IN THE DISTRICT COURT OF NUECES COUNTY, TEXAS THE LYJUDICIAL DISTRICT

PERRY HESTON, INDIVIDUALLY AND D/B/A FIRST CALL PROPERTIES, JEFFERSON COWLING, INDIVIDUALLY & D/B/A FIRST CALL PROPERTIES CORPUS CHRISTI

VS.

AAA APARTMENT LOCATING, MELISSA GOMEZ, INDIVIDUALLY AND D/B/A AAA APARTMENT LOCATING, MARIO GOMEZ, AND CRAIGSLIST, INC. D/B/A CRAIGSLIST CAUSE NO. 09-2571-F

TEMPORARY RESTRAINING ORDER AND ORDER SETTING HEARING

The application of Plaintiffs, Perry Heston, Individually and d/b/a First Call Properties, Jefferson Cowling, Individually and d/b/a First Call Properties Corpus Christi, for a temporary restraining order was presented to the Court today. Defendants are AAA Apartment Locating, Melissa Gomez, Individually and d/b/a AAA Apartment Locating, Mario Gomez, and Craigslist, Inc. d/b/a Craigslist.

The Court examined the pleadings of Plaintiffs and finds that Plaintiffs are entitled to a temporary restraining order.

IT IS THEREFORE ORDERED that the Clerk of this Court issue a Temporary Restraining Order restraining Defendants, and Defendants are immediately restrained from the following until hearing and further Orders by the Court:

a. Using a reproduction counterfeit copy or colorful imitation of Plaintiffs' trademark "First Call" with accompanying telephone logo, on Craigslist, or any other public domain where ads for relocating services are located;



- b. Using the words "Call First," "First Call Properties," or "Call Us First," or similar words and/or logos which tend to cause confusion and deceives the public into believing they are doing business with "First Call."
- Posting false and defamatory statements on Craigslist, or any other public c. domain, or to the public generally:
- d. Making false statements to anyone concerning First Call Properties, Jefferson Cowling, Perry Heston, their agents, servants, or employees;
- Using a telephone logo in AAA's ads which is the same or similar to the e. telephone logo used by "First Call" in its ads; and
- f. Causing the removal of ads posted by "First Call" on Craigslist, or any other public domain, by flagging or by any other device or scheme.
- As to Craigslist, prohibiting the removal of legitimate ads posted by "First Call." g.

This restraining order is effective immediately and shall continue in force and effect until further order of this Court or until it expires by operation of law. This order shall be binding on Defendants; on Defendants' agents, servants, and employees; and on those persons in active concert or participation with them who receive actual notice of this order by personal service or otherwise.

IT IS ORDERED THAT Plaintiffs shall post a bond in the amount of

IT IS FURTHER ORDERED that the Clerk shall issue notice to Defendants, and Defendants are ordered to appear in person, before this Court in the Nueces County Courthouse at 901 Leopard Street, Corpus Christi, Texas 78401, on the 12th day of 2009, at o'clock **2:30** Am. The purpose of the hearing is to determine whether, while this case is pending:

- 1. The preceding temporary restraining order should be made a temporary injunction pending final hearing; and
- 2. Any additional temporary injunction prayed for should be granted.

SIGNED AND ORDERED on this the <u>39</u> day of <u>lun</u>, 2009.

JUDGÉ PRESIDING



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STATE OF TEXAS COUNTY OF NUECES

The above and foregoing is a true and correct copy as the same appears on file and/or recorded in the appropriate records of Nueces County Texas

Thereby certified on 06-69-2009

