

CAUSE NO. _____

STATE OF TEXAS,	§	IN THE DISTRICT COURT
Plaintiff	§	
v.	§	
	§	
PAUL MANUEL CANDELARIA,	§	
ANGELA CANDELARIA, and	§	____ TH JUDICIAL DISTRICT
CANDELARIA RANCH, LLC, d/b/a	§	
WILD HOG HUNT.COM, and	§	
WILD HOG HUNT TEXAS.COM	§	
Defendants	§	GONZALES COUNTY, TEXAS

**PLAINTIFF’S ORIGINAL PETITION AND APPLICATION FOR EX PARTE
TEMPORARY RESTRAINING ORDER, TEMPORARY AND PERMANENT
INJUNCTION AND ASSET FREEZE**

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, Plaintiff, STATE OF TEXAS, acting by and through the Attorney General of Texas, GREG ABBOTT, and complains of and files this Original Petition and Application for an Ex Parte Temporary Restraining Order, Temporary and Permanent Injunction and Asset Freeze, complaining of and against PAUL MANUEL CANDELARIA, ANGELA CANDELARIA, and CANDELARIA RANCH, LLC, doing business as wildhohunt.com, and wildhohunttexas.com. In support thereof, Plaintiff respectfully shows unto the Court the following:

I. DISCOVERY CONTROL PLAN

1. Discovery is intended to be conducted under a Level 2 discovery control plan, pursuant to Texas Rule of Civil Procedure 190.

II. AUTHORITY

2. This action is brought by the Attorney General of Texas, GREG ABBOTT, through the Consumer Protection and Public Health Division, in the name of the STATE OF TEXAS and in the public interest, under the authority granted by Section 17.47 of the Texas Deceptive Trade Practices

Act, TEX. BUS. & COMM. CODE §§ 17.41 *et seq.* (hereafter “DTPA”), upon the grounds that Defendants have engaged in false, deceptive, and misleading acts and practices in the course of trade and commerce as defined in, and declared unlawful by, Sections 17.46(a) and 17.46(b) of the DTPA. The DTPA permits the Texas Attorney General to bring an action to restrain, by Ex Parte Temporary Restraining Order, Temporary and Permanent Injunction, the use of any method, act, or practice declared to be unlawful by Section 17.46 of the DTPA, where such proceedings are in the public interest.

III. DEFENDANTS

3. Defendant PAUL MANUEL CANDELARIA is President, Manager, Owner, and Principle, of CANDELARIA RANCH, LLC, and does business as wildhohunt.com (<http://www.wildhohunt.com>), and wildhohunttexas.com (<http://www.wildhohunttexas.com>). Defendant does business in Texas as alleged herein, and may be served with process by serving him at **his place of residence: 4001 Paraguay Circle, Pasadena, Texas 77504-2317, or his place of business: 601 Cien Road, Suite 220, Kemah, Texas 77565-3068.**

4. Defendant ANGELA CANDELARIA is a member of CANDELARIA RANCH, LLC, and does business as wildhohunt.com (<http://www.wildhohunt.com>), and wildhohunttexas.com (<http://www.wildhohunttexas.com>). Defendant does business in Texas as alleged herein, and may be served with process by serving her at **her place of residence: 4001 Paraguay Circle, Pasadena, Texas 77504-2317, or her place of business: 601 Cien Road, Suite 220, Kemah, Texas 77565-3068.**

5. Defendant CANDELARIA RANCH, LLC, is a domestic corporation whose registered office is located at **4001 Paraguay Circle, Pasadena, Texas 77504-2317**, and does business as wildhohunt.com (<http://www.wildhohunt.com>), and wildhohunttexas.com

(<http://www.wildhoughtexas.com>), and may be served with process by serving its **registered agent, Paul Manuel Candelaria**, at: **4001 Paraguay Circle, Pasadena, Texas 77504-2317** or at: **601 Cien Road, Suite 220, Kemah, Texas 77565-3068**.

IV. VENUE

6. Venue of this action lies in Gonzales County, Texas pursuant to Section 17.47(b) of the DTPA and Section 15.002 of the Texas Civil Practices and Remedy Code, as the transactions and events giving rise to this action occurred in Gonzales County and/or because Defendants have done or are doing business in Gonzales County, Texas.

V. PUBLIC INTEREST

7. Plaintiff, STATE OF TEXAS, has reason to believe that Defendants have engaged in, and will continue to engage in, the unlawful practices set forth below, and Plaintiff has reason to believe that Defendants have, by means of these unlawful acts and practices, caused damage to and acquired money from persons in and out of this State, and caused and will continue to cause adverse effects to legitimate business enterprises which lawfully conduct trade and commerce in this State. Therefore, the Attorney General of Texas has reason to believe that these proceedings are in the public interest.

