

RICHARD M SCOVILLE ET AL

IN THE DISTRICT COURT

VS.

73rd JUDICIAL DISTRICT

BRIAN J BRUNS ET AL

BEXAR COUNTY, TEXAS

"THE STATE OF TEXAS"

TEMPORARY RESTRAINING ORDER

To: BRIAN J BRUNS AKA ABUSIVE HOSTS  
BLOCKING LISTS AHBL/ORG THE SUMMIT OPEN SOURCE DEVELOPMENT  
GROUP SOSDG.ORG

Whereas,

in a certain cause pending on the docket of the 73rd Judicial District Court of Bexar County, Texas, being cause number 2005-CI-19492, where in RICHARD M SCOVILLE ET AL, is PLAINTIFF, and BRIAN J BRUNS AKA ABUSIVE HOSTS BLOCKING LISTS AHBL.ORG THE SUMMIT OPEN SOURCE DEVELOPMENT GROUP SOSDG.ORG is DEFENDANT. In said suit the PLAINTIFF has filed an Original Petition, asking among other things, for the granting and issuance of Temporary Restraining Order, to restrain the DEFENDANT BRIAN J BRUNS AKA ABUSIVE HOSTS BLOCKING LISTS AHBL.ORG THE SUMMIT OPEN SOURCE DEVELOPMENT GROUP SOSDG.ORG as fully set out and prayed for in the Original Petition, a copy of which is attached hereto and to which reference is here made for the injunctive relief sought by the PLAINTIFF; upon presentation and consideration of said petition, the Honorable ANDY MIRELES has entered the following, to-wit: copy of order attached to writ served. And whereas, bond (if required) has been filed and approved;

These are therefore, to RESTRAIN, and you the said DEFENDANT BRIAN J BRUNS AKA ABUSIVE HOSTS BLOCKING LISTS AHBL.ORG THE SUMMIT OPEN SOURCE DEVELOPMENT GROUP SOSDG.ORG are hereby RESTRAINED as fully set out and prayed for in the Original Petition, a copy of which is attached hereto, made a part hereof and to which reference is hereby made for a full and complete statement of the injunctive relief sought by the PLAINTIFF.

And you are further notified that the hearing on the Application for Temporary Injunction is set at the Bexar County Courthouse in the City of San Antonio, Texas on the 28th day of December A.D., 2005 at 9:00 o'clock A.M. in room 218, PRESIDING Judicial District Court, at which time you are required to appear and show cause, if any, why said Injunction should not be granted as prayed for.

HEREIN FAIL NOT TO OBEY THIS WRIT, UNDER THE PAINS AND PENALTIES PRESCRIBED BY LAW! ISSUED AND GIVEN UNDER MY HAND AND SEAL OF OFFICE, AT SAN ANTONIO, TEXAS the 14th day of December A.D., 2005.

RICHARD M SCOVILLE  
ATTORNEY FOR PLAINTIFF  
PO BOX 120442  
SAN ANTONIO, TX 78212-9642

MARGARET G. MONTEMAYOR  
DISTRICT CLERK OF BEXAR CO., TEXAS  
BEXAR COUNTY COURTHOUSE  
SAN ANTONIO, TEXAS 78205



*Angela Dominguez*  
BY ANGELA DOMINGUEZ DEPUTY

RETURN

CAME TO HAND ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_ A.D., \_\_\_\_\_ AT \_\_\_\_\_ O'CLOCK \_\_\_\_\_ .M. AND EXECUTED (NOT EXECUTED) ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_ A.D., \_\_\_\_\_ BY DELIVERING TO \_\_\_\_\_ IN PERSON, A TRUE COPY OF THIS TEMP. REST. ORDER UPON WHICH I ENDORSED THE DATE OF DELIVERY. CAUSE OF FAILURE TO EXECUTE THIS TEMP. REST. ORDER IS \_\_\_\_\_.

TOTAL FEES: \_\_\_\_\_  
\_\_\_\_\_ COUNTY, TEXAS  
BY \_\_\_\_\_

NON-PEACE OFFICER VERIFICATION

VERIFICATION OF RETURN (IF NOT SERVED BY PEACE OFFICER)

SWORN TO THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
NOTARY PUBLIC, STATE OF TEXAS

ORIGINAL (DK022)



2005 ~~CI~~ NO. 19492

RICHARD M. SCOVILLE.  
INDIVIDUALLY and on behalf of  
Free Speech Store also known as FSS,  
FreeSpeechStore.com

IN THE DISTRICT COURT

VS.

