

2019-16807 / Court: 269

CAUSE NO. _____

LAYNE HEMBREE

Plaintiff,

VS.

EXPLORE GROUP LLC

Defendant.

§
§
§
§
§
§
§
§
§

IN THE DISTRICT COURT OF

HARRIS COUNTY, TEXAS

_____ JUDICIAL DISTRICT

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

TO: Defendant EXPLORE GROUP LLC, their attorneys, agents, servants, and/or employees.

CAME on to be heard this day Plaintiff's Application for Temporary Restraining Order against EXPLORE GROUP LLC ("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 that Plaintiff has shown a viable cause of action exists and there is a substantial likelihood that Plaintiff will prevail at trial. The Court finds 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.

The Court further finds that without injunctive relief, Plaintiff will suffer probable, imminent 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 EXPLORE GROUP LLC 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 February 23, 2019, the subject tractor-trailer, the subject tractor-trailer, engine control module, download/data, documents, photographs, videos, personnel records, maintenance records, cell phone records, dispatch records, trip logs, e-mails, driver's cell phone, and any other evidence reasonably related to the February 23, 2019 collision, as well as moving, removing or altering, any and all tangible evidence and/or equipment.
2. Defendant EXPLORE GROUP LLC is immediately restrained from putting the subject tractor-trailer back in service until such time Plaintiff's counsel and experts are allowed to enter and inspect the subject tractor-trailer and the requested evidence is produced and secured.

This Order applies to Defendant EXPLORE GROUP LLC their attorneys, agents, servants, employees, contractors, contractors' employees, and/or those acting in concert with Defendant EXPLORE GROUP LLC.

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 March 15, 2019 at 2:15 o'clock P.m., in the courtroom of the 269th Judicial District Court of Harris County, Texas, to show cause, if there be any, why a temporary injunction should not be issued as requested by Plaintiff.

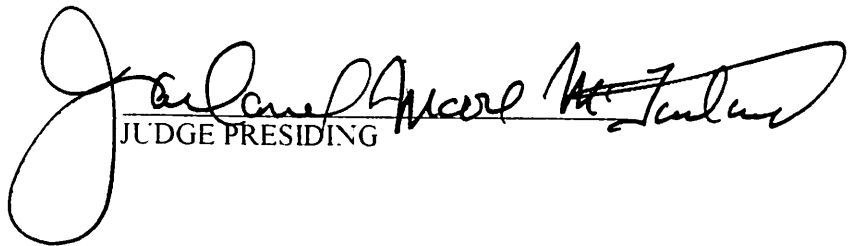
It is further ORDERED that the Clerk of the Court shall issue a show-cause notice to Defendant to appear at the hearing on Plaintiff's application for temporary injunction.

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 \$ 200.00.

SIGNED on this the 7 day of March, 2019, at 3:48 o'clock

P.m.


JUDGE PRESIDING

CAUSE NUMBER 2019-16807

Layne Hembree
PETITIONER

§ IN THE DISTRICT COURT OF
§ HARRIS COUNTY, TEXAS
§ 209th JUDICIAL DISTRICT

Explore Group LLC
RESPONDENT

CLERK'S CERTIFICATE OF CASH DEPOSIT IN LIEU OF INJUNCTION BOND PER ORDER OF THE COURT

THE STATE OF TEXAS §
COUNTY OF HARRIS §

THIS DOCUMENT IS TO CERTIFY that I, the undersigned Clerk of the District Courts of Harris County, Texas have received a cash deposit, as ordered by the Court, in the amount of Two Hundred Dollars (\$ 200.00), to be deposited with the Registry of the Court in lieu of a Temporary Restraining Order Bond or a Temporary Injunction Bond, as required by Rule 684, T.R.C.P. in the above styled and numbered cause as provided by the order entered on the 7th day of March, 2019.

This cash deposit is made and received in lieu of TEMPORARY RESTRAINING ORDER or TEMPORARY INJUNCTION, conditioned that the applicant will abide the decision which may be made in the cause, and that he will pay all sums of money and costs that may be adjudged against him if the restraining order or temporary injunction shall be dissolved in whole or in part, and this certificate is issued to have the force and effect of a TEMPORARY RESTRAINING ORDER BOND OR A TEMPORARY INJUNCTION BOND in accordance with the Order of the Court

WITNESS my hand and seal of office this 7th day of March, 2019

FILED
Marilyn Burgess
District Clerk
MAR 7 2019

Marilyn Burgess, District Clerk
Harris County, Texas
Po Box 4651
Houston, Texas 77210-4651

Time: _____
Harris County, Texas
By _____
Deputy

By Luke Skomena
Deputy District Clerk

Principal: Alex P. Boylhart
Attorney: [Signature]
Bar Number: 24087198