

CAUSE NO. _____

A-BETTER BROADCASTING
COMPANY, INC. AND KCOH TV
COMPANY, INC.,
Plaintiffs,

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IN THE DISTRICT COURT

Vs.

_____ JUDICIAL DISTRICT

JOHNNY TAYLOR INDIVIDUALLY
AND D/B/A MOBILE ENCRYPTION
TECHNOLOGIES, INC.,
Defendant.

OF HARRIS COUNTY, TEXAS

**PLAINTIFFS' ORIGINAL VERIFIED PETITION AND REQUEST FOR TEMPORARY
ORDERS, AND REQUEST FOR PERMANENT INJUNCTION**

TO THE HONORABLE JUDGE OF SAID COURT:

COME NOW A-Better Broadcasting Company, Inc. ("A-Better") and KCOH TV Company, Inc. ("KCOHTV"), (hereinafter "Plaintiffs") and Request a Temporary Restraining Order and Permanent Injunction against defendants Johnny Taylor, Individually and DBA Mobile Encryption Technologies, Inc. (hereinafter "Taylor" or "MET") and allege the following:

I. DISCOVERY PLAN

1.1 This case should proceed under a Level 3 discovery plan. An appropriate docket control order will be requested.

II. PARTIES

2.1 Plaintiffs A-Better Broadcasting Company, Inc. and KCOH TV Company, Inc. are Texas corporations organized under the laws of the State of Texas.

2.2 Defendant Johnny Taylor is an individual living in Harris County, Texas and may be served with process by serving him at 3262 Westheimer Road, Houston, Texas 77098, or wherever he can be found.

2.3 Defendant Mobile Encryption Technologies, Inc. is a Texas Limited Liability

Corporation as of December 8, 2016 and has its principal place of business in Harris County, Texas. The Defendant can be served with process by serving its president, defendant Johnny L. Taylor, at 3262 Westheimer Road, Houston, Texas 77098, or wherever he may be found.

III. VENUE

3.1 Venue is proper in Harris County, Texas because all of the events giving rise to the causes of action made the basis of this suit occurred in this county. Further, venue is proper in this county because one or more of the defendants resides and/or has its principal place of business in this county. All conditions precedent to bring this suit have occurred. *See* Tex. Civ. Prac. Rem. Code §15.002, *et. Seq.*

IV. EMERGENCY TEMPORARY RESTRAINING ORDER REQUESTED

4.1 As is set forth more particularly below, Plaintiffs seek a temporary restraining order, and later injunctive relief, to stop defendants from: 1) infringing on Plaintiffs' trademarks; 2) enjoin defendants from illegally intercepting Plaintiffs' telephone calls; 3) holding themselves out to the public as being the "General Manager" of Plaintiffs' radio station (KCOH TV); 4) misappropriating Plaintiffs' listener lists, and, 5) refusing to turn over to Plaintiffs their internet-based KCOH App, list of App users, and passwords to the KCOH App.

4.2 Plaintiffs seek an Emergency TRO compelling Defendants Taylor and MET to immediately cease and desist from:

- 1) Misappropriating plaintiffs' common law Trademark in the signs KCOH," "KCOH Radio," "KCOHRadio.com," "KCOHTV," "KCOH TV," "KCOH App.," "KCOHTV.com," "KCOH Radio on livestream.Com" or any other use of the "KCOH" label for any purpose;

2) From contacting Plaintiffs' customers/listeners and to immediately return to Plaintiffs all KCOH/KCOHTV app listener identities and online contact information, as well as all other information derived from or related to the KCOH App.;

3) From refusing to turn over to plaintiffs all computer passwords, internet logons/passwords and all other sign-on information needed for Plaintiffs to access and control the KCOH/KCOH TV internet App and host site, if needed, for the KCOH/KCOH TV radio operations, including but not limited to Plaintiffs ability to completely block out defendants from accessing or communicating with any of Plaintiffs' KCOH/KCOH TV/Livestream customers, customer lists, or listeners by any means;

4) From intercepting, accessing or transferring any of Plaintiffs' computer communications and telephone communications to any of the defendants, including but not limited to any callers/customers at Plaintiffs' KCOH radio station;

5) From holding themselves out to anyone as being the "General Manager" or any other agent of officer of the Plaintiffs' radio station; and

6) From interfering or blocking Plaintiffs' ability to immediately access and change over the control and operation of all KCOH radio Apps on Tunein, Google, Yahoo, Facebook or any other internet or digital platform, and order defendants to provide all necessary information and passwords to allow Plaintiffs to control any and all

KCOH radio apps that have been under the defendants' use, hosting or control.

Defendants should also be ordered not to interfere with or disrupt the immediate

transfer of the old radio app to the new App. Plaintiffs have hired another vendor to install for the radio station.

