

CAUSE NO. \_\_\_\_\_

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

**EX PARTE TEMPORARY RESTRAINING ORDER**

Plaintiff, STATE OF TEXAS, has filed its Original Petition in this cause seeking a Temporary Injunction and Permanent Injunction against Defendants **PAUL MANUEL CANDELARIA, ANGELA CANDELARIA, and CANDELARIA RANCH, LLC** doing business as **wildhohunt.com** and **wildhohunttexas.com**. In the same Petition, Plaintiff has presented its request for an Ex Parte Temporary Restraining Order and Asset Freeze. The Court FINDS that Defendants appear to be violating §§ 17.46(a) and (b) of the Texas Deceptive Trade Practices-Consumer Protection Act, TEX. BUS. & COMM. CODE §§ 17.41 *et seq.* (“DTPA”). It appears from facts set forth in Plaintiff’s Original Petition, and the exhibits and sworn affidavits attached thereto, that unless Defendants are immediately restrained from the acts and practices prohibited below, Defendants will continue to commit such acts and practices before notice can be given and a hearing can be held on Plaintiff STATE OF TEXAS’ request for a Temporary Injunction. Furthermore, Defendants will not only continue to use deceptive tactics and misrepresentations in the course of trade and commerce, but may well dissipate and secrete their assets before a Temporary Injunction hearing can be held and a final judgment for restitution can be rendered by this Court. Such injury

would be irreparable, because continued violations of the DTPA, may well cause more Texas consumers to lose money through deceptive transactions. Given the likelihood of the dissipation of Defendants' assets prior to rendition of a final judgment, the possibility of restitution for Texas consumers will be remote unless an order freezing certain assets is granted.

1. **IT IS THEREFORE ORDERED** that Defendants **PAUL MANUEL CANDELARIA, ANGELA CANDELARIA, and CANDELARIA RANCH, LLC** doing business as **wildhohunt.com** and **wildhohunttexas.com**, and their officers, agents, servants, employees, attorneys, and any other persons or entities in active concert or participation with them, including **eBay** and **PayPal** and all financial institutions such as **eBay and PayPal**<sup>1</sup> holding money or assets of any kind in the name and/or for the benefit of the above-named Defendants, 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, to wit:

- A) transferring, spending, hypothecating, concealing, encumbering, withdrawing, removing, dissipating, distributing, or allowing the transfer, removal, withdrawal or encumbering from any financial institution or from any other entity or location or from the jurisdiction of this Court, any money, cash, 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,

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<sup>1</sup>**Known** accounts (individual and business) registered with eBay and 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:" **130231331332, 130232207182, 140238048104, 140228410992, 130218868583, 140232326343, 140181839205, 140181842342 and 140095338583.**

in possession or custody of, standing in the name of, or claimed by 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; without further order of this Court; and

- B) opening or causing to be opened any safe deposit boxes or storage facilities titled in the name of Defendants, or subject to access or control by Defendants, without providing Plaintiff and the Court prior notice by motion seeking such access.

2. **IT IS FURTHER ORDERED** that Defendants **PAUL MANUEL CANDELARIA, ANGELA CANDELARIA, and CANDELARIA RANCH, LLC** doing business as **wildhohunt.com** and **wildhohunttexas.com**, their officers, agents, servants, employees, attorneys, and any other persons or entities in active concert or participation with them, are prohibited from transferring, spending, encumbering, withdrawing, or removing any sum of money from any accounts, assets or property referenced in Paragraph 1 of this Order, **or** from any and all other such account(s) and assets where monies or proceeds from the operation of Defendants’ hunting businesses have been used, placed, deposited, transferred, invested or commingled. However, Defendants are not prohibited from expending monies for reasonable living expenses and attorney fees from other assets standing in their names which have not and do not contain monies or proceeds from the operation of **CANDELARIA RANCH, LLC** doing business as **wildhohunt.com** and **wildhohunttexas.com**.

