

**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

**[REDACTED] RESPONSE TO PROTUS IP SOLUTION INC'S RESPONSE TO [REDACTED]**

**MOTION TO QUASH AND PROTUS IP SOLUTION INC'S MOTION TO COMPEL**

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

NOW COMES JOE [REDACTED], who respectfully files this **RESPONSE** and for good cause would show as follows:

Mary Ann L. Wymore declaration at paragraph 3 misrepresents the truth of the telephone conversation of February 6<sup>th</sup>, 2008 to this court. In that conversation, [REDACTED] never stated to Mrs. Wymore that he had received or was in possession of any "subpoenaed" documents relating to Protus' removal numbers. In fact, [REDACTED] repeatedly stated to Mrs. Wymore that he was not. Further, [REDACTED] repeatedly stated that the sole purpose of his call was to ask that her client cease transmitting their illegal junk faxes to the federal facility [REDACTED] works at.

Mrs. Wymore should not have any credibility before this court. As an attorney she knows the consequences of failing to comply with the law of the land. She was made aware of the fact that her client was in violation of 18 U.S.C. 641. Her client was **and still is** trespassing upon government property and engaging in conversion of government property by high jacking the facsimile machines

at the federal facility [REDACTED] works at. Other than claiming that I have no authority to make a do-not-fax request Mrs. Wymore has done nothing to stop the flood of illegal junk faxes from her client to the federal facility that [REDACTED] works at.

On the other hand [REDACTED] has credibility with and the respect of a half dozen State Attorney Generals including the Texas Attorney General. [REDACTED] provided evidence of American Blastfax Inc.'s violations of the TCPA to the Texas Attorney General which lead to the successfully shutting down of the biggest junk fax operation in the country at the time. Further, [REDACTED] has credibility with many state and federal agencies - the FCC has issued nine (9) Official Citations and two (2) Forfeiture Orders based on [REDACTED] complaints filed with the FCC<sup>1</sup>. [REDACTED] also has credibility with and the respect of Judge Block, Judge Cagle and Judge Lindsey all judges sitting or having sat in Harris County Courts for his proactive enforcement of the TCPA on unlawful calls made to his residential phone number. [REDACTED] acting as a private attorney general **as congress intended** has obtained a half dozen injunctions against violators of the TCPA<sup>2</sup>. The entire community has benefited from [REDACTED] actions in protecting himself, his family and his home from unwanted and illegal telemarketing calls. Additionally, [REDACTED] has filed thirty-one (31) comments and reply comments in The Matter of the Rule and Regulations Implementing the Telephone Consumer Protection Act of 1991 (FCC proceeding 02-278).

Consequently if [REDACTED] avers under oath that he has no documents to produce or testimony to give in this case then that is the truth! Mrs. Wymore's declaration cannot change that truth. Other

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<sup>1</sup> FCC citations EB-TC-01-065, EB-02-TC-062, EB-02-TC-064, EB-02-TC-065, EB-02-TC-122, EB-02-TC-132, EB-02-TC-257, EB-02-TC-259, EB-04-TC-082 and FCC Forfeiture Orders on EB-00-TC-011 and EB-07-TC-502.

<sup>2</sup> Joe [REDACTED] v R&B Home Security Inc. et al, Cause No. 47,596, Galveston County Civil Court, April 2, 2001; Joe [REDACTED] v. Lone Star Utility Savers Inc., Cause No. 759,971, Civil Court of Law No 1, Harris County; Joe [REDACTED] v. Kenneth Dale Hensley et al, Cause No. 2001-32094, 280<sup>th</sup> District Court, Harris County; Joe [REDACTED] v. Chiarello Investments Inc. et al, Cause No. 784998, County Civil Court at Law # 1, Harris County; Joe [REDACTED] v. Kevin

than Mrs. Wymore's declaration not a shred of evidence has been provided to this court that supports the basis for the subpoena, deposition or a motion to compel. [REDACTED] simply cannot produce documents or testimony he does not have and Mrs. Wymore's declaration cannot change that.

[REDACTED] and his family have been victims of numerous attacks because of [REDACTED] efforts in regard to the TCPA. This nefarious subpoena and deposition is such an attack. It is a classic example of how attorneys defending junk fax blasters lie to the courts so they can get the court to help them retaliate against those that dare to make do-not-fax demands to their clients.

WHEREFORE PREMISES CONSIDERED, Plaintiff requests that this honorable court not condone the abuse of the discovery process the attorneys for Protus are engaged in and **Grant the Motion to Quash** the subpoena.

Respectfully submitted,

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Joe [REDACTED]