V. NOTICE FACTS

I. The History

5.1 KCOH radio station is the oldest black talk radio station in Texas. Over the last 6 decades, the radio station has hosted many storied celebrities, including Muhammad Ali, Stevie Wonder, Ray Charles, Sam Cooke, James Brown, Otis Redding, Jesse Jackson, Barack Obama and many others. The KCOH brand is well-entrenched in the history of Houston and the black community in this city. KCOH's distinguished history continues today on the FM radio dial and is broadcast on FM 92.9 HD2 and has numerous online digital platforms, including live broadcasting on Livestream as well as via a digital App under the brand names and trademarks "KCOH Radio," "KCOH," "KCOHRadio.com," "KCOHTV," "KCOH TV," "KCOH App.," "KCOHTV.com," "KCOH Radio on livestream.com." Plaintiffs are the legal owner and operator of all of these KCOH brands, entities and radio station, with the beneficial owners being the shareholders of these entities.

II. The Runaway Computer Vendor

5.2 This case is filed against a computer vendor who has run amuck. At the time of the transgressions complained of in this suit, Taylor was operating under his own name, since he had no corporate entity authorized to do business in the State of Texas. Five days before this suit is being filed, Taylor filed corporate papers with the Texas Secretary of State's office (i.e. on December 8, 2016) for the entity identified herein as MET. Taylor provided the address of a US store as the corporate office address.¹

¹ See attached Ex. 1, copies of the SOS filings and pictures of the UPS store allegedly serving as the corporate offices of MET.

5.3 Taylor and his newly incorporated Texas "company" are infringing on Plaintiffs' trademarks in the signs "KCOH," "KCOH Radio," "KCOHRadio.com," "KCOHTV," "KCOH TV," "KCOH App.," "KCOHTV.com," "KCOH Radio on livestream.Com." Additionally, these defendants are refusing to return to Plaintiff control of their radio app, including the necessary passwords to the app. Thousands of internet and cellular listeners access the online version of the radio KCOH broadcasts via the KCOH App. Repeated requests asking defendants to turn over the passwords and control of the station's radio app have gone unheeded. Even more disturbing is the defendants' claim now that they intend to assert ownership over plaintiffs' radio brand and KCOH app. and the list of the KCOH radio listeners using the app. Plaintiffs have asked defendants' to cease and desist from their misuse of KCOH trademarks and customer information. Defendants have ignored all reasonable requests and thus a court order is needed to enjoin defendants in order to protect Plaintiffs' trademark rights and customer information.

5.4 In addition to infringing on Plaintiffs' radio trademarks and internet radio app, Plaintiffs have learned that defendants have been falsely holding themselves out to be the "General Manager" of the KCOH radio station, and have been using their computer skills to "intercept" telephone calls made to the radio station. Because defendants are computer specialists they have managed to try to "takeover" the digital platforms of radio station without any authority or permission by Plaintiffs to do so.

5.5 Recently, Plaintiffs engaged the services of a former FBI forensic computer analyst to investigate the computer manipulation being performed by defendants at the radio station. This expert uncovered that Defendants had "implanted" their own programming inside the radio station's phone system permitting defendants to intercept and redirect station callers to the defendants' business. Upon reaching the defendants callers were then told that the defendants were

the "general manager" and other officials of the radio station. Additionally, if potential advertisers called the station to place ads, defendants would instruct them to place the radio ads through defendants' business. This wholesale hijacking of the radio station's phone system was never authorized by Plaintiffs and is reprehensible. Plaintiffs never authorized this computer vendor to intercept radio station calls, solicit callers from doing business with the radio station, or to use the station's trademarks without express authority. This is theft and misappropriation of Plaintiffs' business interests, property rights and customers/customer lists.

III. Hiring the Runaway Vendor

5.6 Defendants were initially engaged to develop an internet "radio app" for the KCOH radio station. The App was to be an internet platform that would permit listeners to hear the radio broadcasts wherever the internet could be accessed. It would provide an opportunity for the entire world to access the KCOH broadcasts. This was a first in the history of the station. In exchange for Taylor developing and hosting the App, Plaintiffs provided defendants "free" radio broadcast time each week to broadcast a computer tech show. The market value of the free radio broadcast time, over the last 3 years, would exceed \$20,000.00, far more than the customary costs to develop a radio app (i.e. \$3,500-\$6,500). The App was completed as a work for hire and Taylor has been permitted to host his radio tech show for free for over three (3) years.

