

CERTIFIED COPY

NO. 2009-02-986-D

THE STATE OF TEXAS,	§	IN THE DISTRICT COURT
Plaintiff,	§	
	§	
	§	
v.	§	CAMERON COUNTY, TEXAS
	§	
NEWCO IMAGING, L.L.C.,	§	
and	§	
HAROLD F. TAYLOR, Individually,	§	
Defendants.	§	103 RD JUDICIAL DISTRICT

TEMPORARY INJUNCTION

1. On March 3, 2009, the application of plaintiff, STATE OF TEXAS, for a temporary injunction came for hearing, after due notice had been given to defendants, NEWCO IMAGING, L.L.C., and HAROLD F. TAYLOR, in the above styled and numbered cause. Plaintiff appeared by its attorney of record, through the Consumer Protection and Public Health Division, Office of the Attorney General GREG ABBOTT, and defendant NEWCO IMAGING, L.L.C. did not appear, and defendant HAROLD F. TAYLOR appeared in person *pro se*.

2. Having heard the evidence and the arguments of counsel, the Court finds and concludes that plaintiff, STATE OF TEXAS, is entitled to the temporary injunction, as granted in this order, for the reasons set forth herein: that plaintiff will probably prevail on the trial of this cause; that defendants failed to maintain mammography films and reports (hereinafter "mammograms") in a permanent medical record for the prescribed ten year minimum in violation of 25 TEX. ADMIN. CODE § 289.230(1)(4)(A); that San Antonio Silver Recovery of Helotes, Texas, has custody and possession of the mammograms received from defendants; and that

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unless defendants are ordered to recover the mammograms from Antonio Silver Recovery and to retain them in a permanent medical record at a suitable storage facility for a minimum of ten years, a threat to the public health and safety is posed.

3. IT IS, THEREFORE, ORDERED that defendants NEWCO IMAGING, L.L.C., and HAROLD F. TAYLOR are commanded to:

- a. Recover mammography films and reports from San Antonio Silver Recovery on or before the expiration of 30 days from the date this temporary injunction is signed by the judge;
 - b. Retain the mammograph films and reports in a permanent medical record at a suitable storage facility in Brownsville, Texas, for a minimum of ten years;
 - c. Send, by certified mail, return receipt requested ("green cards"), a copy of the notice, attached hereto as exhibit 1, to each person and entity named in the listing, attached hereto as exhibit 2;
 - d. Provide the forwarding address of defendants Newco Imaging, L.L.C. and Harold F. Taylor to the current occupant of 864 Central Blvd., Brownsville, Texas;
 - e. Transfer the original mammograms and the patient's reports to a medical institution, a physician, or to the patient, upon request by or on behalf of the patient, within 30 days of the request, and keep a record of such transfers; and
 - f. Make the mammography films and reports, the green cards, and the record of transfers available for inspection by a representative of the Department of State Health Services upon request.
4. This order shall be effective without the execution and filing of a bond as plaintiff

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STATE OF TEXAS is exempt from such bond under TEX. CIV. PRAC. & REM. CODE § 6.001 and TEX. BUS. & COM. CODE ANN. § 17.47(b).

5. This temporary injunction shall be effective immediately and shall remain in full force and effect until final judgment in this cause is rendered by the Court, or until further orders of this Court.

6. By his signature affixed below, defendant HAROLD F. TAYLOR stipulated to the Court that he understands the terms of this injunction; that he is aware of the duties placed upon him by it; that he acknowledges receipt of a copy of this injunction and has full and actual notice of the terms of this injunction; that the issuance and service of a writ of injunction are waived; that the terms of this injunction are sufficiently detailed and specific to be enforceable by the Court in conformance with TEX.R.CIV.P. 683.

SIGNED on 03/10, 2009.

Janet L. Leaf
PRESIDING JUDGE

82 **MAR 10 2009**
APPROVED AS TO FORM & SUBSTANCE:

Harold F. Taylor
HAROLD F. TAYLOR
8105 East 14th St. P.O. Box 6266
Brownsville, Texas 78521
Defendant *78523*

Ric Madrigal
RIC MADRIGAL
Assistant Attorney General
State Bar No. 12807200
Office of the Texas Attorney General
Consumer Protection and Public Health Division
3201 N. McColl, Suite B
McAllen, Texas 78501

FILED 10:50 O'CLOCK 4 M
AURORA DE LA GARZA, CLERK
MAR 10 2009 *✓*
DISTRICT COURT OF TAMULIC COUNTY, TEXAS
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EXHIBIT 1

(Date)

Director of Radiology
(Facility Name)
(Facility Address)

Dear Sir or Madam:

I am in possession of mammograms produced by NEWCO Imaging, doing business as Central Imaging, at 864 Central Blvd. Brownsville, Texas.

Central Imaging provided mammography services, but is now out of business. At this time, I am attempting to transfer the mammograms to the patients or the patient's current health care provider.

If you find that any of your mammography patients obtained a mammogram from Central Imaging, between August 2004 and February 2008, please contact me at email address newcoimaging5123@yahoo.com or fax 956-541-9393.

I will search the files for your patient's mammogram, and if a mammogram is found, will transfer it to you or your patient, per your instructions. Please provide your patient's name, address, social security number, and the address where you would like the mammogram sent and to whose attention it should be sent. I would also request that you provide the approximate last date of service to assist me in finding the records.

Please note, all transfers are free of charge and permanent. Any mammograms returned to this address will be returned to sender.

Sincerely,

Harold F. Taylor
PO Box 6266
Brownsville, Texas 78523

EXHIBIT 2

1. Brownsville Doctors Hospital LLC
4750 N. Expressway
Brownsville, Texas 78526
2. Columbia Valley Healthcare System
100 A Alton Gloor Blvd.
Brownsville, Texas 78526
3. Solara Hospital Brownsville
333 Lorenaly Drive
Brownsville, Texas 78520
4. Valley Baptist Once Amigos Ambulatory SU
Center Partners LP
5700 N. Expressway, Suite 201
Brownsville, Texas 78526
5. Valley Baptist Medical Center - Brownsville
1040 W. Jefferson Street
Brownsville, Texas 78520
6. Harlingen Medical Center LP
5501 S. Expressway 77
Harlingen, Texas 78550
7. JRG Medical Equipment
425 E. Los Ebanos, Suite 100 A
Brownsville, Texas 78520
8. Dagoberto Martinez, MD PA
95 East Price Road, Bldg A
Brownsville, Texas 78521
9. Rio Grande State Center/South Texas
Health Care System
1401 Rangerville Road
Harlingen, Texas 78551
10. Valley Baptist Medical Center
2101 Pease St.
Harlingen, Texas 78550
11. Valley Diagnostic Clinic, PA
2200 Hainc Drive
Harlingen, Texas 78550
12. Valley Womens Clinic
1717 Ed Carey Drive
Harlingen, Texas 78550
13. McAllen Advanced Medical Imaging
1260 West Price Blvd., Bldg B
Brownsville, Texas 78520