

CAUSE NO. 2009-10087-16

DENTON COUNTY ELECTRIC  
COOPERATIVE, INC.  
d/b/a COSERV ELECTRIC

Plaintiff,  
v.

MARK GLOVER,  
Defendant.

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IN THE DISTRICT COURT  
DENTON COUNTY, TEXAS  
FILED  
2009 MAR 24 PM 4:06  
SHERRI ADLSTEIN  
DISTRICT CLERK  
DEPUTY  
16 JUDICIAL DISTRICT  
DENTON COUNTY, TEXAS

**TEMPORARY RESTRAINING ORDER**

On this \_\_\_\_ day of March 2009, Denton County Electric Cooperative, Inc. d/b/a CoServ Electric ("CoServ"), complaining of Mark Glover has filed Plaintiff's Verified Original Petition and Application for Temporary Restraining Order and Injunctive Relief (the "Petition"). After reviewing the Petition and hearing the arguments of counsel, the Court finds that there is evidence that harm is imminent to CoServ, and if the Court does not issue this Temporary Restraining Order and does not immediately restrain Mr. Glover from taking actions as set forth herein, CoServ will suffer irreparable injury for which it has no adequate remedy at law.

The Court further finds that CoServ has a probable right to recovery and will suffer imminent and irreparable harm from which no adequate recovery at law exists if prohibitive injunctive relief is not immediately entered. It is probable that CoServ will recover from Mr. Glover after a trial on the merits because the verified facts establish that (1) Mr. Glover provided personal information of the members who own CoServ ("Members"), including Members' names, addresses, e-mail addresses, and phone numbers (both listed and unlisted) (collectively, "Members' Personal Information"), to one or more third parties; (2) wrongly claimed that the

Members' Personal Information was his own personal property; (3) refused to sign an affidavit stating that he no longer possessed Members' Personal Information; (4) provided confidential and sensitive real estate information ("Confidential Real Estate Information, and collectively, with Members' Personal Information, the "CoServ Information") to one or more third parties; (5) violated a Certificate of Qualification and Consent to Serve dated April 25, 2005 and stating "if so elected [to be a Director of CoServ], I agree to comply with all laws, rules, regulations, and policies applicable to directors of CoServ Electric;" (6) violated a Certificate of Qualification and Consent to Serve dated April 7, 2008 and stating "if so elected [to be a Director of CoServ], I agree to comply with all laws, rules, regulations, and policies applicable to directors of CoServ Electric;" (7) made an untruthful statement to the CoServ Board of Directors in response to the June 6, 2008 question, "Did you, directly or indirectly, provide member information to Janice Brady or to anyone on her behalf?"; (8) made an untruthful statement to the CoServ Board of Directors in response to the June 6, 2008 question, "Do you have any information that someone has provided Janice Brady or anyone else with member list data?"; and (9) violated CoServ's Policy 310 (adopted on November 26, 1985), which provides that "[i]nformation which is of a confidential corporate nature will not be provided to the membership such as . . . [t]he names and addresses or telephone numbers of members, past and/or current. . . ."

Based on the foregoing—and because Mr. Glover is in possession of the CoServ Information and has previously released some of the CoServ Information to third parties—Mr. Glover's continued release of the CoServ Information to third parties will cause imminent, irreparable injury to CoServ, resulting in the following, without limitation: Members' loss of privacy and resulting damages therefrom, and CoServ's loss of financial gain in real estate transactions which benefit the Members.

The Court finds harm that will result if the Temporary Restraining Order is not immediately issued is imminent and irreparable because CoServ has no adequate remedy at law and its damages are immeasurable because it cannot ascertain to whom Mr. Glover continues to disclose the CoServ Information, what parts of the CoServ Information Mr. Glover is disclosing, and for what purpose Mr. Glover is making the disclosures; thus, CoServ has no adequate remedy at law.

The Court finds that harm is imminent because Mr. Glover will continue to disclose or cause to be disclosed the CoServ Information if CoServ's application is not granted.

The Court finds that the harm CoServ has described in the Petition is a direct and proximate result of Mr. Glover's aforementioned conduct.

The Court finds that there is insufficient time to serve notice on Mr. Glover and hold a hearing on this application.

