


DISTRICT COURT, CITY AND COUNTY OF DENVER, COLORADO 1437 Bannock Street Denver, CO 80202	<p style="text-align: center;">GRANTED BY COURT</p> <p style="text-align: center;">12/13/2018</p> <p style="text-align: center;">DATE FILED: December 13, 2018 1:45 PM CASE NUMBER: 2018CV34469</p>  <p style="text-align: center;">Robert Mcgahey Judge</p> <p style="text-align: center;">▲ COURT USE ONLY ▲</p> <hr/> <p>Case No. 2018CV034469</p> <p>Div.: 414</p>
STATE OF COLORADO, EX REL. CYNTHIA H. COFFMAN, ATTORNEY GENERAL PLAINTIFF, V. DENVER CUSTOM FOOD TRUCKS, LLC; DENVER CUSTOM FOOD TRUCKS & R.E.D.; BROTHERS CUSTOM FOOD TRUCKS LLC; CUSTOM MOBILE KITCHEN COLORADO, LLC; RESTAURANT EQUIPMENT DENVER #2; LARRY PEREZ, AN INDIVIDUAL, AND RUDY MARTINEZ, AN INDIVIDUAL, DEFENDANTS.	
<p style="text-align: center;">[PROPOSED] ORDER ON STIPULATION TO CONVERT TEMPORARY RESTRAINING ORDER INTO PRELIMINARY INJUNCTION</p>	

This matter came before the Court on the *State's Motion for Temporary Restraining Order and Preliminary Injunction*.

Having reviewed the record and considered the parties' oral stipulation in Court on December 12, 2018 to convert the temporary restraining order into a preliminary injunction, the Court finds and concludes as follows.

1. This Court has jurisdiction in the matter presented herein by virtue of Colo. Rev. Stat. § 6-1-110(1).
2. This Court is expressly authorized by C.R.S. § 6-1-110(1) to issue a temporary restraining order, preliminary injunction, or both, 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.

C.R.S. § 6-1-110(1).

3. The State has shown from specific facts by affidavit and testimony that Defendants' deceptive practices are injurious to the public and that 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 an injunction is necessary and appropriate.

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

6. A temporary restraining order was entered by this Court on December 4, 2018. The Court set a two-day preliminary injunction hearing to begin on December 12, 2018.

7. The parties appeared at the preliminary injunction hearing and stipulated to convert the temporary restraining order into a preliminary injunction order.

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

Defendants LARRY PEREZ, DENVER CUSTOM FOOD TRUCKS, LLC, DENVER CUSTOM FOOD TRUCKS & R.E.D.; CUSTOM MOBILE KITCHEN COLORADO, LLC, RESTAURANT EQUIPMENT DENVER #2, RUDY MARTINEZ, AND BROTHERS CUSTOM FOOD TRUCKS, LLC and their 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. Engaging in any activity related to the fabrication, repair or sale of food trucks and trailers for profit; and
2. Acting as a “Motor vehicle dealer” as defined in C.R.S. §44-20-102(18) unless licensed to do so pursuant to C.R.S. § 44-20-124(2).

SO ORDERED THIS ____ DAY OF _____, 2018.

DISTRICT COURT JUDGE