

**IN THE SUPERIOR COURT FOR THE DISTRICT OF COLUMBIA  
CIVIL DIVISION**

**DISTRICT OF COLUMBIA**

Plaintiff,

v.

**AUSTIN ROYSTER FUNERAL HOME,  
INC., JAMELLE ROYSTER, and  
JAMES AGEE,**

Defendants.

Civil Action No.: 2017 CA 007760 B  
Next Event: December 19, 2017: Hearing  
on Motion for Preliminary Injunction  
Judge: Michael L. Rankin

**CONSENT TEMPORARY RESTRAINING ORDER**

This matter came before the Court on Plaintiff District of Columbia's ("District") Amended Motion for a Temporary Restraining Order and Motion for Preliminary Injunction ("Motion"). Having considered that Motion, along with its attached memorandum, declarations, and exhibits, and the Parties' consent to entry of this Temporary Restraining Order the Court makes the following findings:

1. That there is good cause to believe that Defendants Austin Royster Funeral Home, Inc. ("ARFH"), Jamelle Royster ("Royster"), and James Agee ("Agee") (collectively "Defendants") have violated the District's Consumer Protection Procedures Act by offering and selling funeral services in the District of Columbia to consumers (i) while misrepresenting that ARFH has an approval status or certification that it does not have; (ii) representing that Defendant Royster has an approval status or certification that she does not have, (iii) misrepresenting that Defendants would perform purchased funeral services, (iv) failing to inform consumers that Defendants were operating without required licenses; (v) failing to

inform consumers that Defendants were barred from accepting assignments of insurance ~~process~~, or holding any amount of funds on behalf of a consumer which exceeded the total price of funeral services in the contract between ARFH and the consumer, and (vi) ~~while~~ unconscionably failing to return insurance proceeds in excess of the total price of the funeral services contracted for between ARFH and the consumer. The District therefore is likely to prevail on the merits of its claims that Defendants have violated, and are violating, D.C. Code §§ 28-3904(b), (e), (f), and (r)(5);

2. That there is good cause to believe that immediate and irreparable injury will occur to the general public, including harm to consumers purchasing funeral services from Defendants, unless the Court grants the District's requested temporary restraining order to halt Defendants' deceptive and unlawful trade practices and illegal funeral services activity;

3. That, weighing the equities, including the public interest and the potential harm to Defendants, it appears that a temporary restraining order is both appropriate and necessary; and

4. That, pursuant to SCR-Civil R. 65(c) and D.C. Code § 28-3909(a), no security is required of the District of Columbia for issuance of this preliminary injunction order.

Based on the foregoing findings, it is this 22<sup>nd</sup> day of November, 2017, hereby:

**ORDERED** that the Motion is **GRANTED**; and it is

**FURTHER ORDERED**, that a Temporary Restraining Order shall be and hereby is entered against each of the Defendants and shall remain in effect until this Court has conducted a hearing on the District's Motion for a Preliminary Injunction and the requested relief has either been denied or a preliminary injunction is entered by the Court; and it is

**FURTHER ORDERED**, pursuant to D.C. Code § 28-3909(a), that Defendants ARFH, Jamelle Royster and James Agee, and all others acting in concert or participation with any of

them, whether acting directly or indirectly, or through a corporation or other entity, are temporarily restrained and enjoined, until further Order of the Court, from:

1. Entering into any contract or agreement for funeral services in the District of Columbia;
2. Advertising, marketing or soliciting for the provision of funeral services in the District of Columbia;
3. Accepting any funds, or assignment of funds, from consumers for the provision of funeral services in the District of Columbia;
4. Transferring, liquidating, converting, encumbering, pledging, loaning, selling, concealing, dissipating, disbursing, assigning, spending, withdrawing, granting a lien or security interest or other interest in, or otherwise disposing of any assets, or any interest therein, wherever located, including outside the United States, that are:
  - a. owned or controlled, directly or indirectly, by any Defendants, in whole or in part, or held, in whole or in part, for the benefit of Defendants;
  - b. in the actual or constructive possession of any Defendants;
  - c. owned by, controlled by, or in the actual or constructive possession of any corporation, partnership, or other entity directly or indirectly owned, managed, or controlled by, or under common control with any Defendants; or
  - d. held by, for, or under the name of any Defendants at any bank or savings and loan institution, or with any broker-dealer, escrow agent, title company, commodity trading company, payment processing company, or other financial institution or depository of any kind;
5. Incurring charges or cash advances on any credit card, debit card, or checking

card issued in the name, singly or jointly, of any Defendant;

**PROVIDED**, however, that the individual Defendants Jamelle Royster and James Agee may withdraw funds for their necessary personal living expenses, so long as they document the amounts and purposes for which such funds are used, pending further Order of this Court; and it is

**FURTHER ORDERED** that Defendants shall provide a list of all bank, credit card, escrow accounts, or any other account of any kind, held by or on behalf of any Defendant; and it is

**FURTHER ORDERED** pursuant to Superior Court Rule 65(b) that Defendants shall appear on the 19<sup>th</sup> day of December, 2017, at 9:30 a.m., at the District of Columbia Superior Court, 500 Indiana Avenue, NW, Washington DC 20001 before the Honorable Michael T. Rankin, to show cause, if any there be, why this Court should not enter a preliminary injunction, pending final ruling on the complaint, against Defendants, enjoining them from further violations of the CPPA, and imposing such additional relief as may be appropriate. Such date for the

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preliminary injunction hearing has been agreed upon by the parties as the first mutually available date on the Court's calendar.

**SO ORDERED.**

Dated: 11/22/17

  
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Judge Ann O'Regan Keary

**AGREED AND CONSENTED TO:**

Dated: November 22, 2017

\_\_\_\_\_/s/\_\_\_\_\_  
Frederick Cooke, Esq.  
Counsel for Defendants ARFH,  
Royster, and Agee

*Signed electronically*  
ADIC

Dated: November 22, 2017

\_\_\_\_\_/s/\_\_\_\_\_  
Wendy J. Weinberg, Esq.  
Sondra L. Mills, Esq.  
Counsel for Plaintiff, District of Columbia

*Signed electronically*  
ADIC