73rd  
45th JUDICIAL DISTRICT

BRIAN J. BRUNS, AKA ABUSIVE  
HOSTS BLOCKING LISTS, AHBL.ORG,  
THE SUMMIT OPEN SOURCE  
DEVELOPMENT GROUP, SOSDG.ORG,  
ANDREW D. KIRCH, AKA  
D&K CONSULTING, TRELANE.NET

BEXAR COUNTY, TEXAS

**TEMPORARY RESTRAINING ORDER**

Plaintiff, Richard M. Scoville, INDIVIDUALLY and on behalf of Free Speech Store also known as FSS, FreeSpeechStore.com has filed its Original Petition in this cause seeking temporary and permanent injunctions against Defendants, BRIAN J. BRUNS, AKA ABUSIVE HOSTS BLOCKING LISTS, AHBL.ORG, THE SUMMIT OPEN SOURCE DEVELOPMENT GROUP, SOSDG.ORG, ANDREW D. KIRCH, AKA D&K CONSULTING, TRELANE.NET. After reviewing all pertinent pleadings, briefs and other filings and arguments of counsel, the Court determines that the Plaintiff's Motion should be in all things granted. The Court therefore makes the following findings and orders:

The Court finds that the Temporary Restraining Order is necessary because "the applicant is entitled to the relief demanded and all or part of the relief requires the restraint of some act prejudicial to the applicant" and "irreparable injury to real or personal property is threatened, irrespective of any remedy at law.", as provided in § 65.011 (1) and (5) respectively of the Civil Practice and Remedies Code.

The Court finds that a cash bond of \$ 100<sup>00</sup> shall be required and executed pursuant to Rule 684 of the Texas Rules of Civil Procedure and paid to the clerk since the adverse party will be not be disadvantaged financially by the granting of this order and/or subsequent injunctive relief.

IT IS THEREFORE ORDERED, that all Defendants, including BRIAN J. BRUNS, AKA ABUSIVE HOSTS BLOCKING LISTS, AHBL.ORG, THE SUMMIT OPEN SOURCE DEVELOPMENT GROUP, SOSDG.ORG, ANDREW D. KIRCH, AKA D&K CONSULTING, TRELANE.NET (hereinafter "Defendants"), are hereby immediately enjoined from taking any action that is calculated to, or may cause, RICHARD M.

SCOVILLE, INDIVIDUALLY and on behalf of Free Speech Store also known as FSS, FreeSpeechStore.com (hereinafter "Plaintiff"), to have any emails blocked and/or returned due to the listing of Plaintiff on Defendants' Blacklists, DSNBLs, or any such list which Defendants' maintain in an effort to block email correspondence. Any such listings presently in place with Plaintiff's and/or Internet Contrasts domain name, IP address(es), subnets, etc. will be removed from Defendants' listings as compliance of this Court order.

IT IS FURTHER ORDERED that Defendants are precluded from accessing, Plaintiff's server(s) for the purpose of changing files, altering files, spidering, probing, etc with known hacking tools as wget or the like for any reason, or the harming and/or altering of said server(s) in any manner. This does not preclude Defendants from normal browsing of Plaintiff's server(s).

IT IS FURTHER ORDERED that Defendants immediately cease and desist from contacting, in any manner, any of Plaintiff's suppliers, customers, affiliates, or those engaging in commerce of any kind with Plaintiff unless Defendants are presently doing business with them on totally unrelated issues and will not mention the Plaintiff, its customers, suppliers, agents, and/or affiliates in any manner, especially to defame or disparage. This part of the order includes the posting of material of any kind referring to Plaintiff, its customers, suppliers, agents, affiliates, etc. to the Internet per se, Usenet (Newsgroups), public forums, chat groups, etc. Defendants are to cease and desist from their campaign of unlawful defamation.

The hearing on the preliminary injunction is set for the 28<sup>th</sup> day of December, 2005, at 9:00 o'clock 9.m.

Dated: December 14, 2005, at 205 o'clock 12.m. in Presiding District Court.

/s/Andy Miralles  
JUDGE PRESIDING