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**REPORTER'S RECORD  
VOLUME 1 OF 2 VOLUMES  
TRIAL COURT CAUSE NO. D-1-GN-22-6452**

INTELEOS CORPORATION  
INC., JOAN BAKER, TRICIA  
TURNER  
Plaintiff,

VS.

ULTRA SAFE ULTRASOUND  
DIAGNOSTIC SERVICES LLC,  
JOANNA HALL,  
Defendant.

) IN THE DISTRICT COURT

) TRAVIS COUNTY, TEXAS

) 98TH JUDICIAL DISTRICT

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**TEMPORARY INJUNCTION**

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On the 22nd day of February, 2023, the following proceedings came on to be heard in the above-entitled and numbered cause before the Honorable David Phillips, Judge Presiding, held in Austin, Travis County, Texas:

Proceedings reported by machine shorthand.

APPEARANCES

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## P R O C E E D I N G S

1  
2 THE COURT: Cause No. D-1-GN-22-6452 styled  
3 *Joan Baker, Inteleos Corporation Incorporated and Tricia*  
4 *Turner versus Joanna Hall and Ultra Safe Ultrasound*  
5 *Diagnostic Services, LLC.* So we have filed a defamation  
6 action against another player in the ultrasound  
7 community.

8 You know, I've had lots of ultrasounds and  
9 I've witnessed my wife undergo several when she was  
10 pregnant and is it a repetitive motion kind of injuries,  
11 that ultrasound.

12 MR. WILLIAMSON: That's the focus. She can  
13 probably explain it a lot better than I can, but that is  
14 part of her job to figure out ergonomics for that.

15 THE COURT: I had one that hurt me more  
16 than I hurt him. He was complaining that I had large  
17 lungs; he couldn't see my heart on an echo.

18 So who is here for the plaintiff?

19 MR. MUSYIMI: Your Honor, I'm here. My  
20 name is Solomon Musyimi. Last name is spelled  
21 M-U-S-Y-I-M-I.

22 THE COURT: And for the defense.

23 MR. WILLIAMSON: Shawn Williamson for Ultra  
24 Safe Ultrasound Diagnostic Services LLC and Joanna Hall.

25 THE COURT: There is some mention in the

1 documents of the Grand Alliance -- oh, no the Grand  
2 Challance -- with a CE ending -- Alliance. Is that just  
3 a typo?

4 MR. WILLIAMSON: So, Judge, there is a --  
5 basically there is a conglomerate of different  
6 accreditation and research based industry for  
7 stenography. Inteleos is the head of those or is the  
8 most popular and largest one. Doctors' research industry  
9 gives a lot of sway to what they say. They are also in  
10 charge of accreditation, which is unregulated. And the  
11 Grand Alliance is other forms of that type of industry or  
12 different types that are all kind of mixed into one and  
13 Inteleos runs it essentially and handles any research and  
14 grant funding for them as well.

15 THE COURT: Accreditation is unlicensed,  
16 unregulated?

17 MR. WILLIAMSON: For the most part, Your  
18 Honor.

19 THE COURT: If I buy a machine and I can  
20 just put up a sign that says come get your sonogram right  
21 here.

22 MR. WILLIAMSON: Well, essentially -- and  
23 Ms. Hall will correct me if I'm wrong -- so, basically a  
24 doctor can choose where the sonographers can be  
25 accredited at, but if they are not accredited through

1 Inteleos or the Grand Alliance, the doctors are not going  
2 to give a lot of sway and that is nationwide.

3 Essentially, Inteleos is a special interest group based  
4 out of DC.

5 THE COURT: Okay. Well, Ms. Baker wants an  
6 injunction. What evidence do you have in support of  
7 that, Mr. Musyimi?

8 MR. MUSYIMI: Yes, Your Honor. All right,  
9 Your Honor, what we have in terms of evidence is there  
10 are several items that the defendant has posted on social  
11 media that the plaintiffs believe are disparaging and  
12 damaging for their reputation in the industry. And  
13 essentially, Your Honor, they are asking for this Court  
14 to order the defendant to refrain from posting items on  
15 social media, Facebook, Linked in, et cetera, that would  
16 harm the reputation of the plaintiffs.

