

JOE SHIELDS	§	IN THE COUNTY CIVIL COURT
VS.	§	AT LAW NUMBER TWO (2) OF
GTE SOUTHWEST INC. D/B/A VERIZON SOUTHWEST, JAMIE LYNN GOBAL-HOLLAND	§ §	
INDIVIDUALLY D/B/A MARKET YOUR WAY AND HOWARD HUGH HOLLAND INDIVIDUALLY D/B/A MARKET YOUR WAY	§ § §	
		HARRIS COUNTY, T E X A S

DEFAULT JUDGMENT AND PERMANENT INJUCNTION

On the 13th day of April, 2005 came on to be heard the above entitled and numbered cause. JOE SHIELDS, the Plaintiff, appeared in person and pro se and announced ready for trial. GTE Southwest Inc. has been dismissed from all claims and is no longer a defendant in this matter. JAMIE LYNN GOBAL-HOLLAND Individually d/b/a MARKET YOUR WAY and HOWARD HUGH HOLLAND Individually d/b/a MARKET YOUR WAY (hereinafter sometimes “the HOLLANDS”), though having been duly served with citation – proof of which has been on file for more than 10 day - failed to appear or answer and wholly made default.

The Court has determined that proper citation has been issued and served upon the said Defendants, THE HOLLANDS, for the time and in the manner required by law and that the same has been on file herein for more than ten (10) days prior to the date hereof. The Court finds further that all pre-requisites of law invoking the jurisdiction and venue of this cause and of the Defendants, THE HOLLANDS, have been in all things complied with.

No jury having been demanded, all matters of fact and things in controversy were submitted to the Court. The Court, having read Plaintiff’s pleading and heard the

evidence thereon, is of the opinion that Plaintiff is entitled to recover his damages by reason of the premises against the said Defendants, THE HOLLANDS, who are in default.

More specifically, the Court is of the opinion that the Defendants, THE HOLLANDS, violated the Telephone Consumer Protection Act, 47 U.S.C. §227, the Code of Federal Regulations implementing the Telephone Consumer Protection Act, 47 CFR §64.1200, and the Texas Business and Commerce Code 35.47 (hereinafter “TCPA, CFR and TB&CC”) by making at least three (3) prerecorded telephone solicitation calls to the Plaintiff’s residential telephone numbers without the prior express consent of the Plaintiff or a prior business relationship existing with the Plaintiff, by not providing the name of the individual caller in any of such calls, by not providing the name of the entity represented by any of such calls, by not providing the telephone number or address of the entity represented by any of such calls, by not providing the name, as registered with the appropriate state or county taxing authority, of the entity initiating any of such calls, by not providing the telephone number or address of the entity initiating any of such calls, by initiating, on three (3) occasions, telephone solicitations to Plaintiff’s telephone numbers listed on the National do-not-call registry more than 30 days prior to any of such calls, by failing to honor Plaintiff’s do-not-call request on two (2) occasions, by failing, in any of such calls, to transmit a telephone number in caller ID that is answered by a live person during regular business hours and by failing to provide a copy of Defendants’, THE HOLLANDS do-not-call policy to the Plaintiff.

The Plaintiff is thus entitled to recover statutory damages under both the federal and state statute. Additionally, the actions of the said Defendants, THE HOLLANDS,

were done willfully and knowingly and the Plaintiff is thus entitled to recover additional damages under both the federal and state statute.

It is therefore ORDERED, AJUDGED AND DECREED by the Court that JOE SHIELDS do have and recover statutory damages from the Defendants, THE HOLLANDS, in the sum of \$ twenty-nine thousand dollars (\$29,000.00). It is further ordered that JOE SHIELDS do have and recover from the Defendants, THE HOLLANDS, additional damages in the sum of fifty-eight thousand dollars (\$58,000.00).

The Court further finds that the Defendants, THE HOLLANDS, should be permanently enjoined as herein after stated.

