No. 348 228825 08

STATE OF TEXAS,	§	**IN THE DISTRICT COURT OF**
Plaintiff,	§	
	§	
v.	§	
	§	
	§	**TARRANT COUNTY, TEXAS**
PAMELA CARROLL, *individually,*	§	
and d/b/a LOVING CARE,	§	
Defendants.	§	348th **JUDICIAL DISTRICT**

TEMPORARY RESTRAINING ORDER AND
ORDER SETTING HEARING FOR TEMPORARY INJUNCTION

ON THIS DAY THE COURT considered the State's application for an Ex Parte Temporary Restraining Order in the above entitled and numbered cause. The State appeared by Madalyn S. Wells, Assistant Attorney General of Texas.

The Court has examined the pleadings and the evidence, and the Court is of the opinion that it has jurisdiction over the parties and the subject matter of the suit under section 247.044(c) of the Texas Health and Safety Code. The Court finds that an temporary restraining order prohibiting the Defendant from operating the unlicensed assisted living facility known as Loving Care or any other unlicensed assisted living facility is necessary under Chapter 247 of the Texas Health and Safety Code. The Court also finds that the removal of some of the Facility's residents is necessary.

IT IS THEREFORE ORDERED that Defendant PAMELA CARROLL, INDIVIDUALLY, and d/b/a LOVING CARE and the Defendant's officers, agents, servants, employees, and attorneys, and all persons in active concert or participation with the Defendant who receive actual notice of the order, are enjoined and restrained from:

A. Preventing or hindering DADS agents or any other agent of the State from effectuating an orderly transfer of the residents from the facility, Loving Care, located at 909 Forrestal Dr., Arlington, Texas 76010 to other licensed facilities or their families;

B. Interfering with or denying the State of Texas Department of Aging and Disability Services (DADS) agents or other agents of the State access to the facility, Loving Care, located at 909 Forrestal Dr., Arlington, Texas 76010, or any other facility within the State of Texas owned or operated by the Defendant for the purpose of conducting an investigation or taking other appropriate action pursuant to Chapter 247 of the Texas Health & Safety Code;

C. Removing any residents from the facility, Loving Care, located at 909 Forrestal Dr.; Arlington, Texas 76010, without the authorization and direct supervision of DADS or other agents of the State;

D. Operating the facility, Loving Care, located at 909 Forrestal Dr.; Arlington, Texas 76010, as an unlicensed assisted living facility;

E. Admitting residents to the facility, Loving Care, located at 909 Forrestal Dr.; Arlington, Texas 76010, as an assisted living facility;

F. Operating, owning, or controlling, in whole or in part, any unlicensed assisted living facility within the State of Texas;

G. Admitting residents requiring personal care services to any unlicensed assisted living facility within the State of Texas;

H. Preventing or hindering a licensed home and community support services agency from providing services to any resident of Defendant's facility;

I. Failing to ensure the safety of any resident living in the facililty;

J. Failing to care for residents on a temporary and emergency basis while DADS agents supervise and effectuate the transfer of the residents to other facilities;

K. Failing to follow any instructions given by DADS agents to Defendant and her agents in order to temporarily care for residents while DADS agents supervise and effectuate the transfer of the resident to other facilities; and

L. Withholding from residents, or their representatives, any property or records to which the residents are entitled.

IT IS FURTHER ORDERED that DADS employees may remove any resident of Defendant's facility that may be at risk for abuse.

IT IS FURTHER ORDERED that DADS employees may remove any residents in order to reduce the census of Defendant's facility to three.

IT IS FURTHER ORDERED that a peace office may accompany DADS employees to Defendant's facility to enforce this order.

THIS ORDER IS EFFECTIVE for fourteen (14) days from the date it is signed or until further order of this Court.

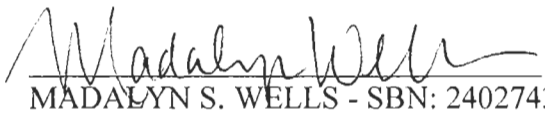
The State is exempt from filing bond.

IT IS FURTHER ORDERED that a hearing will be held on a Temporary Injunction on the 25th day of February, 2008 at 8 : 30 Am.

Signed this 14th day of February 2008 at 3 : 49 pm.

Dana M. Womack
JUDGE PRESIDING

APPROVED:



MADALYN S. WELLS - SBN: 24027430
ANDREW D. LEONIE - SBN: 12216500
PATRICIA STEIN - SBN: 24033222
Assistant Attorneys General
Consumer Protection & Public Health Division
1412 Main St., Ste. 810
Dallas, Texas 75202
(214) 969-7639 ext. 8830
(214) 969-7615 Facsimile

ATTORNEYS FOR PLAINTIFF
THE STATE OF TEXAS