VI. ACTS OF AGENTS

8. When it is alleged that Defendants did any act, it is meant that Defendants performed or participated in the act, or that the Defendants' officers, agents, or employees performed or participated in the act on behalf of and under the authority of the Defendants.

VII. TRADE AND COMMERCE

9. Defendants have, at all times described below, engaged in conduct which constitutes trade and commerce, as those terms defined by Section 17.45(6) of the DTPA.

VIII. NOTICE BEFORE SUIT NOT GIVEN

10. There is good cause to believe that immediate and irreparable injury, loss, or damage would occur as a result of a delay in obtaining an ex parte temporary restraining order to enjoin Defendants from continued violations of the DTPA. If Defendants are not immediately restrained, they will continue to engage deceptive acts and thereby cause immediate and irreparable injury, loss, or damage to persons who purchase their services. As such, the Consumer Protection Division filed this lawsuit without notice to Defendant, as authorized by Section 17.47(a) of the DTPA.

IX. NATURE OF DEFENDANTS' OPERATIONS

11. Defendants PAUL MANUEL CANDELARIA, ANGELA CANDELARIA, and CANDELARIA RANCH, LLC, are doing business as wildhohunt.com, and wildhohunttexas.com.

To wit, they:

- A) advertise on eBay, and other internet sites, for “world-class” hunts for wild hogs, Russian boars, wild bobcat and coyote, and for wild varmints such as fox, possum, gopher, armadillo, racoon, ringtail cat, rabbit, and squirrel all on Defendants’ ranch in Gonzales, Texas, when not all of such animals are on the ranch, when the size, weight, and amount or concentration of the actual animals is misrepresented, and when many animals are not wild but almost tame. See State’s Exhibits 1 (Affidavit of Gerard Galvan), 2 (Affidavit of James Merrow), 3 (Affidavit of Max Augustus), 4 (Affidavit of Lloyd Fortner) and 5 (Affidavit of David Hawley);
- B) advertise on eBay, and other internet sites, for hunts for exotic animals such as wild blackbuck antelope, legendary Muy Grande whitetail buck, legendary “Flying Devil Rams,” scimitar-horned antelope, bison buffalo, fallow buck, axis buck, sika buck, red stag, rams, elk, ibex, javelina, water buffalo, Rio Grande turkey, mountain lion,

black panther, and/or zebra on Defendants' ranch in Gonzales, Texas, when not all of such animals are on the ranch, when the size, weight, and amount or concentration of the actual animals encountered is misrepresented, and when many animals are not wild but almost tame. See State's Exhibit 1 (Affidavit of Gerard Galvan);

- C) advertise on eBay, and other internet sites, that Texas has more wild hogs than anywhere else in the country, with an estimated three (3) million in the wild, and make claims that Defendants' ranch has some of the largest concentrations of wild hogs in the entire State, and is so overrun and infested with wild hogs that Defendants essentially beg for assistance from hunters in "controlling this growing population of destructive wild hogs" and essentially guarantee sightings and trophies of very large hogs, when in fact Defendants advertise to buy wild hogs from local ranchers to supply the "hunting ranch." See State's Exhibits 1 (Affidavit of Gerard Galvan), 2 (Affidavit of James Merrow), 3 (Affidavit of Max Augustus), 5 (Affidavit of David Hawley) and 6 (Affidavit of John Carter);
- D) advertise on eBay, and other internet sites, that Defendants' hunting area comprises over 2,000 acres, along "miles of majestic mesquites," when the consumer later discovers that this is a misrepresentation, and that Defendants' hunting ranch in Gonzales, Texas encompasses no more than about 260 acres. Relatedly, Defendants fail to warn consumers about the danger to their personal safety due to the large amount of armed hunters and sportsmen forced to gather in such a small land area, which is enclosed by a high-fence enclosure, and who are all directed to travel in the same clockwise direction back to camp after being dropped off in a pickup truck by the ranch "guide." See State's Exhibits 2 (Affidavit of James Merrow), 3 (Affidavit

of Max Augustus, Arizona), 4 (Affidavit of Lloyd Fortner), 5 (Affidavit of David Hawley) and 6 (Affidavit of John Carter);

