

IN THE \_\_\_\_\_ COURT OF EL PASO COUNTY, TEXAS

THE STATE OF TEXAS §  
Plaintiff §  
v. §  
ADVENT HARVEST ACADEMY CORP., §  
d/b/a SUNRISE PRIVATE HIGH SCHOOL, §  
LONGHORN PRIVATE HIGH SCHOOL, and §  
BLUEBONNET PRIVATE HIGH SCHOOL; §  
TERI LYNN TOUT-DENNIS, §  
INDIVIDUALLY AND AS DIRECTOR §  
OF EDUCATION, AND MIKE MARTIN, §  
INDIVIDUALLY AND AS EXECUTIVE §  
SCHOOL DIRECTOR §

2016  
Cause No. ~~2016~~-4117

**EX PARTE TEMPORARY RESTRAINING ORDER**

1. Plaintiff, State of Texas, has filed its Original Petition in this cause seeking a temporary and permanent injunction against Advent Harvest Academy Corp., d/b/a Sunrise Private High School, Longhorn Private High School and Bluebonnet Private High School; Teri Lynn Tout-Dennis, Individually and as Director of Education for all the above-mentioned schools; and Mike Martin, Individually and as Executive School Director of all the above-mentioned schools, hereinafter referred to as Defendants and in the same petition has presented its request for an ex parte temporary restraining order.

2. The Court finds that Defendant s may be violating § 17.46(a) and (b) of the Deceptive Trade Practices-Consumer Protection Act, TEX. BUS. & COM. CODE ANN. § 17.41 *et seq.* (“DTPA”), Section 17.08 of the TEX. BUS. & COM. CODE ANN. § 17.01 *et seq.*

3. It appears from facts set forth in the Plaintiff’s Original Petition and the exhibits and

sworn affidavits attached thereto that unless Defendants are immediately restrained from the acts prohibited below, Defendants will commit such acts before notice can be given and a hearing can be held on the State of Texas' request for a temporary injunction, and Defendants will continue to take money unlawfully from consumers, provide them with worthless certificates which they contend are valid high school diplomas. Such injury would be irreparable because continued violations of the DTPA, the Education Code and TEX. BUS. & COM. CODE ANN. § 17.01 *et seq* may well cause many more consumers to be lured into purchasing the products offered by Defendants.

4. **IT IS THEREFORE ORDERED** that Advent Harvest Academy Corp., d/b/a Sunrise Private High School, Longhorn Private High School and Bluebonnet Private High School; Teri Lynn Tout-Dennis, Individually and as Director of Education, and its agents, servants, relatives, 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:

(a) Transferring, concealing, destroying or removing from the jurisdiction of this Court any books, records, documents, invoices, or other written materials relating to Defendant's business which are in Defendant's possession, custody, or control except in response to further orders or subpoenas in this cause;

(b) Transferring, spending, 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, arising out of or derived from

Defendant's business operation within the State of Texas, save and except for reasonable and necessary expenditures in the ordinary course of business;

(c) Representing to persons in the State of Texas that upon completing their on-line exam that they will receive a high school diploma;

(d) Representing to persons in the State of Texas that they are authorized to issue a high school diploma on the basis of an on-line exam;

(e) Representing to persons in the State of Texas that they are authorized to administer any type of high school equivalency exam in Texas;

(f) Advertising or otherwise representing to persons in the State of Texas that they can provide a person with a high school diploma in any manner or in any form;

(g) Advertising or otherwise using the acronym G.E.D. in the State of Texas to mean or represent anything other than "General Educational Development";

(h) Receiving, soliciting, or otherwise accepting money or compensation in any manner or form from any person in Texas for the purpose of providing that person or any other person with a high school diploma, or for the purpose of administering a high school equivalency test to that person or to any other person; and

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

6. **IT IS FURTHER ORDERED** that Defendant in this cause be and hereby is 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.

7. **IT IS FURTHER ORDERED** that 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 under TEX. BUS. & COM. CODE ANN. § 17.47(b).

Hearing on Plaintiff, State of Texas' Application for an Temporary Injunction is hereby set for the 4<sup>th</sup> day of ~~October~~<sup>Nov.</sup>, 2010 at 2 o'clock, P m.

SIGNED this 21 day of Oct, 2010, at 10<sup>25</sup> o'clock, A. m.



JUDGE PRESIDING