

Restraining Order with Asset Freeze enjoining Defendants and their agents from engaging in various deceptive acts. Pursuant to Texas Rule of Civil Procedure 680, the Court found there was good cause to extend this Ex Parte Temporary Restraining Order with Asset Freeze until February 16, 2006, at 2:30 p.m. Good cause existed as Defendant Larry Rodriguez had not been served with process, and thus had not received notice of this lawsuit, or the February 2, 2006 hearing on Plaintiff's application for a temporary injunction.

3. On February 16, 2006, Plaintiff and Defendants appeared by and through their counsel of record, and participated in a hearing on Plaintiff's application for a temporary injunction. After considering the pleadings and the arguments of counsel, and based upon the facts set forth in the evidence presented at the temporary injunction hearing, the Court makes the following findings:

- A. The Court FINDS that Defendants may be violating Sections 17.46(a) and (b) of the Texas Deceptive Trade Practices-Consumer Protection Act ("DTPA"), TEX. BUS. & COM. CODE § 17.46.
- B. The Court FINDS that Defendants falsely represent that Defendants will truthfully, correctly, completely and/or accurately prepare consumers' federal income tax returns;
- C. The Court FINDS that Defendants falsely represent that Defendants are always looking out for the consumer clients' best interest;
- D. The Court FINDS that Defendants falsely represent that Defendants will provide consumers with the entire amounts of income tax refunds issued to those consumers by the IRS, less only the Defendants' agreed upon charges/fees;
- E. The Court FINDS that Defendants falsely represent that Defendants will represent

consumers before the IRS and assist them in the resolution of claims by the IRS that the consumers' federal income tax returns were prepared showing false expenses, deductions, exemptions and/or credits;

- F. The Court FINDS that Defendants fail to disclose to consumers that Defendants will erroneously, falsely, and/or fraudulently prepare the consumers' income tax returns in efforts to undervalue the consumers' tax liability, and/or qualify the consumer for an income tax refund, and/or increase the amounts of the consumers' income tax refunds;
- G. The Court FINDS that Defendants fail to disclose to consumers that Defendants will obtain erroneously, falsely, and/or fraudulently inflated refund amounts from the IRS and retain the inflated amounts without the consumers' knowledge;
- H. The Court FINDS that Defendants fail to disclose to consumers that if Defendants prepare the consumers' federal income tax returns such that false expenses, deductions, exemptions and/or credits are shown on the consumers' federal income tax returns, the Internal Revenue Service will require that the consumers pay additional taxes and interest thereon; and
- I. The Court FINDS that Defendants fail to disclose to consumers that if Defendants prepare the consumers' federal income tax returns such that false expenses, deductions, exemptions, and/or credits are shown on the consumers' federal income tax returns, the consumers may be subject to penalties and criminal prosecution for the Defendants' erroneous, false, and/or fraudulent preparation of the consumers' federal income tax returns.

4. Based upon the Court's findings in paragraphs 3(A) through 3(I), the Court has reason to issue a temporary injunction as set out below. The Court finds that Defendants' practices described in Paragraphs 3(A) through 3(I) above have caused consumers various injuries, including but not limited to: loss of money; incursion of liability for additional taxes and interest; and becoming subject to penalties and criminal prosecution for the Defendants' erroneous, false, and/or fraudulent preparation of the consumers' federal income tax returns. The Court also finds that those injuries are irreparable.

5. The Court FINDS that unless Defendants are immediately restrained from the acts prohibited below, Defendants will continue to commit the acts described in paragraphs 3(A) through 3(I) above, before trial can be held on the STATE OF TEXAS' request for a Permanent Injunction, restitution, and civil penalties, and Defendants may well dissipate their assets before a judgment for restitution can be rendered. Such injuries would be irreparable because continued violations of the DTPA may cause many more consumers to lose their money, subject those consumers to additional taxes and interest, and subject those consumers to penalties and criminal prosecution for the Defendants' erroneous, false, and/or fraudulent preparation of the consumers' federal income tax returns. Further, given the likelihood of dissipation of Defendant's assets prior to the rendition of a final judgment, the possibility of restitution for consumers will be remote unless an order freezing assets is granted.

