

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA**

Qwest Communications, International, Inc., )  
a Delaware corporation, )  
)  
Plaintiff, )  
vs. )  
)  
Michele Yontef, an individual, )  
)  
Defendant )  
)  
\_\_\_\_\_ )

Case No.: 04-CV-271 TUC-CKJ

**DECLARATION OF BILL E. BRANSCUM**

I, Bill. E Branscum, a licensed Private Investigator, proffer this Declaration, prepared by me in the State of Florida, County of Collier, under penalty of perjury, based upon my personal knowledge and observation, to which I will credibly testify, in which I declare as follows:

**Preliminary Matters**

1. I am a Financial Crimes Investigator employed by Oracle International, an investigative agency that I established following my career as a federal agent; I was a Special Agent, US Department of the Treasury.
2. As a Private Investigator, I am active on various Internet list serves, professional associations and news groups. This case has been the subject of wide spread discussion and considerable concern; Florida Private Investigator Jim Parker brought this case to my attention several weeks ago and asked Ms. Yontef to send me a copy of the Complaint.
3. Although I met Michele Yontef at a seminar some years ago, I do not know her personally and I have not communicated with her in years. Nevertheless, I believe that there are facts and circumstances of which I am aware that would be useful to this Court so I have taken it upon myself to proffer the following observations.

## Background of Declarant

4. I am a Private Investigator employed by Oracle International, an investigative agency that I established following my career as a Special Agent, U.S. Department of the Treasury.
5. I am the father of four children, I am their custodial parent, and I have been since three of them were preschoolers. I have also served my community as a Guardian ad Litem.
6. As a Private Investigator, my casework has related primarily to financial matters and securities issues. In addition to investigating a number of high profile frauds, contributed to numerous successful criminal prosecutions, and testified as an expert witness.
7. As a federal agent, I initiated and conducted investigations involving violations of federal law, prepared case prosecution summaries, and participated in successful criminal prosecutions and civil forfeiture actions in state and federal courts. While assigned to the FBI Organized Crime Strike Force in Miami, I investigated foreign and domestic “boiler rooms,” where telemarketing con artists perpetrated international schemes to defraud.
8. My experience relates primarily to violations of the United States Code, including, but without limitation, violations of Title 12 (Banking), Title 18 (general), Title 19 (smuggling), Title 21 (narcotics), Title 26 (taxation) and Title 31 (money laundering); I have also conducted investigations related to the unlawful exportation of critical technology (Exodus violations), the sexual exploitation of children, and contract murder.
9. In addition to the knowledge and experience I acquired consequent to my employment, I have an academic background upon which I rely. I attended Eastern Kentucky University and was awarded a B.S. Degree in Criminal Justice upon graduating “With Distinction.”
10. I subsequently attended the United States Department of the Treasury, Federal Law Enforcement Training Center in Glynco, Georgia; I was the Class Honor Graduate.

## Declarant's Narrative

11. I think it appropriate to be clear that I do not know Michele Yontef personally, we have no business dealings, and we do not communicate with one another on any regular basis. We have no undisclosed personal, professional or social relationship aside from my involvement in this case.
12. Nevertheless, I, and virtually every Private Investigator I know, would immediately recognize “Ma Bell Michele” as being Michele Yontef’s nickname. Approximately five years ago, I attended a seminar for investigative professionals where she explained considerably more about telephones, telephone services, and the structure of the telephone system than I ever intended to know.
13. Insofar as I am aware, Ms. Yontef markets her services exclusively to the investigative community. Within this community, she is widely known as a single parent who has managed to make a living, and in fact a “name” for herself. I am confident that nobody within the investigative community is under the impression that “Ma Bell Michele” provides telephone services, or in any way competes with Qwest, or any other telephone service provider.
14. I have read the appertaining Complaint, and I find the representations in paragraph nine (9) to be disingenuous. Specifically, according to paragraph nine (9) of the Complaint, Qwest claims to be the owner of the

***“mark Bell®, among others, which includes, among a myriad of other goods and services, consulting and training services, namely providing “telecommunications services to others,” . . .Collectively, hereinafter, the Bell® mark and the Bell Logo® are referred to as the Bell marks.”***

