

The Cellular Phone Store

VICTOR
CHRIS TORRES
Service and Installation

1313 South Loop West
Houston, Texas 77054
Office (713) 797-9600
Fax (713) 797-9493

A SERVICE CENTER OF
NEWTECH CELLULAR
Clearly The Best
BC, 9-29-94

CELLULAR PHONE STORE 2

1313 South Loop West
HOUSTON, TX 77054
(713) 797-9600

NO MERCHANDISE DELIVERED WITHOUT THIS CHECK. NOT RESPONSIBLE FOR GOODS LEFT OVER 30 DAYS NOR FOR LOSS BY FIRE OR THEFT.

BC, 9-29-94
CLAIM CHECK

1588

6
2 Cell Phones
1 Cell Number
1 Cell Bill
Fast, Locally & Legal
Call John At 713-360-8689
BC, 9-29-94

EXHIBIT

4

The Cellular Phone Store

VICTOR TORRES
Technical Manager

1313 South Loop West
Houston, Texas 77054
Office (713) 797-9600
Fax (713) 797-9493



12-29-94
2 Cell Phones
1 Cell Number
1 Cell Bill
Fast, Locally & Legal
Call John At 713-360-8689



MAX & HELENE
RUDICK

RE
12-29-94

9100 Southwest Frwy.,
Suite 150
Houston, Texas 77074

(713) 771-6969
Fax: (713) 771-6970

RE
12-29-94
2 Cell Phones
1 Cell Number
1 Cell Bill
Fast, Locally & Legal
Call John At 713-360-8689

RE
12-29-94
2 Cell Phones
1 Cell Number
1 Cell Bill
Fast, Locally & Legal
Call John At 713-360-8689
771-6974

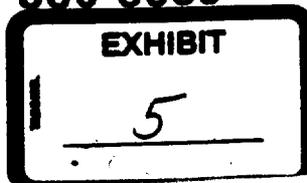
RE
12-29-94
2 Cell Phones
1 Cell Number
1 Cell Bill
Fast, Locally & Legal
Call John At 713-360-8689

RE
12-29-94
2 Cell Phones
1 Cell Number
1 Cell Bill
Fast, Locally & Legal
Call John At 713-360-8689

RE
12-29-94
2 Cell Phones
1 Cell Number
1 Cell Bill
Fast, Locally & Legal
Call John At 713-360-8689

RE
12-29-94
2 Cell Phones
1 Cell Number
1 Cell Bill
Fast, Locally & Legal
Call John At 713-360-8689

RE
12-29-94
2 Cell Phones
1 Cell Number
1 Cell Bill
Fast, Locally & Legal
Call John At 713-360-8689



CELL TIME CELLULAR (CTC)

5202 SYCAMORE VILLAS DR. • KINGWOOD TEXAS, 77345 • PHONE & FAX 713-360-8689

RS 12-29-47

THANK YOU FOR YOUR INQUIRY

At CTC we have the technology to enable you to have more than one phone on the same number. This technology has been available for several years, but is expensive for a carrier to provide. CTC now makes that technology affordable!!

Your CTC serviced phone will maintain its original security. The original manufacturer's software will not have been changed nor will anything be physically added to your phone which might violate the phone's FCC type approval.

IMPORTANT POINTS TO REMEMBER

- A. Due to deficiencies in the established system, **ONLY ONE UNIT** can be on at a time. If more than one phone is on, you may be in violation of your carrier's tariffs. In some instances your service may be interrupted or even terminated due to the electronic security measures utilized by the carrier.
- B. This service is available to you from information provided by you and at your request. CTC will not assume liability for:
 - 1. the use or nonuse of the phones; or,
 - 2. any failure to observe any laws or regulations; or,
 - 3. any use which might constitute either theft of services; or,
 - 4. any use for fraudulent purposes whatsoever.
- C. Should your Primary (activated) phone be stolen, report it to your carrier immediately. Do not attempt to use the secondary phone since it may be blocked by the carrier. Any attempt to use the phone may result in investigation for using a reportedly stolen phone.
- D. Should your secondary (emulated) phone be stolen, request a number change from your carrier. After this change has been made your phone may have the number programmed. THEN call CTC. We will advise you of the procedure to have the new phone work with the existing phone.
- E. Should you decide to sell your secondary (emulated) phone, or return it to the manufacturer for warranty work, call us and we will reset it to its original parameters. There will be a nominal charge plus freight for this service.

