

2018-30429 / Court: 295

CAUSE NO. \_\_\_\_\_

UJJAL BHATTACHARJEE

Plaintiff,

VS.

E. CRUZ LAZO TRUCKING

Defendant.

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IN THE DISTRICT COURT OF

HARRIS COUNTY, TEXAS

\_\_\_\_\_ JUDICIAL DISTRICT

**TEMPORARY RESTRAINING ORDER AND  
ORDER SETTING HEARING ON APPLICATION FOR TEMPORARY INJUNCTION**

**TO: Defendant E. CRUZ LAZO TRUCKING, their attorneys, agents, servants, and/or employees.**

CAME on to be heard this day Plaintiff's Application for Temporary Restraining Order against E. CRUZ LAZO TRUCKING ("DEFENDANT"). After examining the same, the Court finds that if a Temporary Restraining Order is not entered, Plaintiff will suffer immediate and irreparable harm for which there is no adequate remedy at law as a result of DEFENDANT'S conduct.

The Court further finds ~~\_\_\_\_\_~~ *Lu*  
~~that~~ the requested temporary restraining order is narrow in scope and will preserve the status quo until the hearing on the application for temporary injunction relief. The Court further finds that Plaintiff's application for temporary restraining order is well-founded and shall be GRANTED.

The Court further finds that without injunctive relief restraining DEFENDANT from securing and producing necessary evidence, Plaintiff will be severely prejudiced in presenting and proving his case.

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The Court further finds that without injunctive relief, Plaintiff will suffer immediate and irreparable injury.

Based on the application submitted to the Court and this Court's findings, this Court finds good cause for the issuance of immediate injunctive restraints and relief.

The Court Orders as follows:

1. Defendant E. CRUZ LAZO TRUCKING is immediately restrained from changing, altering or destroying any tangible evidence related to the subject incident, including but not limited to the "black box" event data recorder in use on April 24, 2018, the subject dump truck, the subject dump truck, engine control module, download/data, documents, photographs, videos, maintenance records, cell phone records, dispatch records, trip logs, e-mails, driver's cell phone, and any other evidence reasonably related to the April 24, 2018 collision, as well as moving, removing or altering, any and all tangible evidence and/or equipment.
2. Defendant E. CRUZ LAZO TRUCKING is immediately restrained from putting the subject dump truck back in service until such time Plaintiff's counsel and experts are allowed to enter and inspect the subject dump truck and the requested evidence is produced and secured.

This Order applies to Defendant E. CRUZ LAZO TRUCKING their attorneys, agents, servants, employees, contractors, contractors' employees, and/or those acting in concert with Defendant E. CRUZ LAZO TRUCKING.

It is therefore, ORDERED that this order shall be effective until the earlier of fourteen (14) dates for the date set forth below, or the date the Court issues a ruling on Plaintiff's request for a temporary injunction after proper notice to Defendant.

It is further ORDERED that Plaintiff's application for temporary injunction shall be heard on May 21, 2018 at 2:00 o'clock p.m., in the courtroom of the 295<sup>th</sup> Judicial District Court of Harris County, Texas, to

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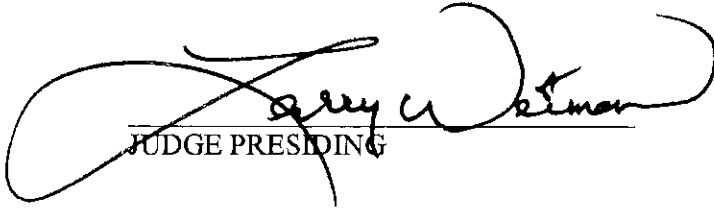
show cause, if there be any, why a temporary injunction should not be issued as requested by Plaintiff.

It is further ORDERED that the Clerk of the Court shall issue a show-cause notice to Defendant to appear at the hearing on Plaintiff's application for temporary injunction.

It is further ORDERED that the Clerk of the Court shall, on the filing by Plaintiff the required bond, and upon approving the same according to the law, issue a temporary restraining order containing mandatory injunctive relief in conformity with the law and the terms of this order.

It is further ORDER that Plaintiff shall execute and file with the Clerk of the Court a bond in conformity with the law and in the amount of \$ 500-00 Ru.

SINGED on this the 8th day of May, 2018, at 1:20 o'clock P.m.

  
JUDGE PRESIDING

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