

NO. 2024-75159

WM COMERCIAL ATACADISTA § IN THE DISTRICT COURT OF
LTDA. §
V. § HARRIS COUNTY, T E X A S
 §
BAILEY LAW FIRM PLLC and §
JESSE LYNN BAILEY § 80th JUDICIAL DISTRICT

ORDER GRANTING TEMPORARY INJUNCTION

BE IT REMEMBERED that on the 11th day of November, 2024, the Court heard Plaintiff WM Comercial Atacadista Ltda.'s application for temporary injunction against Defendants Bailey Law Firm PLLC and Jesse Lynn Bailey. All parties received notice of the hearing and Defendants appeared through counsel.

After considering the evidence, arguments of counsel, and pleadings on file, the Court hereby **GRANTS** Plaintiff's application for a temporary injunction against Defendants and **DENIES** Plaintiff's Motion for Contempt. The Court finds that Plaintiff is entitled to a temporary injunction, that Plaintiff has a probable right to recovery and a likelihood of success on the merits, that if the Court does not issue the temporary injunction, Plaintiff will sustain imminent harm and irreparable injury without adequate remedy at law, and that the balancing of the equities favors the issuance of this temporary injunction.

It is, therefore, **ORDERED, ADJUDGED** and **DECREED** that, for the pendency of this lawsuit and until further order to contrary by this Court, the Defendants Bailey Law Firm PLLC and Jesse Lynn Bailey (collectively, "Defendants"):

1. Are restrained from transferring, spending or concealing any of Plaintiff's funds Defendants may ever have possessed or may still possess in any of Defendants' bank or other accounts;

2. Are restrained from selling, transferring or otherwise disposing of any real or personal property obtained directly or indirectly by any of Plaintiff's funds Defendants may ever have possessed or may still possess in any of Defendants' bank or other accounts;
3. Are restrained from altering or destroying any paper or electronic records of:
 - a. Any receipt or transfer of any of Plaintiff's funds Defendants may ever have possessed or may still possess;
 - b. Communications to or from Wells Fargo Bank relating to why Defendants' IOLTA trust account was closed, and
 - c. Communications to or from Aspo Energy, Ltd. or any representative or agent thereof, mentioning, referring or relating to the receipt or transfer of any of Plaintiff's funds Defendants may ever have possessed or may still possess; and
4. Are ordered to immediately return any of Plaintiff's funds which may be returned to Defendants by any third-parties, included but not limited to Aspo Energy, Ltd.

It is, further, **ORDERED, ADJUDGED** and **DECREED** that, within seven days of this entry of this order, Defendants shall deliver to Plaintiff's counsel any and all documents in the possession, custody or control of Defendants substantiating and/or documenting: (1) a full accounting of the entirety of the funds received from Plaintiff pursuant to the parties' July 1, 2024 Attorney Engagement for Paymaster Services agreement, and (2) the explanation contained in Defendants' November 1, 2024 letter to Plaintiff's counsel. In doing so, Defendants may undertake whatever measures they deem appropriate to protect attorney-client confidences where they believe the privilege applies, and the parties shall cooperate with each other regarding redactions or a confidentiality order to address any such communications;

It is, further, **ORDERED, ADJUDGED** and **DECREED** that, within five days of this entry of this order, Defendants shall deliver to Plaintiff's counsel a cashier's check in the amount

of \$ 500.00 representing an award of attorney's fees as a sanction for Defendants' conduct set forth in Plaintiff's Original Petition and Verified Application for Temporary Restraining Order, Temporary Injunction and Other Relief;

It is, further, **ORDERED, ADJUDGED** and **DECREED** that counsel for Defendants has waived service of process of Plaintiff's Original Petition and Verified Application for Temporary Restraining Order, Temporary Injunction and Other Relief upon Defendants, and Defendants are in fact deemed to have been served through Defendants' counsel on November 11, 2024;

It is, further, **ORDERED, ADJUDGED** and **DECREED** that, effective immediately, Plaintiff may serve a set of interrogatories and requests for production to Defendants by e-mail to Defendants' counsel which, without prejudice to any answer or defense Defendants may file in this action, Defendants must fully and completely answer within 30 days following Defendants' counsel's receipt of the same or lodge appropriate objections thereto; and

It is, further, **ORDERED, ADJUDGED** and **DECREED** that Jesse Lynn Bailey must appear for a deposition at Plaintiff's counsel's office at a mutually convenient date and time no later than 14 days following the date the aforementioned discovery responses are due.

SIGNED and **ENTERED** this ___ day of _____, 2024.

Signed:
11/21/2024



JUDGE PRESIDING

Unofficial Copy of Mallyn Burgess District Clerk

APPROVED as to FORM:

LAPIN & LANDA, L.L.P.

By /s/ Robert E. Lapin

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Unofficial Copy Office of Marilyn Burgess District Clerk