



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 the continued violations of the DTPA, LETSA, and common law breaches of fiduciary duties 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.

### DEFINITIONS

1. **IT IS HEREBY 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 **TEXAS HIGHWAY PATROL MUSEUM; TEXAS HIGHWAY PATROL ASSOCIATION; THPA SERVICES, INC.; TIMOTHY TIERNEY; KENNETH LANE DENTON; MARK LOCKRIDGE; STEVEN JENKINS; RUBEN VILLALVA, JR.; TED RIOJAS; FRED RIOJAS; GREGG GREER; JAMES COLUNGA; and ROBERT BERNARD, JR.**, their successors, assigns, officers, agents, subcontractors, servants, employees, corporations, and any other persons in active concert or participation with them;
- C. "Defendant(s)" "Charitable organization or business" 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 offers to sell any advertisement or solicits donations from 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, donation or anything of value from said consumer or entity for any reason whatsoever, including use of the Internet.

### **RESTRAINING ORDER**

2. **IT IS HEREBY ORDERED** that Defendants **TEXAS HIGHWAY PATROL MUSEUM; TEXAS HIGHWAY PATROL ASSOCIATION; THPA SERVICES, INC.; TIMOTHY TIERNEY; KENNETH LANE DENTON; MARK LOCKRIDGE; STEVEN JENKINS; RUBEN VILLALVA, JR.; TED RIOJAS; FRED RIOJAS; GREGG GREER; JAMES COLUNGA; and ROBERT BERNARD, JR.**, 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 electronic materials relating to the business of Defendants currently or hereafter in Defendants' 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 or custody of, standing in the name of, or claimed by Defendants without further order of this court; including but not limited to all property located at 501 Oakland Avenue, Austin, Texas 78703; 812 S. Alamo, San Antonio, Texas 78205; 111 W. Anderson Lane, Suite E328, Austin Texas 78701; 8209 Long Point Drive, Houston Texas ; 2150 Trawood, Suite A-240, El Paso, Texas; 11037 FM 1960 Road, A-1, Houston, Texas; 3993 FM 1960, Houston, Texas; and 3040 FM 1960, #156, Houston, Texas.

C. Opening or causing to be opened any safe deposit boxes or storage facilities titled in the name of Defendants or any of Defendants' assumed names, or subject to access or control by Defendants, without providing Plaintiff and the Court prior notice by motion seeking such access;

D. Soliciting funds on behalf of or for the benefit of Defendants for any charity or nonprofit organization which uses "Texas Highway Patrol {include all the names restricted by the statute}" as any part of its name;

E. Representing, expressly or by implication, that Defendants, their publications, museum or other organizations are affiliated with, endorsed by, authorized by, supported by, associated with, or in any way related to any law enforcement organization, group or cause including "Texas Department of Public Safety," "Department of Public Safety," "Texas Ranger," or "Texas Highway Patrol";

F. Mailing, faxing, or forwarding any invoice, letter, or thing to any business or person

wherein such invoice, letter, or thing seeks, demands, or requests any type of payment or contribution from said business or person;

G. Telephoning, calling or in any way initiating contact with any business or person for the purpose of seeking, selling, or requesting any type of contribution, money, or funds for advertising from said business or person;

H. Operating any type of telemarketing operation on behalf of any publication; and

I. Operating any type of corporation, organization, group, association, museum, magazine or periodical which uses as any part of its name "Texas Department of Public Safety," "Department of Public Safety," "Texas Ranger," or "Texas Highway Patrol."

3. **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.

**ASSET FREEZE**

4. **IT IS HEREBY ORDERED** that Defendants **TEXAS HIGHWAY PATROL MUSEUM; TEXAS HIGHWAY PATROL ASSOCIATION; THPA SERVICES, INC.; TIMOTHY TIERNEY; KENNETH LANE DENTON; MARK LOCKRIDGE; STEVEN JENKINS; RUBEN VILLALVA, JR.; TED RIOJAS; FRED RIOJAS; GREGG GREER; JAMES COLUNGA; and ROBERT BERNARD, JR.**, their officers, agents, assigns, servants, employees, attorneys, and any other persons or entities in active concert or participation with them and all

financial institutions such as **Randolph Brooks Federal Credit Union<sup>1</sup>**, **Prosperity Bank<sup>2</sup>**, **Charles Schwab<sup>3</sup>**, **Bank of America<sup>4</sup>**, **American Express<sup>5</sup>**, and **Citibank, N.A<sup>6</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

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<sup>1</sup> *Known* accounts at Bank subject to this Order include, but are not limited to, account numbers [REDACTED], standing in the name of **TEXAS HIGHWAY PATROL MUSEUM**.

