

No. C2010-1628A

STATE OF TEXAS,  
Plaintiff,

vs.

BRANDON OLSON, and  
DEBRA OLSON, d/b/a  
THE FAMILY EXCHANGE,  
OLSON POWERSPORTS,  
BIG TIME POWERSPORTS,  
BIG TIME ATV, and  
STAR POWER,  
Defendants.

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IN THE DISTRICT COURT

FILED FOR RECORD  
2010 DEC - 6 PM 1:21  
DISTRICT CLERK-COMAL COUNTY  
KATHY H. FAULKNER  
BY [Signature]  
COMAL COUNTY, TEXAS

**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 BRANDON OLSON and DEBRA OLSON, d/b/a THE FAMILY EXCHANGE; OLSON POWERSPORTS; BIG TIME POWERSPORTS; BIG TIME ATV and STAR POWER (Olson). In the same Petition, Plaintiff has presented its request for an Ex Parte Temporary Restraining Order and Asset Freeze. 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"). It appears from facts set forth in Plaintiff's Original Petition, and the exhibits and sworn affidavits attached thereto, that unless Defendants are immediately restrained from the acts and practices prohibited below, Defendants will continue to commit such acts and practices before notice can be given and a hearing can be held on Plaintiff's request for a Temporary Injunction. Furthermore, Defendants will not only continue to use deceptive tactics and misrepresentations in the course of trade and commerce, but may well dissipate and secrete their assets before a Temporary Injunction hearing can be held and a final judgment for restitution can be rendered by this Court. Such injury

State v. Brandon Olson, et al  
Ex Parte Temporary Restraining Order

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

1. **IT IS THEREFORE ORDERED** that Defendants **BRANDON OLSON** and **DEBRA OLSON**, d/b/a **THE FAMILY EXCHANGE; OLSON POWERSPORTS; BIG TIME POWERSPORTS; BIG TIME ATV** and **STAR POWER** (Olson) doing business as **thefamilyexchange.com, olsonpowersports.net, atvfun.net** and **bigtimeatv.com** and their officers, agents, servants, employees, attorneys, and any other persons or entities in active concert or participation with them, and all financial institutions 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, their officers, agents, servants, employees, attorneys, and any other persons or entities in active concert or participation with them, are prohibited from transferring, spending, encumbering, withdrawing, or removing any sum of money from any accounts, assets or property referenced in Paragraph 1 of this Order, or from any and all other such account(s) and assets where monies or proceeds from the operation of Defendants' sale or repair of vehicles, have been used, placed, deposited, transferred, invested or commingled. However, Defendants are not prohibited from expending monies for reasonable living expenses and attorney fees from other assets standing in their names which have not and do not contain monies or proceeds from the vehicle sales-related operations of **THE FAMILY EXCHANGE, OLSON POWERSPORTS, BIG TIME POWERSPORTS, BIG TIME ATV and STAR POWER** doing business as **thefamilyexchange.com, olsonpowersports.net, atvfun.net and bigtimeatv.com**.

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 this Order by freezing any bank account or asset referenced in this Order, without further order of this Court, pending any scheduled Temporary Injunction hearing.

4. **IT IS FURTHER ORDERED** that if any of the parties, persons, or entities referenced in this Order agree in writing, through their authorized representatives or counsel, to specify that certain assets be released from the asset freeze ordered herein, then such parties or entities may do so, provided such written directive is signed by an Assistant Attorney General representing the STATE OF TEXAS and the Defendant or attorney of such Defendant.



5. **IT IS FURTHER ORDERED** that Defendants, 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 their possession, custody, or control except in response to further orders or subpoenas in this cause;
- B) transferring, spending, hypothecating, concealing, encumbering, or removing from the jurisdiction of this Court any money, 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 of, or claimed by Defendants, insofar as such property relates to, arises out of, or was derived from the business operation of Defendants without further order of this Court;
- F) transferring, spending, hypothecating, concealing, encumbering, withdrawing, removing, or allowing the transfer, removal, or withdrawal, from any financial institution or from the jurisdiction of this Court, any money, 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 the possession of, or claimed by said Defendants without notice to Plaintiff and the approval of this Court;

