

JUL 12

2016

NO. 2016-18581

Time: _____
Harris County, Texas

By _____
Deputy

THE STATE OF TEXAS,

Plaintiff,

v.

MOON MART a/k/a AZEL H. CORP., et al,

Defendants.

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IN THE DISTRICT COURT

OF HARRIS COUNTY, TEXAS

164th JUDICIAL DISTRICT

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ORDER GRANTING PLAINTIFF'S MOTION FOR STATUTORY REMEDIES DUE TO DEFENDANTS' VIOLATION OF AGREED PARTIAL TEMPORARY INJUNCTION

On the _____ day of _____, 2016, the Court heard Plaintiff's Motion for Statutory Remedies due to Defendant's Violations of the Agreed Temporary Injunction against MOON MART A/K/A AZEL H. CORP. and HAZIM H. QUADUS (collectively referred to as "Defendants"). Plaintiff, the State of Texas, appeared through counsel of record. Defendants appeared through their counsel of record.

The Temporary Injunction.

On April 20, 2016, the Court signed an Agreed Partial Temporary Injunction ("Agreed Temporary Injunction") that was signed and presented to the Court by the Plaintiff and Defendants. The Agreed Temporary Injunction ordered Defendants to post a bond of \$10,000.00, or in lieu of bond, make a cash deposit of \$10,00.00 in the Court's registry as required by Texas Civil Practice and Remedies Code § 125.045(a)(1)-(2), (a-1)(1)-(4).

The Agreed Temporary Injunction also ordered that Defendants were prohibited from the following conduct:

- a. selling, distributing, delivering, or possessing controlled substances;

- b. selling, distributing, delivering, or possessing products labeled as potpourri or incense that contain controlled substances;
- c. selling, distributing, delivering, or possessing products labeled as “not for human consumption” when the product is in fact intended for consumption;
- d. selling, distributing, delivering, or possessing products labeled as “Legal” when the product in fact contains a controlled substance;
- e. selling, distributing, delivering, or possessing products labeled as “Lab Certified” when the product in fact is not certified by a bona-fide laboratory;
- f. selling, distributing, delivering, or possessing products that do not contain the name and location of the manufacturer or distributor on the package labeling;
- g. failing to comply with City of Houston Ordinance 2014-913; and
- h. maintaining a common nuisance as defined by § 125.0015 of the Civil Practice and Remedies Code.

On April 15, 2016, Plaintiff and Defendants requested that the Court enter the Agreed Temporary Injunction. The Court finds Defendants were afforded due process and full and complete notice of entry of the Agreed Temporary Injunction on April 20, 2016.

On May 18, 2016, the Plaintiff filed its Motion for Statutory Remedies Due to Defendant’s Violation of the Agreed Temporary Injunction and served Defendants with a copy of the Motion and notice of hearing for July 11, 2016. The Court finds it has jurisdiction of the parties and this proceeding and that Defendants, MOON MART A/K/A AZEL H. CORP. and HAZIM H. QUADUS had proper notice of the Motion and these proceedings. Tex. Civ. Prac. & Rem. Code §125.002(c). The Court finds that HAZIM H. QUADUS is the sole officer of AZEL H. CORP., that he had actual notice of the Agreed Temporary Injunction, was properly served with a subpoena and Order to Show Cause to appear for the hearing of the Motion.

After considering the evidence and arguments of counsel, the Court finds that MOON MART A/K/A AZEL H. CORP. and HAZIM H. QUADUS are in contempt of the Agreed Temporary Injunction by:

- (i) Selling, distributing, delivering, or possessing controlled substances;
- (ii) Selling, distributing, delivering, or possessing products labeled as potpourri or incense that contain controlled substances;
- (iii) Selling, distributing, delivering, or possessing products labeled as “not for human consumption” when the product is in fact intended for consumption;
- (iv) Selling, distributing, delivering, or possessing products labeled as “Legal” when the product in fact contains a controlled substance;
- (v) Selling, distributing, delivering, or possessing products labeled as “Lab Certified” when the product in fact is not certified by a bona-fide laboratory;
- (vi) Selling, distributing, delivering, or possessing products that do not contain the name and location of the manufacturer or distributor on the package labeling;
- (vii) Failing to comply with City of Houston Ordinance 2014-913; and
- (viii) Maintaining a common nuisance as defined by § 125.0015 of the Civil Practice and Remedies Code.
- (ix) Failing to post a bond in the amount of \$10,000.