It is further ORDERED that the Defendants, THE HOLLANDS, and any and all of their employees, officers, directors, contractors, agents, attorney's, successors, assignees, merged or acquired predecessors, parent or controlling entities and subsidiaries are hereby permanently enjoined from violating the TCPA, CFR and TB&CC and are specifically enjoined from:

- a. initiating or causing to be initiated any telephone call to any residential telephone line using an artificial or prerecorded voice to deliver a message without the prior express consent of the called party;
- b. initiating or causing to be initiated any telephone call to any residential telephone line using an artificial or prerecorded voice to deliver a message without an established business relationship with the called party;
- c. initiating or causing to be initiated any telemarketing call to any residential telephone line which fails to clearly state at the beginning of the telephone call the full identity (first and last name) of the individual making the call;
- d. initiating or causing to be initiated any telemarketing call to any residential telephone line which fails to clearly state, at the beginning or during the telephone call the name of the entity represented;

- e. initiating or causing to be initiated any telemarketing call to any residential telephone line which fails to clearly state, at the beginning or during the telephone call the telephone number or address of the entity represented;
- f. initiating or causing to be initiated any telemarketing call to any residential telephone line using an artificial or prerecorded voice to deliver a message which fails to clearly state, at the beginning or during the message the name as registered to conduct business with the State Corporation Commission or County Taxing Authority of the individual or business initiating the telephone call;
- g. initiating or causing to be initiated any telemarketing call to any residential telephone line using an artificial or prerecorded voice to deliver a message which fails to clearly state, at the beginning or during the message, the telephone number or address of the individual or business initiating the telephone call as registered to conduct business with the State Corporation Commission or County Taxing Authority;
- h. initiating or causing to be initiated any telemarketing call to any residential telephone line at any time or within five (5) years after the called party has requested that their telephone number(s) be placed on a company wide do-not-call list;
- i. initiating or causing to be initiated any telemarketing call to any residential telephone line without having a written policy on maintaining a do-not-call list;
- j. failing to provide to the called party on demand a copy of such written policy;
- k. initiating any telemarketing call to any residential telephone line without the training of personnel engaged in telephone solicitation in properly and completely identifying themselves;
- l. initiating any telemarketing call to any residential telephone line without training personnel engaged in telephone solicitations on the restrictions of the initiation of artificial or prerecorded voice messages to residential telephone lines without prior express consent of the called party or prior business relationship with the called party;
- m. initiating any telemarketing call to any residential telephone line without training personnel engaged in telephone solicitation on the use of a do-not-call list;
- n. failing to transmit a caller identification telephone number that is answered by a live person during normal business where a called party can make a do-not-call request;
- o. initiating any telemarketing call to any residential telephone number or cellular telephone number on the National Do Not Call Registry;

Defendants, THE HOLLANDS, and any and all of their employees, officers, directors, contractors, agents, attorney's, successors, assignees, merged or acquired predecessors, parent or controlling entities and subsidiaries are hereby are hereby ORDERED to clearly state at the beginning of each and every telemarketing call initiated or caused to be initiated to any residential telephone line THE HOLLANDS' first and last names and THE HOLLANDS' home telephone numbers (and identified as such) so recipients of THE HOLLANDS' telemarketing calls can disturb them, while they eat dinner.

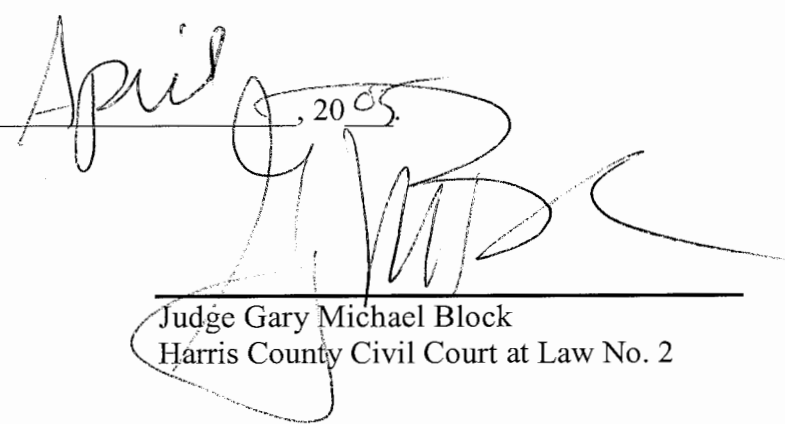
The requirement, if any is applicable, for a bond is hereby waived by the Court.

It is further ORDERED that the judgment hereby rendered shall bear interest at five percent (5%) per annum, compounded annually, from the date hereof until paid.

All costs of court expended or incurred in this cause are hereby adjudged against the Defendants, THE HOLLANDS, as are all writs and processes for the enforcement and collection of this judgment and any other costs of court that may be issued as necessary.

All other relief not expressly granted herein is hereby denied.

Signed this 27th day of April, 2005.



Judge Gary Michael Block
Harris County Civil Court at Law No. 2