I state herein are true and correct.
- I am employed by the University of Texas at San Antonio (UTSA) as Director, Graduate Student Services in the College of Business, and have held this position since September 2003. Before then, I was assistant director of the same office, beginning in 2000. I hold a Bachelor of Business Administration degree from UTSA.
- 3. Part of my job requires me to monitor students' compliance with any special conditions of their enrollment. For Thomas Retzlaff, a condition of his admission to the MBA was that he complete in his first semester any of three quantitative courses meant to try to demonstrate his quantitative proficiency due to his poor performance on the quantitative section of the GMAT as well as grades in undergraduate Math courses. Failure to comply with a condition of this type results in a student being dismissed from the program.

EXHIBIT

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- 4. By the end of 2007 (including two academic semesters) Mr. Retzlaff still had not taken any of the three courses required for him to complete as a condition of his admission to the MBA program. When in the fall semester of 2007 I alerted him that this meant that he was dismissed from the MBA program, he successfully petitioned for reinstatement by arguing that he did not understand the condition of his admission that I have described here. UTSA allowed him to continue the program in the spring semester of 2008 and in spite of the disciplinary action that by that time was taking place through UTSA Student Judicial Affairs. I made no effort to bar Mr. Retzlaff from taking classes for the spring semester of 2008 due to any speech or association he says that he undertook.
- I also understand that Mr. Retzlaff accuses me of defaming him because he says that I distributed a November 2007 e-mail provided me by dean Lynda de Viña. This is not true. I remember receiving a short e-mail notification she sent to me and some other administrators, which I now recognize as an item marked Attachment 1 to the affidavit testimony of dean de la Viña. But I did not forward the e-mail to other people."

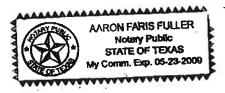
END OF AFFIDAVIT

Katherine Pope

SWORN AND SUBSCRIBED before me on February 2, 2009.

Notary Public In and For the State of TX

My Commission Expires 5-23-09



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