17 THE COURT: I bet every person in every  
18 industry in the world would like to have something that  
19 says my opponent -- my competitor can't post anything  
20 that says I'm not as good as I say I am.

21 Let's see, did you want to introduce  
22 anything into evidence?

23 MR. MUSYIMI: Your Honor, I ask the Court  
24 take judicial notice of the items that we've already  
25 filed, specifically the petition itself.

1 THE COURT: You can file a ham sandwich or  
2 used to be able to until we had to do it electronically,  
3 but it doesn't mean it's evidence. Do you want to  
4 produce something that's evidence? Just because you  
5 filed it with the Court doesn't mean I can take judicial  
6 notice. I can take judicial notice of adjudicated facts  
7 if they are shown by responsible, reputable, reliable  
8 source like the weather bureau and what temperature it  
9 was that day, but I can't take judicial notice of what  
10 somebody files or one party files in the court records.

11 MR. MUSYIMI: Your Honor, if I may  
12 approach. We got a copy of the petition.

13 THE COURT: I have the petition in front of  
14 me and I have the Ultra Safe Ultrasound Diagnostic  
15 services website or something. It says posted on the  
16 LinkedIn page. I have that before me. Is that what you  
17 want to direct me to?

18 MR. MUSYIMI: Yes, Your Honor.

19 THE COURT: Okay. Well, this is words on a  
20 page that apparently came from the inter webs. How is it  
21 evidence?

22 MR. MUSYIMI: Your Honor, the first  
23 paragraph it says, "So glad Joan Baker has authored this,  
24 however, we have discussed this issue at length with  
25 industry leaders affiliated with the ARDMS SDMS and

1 healthy sonographers since 2020 and we have yet to get an  
2 action plan going" --

3 THE COURT: I can read. I see what it  
4 says, but what is it?

5 MR. MUSYIMI: Your Honor --

6 THE COURT: It is -- you need to prove that  
7 that is an utterance by your opponent somehow and you  
8 haven't done that.

9 MR. MUSYIMI: Well, Your Honor, I can call  
10 her as a witness, Your Honor. May I call her as a  
11 witness?

12 THE COURT: Yes, if you wish.

13 MR. MUSYIMI: Your Honor, I call the first  
14 witness, Joan Baker.

15 MR. WILLIAMSON: Your Honor, would you like  
16 her to go anywhere? Can she sit at the table? I'm  
17 sorry. Excuse me. I misheard him.

18 THE COURT: Where is Joan Baker?

19 MR. MUSYIMI: Your Honor, that's not  
20 correct. Joanna Hall. Sorry.

21 THE COURT: Similar names. Ms. Hall, would  
22 you please come up.

23 JOANNA HALL,  
24 having been duly first sworn, testified as follows:

25 EXAMINATION



1 BY MR. MUSYIMI:

2 Q. Would you state your name for the record.

3 A. Joanna Hall.

4 Q. And are you presently employed?

5 A. No.

6 Q. What is the industry you are in?

7 A. Sonography. I'm in the health care industry,  
8 specifically, I'm in sonography.

9 Q. How long have you been in this industry?

10 A. Ten years.

11 Q. Do you know company by the name of Inteleos?

12 A. I do.

13 Q. How do you know them?

14 A. They are the company that issues our  
15 credentials to be able to practice and meet more people  
16 hireable in this industry.

17 Q. And are you in any way affiliated with  
18 Inteleos?

19 A. Other than getting my credentials through them  
20 and paying my annual dues, that would be the way I'm  
21 affiliated with them and to them.

22 Q. All right. Do you know lady by the name of  
23 Joan Baker?

24 A. Personally, no.

25 Q. And do you also know an individual by the name

1 of Tricia Turner?

2 A. Personally, no.

3 Q. Are you aware of an article that Joan Baker and  
4 Tricia Turner co-authored entitled *Combatting Workplace*  
5 *Musculoskeletal Injuries in the Radiology Community*?

