

THE STATE OF TEXAS,
Plaintiff

v.

LA JOYA WATER SUPPLY
CORPORATION,
Defendant

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IN THE DISTRICT COURT

HIDALGO COUNTY, TEXAS

398TH JUDICIAL DISTRICT

TEMPORARY INJUNCTION ORDER

1. On May 4, 2005, the application of Plaintiff, STATE OF TEXAS, for a temporary injunction came for hearing, after due notice had been given to Defendant, LA JOYA WATER SUPPLY CORPORATION, in the above styled and numbered cause. Plaintiff appeared by its attorney of record, through the Consumer Protection Division, Office of Texas Attorney General GREG ABBOTT, and Defendant appeared through its corporate representative and by its attorney of record.
2. The Court, having heard the evidence and the arguments of counsel, finds that Plaintiff is entitled to the temporary injunction, as granted in this order, for the reasons set forth herein: 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 injunction, and if Defendant is not

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.

3. IT IS, THEREFORE, ORDERED that Defendant LA JOYA WATER SUPPLY CORPORATION, its agents, servants, employees, attorneys, and any other persons acting in concert or participation with Defendant who receive actual notice of this injunction by personal service or otherwise, shall desist and refrain, directly or indirectly from:

- a. Suspending, disconnecting, or terminating water service to any consumer, as defined by TDCA § 392.001(1), for any reason without approval of the Court;
- b. When a meter reading is estimated on an account for a consumer, as defined by TDCA §392.001(1), failing to indicate on the bill that meter reading is estimated;
- c. Failing to send consumers a water bill on a monthly basis; and
- d. 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.

4. This temporary injunction shall be effective immediately, but shall be reviewed by this court at the expiration of 90 days from the date of this order at the request of either party.

5. IT IS FURTHER ORDERED that trial on the merits of this cause is set for September 12, 2005. at 8:30 a.m.

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. BUS. & COM. CODE ANN. § 17.47(b) and TEX. CIV. PRAC. & REM. CODE § 6.001.

7. The clerk shall forthwith issue a writ of injunction in conformity with the law and the terms of this order.

SIGNED on May 5, 2005, at 2:00 o'clock, p.m.

It is further ordered by the Court, Plaintiff shall deliver to all parties instanter, a signed copy of this order

Debra Salina Flores
PRESIDING JUDGE