

prohibited below, Defendants will commit such acts before notice can be given and a hearing can be held on the State of Texas' Application for a Temporary Injunction. Further, Defendants could continue to use deception in obtaining money from consumers and may either secrete or remove monies and assets before a judgment for cy pres of charitable funds can be rendered. Such injury would be irreparable because the continued violations of the DTPA and common law breaches of fiduciary duties may well cause more Texas consumers to lose money through deceptive transactions and there will be no monies left for charitable distributions if Defendants are allowed time to remove and/or secrete monies or assets. Given the likelihood of dissipation of Defendants' assets prior to rendition of a final judgment, the possibility of charitable distributions will be remote unless an order freezing assets is granted, therefore the Application for Ex Parte Temporary Restraining Order with Asset Freeze is **GRANTED**.

1. **IT IS THEREFORE ORDERED** that Defendants, CHRISTMAS BUREAU OF AUSTIN & TRAVIS COUNTY ("CB"), SHON NEEL WASHINGTON also known as SHON N. WASHINGTON, doing business as CHRISTMAS BUREAU OF AUSTIN & TRAVIS COUNTY, MICHELLE WASHINGTON, Director of CB, CLIFT BOWMAN also known as WILLIAM C. BOWMAN, former President of CB, and CYNTHIA COLPAART, former Director of CB, their officers, agents, servants, employees, attorneys and any other persons in active concert or participation with them, including but not limited to, **all financial institutions** such as JP Morgan Chase Bank,¹ University Federal Credit Union,² and PayPal³ holding money in the name

¹ **Known** accounts at JP Morgan Chase bank subject to this Order include, but are not limited to, account number XXXXXXXX8668, standing in the name of **CLIFT BOWMAN, SHON NEEL WASHINGTON** and/or **CHRISTMAS BUREAU OF AUSTIN & TRAVIS COUNTY**.

² **Known** accounts at University Federal Credit Union subject to this Order include, but are not limited to, account numbers XXXXXX7612, XXXXXX6593, and XXXXXX1580, standing in the name of **CLIFT BOWMAN, SHON NEEL WASHINGTON** and/or **CHRISTMAS BUREAU OF AUSTIN & TRAVIS COUNTY**.

and/or for the benefit of the above Defendants, including any accounts for which any named Defendant is a signatory, who receive actual notice of this order by personal service or otherwise, be restrained from engaging in the following acts or practices:

- A. Transferring, concealing, destroying, mutilating, altering, falsifying, or removing from the jurisdiction of this Court any books, records, documents, invoices, receipts, 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. Transferring, spending, hypothecating, concealing, encumbering, withdrawing, removing, or allowing the transfer, removal, or withdrawal, of any money from the jurisdiction of this court or from any financial institution account in the name and/or for the benefit of Christmas Bureau of Austin & Travis County, including any accounts for which any named Defendant is a signatory;
- C. Transferring, spending, hypothecating, concealing, encumbering, withdrawing, removing, or allowing the transfer, removal, or withdrawal of any money, stocks, bonds, assets, notes, equipment, funds, accounts receivable, policies of insurance, trust agreements, or other property, real or personal, or mixed, wherever situated, belonging to or owned by, in the possession of, or claimed by said Defendants for CB; and
- D. Destroying, altering, mutilating or otherwise disposing of or changing any records related to any defendant or entity in which any defendant has an ownership interest.

2. **IT IS FURTHER ORDERED** that Defendants, CHRISTMAS BUREAU OF AUSTIN & TRAVIS COUNTY ("CB"), SHON NEEL WASHINGTON also known as SHON N. WASHINGTON, doing business as CHRISTMAS BUREAU OF AUSTIN & TRAVIS COUNTY, MICHELLE WASHINGTON, Director of CB, CLIFT BOWMAN also known as WILLIAM C. BOWMAN, former President of CB, and CYNTHIA COLPAART, former Director of CB, 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, be restrained from engaging in the following acts or practices:

³ *Known* accounts at PayPal subject to this Order include, but are not limited to, account number XXXXXXXXXXXXXXXX9435, standing in the name of **CLIFT BOWMAN, SHON NEEL WASHINGTON** and/or **CHRISTMAS BUREAU OF AUSTIN & TRAVIS COUNTY**.
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- A. Opening or causing to be opened any safe deposit boxes or storage facilities titled in the name of Defendants or any of Defendants' assumed names, or subject to access or control by Defendants, without providing Plaintiff and the Court prior notice by motion seeking such access;
- B. Soliciting funds on behalf of or for the benefit of Defendants for any charity or nonprofit organization which uses "Christmas Bureau of Austin & Travis County," or as any part of its name;
- C. Mailing, faxing, or forwarding any invoice, letter, or thing to any business or person wherein such invoice, letter, or thing seeks, demands, or requests any type of payment or contribution from said business or person;
- D. Telephoning, calling or in any way initiating contact with any business or person for the purpose of seeking, selling, or requesting any type of contribution, money, or funds for advertising from said business or person; and
- E. Operating any type of corporation, organization, group, association, magazine or periodical which uses as any part of its name "Christmas Bureau of Austin & Travis County."
- F. Receiving, opening, or otherwise obtaining any mail directed to any of the Defendants at Post Office Box 9015, Austin, Travis County, Texas 78766.

