

IN THE DISTRICT COURT OF SEQUOYAH COUNTY  
STATE OF OKLAHOMA

STATE OF OKLAHOMA and CHEROKEE  
NATION,

Plaintiffs,

vs.

SEQUOYAH FUELS CORPORATION

Defendant.

SEQUOYAH COUNTY, OKLAHOMA  
FILED  
IN DISTRICT COURT

FEB 09 2017

VICKI BEATY, COURT CLERK  
BY \_\_\_\_\_ DEPUTY

CV  
Case No. 2017- 23

**ORDER GRANTING TEMPORARY RESTRAINING ORDER**

Upon motion of Plaintiffs and for good cause shown, the Court hereby GRANTS Plaintiffs' Motion for a Temporary Restraining Order ("TRO") against Defendant Sequoyah Fuels Corporation ("SFC"), and ORDERS Defendant to cease or refrain from placing or disposing of the specified material within the on-site cell at the Sequoyah Fuels Corporation site in Gore, Oklahoma.

"The purpose of a temporary injunction is to preserve the status quo." *Okla. Pub. Employees Ass'n v. Okla. Military Dep't*, 2014 OK 48, ¶ 15, 330 P.3d 497, 504. To obtain a temporary injunction, a moving party must show that, on balance, four factors weigh in their favor: 1) a likelihood of success on the merits, 2) irreparable harm to the moving party should the injunction be denied, 3) that the moving party's injury outweighs any injury the non-moving party will suffer pursuant to the injunction, and 4) that the injunction is in the public interest. *Dowell v. Pletcher*, 2013 OK 50, ¶ 7, 304 P. 3d 457, 460. To obtain a temporary restraining order, the moving party must also demonstrate

that immediate and irreparable injury will occur before the non-moving party can be heard in opposition.

Plaintiffs' Motion and Petition make clear that the TRO will preserve the status quo until Defendant can respond to Plaintiffs' Motion for Preliminary Injunction. From the evidence presented, the Court finds that Plaintiffs have satisfied the four elements necessary for preliminary injunction. Additionally, Defendant's actions, which will irreparably injure Plaintiffs, are imminent and will occur before Defendant can respond to Plaintiff's Motion for Preliminary Injunction absent the grant of this TRO.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED BY THE COURT that Sequoyah Fuels Corporation, and its agents, employees or otherwise, are hereby restrained from placing or disposing within the on-site cell at the Sequoyah Fuels Corporation site in Gore, Oklahoma, the following materials: raffinate sludge, North ditch sediments, emergency basin sediments, or sanitary lagoon sediments.

**JEFF PAYTON**

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JUDGE OF THE DISTRICT COURT



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