Cell Time Cellular - Making tomorrow's technology affordable TODAY!

EXHIBIT

6

CELL TIME CELLULAR (CTC)

5202 SYCAMORE VILLAS DR. • KINGWOOD TEXAS, 77345 • PHONE & FAX 713-360-8689

TO: _____ FAX [] _____

HOW DO I GET STARTED?

Its as simple as 1-2!

(1) TYPE OR PRINT THIS INFORMATION IN BLACK INK and send it with the phone.

PRIMARY (ACTIVATED) Phone: Make _____	Model _____
PRIMARY ESN: _____	SERIAL # _____
SECONDARY Phone: Make _____	MODEL _____
SECONDARY ESN: _____	SERIAL # _____

(Your original papers from the Dealer or Carrier should show the ESN. If you cannot find it call your Dealer. IF YOU NEED FURTHER ASSISTANCE, CALL CTC 713-360-8689

(2) Call for pick up or send the SECONDARY PHONE ONLY VIA UPS with this form completed TO:

CELL TIME CELLULAR 5202 SYCAMORE VILLAS DR. KINGWOOD, TX 77345

Customer Name: _____ Address: _____

City _____ State _____ Zip _____

Daytime Phone # (NOT YOUR CELLULAR PHONE #): [] _____

PHONE RETURN ADDRESS _____

SHIP VIA: SECOND DAY AIR SVC [] \$ _____ REGULAR SERVICE [] \$ _____ ** DELIVERY [] \$ _____

**** PLUS \$6.00 if check not included with Order. Add \$1.00 per \$100 to insure over \$500**

CERTIFICATION: Under penalty of perjury and fraud I hereby certify that I am the user activated by my Carrier company for the above primary ESN. I hereby authorize and empower CTC as my Agent to perform the emulations as required on my behalf. I further certify that equipment connected to this line will be used in a legal manner and hereby agree to indemnify CTC of all liabilities and responsibilities w may be incurred by the use or nonuse of the line, phone, equipment, emulations, and enhancements without reservation.

Under NO CIRCUMSTANCES must MORE THAN ONE phone be powered on AT THE SAME TIME!

Authorized User's SIGNATURE _____ (LS) Date: _____

SOCIAL SECURITY # or FEIN _____ DRIVERS LICENSE # _____

DATE RECD: _____ DEALER: _____ AUTH # _____

DISCLAIMER: CTC RESERVES THE RIGHT TO MAKE CHANGES TO ITS PRODUCTS TO IMPROVE RELIABILITY, FUNCTION, OR FURTHERMORE, CTC DOES NOT ASSUME ANY LIABILITY ARISING OUT OF THE APPLICATION, USE OR NONUSE, OR OF ANY LOCAL OR FEDERAL LAWS OF ITS PRODUCTS OR SERVICES WHATSOEVER. NOR DOES IT CONVEY ANY LICENSE UNDER ITS COPYRIGHTS, OR TRADE SECRETS, OR PERMISSION, OR THE RIGHTS OF OTHERS TO COPY ITS FEATURES, DESIGNS, DOCUMENTS, SOFTWARE. IN NO INSTANCE SHALL THE CTC LIABILITY EXCEED THE AMOUNT PAID TO CTC BY THE USER. COPYRIGHT INFRINGEMENT AND THEFT OF SERVICES ARE FEDERAL CRIMES carrying SERIOUS FELONY PENALTIES. VIOLATORS will be VIGOROUSLY PROSECUTED TO THE FULLEST EXTENT OF THE LAW!!

EXHIBIT

7



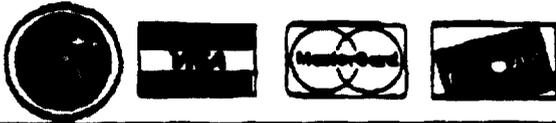
Floral Shoppe

The Freshest Cut Flowers Available:
Place Your Orders Now For Valentine's
Day Delivery, Tuesday Feb. 14.

We deliver in the Houston Metroplex and Wire
Flowers to all 50 states and 87 countries.

