

NO. E-184,784

PRK ENTERPRISES, INC., KLEIN	§	IN THE DISTRICT COURT OF
ENTERPRISES, INC., and PHILIP	§	
KLEIN,	§	
Plaintiffs,	§	
v.	§	
	§	JEFFERSON COUNTY, TEXAS
GOOGLE, INC., blogger.com,	§	
www.operationkleinwatch.blogspot.com,	§	
www.samtheeagleusa.blogspot.com,	§	
and MICHAEL NEIL HARRISON	§	
Defendants,	§	172nd JUDICIAL DISTRICT

AFFIDAVIT OF BRENT COON

On this day, Brent Coon appeared before me, a Notary Public, and after I administered an oath to him, upon his oath, he said:

1. "My name is Brent Coon. I am more than 18 years of age and capable of making this affidavit. I have personal knowledge of the facts and matters set forth herein, which are true and correct.

2. I am an attorney licensed to practice law in the state of Texas.

3. My only connection to the websites that petitioners claim in their petition publish defamatory material, invade privacy, and infringe copyrights is that, in the fourth version of petitioners' pleading filed on May 6, 2011, petitioners have—for the first time since the petition was filed 18 months ago—described the websites as "the B.C. Blogs" and described the unknown authors of content appearing thereon as "the B.C. Bloggers." My initials are "B.C."

4. On April 10, 2007, I filed Cause No. A-179,090, *Gillam v. Klein*, in the 58th District Court of Jefferson County. In that suit, I represented Precinct 8 Justice of the Peace Tom Gillam, III, against petitioners Philip Klein and Klein Investments, Inc., as a result of patently false, malicious, and defamatory statements Klein published about Judge Gillam. That suit resulted in Klein's retracting the defamatory statements in 2008. As a result of which Klein has been held up to public contempt and ridicule for the last three years. Klein resents me for having represented Judge Gillam in that suit. Klein's petition seeking to depose me in connection with what Klein characterizes as "a campaign of relentless defamation" against him is merely Klein's harassment of me for having brought a defamation suit against Klein on behalf of Judge Gillam four years ago.

5. Petitioners name me as one of several respondents petitioners seek to depose to investigate potential claims. Petitioners identify "websites being hosted by Google, Inc., and/or Blogger.com" (which petitioners denominate "B.C. Blogs") and

"contributing individuals or entities" (which petitioners denominate "B.C. Bloggers") as having been—

...engaged in a deliberate pattern of libel and defamation per se, invasion of privacy, intentional infliction of emotional distress, and use of copyrighted images (both facial and voice image) of Plaintiff [sic] Philip Klein without permission.

Petitioners' Verified Third Amended Petition Under Rule 202 to Investigate Claims, ¶ 12. Petitioners allege that I and other respondents are

...hiding the identity of the persons or entities comprising the B.C. Bloggers and other agents of B.C. who are responsible for a campaign of relentless defamation.

Id., ¶ 13. Petitioners seek to depose me to—

...learn the full names, addresses, and phone numbers of all persons and/or entities contributing to the B.C. Blogs and/or are the B.C. Bloggers.

Id.

6. I have no personal knowledge that any content I have authored has ever been published on what petitioners denominate the "B.C. Blogs."

7. I have no personal knowledge of the "identity of the persons or entities comprising the B.C. Bloggers and other agents of B.C. who are responsible for a campaign of relentless defamation."

8. I have no personal knowledge of the names, addresses, or phone numbers of any person "contributing to the B.C. Blogs."

9. I have no personal knowledge of the alleged commission of any torts against petitioner Philip Klein by any alleged author of content on what petitioners denominate the "B.C. Blogs."

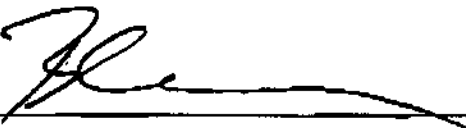
10. I have no personal knowledge of any facts relating to the alleged invasion of privacy of petitioner Philip Klein by any author of content on what petitioners denominate the "B.C. Blogs."

11. I have no personal knowledge of any facts relating to the intention infliction of emotional distress upon petitioner Philip Klein by any author of content on what petitioners denominate the "B.C. Blogs."

12. I have no personal knowledge of any facts relating to whether petitioner Philip Klein has ever granted permission for the use of allegedly copyrighted images of his face or voice.

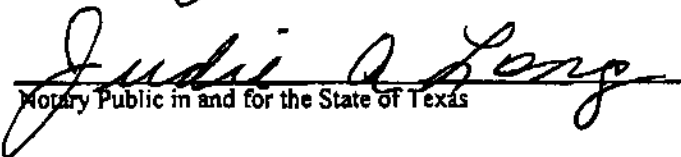
13. I have no personal knowledge of the alleged publication of allegedly copyrighted images of the face or voice of petitioner Philip Klein by any alleged author of content on what petitioners denominate the "B.C. Blogs."

FURTHER AFFIANT SAYETH NOT.



BRENT COON

SWORN TO and SUBSCRIBED before me by Brent Coon on the 17 of June, of 2011.


Notary Public in and for the State of Texas



From: Brent Coon
Sent: Monday, April 16, 2011 12:18 PM
To: 'john_morgan9@msn.com'
Subject: re Klein suit

John, it has come to my attention that Mr. Klein has been making a number of comments about me in his website and doctoring it through some sort of letters to the editor format. I don't read his website so frankly I don't know the particulars. I respect freedom of the press but these disguised personal attacks are disingenuous and unprovoked.

I also am aware that you guys wanted to depose me in some lawsuit with another blogger. I don't know what the problem is but I don't know the guys involved, don't think I have ever even met them, don't read, (much less contribute to), the blog or website at issue, and my life is too short to spend any of it in some kind of childish plot to attack him personally. My limited involvement with Mr. Klein was two-fold. First, BCA hired him on occasion to do background screening on employee applications, and second, my limited role as additional counsel in a defamation case involving Judge Gillam. Frankly, I thought I was doing them all a favor to just get them to apologize.

If you have something to add to the conversation let me know but otherwise it would be advisable to knock off the theatrics. You are welcome to call anytime.
Thanks.