NO. C-1096-06-A

THE STATE OF TEXAS, Plaintiff	§	IN THE DISTRICT COURT
v.	§	HIDALGO COUNTY, TEXAS
JOEL MOLANO, Defendant	§	92ND JUDICIAL DISTRICT

EX PARTE TEMPORARY RESTRAINING ORDER AND ORDER SETTING HEARING FOR TEMPORARY INJUNCTION

1. After considering plaintiff STATE OF TEXAS' application for temporary restraining order, the pleadings, the affidavits, and arguments of counsel, the Court finds there is evidence that defendant may be engaged in the unauthorized practice of law and practices that violate the Texas Deceptive Trade Practices - Consumer Protection Act, TEX. BUS. & COM. CODE ANN. § 17.41, *et seq.* (hereinafter "DTPA") and Chapter 406 of the Texas Government Code, TEX. GOV'T CODE ANN. § 406.001, *et seq.* (herein referred to as "Notary Public Law"). The Court further finds that if the Court does not issue the temporary restraining order, and if defendant is not immediately restrained, he will continue to engage in unlawful practices and thereby cause immediate and irreparable injury, loss, or damage to persons who receive his services. Namely, the provision of legal services and/or advice by defendant, a non-attorney, will have dire legal consequences and prejudice the legal rights of persons seeking benefits under state law and/or federal laws.

2. IT IS, THEREFORE, ORDERED that defendant JOEL MOLANO his agents, servants, employees, relatives, attorneys and any other person acting in concert or participation with defendant, are hereby restrained from engaging in, or attempting to engage in, the following:

a. Operating a business or conducting business at 10232 N. Conway, Mission, Hidalgo County, Texas;

b. Owning, operating, or managing a legal document preparation business or service;

c. Advertising, offering for sale, selling, or providing a legal document preparation service;

d. Accepting or soliciting money or valuable consideration for performing a legal document preparation service;

e. Advising or counseling any person as to matters of law or legal rights under city, state or federal laws, rules, and/or regulations, including, but not limited to, matters relating to divorce actions and immigration proceedings;

f. Advising or counseling any person whether or not to file a pleading, document, or other form to obtain relief or a benefit of any kind under city, state, or federal laws, rules, and/or regulations, including, but not limited to, matters relating to divorce actions and immigration proceedings;

g. Accepting or soliciting money or valuable consideration for advising or counseling any person as to matters of law or legal rights under city, state or federal laws, rules, and/or regulations, including, but not limited to, matters relating to divorce actions and immigration proceedings;

h. Selecting, preparing, or completing for any other person a pleading, document, or other form incident to legal actions or immigration proceedings;

i. Drawing any paper, document, or instrument effecting or relating to secular rights excepting documents to which he is a primary party;

j. Selecting, preparing, or completing a legal instrument affecting title to real property, including, but not limited to a deed, deed of trust, note, mortgage, and transfer or release of lien;

k. Representing, directly or by implication, that defendant has the skill, expertise, or competence to handle legal matters or holding himself out to any person as competent to give legal advice or counsel;

l. Representing, directly or by implication, that defendant can obtain relief or a benefit of any kind on behalf of another from any officer, agency, or employee of the this state or the United States;

m. Advertising, offering for sale, selling, or performing a notarial service;

n. Accepting money or valuable consideration for performing a notarial service;

o. Soliciting employment for any lawyer or furnishing an attorney to render legal services for another person;

p. Concealing, withholding, 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 defendant currently or hereafter in defendant's possession, custody or control except in response to further orders or subpoenas in this cause; and

q. Representing, directly or by implication, that this Court or the Office of the Attorney General has approved any good or service sold or offered for sale by defendant, or approved of any of defendant's business practices.

3. IT IS FURTHER ORDERED that defendant JOEL MOLANO post notice at his place of

business, 10232 N. Conway, Mission, Hidalgo County, Texas, which notice shall be conspicuous, in bold-faced type of a minimum size of 16 points, in both English and Spanish, and shall state:

> JOEL MOLANO HAS BEEN SUED BY THE OFFICE OF THE TEXAS ATTORNEY GENERAL FOR ENGAGING IN THE UNAUTHORIZED PRACTICE OF LAW.
>
> THE DISTRICT COURT HAS ORDERED JOEL MOLANO TO STOP CONDUCTING A LEGAL DOCUMENT PREPARATION BUSINESS. THIS OFFICE IS CLOSED UNTIL FURTHER ORDER OF THE COURT.
>
> IF YOU HAVE ANY QUESTIONS, OR IF YOU BELIEVE YOU WERE A VICTIM, PLEASE CALL 956-682-4547, EXT. 114.

4. IT IS FURTHER ORDERED that plaintiff shall be granted leave to take telephonic, video, written, and other depositions (including deposition with a subpoena duces tecum) of witnesses and parties prior to any scheduled temporary injunction hearing upon reasonable shortened notice to defendant.

5. The Court orders that Plaintiff's application for temporary injunction be heard on 17th day of May, 2006, at 9:00 o'clock, A.m., in the courtroom of the above-named District Court in the Hidalgo County Courthouse in Edinburg, Texas. The purpose of the hearing shall be to determine whether this temporary restraining order should be made a temporary injunction pending a full trial on the merits.

6. The Court further orders the clerk to issue notice to defendant of the hearing on the application for temporary injunction and to forthwith issue a temporary restraining order in conformity with the law and the terms of this order.

7. 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. CIV. PRAC. & REM. CODE § 6.001 and TEX. BUS.

& COM. CODE ANN. § 17.47(b).

8. This order expires on May 17th, 2006, or by any other order of the Court.

SIGNED on May 4th, 2006, at 10:10 o'clock, A.m.

PRESIDING JUDGE

DATE 5-5-06

A true copy I certify
OSCAR GUERRERO
District Clerk, Hidalgo County, Texas
By _____ Deputy