



**SO
ORDERED**

The moving party is hereby **ORDERED** to provide a copy of this Order to any pro se parties who have entered an appearance in this action within 10 days from the date of this order.

**Thomas K. Kane
District Court Judge**

DATE OF ORDER INDICATED ON ATTACHMENT

<p>DISTRICT COURT, EL PASO COUNTY, COLORADO 270 South Tejon Street, Room Colorado Springs, Colorado 80903</p> <hr/> <p>STATE OF COLORADO, <i>ex rel.</i> JOHN W. SUTHERS, ATTORNEY GENERAL</p> <p>Plaintiffs,</p> <p>v.</p> <p>STATE OF COLORADO, <i>ex rel.</i> JOHN W. SUTHERS, ATTORNEY GENERAL, Plaintiffs,</p> <p>v.</p> <p>SPRINGS TRANSMISSION AND AUTOMOTIVE, GREG EHNES, INDIVIDUALLY, AND JESSICA WHITE, INDIVIDUALLY,</p> <p>Defendants.</p>	<p>FILED Document CO El Paso County District Court 4th JD Filing Date: Nov 29 2012 01:17PM MST Filing ID: 48035673 Review Clerk: Jeanne Golding</p> <p>COURT USE ONLY Case No.: 2012cv5439</p> <p>Div: 3</p>
<p>JOHN W. SUTHERS, Attorney General JAY B. SIMONSON First Assistant Attorney General, 24077* JOHN FEENEY-COYLE Assistant Attorney General, 44970* 1525 Sherman Street, 7th Floor Denver, CO 80203 (303) 866-5162 (303) 866-4916 Fax *Counsel of Record</p>	
<p>[AMENDED PROPOSED] STIPULATED PRELIMINARY INJUNCTION</p>	

Plaintiff, the State of Colorado, upon relation of John W. Suthers, Attorney General for the State of Colorado, by and through undersigned counsel, and Defendants, Springs Transmission and Automotive, Greg Ehnes and Jessica White (“Defendants”), having each consented to the entry of this Stipulated Preliminary Injunction, without any admission of wrong doing by the Defendants or any prejudice to Plaintiffs ability to prosecute the claims against Defendants in Plaintiff’s Complaint; and the Court having considered this matter and being fully advised in the premises, **FINDS, CONCLUDES AND ORDERS AS FOLLOWS:**

1. This Court has jurisdiction in the matter presented herein by virtue of § 6-1-110(1), C.R.S. and Rule 65, C.R.C.P.

2. This Court is expressly authorized to enjoin ongoing violations of the Colorado Consumer Protection Act ("CCPA") by § 6-1-110(1), C.R.S (2011):

(1) Whenever the attorney general or 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 of 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.

Colo. Rev. Stat. § 6-1-110(1). *See also* Colo. Rev. Stat. §§ 5-6-111 and 113.

3. Pursuant to Rule 65(c) C.R.C.P., Plaintiff is not required to provide a security bond.

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

A. Defendants 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 including, but not limited to, Greg Ehnes and Jessica White are enjoined from:

1. Soliciting or accepting payment for services of any kind in connection with Springs Transmission, or being employed in any management or administrative position by any other company or person that performs automotive repair services, automotive towing, or any other automotive consumer service;
2. Advertising, selling, marketing, displaying, or offering automotive repair or assistance

services;

3. Publishing, broadcasting, distributing or disseminating any information, including written, oral, or video, relating to automotive repair or assistance services;
4. Negotiating any checks, money orders, wire transfers, drafts, or other negotiable instruments received by Defendants or their officers, directors, agents, servants, employees, independent contractors or any other persons in active concert or participation with Defendants including, but not limited to, Greg Ehnes and Jessica White, as a result of Defendants' business practices;
5. Depositing or processing any credit card and debit card receipts obtained by Defendants or their officers, directors, agents, servants, employees, independent contractors or any other persons in active concert or participation with Defendants including, but not limited to, Greg Ehnes and Jessica White, obtained from any consumer; and
6. Spending, transferring, giving away, or in any way disposing of any monies or property received by Defendants or their officers, directors, agents, servants, employees, independent contractors or any other persons in active concert or participation with Defendants including, but not limited to, Greg Ehnes and Jessica White, as a result of Defendants' business practices.

B. Defendants 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 including, but not limited to, Greg Ehnes and Jessica White are required to:

1. Contact all the owners of those vehicles remaining on any property owned or leased by Defendants and alert them to the contents of this Order, and give those consumers the opportunity to have their vehicles removed from such property at no cost to the consumer; and
2. Freeze any existing financial accounts holding any monies gained as a result of Springs Transmission's sales until a determination can be made by this Court as to whether those funds were obtained unlawfully and need to be used for consumer restitution.

C. Defendants Springs Transmission and Automotive and Gregory Ehnes hereby affirm:

1. No monies, property, or other assets exist to compensate consumers in the form of restitution or any other monetary damage awards.
2. The preliminary injunction hearing set for November 29, 2012 is hereby vacated.

DATED this 28th day of November, 2012.

JOHN W. SUTHERS
Attorney General

/s/ Jay B. Simonson

JAY B. SIMONSON*
First Assistant Attorney General
JOHN FEENEY-COYLE*
Assistant Attorney General
*Counsel of Record

Springs Transmission and Automotive

Defendant

Greg Ehnes

Defendant

SO ORDERED THIS _____ DAY OF _____, 2012

Thomas K. Kane
District Court Judge