Satisfaction Guaranteed

Order by phone **579-6159**



SANDY'S 

713-975-8942
10947 Westheimer

**Surprise Someone With These
Scentsational Gifts!**

We've combined miniature bottles of fragrance from Elizabeth Arden with the warmth of a Hallmark message. Priced from \$12.00 to \$22.00

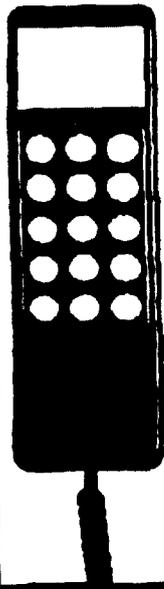
Claudia Truffles, Hallmark and Russell Stover boxed chocolates. Priced from 99¢ to \$19.95.

Great Gifts! Napoleon Roses, Dreamsticks, Precious Moments, Cherished Teddies, All God's Children, Fenton, Glass Baron, Swarovski Crystal.

Gift Wrapping Available. Bags and Balloons.

Have you ever wanted an extension to your
Mobilphone? Now you can have that extension
phone with no monthly fee!

EXTENSION PHONE



Two Cellular Phones One Cellular Number

Action Cellular Extensions
(713) 773-9610
Danny Hart

WOULD YOU LIKE TO BE A ZOO VOLUNTEER?

Join the Docent Council of the Houston Zoo.

Zoo Docents are men and women who contribute their time and knowledge to educate the public - especially children - about zoos, wildlife and conservation.

As a *Docent* you will have a lot of fun and become part of a team that has come to symbolize volunteerism, teamwork and caring.

Orientation for Prospective Docents:

Friday, February 17, 1995.....10:30 a.m.

OR

Saturday, February 18, 1995.....10:30 a.m.

Orientation is at the zoo in the
Brown Education Center Auditorium.

CALL 523-2878

or 523-2681

FOR MORE INFORMATION



Thank you for viewing AdverFax, an overnight business-to-business
publication that provides your office with valuable savings.



AdverFax

733-5100 *Adverfax 1994

EXHIBIT

8

prior to the granting of this temporary restraining order, and therefore, no notice to the defendants of this order was required.

Therefore, it is ordered:

(1) Defendants John C. Nelson, individually and d/b/a both Cell Time Cellular and Action Cellular; and Danny Hart, individually and d/b/a both Action Cellular and Action Cellular Extension are enjoined from and shall cease any manipulating, altering, emulating or transferring of ESNs on cellular phones.

(2) Defendants John C. Nelson, individually and d/b/a both Cell Time Cellular and Action Cellular; and Danny Hart, individually and d/b/a both Action Cellular and Action Cellular Extension are further enjoined from and shall cease to alter or destroy any records, defined in its broadest sense to include all written, printed, typed, recorded, or graphic matter of every kind and description, including, drafts, originals and copies, and all attachments and appendices thereto which relate or refer to the altering, manipulating, transferring or emulating of ESNs or the names of individuals and/or entities with cellular phones having altered, manipulated, emulated or transferred ESNs. Without limiting it, the term "records" includes all agreements, contracts, communications, correspondence, letters, telegrams, telexes, messages, memoranda, records, reports, books, summaries, tape recordings or other records of telephone conversations or interviews, summaries or other records of personal conversations, minutes or summaries or other records of meetings and conferences, summaries or other records of negotiations, other summaries, diaries, diary entries, calendars, appointment books, time records, instructions, work assignments, forecasts, statistical data, statistical statements, financial statements, worksheets, workpapers, drafts, grafts, maps, charts, tables, accounts, analytical records, consultants' reports, appraisals, bulletins, brochures, pamphlets, circulars, trade letters, press releases, notes, notices, marginal notations, notebooks, telephone records, bills, statements, records of obligation and expenditure, invoices, lists, journals, advertising, recommendations, print-outs, compilations, tabulations, analyses, studies, surveys, transcripts of hearings, transcripts of testimony, affidavits, expense reports, microfilm, microfiche, articles, speeches, tape or disc recordings, sound re-

cordings, video recordings, film, tape, photographs, punch cards, programs, data compilation from which information can be obtained (including matter used in data processing), and other printed, written, handwritten, typewritten, recorded, stenographic, computer-generated, computer-stored, or electronically stored matter, however and by whomever produced, prepared, reproduced, disseminated, or made. The term "records" also includes all copies of documents by whatever means made, except that where a document is identified or produced, identical copies thereof which do not contain any markings, additions, or deletions different from the original need not be separately produced.

