

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

**KONNECH, INC.,**

**PLAINTIFF,**

**v.**

**TRUE THE VOTE, INC., GREGG  
PHILLIPS, and CATHERINE  
ENGELBRECHT,**

**DEFENDANTS.**

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**CIVIL ACTION NO. 4:22-CV-03096**

**PLAINTIFF KONNECH, INC.’S MOTION FOR EMERGENCY CONSIDERATION –  
WITHOUT A HEARING – OF PLAINTIFF’S MOTION TO SHOW CAUSE AND FOR  
CONTEMPT AGAINST DEFENDANTS**

Plaintiff Konnech, Inc. (“Konnech”) moves the Court for emergency consideration of Konnech’s Motion to Show Cause and for Contempt against Defendants as follows:

**CIRCUMSTANCES MERITING EMERGENCY CONSIDERATION**

On September 12, 2022, the Court issued an *ex parte* Temporary Restraining Order (“TRO”) which ordered that Defendants, directly or indirectly, and whether alone or in concert with others be (i) enjoined from accessing or attempting to access Konnech’s protected computers; (ii) ordered to return to Konnech all property and data obtained from Konnech’s protected computers, whether original, duplicated, computerized, handwritten, or any other form whatsoever; (iii) enjoined from using, disclosing, or exploiting the property and data downloaded from Konnech’s protected computers; (iv) ordered to preserve, and not to delete, destroy, conceal or otherwise alter, any files or other data obtained from Konnech’s protected computers; (v) ordered to identify each individual and/or organization involved in accessing Konnech’s protected computers; (vi) ordered to confidentially disclose to Konnech how, when, and by whom Konnech’s protected computers were accessed; and (vii) ordered to identify all persons and/or entities, in

Defendants' knowledge, who have had possession, custody or control of any information or data from Konnech's protected computers. (Doc. 9.)

Although the TRO was signed nine days ago (Doc. 9) and Defendants accepted service of it seven days ago (Doc. 14), Defendants have still not complied with subsections v, vi, and vii of the TRO despite repeated attempts by Konnech to achieve voluntary compliance.<sup>1</sup>

Given the irreparable harm that will result from Defendants' continued failure to comply with the TRO, Konnech has filed a Motion that Defendants appear and show cause why they should not be held in contempt of the TRO (the "Contempt Motion"). In the Contempt Motion, Konnech requests that—without a hearing—the Court enter an order directing that (i) Defendants and their counsel appear before the Court and show why they should not be held in contempt of the TRO; and (ii) the Clerk immediately make public on the Court's electronic filing system a fully unredacted copy of Defendants' September 15, 2022 *ex parte* letter to the Court.

## CONCLUSION

Konnech requests that the Court consider the above-described Contempt Motion on an emergency basis and—without a hearing—enter the proposed order submitted with the Contempt Motion, which proposed order (i) sets a show cause hearing, (ii) directs Defendants and their counsel to appear at the show cause hearing, and (iii) directs the Clerk to make public on the

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<sup>1</sup> In addition to subsections v, vi, and vii of the TRO, Konnech has worked extensively to obtain confirmation of Defendants' compliance with the other provisions of the TRO. Specifically, because of Defendants' contradictory pre-suit statements and threats to release data they now claim to have never possessed, Konnech is seeking sworn statements from Defendants to confirm their unsworn representations that conflict with their attorneys' unsworn statements claiming their compliance with the TRO. Defendants, however, have still not provided Konnech with the requested sworn statements or any comments to the affidavits which Konnech drafted for their review based on Defendants' attorney's unsworn representations.

Court's electronic filing system a fully unredacted copy of Defendants' September 15, 2022 *ex parte* letter to the Court.

Dated: September 21, 2022

KASOWITZ BENSON TORRES LLP

By: /s/ Constantine Z. Pamphilis  
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*Attorneys for Plaintiff Konnech, Inc.*

### **CERTIFICATE OF CONFERENCE**

I hereby certify that, as stated herein, I have made numerous attempts to obtain Defendants' voluntary compliance with the TRO, but Defendants have either ignored my requests or outright refused because they claim the matter has been turned over to the FBI.

/s/ Constantine Z. Pamphilis  
Constantine Z. Pamphilis

**CERTIFICATE OF SERVICE**

I hereby certify that on September 21, 2022, true and correct copies of the above and foregoing were forwarded via email and through the ECF system, to all parties and counsel of record.

/s/ Constantine Z. Pamphilis  
Constantine Z. Pamphilis