5.7 Unknown to Plaintiffs, defendants used the opportunity to design the App as a way to steal and misappropriate Plaintiffs' customer/client lists and to intercept telephone calls to the radio station. The extent of their computer mischief at the station is just being uncovered. Before they damage the radio station any more, Plaintiffs file this suit to regain control over all of its digital platforms and to remove defendants from any position where they can interfere with and further intercept or misuse Plaintiffs' assets, trademarks, and customers.

VI. Ex Parte TRO Requested

6.1 Defendants have accessed Plaintiffs' radio computer system and telephone system without authorization. They have intercepted calls on the radio station's phone system and diverted customer calls to their own shop. Defendants are refusing to turn over to Plaintiffs the necessary passwords to the radio station internet App and radio system -- leaving Plaintiffs at the untenable mercy of the Defendants to regain control of its computer system and phone lines. At present, the defendants have completely shut down the radio station's app and refuses to allow Plaintiffs new internet App company to take over control of the online internet App.² Given the defendants' openly hostile actions and demonstrated intent to damage and take over vital radio station operations, Plaintiffs ask the court for an *ex parte* temporary restraining order in order to minimize the risk of last minute attempts by defendants to further disrupt Plaintiffs' radio operations.

6.2 Plaintiffs seek an Emergency TRO compelling Defendants Taylor and MET to immediately cease and desist from:

- 1) Misappropriating plaintiffs' common law Trademark in the signs "KCOH," "KCOH Radio," "KCOHRadio.com," "KCOHTV," "KCOH TV," "KCOH App.," "KCOHTV.com," "KCOH Radio on livestream.Com" or any other use of the "KCOH" label for any purpose;
- 2) From contacting Plaintiffs' customers/listeners and to immediately return to Plaintiffs all KCOH/KCOHTV app listener identities and online contact information, as well as all other information derived from or related to the KCOH App.;

² See Ex.2, copy of the internet page showing defendants' interruption of the radio station's online App.

- 3) From refusing to turn over to plaintiffs all computer passwords, internet logons/passwords and all other sign-on information needed for Plaintiffs to access and control the KCOH/KCOH TV internet App and host site, if needed, for the KCOH/KCOH TV radio operations, including but not limited to Plaintiffs ability to completely block out defendants from accessing or communicating with any of Plaintiffs' KCOH/KCOH TV/Livestream customers, customer lists, or listeners by any means;
- 4) From intercepting, accessing or transferring any of Plaintiffs' computer communications and telephone communications to any of the defendants, including but not limited to any callers/customers at Plaintiffs' KCOH radio station;
- 5) From holding themselves out to anyone as being the "General Manager" or any other agent or officer of the Plaintiffs' radio station; and
- 5) From interfering or blocking Plaintiffs' ability to immediately access and change over the control and operation of all KCOH radio Apps on Tunein, Google, Yahoo, Facebook or any other internet or digital platform, and order defendants to provide all necessary information and passwords to allow Plaintiffs to control any and all KCOH radio apps that have been under the defendants' use, hosting or control. Defendants should also be ordered not to interfere with or disrupt the immediate transfer of the old radio app to the new App. Plaintiffs have hired another vendor to install for the radio station.

6.3 A conforming order granting the requested relief is attached for the court's consideration and entry.

VII. Amount of Bond

7.1 Because this suit only requests protection of Plaintiffs' own property and proprietary information a minimal bond should be assessed. A bond of no more than \$500.00 is requested.

VIII. Prayer

8.1 The Court is asked to grant the relief requested above and set this case for a hearing on a temporary injunction, ultimate permanent injunction, and trial on the merits for damages within the jurisdictional limits of the court. A jury trial is requested.

Respectfully submitted,

THE HALL LAW FIRM

/s/ Benjamin L. Hall, III

Benjamin L. Hall, III
State Bar No. 08743745
530 Lovett Boulevard
Houston, Texas, 77006
(713) 942-9600 (Telephone)
(713) 942-9566 (Facsimile)
bhall@bhalllawfirm.com
Attorney for Petitioners

Unofficial Copy Office of Chris Daniel District Clerk

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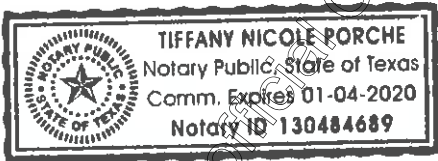
VERIFICATION

BEFORE ME, the undersigned authority, personally appeared Benjamin L. Hall, III, whose identity is known to me, and after being duly sworn stated upon his oath that the allegations and facts contained in the foregoing Plaintiffs' Original Verified Petition and Request for Temporary Orders and Request for Permanent Injunction in support of the request for injunctive relief are true and correct.

[Handwritten signature]

Benjamin L. Hall, III

SWORN TO AND SUBSCRIBED before me the undersigned authority on the 14th day of December, 2016.



[Handwritten signature]

Notary Public in and for
The State of Texas