

2024-58112 / Court: 157

CAUSE NO. _____

MARK J. EPLEY AND
ELIZABETH EPLEY

V.

JPMORGAN CHASE BANK, N.A. and
JOHN DOE DEFENDANT

§
§
§
§
§
§

IN THE DISTRICT COURT OF

HARRIS COUNTY, TEXAS

_____ JUDICIAL DISTRICT

P. 3
TROY
STBNX
CASO

ORDER GRANTING PLAINTIFFS'
APPLICATION FOR TEMPORARY RESTRAINING ORDER

On this day, the Court considered Plaintiffs Mark J. Epley and Elizabeth Epley's ("Plaintiffs") Application for Temporary Restraining Order against Defendant Chase Bank ("Defendant" or "Chase Bank") and unknown John Doe Defendant (collectively referred to herein as "Defendants"). After considering the pleadings, the evidence, and any arguments of counsel, the Court is of the opinion that the Application should be and hereby is GRANTED.

The Court makes the following findings:

1. An ex parte order, without notice to Defendants, is necessary because there was not enough time to give notice to Defendants, hold a hearing, and issue a restraining order before irreparable injury, loss, or damage would occur. Specifically, Defendants' failure to return funds or freeze funds currently held, if any, shows that the funds currently held are in danger of being lost and potentially may not be recovered.
2. The Court notes that John Doe Defendant opened a bank account with Defendant Chase Bank and fraudulently obtained a wire payment from Plaintiffs.
3. Plaintiffs asserted claims seeking permanent relief.
4. Plaintiffs have shown a probable right to recover the relief sought in the Original Petition and Application for Temporary Restraining Order and Temporary Injunction.
5. In the absence of this temporary restraining order, Plaintiffs would be immediately and irreparably harmed because, in addition to other reasons, Defendants could transfer, divert, deplete, use, or dispose of the funds they may currently hold in their possession; Defendants would likely continue to refuse to return the funds, which they are not entitled to possess; and Plaintiffs would be forced to incur substantial additional costs and delays as an apparent intentional result of Defendant's actions.

It is therefore ORDERED, ADJUDGED, and DECREED that Defendants are hereby restrained from the following:

1. Defendants are hereby restrained from transferring, diverting, depleting, using, or disposing of the proceeds of the wire transfer from Plaintiffs to John Doe Defendant's account at Chase Bank that occurred on or about August 22, 2024;
2. Defendants are ordered to immediately freeze the funds ~~or tender the amount of \$4,905,000.00 into the registry of the Court.~~ *whatever portion of said funds is remaining.*
3. Defendants are hereby restrained from in any way allowing the current value of the proceeds within Defendants' possession to decrease by any amount; and
4. Defendants are hereby restrained from in any way seeking or attempting to spend, secrete, hide, transfer, and/or dispose of the funds they may currently be holding in their possession or in any way transferring, diverting, depleting, using, or disposing of any of the proceeds from the wire transfer from Plaintiffs to John Doe Defendant's account at Chase Bank that occurred on or about August 22, 2024.

It is further ORDERED, ADJUDGED, and DECREED that the parties shall appear before this Court on the 11th day of September, 2024 at 1:30 p.m. for a hearing on Plaintiffs' Application for Temporary Injunction. The purpose of this temporary injunction hearing is to allow Defendants the opportunity to appear before this Court and show cause as to why they should not be ordered to forfeit and tender \$4,905,000.00 from the wire transfer from Plaintiffs to John Doe Defendant's account at Chase Bank that occurred on or about August 22, 2024 into the registry of the Court.

The clerk of this Court is hereby directed to issue a Show Cause Order to Defendants, requiring Defendants to appear at the temporary injunction hearing. The clerk of this Court shall, upon the filing by Plaintiffs of the bond requirement and on approving of the same, issue a temporary restraining order in conformity with Texas law and the terms of this Order, starting at the date and hour of issuance and stating the date the order expires.

The order shall not be effective unless and until Plaintiffs execute and files with the clerk a bond, in conformity with Texas law, in the amount of \$100.00.

Signed this 30th day of August, 2024 at 12:12 p.m.


PRESIDING JUDGE

Unofficial Copy Office of Marilyn Burgess District Clerk