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2011 - 49509
No.

FILED

Chris Daniel
District Clerk

AUG 22 2011

Time: 3:54 p
By: [Signature]
Harris County, Texas

STATE OF TEXAS,
Plaintiff,

v.

YOLANDA SALAZAR PEREZ,
individually and d/b/a New Anointing/
Nueva Uncion, BRUNO PEREZ,
JULIE CORTEZ, and LUCINA LOPEZ,
Defendants.

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IN THE DISTRICT COURT OF

HARRIS COUNTY, TEXAS

190 JUDICIAL DISTRICT

TRORX
WVBNX
CASO

TEMPORARY RESTRAINING ORDER

Plaintiff, the State of Texas, acting by and through Attorney General Greg Abbott, has filed its Plaintiff's Original Petition in this cause seeking a Temporary and Permanent Injunction against Yolanda Salazar Perez, Bruno Perez, Julie Cortez, and Lucina Lopez (Defendants) and in the same Original Petition has presented its request for a Temporary Restraining Order against the Defendants.

The Court finds that Defendants may be violating §§ 17.46(a) and (b) of the Texas Deceptive Trade Practices-Consumer Protection Act ("DTPA"), Tex. Bus. & Com. Code § 17.41 *et seq.*, and the Court further finds that this action is in the public interest.

It appears from the evidence set forth in Plaintiff's Original Petition and exhibits and sworn verification attached that unless Defendants are immediately restrained from the acts prohibited below, Defendants will continue to 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, the evidence in support of the Petition demonstrates that Defendants are likely continue to use deceptive tactics and misrepresentations and secrete and

dissipate their assets before a Temporary Injunction hearing can be held and a final judgment for restitution can be entered. Such injury would be irreparable because continued violations of the DTPA may well cause 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 **Yolanda Salazar Perez, Bruno R. Perez, Julie Diana Perez Cortez, and Lucina Perez Lopez**, their officers, agents, servants, employees, attorneys and any other persons in active concert or participation with them, including **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:

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.

2. **IT IS FURTHER ORDERED** that Defendants **Yolanda Salazar Perez, Bruno R. Perez, Julie Diana Perez Cortez, and Lucina Perez Lopez**, their officers, agents, servants, employees, attorneys and persons 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 specifically referenced in paragraph 1 of this Order or from any other such account(s) and assets where monies or proceeds from immigration-related activities have been used, placed, deposited or invested.

3. Defendants are not prohibited from expending monies for reasonable living expenses and attorney fees from other assets standing in their name which have not and do not contain monies or proceeds from the immigration-related activities or from monies earned by family members by virtue of other employment or business ventures wholly unrelated to immigration-related activities.

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 or remain frozen and/or that certain assets be released from the asset freeze ordered herein, pending the completion of any scheduled Temporary Injunction hearing, then such parties or entities may do so. **IT IS 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 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.

5. **IT IS FURTHER ORDERED** that Defendants, their officers, agents, employees, and attorneys, and all persons in active concert or participation with them, are hereby commanded to immediately desist and refrain from the following acts from the date of entry of this Order until the fourteenth day after entry or until further Order of this Court:

- A. Transferring, concealing, destroying or removing from the jurisdiction of this Court any books, records, documents, invoices, or other written materials relating to the Defendants businesses which are in the Defendants possession, custody, or control except in response to further orders or subpoenas in this cause;
- B. Giving, providing, or offering advice and counsel to any person regarding U.S. immigration laws, rights, privileges, or documents, until such time as the Defendants either become licensed attorneys or are accredited by the U.S. Board of Immigration Appeals pursuant to 8 C.F.R. §292;
- C. Representing to any person, expressly or by implication, that the Defendants can or will represent the interest of another in a judicial or administrative proceeding, including a proceeding relating to immigration to the United States, U.S. citizenship, or any other immigration-related

matter (including alien temporary or permanent employment or travel), until the Defendants are able to fully comply with the requisites of 8 C.F.R. §292 by becoming a licensed attorney, a properly supervised law student, or by becoming accredited by the U.S. Board of Immigration Appeals;

