

Cause No. 2012-28683

THE STATE OF TEXAS AND §
THE CITY OF HOUSTON §
Plaintiffs §
§
VS. §
§
D. HOUSTON, INC. D/B/A §
TREASURES; NABILCO, INC., §
AND THE PREMISES LOCATED AT §
5647 WESTHEIMER ROAD, HOUSTON, §
HARRIS COUNTY, TEXAS - IN REM §
Defendants

IN THE DISTRICT COURT OF
HARRIS COUNTY, TEXAS
164th JUDICIAL DISTRICT

AS
TINX
STBNX
TRILX

TEMPORARY INJUNCTION ORDER

CAME ON for hearing the application of the Plaintiffs, the City of Houston (“the City”) and the State of Texas (“the State”), for a temporary injunction pursuant to Chapter 125 of the Texas Civil Practice & Remedies Code (“Chapter 125” cited below by its individual Sections). The City and the State’s application is included in its Second Amended Petition filed therein. The Court finds that due notice of the hearing ^{was} ~~has been~~ given to D. Houston, Inc. d/b/a Treasures, Nabilco, Inc., and the premises located at 5647 Westheimer Road, Houston, Harris County, Texas, *in rem* (collectively referred to in this Order as “Defendants.”) All parties, including the *in rem* defendant located at 5647 Westheimer Blvd., Houston, Harris County, Texas, appeared in person or through their respective attorneys. After consideration of the evidence and arguments of counsel, the Court finds and

concludes that upon final trial the State and the City are likely to succeed on the merits ^{of their} ~~and~~
application for
~~be entitled to~~ a permanent injunction as requested in its pleadings. The Court further finds
that:

- a) based on the evidence presented by the State and the City, Defendants maintain a place to which persons habitually go for the purposes of delivery, possession, manufacture ^{or} use of a controlled substance in violation of Chapter 481, Health and Safety Code and prostitution, promotion of prostitution, aggravated promotion of prostitution as prohibited by the Penal Code, and knowingly tolerate the activity, and furthermore fail to make reasonable attempts to abate the activity; and
- b) the City and County have presented sufficient evidence to support the granting of a temporary injunction pursuant to Chapter 125, *of Texas Civil Practice and Remedies Code.*

IT IS ORDERED that Defendants shall:

1. Require all independent contractors and employees to sign the sign-in sheets ^{upon} ~~before~~ entering Defendants' premises. The sign-in sheets must also be signed and dated every Friday by David Davari, and tendered to the offices of the State via hand delivery to Senior Assistant County Attorney Fred Keyes by 3 p.m. every Monday; *beginning October 22, 2012; and*
2. Thoroughly check all bags of all independent contractors and employees each time they enter Defendants' premises. Bag checks must be performed at the front desk and be captured on camera surveillance; *and*

3. Require all employees and independent contractors to fully cover their buttocks while on Defendants' premises. Failure to do so may result in immediate suspension and possible termination of the independent contractor or employee; *and*
4. Enforce a dress code for all ~~persons~~ ^{patrons} on the Defendants' premises, specifically, shirts must be tucked in;
5. Perform state and federal criminal background checks on every person who works at Defendants' premises, including all current and future independent contractors and employees of Treasures. Background checks must be delivered to the State, via hand delivery to the offices of Senior Assistant County Attorney Fred Keys, beginning Monday, ~~September 17,~~ ^{October 22} 2012 by 3 p.m. and ~~every Monday~~ ^{within} thereafter; *one week after each new hire commences work; and*
6. Immediately terminate any independent contractor or employee found to have been convicted of any felony in the preceding ten (10) years; *and*
7. Immediately report to the Houston Police Department any sex acts or drug activity (whether observed or suspected) on Defendants' premises so that a record can be made; *and*
8. Maintain four (4) ^{certified} bouncers/security personnel stationed at all times on the second floor, one of whom shall be stationed in the hallway by the private rooms; *and*

