

STATE OF TEXAS,
Plaintiff,

V.

RONALD L. SPEER, Jr., Individually
d/b/a PRO SERVICES TERMITE &
PEST CONTROL,
Defendant.

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IN THE DISTRICT COURT OF

TRAVIS COUNTY, TEXAS

261st JUDICIAL DISTRICT

Filed in the District Court
of Travis County, Texas

SEP 18 2006
9:59 P.
M.
Amalia Rodriguez-Mendoza, Clerk

TEMPORARY INJUNCTION

On September 18, 2006, the Court called a hearing on Plaintiff's application for temporary injunction. The State appeared through the Office of the Attorney General of Texas. The Defendant failed to appear, although given proper notice of the hearing. After consideration of the Plaintiff's application for temporary injunction, pleadings, affidavits, and evidence, the Court finds that it has jurisdiction over the proceeding and that Defendant is violating the TEX. OCC. CODE § 1951 and the rules promulgated thereunder. Therefore, the Court orders the following.

IT IS ORDERED, ADJUDGED, AND DECREED AS FOLLOWS:

1. DEFINITIONS

1.1 As used in this Temporary Injunction the words and terms set forth below shall have the following meanings:

- (1) "State" shall mean the State of Texas;
- (2) "Defendant" shall mean Ronald L. Speer, Jr. d/b/a Pro Services Termite and Pest Control;

- (3) "Person" shall mean "any individual, firm, partnership, corporation, association, or other organization, or any combination thereof, or any type of business entity," as defined by TEX. OCC. CODE § 1951.002(11); and
- (4) "Effective Date" shall mean the date the Court signs this Temporary Injunction.

2. INJUNCTIVE RELIEF

2.1 Defendant shall immediately cease performing, offering to perform, or advertising or soliciting the person's performance of any of the following services for compensation:

- (1) identifying infestations or making inspections for the purpose of identifying or attempting to identify infestations of:
 - A. Arthropods, including insects, spiders, mites, ticks, and related pests, wood-infesting organisms, rodents, weeds, nuisance birds, and other obnoxious or undesirable animals that may infest households, railroad cars, ships, docks, trucks, airplanes, or other structures, or the contents thereof; or
 - B. Pests or disease of trees, shrubs or other plantings in a park or adjacent to a residence, business establishment, industrial plant, institutional building, or street;
- (2) making inspection reports, recommendations, estimates, or bids, whether oral or written, with respect to such infestations; or
- (3) making contracts, or submitting bids for, or performing services designed to prevent, control, or eliminate such infestations by the use of insecticides, pesticides, rodenticides, fumigants, or allied chemicals or substances or mechanical devices. TEX. OCC. CODE § 1951.003.

2.2 Within 14 days of the effective date of this Order, Defendant shall hire or contract a person, who has a valid structural pest control business license, to honor and perform continuing warranties and service contracts for the following persons:

- (1) Penny Kinney, 3613 Doe Trail, Austin, Texas, 78746;
- (2) James West, 303 S. Kings Canyon, Cedar Park, Texas, 78613;

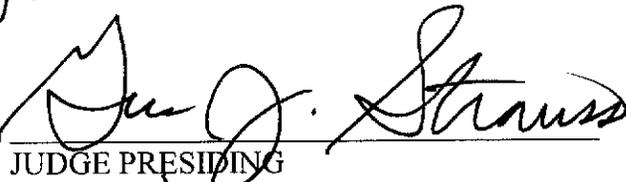
- (3) Pauline Miller, 116 Village Drive, Georgetown, Texas, 78628;
- (4) Bobbie Caldarelli, 1808 Lakeway Blvd., Lakeway, Texas, 78743;
- (5) Indru Malkani, 7904 Brightman Lane, Austin, Texas 78733;
- (6) Judy Schiwitz, 553 West Prairie Lea Street, Lockhart, Texas, 78644;
- (7) Nancy Stallcup, 10701 Jonwood way, Austin, Texas, 78753; and
- (8) Barbara Metzger, 13005 Powderhorn, Austin, Texas, 78727.

2.3 Within 21 days of the effective of this Order, Defendant shall hire or contract a person, who has a valid structural pest control license, to honor and perform continuing warranties and service contracts for any additional persons, not listed in Paragraph 2.2, with continuing warranty or service contracts.

3. TRIAL SETTING

3.1 It is further ordered that this case is set for trial on the merits at 9:00 a.m. on January 16, 2007, on the Central Settings Docket pursuant to Rules 2.2 and 2.3 of the Local Rules of Civil Procedure of the District Courts of Travis County.

SIGNED on this 18 day of September, 2006.


JUDGE PRESIDING

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