3. **IT IS FURTHER ORDERED** that if any of the parties, persons, or entities referenced in this Order agree in writing, through their authorized representatives or counsel, to specify that certain assets be or remain frozen and/or that certain assets be released from the asset freeze ordered herein, pending the completion of any scheduled Temporary Injunction hearing, then such parties or entities may do so. **IT IS ORDERED** that any bank, financial institution, person, or other entity holding funds in the name of or for the benefit of any party, person, or entity referenced in this Order, shall comply with any written directive relating to the freezing or unfreezing of any bank account or asset referenced in this Order, without further order of this Court pending any scheduled Temporary Injunction hearing, provided such written directive is signed by an Assistant Attorney General representing the STATE OF TEXAS **and** an authorized representative or attorney of such Defendant, person or entity with custody or control of the bank account or asset involved.

4. **IT IS FURTHER ORDERED** that Defendants **PAUL MANUEL CANDELARIA, ANGELA CANDELARIA, and CANDELARIA RANCH, LLC** doing business as **wildhohunt.com** and **wildhohunttexas.com**, 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 restrained from engaging in the following acts or practices, to wit:

- 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 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;
- 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; and
- H) operating hunting services for consumers inside and outside the State of Texas, or in any way initiating contact with any business or person for the purpose of soliciting services, on behalf of, or for the benefit of, Defendants.

5. **IT IS FURTHER ORDERED** that Defendants **PAUL MANUEL CANDELARIA, ANGELA CANDELARIA, and CANDELARIA RANCH, LLC** doing business as **wildhohunt.com** and **wildhohunttexas.com**, advise any financial or brokerage institution, escrow agent, title company, storage facility, commodity trading company, business entity or person maintaining or having custody or control of any account or other asset of Defendants, to within five (5) business days of the date of service of this Order, provide to counsel for Plaintiff STATE OF TEXAS and the Defendant/account-holder 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 estimated value of such assets, as of the close of business on the day on which this Order is served, and provide to the Office of the Attorney General a monthly balance on each account;
- C) if the account(s) or other asset(s) 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 was transferred or remitted; and
- D) the identification of any safe deposit box or storage facility that is in the name individually or jointly of Defendants, or is otherwise subject to access or control by Defendants.

6. **IT IS FURTHER ORDERED, ADJUDGED AND DECREED** that, as used in this Order, the following terms are defined as follows:

- A) “Consumer” means an individual, person, sole proprietorship, partnership, corporation, firm, or entity of any kind, however organized, including this state, or a subdivision or agency of this state who seeks or acquires, by purchase or lease, any goods or services;
- B) “Defendant(s)” means **PAUL MANUEL CANDELARIA, ANGELA CANDELARIA, and CANDELARIA RANCH, LLC** doing business as **wildhohunt.com** and **wildhohunttexas.com**, their successors, assigns, officers,

agents, subcontractors, servants, employees, corporations, and any other persons in active concert or participation with them;

- C) “Defendant(s)’ businesses” means any other sole proprietorship, firm, partnership, corporation, association, joint venture or other group, or business entity of any kind or form, however organized that sells or offers to sell any travel or travel-related service or product to any consumer ; and
- D) “Representing”, “selling”, “marketing”, “promoting”, “distributing”, “advertising” or “soliciting” means any type of contact with a consumer or entity for the purpose of requesting, persuading, or seeking any type of contribution, sponsorship, compensation, or anything of value from said consumer or entity for any reason whatsoever, including use of the Internet.

7. **IT IS FURTHER ORDERED** that Plaintiff STATE OF TEXAS shall be granted leave to take telephonic, video, written, and other depositions with Requests for Production of any party, person or witness prior to any scheduled Temporary Injunction hearing and prior to Defendants’ answer date upon reasonable shortened notice to Defendants or their attorneys, if known, and that Plaintiff STATE OF TEXAS shall be granted leave to file any corresponding Business Records Affidavits with reasonable, shortened notice.

8. **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 fourteenth (14) day after entry, or until further order of this Court, whichever is less.

9. The Clerk of the above-entitled Court shall forthwith issue an Ex Parte Temporary Restraining Order 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 bond pursuant to TEX. BUS. & COM. CODE § 17.47(b).

10. Hearing on Plaintiff STATE OF TEXAS' Application for Temporary Injunction is hereby set for the \_\_\_\_ day of \_\_\_\_\_, 2010, at \_\_\_\_ o'clock \_\_\_\_ . m.

SIGNED this \_\_\_\_ day of \_\_\_\_\_, 2010 at \_\_\_\_ o'clock \_\_\_\_ . m.

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**JUDGE PRESIDING**