

PARTIES

1. The **State of Texas** is the plaintiff, represented by Harris County Vince Ryan. The State is exempt from bond and court costs.²
2. Defendant **Desai Pratap**, the owner of the Property, may be served at 2 Greenbay Circle, Houston Texas 77024.
3. Defendant **Channel View Enterprises Inc.**, owner of the Key Truck Stop, can be served by serving its registered agent, Hashim Ramiz Hasan at 8406 Port Branch, Richmond, Texas 77406.
4. Defendant **17124 I-10 East, Channelview Texas, 77530** is operated as a common nuisance. Tex. Civ. Prac. & Rem. Code § 125.0015. Plaintiffs bring this suit in rem pursuant to Tex. Civ. Prac. & Rem. Code § 125.002(b). This in rem Defendant may be served by serving the owner of the Premises, Desai Pratap, at 2 Greenbay Circle, Houston Texas 77024.

DISCOVERY CONTROL PLAN

1. The State moves the Court to issue an Order under Tex. R. Civ. P 190.4, setting the temporary injunction hearing as soon as possible after defendants have been served. And the State asks the Court to issue a docket control order under Tex. Civ. Prac. & Rem. Code § 125.045 – to prevent the continued use or maintenance of the place as a nuisance.

² Tex. Civ. Prac. & Rem. Code § 6.001.

JURISDICTION AND VENUE

5. This court has subject matter and personal jurisdiction over the cause and the parties thereto under Tex. Civ. Prac. & Rem. Code § 125.002(a).

6. Venue is proper³. The real property at issue is located in Harris County, Texas.

STATEMENT OF FACTS

7. Since January of 2010, the Harris County Sheriff's Office has documented multiple Chapter 125 violations at the Key Truck Stop, including, but not limited to, prostitution, robbery, aggravated assault, and drug offenses.

8. Defendants have knowingly tolerated this Chapter 125 and have allowed such activity to occur habitually on the Property. In light of the foregoing, as a matter of law, the Property constitutes a common nuisance within the meaning of Chapter 125.

REQUEST FOR TEMPORARY INJUNCTIVE RELIEF

9. The Key Truck Stop located at 17124 I-10 East, is knowingly maintained as a place to which persons habitually go for purposes committing crime, including delivery, possession, manufacture, or use of controlled substances in violation of the Texas Health & Safety Code. As such the property constitutes a common nuisance as defined by Section 125.0015(a) of the Texas Civil Practice & Remedies Code.

10. Defendants Desai Pratap, the Channelview Enterprises Inc., and the real property known as 17124 I-10 East, have failed or refused to abate the nuisance. Defendants are likely to continue to maintain the property as a common nuisance unless restrained by an injunctive order of the court.

³ Tex. Civ. Prac. & Rem. Code § 15.016 & § 125.002(a).

11. Unless Defendants are enjoined from maintaining the property as a common nuisance, irreparable harm will be suffered by the citizens of Houston and Harris County, Texas. Plaintiff has no other adequate remedy at law to prevent the continued maintenance of the property as a common nuisance.

12. The consequences of the above-described unlawful activities at the property, as well as the foreseeable resulting criminal activity associated with these acts, would proximately cause a person of ordinary sensibilities to be substantially frightened, discomforted, annoyed and inconvenienced in the use of any premises surrounding the property.

13. The State requests a temporary injunction. And if, after notice and a hearing, the Court determines that the State is likely to succeed on this suit to abate a common nuisance, the Court shall order reasonable requirements to prevent the use and maintenance of the place as a nuisance and require the defendants to execute a bond. Tex. Civ. Prac. & Rem. Code Ann. § 125.045(a). The bond must be payable to the STATE OF TEXAS at Harris County; be in the amount set by the Court, but no less than \$5,000 nor more than \$10,000; have sufficient sureties approved by the Court; and be conditioned that the defendants will not knowingly allow a common nuisance to exist at that place.

14. If the defendants violate any condition of the bond or any injunctive order by this Court, the Harris County Attorney Vince Ryan shall sue on the bond in the name of the State; and upon a showing of a violation of any condition of the bond or injunctive order, the whole sum of the bond, plus cost and attorney fees, should be ordered forfeited to Harris County, Texas, the originating entity. Subsequent to the bond forfeiture, the Court shall order the place where the nuisance exists closed for one year from the date of the

order of bond forfeiture.⁴ In addition, the Court may impose the laundry list of sanctions under § 125.045(b); including cutting off utilities to the place, revoking the occupancy permit, prohibit access through public streets or alleys, limit hours of operation, order termination of the tenant's lease, or any other legal remedy available under the laws of Texas.