(3) The Court orders defendants John C. Nelson, Danny Hart and corporate representatives of Cell Time Cellular, Action Cellular and Action Cellular Extension to produce and U.S. Marshals to seize the following:

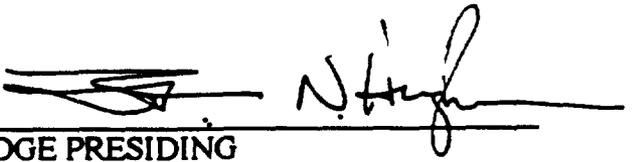
- (a) All lists, files, records or other information containing names, addresses and/or telephone numbers of individuals or entities for whom you altered, transferred, emulated or manipulated the electronic serial number of cellular telephones from January 1, 1990 to the present.
- (b) All advertisements, brochures or other documents which advertised services you provide to the public for altering, transferring, emulating or manipulating the electronic serial number of cellular telephones.
- (c) Documents in your possession which identify other individuals or entities which provide services which alter, transfer, emulate or manipulate the electronic serial numbers of cellular telephones.
- (d) Documents which evidence any previous or current business relationship or dealings with the entity C2+ Technology.
- (e) A complete copy of all data on any storage medium, including paper-based fixed disk data and removable disk data (such as hard drives, removable drives, floppy drives, optical drives, tape drives, and RAM drives). Houston Cellular will reimburse defendants for copying costs incurred in obtaining a hard copy of the foregoing information.

(4) The Court orders John C. Nelson, Danny Hart and corporate representatives of Cell Time Cellular, Action Cellular and Action Cellular Extension to immediately notify, in writing, return receipt requested, any affiliated computer service company of this temporary restraining order.

(5) The Court orders plaintiff Houston Cellular Telephone Company to file with the Court a bond in the amount of \$10,000.00 for the payment of costs and damages as may be incurred or suffered by any party who is found to have been wrongfully restrained.

(6) A temporary injunction hearing is set for Friday, March 3, 1995 beginning at 9:00 a.m., with the hearing to take place in Courtroom 11-C, Floor 11 of the Federal Courthouse located at 515 Rusk, Houston, Texas 77002.

SIGNED this 1st day of MARCH, 1995.



JUDGE PRESIDING

BOND NO. 6423218

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

HOUSTON CELLULAR
TELEPHONE COMPANY

V.

C.A. 95-617

JOHN C. NELSON, individually and
d/b/a both CELL TIME CELLULAR and
ACTION CELLULAR and DANNY
HART, individually and d/b/a both
ACTION CELLULAR and ACTION
CELLULAR EXTENSION

U.S. DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

FILED
MAR 1 1995
U.S. DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

TEMPORARY RESTRAINING ORDER BOND

KNOW ALL MEN BY THESE PRESENTS:

A temporary restraining order has been granted in Cause No. 95-617. Houston Cellular Telephone Company, as principal, and Universal Surety of America, as surety, acknowledges themselves bound to pay defendants John C. Nelson, individually and d/b/a both Cell Time Cellular and Action Cellular and Danny Hart, individually and d/b/a both Action Cellular and Action Cellular Extension the amount of \$10,000.00 for the payment of costs and damages, if any, as may be incurred or suffered by any party who is found to have been wrongfully restrained.

Witness our hands this 1st day of March, 1995.

UNIVERSAL SURETY OF AMERICA



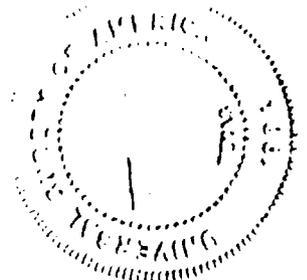
THE LOVETT AGENCY
BONDS & INSURANCE

1437 ESPERSON BUILDINGS
816 WALKER AT TRAVIS
HOUSTON, TEXAS 77002

PROFESSIONAL
INSURANCE
AGENT

(713) 224-7888

By: Paula Patterson
Paula Patterson
Attorney-in-Fact



UNIVERSAL SURETY OF AMERICA

P.O. BOX 1068 • Houston, Texas 77251-1068

GENERAL POWER OF ATTORNEY - CERTIFIED COPY

Agency Information
7008433
Lovett Agency

GP#

TX 6423218 00

Know All Men by These Presents, That UNIVERSAL SURETY OF AMERICA, a corporation duly organized and existing under the laws of the State of Texas, and having its principal office in Houston, Texas, does by these presents make, constitute and appoint