- E) advertise on eBay, and other internet sites, that the wild animals are free-ranging and that the hunts take place in an free-range area, when the consumer later discovers that this is a misrepresentation, and there is a high-fence enclosure surrounding the entire hunting area, making the hunt more of a “canned” hunt, in contradiction to what was represented and advertised, and many of the animals are not wild as advertised, but rather tame, domesticated, and/or brought in from outside locations. See State’s Exhibits 2 (Affidavit of James Merrow), 3 (Affidavit of Max Augustus), 5 (Affidavit of David Hawley) and 6 (Affidavit of John Carter);
- F) advertise on eBay, and other internet sites, for fully-guided or semi-guided hunts, when the hunts are either non-guided, or what Defendants claim to be semi-guided does not comport with the standard use of that term among hunters (i.e., driving hunters in the back of a pickup truck and depositing them at a certain point on the property, then merely instructing them to hunt in a circular, clock-wise direction back to camp does not constitute being a semi-guided hunt). See State’s Exhibits 1 (Affidavit of Gerard Galvan), 2 (Affidavit of James Merrow), 3 (Affidavit of Max Augustus), 5 (Affidavit of David Hawley) and 6 (Affidavit of John Carter);
- G) fail to advertise or disclose prior to the purchase of the hunt that many of the animals on the ranch are already injured and/or infected from wounds from prior hunters, and therefore may not be edible or trophy-worthy even if captured. See State’s Exhibit 1 (Affidavit of Gerard Galvan);
- H) advertise on eBay that Defendants survey every hunter “at the end of their hunt on

our ranch, and [we] proudly have a 99.2% satisfaction rate,” which is inaccurate and misrepresents the truth, because hunters place their feedback comments on eBay within sixty (60) days of their initial purchase or winning bid, and do not even schedule or attend their hunt with Defendants until after sixty (60) days have passed. Therefore, Defendants misrepresent the truth and mislead consumers into believing that eBay bidders are favorably rating the hunt itself, rather than merely the purchase or transaction. Defendants also maintain a high level of “positive feedback” on eBay by offering price reductions, discounts, or refunds to those consumers who have indeed placed their “negative feedback” on eBay, in exchange for the consumers removing or altering their negative feedback posts on eBay. See State’s Exhibit 1 (Affidavit of Gerard Galvan);

- I) fail to advertise or disclose to consumers, prior to their purchase of the hunt, that some services are in fact not included in the price of the hunting package, including but not limited to a “guide” fee, an animal skinning, cleaning, and quartering fee, an animal freezer storage fee, and a fee being charged for the full price of any exotic game animal that is shot accidentally or on purpose. Additionally, Defendants require that many of these additional fees be paid in cash only, which information is not divulged to consumers prior to purchasing the hunt. See State’s Exhibits 1 (Affidavit of Gerard Galvan), 2 (Affidavit of James Merrow), 3 (Affidavit of Max Augustus), 5 (Affidavit of David Hawley) and 6 (Affidavit of John Carter);
- J) fail to advertise or disclose prior to the purchase of the hunt that bags of deer corn are

not included in the price of the hunting package and that consumers are required to purchase their own bags of deer corn for the ranch; See State's Exhibits 1 (Affidavit of Gerard Galvan) and 6 (Affidavit of John Carter);

K) advertise on eBay, and other internet sites, or promise in person a "\$1" wild hog hunt with the purchase of meals, lodging, guide, and gratuity, and also advertise for a free or reduced-price birthday wild hog hunt, and a free or reduced-price wild hog hunt for couples on their honeymoon, which are misleading and inaccurate, when Defendants do not practice honoring these "free" or discounted offers. See State's Exhibits 1 (Affidavit of Gerard Galvan), 3 (Affidavit of Max Augustus), 5 (Affidavit of David Hawley) and 6 (Affidavit of John Carter);

L) advertise on eBay, and other internet sites, for the inclusion of certain meals in the overall price of the hunt package, when the consumer later discovers that this is a misrepresentation, and is either not provided with the type or quality of meals that were advertised or is charged additional fees. Furthermore, Defendants advertise on the internet a ranch menu ("Becky's Ranch Menu") that includes, but is not limited to, a full breakfast; for lunch, Texas chopped beef sandwiches, mesquite grilled hamburgers, and open range buffalo burgers for lunch; and for dinner, roasted wild piglet, wild hog sausage links, mesquite pit-smoked brisket, fresh field-picked asparagus, fire-roasted corn on the cob, "German settlers" potato salad, Becky's "Next to the Border" Texas chili, and "cooked in the coals" Texas-sized baked potato, when these items are in fact not served. See State's Exhibits 1 (Affidavit of Gerard Galvan), 3 (Affidavit of Max Augustus), 4 (Affidavit of Lloyd Fortner), and Exhibit 6 (Affidavit of John Carter);

- M) advertise on eBay, and other internet sites, that if a hunter kills a piglet, Defendants will “cook it over the campfire. . . .,” when this service is in fact not provided. See State’s Exhibits 1 (Affidavit of Gerard Galvan) and 6 (Affidavit of John Carter).

