

Cause No. 348-342621-23

**The State of Texas, ex rel.
Tarrant County Criminal District
Attorney Phil Sorrells,**

Plaintiff,

v.

**The Real Property Known as
12291 Highway 80 W., Fort
Worth, TX 76008 (in rem),
Queen Shiva, LLC, and 12291
CBW, LLC d/b/a Temptations,**

Defendants.

IN THE DISTRICT COURT

____ JUDICIAL DISTRICT

TARRANT COUNTY, TEXAS

**Original Petition for Abatement of Common Nuisance and
Application for Temporary and Permanent Injunctions**

For years, the Temptations adult club in unincorporated Tarrant County has been a hotbed of crime, including (but not limited to) murder, assault with a deadly weapon, shootings, stabbings, drug use, theft, and disorderly conduct. This repeated conduct is a common nuisance that wreaks havoc on the community near the club and strains the resources of law enforcement and first responders. Consequently, the State of Texas seeks injunctive relief to curtail the menace that is Temptations.

Discovery Control Plan

1. The State seeks only nonmonetary relief and intends to conduct discovery under Texas Rule of Civil Procedure 190.3. This suit is not an expedited action under Rule 169.

Parties

2. The Plaintiff, the State of Texas, appears through the Tarrant County Criminal District Attorney, Phil Sorrells. Chapter 125 of the Texas Civil Practices and Remedies Code (“CPRC”) authorizes Sorrells to bring this case on behalf of the State, and the State is not

required to verify its pleading for injunctive relief. Tex. Civ. Prac. & Rem. Code Ann. § 125.002(a). Pursuant to Tex. Civ. Prac. & Rem. Code Ann. § 6.001, the Texas Attorney General’s office gave Sorrells an exemption from filing a bond in this case. The State attaches a copy of this exemption as **Exhibit 1**.

3. In rem Defendant, the Real Property known as 12291 Highway 80 West, Fort Worth, TX 76008 (“Property”), is a party to this suit under Section 125.002(b) of the CPRC. Defendant Queen Shiva, LLC owns the Property. The Property may be served on its owner’s registered agent, Leyla Nourian, 3 Fox Glen Run, Frisco, Texas 75034. The State requests that citation be issued.

4. Defendant, 12291 CBW, LLC d/b/a Temptations (“Temptations”), is a domestic limited liability company who operates a sexually oriented business commonly known as Temptations at the Property. Temptations may be served on its registered agent, Robert Axelrod, 5300 Memorial Drive, Suite 1000, Houston, Texas 77007. The State requests that citation be issued.

5. Defendant, Queen Shiva, LLC (“Queen Shiva”), is a domestic limited liability company that owns the Property where Temptations operates. Queen Shiva may be served on its registered agent, Leyla Nourian, 3 Fox Glen Run, Frisco, Texas 75034. The State requests that citation be issued.

Jurisdiction and Venue

6. The Court has jurisdiction over this cause and the parties pursuant to Tex. Civ. Prac. & Rem. Code Ann. § 125.002(a). Tarrant County is the mandatory venue for this action because the acts constituting the nuisance occurred at the Property, which is in Tarrant County.

Facts

7. Temptations is a fully-nude, bring-your-own-beverage adult club located in unincorporated Tarrant County, and operates at the Property from 9:00 p.m. until 5:00 a.m. Wednesday through Sunday.

8. From 2020 through 2022, the Tarrant County Sheriff’s

Office received 247 calls for service¹ at Temptations. Aside from Temptations, there are ten other bars or nightclubs in unincorporated Tarrant County. In 2022, those ten other bars combined had fewer calls for service (128) than Temptations (134). Over that same time, the Fort Worth Police Department responded to calls at Temptations 33 times. Temptations has a well-earned reputation among law enforcement and the community for being a haven of crime, with patrons that are intoxicated, disorderly, violent, and who deal and/or use narcotics.

9. Temptations is a place where persons habitually go and commit crimes, many of which are common nuisances under Chapter 125 of the CPRC. Between January 1, 2020 and December 31, 2022, the Sheriff made 57 arrests for criminal offenses committed at Temptations. These crimes include, but are not limited to:

- At least three instances of aggravated assault with a deadly weapon
- At least five instances of discharge of a firearm in a public place
- Two murders
- At least six instances of unlawful carrying of a weapon

These totals do not include criminal offenses for which the Fort Worth Police Department had jurisdiction.

10. Unfortunately, these crimes have persisted in 2023. In May, there have been a double stabbing and multiple shootings, with the most recent shooting occurring over Memorial Day weekend. In May 2023 alone, there have been at least five instances of aggravated assault with a deadly weapon.

11. The frequency of the crimes described above is prima facie evidence that the Defendants collectively and knowingly tolerate the criminal acts. Tex. Civ. Prac. & Rem. Code Ann. § 125.004(a).

