

NO. 10-04-04387-CV

RECEIVED FILED FOR RECORD
BARBARA B. ...

2010 APR 28 AM 9:46

STATE OF TEXAS,
Plaintiff,

§ IN THE DISTRICT COURT OF

§

§

§

§

§

§

§

§

§

VS.

MONTGOMERY COUNTY, TEXAS

BY Amber Dana
DEPUTY

WESTRIDGE PINNACLE CARE, LLC
aka PINNACLE CARE SERVICES,
HECTOR J. IBARRA, individually, and
KENNETH (KENE') J. PRICE, individually
Defendants.



JUDICIAL DISTRICT

EX PARTE TEMPORARY RESTRAINING ORDER

TO THE HONORABLE JUDGE OF THE COURT:

On this day the Court considered the State's petition for a Ex Parte Temporary Restraining Order in the above entitled and numbered cause. The State of Texas appeared by its Attorney General Greg Abbott by and through his Assistant Attorney General.

The Court has examined the pleadings and the evidence and the Court is of the opinion that it has jurisdiction over the parties and the subject matter of the suit under Texas Human Resources Code § 103.0091(d) because the facility at 611 Westridge Drive, Spring, Texas 77380 is located in Montgomery County, Texas.

FURTHER, this Court has jurisdiction under the Texas Human Resources Code § 103.0091 which authorizes DADS to request that the Attorney General of Texas institute and conduct a suit seeking from this Court injunctive relief for violations of the standards or licensing requirements of Texas Human Resources Code Chapter 103. TEXAS HUMAN RESOURCES CODE § 103.0091(c).

FURTHER, the Court further finds the State's application for a temporary restraining order is authorized by Texas Human Resources Code § 103.0091.

FURTHER, the Court finds that Defendants operated and are currently operating as an adult day-care facility without a license in violation of Texas Human Resources Code Chapter 103 and further finds that there was sufficient evidence to support the findings of physical and verbal abuse.

IT IS THEREFORE ORDERED that Defendants, WESTRIDGE PINNACLE CARE, LLC aka PINNACLE CARE SERVICES, HECTOR J. IBARRA, individually, and KENNETH (KENE') J. PRICE, individually, their agents, employees and attorneys, are enjoined and restrained from operating an unlicensed adult day-care facility at 611 Westridge Drive, Spring, Texas 77380 in Montgomery County.

IT IS THEREFORE ORDERED that Defendants, WESTRIDGE PINNACLE CARE, LLC aka PINNACLE CARE SERVICES, HECTOR J. IBARRA, individually, and KENNETH (KENE') J. PRICE, individually, their agents, employees and attorneys, are to take immediate steps to assure the clients are not to return to the location at 611 Westridge Drive, Spring, Texas 77380 in Montgomery County (or any other location owned or operated by Defendants which is not licensed) during the pendency of this Temporary Restraining Order or thereafter if continued or extended by Temporary or Permanent Injunction. Such steps will include, but not be limited to, Defendants immediately notifying all clients and their caregivers, if applicable, by telephone and mail that clients are not to return to the facility until further notice pursuant to Court Order.

IT IS FURTHER ORDERED that Defendants, WESTRIDGE PINNACLE CARE, LLC aka PINNACLE CARE SERVICES, HECTOR J. IBARRA, individually, and KENNETH (KENE') J. PRICE, individually, their agents, employees and attorneys will not interfere with the State's

investigation of the facility under Texas Human Resources Code Chapter 103. This order is effective for fourteen (14) days from the date it is signed or until further order of this Court, whichever is less.

IT IS FURTHER ORDERED that a peace officer shall accompany said employees of the State if necessary to remove the residents and assure that they do not return to the location as long as the Court has ordered such.

The State is exempt from filing bond.

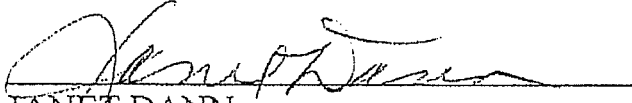
IT IS FURTHER ORDERED that a hearing will be held on a Temporary Injunction on the 7 day of May, 2010 at 9:30A m.

Signed this 28 day of April 2010 at 1017 m.



JUDGE PRESIDING

APPROVED:



JANET DANN
SBN 00792091
ROSEMARIE DONNELLY
SBN 05983020
Assistant Attorneys General
Consumer Protection & Public Health Division
808 Travis, Suite 1520
Houston, Texas 77002
(713) 223-5886
(713) 223-5821 facsimile
ATTORNEYS FOR THE STATE OF TEXAS