- D. Selecting or preparing immigration forms, applications, or legal documents of any type to be completed or filed on behalf of persons seeking to legalize their residency status or to obtain lawful employment in the United States, until such time as the Defendants obtain the certification, license, or other qualifications required for such activity pursuant to 8 C.F.R. §292;
- E. Advising persons, expressly or by implication, of the type of form, application or document needed in any type of proceeding relating to immigration to the U.S., U.S. Citizenship, employment in the U.S., or any other matter relating to the needs of alien residents or nonresidents;
- F. Giving persons advice and counsel regarding their rights under the immigration laws of the United States or any other sort of legal matter, until such time as the Defendants obtain the certification, license, or other qualifications required for such activity pursuant to 8 C.F.R. §292;
- G. Soliciting, collecting, or accepting fees or compensation of any type, for providing any type of immigration or legal services to consumers, until such time as the Defendants obtain the accreditation, license, or other qualifications required for such, pursuant to 8 C.F.R. §292;

- H. Soliciting or accepting compensation of any type to obtain relief of any kind on behalf of another from any officer, agency, or employee of this state or the United States;
- I. Advertising immigration related services of any kind via the Internet, radio, TV, electronic broadcast or print (i.e. newspapers, magazines, etc.) until the Defendants have met the requisites of 8 C.F.R. §292;
- J. Holding themselves out, by any means, to the public as “immigration consultants” or any other title or designation incorporating the word “immigration” or any abbreviation thereof, or words to that affect;
- K. Representing, directly or by implication, that Defendants have the skill, expertise, or competence to handle immigration matters.

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 the Plaintiff 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, 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 asset was 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.

7. **IT IS FURTHER ORDERED** that Defendants, within three (3) business days of the date of service of this Order, provide to counsel for Plaintiff a spreadsheet or letter setting forth the following:

- A. The identification information of each consumer who has paid any money to Defendants for services in the 12 months prior to the date that this Order is signed, including but not limited to the consumer's full name, telephone number, fax number, email address, street address, city, state, and zip code, and the total amount of money paid by the consumer to Defendants.

8. **IT IS THEREFORE ORDERED, ADJUDGED AND DECREED** that, as used in this Judgment, the following terms are defined as follows:

- A. "Consumer" means an individual, partnership, corporation, or entity of any kind, 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 **Yolanda Salazar Perez, Bruno R. Perez, Julie Diana Perez Cortez, and Lucina Perez Lopez,** their successors, assigns, officers, agents, subcontractors, servants, employees, corporations and any

other persons in active concert or participation with them;

- C. "Person" means an individual, sole proprietorship, firm, partnership, corporation, association, joint venture or other group, or business entity, however organized;
- D. "Representing", "selling", "marketing", "promoting", "distributing" or "advertising" means any type of contact with a person or entity for the purpose of requesting, persuading, or seeking any type of contribution, sponsorship, compensation, or anything of value from said person or entity for any reason whatsoever, including use of the Internet.

9. **IT IS FURTHER ORDERED** that Plaintiff shall be granted leave to conduct expedited discovery regarding Defendants' assets, including taking telephonic, video, written, and other depositions with a request for production prior to any scheduled temporary injunction hearing and prior to Defendants' answer date upon ~~reasonable~~ ^{five calendar days}

~~shortened~~ notice to the attorneys for all parties if known. Defendants shall respond to any asset-related interrogatories, requests for admissions, or requests for production of documents within ~~three~~ ^{five} business days after service of the discovery request. Any

~~discovery taken or propounded by the Plaintiff is in addition to, and not subject to, any limits on the quantity of permissible discovery provided for in the Texas Rules of Civil Procedure or the rules of this Court. Any limitations and conditions set forth in the Texas Rules of Civil Procedure or the rules of this Court regarding subsequent depositions of an individual shall not apply to depositions taken pursuant to this paragraph.~~

10. **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, whichever is less.

11. This Order shall be effective without the execution and filing of a bond because Plaintiff, the State of Texas, is exempt from such bond under Tex. Civ. Prac. & Rem. Code § 6.001 and Tex. Bus. & Com. Code § 17.47(b).

12. 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). *In other words, bond is set at \$0.00.*

13. Hearing on Plaintiff, State of Texas' Application for a Temporary Injunction is hereby set for the 31st day of August, 2011, at 9:30 o'clock A. M. in the 190th District Court of Harris County, Texas.

SIGNED this 22nd day of August, 2011 at 4:45 o'clock, p m.


JUDGE PRESIDING