

CAUSE NO.: 2019-CI-12058

IN THE MATTER OF
THE MARRIAGE OF

CHRISTOPHER HOFFMAN

and

MOISES ORTIZ

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IN THE DISTRICT COURT

45th JUDICIAL DISTRICT

BEXAR COUNTY, TEXAS

TEMPORARY ORDERS

On July 30, 2019, the Court held a hearing to consider temporary orders. All parties appeared in person and with counsel, and announced ready. A record of the proceeding was made by the court reporter for the 45th District Court.

Findings

The Court finds Respondent's claims that he and Petitioner were "simply roommates that acted as partners" to be incredulous testimony.

The Court finds it problematic that the only evidence provided by Respondent to rebut his intention of marriage to Petitioner occurred after the United States Supreme Court issued its ruling in *Obergefell v. Hodges* in 2015.

Likewise, the Court finds it problematic that Petitioner had initial difficulty identifying who heard Respondent refer to Petitioner as his spouse. However, given the totality of the evidence, the Court finds Petitioner met his burden to establish his prima facie case of a marriage without formalities (i.e. common law marriage).

Therefore, the Court finds these temporary orders, including the temporary injunction granted herein, are necessary and equitable for the protection of the parties and preservation of the property.

Temporary Injunction

IT IS ORDERED that MOISES ORTIZ and CHISTOPHER HOFFMAN, their officers, agents, servants, employees, or attorneys, and anyone in active concert or participation with them who receives actual notice of this order, is hereby ENJOINED and shall REFRAIN from engaging in any of the following acts:

- a) Intentionally communicating with the other party in person, by telephone, or in writing in vulgar, profane, obscene, or indecent language or in a coarse or offensive manner;
- b) Threatening the other party in person, by telephone, or in writing to take unlawful action against any person;
- c) Placing one or more telephone calls, anonymously, at any unreasonable hour, in an offensive and repetitious manner, or without a legitimate purpose of communication;
- d) Intentionally, knowingly, or recklessly causing bodily injury to the other party;
- e) Threatening the other party with imminent bodily injury;
- f) Communicating, disseminating, or publishing any text, narrative, depictions, or images in any form or fashion, whether in person, electronically, digitally, by social media, or any website, or in any other way, to any third party, entity, organization, or institution any facts or allegations about the other party or the other party's life, which would objectively be a matter which a reasonably prudent person would consider a matter of privacy, would be embarrassing and/or harmful to the subject party, and not intended for public discourse, disclosure, or dissemination; and/or
- g) Disparaging and/or defaming the other party in any form or fashion whatsoever, to any third party.

IT IS ORDERED that the requirement of a bond is hereby waived, and this temporary injunction shall be effective as of July 30, 2019.

IT IS ORDERED that this temporary injunction shall remain in effect until final judgment is rendered in this case or until further ordered by this Court.

Mediation

IT IS ORDERED that the parties shall participate in mediation with Judge Phyllis Speedlin, who the Court appoints as mediator in this case, on or before August 31, 2019.¹

Trial Setting

IT IS ORDERED that this case shall be finally tried on or before October 28, 2019, and the Court has specially set this matter for final trial with the Monitoring Court on October 21, 2019 at 8:30 a.m., and such special setting may be for a jury or non-jury trial per the parties' filings.²

Temporary Spousal Support

MOISES ORTIZ is ORDERED to pay to CHRISTOPHER HOFFMAN the sum of \$1,200 for interim spousal support pursuant to TEX. FAM. CODE § 6.502(a)(2), beginning on August 1, 2019, and continuing every first of the month thereafter until final trial or further ordered by the Court.

RENDERED on July 30, 2019, but SIGNED on JAN 27 2020

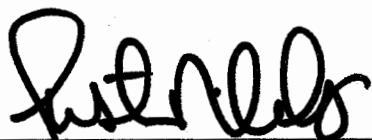

HON. MARY LOU ALVAREZ
JUDGE PRESIDING

**Mary Lou Alvarez
Presiding Judge
45th District Court
Bexar County, Texas**

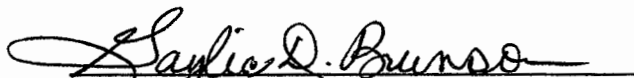
¹ The Court takes judicial notice that, at the time of signing this order, the parties have completed mediation with Judge Speedlin as ordered.

² The Court takes judicial notice this trial setting has been continued to February 3, 2019, by agreement of the parties.

APPROVED AS TO FORM ONLY:



JUSTIN P. NICHOLS
Texas Bar No.: 24081371
ADAM B.J. POOLE
Texas Bar No.: 24088239
THE NICHOLS LAW FIRM, PLLC
405 N. St. Mary's St., Ste. 1000
San Antonio, Texas 78205
(210) 354-2300 phone
(800) 761-5782 fax
efile@thenicholslawfirm.com
Attorneys for Petitioner, Christopher Hoffman



AIDA ROJAS MOORE
Texas Bar No.: 24034655
aidarojas@aidarojaslaw.com
GAYLIA D. BRUNSON, *Of Counsel*
Texas Bar No.: 24040593
gayliabrunson@aidarojaslaw.com
ROJAS LAW FIRM
8200 W. IH-10, Ste. 316
San Antonio, Texas 78230
(210) 299-4600 phone
(210) 299-4601 fax
Attorneys for Respondent, Moises Ortiz