

<p>CITY AND COUNTY OF DENVER DISTRICT COURT 1437 Bannock Street Denver, CO 80202</p> <hr/> <p>STATE OF COLORADO, <i>ex rel.</i> PHILIP J. WEISER, ATTORNEY GENERAL</p> <p>Plaintiff,</p> <p>v.</p> <p>VISUAL PROP STUDIOS, LLC, d/b/a PROPDOKS; and ERDIS MOORE, aka ERDIS MOORE III, an individual.</p> <p>Defendants.</p>	<p>DATE FILED: July 28, 2023 3:55 PM CASE NUMBER: 2023CV32147</p> <p style="text-align: center;">▲ COURT USE ONLY ▲</p> <hr/> <p>Case No.: 23CV32147</p> <p>Div.: 280</p>
<p>ORDER GRANTING PLAINTIFF'S MOTION FOR PRELIMINARY INJUNCTION, AND ASSET FREEZE</p>	

Having conducted a hearing on Plaintiff's Motion For Temporary Restraining Order, Preliminary Injunction, And Asset Freeze, and considered the sworn and credible testimony provided by the State's witnesses, this Court finds and concludes that a Preliminary Injunction against Defendants is necessary and appropriate.

1. This Court has jurisdiction in the matter presented herein by virtue of § 6-1-110(1), C.R.S. (2022).
2. This Court is expressly authorized by § 6-1-110(1) to issue a temporary restraining order to prevent ongoing violations of the CCPA:

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 or part 7 of this article, the attorney general or district attorney 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.

3. The State has sustained its burden through affidavit and/or testimony that Defendants' deceptive, unconscionable, and unfair practices violate sections 6-1-105(b), (z), and (rrr), C.R.S. These practices are injurious to the public and 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).

4. In view of the continuing harm to consumers established in the evidence and affidavits submitted by the State, the entry of a temporary restraining order is necessary and appropriate.

5. A preliminary injunction is also necessary and appropriate. The Court may grant a preliminary injunction when:

- a) there is a reasonable probability of success on the merits;
- b) there is a danger of real, immediate and irreparable injury which may be prevented by injunctive relief;
- c) there is no plain, speedy and adequate remedy at law;
- d) the granting of the preliminary injunction will not disserve the public interest;
- e) the balance of the equities favors entering an injunction; and
- f) the injunction will preserve the status quo pending a trial on the merits

Rathke v. MacFarlane, 648 P.2d 648, 653-54 (Colo. 1982); *see also Gitlitz v. Bellock*, 171 P.3d 1274, 1278 (Colo. App. 2007).

6. Based on the evidence presented by the State in its Motion and exhibits, the Court finds there is a reasonable probability that the State will prove its claims against Defendants at trial. *Rathke v. MacFarlane*, 648 P.2d 648, 653-54 (Colo. 1982); *see also Gitlitz v. Bellock*, 171 P.3d 1274, 1278 (Colo. App. 2007).

7. Regarding the second *Rathke* factor, the Court finds that there is a danger of real, immediate and irreparable injury, which may be prevented by injunctive relief. *Rathke*, 648 P.2d at 653.

8. For the same reasons, the Court finds that, absent an injunction, there is no plain, speedy and adequate remedy at law. *Rathke*, 648 P.2d at 653-54.

9. The Court finds that the balance of the equities and the public interest favor the entry of an injunction. Without an injunction, the State will be unable to protect the public from Defendants' ongoing illegal activities.

10. The Court finds that any hardship suffered by the Defendants is outweighed by the other five *Rathke* factors.

11. Pursuant to C.R.C.P. Rule 65(c), the State is not required to provide a security bond.

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

A. Defendants VISUAL PROP STUDIOS, LLC, D/B/A PROPDOKS, and ERDIS MOORE, and anyone acting by, through, under, or in concert with them, are hereby enjoined from:

1. Creating, selling, or disseminating any documents including fulfilling orders that have already been placed.
2. Providing any verification services, including but not limited to, verification of insurance coverage and work experience.
3. Advertising, representing, or claiming, orally or in any form of writing (including but not limited to online, on paper, and on the outside of any storefront), that Defendants can create, sell, or disseminate any documents or props.
4. Advertising, representing, or claiming, orally or in any form of writing (including but not limited to online, on paper, and on the outside of any storefront), that Defendants can provide verification services, including but not limited to verification of insurance coverage or work experience.

B. In view of Defendant Visual Prop Studios, LLCs, fraudulent and deceptive practices perpetrated in and outside Colorado, it is necessary and appropriate for the Court to freeze any business accounts held by the entity at any financial institution and business accounts on peer-to-peer applications including, but not limited to, Venmo. Thus, it is necessary and appropriate that Visual Prop Docs, LLC, and its officers, directors, agents, servants, employees, independent contractors and any other persons in active concert or participation with Defendants who receive actual notice of the Court's order, are enjoined from:

1. Withdrawing, transferring or otherwise encumbering any funds from any business account at any financial institution into which Defendant Visual Prop Studios, LLC, deposited or transferred money received from consumers as a result of Defendants' deceptive business practices.
2. Negotiating any checks, money orders, wire transfers, drafts, or other negotiable instruments received by Visual Prop Studios, LLC, as a result of Defendant's business practices.
3. Depositing or processing any credit card and debit card receipts obtained by Visual Prop Studios, LLC, as a result of Defendant's business practices, and using any financial transaction device, such as a debit or credit card number, obtained from any consumer; and
4. Spending, transferring, giving away, or in any way disposing of any monies received by Visual Prop Studios, LLC.
5. The provisions above apply, but are not limited to, business accounts at the following banking institutions associated with Defendants: Wells Fargo and Company.
6. The provisions above apply, but are not limited to, business accounts with peer-to-peer payment applications associated with Visual Prop Studio, LLC's: Venmo.

SO ORDERED THIS 28th DAY OF JULY 2023.



DISTRICT COURT JUDGE