Laura Lima

James V. Felker

Paula Patterson

of Houston and State of Texas its true and lawful Attorney(s)-in-Fact, with full power and authority hereby conferred in its name, place and stead, to execute, acknowledge and deliver

Bonds not to exceed \$250,000.00 unless such is accompanied by letter of authority signed by the President, Secretary or Executive Vice President of Universal Surety of America.

and to bind the Company thereby as fully and to the same extent as if such bonds were signed by the President, sealed with the corporate seal of the Company and duly attested by its Secretary, hereby ratifying and confirming all that the said Attorney(s)-in-Fact may do within the stated limitations, and such authority is to continue in force until 12/31/96. Said appointment is made under and by authority of the following resolution adopted by the Board of Directors of Universal Surety of America at a meeting held on the 11th day of July, 1984.

"Be It Resolved, that the President, and any Vice President, Secretary or any Assistant Secretary shall be and is hereby vested with full power and authority to appoint any one or more suitable persons as Attorney(s)-in-Fact to represent and act for and on behalf of the Company."

"RESOLVED that the signature of any officer of the corporation, and the seal of the corporation may be affixed or printed by facsimile to any power of attorney of the corporation, and that such printed facsimile signature and seal shall be valid and binding upon the corporation."

In Witness Whereof, Universal Surety of America has caused these presents to be signed by its President, John Knox, Jr. and its corporate seal to be hereto affixed this 7th day of January, A.D., 1993.

UNIVERSAL SURETY OF AMERICA

State of Texas
ss:
County of Harris



John Knox, Jr. President

On this 7th day of January, in the year 1993, before me, Angela P. Daigle, a notary public, personally appeared John Knox, Jr., personally known to me to be the person who executed the within instrument as President, on behalf of the corporation herein named and acknowledged to me that the corporation executed it.



Angela P. Daigle Notary Public

I, the undersigned Secretary of Universal Surety of America, hereby certify that the above and foregoing is a full, true and correct copy of the Original Power of Attorney issued by said Company, and do hereby further certify that the said Power of Attorney is still in effect.

GIVEN under my hand and the seal of said company, at Houston, Texas, this 1st day of March, 1995

Angela P. Daigle Secretary

Any instrument issued in excess of the penalty stated above is totally void and without any validity.



UNIVERSAL SURETY OF AMERICA

IMPORTANT NOTICE

To obtain information or make a complaint:

You may contact Sam Sicola, Vice President of Operations, whose direct dial number is 713-722-4660. You may also fax us information at 713-722-4601. You may also call Universal Surety of America's toll-free telephone number for information or to make a complaint at:

1-800-392-9697

You may also write to Universal Surety of America at: P.O. Box 1068, Houston, Texas 77251-1068. You may contact the Texas Department of Insurance to obtain information on companies, coverages, rights or complaints at:

1-800-252-3439

You may also write the Texas Department of Insurance: P.O. Box 149104, Austin, Texas 78714-9104, Fax #512-475-1771.

PREMIUM OR CLAIMS DISPUTES: Should you have a dispute concerning your premium or about a claim you should contact the company first. If the dispute is not resolved you may contact the Texas Department of Insurance.

ATTACH THIS NOTICE TO YOUR POLICY: This notice is for information only and does not become a part or condition of the attached document.

6. Nelson individually and previously doing business as Cell Time Cellular and Hart, individually, and Action Cellular Extensions, Inc., are collectively referred to as defendants.

7. On May 4, 1981, the Federal Communications Commission (FCC) released an order entitled "An Inquiry into the Use of the Bands 825-845 MHz and 870-890 MHz for Cellular Communications Systems; and Amendment to Parts 2 and 22 of the Commission's Rules Relative to Cellular Communications Systems," in which it adopted technical specifications for the use of cellular telephones, including a requirement that each telephone have a unique electronic serial number. This FCC order was published in the Federal Register on May 21, 1981 (46 Fed. Reg. 27655) with corrections on June 16, 1981 (46 Fed. Reg. 31417).