9. Full random drug tests for all independent contractors and employees at least twice per month, testing for every possible ^{illegal} drug. The results must be hand-delivered to the offices of Senior Assistant County Attorney Fred Keys beginning Monday, ^{October 22} ~~September 17~~, 2012, by 3 p.m., and every ^{other} Monday thereafter. ~~These~~ ^{These test results are for attorneys' eyes only and may only be reviewed by the parties' counsel; and}
10. Use the existing cameras in Defendants' premises and install an additional fourteen (14) cameras in the areas designated by this Court as indicated on the attached Court's Exhibit 1 to record activity at all times ^{that} Defendants' premises are open. These recordings must be clear in order for the recorded images to be visible. Defendants must deliver these recordings every Monday by 3 p.m., beginning ^{October 22} ~~September 24~~, 2012, to the State via hand delivery to the offices of Senior Assistant County Attorney Fred Keys. These recordings are for attorneys' eyes only and ^{may only} ~~must~~ be reviewed by attorneys employed and designated by the State and the City. These recordings cannot be used for any criminal trial or any criminal process and may not be used by the Houston Police Department. The attorneys designated by the City and State have one week to view the recordings and designate portions of the recordings to be used in the trial of this case with the remaining recordings be destroyed. The City and State shall designate a third party to copy only the designated portions of the recordings for use in this proceeding. The designated third party shall not be an employee of the City, State, or Defendants or affiliated therewith and

must execute a confidentiality agreement with all parties. Representatives of Defendants, the City, and the State may be present at the location of the designated third party to ensure that the non-designated recordings are destroyed. The City and State shall thereafter retain copies of the designated recordings. The designated recordings shall not be copied or disseminated in any manner by any party.

IT IS FURTHER ORDERED that Defendants incur all costs associated with this temporary injunction order set out herein, except for the cost of the designated third party *who is retained for* the creation of the designated recordings and destruction. It is further,

ORDERED that any serious or repeated violations of this Order will result in a show cause hearing or full evidentiary hearing, prior to trial, at which time the Court will consider issuing a permanent injunction order. It is further,

ORDERED that Defendants execute a bond in compliance with Section 125.045(a) of Chapter 125, which bond must:

- (1) Be payable to the State;
- (2) Be in the amount of \$7,500.00
- (3) Have sufficient sureties approved by the Court; and
- (4) Be conditioned that Defendants will not knowingly maintain a common nuisance pursuant to Chapter 125, *The bond* ~~which~~ must be posted on or before Monday, *October 22* ~~September 17~~, 2012.

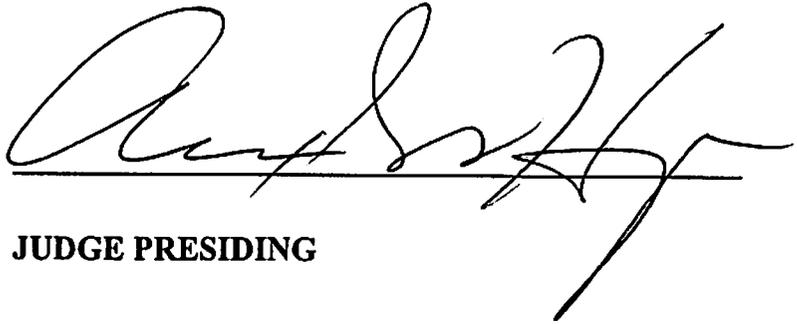
ORDERED that this cause be set for trial on the 10th day of December, 2012 at 9:00

am. It is further,

ORDERED that, in keeping with Section 6.002 of Texas Civil Practices & Remedies Code and with Article IX, Section 8 of the City's Charter, the City and State are not required to post a bond.

This Order shall be served pursuant to §125.002(c) of Chapter 125 to all parties through their attorneys of record.

