

NO. 07-1574-C

THE STATE OF TEXAS,
Plaintiff

IN THE DISTRICT COURT

v.

NUECES COUNTY, TEXAS

MICHAEL MENDOZA d/b/a
THE HEALTH CONNECTION /
DR MICHAEL MENDOZA NMD,
Defendant

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94 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 affidavit, and arguments of counsel, the Court finds there is evidence that defendant MICHAEL MENDOZA may be engaging in the unauthorized practice of medicine, in violation of the Texas Deceptive Trade Practices - Consumer Protection Act, TEX. BUS. & COM. CODE ANN. § 17.41, *et seq.* (Vernon 1987 and Supp. 2004) (hereinafter "DTPA"). The Court further finds that the injury to consumers is imminent, and if the Court does not issue the temporary restraining order, defendant will continue to engage in the unauthorized practice of medicine, before notice can be given and a hearing held, and cause irreparable injury, loss, or damage to persons who receive defendant's medical services. The Court further finds that defendant's business may have been solely organized for an unlawful purpose and that assets held by defendant may be proceeds from business activity which is wholly unlawful and, therefore, such assets are subject to the equitable remedy of disgorgement.

2. IT IS, THEREFORE, ORDERED that defendant MICHAEL MENDOZA, his agents, servants, employees, relatives, attorneys and any other person acting in concert or participation with defendant, are hereby restrained from engaging in, or attempting to engage in, the following:

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PATSY PEREZ, DISTRICT CLERK
NUECES COUNTY

- a. Operating a business or conducting business as a medical doctor and/or naturopathic medical doctor at 4220 SPID, Ste. 205, Corpus Christi, Nueces County, Texas 78411, or any other location in the state of Texas;
- b. Diagnosing, treating, or offering to treat a mental or physical disease or disorder or a physical deformity or injury by any system or method, or the attempting to effect cures of those conditions to those persons who purchase his medical services, including but not limited to, naturopathic medicine;
- c. Holding himself out, by any means, to the public as a "medical doctor," and by any title or designation incorporating the words "medical doctor", "doctor", or an abbreviation thereof;
- d. Accepting or soliciting money or valuable consideration for performing medical services;
- e. Holding himself out, by any means, to the public as a "naturopathic medical doctor," or "N.M.D." and by any title or designation incorporating the word "naturopathy" or an abbreviation thereof;
- f. Concealing, withholding, destroying, mutilating, altering, falsifying, or removing from the jurisdiction of this Court any books, records, documents, invoices, receipts, or other written materials relating to the business of defendant currently or hereafter in defendant's possession, custody or control except in response to further orders or subpoenas in this cause;
and
- g. Representing, directly or by implication, that this Court, the Texas Medical Board, 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 defendant MICHAEL MENDOZA post notice at his place of business, 4220 SPID, Ste. 205, Corpus Christi, Nueces County, Texas 78411, or any other location in the state of Texas, which notice shall be conspicuous, in bold-faced type of a minimum size of 32 points, in both English and Spanish, and shall state:

NOTICE

MICHAEL MENDOZA HAS BEEN SUED BY THE OFFICE OF THE TEXAS ATTORNEY GENERAL FOR ENGAGING IN THE UNAUTHORIZED PRACTICE OF MEDICINE.

THE DISTRICT COURT HAS ORDERED MICHAEL MENDOZA TO STOP CONDUCTING BUSINESS AS A MEDICAL DOCTOR. THIS OFFICE IS CLOSED UNTIL FURTHER ORDER OF THE COURT.

IF YOU HAVE ANY QUESTIONS, OR IF YOU BELIEVE YOU WERE A VICTIM, PLEASE CALL (956) 682-4547, EXT. 114.

ADVISO

MICHAEL MENDOZA HA SIDO DEMANDADO POR LA PROCURADURIA GENERAL DE TEXAS POR INVOLUCRARSE EN LA PRACTICA DE MEDICINA SIN AUTORIZACION.

LA CORTE DEL DISTRITO LE HA ORDENADO A MICHAEL MENDOZA DE DA ALTO A SU NEGOCIOS COMO DOCTOR MEDICO. SU OFICINA SE HA CERRADO HASTA QUE LA CORTE EMITA ORDENES NUEVAS.

SI USTED TIENE CUALQUIER PREGUNTA, O SI USTED PIENSA QUE HABER SIDO UNA VICTIMA, POR FAVOR LLAME AL (956) 682-4547, EXTENSION 114.

4. 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.

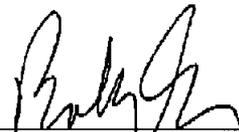
5. The Court orders that plaintiff's application for temporary injunction be heard on the 21st day of Dec., 2007, at 9:00 o'clock, A.m., in the courtroom of the above-named District Court in the Nueces County Courthouse, 901 Leopard Street, at Corpus Christi, Texas. The purpose of the hearing shall be to determine whether this temporary restraining order should be made a temporary injunction pending a full trial on the merits.

6. The Court further orders the clerk to issue notice to defendant 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.

7. 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.

8. This order expires on December 26, 2007, or by any other order of the Court.

SIGNED on December 17, 2007, at 10:05 o'clock, A.m.



PRESIDING JUDGE