

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 a rendition of a final judgment, the possibility of restitution for Texas consumers will be remote unless an order freezing certain assets is granted.

ASSET FREEZE

1. **IT IS THEREFORE ORDERED** that Defendants COLLEZIONE DECOR, LLC, THOMAS SLANEY and ELSA VALDEZ SLANEY and their officers, agents, servants, employees, and any other persons or entities in active concert or participation with them, and all financial institutions 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:

(A) transferring, spending, hypothecating, concealing, encumbering, withdrawing, removing, dissipating, distributing, or allowing the transfer, removal, withdrawal or encumbering from any financial institution to include but not limited to:

- (i) International Bank of Commerce, account numbers: XXX XXX 001, XXX XXX 4068, XXX XX 240 and XXX XXXX 157;
- (ii) Wells Fargo Bank, account number: XXXX XXX 999;
- (iii) Bank of America, account number XXX XXX 605;
- (iv) Falcon Bank, account number: XXX XXX 916; and
- (v) Texas Community Bank, account numbers: XXX XXXX 061 and XXX XXXX 744, 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, in possession or custody of, standing in the name of, or claimed by Defendants, 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, their officers, agents, successors, assigns, servants, employees, subcontractors, corporations and any other persons in active concert or participation with them, **SHALL BE RESTRAINED** from transferring, spending, encumbering, withdrawing, or removing any sum of money from any accounts, assets or property referenced in Paragraph 1(A) of this Order, or from any and all other such account(s) and assets where monies or proceeds from the operation of Defendants' furniture and household furnishings sales business, 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 Collezione Decor, LLC, or Picture Factory & Accents.
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.

4. **IT IS FURTHER 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.

RESTRAINING ORDER

5. **IT IS FURTHER ORDERED** that Defendants, their officers, agents, successors, assigns, servants, employees, subcontractors, corporations 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 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, 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;

- (C) 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;
- (D) falsely advertising and making deceptive, misleading, and/or false claims to consumers inside and outside of the State of Texas, expressly or by implication, that goods are in stock and available for shipping when in fact Defendants are not in possession of the goods;
- (E) falsely advertising or making deceptive, misleading, and/or false claims to consumers inside and outside the State of Texas, expressly or by implication, that goods will be shipped on a date certain and/or received on a date certain;
- (F) failing to deliver products for which payments have been made; and
- (G) failing to provide and remit partial or full refunds to consumers that were initially promised refunds or who request refunds.

6. **IT IS FURTHER ORDERED** that Defendants 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 were 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.

7. **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 entities 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 COLLEZIONE DECOR, LLC, THOMAS SLANEY and ELSA VALDEZ SLANEY, their officers, agents, successors, assigns, servants, employees, subcontractors, 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 furniture and household furnishings; 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.

8. **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 shall be granted leave to file any corresponding Business Records Affidavits with reasonable, shortened notice.

9. **IT IS FURTHER ORDERED** that Defendants in this cause are hereby 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.

10. 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 bonds pursuant to TEX. BUS. & COM. CODE § 17.47(b).

11. Hearing on Plaintiff STATE OF TEXAS' Application for Temporary Injunction is hereby set for the 6th day of September, 2011, at 10:00 o'clock A. m.

SIGNED this 23rd day of August, 2011 at _____ o'clock _____ m.

Alma Sauer

 JUDGE PRESIDING

State v. Collezione Decor,
 Ex Parte Temporary Restraining Order



This copy of the original I certify
 the 14th day of Aug 2011

 Deputy