8. On September 9, 1994, the FCC released an order entitled "Revision of Part 22 of the Commission Rules Governing the Public Mobile Services." This FCC order was published in the Federal Register on November 17, 1994 (59 Fed. Reg. 59502).

9. On September 29, 1994, at the request of Mr. Robert Edwards, defendant Nelson emulated the electronic serial number of a Motorola bag phone (original ESN 8237BAOC) so that it transmitted the ESN of a hand held, portable phone (ESN 8275F658).

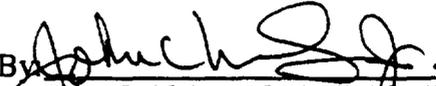
10. From August 9, 1994 through December 14, 1994, Nelson individually and doing business as Cell Time Cellular was acting as the exclusive distributor in the Houston-Galveston Metropolitan area of the C2+ Technology, Inc. technology for the emulation and reassignment of the Electronic Serial Numbers in cellular telephones, and a provider of the service made possible by that technology. In the regular course of business, a portion of the revenues received as distributor and service provider were remitted to C2+ Technology, Inc.

11. From December 15, 1994 to the present, Action Cellular Extensions, Inc. was acting, by assignment, as the exclusive distributor in the Houston-Galveston Metropolitan area, of the C2+ Technology, Inc. technology for the emulation and reassignment of the Electronic Serial Numbers in Cellular Telephones, and a provider of the service made possible by that technology.

In the regular course of business, a portion of the revenues received as distributor and service provider were remitted to C2+ Technology, Inc.

12. From December 15, 1994 to the present, Nelson was employed by Action Cellular Extensions, Inc. and Hart provided contract labor to Action Cellular Extensions, Inc. in offering C2+ technology and services. In the regular course of business, a portion of the revenues received as distributor and service provider were remitted to C2+ Technology, Inc.

AGREED TO:

By: 
John C. Nelson, Jr. individually and
d/b/a both Cell Time Cellular and
Action Cellular

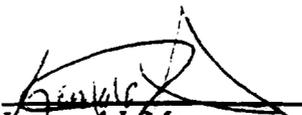
By: _____
Action Cellular Extension, Inc.

By: 
Daniel K. Hart, individually and
d/b/a Action Cellular and Action Cellular
Extension

By: _____
Houston Cellular Telephone Company

APPROVED AS TO FORM:

ZIMMERMAN, FLAUM & AXELRAD, P.C.

By: 
Leonard J. Meyer
State Bar No. 13193750
Carmellia C. Boyer
State Bar No. 02784600
1990 Post Oak Blvd., 14th Floor
Houston, Texas 77056-3813
(713) 552-1234
(713) 963-0859 FAX

ATTORNEYS FOR DEFENDANTS

number. This FCC order was published in the Federal Register on May 21, 1981 (46 Fed. Reg. 27655) with corrections on June 16, 1981 (46 Fed. Reg. 31417).

5. On September 9, 1994, after notice published in the Federal Register and comment, the FCC released an order entitled "Revision of Part 22 of the Commission Rules Governing the Public Mobile Services" (9 FCC Rcd 6513 (1994)). This FCC order was published in the Federal Register on November 17, 1994 (59 Fed. Reg. 59502).

6. Houston Cellular has suffered irreparable damages as a consequence of defendants' emulation of the electronic serial numbers of cellular telephones. Specifically, defendants' actions have deprived Houston Cellular of monthly access charges and other per unit charges to which it is entitled.

7. The damages suffered by Houston Cellular cannot be readily ascertained and, as a consequence, Houston Cellular has no adequate legal remedy.

Based upon the above stated findings of fact, the court makes the following conclusions of law:

1. The FCC order entitled "An Inquiry Into the Use of the Bands 825-845 MHz and 870-890 MHz for Cellular Communication Systems; and Amendment to Parts 2 and 22 of the Commission's Rules relative to Cellular Communications Systems" is an order of the FCC, regularly made, published in the Federal Register and duly served on defendants by publication.

2. The FCC order entitled "Revision of Part 22 of the Commission Rules Governing the Public Mobile Services" is an order of the FCC, regularly made, published in the Federal Register and duly served on defendants by publication.

