

IN THE 327TH JUDICIAL DISTRICT COURT
EL PASO COUNTY, TEXAS

FILED WITH THE COURT
DATE: 5-11-2014
TIME: 10:11:27 AM
[Signature]
JUDGE

THE STATE OF TEXAS, ex rel.
EL PASO COUNTY ATTORNEY
JO ANNE BERNAL,
Plaintiff,

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v.

No. 2014DCV2727

GOLDEN NUGGET
(*IN REM*),
KYONG CHA MINNICK
Defendants.

AGREED ORDER OF CONTEMPT

It was announced to the Court that the parties have reached a settlement of their dispute and desire to terminate the litigation in this cause pursuant to the terms set out in this Order. The Court is of the opinion that this Agreed Order of Contempt is well taken and should in all things be granted, and the same is hereby **GRANTED**.

The Defendants, Golden Nugget, *in rem*, and Kyong Cha Minnick agree that an Agreed Order of Settlement was entered on September 12, 2014, where Defendants recognized that there were alleged violations of the Texas Civil Practice & Remedies Code, Chapter 125, and alleged violations of the Texas Alcoholic and Beverage Code that allegedly occurred on the licensed premises. As a result, Defendants were ORDERED and enjoined from:

1. Violating any provision of the Texas Alcoholic Beverage Code.
2. Violating any provision enumerated in Chapter 125.001(a).
3. Operating as a business until September, 19, 2014, and allowed to open for business on September 20, 2014.

The parties further agreed that the Agreed Order of Settlement could be used as evidence in any contempt proceeding brought pursuant to Chapter 125 of the Tex. Civ. Prac. & Rem. Code, and Chapters 101.01 and 101.70 of the Tex. Alc. Bev. Code.

Defendants recognized that the alleged violations of the Tex. Civ. Prac. & Rem. Code, Chapter 125, and alleged violations of the Tex. Alc. Bev. Code alleged to have occurred on the licensed premises, would constitute a common nuisance under Texas law.

It was further agreed and ordered for Defendants to take reasonable measures to abate the nuisance that existed on the premises by taking affirmative steps, to include:

1. Not opening the premises for business until after 2:00 p.m.
2. The Property Owner and manager will support all efforts to stop illegal activities that occur on their premises by calling 911 when the owner, manager, or employee observe or suspect illegal activity occurring on the premises.
3. Remove any patron, customer or employee engaging in narcotics, prostitution or other illegal activity on the premises.
4. Ensure the entire bar is illuminated.
5. Ensure the entire parking lot is well illuminated.
6. Regularly check property to ensure compliance with all relevant City of El Paso Code fire, health, safety, and building provisions. If you have any questions about code compliance, contact the El Paso Fire Code Compliance Section and City of El Paso Code Compliance Division.

All parties agreed that the enjoined activities constituted reasonable restrictions as contemplated and permitted by under Tex. Civ. Prac. & Rem. Code §125.065(b) and Chapter 101 of Tex. Alc. Bev. Code.

Defendants posted a bond of Three Thousand Five Hundred Dollars and 00/100 (\$3,500.00) that was made payable to El Paso County, Texas and conditioned upon the conditions set out above in this document. The clerk, upon filing of the bond and approving the bond according to the law, issued a bond with the law and terms of this order. The order expires on July 30, 2015.

After an investigation conducted by the Texas Alcoholic Beverage Commission, and with assistance from the El Paso Police Department, allegations that Defendants were not compliant with the Agreed Oder of Settlement were brought to the State's attention. The State filed a Motion for Contempt for Violation of Injunctive Order, Suit on Bond and Brief in Support on March 30, 2015.

IT IS THEREFORE AGREED AND ORDERED that:

1. Defendant Golden Nugget, located at 5711 Trowbridge Drive, El Paso, Texas, will cease doing business as of Sunday, May 17th, at 2 a.m.
2. Texas Alcoholic Beverage Commission License number BG615814 is cancelled for cause, effective Sunday, May 17th, 2015 at 2:00 a.m.
3. During the hours that Defendant Golden Nugget remains open, until Sunday, May 17th, 2015 at 2:00 a.m., Defendants agree to not violate any provision of the TABC or of any

provision enumerated in Chapter 125.0015(a) of the Civil Practice and Remedies Code, and Defendants will:

A. Support all efforts to stop illegal activities that occur on their premises by calling 911 when the owner, manager, or employee observe or suspect illegal activity occurring on the premises.

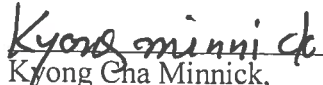
B. Remove any patron, customer or employee engaging in the use/sale of narcotics, prostitution or other illegal activity on the premises.


4. If all conditions of this Agreed Order of Contempt are met to the Court's satisfaction, then on Monday, May 18, 2015 Defendant Kyong Cha Minnick will receive TWO THOUSAND FIVE HUNDRED DOLLARS AND 00/100 (\$2,500.00) of the THREE THOUSAND FIVE HUNDRED DOLLAR 00/100 (\$3,500.00) bond posted under the original Agreed Order of Settlement. The remaining ONE THOUSAND DOLLARS AND 00/100 (\$1,000.00) shall be awarded to El Paso County, Texas.

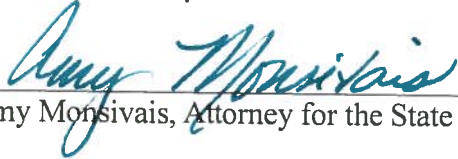
5. The parties further agree that if the above conditions of this Agreed Order of Contempt are not met to the Court's satisfaction, this Agreed Order of Contempt can be used as evidence in any contempt proceeding brought pursuant to Chapter 125 of the Tex. Civ. Prac. & Rem. Code, and Chapters 101.01 and 101.70 of the Tex. Alc. Bev. Code, that the entire THREE THOUSAND FIVE HUNDRED DOLLAR 00/100 (\$3,500.00) bond will be awarded to the state, and Defendants will be exposed to all punishments available to this Court for contempt.

6. The parties agree to waive the right to appeal any and all aspects of this Order.

It is so ORDERED, this the 11th day of May, 2015.


Kyong Cha Minnick,


Tom Brady, Attorney for Defendants


Amy Monsivais, Attorney for the State


Judge Presiding