6 MR. WILLIAMSON: Objection, Your Honor. I  
7 think we have an issue that's probably going to be an  
8 issue for this morning and this afternoon. This violates  
9 the best evidence rule. There's been a discussion and  
10 what he's going to the attempt to do here, I believe,  
11 Your Honor, is he's going to bring up that in this  
12 LinkedIn post that's in front of you that it references  
13 two articles; one by Joanna Hall called *The White Paper*;  
14 another by Joan Baker at Inteleos. However, he's asking  
15 her if she's aware of this document that's out there.  
16 Now, that's all good and fine, but those documents have  
17 not been produced in any way. They are not in evidence.  
18 There is nothing in the affidavit discussing those or  
19 authenticating them or laying a foundation for those  
20 documents and so --

21 THE COURT: If the contents of those  
22 documents become relevant that would be good objection.

23 MR. WILLIAMSON: Fair enough, Your Honor.  
24 Thank you.

25 THE COURT: Perhaps. Yes, sir, go ahead.

1 Are you familiar with the report?

2 MR. MUSYIMI: The article.

3 A. Yes, I am.

4 Q. (BY MR. MUSYIMI) And have you read that  
5 article?

6 A. Yes, I did.

7 Q. And when you read the article was that -- were  
8 the contents of that article similar to contents of  
9 articles that you had read before?

10 A. To articles that I had read before? When I  
11 read that I didn't bear resemblance to other articles  
12 that I had seen before. So that wasn't a reference I  
13 would have made to say this looks similar to another  
14 article.

15 Q. Have you ever written any article that was  
16 similar to the article that was published by Joan Baker  
17 and Tricia Turner?

18 A. I did not write an article. I wrote a white  
19 paper. So I'm not sure if you're considering that one  
20 and the same.

21 THE COURT: Explain to me the difference  
22 between an article and a white paper?

23 A. So an article might be a shorter piece of  
24 literature that is published by either a third party or  
25 the same party, whereas a white paper, I believe, is just

1 a little bit more in depth, has more references, peer  
2 review literature.

3           So that would be a differentiation I would  
4 make if that's an on paper differentiation, I couldn't  
5 speak to that. But when I think about the difference  
6 between an article and a white paper I would think about  
7 length of the piece of work, peer reviewed literature  
8 that was cited within it to differentiate it between an  
9 article and --

10           THE COURT: That may vary by industry.  
11 I've read law review articles that I thought would never  
12 end and they are called articles.

13           Q. (BY MR. MUSYIMI) The white paper that you  
14 published, I guess, what was the title of that white  
15 paper?

16           A. The title was *The Sonographer Specific*  
17 *Work-Related Musculoskeletal Offensive Soft Issue*  
18 *Recovery Playbook*.

19           Q. When was that article -- white paper written?

20           A. That was written in 2020 and published in early  
21 2021; January 27th, 2021.

22           Q. And how about the other article, *Combating*  
23 *Workplace Musculoskeletal Injuries in the Radiology*  
24 *Community*?

25           A. I believe that was published in June of 2022.

1 Q. Did you make any postings on LinkedIn or  
2 Facebook or any other social media with regards to the  
3 article labeled -- title rather -- *Combatting Workplace*  
4 *Musculoskeletal Injuries in the Radiology Community*?

5 A. Yes.

6 Q. What remarks did you make?

7 A. I'm sorry?

8 Q. What did you publish on the social media?

9 MR. WILLIAMSON: Objection, Your Honor. I  
10 think the article in front of you speaks for itself. It  
11 hasn't been entered into evidence.

12 THE COURT: Not until it's in front of me,  
13 it doesn't. Let's go this way? Did you publish an  
14 article on LinkedIn that starts with, "So glad Joan Baker  
15 has authored this"?

16 THE WITNESS: Yes.

17 THE COURT: You authored that and published  
18 that?

19 THE WITNESS: Yes.

20 Q. (BY MR. MUSYIMI) And in that article did you  
21 at any point in time refer to the article that had  
22 previously been written by Joan Baker and Tricia Turner?

