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CAUSE NO. 2008-08473

STATE OF TEXAS,
Plaintiff,

IN THE DISTRICT COURT OF

v.

HARRIS COUNTY, TEXAS

BRIAN DUANE BRUMFIELD and
THORNBROOKS SHAPIRO, LLC,
both doing business as
THE SHERIFF'S JOURNAL,¹
Defendants.

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152ND JUDICIAL DISTRICT

**FINAL DEFAULT JUDGMENT
AND PERMANENT INJUNCTION**

On the _____, day of _____, 2008, Plaintiff, STATE OF TEXAS, moved for default judgment after the Defendants failed to file an answer in this case. At the hearing, Plaintiff appeared in person and through it's attorney. Defendants, BRIAN DUANE BRUMFIELD and THORNBROOKS SHAPIRO, LLC, did not appear. The court determines it has jurisdiction over the subject matter and the parties to this proceeding. The Court finds that the requirements of TEXAS BUS. AND COMM. CODE, §§17.01 *et seq.* have been met. The Court, after considering the pleadings, evidence and argument of counsel, hereby renders judgment for Plaintiff.

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The court finds the following:

1. Plaintiff filed its original petition in this suit on February 12, 2008. Defendants were properly served with citation and a copy of Plaintiff's petition on February 12, 2008, by personal service.
2. The citation and proof of service was filed on February 15, 2008, and has been on file with the clerk at least ten days before the judgment was rendered.
3. The deadline for Defendant's to file an answer was March 17, 2008. However,

¹ Brian Duane Brumfield and THORNBROOKS Shapiro, LLC are also doing business as Police Publications, Municipal Officer's Magazine, Law Enforcement Quarterly, First on Patrol Magazine, and The Deputy Defender.

Defendants have not filed an Answer or any other pleading constituting an Answer, and have not entered an appearance.

4. The last known address of Defendant, BRIAN DUANE BRUMFIELD is 3203 Country Club Blvd., Stafford, Texas 77477, as established by Plaintiff's certificate of Defendant's last known addresses.

The last known address of Defendant THORNBROOKS SHAPIRO, LLC, is 6250 Westpark Drive, #218, Houston, Texas 77057, as established by Plaintiff's certificate of Defendant's last known addresses.

5. The civil penalties in the Plaintiff's petition are unliquidated but were proven by Plaintiff's affidavit, and the nature of Defendant's violations was established by Plaintiff's affidavit, and Exhibits B, D, E, F, G, M, R, S, T, and U, admitted into evidence in the Temporary Injunction hearing February 22, 2008.

6. Plaintiff requested attorney fees based on TEX. GOV'T. CODE §402.006(c), and TEX. REV. CIV. STAT. ANN. art. 9023e Sec.9(c), and was established by Plaintiff's affidavit.

IT IS THEREFORE ORDERED that the Plaintiff shall have and recover from Defendants BRIAN DUANE BRUMFIELD and THORNBROOKS SHAPIRO, LLC, jointly and severally, ELEVEN MILLION NINE HUNDRED TWENTY THOUSAND DOLLARS (\$11,920,000.00), for civil penalties, and post-judgment interest on the total sum at the annual rate of 6%.

IT IS FURTHER ORDERED that Plaintiff STATE OF TEXAS shall have and recover from Defendants BRIAN DUANE BRUMFIELD and THORNBROOKS SHAPIRO, LLC, jointly and severally, ONE HUNDRED SEVENTY SIX THOUSAND EIGHT HUNDRED TWENTY DOLLARS and THIRTY CENTS (\$176,820.30), as restitution for monies unlawfully taken from the businesses or individuals identified in States Exhibit U, admitted by this Court in the Temporary Injunction hearing held in this action, and incorporated for all purposes as though set forth verbatim

at this point. The STATE OF TEXAS, through the Consumer Protection and Public Health Division of Office of the Attorney General of Texas, shall have sole discretion to review, determine, and allocate, the amounts of money to be restored to the identifiable persons indicated above.

IT IS FURTHER ORDERED that Plaintiff STATE OF TEXAS shall have and recover from Defendants BRIAN DUANE BRUMFIELD and THORNBROOKS SHAPIRO, LLC, jointly and severally, ONE HUNDRED TEN THOUSAND ONE HUNDRED FORTY SIX DOLLARS \$110,146.00. for attorney fees and costs.