Count 1 Common Nuisance

12. Under Chapter 125 of the CPRC, a person maintains a common nuisance when 1) he maintains a place to which persons habitually go for any of the purposes listed in the CPRC and 2) he

¹ So far in 2023, the TCSO has received at least 82 calls for service at the Property.

knowingly tolerates the activity and fails to make reasonable attempts to abate the activity. Tex. Civ. Prac. & Rem. Code Ann. § 125.0015(a).

12. Proof that activities described in section 125.0015 frequently occur at the Property is prima facie evidence that the Defendants knowingly tolerated the activities. Tex. Civ. Prac. & Rem. Code Ann. § 125.004(a). Such activities frequently occur at the Property, including but not limited to:

- Sec. 125.0015(a)(1) – discharge of a firearm in a public place as prohibited by the Penal Code;
- Sec. 125.0015(a)(4) – delivery possession, manufacture, or use of a substance or other item in violation of Chapter 481, Health and Safety Code;
- Sec. 125.0015(a)(9) – aggravated assault as described by Section 22.02, Penal Code;
- Sec. 125.0015(a)(14) – unlawfully carrying a weapon as described by Section 29.03, Penal Code;
- Sec. 125.0015(a)(24) – disorderly conduct as described by Section 42.01, Penal Code

Request for Temporary Injunction

13. As the Criminal District Attorney for Tarrant County, Sorrells has authority to enjoin and abate a nuisances in Tarrant County. He may sue any person who maintains, owns, uses or is a party to the use of a place for purposes constituting a nuisance. He may also sue *in rem* the property where a nuisance is maintained.

14. Temptations operates a club at the Property where criminal offenses are frequently committed. Temptations knows of these offenses and tolerates them and has failed (or refuses) to abate the nuisances at the Property.

15. Queen Shiva owns the Property. Temptations is notorious for being a hotbed of criminal activity, which Queen Shiva knows and tolerates by permitting Temptations to continue operating at the Property.

16. The Court may issue a temporary injunction if it finds that the State is likely to succeed on the merits. Tex. Civ. Prac. & Rem. Code

Ann. § 125.045(a). Since 2020, there have been at least 24 violations of Section 125.0015(a) at the Property. The Defendants have failed or refused to abate the nuisances and are likely to continue to maintain the Property as a common nuisance unless the Court restrains them. Accordingly, the State is entitled to a temporary injunction that prevents the use of the Property as a nuisance. Tex. Civ. Prac. & Rem. Code Ann. § 125.045(a).

Request for Permanent Injunction

17. The State further requests permanent injunctive relief against Temptations and Queen Shiva a) commanding them to abate the nuisance and b) prohibiting them from maintaining or participating in the nuisance. The State requests that the Court order reasonable requirements to prevent the use or maintenance of the Property as a nuisance. Tex. Civ. Prac. & Rem. Code Ann. § 125.002(e).

18. The State further requests that the Court issue an injunction, *in rem*, ordering the Property closed for one year from the date of judgment. Tex. Civ. Prac. & Rem. Code Ann. § 125.002(e).

Prayer

Based on the above, the State asks the Court to award it the following:

a. Temporary injunction pursuant to Tex. Civ. Prac. & Rem. Code Ann. § 125.045(a) that prevents the use or maintenance of the Property as a nuisance;

b. Permanent injunction against Temptations and Queen Shiva, LLC that prevents the use or maintenance of the Property as a nuisance;

c. An order *in rem* closing the Property located at 12291 Highway 80 West, Fort Worth, Texas 76008 for one year from the date of judgment;

d. Court costs; and

e. All other relief to which the State is entitled.

Respectfully submitted,

PHIL SORRELLS
Criminal District Attorney
Tarrant County, Texas

s/ Stephen A. Lund

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Exhibit 1

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May 24, 2023

Stephen A. Lund
Assistant Criminal District Attorney
401 W. Belknap
Ft. Worth, Texas 76196

Re: Request for exemption from bond for extraordinary writs (Ch. 125 CPRC)

Dear Mr. Lund:

On May 22, 2023, your office requested exemption from the posting of bond for seeking extraordinary writs in connection with a proposed lawsuit(s) your office has intends to file pursuant to Chapter 125 of the Civil Practice and Remedies Code.

You state that the case(s) in question is styled as follows:

The State of Texas v. The Real Property Known as 12291 Highway 80 West, Fort Worth, Texas 76008 (in rem), Queen Shiva, LLC, and 12291 CBW, LLC

After reviewing your request and the corresponding law, it is the determination of this office that the exemptions your office requests are covered by Tex. Civ. Prac. & Rem. Code §6.001 and shall be granted.

If further documentation of this grant of exemption is required by the court, please feel free to contact me at your convenience and I will endeavor to provide what is needed to further aid your office in this matter.

Sincerely,

/s/Kent S. Richardson

Kent S. Richardson
Deputy Division Chief
Criminal Prosecutions Division