23 A. In the article --

24 MR. WILLIAMSON: Objection, Your Honor.  
25 I'm sorry. I don't mean to beat this like a dead horse,

1 but it's still not entered into evidence.

2 THE COURT: No, it's not, but he's not  
3 asking about it. He's asking what she did.

4 MR. WILLIAMSON: Then he's asking to  
5 testify from a document not into evidence at this point.

6 THE COURT: What was your question? I'll  
7 overrule the objection. But this article, what was your  
8 question or in this posting?

9 MR. MUSYIMI: Your Honor, if I may just  
10 approach the witness, Your Honor, with the article.

11 THE COURT: Sure.

12 MR. MUSYIMI: May I approach, Your Honor?

13 THE COURT: Yes, sir.

14 Q. (BY MR. MUSYIMI) Are you familiar with that  
15 article?

16 A. That's not an article.

17 THE COURT: It's not a white paper either.  
18 It's a posting.

19 Q. (BY MR. MUSYIMI) Are you familiar with that  
20 posting?

21 A. I am familiar with that posting.

22 Q. Did you write that posting?

23 A. I did.

24 Q. And do you post that posting -- did you post  
25 that posting on social media?

1 A. I did.

2 Q. And the contents contain the true and correct  
3 copy of the posting that you wrote?

4 A. Yes.

5 Q. All right.

6 MR. MUSYIMI: Judge, I wish to enter into  
7 evidence (inaudible).

8 THE COURT: How is it marked.

9 MR. WILLIAMSON: I'm sorry, Your Honor. I  
10 couldn't hear.

11 THE COURT: I said how is it marked?

12 MR. MUSYIMI: It's Exhibit 1.

13 THE COURT: Plaintiff's Exhibit 1?

14 MR. MUSYIMI: Yes, Your Honor.

15 THE COURT: All right. Plaintiff's Exhibit  
16 1 is admitted into the evidence.

17 MR. MUSYIMI: Your Honor, may I submit it  
18 at the end of the hearing?

19 THE COURT: Sure. Just don't leave the  
20 courtroom with it.

21 I'm sorry. I'm out of practice. I didn't  
22 ask you, do you have an objection?

23 MR. WILLIAMSON: Yes, Your Honor. I want  
24 to make sure that I'm clear on what we're entering into  
25 evidence. Filed with his petition and injunction is

1 there's three different postings on there. The one he's  
2 brought up and entered into evidence appears to be the  
3 first page, not the second and third. That hasn't been  
4 authenticated or any foundation laid. So I want to make  
5 sure that these are on different dates. The one he was  
6 discussing was 10-5-2022. The second one was 10-5-2022  
7 but was separate, and then there's one for 10-4-2022. So  
8 I want to make first clear which ones we're discussing.  
9 And also, for the one that he just discussed with the  
10 witness, the 10-5-2022, I'm going to object to hearsay  
11 within hearsay. It hasn't been authenticated, first of  
12 all, where this came from. If this was on LinkedIn, who  
13 posted this, but where this exact article was taken from  
14 whatever screen shot, she can't authenticate that.

15 THE COURT: She just said she wrote it and  
16 posted it.

17 MR. WILLIAMSON: She did, but she's not the  
18 one that actually put this article here on this piece of  
19 paper and filed it, but that's a small issue. The other  
20 issue is I have with hearsay is there is a comment --

21 THE COURT: I don't think that's an issue  
22 at all.

23 MR. WILLIAMSON: I understand. I'll move  
24 on. There's a comment at the bottom here from a third  
25 party that has nothing to do with this lawsuit on the



1 bottom and that comment alone is hearsay in this article.  
2 I mean, there's nothing that says that that right there  
3 has to be --

4 THE COURT: That's not her utterance.

5 MR. WILLIAMSON: That's not what she said.

6 THE COURT: There is a comment from a  
7 Christina Fisher with lots of initials after her name. I  
8 know what BS is in both sentences, but I don't know what  
9 the rest of it is. But we will excise that from the  
10 document and it is not admitted.

