

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

j2 GLOBAL COMMUNICATIONS,  
INC.,

Plaintiff,

v.

PROTUS IP SOLUTIONS, INC., et  
al.,

Defendants.

CASE NO. CV 06-0566-DPP (AJWx)

JOE [REDACTED] MOTION TO QUASH  
PROTUS IP SOLUTIONS' SUPOENA

**MOTION TO QUASH**

**TO THE HONORABLE JUDGE OF SAID COURT:**

NOW COMES JOE [REDACTED], who respectfully files this **Motion to Quash** a subpoena issued by this court and for good cause would show as follows:

Joe [REDACTED] contacted the lawyer, Mary Ann L. Wymore, given as Protus IP Solutions legal representative on the junkfax.org web site on the 6<sup>th</sup> of February via telephone and again on the 10<sup>th</sup> of February via email and requested that Protus IP Solutions cease transmitting illegal junk fax advertisements to the federal facility that Joe [REDACTED] works at.

Because of Joe [REDACTED] contact with Mary Ann L. Wymore another attorney with the same law firm as Mary Ann L. Wymore, a J. Andrew Walkup issued a subpoena to Joe [REDACTED] demanding that Joe [REDACTED] produce documents and testimony in regard to this case before the court.

Joe [REDACTED] has notified J. Andrew Walkup on at least four (4) occasions prior to the filing of this motion together with a sworn affidavit on at least one (1) occasion that Joe [REDACTED] is not a party to the case, has no knowledge of any facts of the case, has no documents that relate to the case and has no testimony to give in regard to the case. See attached Exhibit 1 Affidavit of Joe [REDACTED].

Further Joe [REDACTED] has notified J. Andrew Walkup that as the subpoena stands that previously scheduled obligations would have to be changed and that Joe [REDACTED] would have to take a day's vacation or a day's no-pay and drive 70 miles round trip in [REDACTED], Texas rush hour traffic to comply with the subpoena. Joe [REDACTED] would stand to lose several hundred dollars in vacation/no-pay time and expend unrecoverable gasoline and parking costs.

J. Andrew Walkup did not have the decency to contact Joe [REDACTED] prior to issuance of the subpoena to ascertain whether Joe [REDACTED] had any documents or testimony in the case or whether the subpoena would unduly interfere with Joe [REDACTED] prior obligations and/or cause an undue burden upon Joe [REDACTED]. Together with the fact that Joe [REDACTED] has stated under oath that he knows nothing of this case the only obvious conclusion one came come to for the issuance of the subpoena is that it was issued as a means of viciously retaliating and attacking Joe [REDACTED] and his family for Joe [REDACTED] making a perfectly legal and proper do-not-fax request.

WHEREFORE PREMISES CONSIDERED, Plaintiff requests that this honorable court recognize that Joe [REDACTED] has nothing to do with and should not be involved with this case and **Grant the Motion to Quash** the subpoena.

Respectfully submitted,

\_\_\_\_\_  
Joe [REDACTED]

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

j2 GLOBAL COMMUNICATIONS,  
INC.,

Plaintiff,

v.

PROTUS IP SOLUTIONS, INC., et  
al.,

Defendants.

CASE NO. CV 06-0566-DPP (AJWx)

JOE [REDACTED] MOTION TO QUASH  
PROTUS IP SOLUTIONS' SUPOENA

**ORDER**

On this the \_\_\_\_\_ day of \_\_\_\_\_ the court considered under submission the MOTION TO QUASH the subpoena issued by J. Andrew Walkup to Joe [REDACTED] in the name of this court. After consideration of the facts and pleadings in the matter the court is of the opinion that the subpoena should not have been issued and GRANTS the MOTION TO QUASH.

SIGNED on this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

PRESIDING JUDGE:

\_\_\_\_\_