

No. 10-0366

IN THE SUPREME COURT OF TEXAS

IN RE

JOHN DOES 1 AND 2,

RELATORS

From the Ninth Court of Appeals,
Beaumont, Texas No. 09-10-00051-CV

Trial Court Cause No. E-184,784

REPLY BRIEF TO PETITION FOR WRIT OF MANDAMUS
BY REAL PARTIES IN INTEREST

JOHN S. MORGAN
Texas Bar No. 14447475
HARRIS, DUESLER & HATFIELD, LLP
550 Fannin, Suite 650
Beaumont, Texas 77701
Telephone: (409) 832-8382
Facsimile: (409) 833-4240
ATTORNEYS FOR RESPONDENTS,
PRK ENTERPRISES, INC. AND KLEIN
INVESTMENTS, INC.

Identity of Parties and Counsel

PARTIES

COUNSEL

Relators:

John Does 1 and 2

Jeffrey L. Dorrell
Escamilla, Poneck & Cruz, LLP
201 Stratford
Houston, Texas 77006
(713) 807-1188
(713) 864-0048 facsimile
Attorney for Relators

Real Parties in Interest:

PRK Enterprises, Inc.
Klein Investments, Inc.

John S. Morgan
SBN: 14447475
Harris, Duesler & Hatfield, L.L.P.
550 Fannin, Ste, 650
Beaumont, Texas 77701
(409) 832-8382
(409) 833-4240 facsimile
Attorney for PRK Enterprises, Inc. and
Klein Investments, Inc.

Google, Inc.

Dennis M. Lynch
Figari & Davenport, LLP
3400 Bank of America Plaza
Dallas, Texas 75202-3796
(214) 939-2000
(214) 939-2090 facsimile
Attorney for Google, Inc.

www.operationkleinwatch.blogspot.com
and www.samtheeagleusa.blogspot.com

Unrepresented Real Parties-In-Interest
c/o Google Blogspot
1600 Amphitheatre Parkway

Mountain View, CA 94043
Defendants, Pro Se

Blogger.com

Unrepresented Real Party-In-Interest

Respondent:

Hon. Donald J. Floyd
172nd Judicial District Court
Jefferson County Courthouse
1001 Pearl Street
Beaumont, Texas 77701
(409) 835-8485

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Reply Issue No. 1

The trial court did not disregard the procedures of Rule 202 and did not order the parties to rely upon a Rule 11 agreement and a Subpoena. This was voluntarily done by the parties, and Rule 202 does not prohibit parties from entering into voluntary, informal discovery.

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| 2. Rule 202 does not prevent parties from entering into voluntary, informal discovery. | 5, 6 |
| 3. The Honorable Judge Floyd's Order was not state action depriving Relators of their First Amendment rights to anonymous speech. The website and Relators' contents were clearly defamatory and not protected under the First Amendment. | 6 |
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