

CAUSE NO. 08-12-14969CV

**EXXON MOBIL CORPORATION,
EXXONMOBIL PRODUCTION
COMPANY,**

Plaintiffs,

vs.

ELIZABETH BURNS,

Defendants.

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IN THE DISTRICT COURT OF

BROOKS COUNTY, TEXAS

79TH JUDICIAL DISTRICT

TEMPORARY RESTRAINING ORDER

1. On December 17, 2008, Plaintiffs Exxon Mobil Corporation and ExxonMobil Production Company (collectively, "ExxonMobil") filed a verified Original Petition and Application for Temporary Restraining Order and Temporary and Permanent Injunctions seeking, in part, a temporary restraining order against Defendant Elizabeth Burns ("Burns"). Exxon seeks a temporary restraining order that Burns, her agents, servants, employees, representatives, and those in active concert or in participation with her, be restrained and enjoined from, directly or indirectly: (1) coming onto Tract 1 including entering the Kelsey Compressor Station; and (2) coming onto Tract 2 including entering the Kelsey Compressor Station. It clearly appears from the facts set forth in ExxonMobil's verified Original Petition and Application for Temporary Restraining Order and Temporary and Permanent Injunctions that ExxonMobil will likely be successful on the merits as to its claims against Burns, and that unless the Court issues a temporary restraining order restraining and enjoining Burns, her agents, servants, employees, representatives, and those in active concert or in participation with her, and any other person from committed any of the acts described above, such acts have, and probably will continue to, be committed before notice can be given and hearings had on ExxonMobil's

Petition and Application for Temporary Restraining Order. Injunctive relief is sought for the purpose of restoring and protecting ExxonMobil's peaceful possession, use and enjoyment of its property and the safety of Burns and others.

2. If commission of the acts described above is not restrained and enjoined immediately, and if Burns and other persons are not required to act as described above, then ExxonMobil will suffer immediate and irreparable injury, loss, or damage for which there is no adequate remedy at law. Specifically, if Burns is not enjoined in the manner requested, ExxonMobil's exclusive property rights will continue to be interfered with and the safety of Burns and others will continue to be jeopardized. Moreover, ExxonMobil will suffer imminent, irreparable harm for which there is no adequate legal remedy because Burns is interfering with ExxonMobil's peaceful possession, use and enjoyment of its real property and threatening her safety and the safety of others. The threat of immediate and irreparable injury to ExxonMobil substantially outweighs the threat of harm, if any that Burns, or any other person, would suffer by granting of the injunctive relief. The Court finds that no other remedy will fully and adequately preserve ExxonMobil's exclusive property rights and the safety of Burns and others.

3. For all of the foregoing reasons, the Court is of the opinion that ExxonMobil is entitled to an *ex parte* temporary restraining order as stated above, pursuant to Texas Rule of Civil Procedure 680 and other applicable rules because Burns has not yet made an appearance in this lawsuit, and ExxonMobil would have suffered immediate and irreparable harm if it was required to serve Burns with the petition and application for temporary restraining order, wait twenty days or more for Burns to file an answer, and provide notice of hearing on ExxonMobil's application for temporary restraining order to Burns before the Court held a hearing on ExxonMobil's application.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the Clerk of the Court issue a Temporary Restraining Order, effective from the date of the entry of this order and continuing to the 14th day after the date of this order or until further order of the Court, enjoining and restraining Burns, her agents, servants, employees, representatives, and those in the active concert or in participation with ExxonMobil, and any other person, directly or indirectly from: (1) coming onto Tract 1 including entering the Kelsey Compressor Station; and (2) coming onto Tract 2 including entering the Kelsey Compressor Station.

IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that ExxonMobil's application for temporary injunction pending final hearing herein be and the same is hereby set for hearing on December 31st, 2008, at 9:00 ~~(am)~~ (pm) in the Courtroom of the District Court of Brooks County, Texas. This order shall not be effective unless and until ExxonMobil deposits a bond, or makes a cash or check deposit in lieu of a bond, in the amount of \$ 500.00 into the registry of the Court to wait the further order of this Court.

SIGNED this 17 day of December, 2008 at 3:00 a.m./(p.m.)



JUDGE PRESIDING