



2009CI05556 -0037

NO. 20090105556

STATE OF TEXAS,	§	IN THE DISTRICT COURT OF
Plaintiff	§	
	§	
vs.	§	
	§	
ESCAPES AUSTIN, LLC D/B/A	§	
GLOBAL ESCAPES, BLUE WATER,	§	
ESCAPES AUSTIN ONE, LLC,	§	
GLOBAL ESCAPES OF AUSTIN, LLC	§	
AND	§	
ESCAPES MIDWEST, LLC D/B/A	§	
GLOBAL ESCAPES, SUN TREE	§	
ESCAPES MIDWEST ONE, LLC	§	
AND	§	
JAMES EDWARD CAREY III, AND	§	
GWENDOLYN FAYE CAREY,	§	
INDIVIDUALLY,	§	
Defendants	§	BEXAR COUNTY, TEXAS

374 JUDICIAL DISTRICT
37th

EX PARTE TEMPORARY RESTRAINING ORDER

Plaintiff STATE OF TEXAS has filed its Original Petition in this cause seeking a Temporary Injunction and Permanent Injunction against Defendants **ESCAPES AUSTIN, LLC** d/b/a Global Escapes, Blue Water, Escapes Austin One, LLC, and Global Escapes of Austin, LLC (“**ESCAPES AUSTIN**”); **ESCAPES MIDWEST, LLC** d/b/a Global Escapes, Sun Tree, and Escapes Midwest One, LLC (“**ESCAPES MIDWEST**”); **JAMES EDWARD CAREY III**, Individually; and **GWENDOLYN FAYE CAREY**, Individually. In the same Petition, Plaintiff has presented its request for an Ex Parte Temporary Restraining Order. The Court FINDS that Defendants appear to be violating §§ 17.46(a) and (b) of the Texas Deceptive Trade Practices-Consumer Protection Act, TEX. BUS. & COMM. CODE §§ 17.41 *et seq.* (“DTPA”); the Texas Contest and Gift Giveaway Act, TEX. BUS. & COMM. CODE § 40.001 *et seq.* (“Contest and Gift Giveaway Act” or “CGGA”); and the Texas Telemarketing Disclosure and Privacy Act, TEX. BUS. & COMM. CODE § 44.001 *et seq.*

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as **Bank of America**¹ and **J.P. Morgan-Chase Bank**², holding money or assets of any kind in the name and/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, to wit:

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

2. **IT IS FURTHER ORDERED** that Defendants **ESCAPES AUSTIN, LLC** d/b/a Global Escapes, Blue Water, Escapes Austin One, LLC, and Global Escapes of Austin, LLC (“**ESCAPES**

¹*Known* accounts at Bank subject to this Order include, but are not limited to, account numbers [REDACTED] and [REDACTED], standing in the name of **ESCAPES AUSTIN, LLC**; account numbers [REDACTED] and [REDACTED], standing in the name of **ESCAPES MIDWEST, LLC**; account number [REDACTED], standing in the name of **JAMES E. CAREY III** and **GWENDOLYN FAYE CAREY**; account number [REDACTED], standing in the name of **ESCAPES WORLDWIDE, LLC**.

²*Known* accounts at Bank subject to this Order include, but are not limited to, account number [REDACTED], standing in the name of **ESCAPES AUSTIN, LLC**.

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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 referenced in this Order, 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 **and** an authorized representative or attorney of such Defendant, person or entity with custody or control of the bank account or asset involved.

4. **IT IS FURTHER ORDERED** that Defendants **ESCAPES AUSTIN, LLC** d/b/a Global Escapes, Blue Water, Escapes Austin One, LLC, and Global Escapes of Austin, LLC (“**ESCAPES AUSTIN**”); **ESCAPES MIDWEST, LLC** d/b/a Global Escapes, Sun Tree, and Escapes Midwest One, LLC (“**ESCAPES MIDWEST**”); **JAMES EDWARD CAREY III**, Individually; and **GWENDOLYN FAYE CAREY**, Individually, their officers, agents servants, employees, attorneys, and any other persons in active concert or participation with them, 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, to wit:

- A. Transferring, concealing, destroying, or removing from the jurisdiction of this Court any books, records, documents, invoices or other written or computer-generated 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. Entering into contracts, purchase agreements, or any other legally binding document with consumers in the State of Texas, or taking any fee or any type of consideration from consumers in the State of Texas;

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