11 MR. WILLIAMSON: Thank you, Judge. Could I  
12 get clarification on which articles we're discussing.

13 THE COURT: Is this the one with the hand  
14 using the mouse on the picture at the bottom of -- the  
15 writing? There's a picture down at the bottom. Is that  
16 picture of the computer with the hand using the mouse?

17 MR. MUSYIMI: I'm referring, Judge, to the  
18 first article. The first page, Your Honor. The one  
19 where --

20 THE COURT: We're just trying to figure out  
21 which one you have in your hand and it looks like you  
22 have in your hand -- I can see through it from the back  
23 -- looks like that's a computer with a hand using a  
24 mouse, holding a mouse much like this.

25 MR. WILLIAMSON: Your Honor, could I hand

1 you a binder. This has all of the pleadings in here and  
2 I have it open to the amended petition and objection if  
3 you would like to see some color copies. That is his  
4 petition No. 3.

5 THE COURT: Here is the one I was looking  
6 at, the one with the comment from Christina Fuller at the  
7 bottom. Let me re-evaluate my ruling.

8 I misunderstood what we were looking at.  
9 The comments by the author -- that's you -- thank you  
10 we're working very hard and diligently. And one from  
11 Nicole Edwards. But I think all this is going on too  
12 long yada, yada, yada. Those should be excised from the  
13 -- she got a heart and a hug from different people.

14 We'll excise those from the exhibit and  
15 moreover, you have another one down here. A link that  
16 doesn't work to a speech by somebody.

17 MR. WILLIAMSON: If that one is going to be  
18 discussed, we were going to object to relevance. It has  
19 nothing to do with this injunction at all.

20 THE COURT: How is that relevant to this,  
21 Mr. Musyimi?

22 MR. MUSYIMI: The second part is not  
23 relevant, Your Honor, just the first part that's  
24 relevant, Your Honor.

25 THE COURT: Okay.

1 MR. WILLIAMSON: The two amended ones, are  
2 they Plaintiff's 1 or Plaintiff's 1 and 2?

3 THE COURT: This is not going in, the one  
4 with the other posting that he said is not relevant. The  
5 only one going in is the top one on the original exhibit  
6 I've marked it at Plaintiff's Exhibit 1 and this amended  
7 exhibit is now Plaintiff's Exhibit No. 1.

8 MR. WILLIAMSON: Thank you, Judge.

9 MR. MUSYIMI: Thank you, Your Honor.  
10 Your Honor, may I approach?

11 THE COURT: Yes, sir.

12 Q. (BY MR. MUSYIMI) Ms. Joanna Hall, in your  
13 posting did you in any way imply that the article that  
14 was written by the plaintiffs, John Baker and Tricia  
15 Turner, in any way plagiarized your white paper?

16 A. No.

17 Q. Do you recall stipulating in your posting that  
18 "I have to say this article looks a lot" -- with a  
19 capital LOT -- "like the very white paper authored, *The*  
20 *Sonographer Specific Work-Related Musculoskeletal Soft*  
21 *Tissue Recovery Offensive Playbook* which deals how to  
22 combat WRMSDs in diagnostic ultrasound." Again, at  
23 length, no reference credit given. Did you say that?

24 A. Can -- did I say that? I read you spoken to me  
25 authoring that post.

1 MR. MUSYIMI: Objection; nonresponsive.

2 THE COURT: The answer is yes. Everybody  
3 knows it. Reading it to the witness and asking her if  
4 she wrote something that she already said she wrote is  
5 not very productive use of our time. Next question.

6 But you did say that they detailed  
7 something that you had in your white paper without giving  
8 a reference. No reference credit given. No citation.