15. The representations in paragraph nine (9) are disingenuous in that this rhetorical run on suggests that Qwest has an entitlement to all things “Bell,” but they do not address the probative point – do they, in fact, own the trade mark, “Ma Bell?” They do not.
16. In fact, the U.S. Patent Office reports that the trade mark “Ma Bell” has been registered several times – but none by AT&T, or any of the Bell companies.
17. As I learned in the seminar taught by “Ma Bell” Michele, there is a reason for that, and I would expect that Qwest knows this. AT&T abjured the title and sought to distance themselves from the “Ma Bell” image because they feared that the government would force them to break up – as they ultimately did.
18. Be that as it may, investigation reveals that the US Patent Office first registered the “Ma Bell” trademark to Carolyn G. Bridgewater, of Eckert, Colorado on November 14, 1978; the serial number was 73162836. She made ceramic figurines.
19. The US Patent Office next registered the “Ma Bell” trademark to Joseph J. Clement of Bradenton, Florida on December 9, 1980; the serial number was 73214288. He made toy telephones.
20. The US Patent Office next registered the “Ma Bell” trademark to Recreational Facilities, Inc., of Socorro, New Mexico but they abandoned it on November 13, 1985; the serial number was 73477578. This had something to do with a “board game.”
21. The most recent registrant of the “Ma Bell” Trademark was Ma Bell, Inc., of Fort Lauderdale, FL, but the corporation abandoned it on December 5, 2002; the serial number was 76365038. They were in the telephone service industry.

22. Insofar as I can determine, the person with the best current claim to the “Ma Bell” trademark is the current applicant, “Ma Bell” Michele, Michele Yontef of Tucson, Arizona. Her trademark application serial number is 78577960.
23. Since the US Patent Office is the authority on the subject of trade mark eligibility, it would seem to me that the fact that they have issued this particular trademark four times since 1978 would dispositively refute Qwest’s claim that they have a legitimate claim to it derivative of trademarks issued in 1989.
24. It seems equally obvious that Qwest is fully aware of this. It seems apparent that Qwest sought to overwhelm a single mother with a web site they wanted and have no legitimate claim to, fully expecting to "slam" litigate her into acquiescence.
25. I believe that Qwest filed this action against a self employed single mother for a reason. Since the domain names MaBell.com, Ma-Bell.net, and MaBell.net are not owned by Qwest, and I can find no indication that Qwest has filed an action against any of these companies, I suspect that they intended to batter Ms. Yontef into submission and use her capitulation to intimidate the others.
26. Specifically, there is a commercial website at LibertyBellTelecom.com that Qwest must be familiar with; they make it very clear that they are a Qwest competitor formed by a consumer advocate who was “sick and tired of Qwest.”

**Liberty Bell Telecom** was formed by Consumer Advocate Tom Martino because he was sick and tired of Qwest. He wanted to

Imaged from [www.LibertyBellTelecom.com](http://www.LibertyBellTelecom.com)

27. A review of this website reveals that Liberty BELL Telecom not only uses the word, “bell,” they capitalize it for emphasis and the word, “bell” is in juxtaposition with the word, “Telecom,” clearly proclaiming them to be in the telecommunications industry.



Imaged from [www.LibertyBellTelecom.com](http://www.LibertyBellTelecom.com)

28. Further, unlike Ma-Bell Michelle’s website, Liberty BELL Telecom uses a “Bell” image, and specifically advertises telephone related services – local and long distance.



Imaged from [www.LibertyBellTelecom.com](http://www.LibertyBellTelecom.com)

29. The website leaves no doubt as to the competitive nature of their business; they specifically go on to say:

- “Qwest and other big phone companies are forced to lease their lines at preferential rates to competitors;” and
- “Qwest has had a monopoly for too long;” and
- “Liberty Bell customers never have to deal with Qwest again.”

30. They are doing all that Michelle Yontef is not, but the principal difference is, Liberty Bell is spoiling for the fight that Michelle Yontef is predictably desperate to avoid.

31. On information and belief, Qwest has deliberately targeted Michelle Yontef, a single mother in no position to defend herself, and proffered unfounded and disingenuous claims to this Court to the effect that they hold intellectual property rights they have no cognizable claim to, and shamelessly misrepresented that Ms. Yontef is offering, or could be perceived to be offering, services substantially similar to theirs, in furtherance of an egregiously abusive corporate litigation strategy.

**Wherefore, and in Summation,** I can only say that it is my sincerest hope that the Court will not perceive this to be an effort to intrude where I do not belong. If I were an attorney, I would defend Ms. Yontef just because knowing what it is to face life alone, and raise children by yourself, it offends me that Qwest Communications would target her solely because of her vulnerability. I am fully aware that I am not the attorney that she needs, but I feel moved to do what I can as I believe that truth and honesty belongs in the Courtroom no matter how it gets there. I pray that the Court will forgive the intrusion.

FURTHER DECLARANT SAYETH NOT.

I declare under penalty of perjury, pursuant to the provisions of 28 U.S.C. §1746, and Florida Law, that all of the statements made in this Declaration are true and correct to the best of my information, knowledge, and belief.

Executed this 2<sup>nd</sup> day of April, 2005, in Collier County, Florida.



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