

STATE OF TEXAS,
Plaintiff,

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IN THE DISTRICT COURT OF

v.

HARRIS COUNTY, TEXAS

BRIAN DUANE BRUMFIELD and
THORNBROOKS SHAPIRO, LLC,
both doing business as
THE SHERIFF'S JOURNAL,¹
Defendants.

152 JUDICIAL DISTRICT

EX PARTE TEMPORARY RESTRAINING ORDER

Plaintiff, State of Texas, has filed its Original Petition in this cause seeking temporary and permanent injunctions against Defendants **BRIAN DUANE BRUMFIELD and THORNBROOKS SHAPIRO, LLC d/b/a THE SHERIFF'S JOURNAL**, and in the same petition has presented its request for an ex parte temporary restraining order. The Court FINDS that ^{it is likely that} Defendants ~~may be~~ ^{are} violating §§17.46(a) and (b) of the Texas Deceptive Trade Practices-Consumer Protection Act, TEX. BUS. & COM. CODE ANN. §§17.41 *et seq.* (DTPA) (West 2002 & Supp. 2007), the Texas Occupations Code, § 1803 *et seq.*, and the Texas Law Enforcement Telephone Solicitation Act (hereinafter "TLETS"), TEX. REV. CIV. STAT. Ann. Art. 9023e (West 2007). It appears from facts set forth in the Plaintiff's Original Petition and the exhibits and sworn affidavits attached thereto, that unless Defendants are immediately restrained from the acts prohibited below, Defendants will commit such acts before notice can be given and a hearing can be held on the State of Texas' request for a Temporary Injunction. Furthermore, Defendants will continue to use deceptive tactics and misrepresentations and may well dissipate and secrete their assets before a Temporary Injunction hearing can be held and a final judgment for restitution can be rendered. Such injury would be

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Brian Duane Brumfield and Thornbrooks Shapiro, LLC are also doing business as *Police Publications, Municipal Officer's Magazine, Law Enforcement Quarterly, First on Patrol Magazine, and The Deputy Defender.*

irreparable because continued violations of the DTPA may well cause more consumers to lose money through deceptive transactions. Given the likelihood of dissipation of Defendants' assets prior to rendition of a final judgment, the possibility of restitution for consumers will be remote unless an order freezing certain assets is granted.

1. **IT IS THEREFORE ORDERED** that Defendants **BRIAN DUANE BRUMFIELD** and **THORNBROOKS SHAPIRO, LLC d/b/a THE SHERIFF'S JOURNAL et al**, his officers, agents, servants, employees, attorneys, and any other persons in active concert or participation with them, including but not limited to, any and all financial institutions holding money in the name of, or for the benefit of, the above-named 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, dissipating, distributing, or allowing the transfer, removal, withdrawal or encumbering from any financial institution or from any other entity or location or from the jurisdiction of this Court, any money, cash, stocks, bonds, assets, 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 possession or custody of, standing in the name of, or claimed by Defendants without further order of this Court;

B. Opening or causing to be opened any safe deposit boxes or storage facilities titled in the name of Defendants or subject to access, ownership, or control by Defendants, without providing Plaintiff and the Court prior notice by motion seeking such access;

C. Obtaining, receiving, taking, or acquiring possession of any mail from any P.O. Box, private mail box, or commercial mail receiving agency until further order of this court, including, but not limited to the following:

a.) **The UPS Store**
603 W. 13th St.
Austin, Texas 78701-1796

b.) **THORNBROOKS SHAPIRO, LLC**
Needs new business location address
Houston, Texas 77074;

D. Cashing, depositing, or negotiating, or allowing the cashing, depositing or negotiation of any check or negotiable instrument in the care, custody, or control of Defendants;

E. Representing to consumers that money paid to Defendants would help families of slain law enforcement officers;

F. Representing to consumers that money paid for the advertisement would be used to benefit law enforcement.;

G. Representing, expressly or by implication, that Defendants or any publication associated with Defendants are affiliated with, endorsed by, authorized by, supported by, associated with, or are in any way related to any law enforcement organization, group or cause; and.

H. Representing, expressly or by implication, that a person or business has authorized or agreed to a payment or contribution when in fact there is no such authorization or agreement.

2. **IT IS FURTHER ORDERED** that Defendants, **BRIAN DUANE BRUMFIELD and THORNBROOKS SHAPIRO, LLC**, their officers, agents, servants, employees, attorneys and any other persons in active concert or participation with him, 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, concealing, destroying, or removing from the jurisdiction of this Court any books, records, documents, invoices or other written materials relating to the business of Defendants currently or hereafter in Defendants' possession, custody or control except in response to further orders or subpoenas in this cause;

B. Telephoning, faxing, forwarding any invoice, or letter, or in any way initiating contact with any business or person for the purpose of soliciting funds or advertising fees, on behalf of, or for the benefit of, Defendants, seeking, or demanding, or requesting any type of payment or contribution on behalf of any public safety entity or publication, including, but not limited to **The Sheriff's Journal, Police Publications, Municipal Officer's Magazine, Law Enforcement Quarterly, First on Patrol Magazine, and The Deputy Defender**, as well as any other law enforcement related business, magazine, publication or cause, until Defendants have fully complied with all applicable laws including, but not limited to:

- 1) TEXAS OCCUPATIONS CODE §§ 1803.051, 1803.053, by filing a registration statement with the Texas Secretary of State which discloses all of the following:
 - a) the name, street address, and telephone number of any public safety solicitor for Defendants or any publication;
 - b) the name, street address, and telephone number of each public safety organization, public safety publication, or fund for which any part of the contributions will be used, or if there is no organization, publication, or fund, a statement describing how the contributions will be used;
 - c) whether the registering entity or fund that the contributions are being solicited for has a federal and state charitable tax exemption;