3. **IT IS FURTHER ORDERED** that Defendants CHRISTMAS BUREAU OF AUSTIN & TRAVIS COUNTY ("CB"), SHON NEEL WASHINGTON also known as SHON N. WASHINGTON, doing business as CHRISTMAS BUREAU OF AUSTIN & TRAVIS COUNTY, MICHELLE WASHINGTON, Director of CB, CLIFT BOWMAN also known as WILLIAM C. BOWMAN, former President of CB, and CYNTHIA COLPAART, former Director of CB, immediately upon receipt of the Order do the following:

- A. Remove or take down the Christmas Bureau website so that it is no longer accessible on the Internet.
- B. Put an official hold with postal authorities on all mail going to Post Office Box 9015, Austin, Travis County, Texas 78766.
- C. Fax or email copies of the letters or notifications to the postal authority and web server to Counsel Mary T. Henderson, the Office of Attorney General of Texas, P.O. Box 12548, Austin, Texas 78711-2548, Fax No. 512-473-8301 Mary.Henderson@texasattorneygeneral.gov within two hours of receipt of this

Order.

4. **IT IS FURTHER ORDERED** that Defendants CHRISTMAS BUREAU OF AUSTIN & TRAVIS COUNTY (“CB”), SHON NEEL WASHINGTON also known as SHON N. WASHINGTON, doing business as CHRISTMAS BUREAU OF AUSTIN & TRAVIS COUNTY, MICHELLE WASHINGTON, Director of CB, CLIFT BOWMAN also known as WILLIAM C. BOWMAN, former President of CB, and CYNTHIA COLPAART, former Director of CB, provide Counsel for the State, no later than five business days after the entry of this ORDER, an inventory of:

- A. A list of all motor vehicles in which they have an interest, including the make, model, year and vehicle identification number of each vehicle.
- B. A list of all real property, in or out of the country, in which they have an interest.
- C. A list of all other assets, tangible or intangible.
- D. All keys to all mail boxes in which mail directed to CB has been received, along with a list of the mail box numbers and locations.

5. **IT IS FURTHER ORDERED** that Defendants, CHRISTMAS BUREAU OF AUSTIN & TRAVIS COUNTY (“CB”), SHON NEEL WASHINGTON also known as SHON N. WASHINGTON, doing business as CHRISTMAS BUREAU OF AUSTIN & TRAVIS COUNTY, MICHELLE WASHINGTON, Director of CB, CLIFT BOWMAN also known as WILLIAM C. BOWMAN, former President of CB, and CYNTHIA COLPAART, former Director of CB, **direct** 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 assets of Defendants to provide Counsel for the State a statement or letter setting forth:

- A. The identification of each account or asset titled in the name, individually or jointly, of Defendant CB, or held on behalf of, or for the benefit of, the Christmas Bureau of Austin & Travis County;
- 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 assets 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 either titled in the name individually or jointly, of Defendants, or is otherwise subject to access or control by Defendants.

IT IS ORDERED that this statement or letter **SHALL BE DUE** to Counsel for the State within five business days of the date of this ORDER.

6. **IT IS FURTHER ORDERED** that the State is **GRANTED** leave to conduct discovery, prior to any scheduled temporary injunction hearing upon reasonable shortened notice to Defendants and their attorneys, if known, including but not limited to:

- A. Taking telephonic, video, written, and other depositions along with subpoena duces tecum with two (2) days' notice prior to the deposition date;
- B. Issuing Requests for Production, Requests for Admissions and Interrogatories with a reasonably shortened response date of five (5) days after receipt by Defendants of such discovery; and
- C. Conducting any discovery noticed pre-suit, such a taking a deposition, noticed as a Sworn Statement before suit was filed.

7. **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. **IT IS FURTHER ORDERED** that any institution, person, or other entity holding any postal mail or packages 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 holding of the mail as 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, control or right of access to the postal account involved

8. **IT IS FURTHER ORDERED** that Defendants, CHRISTMAS BUREAU OF AUSTIN & TRAVIS COUNTY ("CB"), SHON NEEL WASHINGTON also known as SHON N. WASHINGTON, doing business as CHRISTMAS BUREAU OF AUSTIN & TRAVIS COUNTY, MICHELLE WASHINGTON, Director of CB, CLIFT BOWMAN also known as WILLIAM C. BOWMAN, former President of CB, and CYNTHIA COLPAART, former Director of CB, 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.

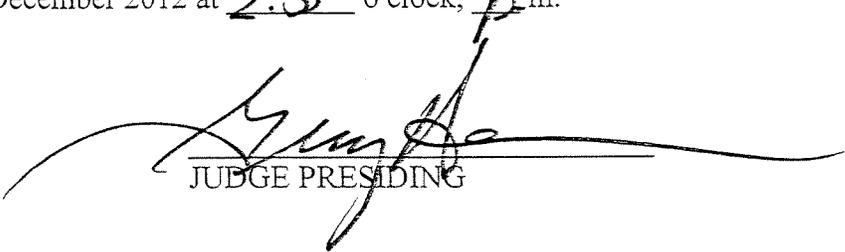
9. **IT IS FURTHER ORDERED** that any financial or brokerage institution, escrow agent, title company, storage facility, commodity trading company, business entity or person maintaining or having custody or control of any account or other asset of Defendants, shall hold such funds or assets in Trust for the benefit of the owner of those funds, said owners to be determined by an agreement of the parties or by order of this court.

10. **IT IS FURTHER ORDERED** that any web hosting company or server providing space for Defendants' website(s) seeking donations for the Christmas Bureau immediately remove or take down the website(s).

11. 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 filing a bond for a temporary restraining order or temporary injunction under section 6.001 of the Texas Civil Practice and Remedies Code and section 17.47(b) of the Texas Business and Commerce Code.

12. The Hearing on Plaintiff State of Texas' Application for a Temporary Injunction is hereby set for the 19 day of December, 2012 at 2:00 o'clock, p.m.

SIGNED this 5 day of December 2012 at 2:35 o'clock, p.m.


JUDGE PRESIDING