9 THE WITNESS: No citation given.

10 Q. (BY MR. MUSYIMI) By so writing were you  
11 insinuating that they plagiarized your paper?

12 A. No.

13 Q. What exactly did you mean by your posting?

14 A. I meant what I wrote.

15 MR. MUSYIMI: Objection; nonresponsive.

16 THE COURT: Overruled.

17 Q. (BY MR. MUSYIMI) Have you at any point in time  
18 implied that the plaintiffs plagiarized your articles  
19 without giving you proper credit?

20 MR. WILLIAMSON: Objection; asked and  
21 answered, Your Honor.

22 THE COURT: This is at any time. So I'll  
23 overrule. At any time have you ever suggested  
24 plagiarism.

25 A. No.

1 Q. Have you ever shared any information with the  
2 general public that in anyway insinuates that the  
3 plaintiffs have plagiarized your writings?

4 A. We can keep bringing up the word "plagiarism"  
5 and ask in different ways if that was an insinuation and  
6 I can keep answering no. I've never said that. I've  
7 never insinuated that and that was never what the posting  
8 said or was meant to insinuate.

9 So I welcome as many different ways as you  
10 would like to word that question, the answer is the same.

11 MR. MUSYIMI: Objection; nonresponsive.

12 THE COURT: That was delightfully  
13 responsive, I thought. Overruled.

14 Q. (BY MR. MUSYIMI) What is the intention in  
15 posting this particular article that has been already  
16 admitted as Exhibit 1?

17 A. Public knowledge.

18 Q. Could you explain to this Court exactly what  
19 you mean by "public knowledge"?

20 A. So that the public has knowledge of the two  
21 articles that were written.

22 Q. What specific knowledge were you trying to get  
23 out to the general public?

24 A. The words that are written on that page. The  
25 words that are written in that posting. I think it's

1 very -- it's explanatory in and of itself.

2 Q. Basically, are you saying then that you are  
3 trying to inform the general public that the article that  
4 was written by the plaintiffs is a lot like your article?

5 MR. WILLIAMSON: Objection. Your Honor,  
6 the document speaks for itself. We've done this and this  
7 is asked and answered.

8 THE COURT: I think you have asked this and  
9 got your answer. Let's move on from it. I'll sustain  
10 the objection.

11 MR. MUSYIMI: Judge, I have no more  
12 questions for this witness.

13 THE COURT: Cross?

14 MR. WILLIAMSON: Yes, subject to recall,  
15 Your Honor.

16 EXAMINATION

17 BY MR. WILLIAMSON:

18 Q. Mrs. Hall, just real quickly, could you explain  
19 how citation credit is usually given in articles by  
20 sonography? For instance, in your article did you  
21 reference Joan Baker?

22 A. Yes, in my article and my understanding of how  
23 you cite work, whether in this industry or in others, is  
24 that any information you grab or you are inspired by or  
25 that you've taken as factual and good public information,

1 you want to cite that information.

2           So Joan Baker, Inteleos, in our industry I  
3 think I have about 30 different cites in my paper to say,  
4 hey, listen this is so and so who said something similar  
5 to that effect to that topic. So I will cite that work  
6 throughout my work or throughout the literature piece and  
7 then also at the end very detailed where cite No. 1 was,  
8 cite No. 2 was to say who that author was that I read  
9 their work, what the title of that work was, include  
10 that, and also when it was retrieved. So you want to put  
11 that retrieval date in as well.

12           So in my page or in my paper you will see a  
13 couple of dozen cites to different articles that were  
14 written from industry leaders in our industry.

15           Q. So, let me ask you this, when --

16           MR. WILLIAMSON: Your Honor, is it okay if  
17 I move about the well or you want me in my seat?

18           THE COURT: You're okay.

19           Q. (BY MR. WILLIAMSON) So, in sonography, at  
20 least in research, is it fair to say at all that  
21 everybody references everybody in different papers and  
22 different research topics?

23           A. Yes. Typically you will see that same  
24 information circle around in one way or another, but it  
25 is important that you cite where you got that piece of

1 information. It may be similar, but you want to say,  
2 hey, I've read that here, I read that there, I accessed  
3 that here, this is who wrote that, this is the title of  
4 that.

