

18 th JUDICIAL DISTRICT COURT Elbert County, Colorado 751 Ute Ave. PO Box 232 Kiowa, CO 80117	DATE FILED: October 28, 2015 10:12 AM CASE NUMBER: 2015CV30093
STATE OF COLORADO, ex rel. CYNTHIA H. COFFMAN, ATTORNEY GENERAL, Plaintiffs, v. SPENCER OLGUIN and JOHN OLGUIN, Defendants.	▲ COURT USE ONLY ▲
	Case No.: 15CV30093
ORDER ON MOTION FOR TEMPORARY RESTRAINING ORDER AND PRELIMINARY INJUNCTION	

The Court, having reviewed the Complaint, Plaintiff's Motion for Temporary Restraining Order and Preliminary Injunction, and being fully advised in the premises,

FINDS and CONCLUDES that a Temporary Restraining Order should be entered for the following reasons:

1. This Court has jurisdiction in the matter presented herein by virtue of Colo. Rev. Stat. § 6-1-110(1) (2015) and Rule 65, C.R.C.P.
2. This Court is expressly authorized to issue a Temporary Restraining Order to enjoin ongoing violations of the Colorado Consumer Protection Act ("CCPA") by Colo. Rev. Stat. § 6-1-110(1):

Whenever the attorney general or a district attorney has cause to believe that a person has engaged in or is engaging in any deceptive trade practice listed in section 6-1-105..., the attorney general ... may apply for and obtain, in an action in the appropriate district court of this state, a temporary restraining order or injunction, or

both, pursuant to the Colorado rules of civil procedure, prohibiting such person from continuing such practices, or engaging therein, or doing any act in furtherance thereof. The court may make such orders or judgments as may be necessary to prevent the use or employment by such person of any such deceptive trade practice or which may be necessary to completely compensate or restore to the original position of any person injured by means of any such practice or to prevent any unjust enrichment by any person through the use or employment of any deceptive trade practice.

Colo. Rev. Stat. § 6-1-110(1).

4. Plaintiffs have shown from specific facts by affidavit or by testimony that Defendants' deceptive practices are injurious to the public and that continued violations, if not enjoined, will cause immediate and irreparable injury, loss or damage. *Baseline Farms Two, LLP v. Hennings*, 26 P.3d 1209, 1212 (Colo. App. 2001); *Lloyd A. Fry Roofing Co. v. State Dept. of Air Pollution*, 553 P.2d 200 (Colo. 1976); *Rathke v. MacFarlane*, 648 P.2d 648 (Colo. 1982). Immediate and irreparable injury to additional consumers will occur without a temporary restraining order because Defendants Spencer and John Olguin have shown themselves to be a danger to consumers. Their predatory ways, their intimidating manner, and their deceptive and harmful sales techniques cannot be stopped without an injunction preventing them from entering consumer homes.

5. In view of the continuing and serious harm to consumers as outlined in the evidence and affidavits submitted by Plaintiff, the entry of a temporary restraining order is necessary and appropriate.

6. Pursuant to C.R.C.P. Rule 65(c), Plaintiff is not required to provide a security bond.

IT IS HEREBY ORDERED PURSUANT TO C.R.S. § 6-1-110(1) AS FOLLOWS:

Defendants and any other persons in active concert or participation with Defendants who receive actual notice of the Court's order are enjoined from:

1. Soliciting, advertising, or providing in-home residential services of any kind to any Colorado consumer.
2. Engaging in any deceptive trade practices as defined in the Colorado Consumer Protection Act, C.R.S. § 6-1-105(1).

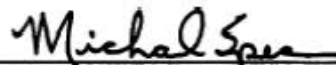
ENTERED this 28th day of October, 2015, at 10:05 a.m.

In accordance with Rule 65(b) of the Colorado Rules of Civil Procedure, this Order expires by its terms within such time after entry not to exceed fourteen calendar days, as the Court fixes, unless within the time so fixed, the order, for good cause shown, is extended for a like period or unless the party against whom the order is directed consents that it may be extended for a longer period.

Subject to the foregoing and unless otherwise directed by the Court, this Order shall expire on November 11, 2015 at 10:05 a.m.

The moving party is directed to contact the clerk of Division 1 of the Elbert County District Court (303-621-8521) to obtain a date and time for hearing on the entry of a preliminary injunction. Notice of any hearing on preliminary injunction must be provided to all parties.

BY THE COURT:



MICHAEL SPEAR
District Court Judge

