

[Filed 1/25/07]

IN THE IOWA DISTRICT COURT FOR SCOTT COUNTY

FILED

STATE OF IOWA, ex rel.  
THOMAS J. MILLER,  
ATTORNEY GENERAL OF IOWA,  
and IOWA DEPARTMENT OF  
TRANSPORTATION,

Plaintiffs,

v.

BRUCE RUBEN DUQUE, TINA R. DUQUE  
(a/k/a Tina R. Heth), FRANCISCO J. DUQUE, JR.,  
ESPERANZA DUQUE and JONATHAN WILLE,  
individually and d/b/a AARDVARK AUTO  
SERVICE & SALES, STATE STREET CAR  
COMPANY, THE MOTORHAUS, AUTO KINGS,  
UBA AUTO REPAIR and/or URA AUTO REPAIR  
and THE CAR BOYS,

Defendants.

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EQUITY NO. 107838  
IOWA DISTRICT COURT  
SCOTT COUNTY, IOWA

**ORDER GRANTING  
TEMPORARY  
INJUNCTION.**

On this 25<sup>th</sup> day of January, 2007, the Court, having been presented with Plaintiffs' Petition and the application for a temporary injunction contained therein on an *ex parte* basis by Assistant Attorneys General Kristie Remster Orme, Jessica Dvorak and Carolyn Olson and having considered that application, including counsel's certified reasons supporting Plaintiffs' claim that a temporary injunction should issue without requiring advance notice (see Iowa R. Civ. P. 1.1507), determines that the application should be granted. In doing so, the Court calls the attention of Defendants to Iowa R. Civ. P. 1.1509, which provides that Defendants may move this Court at any time for an order dissolving, vacating or modifying this injunction, in which case a hearing is to be held within ten days of when the motion is filed.

**IT IS THEREFORE ORDERED** pursuant to Iowa R. Civ. P. 1.1501, *et seq.*, the Iowa

Consumer Fraud Act, Iowa Code § 714.16, the Iowa Motor Vehicle Dealer's Code, Iowa Code § 322.11, and the Iowa Consumer Credit Code, Chapter 537, that Defendants, and each of them, and (as applicable) their directors, officers, principals, partners, employees, agents, servants, representatives, subsidiaries, affiliates, successors, assigns, merged or acquired predecessors, parent or controlling entities, and all other persons, corporation and other entities acting in concert or participating with the Defendants who have actual or constructive notice of the Court's injunction are restrained and enjoined from:

- a. Engaging in the deceptive, misleading and unfair practices alleged in the Petition and from otherwise violating the Iowa Consumer Fraud Act;
- b. Engaging in practices or acts in violation of Iowa Code Chapter 322;
- c. Engaging in practices or acts in violation of Iowa Code Chapter 537;  
and
- d. Owning or operating a used motor vehicle dealership in the State of Iowa and/or conducting business as a used motor vehicle dealership under the names Aardvark Auto, State Street Car Company, The Motorhaus, UBA Auto Repair and/or URA Auto Repair, Auto Kings, The Car Boys, or any other names.

**IT IS FURTHER ORDERED** that Defendants and the other enjoined persons and entities are further enjoined from:

- a. Engaging, personally or through a representative, in the sale at retail of used motor vehicles in the State of Iowa, as defined by Iowa Code § 322.2(7);

- b. Holding or applying, personally or through a representative, for any motor vehicle dealer's license or any other type of license, permit or registration required for or associated with the retail sale, wholesale, purchase, lease, repair, rent, titling, financing, warranty, recycling, salvaging, repossession, transportation, hauling, carrying or towing of a motor vehicle in the State of Iowa or any other state;
- c. Attending any auto auction, personally or through any representative;
- d. Purchasing, personally or through any representative, any vehicles sold through or by an auto auction or auction representative;
- e. Purchasing or selling, personally or through any representative, motor vehicles, other than for personal use. "Personal use" means up to two vehicles per year, that are titled in one of the Defendants' name for at least 120 days, and that are used by one of the Defendants or the Defendants' immediate family for personal use;
- f. Acting in any capacity in the process of selling, buying, leasing, repairing, renting, titling, financing, warranting, recycling, salvaging, repossessing, wholesaling, transporting, hauling, carrying or towing used motor vehicles other than those that are used by Defendants for personal use, including but not limited to being employed as an agent, employee, contractor or consultant by any person or entity who is engaged in the business of selling, buying, leasing, repairing, renting, titling, financing, warranting, recycling, salvaging, repossessing, wholesaling, transporting, hauling, carrying or towing motor vehicles;

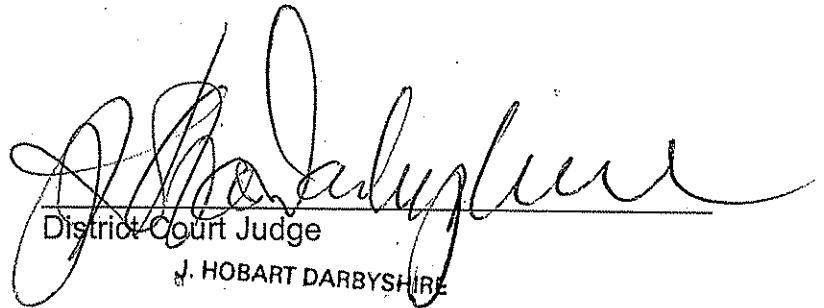
or

- g. Being engaged or employed, full-time or part-time, or in any capacity by any person or entity who is engaged in the business of financing or otherwise extending credit to a person or entity who is engaged in the business of selling, buying, leasing, repairing, renting, titling, financing, warranting, recycling, salvaging, repossessing, wholesaling, transporting, hauling, carrying or towing motor vehicles.

Counsel for Plaintiffs are directed to provide actual notice of this injunction to Defendants, and to obtain service of this injunction upon Defendants, as soon as circumstances permit.

**IT IS SO ORDERED.**

Dated: 1/25/2007

  
District Court Judge  
J. HOBART DARBYSHIRE

SUBMITTED BY:

**THOMAS J. MILLER**  
Attorney General of Iowa

**WILLIAM L. BRAUCH**  
Special Assistant Attorney General of Iowa  
Director - Consumer Protection Division

By:



Kristie Remster Orme AT0009014

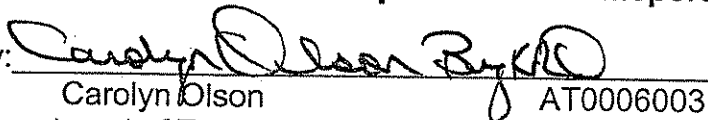
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