PERMANENT INJUNCTION

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Defendants BRIAN DUANE BRUMFIELD and THORNBROOKS SHAPIRO, LLC d/b/a THE SHERIFF'S JOURNAL *et al*, 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, whether acting directly or through any trust, corporation, subsidiary, division, or other devise, shall be permanently restrained from engaging in the following acts or practices:

(1) Owning, operating, managing, or advising any sole proprietorship, corporation, partnership, or entity that engages in any type of telephone solicitation in the State of Texas, or in any other state or jurisdiction in which Texas businesses, consumers, or residents are solicited in any manner;

(2) Performing consulting services of any kind to or for any person, sole proprietorship, corporation, partnership, or entity that engages in any type of telephone solicitation in the State of Texas, or in any other state or jurisdiction in which Texas businesses, consumers, or residents are solicited in any manner;

(3) Engaging in telephone solicitation in any manner, directly or indirectly, in the State of Texas, or in any other state or jurisdiction in which Texas businesses, consumers, or residents are

solicited in any manner;

(4) Being employed by any person, sole proprietorship, corporation, partnership, or entity which engages in any type of telephone solicitation which purports to involve charity or any cause which the public could reasonably understand to be for public benefit, public safety, or community service in nature, in the State of Texas or in any other state or jurisdiction in which Texas businesses, consumers, or residents are solicited in any manner;

(5) Owning, operating, managing, or advising any person, sole proprietorship, corporation, partnership, or entity, including any non-profit corporation, that solicits funds or advertising revenues from persons or entities for any type of charitable purpose or any cause which the public could reasonably understand to be for public benefit, public safety, or community service in nature in the State of Texas or in any other state or jurisdiction where Texas businesses, consumers or residents are solicited in any manner;

(6) Performing consulting services of any kind to or for any person, sole proprietorship, corporation, partnership, or entity (including non-profit corporations) which solicits funds from persons or entities for any type of charitable purpose or any cause which the public could reasonably understand to be for public benefit, public safety, or community service in nature in the State of Texas or in any other state or jurisdiction in which Texas businesses, consumers or residents are solicited in any manner;

(7) Being employed by any person or entity which solicits funds or advertising revenues from persons or entities including, but not limited to, professional fund-raisers, commercial fund-raising firms, professional fund-raising firms, commercial co-venturers, charities or representatives of charities for any type of charitable purpose or any cause which the public could reasonably understand to be for public benefit, public safety, or community service in nature in the State of Texas or in any other state or jurisdiction where Texas businesses, consumers, or residents are

solicited in any manner;

(8) Owning, operating, managing, advising, or being employed by any charitable and/or nonprofit entity that solicits funds or advertising revenues of any kind which are tax deductible in whole or in part pursuant to Internal Revenue Service laws, rules or regulations, now existing or hereinafter created including, but not limited to, entities that have applied for, but not received, tax exempt status from the Internal Revenue Service;

(9) Representing, expressly or by implication, that any person or entity has any business or other association with Defendants unless Defendants have first obtained written authorization from such person or entity, including, but not limited to any representation that Defendants are associated with any law enforcement group, public safety group, or organization;

(10) Creating, publishing, disseminating, selling, or distributing any type of magazine, periodical, newsletter, brochure, or publication of any kind or character;

(11) Disseminating, selling, or distributing any list or tangible thing containing names of businesses or persons who have contributed or paid funds to any charity, non-profit corporation or entity of any kind, including, but not limited to law enforcement related magazines, firefighter or fire department related magazines, or any magazine or publication purporting to benefit public safety agencies or departments;

(12) Engaging in any type of solicitation of a person, business entity, consumer, or contributor by use of the Internet, without every Internet solicitation message and Internet web site containing a permanent, clear and conspicuous (14 point bold type) written notice informing all recipients that Defendant is prohibited from engaging in telephonic solicitation in the State of Texas;

(13) Soliciting money, advertising fees or any thing of value for any publication, entity or organization, including, but not limited to, **The Sheriff's Journal, Police Publications, Municipal Officer's Magazine, Law Enforcement Quarterly, First on Patrol Magazine, and**

The Deputy Defender as well as for any other business, magazine, publication, or cause;

(14) Representing, expressly or by implication, that Defendants, or any person or business associated with Defendants, are affiliated with, endorsed by, authorized by, supported by, associated with or in any way related to any law enforcement organization, or public safety group;

(15) Mailing, faxing, delivering, 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 for advertising or contributions on behalf of any business, magazine, publication, organization, or cause;

(16) Representing, expressly or by implication, that a person or business has authorized or agreed to a payment, invoice or contribution when in fact there is no such authorization or agreement;

(17) Representing, expressly or by implication, that Defendants' business is located in a certain city, state, county, country, or jurisdiction when such business, cause, organization or publication is not actually located in said jurisdiction;

(18) Making any type of implied or express representation to any consumer or person which is not factually true for the purpose of obtaining anything of value from said consumer or person; and

(19) Cashing or depositing in any financial institution, any money orders, cashier's, business or personal checks, or any other type of money exchange device received from consumers as a result of Defendants' solicitations.

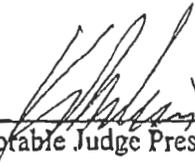
IT IS FURTHER ORDERED that this judgment is final, disposes of all claims and all parties, and is appealable.

IT IS FURTHER ORDERED that all costs of court expended or incurred in this cause are adjudged against Defendants.

IT IS FURTHER ORDERED that the clerk of the court shall issue a writ of injunction that conforms with this judgment and all legal requirements, and that Plaintiff shall have all writs of execution and other process necessary to enforce this judgment.

SIGNED on _____, 2008.

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Honorable Judge Presiding