

NO. \_\_\_\_\_

THE STATE OF TEXAS,  
Plaintiff

§  
§  
§  
§  
§  
§  
§  
§  
§  
§

IN THE DISTRICT COURT

v.

HIDALGO COUNTY, TEXAS

LA JOYA WATER SUPPLY  
CORPORATION,  
Defendant

\_\_\_\_\_ JUDICIAL DISTRICT

**EX PARTE TEMPORARY RESTRAINING ORDER AND  
ORDER SETTING HEARING FOR TEMPORARY INJUNCTION**

1. After considering Plaintiff STATE OF TEXAS’ application for temporary restraining order, the pleadings, the affidavits, and arguments of counsel, the Court finds there is evidence that Defendant may be engaged in practices that violate the Texas Debt Collection Act, TEX. FIN. CODE ANN. § 392.001, *et seq.* (Vernon 1998), (hereinafter “TDCA” or “Act”) and the Texas Deceptive Trade Practices - Consumer Protection Act, TEX. BUS. & COM. CODE ANN. § 17.41, *et seq.* (Vernon 2002) (hereinafter “DTPA”). The Court further finds that the injury to consumers is imminent, and if the Court does not issue the temporary restraining order, and if Defendant is not immediately restrained, it will continue to engage in unlawful debt collection practices and thereby cause immediate and irreparable injury, loss, or damage to persons whose water service is wrongly disconnected or persons who pay unfair and unwarranted bills in fear that their service will be disconnected. Namely, said individuals will be deprived the use of water for drinking, sanitation, food preparation, and personal hygiene.

2. IT IS, THEREFORE, ORDERED that Defendant LA JOYA WATER SUPPLY

CORPORATION, their agents, servants, employees, relatives, attorneys and any other person acting in concert or participation with Defendants, are hereby restrained from engaging in, or attempting to engage in, the following:

- a. Suspending, disconnecting, or terminating water service to any consumer for any reason without approval of the Court;
- b. Billing for, collecting, or attempting to collect any charge or fee for water usage unless such fee is based on an accurate meter reading or is estimated based on prior accurate meter readings;
- c. When a bill is estimated, failing to include a written statement on the bill identifying that the bill is estimated;
- d. Failing to send consumers a water bill on a monthly basis; and
- e. Representing, directly or by implication, that this Court or the Office of the Attorney General has approved any good or service sold or offered for sale by Defendant, or has approved any business practice of Defendant.

3. IT IS FURTHER ORDERED that Plaintiff shall be granted leave to take telephonic, video, written, and other depositions (including deposition with a subpoena duces tecum) of witnesses and parties prior to any scheduled temporary injunction hearing upon reasonable shortened notice to Defendant.

4. The Court orders that Plaintiff's application for temporary injunction be heard on \_\_\_\_\_ day of \_\_\_\_\_, 2005, at \_\_\_\_\_ o'clock, \_\_\_\_m., in the courtroom of the above-named District Court in the Hidalgo County Courthouse in Edinburg, Texas. The purpose of the

hearing shall be to determine whether this temporary restraining order should be made a temporary injunction pending a full trial on the merits.

5. The Court further orders the clerk to issue notice to Defendants of the hearing on the application for temporary injunction and to forthwith issue a temporary restraining order in conformity with the law and the terms of this order.

6. This order shall be effective without the execution and filing of a bond as Plaintiff STATE OF TEXAS is exempt from such bond under TEX. CIV. PRAC. & REM. CODE § 6.001 and TEX. BUS. & COM. CODE ANN. § 17.47(b) .

7. This order expires on \_\_\_\_\_, 2005, or by any other order of the Court .

SIGNED on \_\_\_\_\_, 2005, at \_\_\_\_\_ o'clock, \_\_\_\_ .m.

---

PRESIDING JUDGE