X. FALSE, MISLEADING, AND DECEPTIVE ACTS AND PRACTICES

12. Defendants, as alleged above and detailed below, have in the course of trade and commerce engaged in false, misleading, and deceptive acts and practices declared unlawful in Sections 17.46(a) and 17.46(b)(5),(7),(9),(12) & (24) of the DTPA. Such acts include:

- A) engaging in false, misleading, or deceptive acts or practices in the conduct of any trade or commerce, as alleged more specifically herein, in violation of Section 17.46(a) of the DTPA;
- B) representing that goods or services have sponsorship, approval, characteristics, ingredients, uses, benefits, or quantities which they do not have, or that a person has a sponsorship, approval, status, affiliation, or connection which he does not have, as alleged more specifically herein, in violation of Section 17.46(b)(5) of the DTPA;
- C) representing that goods and services are of a particular standard, quality, or grade, or that goods are of a particular style or model, if they are of another, as alleged more specifically herein, in violation of Section 17.46(b)(7) of the DTPA;
- D) advertising goods or services with intent not to sell them as advertised, as alleged more specifically herein, in violation of Section 17.46(b)(9) of the DTPA;
- E) representing that an agreement confers or involves rights, remedies, or obligations which it does not have or involve, or which are prohibited by law, as alleged more specifically herein, in violation of Section 17.46(b)(12) of the DTPA; and
- F) failing to disclose information concerning goods or services which was known at the

time of the transaction, when such failure to disclose such information was intended to induce the consumer into a transaction into which the consumer would not have entered had the information been disclosed, as alleged more specifically herein, in violation of Section 17.46(b)(24) of the DTPA.

XI. INJURY TO CONSUMERS

13. Defendants have, by means of these unlawful acts and practices, obtained money from identifiable persons to whom such money or property should be restored or who, in the alternative, are entitled to an award for damages.

XII. DISGORGEMENT

14. All of the Defendants' assets are subject to the equitable remedy of disgorgement, the forced relinquishment of all benefits that would be unjust for Defendants to retain, including all ill-gotten gains, benefits, profits, and real property that resulted from Defendants fraudulently advertising and misrepresenting their services. Defendants should be ordered to disgorge all monies fraudulently taken from individuals and businesses, together with all of the proceeds, profits, income, interest and accessions thereto. Such disgorgement should be for the benefit of victimized consumers and the State of Texas.

XIII. NECESSITY OF IMMEDIATE RELIEF TO PRESERVE DEFENDANTS' ASSETS

15. Plaintiff, STATE OF TEXAS, requests immediate relief, by way of an ex parte temporary restraining order and temporary injunction, to preserve and protect Defendants' assets from dissipation so that the victims of Defendants' actions can receive the restitution to which they are entitled. Defendants receive large sums of money from their fraudulent business practices, as described herein, and utilize these sums almost immediately for personal gain. Defendants' assets are subject to dissipation for the following reasons:

A) defendants claim to have a significant cash flow from their “wild hog hunt” business operations, which is the fruit of ill-gotten gains from their deceptive and misleading business practice, as described herein.

(i) See Exhibit 7 (eBay/PayPal, Inc.¹ is holding money or assets of any kind in the name and/or for the benefit of the above-named Defendants).

B) defendants utilize funds from their PayPal Mastercard credit and debit cards, which contain payments deposited from consumers and by PayPal, and which funds are directly obtained from online sales of Defendants’ “wild hog hunts,” and which funds are utilized almost immediately for Defendants’ personal use and gain.

(i) See Exhibit 7.

For these reasons, the assets of Defendants are subject to dissipation and secretion and therefore, should be frozen pending final trial of this cause so that restitution can be made and so that full and final relief can be awarded at final trial.

**XIV. REQUEST TO CONDUCT DISCOVERY PRIOR TO
TEMPORARY INJUNCTION HEARING**

16. Plaintiff STATE OF TEXAS requests leave of this Court to conduct telephonic, oral, written, and other depositions of witnesses prior to any scheduled Temporary Injunction Hearing and prior to Defendants’ answer date. There are a number of victims and other witnesses who reside out of state and/or subpoena range who may need to be deposed prior to any scheduled injunction hearing.

