

DNOW L.P. d/b/a
DISTRIBUTIONNOW
Plaintiff

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IN THE DISTRICT COURT OF

v.

434th JUDICIAL DISTRICT

TOBY EOFF, JUSTIN COE, RYAN
HIBBETTS, and MICHAEL
WHEELER
Defendants.

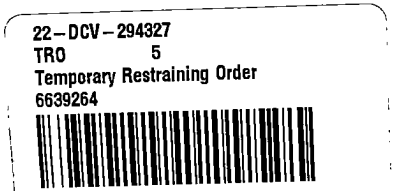
FORT BEND COUNTY, TEXAS

TEMPORARY RESTRAINING ORDER

On June 21, 2022, the Court heard the application for temporary restraining order by DNOW L.P. d/b/a DistributionNOW (“Plaintiff” or “DNOW”) against Defendants Toby Eoff (“Eoff”), Justin Coe (“Coe”), Ryan Hibbetts (“Hibbetts”), and Michael Wheeler (“Wheeler”) (collectively, “Defendants”). Having considered Plaintiffs’ Verified Original Petition and Application for Temporary Restraining Order, Temporary Injunction, Permanent Injunction, and Damages (the “Petition”) and the evidence attached thereto, the Court finds:

DNOW has demonstrated a probable injury and a likelihood of success on the merits against Defendants. The evidence presented shows that the Defendants engaged in a conspiracy to misappropriate highly confidential and trade secret DNOW information via personal email or cloud accounts belonging to Defendants. The evidence also shows that the Defendants have stolen DNOW employees using that confidential and trade secret information.

Unless Defendants are restrained, DNOW will continue to experience imminent and irreparable harm, including damages to its goodwill, business reputation, employment relationships, customer relationships, and current and former business opportunities. The



balancing of the equities is served by a temporary restraining order because the value of the irreparable harm is not easily measured.

The Court further finds that the balance of equities between DNOW and Defendants favors the issuance of injunctive relief. Accordingly, a temporary restraining order is necessary to preserve the status quo between the parties pending a hearing on a temporary injunction.

IT IS THEREFORE ORDERED that Defendants are hereby temporarily enjoined as follows:

- a. Defendants, and anyone in concert with them, are prohibited from, directly or indirectly, disclosing or using any confidential or proprietary information of, involving or relating to DNOW, or its affiliates (including Odessa Pumps).
- ~~b. Within 3 days of the Court's order, the Defendants must return to DNOW all documents in their possession, custody, or control that contain confidential information or trade secrets belonging to DNOW and its affiliates.~~
- ~~c. Within 7 days of the Court's order, Defendants must make all personal and Permian Pump and Valve electronic storage devices (*i.e.*, laptops, cell phones, tablets, etc.) available for forensic imaging by a third-party neutral forensic examiner.~~
- ~~d. Within 7 days of the Court's order, Wheeler must provide his username, password, and any other information required to access his personal DropBox account for forensic imaging by a third-party neutral forensic examiner.~~
- ~~e. Within 7 days of the Court's order, Coe must provide his username, password, and any other information required to access his personal Gmail account for forensic imaging by a third-party neutral forensic examiner.~~
- ~~f. Within 7 days of the Court's order, Hibbetts must provide his username, password, and any other information required to access his personal Hotmail account for forensic imaging by a third-party neutral forensic examiner.~~
- ~~g. Within 7 days of the Court's order, Eoffs must provide his username, password, and any other information required to access his personal "eoffs.com" email account for forensic imaging by a third-party neutral forensic examiner.~~
- h. Defendants must preserve all communications between themselves or with third parties, including Permian Pump and Valve (whether text messages, emails, or other forms of electronic messaging, including metadata) as of January 1, 2021 until further Order of this Court.

- i. Defendants, and anyone in concert with them, must immediately stop all work for Permian Pump and Valve and its related companies, including any consulting work or work as an independent contractor or employee.
- j. Defendants, and anyone in concert with them, on behalf of themselves and on behalf of Permian Pump and Valve, are prohibited from, directly or indirectly by aiding or assisting, soliciting, inducing, hiring, or attempting to solicit, induce, or hire, any person who (1) is a current employee or exclusive contractor of DNOW or its affiliates; or (2) who was an employee of DNOW or its affiliates at any time during the 24-month period preceding April 1, 2022.
- k. Defendants, and anyone in concert with them, on behalf of themselves and on behalf of Permian Pump and Valve, are prohibited from soliciting, approaching or enticing away or causing to be solicited, approached or enticed away from DNOW or any of its affiliates, any business relating to DNOW's Odessa Pumps business (*i.e.*, the business of servicing or supplying pump equipment).
- l. Eoff is prohibited from carrying on or engaging in activities in which Eoff directly or indirectly, owns, manages, operates, controls, funds, invests in, participates in, consults with, or is otherwise connected to, any business, individual, partnership, firm, corporation or other entity which engages in any activity that is in direct competition with DNOW and Odessa Pumps in the business of servicing and supplying pump equipment.

Actual notice of this temporary restraining order shall be made by personal service in accordance with the Texas Rules of Civil Procedure.

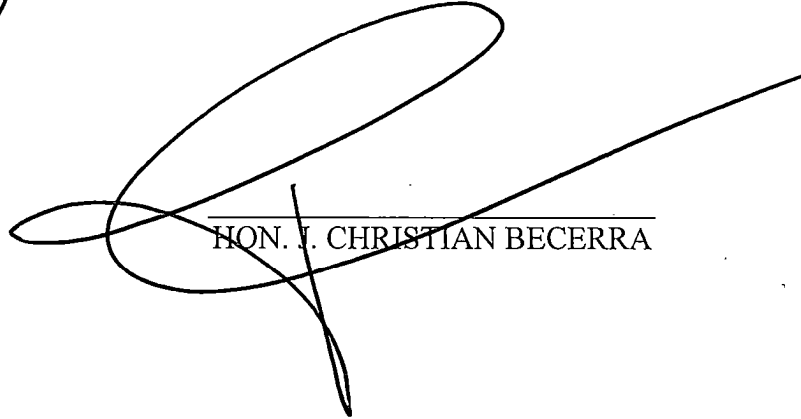
IT IS FURTHER ORDERED that this Temporary Restraining Order shall expire on ~~June~~ ^{July} 5, 2022 at 2:20 ~~a.m.~~ ^(p.m.), which is within fourteen (14) days from the signing of this Order.

IT IS FURTHER ORDERED that Plaintiffs' Application for Temporary Injunction be heard as currently set before the 439 Judicial District Court on ~~June~~ ^{July} 5, 2022 at 2:00 ~~a.m.~~ ^(p.m.) in the Courtroom of 439 District Court, Richmond, Texas.

The clerk of the above-entitled Court shall forthwith, on the filing by DNOW of the required bond, 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.

This Order shall be effective immediately, as DNOW has executed and filed with the clerk a bond, in conformity with the law, in the amount of \$ 1000.00

SIGNED this day at 2:20 a.m./p.m. on June 21, 2022.



HON. J. CHRISTIAN BECERRA

FILED

JUN 21 2022

AT 2:29 P ^{CLERK} M.

Renee M. Green Walk
CLERK DISTRICT COURT, FORT BEND CO., TX