- d) the name and public safety agency or former agency of each active and retired public safety officer serving on the board of directors or governing body of the registering entity;
- e) the number of members and the percentage of members of the entity who are active and retired public safety officers of the United States, this state, or a political subdivision of this state, as determined on December 31 of the year preceding the year in which the registration is made and the contributions are solicited, if the registering entity is a public safety organization;
- f) the name of the local chapter, lodge, association, or group of licensed public safety officers of the public safety organization for which contributions are being solicited, if the registering entity is a public safety organization;
- g) a copy of the most recent tax or informational return filed with the Internal Revenue Service by the registering entity;
- h) the amount of money collected during the previous year by the registering entity by solicitations of nonmembers of the public safety organization for which the funds were collected and the amount of funds paid as expenses to maintain the solicitation operation;
- I) the amount of money, if known or projected, expected to be collected during the year of filing by the registering entity by nonmember solicitations described by subdivision (h);
- j) a copy of any contract or agreement between the registering entity and a solicitor;

- k) the total number of copies of each issue of the publication printed during the previous year;
 - l) the frequency of the publication; and
 - m) the date and circulation of the most recent issue of the publication;
- 2) TEXAS OCCUPATIONS CODE § 1803.054, by paying an annual registration fee to the Texas Secretary of State;
 - 3) TEXAS OCCUPATIONS CODE § 1803.055, by having its public safety solicitors file a registration statement with the Texas Secretary of State;
 - 4) TEXAS OCCUPATIONS CODE § 1803.056, by having each of its public safety solicitors post a surety bond with the Texas Secretary of State;
 - 5) TEXAS OCCUPATIONS CODE § 1803.101, by making required disclosures to contributors and advertisers;
 - 6) Texas Law Enforcement Telephone Solicitation Act, TEX. REV. CIV. STAT. ANN. art. 9023e, by registering with the Attorney General; and
 - 7.) Texas Law Enforcement Telephone Solicitation Act, TEX. REV. CIV. STAT. ANN. art. 9023e, by posting the required bond with the Texas Secretary of State.

3. **IT IS FURTHER ORDERED** that any bank, financial institution, person, or other entity holding funds in the name of, or for the benefit of, any party, person, or entity referenced in this order, shall comply with any written directive relating to the freezing or unfreezing of any bank account or asset held on behalf of, or for the benefit of, Defendants, without further order of this court pending any scheduled Temporary Injunction hearing, provided such written directive is signed by an Assistant Attorney General representing the State of Texas.

4. **IT IS FURTHER ORDERED** that Defendants **BRIAN DUANE BRUMFIELD and THORNBROOKS SHAPIRO, LLC d/b/a THE SHERIFF'S JOURNAL et al** advise any

financial or brokerage institution, escrow agent, title company, storage facility, commodity trading company, business entity or person maintaining or having custody or control of any account or other asset of Defendants, including any assets of **BRIAN DUANE BRUMFIELD and THORNBROOKS SHAPIRO, LLC d/b/a THE SHERIFF'S JOURNAL et al** to within five (5) business days of the date of service of this Order, provide to counsel for the Plaintiff and the Defendants/account holder a statement or letter setting forth:

- A. The identification of each account or asset titled in the name, individually or jointly, of Defendants, or held on behalf of, or for the benefit of, Defendants;
- B. The balance of each such account, or a description and estimated value of such assets, as of the close of business on the day on which this Order is served, and, if the account or other asset has been closed or removed, the date closed or removed, the total funds removed in order to close the account, and the name of the person or entity to whom such account or other assets was transferred or remitted; and
- C. The identification of any safe deposit box or storage facility that is in the name individually or jointly of Defendants or is otherwise subject to access or control by Defendants.

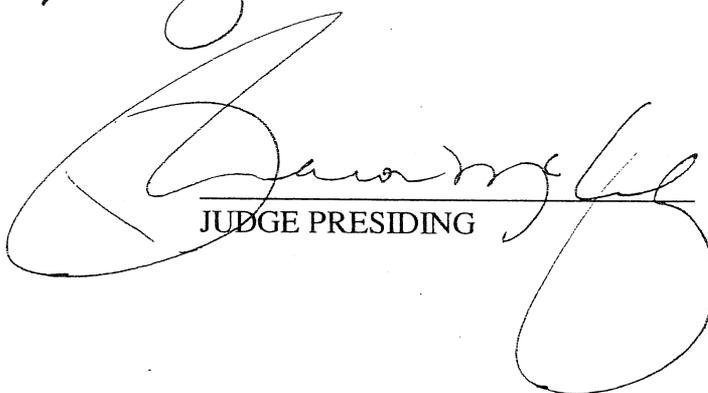
~~5. **IT IS FURTHER ORDERED** that Plaintiff shall be granted leave to take telephonic, video, written, and other depositions prior to any scheduled temporary injunction hearing upon reasonable shortened notice to Defendants or their attorneys, if known.~~

6. **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 fourteenth (14th) day after entry or until further order of this Court, whichever is less. The Clerk of the above-entitled 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. § 17.47(b).

Hearing on Plaintiff, State of Texas' Application for a Temporary Injunction is hereby set for the 29nd day of February, 2008 at 1:30 o'clock P m.

SIGNED this the 12th day of February, 2008 at 9:40 o'clock, a. m.


JUDGE PRESIDING