The Court FINDS that Defendants MOON MART A/K/A AZEL H. CORP. and HAZIM H. QUADUS violated the Agreed Temporary Injunction on May 3, 2016, by selling or offering to sell 1 packet of synthetic controlled substances (“synthetic marijuana”) to officers with the Houston Police Department Narcotics. The Court FINDS that in the synthetic marijuana, FUB-AMB, an illegal synthetic cannabinoid under the Texas Controlled Substances Act, was present in the packet.

The Court FINDS that Defendants MOON MART A/K/A AZEL H. CORP. and HAZIM H. QUADUS violated the Agreed Temporary Injunction on May 5, 2016, by selling or offering to sell 126 packets of synthetic controlled substances (“synthetic marijuana”) to officers with the

Houston Police Department Narcotics. The Court FINDS that in the synthetic marijuana, FUB-AMB, an illegal synthetic cannabinoid under the Texas Controlled Substances Act, was present in the packet.

The Court FINDS that each packet of synthetic marijuana constitutes a separate violation of the Agreed Temporary Injunction.

The Court FINDS that Defendants MOON MART A/K/A AZEL H. CORP. and HAZIM H. QUADUS violated the Agreed Temporary Injunction by failing to post a bond.

IT IS THEREFORE ORDERED THAT:

1) Upon entry of this Order, the business owned and operated by Defendants known as Moon Mart and located in the space at 10010 La Porte Freeway, Houston, Texas shall be closed immediately and remain closed for one year. Tex. Civ. Prac. & Rem. Code § 125.003.

2) Defendants MOON MART A/K/A AZEL H. CORP. and HAZIM H. QUADUS are each ordered to pay a fine of \$10,000 by cashier's check payable to the Harris County Treasurer. Tex. Civ. Prac. & Rem. Code § 125.002(d).

3) The certificate of occupancy for the space at 10010 La Porte Freeway, Houston, Texas is hereby revoked and the Building Official for the City of Houston shall revoke and shall not renew the certificate of occupancy for the space until further order of the Court. Tex. Civ. Prac. & Rem. Code § 125.045(b) (3).

4) Any utility service providers, including the City of Houston Water Department, and any utility companies or retail electric providers and, specifically, CenterPoint Energy, Reliant Energy and Direct Energy serving the space at 10010 La Porte Freeway, Houston, Texas for a

period of one year or until further order of the Court. Tex. Civ. Prac. & Rem. Code § 125.045(b)(1)(2).

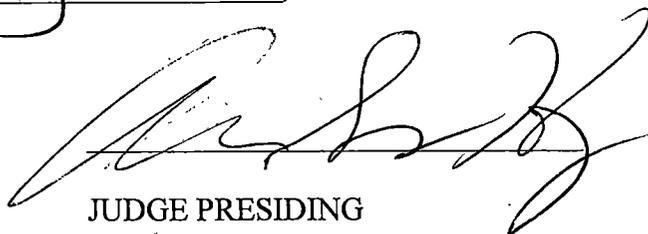
5) Defendant CJ Holdings, Inc and the Real Property Known as 10010 La Porte Freeway,

Houston, Texas is ORDERED to terminate the lease with MOON MART A/K/A AZEL H. CORP. and HAZIM H. QUADUS for the space located at 10010 La Porte Freeway, Houston, Texas, to change the locks on all doors as soon as reasonably practicable, and to not knowingly permit access to the space to Defendants MOON MART A/K/A AZEL H. CORP. and HAZIM H. QUADUS or its officers, agents, or employees, except on further order of the Court. Tex. Civ. Prac. & Rem. Code § 125.045(b)(1)(2).

6) Defendants MOON MART A/K/A AZEL H. CORP. and HAZIM H. QUADUS are each ordered to pay a civil penalty of \$50,000 as allowed under DTPA § 17.47(e).

All terms of the Agreed Temporary Injunction remain in full force and effect until completion of the final trial of this matter.

SIGNED THIS 11 day of July, 2016


JUDGE PRESIDING

ENTRY REQUESTED BY:

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ATTORNEYS FOR PLAINTIFF,
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I, Chris Daniel, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.

Witness my official hand and seal of office this July 12, 2016

Certified Document Number: 71025888 Total Pages: 6

Chris Daniel, DISTRICT CLERK
HARRIS COUNTY, TEXAS

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