

FILED
 IN THE DISTRICT COURT OF EL PASO COUNTY, TEXAS
 41ST JUDICIAL DISTRICT DISTRICT CLERK

LESLIE PETTIJOHN, COMMISSIONER OF
 THE OFFICE OF CONSUMER CREDIT
 COMMISSIONER, and
 THE STATE OF TEXAS

Plaintiffs

v.

JAGJRTX, L.L.C., a/k/a JAG TX L.L.C., d/b/a
 ADVANCE INTERNET and d/b/a
 TEXAS ADVANCE INTERNET; and
 JOHN A. GILL, JR., Individually,

Defendants

§ 2006 MAY 18 AM 9 55
 § EL PASO COUNTY, TEXAS
 § BY _____
 § CLERK
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 § CAUSE NO. 2006 - 2429
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EX PARTE TEMPORARY RESTRAINING ORDER

The STATE OF TEXAS, Plaintiff, acting by and through Attorney General GREG ABBOTT (“ATTORNEY GENERAL”), has filed its Original Petition in this cause seeking a Temporary and Permanent Injunction against Defendants JAGJRTX, L.L.C., a/k/a JAG TX L.L.C., d/b/a ADVANCE INTERNET, d/b/a TEXAS ADVANCE INTERNET, and JOHN A. GILL, JR., and in the same Original Petition has presented its request for a Temporary Restraining Order.

1. The Court FINDS that Defendants may be violating §§ 17.46(a) and (b) of the Texas Deceptive Trade Practices-Consumer Protection Act (“DTPA”), TEX. BUS. & COM. CODE § 17.41 *et seq.*, in that they are offering loans to Texas consumers under the subterfuge that the consumers are paying for internet access and rental of equipment, when such is not the case, and are charging to said consumers interest on such loans which is far in excess of any legally authorized rate.
2. It appears from the facts set forth in the Plaintiff’s Original Petition and exhibits and

sworn affidavits attached thereto that unless Defendants are immediately restrained from the acts prohibited below, Defendants will continue to commit such acts before notice can be given and a hearing can be held on the STATE OF TEXAS' request for a Temporary Injunction, and Defendants will continue to use false, misleading, or deceptive trade practices and obtain money from Texas consumers under false pretenses.

3. **IT IS THEREFORE ORDERED** that Defendants JAGJRTX, L.L.C. and JOHN A. GILL, JR., and their officers, agents, servants, employees and any other persons in active concert or participation with Defendants who receive actual notice of this Order by personal service or otherwise, whether acting directly or through any trust, corporation, subsidiary, division, or other devise, shall be restrained from engaging in the following acts or practices:

- a. transferring, spending, hypothecating, concealing, encumbering, withdrawing, removing or allowing the transfer, removal, or withdrawal from any bank, savings association, credit union or other financial institution or from the jurisdiction of this Court any money, stocks, bonds, assets, sports memorabilia, notes, equipment, funds, accounts receivable, policies of insurance, trust agreements, or other property, real, personal or mixed, wherever situated, belonging to or owned by, in the possession or custody of, standing in the name of, or claimed by such Defendant without further order of this court;
- b. transferring, concealing, destroying or removing from the jurisdiction of this Court any books, records, documents, invoices, or other written materials relating to Defendants' business which are in Defendants' possession, custody, or control except in response to further orders or subpoenas in this cause;
- c. making consumer loans, as defined by Texas law, without being licensed as authorized lenders;
- d. making consumer loans, as defined by Texas law, at any rate of interest that is usurious;
- e. advertising or offering services that would cause people to believe that Defendants are offering to make, arrange, or negotiate a loan as defined by Texas law, unless and until Defendants are authorized lenders;
- f. advertising their "internet access" sales with the word "rebate," when in fact the

service is a loan as defined by Texas law;

- g. misrepresenting their customers' "debts" as enforceable;
- h. collecting, or attempting to collect, by whatever manner or means, including the filing of civil lawsuits, on any obligation arising from the advance of money or a consumer loan made by Defendants while they were not authorized lenders or not licensed to make consumer loans;
- i. collecting or attempting to collect, by whatever manner or means, including the filing of civil claims, or criminal charges or complaints, on a dishonored check already in Defendants' possession, custody, or control, obtained by Defendants in return for making a cash advance, a consumer loan, or in furtherance of Defendants' alleged sale of "internet access" where purchase of the internet access was a condition of a customer's receipt of a cash advance;
- j. representing, directly or by implication, that Defendants are authorized to make advances of money or consumer loans in Texas, for more than ten percent interest as defined by Texas law, unless and until Defendants are licensed to make consumer loans in Texas;
- k. misrepresenting their business by claiming that they do not make loans and do not charge interest;
- l. asking any customer to sign any agreement which purports to waive rights a customer has under the Texas Finance Code;
- m. asking any customer to sign any agreement which purports to waive rights a customer has under any other law;
- n. charging, receiving, or contracting for any money that is in any way related to a cash advance or to any transaction defined under Texas law as a "loan" until and unless any such defendant obtains a license to be an authorized lender; and
- o. failing to disclose the effective annual interest rate charged on any loan made by Defendants to any Texas consumer.

4. **IT IS FURTHER ORDERED** that Defendants in this cause be and hereby are commanded forthwith to comply with this Order from the date of entry until and to the 14th day after entry or until further Order of this Court, whichever is less.

5. The Clerk of the above Court shall forthwith issue an Ex Parte Temporary Restraining

Order in conformity with the law and the terms of this Order. 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. § 17.46(b).

6. Hearing on Plaintiff, STATE OF TEXAS' Application for a Temporary Injunction is hereby set for the 24th day of June, 2006, at 2:00 o'clock, p.m.

SIGNED this 18 day of May, 2006, at 9:41 o'clock, a.m.

Angie Jay Bavel
JUDGE PRESIDING