

MAR - 2 2017

At 4:30 P.M.
Velva L. Price, District Clerk

Cause No. D-1-GN-17-000878

WILD BOAR MEATS, L.L.C.,
Plaintiff,

v.

TEXAS DEPARTMENT OF
AGRICULTURE and SID MILLER, in
his Official Capacity as Commissioner of
the Texas Department of Agriculture,
Defendants.

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IN THE DISTRICT COURT OF

TRAVIS COUNTY, TEXAS

250th JUDICIAL DISTRICT

TEMPORARY RESTRAINING ORDER

On this day, the Court heard the application for temporary restraining order of Plaintiff, Wild Boar Meats, L.L.C. Plaintiff and Defendants appeared by and through their attorneys of record. After considering the pleadings, and attachments in support of the pleadings, and the argument of counsel, the Court is of the opinion that the application for a temporary restraining order should be granted for the following reasons: (i) in accordance with Tex. Gov't. Code § 2001.038, Plaintiff has asserted a valid cause of action for declaratory relief with regard to the invalidity of the Texas Department of Agriculture's emergency amendment to, 22 T.A.C. §7.30 as set forth in the emergency rule of February 21, 2017; (ii) Plaintiff has shown a probable right to a judgment because no imminent peril to public health, safety or welfare exists and Defendants did not follow the requirements of Texas Administrative Procedure Act (APA) § 2001.034(a)(1)-(2), (b), and (d) and so therefore the rule is invalid; and (iii) Plaintiff will suffer immediate and irreparable harm because the proposed enforcement of the emergency rule will have an immediate and severe impact on Wild Boar Meats, L.L.C.'s ability to do business in Texas. The Court further finds that the status quo will be preserved by the entry of this order.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED that Plaintiff's Application for Temporary Restraining Order be and is hereby GRANTED;

ACCORDINGLY, THE TEXAS DEPARTMENT OF AGRICULTURE, and its Commissioner, agents, servants, employees, and attorneys be and hereby are, ARE HEREBY ORDERED to desist and refrain from implementing, communicating and enforcing the amendments to 4 T.A.C. §7.30 dated February 21, 2017 until further order of this Court.

IT IS FURTHER ORDERED THAT Plaintiff shall execute and file with the clerk of this Court a bond, or cash deposit in lieu of bond, in the amount of \$ 500.00 in conformity with Rule 684 of the Texas Rules of Civil Procedure, payable to Defendants and conditioned that Plaintiff will abide by the decision which may be made in the cause, and that Plaintiff will pay all sums of money and costs that may be adjudged against it if the temporary restraining order shall be dissolved in whole or in part.

The clerk shall forthwith, when so requested by Plaintiff and after Plaintiff has filed the bond described above, issue a writ of temporary restraining order in conformity with the law and the terms of this Order.

IT IS FURTHER ORDERED that, unless extended by agreement of the parties or changed by further order of this Court, this Order become effective only at such time as Wild Boar Meats, L.L.C. files with the clerk of this court a bond in the amount of \$ 500.00 .

IT IS FURTHER ORDERED that Plaintiff's application for a temporary injunction be heard on Thursday, March 30, 2017, at 9:00 o'clock a.m.

IT IS FURTHER ORDERED that ^{by agreement of the parties} this order expires ~~no later than fourteen days after~~ at the conclusion of the Temporary Injunction hearing scheduled for March 30, issuance or until earlier amended by order of the Court, ~~whichever occurs first.~~ 2017.

Signed and issued this 2nd day of March, 2017, at 4:27 o'clock p.m.

Jan Soifer
JUDGE PRESIDING