¹**Known** accounts (individual and business) registered with eBay/PayPal, include, but are not limited to, account(s) registered by **Paul M. Candelaria, Angela Candelaria, wildhohunt.com, wildhohunttexas.com, and Candelaria Ranch, LLC,** and “eBay and PayPal item numbers:”

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and ██████████

Any depositions, telephonic or otherwise, would be conducted with reasonable, shortened notice to Defendants and their attorneys, if known.

XV. TRIAL BY JURY

17. Plaintiff STATE OF TEXAS herein requests a jury trial and tenders the jury fee to the Gonzales County District Clerk's office, pursuant to Texas Rule of Civil Procedure 216 and Section 51.604. Of the Tex. Government Code Annotated.

XVI. REPATRIATION OF ASSETS

18. After due notice and a hearing, the Court should order that all of Defendants' assets situated outside the jurisdiction of this Court be deposited or repatriated into an appropriate financial institution within the jurisdiction of this Court.

XVII. APPLICATION FOR EX PARTE RESTRAINING ORDER, TEMPORARY AND PERMANENT INJUNCTIONS

19. Because Defendants have engaged in the unlawful acts and practices described above, Defendants have violated and will continue to violate the laws of the State of Texas as alleged in this Petition. Unless enjoined by this Honorable Court, Defendants will continue to engage in business in violation of the DTPA, as alleged herein, and will cause immediate, irreparable injury and harm to the State of Texas and to the general public. Therefore, Plaintiff requests that an Ex parte Temporary Restraining Order, Temporary Injunction and a Permanent Injunction be issued.

XVIII. PRAYER

20. WHEREFORE, Plaintiff STATE OF TEXAS prays that Defendants be cited according to law to appear and answer herein; that after due notice to Defendants and a hearing, a TEMPORARY INJUNCTION be issued; and that on final trial of this cause, a PERMANENT

INJUNCTION be issued, restraining and enjoining Defendants, Defendants' successors, assigns, officers, agents, servants, employees and attorneys and any other person in active concert or participation with Defendants 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 or computer generated materials relating to the business of Defendants currently or hereafter in their possession, custody, or control except in response to further orders or subpoenas in this cause;
- B) transferring, spending, hypothecating, concealing, encumbering, 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, insofar as such property relates to, arises out of, or was derived from the business operation of Defendants; including but not limited to, real property described as "Candelaria Ranch, LLC," located at Highway 97 in the City of Gonzales, Gonzales County, Texas, recorded in Volume 875, Pages 332, Deed Records of Gonzales County, Texas; Abstract number: 82 Mary A Williams; 265.29 acres, without further order of this Court;
- C) falsely advertising and representing to consumers inside and outside the State of Texas, expressly or by implication, any characteristic of Defendants' hunts, Defendants' ranch, or any aspect of the animals located on Defendants' ranch which are not objectively accurate, including but not limited to the type, breed,

amount, number, concentration, size, weight, or ferociousness of the animals allegedly located therein;

- D) falsely advertising and representing to consumers inside and outside the State of Texas, expressly or by implication, any characteristic of Defendants' hunts, Defendants' ranch, or any aspect of the animals located on Defendants' ranch which are not objectively accurate, including but not limited to the size or acreage of the hunting property, the price of the total hunt package or any related discounts or free offers, the inclusion of certain services in the price of the total hunt package, and the type and quality of the meals provided during the hunt;
- E) failing to provide and remit partial or full refunds to consumers that were initially promised such refunds;
- F) transferring, spending, hypothecating, 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, or other property, real, personal, or mixed, wherever situated, belonging to or owned by, in the possession of, or claimed by said Defendants without notice to Plaintiff and the approval of this Court; and
- G) destroying, altering, mutilating, concealing, transferring, or otherwise disposing of

or changing any records related to any Defendant or entity in which any Defendant has an ownership interest.

20. In addition, Plaintiff, STATE OF TEXAS, respectfully prays that this Court will:

- A) adjudge against Defendants civil penalties in favor of Plaintiff in an amount of not more than \$20,000.00 per violation of the DTPA;
- B) order Defendants to restore all money or property taken from identifiable persons by means of unlawful acts or practices, or in the alternative, award judgment for damages to compensate for such losses;
- C) order Defendants to pay Plaintiff's, attorneys fees and costs of court, pursuant to Section 402.006(c) of the Texas Government Code;
- D) order Defendants to pay pre-judgment interest on all awards of restitution, damages, civil penalties and attorney fees as provided by law; and
- E) grant all other relief to which Plaintiff may show itself entitled.

Respectfully submitted,

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Attorney General of Texas

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First Assistant Attorney General

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