

TRANSCANADA KEYSTONE
PIPELINE, LP,

Plaintiff,

v.

SHANNON BEEBE, BENJAMIN
FRANKLIN CRAFT-RENDON, TAMUR
(TAMMIE) SHUFORD CARSON,
GARRETT LANE GRAHAM, DENNY
GUYMAN HOOK, MAXWELL
MAYOSMITH MILLS, AUDREY MOYA
STEINER, RAYMOND (RAY) WALTER
TORGERSON, CHRISTOPHER DAVID
VOSS, MARGARET (MARY) RUTH
GORRY, BEN KESSLER, LAURA
ELIZABETH HARRIS, JOHN AND
JANE DOES 1 THROUGH 6,
ALEJANDRO DE LA TORRE, SAM
AVERY, GARY STUARD, RAMONA
SALDANA-FLORES, RAMSEY
SPRAGUE, DOUG GRANDT, RON
SEIFERT, ELEANOR FAIRCHILD,
TAR SANDS BLOCKADE GROUP,
RISING TIDE NORTH AMERICA and
RISING TIDE NORTH TEXAS,

Defendants.

IN THE DISTRICT COURT

402nd JUDICIAL DISTRICT

WOOD COUNTY, TEXAS

FILED
2013 JAN 25 AM 11:19
JENICA TURNER, CLERK
DISTRICT COURT
WOOD COUNTY, TEXAS

AGREED TEMPORARY INJUNCTION ORDER

Plaintiff TransCanada Keystone Pipeline, LP ("Plaintiff" or "Keystone") has filed an Original Petition and Application for Temporary Restraining Order, Temporary Injunction, and Permanent Injunction, requesting that the Court issue a temporary injunction order against Defendant, Eleanor Fairchild ("Defendant" or "Fairchild").

Upon Keystone's Application for Temporary Restraining Order, this Court entered its Temporary Restraining Order against Defendant on October 9, 2012. Keystone and Fairchild

hereby stipulate and agree that unless Defendant, her agents, servants, attorneys, and those persons in active concert or participation with one or more of them are immediately enjoined and restrained as herein set forth, irreparable harm will result and Plaintiff will have no adequate remedy at law, to wit:

if a temporary injunction is not immediately issued, Plaintiff's use and enjoyment of its rights under the Writ of Possession, granted August 13, 2012, by the 402nd Judicial District Court, Wood County, Texas, Cause No. 2010-667, in favor of Keystone (the "Keystone Writ") will be further materially and substantially impaired, for which Plaintiff will have no adequate remedy at law. Specifically, if Defendant is not immediately restrained from interfering with TransCanada's construction of the pipeline or TransCanada's access to the property, TransCanada may incur substantial and significant standby, move around, demobilization, remobilization and/or loss of transportation fees damages. The damages that could be suffered by TransCanada connected to the pipeline if the transportation of crude petroleum is in any way delayed or interfered with as a result of Defendant's conduct would be substantial and would be extremely difficult to estimate with any degree of certainty. Additionally, in all likelihood, TransCanada will prevail in the prosecution of this dispute.

IT IS THEREFORE, ORDERED that a temporary injunction order be immediately issued restraining Defendant and her agents, servants, employees and attorneys, and those persons in active concert or participation with one or more of them who receive actual notice of the temporary injunction order by personal service or otherwise to immediately cease and desist from:

- (i) interfering with, preventing, obstructing or otherwise infringing, in any way, with Keystone's use and enjoyment of any easement, right-of-way, lease or other property interest (collectively "Keystone Property") including, without limitation, trespassing on or physically occupying Keystone Property in any manner to interfere with, prevent or obstruct Keystone from undertaking construction activities or otherwise exercising its rights of use and possession of Keystone Property;
- (ii) interfering with, preventing, obstructing or otherwise infringing, in any way, with Keystone's use and enjoyment of any equipment or facility that is identified by a sign, logo or other marking sufficient to give notice that such equipment or facility is owned by, or operated on behalf of, Keystone or one

of its affiliates, contractors or subcontractors (including, but not limited to, Michels Corporation)(collectively "Keystone Equipment"), including, without limitation, trespassing on, physically occupying, tortiously or illegally interfering with and chaining, shackling, binding or attaching the person's body or any other object, article or mechanism to, Keystone Equipment to immobilize, stop, halt or arrest Keystone Equipment or construction activities or operations on Keystone Property;

- (iii) barricading, blocking or preventing access to or ingress and egress from Keystone Property and/or Keystone Equipment; and
- (iv) endangering or threatening any employee or visitor of Keystone or one of its affiliates, contractors or subcontractors (including, but not limited to, Michels Corporation).

IT IS FURTHER ORDERED that the bond shall be a continuation of the current bond on file with the District Clerk for the Temporary Restraining Order.

The clerk of the above entitled Court shall forthwith, on the filing by Plaintiff of the required cash or surety bond and on approving the same according to law, issue a temporary injunction order in conformity with the law and the terms of this Order.

This order shall not be effective unless and until Plaintiff executes and files with the clerk the required cash or surety bond, in conformity with the law.

IT IS FURTHER ORDERED that trial of this matter is set to be heard at 9:00 o'clock A.m. on the 30 day of September 2013, in the 402nd Judicial District Court of Wood County, Texas.

SIGNED this 25 day of January 2013 at 11:20 o'clock A.m.


JUDGE PRESIDING

AGREED TO FORM AND SUSTANCE:

ZABEL FREEMAN

By: 

James A. Freeman
State Bar No. 00796580

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ATTORNEY FOR PLAINTIFF

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By: 

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ATTORNEY FOR ELEANOR FAIRCHILD