SIGNED THIS 12th day of October, 2012.
~~September~~



JUDGE PRESIDING

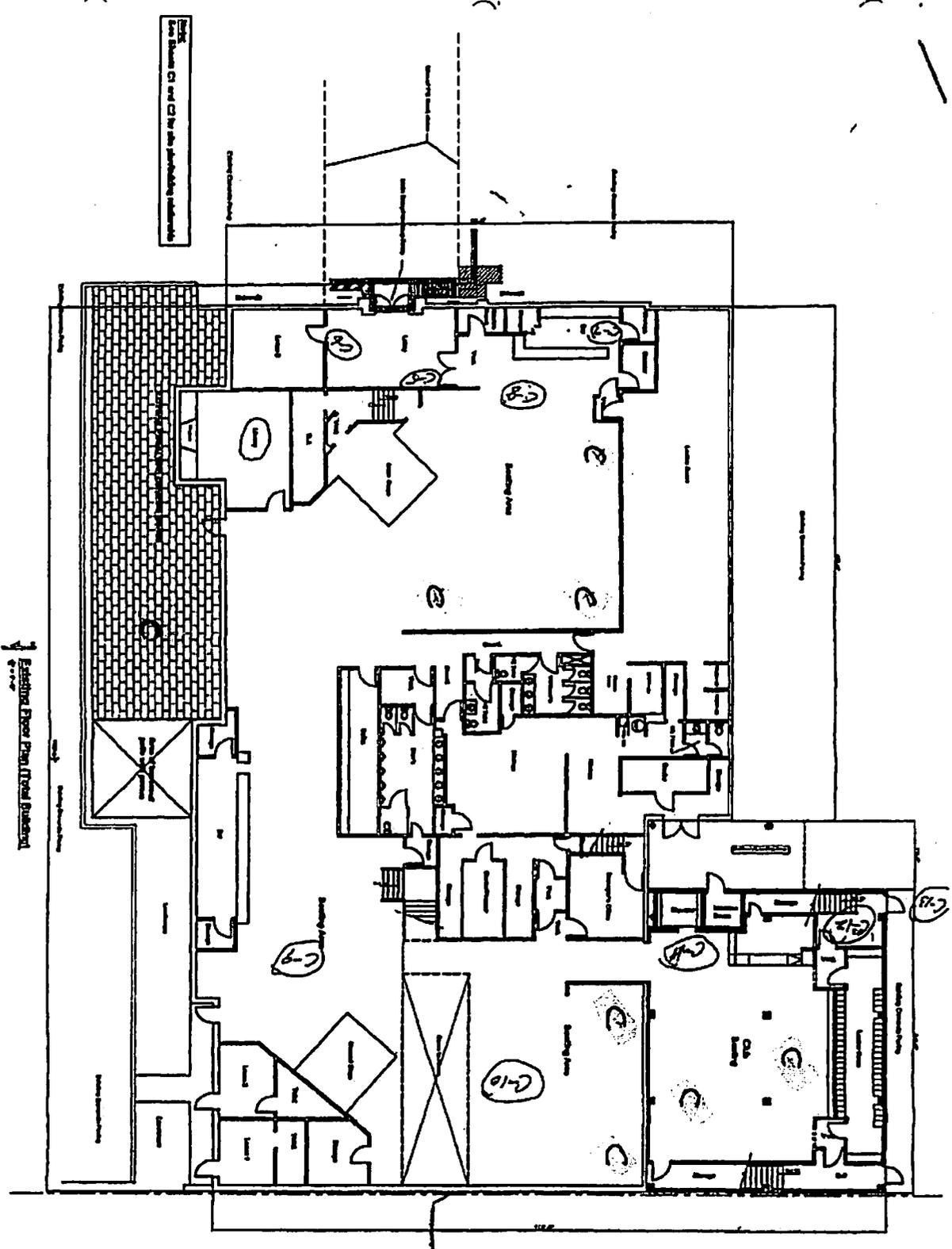
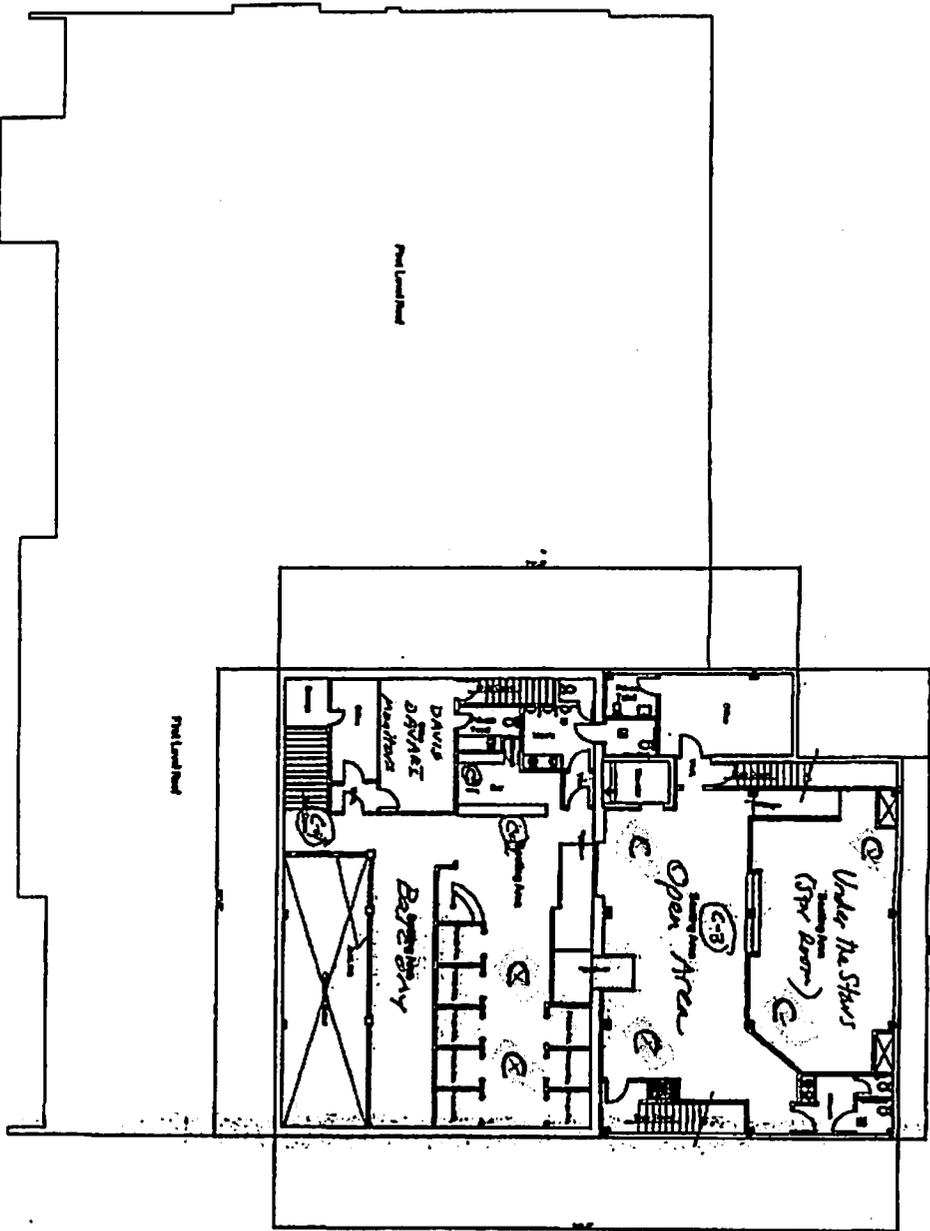


EXHIBIT
Mason's
 74 8/11/2

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Existing Second Floor (Total Building)