3. The orders adopted by the FCC and published in the Federal Register were regularly made and constitute orders within the meaning of § 401(b) (47 U.S.C. § 401(b)) of the Communication Act of 1934, as amended.

4. The orders were duly served on Nelson individually and previously doing business as Cell Time Cellular and Hart, individually and Action Cellular Extensions, Inc. upon their

publication in the Federal Register. 5 U.S.C. § 552(a)(1). See also, *Fed. Crop Ins. v. Merrill*, 332 U.S. 380, 384-85 (1947).

5. Emulation of the electronic serial numbers of cellular telephones by Nelson individually and previously doing business as Cell Time Cellular, Hart, in his capacity as a representative of Action Cellular Extensions, Inc. and Action Cellular Extensions, Inc., violates the two FCC orders referenced in paragraphs 4 and 5, above.

6. Section 401(b) of the Communication Act of 1934, as amended, expressly provides injunctive relief where a party has been injured by disobedience of an FCC order regularly made and duly served. The prerequisite of irreparable injury need not be established where such injunctive relief is expressly authorized by statute. *United States v. Hayes Int'l Corp.*, 415 F.2d 1038, 1045 (5th Cir. 1969); *Gresham v. Windrush Partners*, 730 F.2d 1417, 1423 (11th Cir. 1984). Thus, although Houston Cellular need only demonstrate that it has been injured to satisfy this standard, the court finds Houston Cellular has been irreparably injured by defendants' actions in an amount not susceptible to calculation.

Executed this _____ day of _____, 1995.

JUDGE PRESIDING

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

HOUSTON CELLULAR
TELEPHONE COMPANY

v.

C.A. 95-617

JOHN C. NELSON, individually and
d/b/a both CELL TIME CELLULAR and
ACTION CELLULAR and DANNY
HART, individually and d/b/a both
ACTION CELLULAR and ACTION
CELLULAR EXTENSION

§
§
§
§
§
§
§
§
§
§
§

ORDER OF PERMANENT INIUNCTION

Based upon the stipulations of facts, evidence, and findings of fact and conclusions of laws, the Court ORDERS, ADJUDGES and DECREES

1. Defendants John C. Nelson, Jr. (Nelson), individually and previously doing business as Cell Time Cellular, Daniel K. Hart (Hart), individually and Action Cellular Extensions, Inc. are permanently enjoined from engaging in the alteration, transferring, emulation or manipulation of electronic serial numbers of cellular telephones.

2. Further, ORDERED, ADJUDGED and DECREED Defendants Nelson, individually and previously doing business as Cell Time Cellular, Hart, individually, and Action Cellular Extensions, Inc. shall immediately produce to Houston Cellular the following documents, which were seized by the United States Marshal:

- (a) All lists, files, records or other information containing names, addresses and/or telephone numbers of individuals or entities for whom you altered, transferred, emulated or manipulated the electronic serial number of cellular telephones from January 1, 1990 to the present.
- (b) All advertisements, brochures or other documents which advertised services you provide to the public for altering, transferring, emulating or manipulating the electronic serial number of cellular telephones.
- (c) Documents in your possession which identify other individuals or entities which provide services which alter, transfer, emulate or manipulate the electronic serial numbers of cellular telephones.

- (d) Documents which evidence any previous or current business relationship or dealings with the entity C2+ Technology, Inc.
- (e) A complete copy of all data on any storage medium, including paper-based fixed disk data and removable disk data (such as hard drives, removable drives, floppy drives, optical drives, tape drives, and RAM drives). Houston Cellular will reimburse defendants for copying costs incurred in obtaining a hard copy of the foregoing information.

With the exception of Houston Cellular subscribers' service orders/contracts, Defendants shall be entitled to retain the originals of the documents produced. Defendants will provide Houston Cellular with photocopies of the same. Defendants shall be entitled to retain photocopies of the Houston Cellular subscribers' service orders/contracts for the purpose of assisting in the performance of re-emulations. Defendants will surrender to Houston Cellular all such photocopies at the completion of the re-emulation process or upon written request of Houston Cellular.

Nothing in this order is to be construed as a requirement that Defendants produce any C2+ Technology, Inc. proprietary information, equipment or accessories in whatever form.

JUDGE PRESIDING