15. If final judgment favors the State, the Court shall grant a permanent injunction ordering the defendants, Desai Pratap, Channelview Enterprises Inc., and the real property known as 17124 I-10 East, to abate the nuisance and be forever enjoined from maintaining or participating in the common nuisance existing on the property. The Court may include in its order reasonable requirements to prevent the use or maintenance of the place as a nuisance.

16. Pursuant to Section 125.003(a) of the Texas Civil Practice & Remedies Code, should any condition of the bond or any injunctive order by this court be violated, suit upon the bond in the name of the State of Texas should be allowed; and upon a showing of a violation of any condition of the bond or injunctive order, the whole sum of the bond should be ordered forfeited to Harris County, Texas, the originating entity. The place where the nuisance exists should be ordered closed for one year from the date of the order of bond forfeiture.

17. In accordance with Tex.Civ.Prac. & Rem. Code Ann. § 125.002(d), a person who violates a temporary or permanent injunctive order is subject tot the following sentences for civil contempt:

a. fine of not less than \$1,000 or more than \$10,000;

⁴ Tex. Civ. Prac. & Rem. Code § 125.003(a) & (b).

- b. confinement in jail for a term of not less than 10 or more than 30 days;
- c. both a fine and confinement.

REQUEST FOR PERMANENT INJUNCTIVE RELIEF

18. Additionally, the State seeks permanent injunctive relief.

ATTORNEY'S FEES

19. In order to litigate this case, it was necessary to secure the services of the Harris County Attorney's office. Pursuant to Tex. Civ. Prac. & Rem. Code Ann. §125.003, the County requests that defendants be adjudged jointly and severally liable for the County's reasonable attorneys' fees, investigative costs, witness fees, court costs, and any other reasonable expenses incurred in bringing this lawsuit.

BOND

20. Pursuant to Section 6.002 of the Texas Civil Practice & Remedies Code, there is no bond required of the plaintiff in bringing this suit. Additionally, pursuant to Section 125.002 of the Texas Civil Practice & Remedies Code, the plaintiff is not required to verify the allegations set forth in this petition, nor show any proof of personal injury by the acts complained herein.

ATTORNEY'S FEES

21. To litigate this case, it was necessary for the State of Texas to secure the services of Harris County Attorney Vince Ryan's Office. Pursuant to Tex. Civ. Prac. & Rem.

Code Ann. §125.003, the State requests that defendants be adjudged jointly and severally liable for the Harris County Attorney's reasonable attorney fees, investigative costs, witness fees, court costs, and any other reasonable expenses incurred in bringing this lawsuit.

22. Pursuant to Tex. Bus. & Com. Code Ann. § 71.201, the State requests that defendant [REDACTED] be adjudged liable for the Harris County Attorney's expenses incurred, including reasonable attorney fees, in locating and effecting service of process on the defendant.

VERIFICATION

23. A plaintiff-petitioner is not required to verify the allegations set forth in this petition, nor show any proof of personal injury by the acts complained herein. Tex. Civ. Prac. & Rem. Code § 125.002(a).

REQUEST FOR DISCLOSURE

24. Plaintiff requests that the defendant disclose, within 50 days of service of this request, the information or material described in Tex. R. Civ. P. 194.2.

PRAYER

The State of Texas, plaintiff-petitioner, respectfully asks that:

25. After notice and a hearing on a request for a temporary injunction, the State asks the Court to order defendants to execute a bond payable to the STATE OF TEXAS at Harris County; be in the amount set by the Court, but not less than \$5,000, nor more than

\$10,000; have sufficient sureties approved by the Court; and be conditioned that the defendant will not knowingly maintain a common nuisance to exist at 17124 I-10 East.

26. Upon final judgment, the plaintiff asks for court costs, costs of suit, costs of investigation, witness fees, deposition fees, reasonable attorney's fees, and all other relief to which plaintiff may be justly entitled.

Respectfully submitted,

VINCE RYAN
Harris County Attorney

/s/ B. Jorey Herrscher

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