6. **IT IS THEREFORE ORDERED** that Defendants ANTHONY BARBER, KENNETH BARBER, RAMON PEREZ, LARRY RODRIGUEZ, JENS SHOEMER, ANDREW MANNING, TAX WORKS INTER-NATIONAL, INC., and LUCIANO MARTINEZ and their officers, agents, servants, employees, attorneys and any other persons in active concert or

participation with Defendants, including but not limited to all financial institutions holding money in the name or for the benefit of the above-named Defendants¹, 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, 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, safe deposit boxes, or other property, real, personal, or mixed, wherever situated, belonging to or owned by, in the possession or custody of, standing in the name of, or claimed by said Defendants, jointly or singly, without further order of this Court;
- B. opening or causing to be opened any safe deposit boxes titled in the name of Defendants, jointly or singly, or subject to access or control by any of Defendants' officers, agents, servants, employees, attorneys, and any other persons in active concert or participation with any Defendant, without providing the Plaintiff and this Court prior notice and opportunity to inspect the contents in order to determine that they contain no assets covered by this section.

7. **IT IS FURTHER ORDERED** that Defendants ANTHONY BARBER, KENNETH BARBER, RAMON PEREZ, LARRY RODRIGUEZ, JENS SHOEMER, ANDREW MANNING, TAX WORKS INTER-NATIONAL, INC., and LUCIANO MARTINEZ and their officers, agents, servants, employees, attorneys and any other persons in active concert or participation with any Defendant, who receive actual notice of this Order by personal service or otherwise, whether acting

¹Known Bank of America accounts subject to this order include, but are not limited to the following: Account No. [REDACTED] standing in the name of Luciano Martinez d/b/a TWIN Tax Service; Account No. [REDACTED] standing in the name of Luciano Martinez; Account No. [REDACTED] standing in the name of Luciano Martinez; Account No. [REDACTED] standing in the name of Tax Works Inter-National and T.W.I.N Tax Service; and Account No. [REDACTED] standing in the name of Anthony Barber

directly or through any trust, corporation, subsidiary, division, or other devise, shall be restrained from engaging in the following acts or practices:

- A. Transferring, concealing, destroying or removing from the jurisdiction of this Court any books, records, documents, invoices, or other written materials relating to Defendants' business, which are in Defendants' possession, custody, or control except in response to further orders or subpoenas in this cause;
- B. Transferring, spending, hypothecating, concealing, encumbering, depleting, modifying, dissipating, distributing, 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;
- C. Soliciting or accepting compensation of any type to obtain relief of any kind on behalf of another from any officer, agency, or employee of the State of Texas, any other state, or the United States;
- D. Falsely representing to any person, expressly or by implication, that Defendants can or will honestly and accurately prepare federal income tax returns;
- E. Falsely representing, expressly or by implication, that Defendants are able to prepare federal income tax returns in a manner that will produce the best federal income tax refund possible;
- F. Falsely representing, expressly or by implication, that Defendants will look out for consumers' best interest when preparing those consumers' federal income tax

returns;

- G. Falsely representing, expressly or by implication, that Defendants will provide consumers with the entire amounts of federal income tax refunds issued to those consumers by the Internal Revenue Service, less only the Defendants' agreed upon charges/fees;
- H. Erroneously, falsely, and/or fraudulently preparing consumers' federal income tax returns;
- I. Failing to disclose to consumers that Defendants may erroneously, falsely, and/or fraudulently prepare the consumers' federal income tax returns;
- J. Obtaining from the Internal Revenue Service erroneously, falsely, and/or fraudulently inflated federal income tax refunds, or amounts thereof;
- K. Retaining erroneously, falsely, and/or fraudulently inflated federal income tax refunds, or amounts thereof;
- L. Falsely representing that Defendants will represent consumers before the IRS and assist those consumers in the resolution of claims by the Internal Revenue Service that the consumers' federal income tax returns were prepared such that false expenses, deductions, exemptions and/or credits are shown on the consumers' federal income tax returns.
- M. Failing to disclose to consumers that Defendants may obtain erroneously, falsely, and/or fraudulently inflated federal income tax refunds, or amounts thereof, from the Internal Revenue Service and retain the inflated refunds, or amounts thereof, without the consumers' knowledge;

