

**CAUSE NO. 202483826**

<b>EXQUISITE DESIGNS BY</b>	§	<b>IN THE DISTRICT COURT</b>
<b>CASTLEROCK &amp; CO., INC.; BRAD</b>	§	
<b>F. JONES, Individually and as</b>	§	
<b>President,</b>	§	
	§	
<b>Plaintiffs,</b>	§	
	§	<b><u>113<sup>th</sup></u> JUDICIAL DISTRICT</b>
<b>v.</b>	§	
	§	
<b>STELLAR BANK F/K/A</b>	§	
<b>ALLEGIANCE BANK, and it's/their</b>	§	
<b>successors and/or assigns,</b>	§	
	§	
<b>Defendant.</b>	§	<b>OF HARRIS COUNTY, TEXAS</b>
	§	

**PLAINTIFF'S UNOPPOSED MOTION TO EXTEND TEMPORARY RESTRAINING ORDER AND RESCHEDULE TEMPORARY INJUNCTION HEARING**

**TO THE HONORABLE JUDGE OF SAID COURT:**

**NOW COMES** Exquisite Designs by Castlerock & Co., Inc. and Brad F. Jones, Individually and as President, hereinafter called Plaintiffs ("Plaintiffs"), Plaintiffs in the above styled and numbered cause, and pursuant to TRCP 680 hereby moves this Court to extend the Temporary Restraining Order previously entered in this cause and to reschedule the current hearing setting for the Temporary Injunction hearing, and in support thereof would respectfully show unto the Court as follows:

**I.**  
**PROCEDURAL HISTORY**

1. On December 1, 2024, Plaintiffs filed their *Plaintiffs' Original Verified Petition and Application for Temporary Restraining Order and Temporary Injunction* ("Petition") in the above styled and numbered cause.

2. On December 2, 2024, the Court signed and entered a Temporary Restraining Order (“TRO”), wherein Defendant Stellar Bank fka Allegiance Bank, (“Defendant”), was prevented from taking certain actions against Plaintiff, namely the Defendant was ordered to cease and desist from all efforts to foreclose on Plaintiff’s property made the subject of this suit. The TRO further provided that the Plaintiff must post a cash bond in the amount of \$1,000.00 before the TRO could take effect.

3. The TRO further contained a hearing setting for a Temporary Injunction hearing to be heard on December 10, 2024, at 10:00 a.m.

4. On December 2, 2024, Plaintiff’s attorney posted the required cash bond in the amount of \$1,000.00 with the Harris County District Clerk.

5. As of date hereof, the Defendant has not yet been formally served the issued Citation and TRO notice, but a private process server has been hired to effectuate service.

6. As of the date hereof, no appearance has been made by any attorney for the Defendants, although the Defendants local foreclosure counsel has been provided with copies of the filed Petition, signed TRO, and bond receipt.

## II.

### **UNOPPOSED MOTION TO EXTEND TEMPORARY RESTRAINING ORDER AND TO RE-SCHEDULE TEMPORARY INJUNCTION HEARING**

7. Accordingly, pursuant to TRCP Rule 680, Plaintiff hereby requests that the TRO be extended one time for up to fourteen (14) days from December 10, 2024, for the reasons that the Defendant has not yet been formally served, and no appearance or answer has been filed by any attorney on behalf of the Defendants.

8. TRCP Rule 680 provides in pertinent part as follows:

*“...and shall expire by its own terms within such time after signing, not to exceed*

fourteen days, 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...” (emphasis added).

9. TRCP Rule 680 provides the only method for extending a [TRO] beyond 14 days. Rule 680 governs an extension of a [TRO], whether issued with or without notice, and permits but one extension for no longer than fourteen (14) days unless the restrained party agrees to a longer extension. *In re Texas Nat. Res. Conserv. Comm’n*, 85 S.W.3d 201, 204-05 (Tex.2002).

10. Therefore, in the interest of justice and fairness, and for good cause shown, Plaintiff hereby requests that the Court cancel the current setting of the Temporary Injunction hearing scheduled on December 10, 2024, and extend the TRO for a period of up to fourteen (14) days from December 10, 2024, and reschedule the Temporary Injunction hearing to a date and time before the expiration of the fourteen (14) day period from December 10, 2024.

11. No party will be harmed or prejudiced by the Court’s granting of the relief requested herein, and no party is opposed since no attorney has appeared herein on behalf of the Defendant, who is the only Defendant against whom injunctive relief is sought.

12. This motion is not brought for purposes of delay or harassment, but rather so that justice may be done.

13. Plaintiffs further avers that the bond previously posted by Plaintiffs for the TRO is sufficient and that no further bond is necessary to extend the TRO.

**WHEREFORE, PREMISES CONSIDERED**, Plaintiffs respectfully requests that the Court enter an Order canceling the current hearing setting for the Temporary Injunction hearing that is currently scheduled on December 10, 2024, and for good cause shown, extend the TRO for a period of up to fourteen (14) days from December 10, 2024, and reschedule the Temporary Injunction hearing on a date and time within the extended fourteen day period from December 10,

2024, and for such other and further relief, at law or in equity, to which Plaintiff may show himself justly entitled.

Respectfully submitted,

**J. GANNON HELSTOWSKI LAW FIRM**

**/s/ John G. Helstowski**

John G. Helstowski  
Texas State Bar No. 24078653  
5209 Heritage Ave, Suite 510  
Colleyville, Texas 76034  
Telephone – (817) 382-3125  
Facsimile – (817) 382-1799  
Email: jgh@jghfirm.com  
Attorney for Plaintiffs

**CERTIFICATE OF SERVICE**

I hereby certify that on December 5, 2024, a true and correct copy of the foregoing *Plaintiffs' Unopposed Motion to Extend Temporary Restraining Order and Reschedule Temporary Injunction Hearing* was served upon all parties and counsel of record in this cause.

**/s/ John G. Helstowski**

John G. Helstowski  
Attorney for Plaintiff

**CERTIFICATE OF CONFERENCE**

I hereby certify that prior to the filing of the foregoing *Plaintiffs' Unopposed Motion to Extend Temporary Restraining Order and Reschedule Temporary Injunction Hearing*, I attempted to confer with counsel, but since no counsel has appeared herein on behalf of the Defendants, and the Defendants have not been served or otherwise filed an answer or appeared herein, and therefore, a good faith effort was made to confer but no conference could be had so the matter is submitted to the Court for determination of the merits.

**/s/ John G. Helstowski**

John G. Helstowski  
Attorney for Plaintiff

### Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

John Helstowski  
Bar No. 24078653  
jgh@jghfirm.com  
Envelope ID: 95095558  
Filing Code Description: Motion (No Fee)  
Filing Description: Unopposed Motion to Extend TRO etc.  
Status as of 12/9/2024 3:47 PM CST

#### Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
John Helstowski		jgh@jghfirm.com	12/9/2024 1:59:39 PM	SENT

Unofficial Copy Office of Marilyn Burgess District Clerk