

FILED 10 NOV 3 10 AM 10:29  
DANIEL R. BARKS  
DISTRICT CLERK

Cause No. 09-C-089

10 NOV -3 AM 10:29

STATE OF TEXAS,  
Plaintiff

IN THE DISTRICT COURT OF  
CASS COUNTY, TEXAS

v.

BY \_\_\_\_\_ DEPUTY

PATRICIA WILSON a.k.a Patricia L.  
Ferraris a.k.a. Patricia Gumm, E TEX  
EQUINE COMPANY, and E-TEX  
INTERIOR SOLUTIONS, LLC dba  
ETEX INTERIORS,  
Defendants

5<sup>th</sup> JUDICIAL DISTRICT

**AGREED FINAL JUDGMENT AND PERMANENT INJUNCTION  
AS TO PATRICIA WILSON AND E TEX EQUINE COMPANY**

Plaintiff, the State of Texas, acting by and through Attorney General Greg Abbott, and Defendants PATRICIA WILSON and E TEX EQUINE COMPANY have consented to the entry of this Agreed Final Judgment and Permanent Injunction as to Patricia Wilson and E Tex Equine Company.

The Court, after considering the agreement of the parties and the pleadings, is other opinion that the said agreement should be and hereby in all things approved, and accordingly, that this Agreed Final Judgment and Permanent Injunction as to Patricia Wilson and E Tex Equine Company should be and is hereby entered.

**1. STIPULATIONS**

1.1 Plaintiff and Defendants PATRICIA WILSON and E TEX EQUINE COMPANY stipulate to the monetary judgments specified herein.

1.2 Plaintiff and Defendants PATRICIA WILSON and E TEX EQUINE COMPANY stipulate that Defendants' indebtedness to the State of Texas for civil penalties specified herein in non-dischargeable pursuant to 11 U.S.C. § 523(a)(7).

1.3 Defendants PATRICIA WILSON and E TEX EQUINE COMPANY waive the issuance and service of a writ of injunction and acknowledge by the signature below that they have received notice and receipt of this injunction.

1.4 Defendant PATRICIA WILSON stipulates that as of October 4, 2010, she is no longer engaging in the business of selling horses. This includes the advertising, selling, trading, consigning, brokering, acquiring horses for the purpose of resale, or the offering for sale of horses, regardless of who owns the horse.

## **2. FINDINGS**

1.5 The court finds that Defendants PATRICIA WILSON and E TEX EQUINE COMPANY violated section 17.46 of the DTPA and that unless they are enjoined from the acts prohibited below, Defendants PATRICIA WILSON and E TEX EQUINE COMPANY may continue to commit such acts.

## **3. DEFINITIONS**

3.1 “Patricia Wilson” means Defendant Patricia Wilson, as well as any other name used by Patricia Wilson, including but not limited to Patricia Ferraris and Patricia Gumm.

3.2 “Representing” and “misrepresenting” include representing and misrepresenting expressly or by implication.

3.4 “DTPA” means the Texas Deceptive Trade Practices—Consumer Protection Act.

3.5 “Coggins tests” means the test for Equine Infectious Anemia (EIA). “Coggins test report” means form VS 10-11, as published by the U.S. Department of Agriculture, (or any subsequent forms published by this state of the U.S. Department of Agriculture) which shows the EIA test results.

#### 4. INJUNCTIVE RELIEF

4.1 IT IS THEREFORE ORDERED THAT Defendants PATRICIA WILSON and E TEX EQUINE COMPANY and their officers, agents, servants, employees, and all persons in active concert or participation with Defendants who receive notice of this Order by service or otherwise, shall be permanently prohibited from the following acts and practices:

- A. Engaging in the business of selling horses. This includes the advertising, selling, trading, consigning, brokering, acquiring horses for the purpose of resale or the offering for sale of horses, regardless of who owns the horse. Defendants are prohibited from working (paid or unpaid) with other individuals or entities in the business of selling horses;
- B. Making misrepresentations as to the identity, height, wellness, or rideability of a horse that is offered for sale or trade;
- C. Making misrepresentations as to the possession of a current Coggins test report regarding a specific horse;
- D. Providing a Coggins test report for a horse that does not represent the Coggins test report for that specific horse;
- E. Selling, trading, or transferring ownership of a horse without the proper Coggins test Report;
- F. Advertising horses with the intent not to sell them as advertised;
- G. Representing that a guarantee or warranty confers or involves rights or remedies, including but not limited to a full refund, which it does not have or involve;
- H. Failing to disclose information concerning horses, including but not limited to rideability, size, markings, injuries, health, training, and ownership history which

if known by the consumer at the time of the transaction would potentially cause the consumer to not enter into the transaction;

- I. The use of any name or alias by Defendant Patricia Wilson other than her legal name when selling horses to consumers. This includes the use of names of businesses, ranches, stables, farms, and camps, unless such entity is legally registered with the state by Defendant Patricia Wilson;
- J. Failing to disclose to a consumer that a horse is being sold on behalf of another person or entity;
- K. Failing to disclose to a consumer that a horse is being sold on a consignment basis or other arrangement;
- L. Making a misrepresentation about the ownership history of a horse;
- M. Making a misrepresentation as to the registration of a horse;
- N. Failing to provide a current Coggins test report upon the sale or transfer of a horse;
- O. Sedating or otherwise medicating a horse to appear calm prior to the delivery of a horse to a consumer;
- P. Sedating or otherwise medicating a horse to appear calm prior to an inspection of the horse by a consumer;
- Q. Failing to honor a guarantee or warranty offered to a consumer;
- R. Causing confusion or misunderstanding as to the owner or ownership history of a horse;
- S. Selling or transferring ownership of a horse when the horse has any health problems or is suspected of having any health problems (including but not limited

to EIA, strangles, blindness or other vision problems, lameness, hoof problems, fever, coughing, skin lesions, allergies) unless such problems are expressly disclosed to consumers in writing;

