

Joe [REDACTED]

Via Priority Mail with Delivery Confirmation: 0304 1070 0002 4424 8434

June 21<sup>st</sup>, 2008

United States District Court  
Southern District of Texas  
Houston Division  
515 Rusk Avenue  
Houston, Texas 77002

To the Honorable Judges Nancy F. Atlas, Keith Ellison, Vanessa Gilmore, Melinda Harmon, David Hittner, Kenneth M. Hoyt, Lynn N. Hughes, Samuel B. Kent, Sim Lake, Gray Miller, John D. Rainey, Lee H. Rosenthal and Ewing Werlein, Jr.

I am writing to you in light of a vicious attack upon me and my family that was made in the name of your court.

The attack was predicated by one simple act of mine – I made a perfectly legal and proper do-not-fax request<sup>1</sup> to the attorney<sup>2</sup> of the largest junk fax blaster in the country<sup>3</sup>. Because of my do-not-fax request an attorney by the name of J. Andrew Walkup<sup>4</sup> served me with a subpoena for documents and testimony using a legal case their junk fax blasting client is involved in.

There are several problems with this subpoena - I am not a party to the case, have no knowledge of the facts of the case, have no documents relating to the case and have no testimony to give in regards to the case. Further, it places an undue burden upon me by forcing me to take a vacation/no-pay day and incur the time and expense of driving 35 miles into Houston, enduring the deposition and then returning 35 miles to my home in Friendswood, Texas.

Upon my notifying Mr. Walkup of those facts he threatened me and my family on behalf of your court with contempt i.e. arrest, incarceration, loss of gainful employment/income and loss of our home if I don't comply with his subpoena. Other than saying he wants to work with me he has not once suggested any other date/time or location. He has though consistently suggested that I retain an attorney.

It is extremely obvious to me and any layman reviewing the facts in this matter that the subpoena is nothing more than vicious retaliation against me and my family. Had I not made a do-not-fax request no one at this law firm would have ever known about me! The repeated threats that I need to get an attorney screams loudly to the fact that this Mr. Walkup intends to force every possible financial expense he can upon me and my family.

Consequently, I ask all of you to set aside the rules that close the courts to a citizen's fair opportunity to respond to a subpoena used as a means to viciously retaliate against a law abiding citizen. I respectfully request that the court accept my attached Motion to Quash the subpoena and set it on for submission without requiring me to suffer the cost of filing the motion, the expense of retaining an attorney to represent me or the time and expense to appear for the motion..

Alternatively, if you decide that even in the interest of justice that rules cannot be waived then I respectfully request that judicial notice be taken of the real reason for the behavior of Mr. Walkup in this matter – retaliation- and if and when it comes up for review forego holding me in contempt of his subpoena.

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<sup>1</sup> I work at [REDACTED]

<sup>2</sup> Mary Ann L. Wymore with Greensfelder, Hemker & Gale, P.C.

<sup>3</sup> Protus IP Solutions

<sup>4</sup> Also with Greensfelder, Hemker & Gale, P.C.

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Please note that I have responded to the subpoena and placed Mr. Walkup on notice at least 3 times about my lack of knowledge about the case and the undue financial costs the subpoena will cause me and my family. I hope that you will recognize the truth about the matter and not allow Mr. Walkup to use your court as a means to punish me and my family for my do-not-fax request.

Thank you,



cc: United States District Court  
Central District of California  
Western Division  
255 East Temple Street  
Los Angeles, California 90012  
To the Honorable Judges Audrey B.Collins, Florence-Marie Cooper, Gary A. Feess, Dale S. Fischer, Philip S. Gutierrez, Robert J. Kelleher, George H. King, R. Gary Klausner, Margaret M. Morrow and S. James Otero  
Via Priority Mail with Delivery Confirmation: 0307 3330 0000 9350 4231

Mary Ann L. Wymore  
J. Andrew Walkup  
Greensfelder, Hemker & Gale, P.C.  
10 South Broadway, Suite 2000  
St. Louis, Missouri 63102-1774  
Via facsimile to 314-345-5499