

CAUSE NO. 11-0540-A

FILED
MAR 29 2011
LOIS ROGERS
CLERK, 7th JUD. DIST. COURT, SMITH CO., TX
BY _____ DEPUTY

WILD ROSE RESCUE RANCH

IN THE DISTRICT COURT

VS.

SMITH COUNTY, TEXAS

CITY OF WHITEHOUSE

7th JUDICIAL DISTRICT

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AGREED TEMPORARY INJUNCTION

On this day the parties announced to the Court that they had reached an agreement concerning the Plaintiff's request for a temporary injunction. The Court is of the opinion that the agreement should be approved and that a temporary injunction should issue.

IT IS THEREFORE ORDERED that the Defendant be, and it is hereby, enjoined from enforcing against Plaintiff, Section 20 of City of Whitehouse Ordinance No. 11-0211-01, which pertains to the numbers of animals that may be kept on its premises or enforcing against Plaintiff those portions of Sections 8 and 10 of said ordinance which pertain to the numbers of animals that may be kept on its premises. During the period referenced herein, Plaintiff agrees to actively engage in the process of reducing the numbers of dogs on the premises, through adoption or other means, to: (1) the number permitted under the Ordinance or (2) such number as is otherwise agreed upon by the parties or authorized via permit by the Defendant. Accordingly, during the period referenced herein, Defendant is enjoined from seizing any animals from the premises of Plaintiff, on the basis that there are excessive numbers of animals on the premises. This order shall not prohibit the City of Whitehouse from enforcing any other provision of City of Whitehouse Ordinance No. 11-0211-01, or any other City of Whitehouse ordinance, against

Plaintiff.

IT IS FURTHER ORDERED that, during the pendency of this temporary injunction, representatives of Defendant shall be permitted to inspect the premises of Plaintiff, once every thirty (30) days, and again within seven (7) days of the expiration of this order, to verify the number of dogs on Plaintiff's premises and Plaintiff's efforts to reduce the number of dogs pursuant to this order.

IT IS FURTHER ORDERED that, per the agreement of the parties, during the pendency of this temporary injunction, Defendant will not seek a ruling on its previously filed Plea to the Jurisdiction, but the parties hereby acknowledge that Defendant is not waiving its Plea to the Jurisdiction or any jurisdictional argument/defense, by agreeing to this temporary injunction.

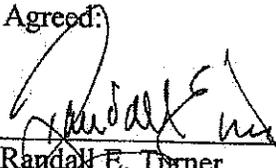
IT IS ORDERED that this temporary injunction shall remain in effect until August 1, 2011.

SIGNED this 29 day of March, 2011.

/s/ Judge Kerry L. Russell

JUDGE PRESIDING

Agreed:



Randall E. Turner
Attorney for Wild Rose Rescue Ranch



Ron Schoenbrun
Attorney for City of Whitehouse