5 Q. Does it have to be specific? Does it have to  
6 be this is exactly what I said or could it just be the  
7 theories, the thoughts, the ideas that go into it?

8 A. That I don't have a great answer for.

9 Q. Does it have to be specific to cite them or  
10 could it just be that they have talked about this  
11 generally and their paper and in this paper I'm going to  
12 talk about it generally also, so I'm going to give them  
13 credit?

14 A. Yeah, I think so.

15 Q. Okay. And I guess in terms of your purpose in  
16 which you were talking about they say that it looked a  
17 lot like that paper. You weren't referencing that they  
18 said the exact words in their article that you did in  
19 yours, correct?

20 A. Correct.

21 Q. You just kind of went of the brief idea of it;  
22 is that fair?

23 A. Fair. And when I went to the end of their  
24 article it looked like the only references they have were  
25 themselves. So I thought it odd that out of this paper



1 which had incredible information in it that their  
2 reference was themselves.

3 Q. So let me ask you this: I don't want to get  
4 too deep into this because I think it's pertinent just  
5 for a little bit and so I would like a little leeway to  
6 kind of talk about it, but in the industry has there ever  
7 been a push in general from anybody, Inteleos, any other  
8 credential agencies, to help protect stenographers in  
9 terms of ergonomics and their shoulders?

10 A. Absolutely.

11 Q. So why did you feel the necessary to bring up  
12 your paper? Was there enough out there about it?

13 A. There's a lot of information. What I thought  
14 was critical with my paper was the construction of it  
15 that really, really spoke to ergonomics in a very in  
16 depth way which I cannot personally seen before.

17 So in creating that article it was almost  
18 like scraping the Internet to see what everybody had to  
19 say about this hazard that we have that's been going on  
20 for decades. So we checked with the CDC. We checked  
21 with OSHA. We checked with NIOSH. We checked with  
22 Inteleos and gathered as many pieces of the puzzle as we  
23 could to really make a cohesive picture on what it meant  
24 to stay safe in this industry and that's something I had  
25 not seen before my paper was released and it's something

1 I have seen since the paper has been released.

2 Q. So, after you release the paper, what was your  
3 reputation in the community in sonography. How did you  
4 feel like your reputation in the community of  
5 stenographers became after that?

6 A. I became safety lady. I went from the health  
7 care provider in sonography to the safety lady.

8 MR. WILLIAMSON: Your Honor, I'll pass the  
9 witness.

10 THE COURT: Any questions?

11 MR. MUSYIMI: No further questions, Your  
12 Honor.

13 THE COURT: You may step down and resume  
14 your seat by counsel.

15 What other evidence would you like to  
16 offer, Mr. Musyimi?

17 MR. MUSYIMI: Nothing further, Your Honor.

18 THE COURT: Then on this basis of this  
19 evidence you want an injunction forbidding Ms. Joanna  
20 Hall from posting anything negative about Ms. Baker or  
21 her business on the Internet? You know what, I read this  
22 yesterday and I was thinking about it last night. If you  
23 said that Guardians of the Galaxy seems a whole lot like  
24 Firefly. I don't know if anybody knows these references,  
25 but you wouldn't be lying and you wouldn't be saying it

1 was a copy or just it looks a whole lot like it. All the  
2 super heroes, space movies look a lot alike. That's not  
3 accusing someone of plagiarism. That's just saying this  
4 is sort of an homage to Firefly which was a brief flight  
5 in the sky in science fiction industry.

6 I can't find that this is something that I  
7 ought to prevent someone from ever being able to utter.  
8 I'll deny the request for temporary injunction.

