

CAUSE NO. 1828671

PAMELA SMITHER COVINGTON,
MILES ALLAN "BOB" SMITHER AND
MURRAY SMITHER

v.

HUNTSVILLE MEMORIAL HOSPITAL, AND
WALKER COUNTY HOSPITAL DISTRICT

§ IN THE DISTRICT COURT OF

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WALKER COUNTY, TEXAS

Walker County - 278th District Court

JUDICIAL DISTRICT

FILED

TIME

11:50

12 DAY OF MAR 2018

ROBYN FLOWERS

District Clerk Walker County

By

[Signature]

Deputy

TEMPORARY RESTRAINING ORDER

The Application for Temporary Restraining Order and Injunctive Relief filed by Plaintiffs Pamela Smither Covington, Miles Allan "Bob" Smither and Murray Smither in this cause, for a temporary restraining came on for hearing before the Court. After considering the sworn facts shown by Plaintiffs' affidavit and verified petition, the Court finds that immediate and irreparable harm will result to Plaintiffs, who have no adequate remedy at law, unless the Defendants Huntsville Memorial Hospital and Walker County Hospital District and those acting in concert with them are enjoined from engaging in the conduct set forth in the verified petition. Specifically, Defendants have violated the restrictive covenant encumbering the subject real property described in the petition, and Defendant Walker County Hospital District is engaging in conduct constituting an inverse condemnation of Plaintiffs' real property.

IT IS, THEREFORE, ORDERED that Huntsville Memorial Hospital and Walker County Hospital District, and those acting in concert with them or who have actual notice of this Temporary Restraining Order, are enjoined from engaging in the following acts until further order of this Court:

Taking any action to sell or utilize the Property described in the deed attached hereto as Exhibit 1, for non-hospital purposes

IT IS FURTHER ORDERED that Defendants Huntsville Memorial Hospital and Walker County Hospital District shall appear before this Court in the Walker County

District Courthouse, 1100 University Ave., Huntsville, TX 77340, on March 22, 2018 at 9 A.m. to determine, while this case is pending, whether this Temporary Restraining Order should be made a temporary injunction pending final trial.

IT IS FURTHER ORDERED that unless extended as provided by law, this Temporary Restraining Order shall expire at the earlier of the conclusion of the temporary injunction hearing or fourteen days following the date of this Temporary Restraining Order.

This order shall not be effective unless and until Plaintiffs Pamela Smither Covington, Miles Allan "Bob" Smither and Murray Smither execute and file with the clerk a bond, in conformity with the law, in the amount of \$ 500.00.

The clerk shall forthwith, on the filing by Plaintiffs of the bond, and on approving the bond according to the law, issue a temporary restraining order in conformity with the law and the terms of this order.

SIGNED this 6 day of March, 2018 at 11:04 P.m.



JUDGE PRESIDING

**APPROVED AND
ENTRY REQUESTED:**

LAW OFFICE OF
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