- T. Selling or transferring ownership of a horse when the horse has any behavioral problems or is suspected of having any behavioral problems (including but not limited to cribbing, bucking, aggression) unless such problems are expressly disclosed to consumers in writing;
- U. Failing to provide documentation to a consumer when Defendant Patricia Wilson has promised to provide such documentation or when such documentation may be required by law. This includes the Coggins test report, registration, contract, bill of sale, Certificate of Veterinary Inspection, or other health records; and
- V. Altering, tampering or otherwise modifying a Coggins test report.

4.2 IT IS FURTHER ORDERED THAT Defendant PATRICIA WILSON shall provide copies of this Agreed Final Judgment and Permanent Injunction to John Taylor and Russell Taylor within twenty days of the date of this judgment.

## **5. MONETARY RELIEF**

5.1 IT IS FURTHER ORDERED THAT the State of Texas shall have judgment against Defendants PATRICIA WILSON and E TEX EQUINE COMPANY, jointly and severally, in the amount of SIXTY FIVE THOUSAND THREE HUNDRED DOLLARS AND NO CENTS (\$65,300.00) to be used for restoration of money or other property taken from consumers of Defendants PATRICIA WILSON and E TEX EQUINE COMPANY. The State of Texas shall disburse any collected restitution herein to consumers as it deems appropriate and necessary. It is further ordered that any restitution monies collected pursuant to this judgment

that remain undistributed after a reasonable time shall revert to the State of Texas and shall be credited to the judicial fund for programs approved by the supreme court that provide basic civil legal services to the indigent, pursuant to Tex. Gov't Code Ann. § 402.007.

5.2 IT IS FURTHER ORDERED THAT the State of Texas shall have judgment against Defendants PATRICIA WILSON and E TEX EQUINE COMPANY, jointly and severally, in the amount of TEN THOUSAND DOLLARS AND NO CENTS (\$10,000.00) as civil penalties pursuant to Tex. Bus. & Com. Code Ann. § 17.47(c)(1). It is further ordered that these civil penalties are for a governmental unit and are not compensation for actual pecuniary loss.

5.3 IT IS FURTHER ORDERED THAT the State of Texas shall have judgment against Defendants PATRICIA WILSON and E TEX EQUINE COMPANY, jointly and severally, in the amount of FIFTEEN THOUSAND DOLLARS AND NO CENTS (\$15,000.00) as reasonable and necessary attorneys' fees and investigative costs.

5.4 IT IS FURTHER ORDERED that Defendants PATRICIA WILSON and E TEX EQUINE COMPANY shall make payments pursuant to this judgment via cashier's check or money order, made payable to the Texas Attorney General, and delivered to the Consumer Protection and Public Health Division, 1412 Main St., Ste. 810, Dallas, Texas 75202, referencing AG#082536830.

5.5 As evidenced by the signature below, Defendants PATRICIA WILSON and E TEX EQUINE COMPANY have received actual notice of this permanent injunction.

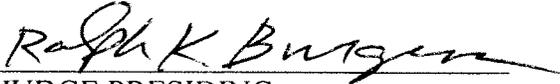
5.6 IT IS FURTHER ORDERED that the Clerk of this Court shall, upon request of Plaintiff, issue a Write of Permanent Injunction in conformity with the law and terms of this Order to Defendants PATRICIA WILSON and E TEX EQUINE COMPANY.

- 5.7 This judgment shall in no way affect the rights of individual citizens.
- 5.8 The Court retains jurisdiction to enforce this judgment and injunction.
- 5.9 All costs of court incurred up to the date of this judgment are to be paid by

Defendant Patricia Wilson.

5.10 All relief not granted herein as to Defendants Patricia Wilson and E Tex Equine Company is denied.

Signed in this 3rd day of Nov. 2010.

  
JUDGE PRESIDING

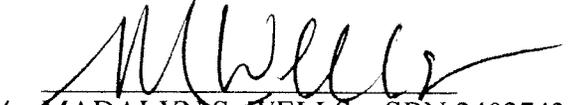
AGREED:

GREG ABBOTT  
Attorney General of Texas

DANIEL T. HODGE  
First Assistant Attorney General

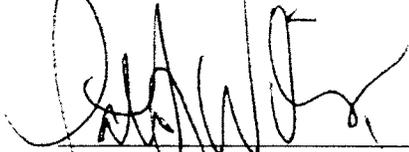
BILL COBB  
Deputy Attorney General for Civil Litigation

PAUL D. CARMONA  
Chief, Consumer Protection & Public Health Division

  
MADALYN S. WELLS—SBN 24027430  
ANDREW D. LEONIE—SBN 12216500  
STEVEN ROBINSON—SBN 24046798  
PATRICIA STEIN—SBN 24033222  
Assistant Attorneys General  
Consumer Protection & Public Health Division  
1412 Main St., Ste. 810  
Dallas, Texas 75202  
(214) 969-7639 ext. 8830

(214) 969-7615 fax

ATTORNEYS FOR PLAINTIFF

A handwritten signature in black ink, appearing to read 'Patricia Wilson', written over a horizontal line.

PATRICIA WILSON, individually and  
as Director of E TEX EQUINE COMPANY  
9759 State Hwy. 155  
Avinger, Texas 75630

DEFENDANTS