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January 13, 2010

Sandy Smith
American Boer Goat Association
1207 S. Bryant Blvd., Suite C
San Angelo, TX 76903

Re: *No. 37095; United States Boer Goat Association v. American Boer Goat Association*

Dear Sandy:

Enclosed please find the *Agreed Order of Temporary Injunction* which has been entered in the above referenced matter.

Sincerely,

Jon Mark Hogg

JMH:kc
Enclosure

cc: Emilio Nicolas (JW-Austin)

CAUSE NO. 37095

UNITED STATES BOER GOAT
ASSOCIATION,

Plaintiff,

v.

AMERICAN BOER GOAT
ASSOCIATION,

Defendant.

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IN THE DISTRICT COURT OF

BURNET COUNTY, TEXAS

33RD JUDICIAL DISTRICT

AGREED ORDER OF TEMPORARY INJUNCTION

On this day came for consideration the Application for Temporary Injunction of Plaintiff United States Boer Goat Association (Plaintiff United States Boer Goat Association is hereinafter referred to as "USBGA"), and the Emergency Motion to Dissolve Temporary Restraining Order and Motion to Deny Temporary Injunction of Defendant American Boer Goat Association (Defendant American Boer Goat Association is hereinafter referred to as "ABGA"). After considering said application and motions, the oral arguments of and evidence presented by counsel for USBGA and ABGA at hearing, the pleadings, and all other papers and evidence on file, the Court finds that:

1. USBGA and ABGA have been given due notice of the hearing on the USBGA's Application for Temporary Injunction, ABGA's Emergency Motion to Dissolve Temporary Restraining Order, and ABGA's Motion to Deny Temporary Injunction;
2. Said hearing was held on December 11, 2009, at 10:30 a.m. CST;
3. USBGA and ABGA, by and through their respective attorneys of record, appeared at, announced ready for, and presented evidence at said hearing;

4. During said hearing, USBGA and ABGA reached an agreement as to preservation of the *status quo* pending trial on the merits of this case; and

5. Each and every term and condition of said agreement is set forth in this order.

IT IS, THEREFORE, ORDERED that ABGA's Emergency Motion to Dissolve Temporary Restraining Order is **GRANTED** in its entirety and, as a result thereof, the temporary restraining order entered in this case against ABGA on December 3, 2009, is hereby **DISSOLVED** in its entirety.

IT IS FURTHER ORDERED that USBGA's Application for Temporary Injunction is **DENIED** in its entirety.

IT IS FURTHER ORDERED that the ABGA's Motion to Deny Temporary Injunction is **DENIED** in its entirety.

IT IS FURTHER ORDERED that, by agreement of USBGA and ABGA, a temporary injunction shall issue and be binding upon USBGA, ABGA, and their respective officers, agents, servants, employees, attorneys, and those persons in active concert or participation with them who receive actual notice of this order by personal service or otherwise, as follows:

1. Until this Court renders judgment in this case, or until this Court modifies or dissolves this order, USBGA shall not access or attempt to access the online database of ABGA commonly known as "ABGA Online" and accessible through the Internet website located at <http://www.abga.org>. For the avoidance of doubt, and subject to ABGA's rules, regulations, policies and criteria for the access and use of said online database of ABGA, this order **does not** enjoin an individual USBGA member from accessing said online database of ABGA.

2. Until this Court renders judgment in this case, or until this Court modifies or dissolves this order, USBGA shall not access or attempt to access the online database of ABGA

commonly known as "ABGA Online Premium" and accessible through the Internet website located at <http://www.abga.org>. For the avoidance of doubt, and subject to ABGA's rules, regulations, policies and criteria for the access and use of said online database of ABGA, this order **does not** enjoin an individual USBGA member from accessing said online database of ABGA.

3. Until this Court renders judgment in this case, or until this Court modifies or dissolves this order, ABGA shall not deny any application for the registration of a Boer goat with ABGA on the sole basis that said Boer goat is a USBGA-registered Boer goat. For the avoidance of doubt, this order **does not** enjoin ABGA from: (a) requiring a person or entity who desires to register his/her/its Boer goat with ABGA to submit a new application for the registration of said Boer goat with ABGA (regardless of whether said Boer goat is a USBGA-registered Boer goat); or (b) denying an application for the registration of a Boer goat with ABGA on the basis that said application fails to comply with or satisfy ABGA's rules, regulations, policies and criteria for the registration of a Boer goat with ABGA.

IT IS FURTHER ORDERED that trial on the merits of this case is set for November 1, 2010.

IT IS FURTHER ORDERED that neither USBGA nor ABGA shall execute and file a bond with the clerk of this Court.

IT IS FURTHER ORDERED that the clerk of this Court shall issue a temporary injunction in conformity with the law and the terms and conditions of this order.

SIGNED on this 5th day of Jan, 2010.




JUDGE PRESIDING

AGREED TO BY:

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By: 
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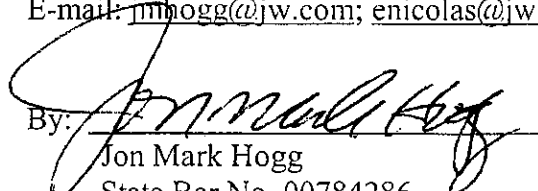
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