

Cause No. 55336

Plaintiffs

LAWRENCE R. FFRENCH JR. FOR
DOUBLE F HANGAR OPERATIONS,
LLC, TRIPLE F HANGAR OPERATIONS
LLC, JAMES T. NELSON FOR QUAD F
HANGAR OPERATIONS, LLC AND J.
RICHARD DIAL INDIVIDUALLY AND
ON BEHALF OF SPICEWOOD AIRPORT
PILOTS ASSOCIATION

Vs

Defendants

DANIEL BLACK, PATRICIA GERINO,
LESLIE PARTRIDGE, WESLEY
PERKINS, RICHARD SCHAEFER, JOHN
WISSLER AND ZACHARY WRIGHT,
INDIVIDUALLY AND COLLECTIVELY
AS THE BOARD OF DIRECTORS FOR
THE SPICEWOOD AIRPORT PILOTS
ASSOCIATION

IN THE DISTRICT COURT

33rd JUDICIAL DISTRICT
BURNET COUNTY, TEXAS.

PROPOSED ORDER GRANTING TEMPORARY RESTRAINING ORDER

On May 18 th __, 2023, the Court heard Plaintiffs Lawrence R. Ffrench Jr. for Double F Hangar Operations, LLC, Triple F Hangar Operations, LLC, James T. Nelson for Quad F Hangar Operations, LLC and J. Richard Dial Individually and on behalf of the Spicewood Airport Pilots Association (“SAPA”) (“Plaintiffs”) Application for Temporary Restraining Order and Preliminary Injunction (the “Application”) against Defendants Daniel Black, Patricia Gerino, Leslie Partridge, Wesley Perkins, Richard Schaefer, John Wissler and Zachary Wright, Individually and Collectively as the SAPA Board of Directors (“Defendants”). After considering Plaintiff’s Application, any response on file, the pleadings, evidence presented at the hearing, legal authority and the arguments of counsel, the Court finds that there is a probable right of recovery

and an immediate and irreparable injury will result to Plaintiffs unless the Defendants are immediately restrained as set forth herein. The Court makes the following findings and orders:

- (1) The Court has subject matter jurisdiction over the substance of this matter, and the Court has personal jurisdiction over Defendants;
- (2) Plaintiffs provided the appropriate notice of the hearing on the Application;
- (3) Plaintiffs are likely to prevail on the merits because the SAPA CC&R's clearly and exclusively control as to the definition of membership; and
- (4) Plaintiffs will suffer imminent and irreparable loss and injury for which there is no adequate remedy at law unless this Temporary Restraining Order is issued immediately. Plaintiffs have provided evidence that, absent immediate imposition of an injunction, the Defendants will proceed with an electronic annual vote on May 20, 2023 where Defendants will allow nonmembers to vote and to run for positions on the SAPA Board of Directors supplanting the rights of the SAPA members.
- (5) Defendants are prohibited from holding any vote of the membership during the pendency of this case;
- (6) Defendants are prohibited from amending, altering, or revising any SAPA corporate document;
- (7) Defendants shall immediately produce all corporate books and records since January 1, 2017, as requested by Member Owners on multiple previous occasions, and all financial records since January 1, 2017.
- (8) Defendants not to make any corporate decisions affecting membership or finances unless related to a pressing safety concern for the operation of the airport and aviation operations.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that the Clerk of this Court issue a writ ordering that Defendants Individually and as the Board of Directors of Spicewood Airport Pilots Association and its respective agents, servants, employees, officers, attorneys, and those persons in active concert or participation with it, who receive actual notice of this Temporary Restraining Order through personal service or otherwise, be ordered to not amend, alter or revise any Spicewood Airport Pilots Association documents, to not conduct any votes of the membership and to produce all corporate and financial records since January 1, 2017.

IT IS HEREBY FURTHER ORDERED that this Cause be set for preliminary injunction hearing before the District Court of Burnet County, Texas, 33rd Judicial District on the 30th day of May, 2023 at 1:30 p.m..m. This Order shall expire on the 30th day of May, 2023 unless this Order is extended for good cause shown.

IT IS HEREBY FURTHER ORDERED that Plaintiff is not required to post a bond under Rule 684, Tex. R. Civ. Proc. because the Defendants have no pecuniary interest in the suit and no damages to the Defendants can be shown.

Failure to comply with this Temporary Restraining Order will subject Defendants Individually and as the Board of Directors for the Spicewood Airport Pilots Association, Spicewood, Texas and its respective agents, servants, employees, officers, attorneys, and those persons in active concert or participation with it, to immediate contempt proceedings before this Court.

SIGNED ON THIS 18 day of May, 2023, at 240 o'clock p.m.


JUDGE PRESIDING