

of the Oak Springs Apartments, located at 3919 Perrin Central, San Antonio, Texas 78217 (the “Oak Springs Apartments”), then evidence relevant to this cause will be irretrievably lost.

2. If Defendants are not restrained immediately, their actions are likely to result in immediate and irreparable harm to the Plaintiffs by the loss of evidence forming the basis for their claims. This will severely impair the Plaintiffs’ ability to prosecute the claims they assert herein against the Defendants. These injuries are irreparable and imminent, and the Plaintiffs would not have adequate legal remedies should the Defendants not be restrained.

3. It is essential that the Court immediately and temporarily restrain Defendants, as well as their agents, employees, representatives, related companies, successors in interest, and/or any persons or entities acting in concert or participating with them from demolishing, destroying or otherwise tampering with Building 6 of the Oak Springs Apartments until all litigation experts have full opportunity to inspect, examine and sample the evidence at the location.

4. It is also essential that the Court act immediately, prior to notice to Defendants and a hearing on the matter because otherwise, immediate and irreparable harm will occur. Defendants are currently preparing the demolition of Building 6 of the Oak Springs Apartments, and Plaintiffs have been notified that, absent a court order directing it otherwise, such demolition could begin at any moment. Therefore, this temporary restraining order must be granted *ex parte*.

5. Plaintiff has vested legal rights it seeks to protect and a probable right to the relief sought in its claims for declaratory judgment and injunctive relief. Plaintiff will suffer probable injury if the Court does not enter a temporary restraining order pending a hearing on a temporary injunction, and subsequently, pending a trial on the merits of this case.

IT IS THEREFORE ORDERED that Defendants, as well as their agents, employees, representatives, related companies, successors in interest, and/or any persons or entities acting in concert or participating with them be and hereby are restrained and enjoined from:

a. Demolishing, destroying, or altering in any way, Building 6 of the Oak Springs Apartments, until all litigation experts have full opportunity to inspect, examine and sample the evidence at the location;

b. Altering, in any way, any potential evidence at Building 6 of the Oak Springs Apartments, until all litigation experts have full opportunity to inspect, examine and sample the evidence at the location; and

c. Allowing or permitting others to engage in demolishing, destroying or altering, in any way, Building 6 of the Oak Springs Apartments, which is property they own, including if necessary, revoking, rescinding, and/or otherwise cancelling any contracts or instructions to any third-parties, including, but not limited to any JMI Contractors or any other contractor or demolition company, to engage in the demolition of Building 6, until all litigation experts have full opportunity to inspect, examine and sample the evidence at the location.

IT IS FURTHER ORDERED that the motion of Plaintiff for a temporary injunction be heard before me, Judge of the above named Court, on _____, 2017 at ___ o'clock, __.m. in the courtroom of the _____ District Court of Bexar County, Texas.

This Order shall not be effective unless and until Plaintiffs file with the clerk, in accordance with the law, either a bond or cash in lieu of a bond in the amount of _____ dollars.

The clerk of the above-entitled Court shall, on the filing by Plaintiffs of the bond required and on approving the same according to the law, issue a temporary restraining order in conformity with the law and the terms of this Order. MAR 14 2017

SIGNED this the ___ day of _____, 2017, at _____ o'clock, ~~m.~~
Laura Salinas
Presiding Judge
108th District Court
~~Dallas County, Texas~~

Presiding Judge