

**CAUSE NO. 2025-06664**

<b>ANTHONY L. HUTCHISON</b>	<b>§</b>	<b>IN THE DISTRICT COURT</b>
<b>VS.</b>	<b>§</b>	<b>125<sup>TH</sup> JUDICIAL DISTRICT</b>
<b>FRANKLIN CREDIT MANAGEMENT</b>	<b>§</b>	
<b>CORP AND KENSINGTON STATION LLC §</b>	<b>§</b>	<b>HARRIS COUNTY, TEXAS</b>

**DEFENDANT KENSINGTON STATION LLC 'S MOTION TO DISSOLVE  
TEMPORARY RESTRAINING ORDER**

Defendant Kensington Station LLC (hereinafter "Kensington"), asks the Court to dissolve the Temporary Restraining Order issued by this Court. Kensington also incorporates by reference in its entirety the Brief in Support of its Motion to Dissolve and in Opposition to Temporary Injunction as Exhibit "A" of this Motion.

**BACKGROUND**

1. On January 30, 2025, Plaintiff Anthony Hutchison filed an application for a temporary restraining order with the 127<sup>th</sup> Court which was transferred to this Court. The Ancillary Court granted the temporary restraining order ("Order") on January 31, 2025 and set a hearing on the Temporary Injunction for February 14, 2025 at 1 PM. The case was then transferred to the 125<sup>th</sup> and the hearing time was modified to 11 AM. A copy of the Order is on file with this court.
2. No notice of the TRO hearing nor the change in time for the TI hearing was ever provided and Defendants were never properly served. Thereafter, on February 13, 2025, counsel for Kensington Station LLC filed a Response in Opposition to the TI and served the Plaintiff with a copy. Also, on February 13, 2025, Plaintiff's counsel filed a Motion to Extend the TRO requesting an additional 14 days. Again, no notice was provided to either Defendant or their counsel.

**ARGUMENT & AUTHORITIES**

3. Under Texas Rule of Civil Procedure 680, a court may dissolve a temporary restraining order.

4. Kensington asks the Court to dissolve the Order because the Court does not have jurisdiction as stated in Kensington's Response in Opposition to Granting a Temporary Injunction on file with the Court which Kensington incorporates by reference in its entirety.

5. Kensington asks the Court to dissolve the Order because Plaintiff Anthony Hutchison was aware that Kensington was represented by counsel when he filed the Petition and Application for TRO, but Plaintiff did not attempt to notify Kensington before requesting the relief as required by Texas Rules of Civil Procedure 680. Defendant Kensington's counsel filed a request for Writ of Possession with the Harris County Court at Law No. 3. In filing the request Kensington's counsel's information was available. Prior to the Writ being issued, Defendant filed his motion and requested a hearing on the TRO. Thereafter, this court granted an extension of the TRO despite again no notice being provided to the Defendants.

6. Kensington asks the Court to dissolve the Order because the TRO was improper without Notice to the Defendants or their counsel and the extension of the TRO was improper without notice to the Defendants or their counsel and without an opportunity to be heard.

7. There was no good cause in Plaintiff's Motion for TRO for him not to provide notice as they had the contact info for the Defendant's counsel. Furthermore, there was no imminent harm as a Writ of Possession had not even been issued at the time the Motion was granted.

8. The Defendant would also show the court that the amount of Bond is insufficient considering the harm caused by the TRO to Kensington.

#### **PRAYER**

9. For these reasons, Defendant Kensington Station LLC asks the Court to set this motion

for a hearing as soon as possible, as required by Texas Rule of Civil Procedure 680, and, after the hearing, to dissolve the Order.

Respectfully submitted,

LAW OFFICES OF SAL MOMIN, P.L.L.C.

By: /s/ Sal Momin

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ATTORNEY FOR DEFENDANT

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing was served upon each party of record or their attorney pursuant to the Texas Rules of Civil Procedure on this 14th day of February 2025 via Fax.

By: /s/ Sal Momin

SAL MOMIN

Unofficial Copy Office of Mailin Rumsfeld District Clerk