<sup>2</sup> *Known* accounts at Bank subject to this Order include, but are not limited to, account number [REDACTED], standing in the name of **TEXAS HIGHWAY PATROL MUSEUM**; account number [REDACTED], standing in the name of **TEXAS HIGHWAY PATROL ASSOCIATION**; account number [REDACTED] standing in the name of **THPA SERVICES, INC.**

<sup>3</sup> *Known* accounts at Bank subject to this Order include, but are not limited to, account number [REDACTED], standing in the name of **TEXAS HIGHWAY PATROL ASSOCIATION**.

<sup>4</sup> *Known* accounts at Bank subject to this Order include, but are not limited to, account number ...4239, standing in the name of **TEXAS HIGHWAY PATROL MUSEUM**.

<sup>5</sup> *Known* accounts at Bank subject to this Order include, but are not limited to, account number ...27007, standing in the name of **RUBEN VILLALVA AND TEXAS HIGHWAY PATROL ASSOCIATION**; account number ...29003, standing in the name of **RUBEN VILLALVA AND TEXAS HIGHWAY PATROL ASSOCIATION**; account number ...11006 standing in the name of **RUBEN VILLALVA, JR. AND TEXAS HIGHWAY PATROL ASSOCIATION**; account number ...01006, standing in the name of **RUBEN VILLALVA AND TEXAS HIGHWAY PATROL ASSOCIATION**; account number ...62007, standing in the name of **TIM TIERNEY AND TEXAS HIGHWAY PATROL**.

<sup>6</sup> *Known* accounts at Bank subject to this Order include, but are not limited to, account number ... 0388; account number ... 0609, standing in the name of **TIM TIERNEY AND TEXAS HIGHWAY PATROL**; account number ...2371, standing in the name of **RUBEN VILLALVA, JR. AND TEXAS HIGHWAY PATROL**; account number ...7634 standing in the name of **RUBEN VILLALVA JR., AND TEXAS HIGHWAY PATROL ASSOCIATION SERVICES, INC.**; account number ...1960, standing in the name of **STEVEN JENKINS AND TEXAS HIGHWAY PATROL**; account number, ...4394, standing in the name of **LANE DENTON AND TEXAS HIGHWAY PATROL**; account number ...5943, standing in the name of **LANE DENTON AND TEXAS HIGHWAY PATROL**.

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, 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, and without prior approval from this court.

5. **IT IS FURTHER ORDERED** that Defendants **TEXAS HIGHWAY PATROL MUSEUM; TEXAS HIGHWAY PATROL ASSOCIATION; TPHA SERVICES, INC.; TIMOTHY TIERNEY; KENNETH LANE DENTON; MARK LOCKRIDGE; STEVEN JENKINS; RUBEN VILLALVA, JR.; TED RIOJAS; FRED RIOJAS; GREGG GREER; JAMES COLUNGA; and ROBERT BERNARD, JR.**, their officers, agents, assigns, 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 4 of this Order, or from any and all other such account(s) and assets where monies or proceeds from the operation of Defendants' charitable or charity-related 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 **TEXAS HIGHWAY PATROL MUSEUM;**

**TEXAS HIGHWAY PATROL ASSOCIATION and TPHA SERVICES, INC.** or from monies earned by them or their family members by virtue of other employment or business ventures wholly unrelated to the operation of **TEXAS HIGHWAY PATROL MUSEUM; TEXAS HIGHWAY PATROL ASSOCIATION and TPHA SERVICES, INC.**

6. **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.

7. **IT IS FURTHER ORDERED** that Defendants **TEXAS HIGHWAY PATROL MUSEUM; TEXAS HIGHWAY PATROL ASSOCIATION; TPHA SERVICES, INC.; TIMOTHY TIERNEY; KENNETH LANE DENTON; MARK LOCKRIDGE; STEVEN JENKINS; RUBEN VILLALVA, JR.; TED RIOJAS; FRED RIOJAS; GREGG GREER; JAMES COLUNGA; and ROBERT BERNARD, JR.** , 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, if the account or other asset 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
- C. 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.

8. **IT IS FURTHER ORDERED** that 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, shall hold such funds or assets in Trust for the benefit of the owner of those funds, said owners to be determined by an agreement of the parties or by order of this court.

9. **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, unless said period is extended by an agreement of the parties or by 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 bond 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 27 day of December, 2011, at <sup>9:00 a.m.</sup> ~~10:00~~ o'clock A. m.

SIGNED this 14 day of December, 2011 at 4:35 o'clock 9:00 p.m.

  
JUDGE PRESIDING