- N. Failing to disclose to consumers that if the Internal Revenue Service detects false expenses, deductions, exemptions and/or credits are shown on taxpayers' federal income tax returns, then the taxpayers must pay additional taxes and interest and may be subject to penalties and criminal prosecution;
- O. Failing to disclose to consumers that if Defendants prepare the consumers' federal income tax returns such that false expenses, deductions, exemptions and/or credits are shown on the consumers' federal income tax returns, the Internal Revenue Service will require that the consumers pay additional taxes and interest thereon;
- P. Failing to disclose to consumers that if Defendants prepare the consumers' federal income tax returns such that false expenses, deductions, exemptions, and/or credits are shown on the consumers' federal income tax returns, the consumers may be subject to penalties and criminal prosecution for the Defendants' erroneous, false, and/or fraudulent preparation of the consumers' federal income tax returns.

8. **IT IS FURTHER ORDERED** that within ^{thirty (30)}~~five (5)~~ business days following service  of this Order, Defendants ANTHONY BARBER, KENNETH BARBER, RAMON PEREZ, LARRY RODRIGUEZ, JENS SHOEMER, ANDREW MANNING, TAX WORKS INTER-NATIONAL, INC., and LUCIANO MARTINEZ shall:

- A. provide the OFFICE OF THE ATTORNEY GENERAL with a full, complete and accurate accounting of all funds, documents, and assets located within or outside the STATE OF TEXAS, including the balance of any bank accounts, held either: (1) by Defendants, jointly or singly; or (2) under Defendants' direct control, jointly or singly;
- B. provide the OFFICE OF THE ATTORNEY GENERAL access to Defendants' records and documents held by financial institutions located within or outside of the

STATE OF TEXAS.

9. **IT IS FURTHER ORDERED** that any financial or brokerage institution, escrow agent, title company, storage facility, commodity trade company, business entity or person maintaining or having custody or control of any account or other assets of Defendants, jointly or singly, which receives actual notice of this Order by personal service or otherwise, shall, within five (5) business days of the date of service of this Order, provide to counsel of the Plaintiff and Defendants or account holders 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 appraisal of the value of such assets, as of the close of business on the day on which the 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 assets were 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 Defendant.

~~10. **IT IS FURTHER ORDERED** that upon the request of any consumer, Defendants shall return and release to each such consumer all records, documents, invoices, or other written materials relating to that consumer and the Defendants' business, which are in Defendants' possession, custody, or control.~~

~~11. **IT IS FURTHER ORDERED** that money necessary for Kenneth Barber to pay for court ordered child support payments, wherever situated, belonging to or owned by, in the possession or custody of, standing in the name of, or claimed by Defendant Kenneth Barber may be withdrawn from a financial institution and transferred to a State Attorney General for the payment of child support in accordance with a court order.~~

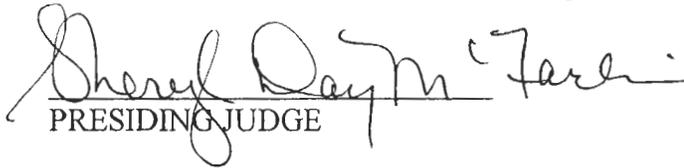
12. **IT IS FURTHER ORDERED** that Defendants in this cause be and hereby are commanded forthwith to comply with this Order from the date of entry until and to the day after

entry of a further Order of this Court.

13. The Clerk of the above Court shall forthwith issue a writ of Temporary Injunction 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 bonds under Section 17.47(b) of the Texas Deceptive Trade Practices-Consumer Protection Act. TEX. BUS. & COM. CODE ANN. § 17.46(b).

14. The State's application for permanent injunction, restitution, and civil penalties is hereby set for trial on the 11 day of Sept., 2006 at 9:00 a.m., in the 95th Judicial District Court located in the George L. Allen Sr. Courts Building 600 Commerce Street, Dallas, Texas 75202.

SIGNED this 22 day of February, 2006, at 8:30 o'clock, p.m.


PRESIDING JUDGE