9 Does anyone have an order that says that?

10 MR. WILLIAMSON: I do, Your Honor. May I  
11 approach?

12 THE COURT: Yes. Mr. Musyimi, have you  
13 seen this order?

14 MR. MUSYIMI: Let me refresh my memory.

15 MR. WILLIAMSON: We have another anti-SLAPP  
16 claim coming up in this. Your Honor, since you had  
17 chance to read my response and opposition to Motion For  
18 Injunction, in the binder that is No. 13. It's No. 13 if  
19 you have a chance, you are welcome to read because I'm  
20 going to talk about this a little bit. This applies a  
21 little bit into the anti-SLAPP relator, but because we've  
22 done this injunction it does apply to the anti-SLAPP  
23 under Texas law. The reason is there is over 100 years  
24 of case law saying that a prior restrain on free speech  
25 is illegal. There are numerous Supreme Court cases,

1 numerous Texas Supreme Court cases that say you cannot  
2 have a prior restraint on free speech. It has still been  
3 attempted today. The only thing that you can get a prior  
4 restraint for is if it causes danger to the person that  
5 speech or the publication is about.

6 I briefed this quite extensively at the  
7 beginning of this. It does not pass constitutional  
8 muster. And the only reason I'm bringing it up, Your  
9 Honor, is not only do they ask for a temporary injunction  
10 on free speech, which is illegal, they have also asked  
11 for a permanent injunction on free speech, which is near  
12 impossible on cases dealing with defamation. It's not  
13 done. You do not win cases on an injunction, but it has  
14 been done any ways. And the only reason --

15 THE COURT: I have a whole list of people  
16 that I would like to shut up.

17 MR. WILLIAMSON: Exactly. Doesn't mean you  
18 can. And the problem with prior restraints is there is,  
19 like I said, over 100 years of case law involved in this.  
20 Now, the anti-SLAPP that we're to do later on is made to  
21 protect people like Joanna, and we have a special  
22 interest group in Washington DC, multi-million dollar  
23 special interest group with accreditation interest that  
24 sent her through their DC law firm, and this is in my  
25 motion in my reply in favor of sanctions, basically sent

1 it to scare her and sends her the same petition drafted  
2 by them that was eventually filed here in Texas because  
3 they couldn't file it. So they found an attorney to  
4 scare her to file this injunction to file this claim.  
5 And I'm going to take the stand and I'll discuss this  
6 more in depth later. It was never about winning.  
7 There's hundreds of years of case law that this doesn't  
8 work. It was to scare her and to make her spend money.

9 Now, at this injunction and at the  
10 anti-SLAPP, which I'm going to talk about later, they are  
11 claiming that, well, you're saying it looks a like the  
12 article and they are not even entering the articles  
13 themselves into evidence at this injunction or in the  
14 anti-SLAPP. It is not viable.

15 THE COURT: Makes it hard for the finder of  
16 fact to make a decision whether it looks a lot like it.

17 MR. WILLIAMSON: It makes it impossible.  
18 The only reason I'm bringing up this, Your Honor, is I  
19 would like you to take note that this injunction was  
20 attempted when there was no prior restraints allowed in  
21 Texas because I'm going to ask for very heavy sanctions  
22 in the anti-SLAPP. And that's all I would like to say,  
23 Your Honor.

24 THE COURT: All right. Well, for now, I'm  
25 going to deny the temporary injunction because that's

1 what's before me in this hearing.

2 MR. WILLIAMSON: Just a shot in the dark,  
3 is there any -- is in the realm of possibility that we  
4 could go into the anti-SLAPP hearing at this time? Do we  
5 have time to do that?

6 THE COURT: Are you ready to go forward on  
7 Motion to Dismiss, is that all right with you, Mr.  
8 Musyimi?

9 MR. MUSYIMI: Your Honor, I did leave a lot  
10 of my documents back at my hotel room and, Your Honor, I  
11 expected us to be back at 2:00 p.m., Your Honor.

12 THE COURT: How far away is your hotel?

13 MR. MUSYIMI: Gosh, about 15, 20 minutes.

14 THE COURT: I can wait. I mean, wouldn't  
15 you rather get out of here than have to come back at  
16 2:00 o'clock?

17 MR. MUSYIMI: Your Honor, I would rather  
18 come back at 2:00 p.m.

19 THE COURT: Would you? Okay. Well, we'll  
20 come back at 2:00 p.m. This time the burden will be on  
21 the other side.

22 *(Court adjourned.)*

23

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