- G) destroying, altering, mutilating, concealing, transferring, or otherwise disposing of or changing any records related to any Defendant or entity in which any Defendant has an ownership interest;
- C) falsely advertising and making deceptive, misleading, and/or false claims to consumers inside and outside of the State of Texas, expressly or by implication, that goods are in stock and available for shipping when in fact Defendants are not in possession of the goods;
- D) falsely advertising or making deceptive, misleading, and/or false claims to consumers inside and outside the State of Texas, expressly or by implication, that goods will be shipped on a date certain and/or received on a date certain date;
- E) falsely advertising or making deceptive, misleading, and/or false claims to consumers inside and outside the State of Texas, expressly or by implication, that a vehicle is "street legal" and/or the vehicle may be registered and licensed in a given state and/or in any state;
- F) falsely advertising or making deceptive, misleading, and/or false claims to consumers inside and outside the State of Texas that vehicles are new of in fact they have been previously owned, driven, or used;
- G) falsely advertising or making deceptive, misleading, and/or false claims to consumers inside and outside the State of Texas that vehicles will be covered by a warranty;
- H) accepting orders for models of vehicles and colors of vehicles from consumers but fulfilling the orders by shipping different models of vehicles and different colors of

vehicles than what were ordered;

- I) making deceptive, misleading, and/or false claims to consumers inside and outside the State of Texas that parts will be shipped to repair vehicles when the parts are not in stock or delivery of the parts is not likely to take place for weeks or months;
- J) providing vehicle identification numbers that are false or inaccurate to consumers;
- K) failing to provide the Manufacture's Certificate of Origin with each vehicle shipped;
- L) failing to provide replacement parts for vehicles that have been damaged during shipping or were received in damaged condition from the manufacturer;
- M) failing to deliver products for which payments have been made; and
- N) failing to provide and remit partial or full refunds to consumers that were initially promised or who requested such refunds.

6. **IT IS FURTHER ORDERED** that Defendants 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, to within five (5) business days of the date of service of this Order, provide to counsel for Plaintiff STATE OF TEXAS and the Defendant/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 provide to the Office of the Attorney General a monthly balance on each account;
- C) if the account(s) or other asset(s) 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

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person or entity to whom such account or other assets was transferred or remitted;  
and

- D) 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.

7. **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that, as used in this Order, the following terms are defined as follows:

- A) "Consumer" means an individual, person, sole proprietorship, partnership, corporation, firm, or entity of any kind, however organized, including this state, or a subdivision or agency of this state who seeks or acquires, by purchase or lease, any goods or services;
- B) "Defendant(s)" means **BRANDON OLSON, DEBRA OLSON, THE FAMILY EXCHANGE, OLSON POWERSPORTS, BIG TIME POWERSPORTS, BIG TIME ATV and STAR POWER** doing business as **thefamilyexchange.com, olsonpowersports.net, atvfun.net and bigtimeatv.com**, their successors, assigns, officers, agents, subcontractors, servants, employees, corporations, and any other persons in active concert or participation with them;
- C) "Defendant(s)' businesses" means any other sole proprietorship, firm, partnership, corporation, association, joint venture or other group, or business entity of any kind or form, however organized that sells or offers to sell vehicles or offers services related to the maintenance and repair of vehicles; and
- D) "Representing", "selling", "marketing", "promoting", "distributing", "advertising" or "soliciting" means any type of contact with a consumer or entity for the purpose



of requesting, persuading, or seeking any type of contribution, sponsorship, compensation, or anything of value from said consumer or entity for any reason whatsoever, including use of the Internet.

8. **IT IS FURTHER ORDERED** that Plaintiff STATE OF TEXAS shall be granted leave to conduct expedited discovery, take telephonic, video, written, and other depositions with Requests for Production of any party, person or witness prior to any scheduled Temporary Injunction hearing and prior to Defendants' answer date upon reasonable shortened notice to Defendants or their attorneys, if known, and that Plaintiff shall be granted leave to file any corresponding Business Records Affidavits with reasonable, shortened notice.

9. **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 (14) day after entry, or until further order of this Court.

10. 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 pursuant to TEX. BUS. & COM. CODE § 17.47(b).

11. Hearing on Plaintiff STATE OF TEXAS' Application for Temporary Injunction is hereby set for the 15 day of December, 2010, at 9:00 o'clock a. m.

STATE OF TEXAS  
COUNTY OF COMAL

I certify this to be a true and correct copy of the record FILED & RECORDED in the Official Court records of District Court on this date and time stamped thereon.



*Kathy H. Faulkner*

Kathy H. Faulkner  
Comal County  
District Clerk

By: *Rynda Lopez* 12-6-10

State v. Brandon Olson, et al  
Ex Parte Temporary Restraining Order

SIGNED this 16 day of DECEMBER, 2010 at 11:45 o'clock A. m.

*[Handwritten Signature]*  
**JUDGE PRESIDING**

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