The Court finds that this Temporary Restraining Order is narrow in scope and will preserve the status quo until the hearing on CoServ's application for temporary injunctive relief.

IT IS FURTHER ORDERED THAT Mr. Glover, upon receiving actual notice of the Temporary Restraining Order by personal service or otherwise, and his affiliates, agents, servants, employees, and attorneys and all persons acting in concert or participation with them are immediately enjoined and restrained from (1) making copies (hard copies or electronic copies) of the CoServ Information (including CoServ Information currently in Mr. Glover's possession, custody or control, or any CoServ Information that—during the period of this Temporary Restraining Order—comes within Mr. Glover's possession, custody or control ("Current or Future CoServ Information"); (2) using any of the Current or Future CoServ Information, except at CoServ's main office in Corinth, Texas, and in the presence of the Board;

(3) sharing the Members' Personal Information with any other Members or any other third parties, (4) using the Members' Personal Information for "non-Company purposes," including without limitation mass mailings or automated phone-message services (a/k/a robo-calls); (5) destroying or hiding any copies of the Current or Future CoServ Information including Current or Future CoServ Information existing in hard copy format, communications by written letter, audio recordings, videotape, e-mail, instant messages, word processing documents, drafts, spreadsheets, databases, calendars, telephone logs, contact information, Internet usage files, and all other electronic information; (6) destroying or overwriting any files containing Current or Future CoServ Information, including hard-copy files, computer hard drives, removable media (like CDs, flash drives, and DVDs), laptop computers, network drives, PDAs, Blackberry devices, and any other locations where hard-copy and electronic data are stored, including without limitation, personal computers, cell phones, or other electronic devices, and back-up tapes; (7) distributing or transferring any of the Current or Future CoServ Information to any Members or third parties, including without limitation, publicizing or releasing any of the Current or Future CoServ Information to any third party or in any media, including without limitation, on any websites, signs, advertising, materials, displays, computer programs, publications, products, distributions, press releases, copies, items of closing and/or any other printed or reproduced material; and (8) conspiring with, aiding, assisting, or abetting any other person or business entity in engaging in or performing any of the prohibited activities as described above.

IT IS FURTHER ORDERED THAT within ten days of receipt of the Temporary Restraining Order, by personal service or otherwise, Mr. Glover provide to counsel for CoServ an accounting of the CoServ Information, including: (1) the location of all copies of the CoServ

Information in his possession, custody, or control; (2) for each copy of the CoServ Information in his possession, custody, or control, the type of CoServ Information (e.g., Members' Personal Information, Confidential Real Estate Information) ("Content Type"); (3) for each copy of the CoServ Information in his possession, custody, or control, a description of the type of format (e.g., hard copy, written letter, audio recordings, videotape, e-mail, instant message, word processing document, draft, spreadsheet, database, calendar, telephone log, contact information, Internet usage files) ("Format Type"); (4) for each copy of the CoServ Information in his possession, custody, or control, a description of the type of file holding the CoServ Information (e.g., hard-copy file, computer hard drive, removable media (like CD, flash drive, and DVD), laptop computer, network drive, PDA, Blackberry device, personal computer, cell phone, back-up tape) ("File Type"); and (5) the name of all persons or entities to which Mr. Glover distributed CoServ Information, including, as to each person or entity, the date of the distribution, the Content Type distributed, the Format Type distributed, and the File Type distributed.

IT IS FURTHER ORDERED THAT the Clerk issue a Show Cause Notice to Mr. Glover to appear before the presiding judge of this Court for hearing on CoServ's application for temporary injunction at 9:00 o'clock A m., on the 2nd day of April, 2009. The purpose of the hearing shall be to determine whether this Temporary Restraining Order should be made a Temporary Injunction pending a full trial on the merits.

The Court further sets bond at \$ 500.00. It is further ORDERED that, on the filing by CoServ of the Bond in the amount of \$ 500.00 executed and filed with the Clerk of this Court, the Clerk shall issue a temporary restraining order in conformity with the law and the terms of this Court.

Once effective, this Order shall remain in full force and effect until it expires fourteen days after the date and hour of issue reflected below or pursuant to further order of this Court.

SIGNED this the 24 day of March, 2009 at 3:45 clock p.m.

  
HONORABLE JUDGE PRESIDING