

# NOTICE

Date: July 26, 2018

Re: O.O Community Association, Inc.  
Special Meeting of the Members  
July 26, 2018

Please be advised that the above referenced meeting has been cancelled until further notice.

O.O Community Association, Inc.  
Board of Directors



NO. 18-DCV-253277

FRANK KALKATTAWI, CATHERINE HOLLAND,  
SUNIL SAJJA, JOHN JOSEPH, JOHN PORTER,  
EDWARD STECHER, and DANFANE HOGAN-  
STECHER,  
Plaintiffs,

§ IN THE DISTRICT COURT

v.

§

§ FORT BEND COUNTY, TEXAS

O.O. COMMUNITY ASSOCIATION, INC.,  
JULIO AGOSTA, ZEEESHAN KHURSHID, and  
CHRIS HARMON,  
Defendants.

§

§

§

§

§

268th JUDICIAL DISTRICT

**TEMPORARY RESTRAINING ORDER &  
ORDER SETTING HEARING FOR TEMPORARY INJUNCTION**

1. After considering the application for temporary restraining order and the pleadings filed by plaintiffs, Frank Kalkattawi, Catherine Holland, Sunil Sajja, John Joseph, John Porter, Edward Stecher, and Danefane Hogan-Stecher, the unsworn declaration, and arguments of counsel, the Court finds there is evidence that harm is imminent to plaintiffs, and if the Court does not issue the temporary restraining order, plaintiffs will be irreparably injured because the Special Meeting described in plaintiffs' Original Petition will proceed based on faulty notice at a time that will prevent many Members of the O.O. Community Association, Inc., from participating in the vote. Consequently, the purpose of the Majority Members' Petition, to vote on removal of the current board of directors, will be frustrated and failure to remove one or more Directors will not reflect the will of the Members entitled to vote.

2. The harm that will result if the temporary restraining order is not issued is irreparable because the injury cannot be adequately compensated in damages and damages cannot be measured by any certain pecuniary standard. *Butnaru v. Ford Motor Co.*, 84 S.W.3d 198, 204 (Tex. 2002). Moreover, this proceeding is in the nature of an action to

ROUTED TO COURT 07-25-18 Y  
RT'D TO D. CLERK 07-25-18 Y

enforce a restrictive covenant in which an applicant need not show irreparable injury. **Jim Rutherford Invs. v. Terramar Beach Cmty. Ass'n**, 25 S.W.3d 845, 849 (Tex.App.—Houston [14<sup>th</sup> Dist.] 2000, pet. denied).

3. Plaintiffs have no adequate remedy at law because damages cannot be calculated and there is no remedy that will give Plaintiffs complete, final, and equal relief. Moreover, because Plaintiffs are not required to prove “no adequate remedy at law” because they have a statutory right to an injunction under the Texas Business Organizations Code, section 20.002. **Butnaru**, 84 S.W.3d at 210.

4. An *ex parte* order, without notice to defendant, is necessary because there was not enough time to give notice to defendant, hold a hearing, and issue a restraining order before the irreparable injury, loss, or damage would occur. Specifically, the Special Meeting will occur on Thursday, July 26, 2018, and notice cannot reasonably be accomplished before then.

5. Therefore, by this order, the Court does the following:

- a. Restrains defendants, O.O. COMMUNITY ASSOCIATION, INC., JULIO ACOSTA, ZEESHAN KHURSHID, CHRIS HARMON, and any partners, employees, surrogates, agents, or other persons acting on behalf of any defendant, from proceeding with or conducting the Special Meeting of the Members of O.O. COMMUNITY ASSOCIATION, INC., which meeting is currently scheduled for July 26, 2018.
- b. Orders the clerk to issue notice to defendants, O.O. COMMUNITY ASSOCIATION, INC., JULIO ACOSTA, ZEESHAN KHURSHID and CHRIS HARMON, that the hearing on plaintiff's application for temporary injunction

is set for August 10, 2018, at 9:00 a.m./p.m. The purpose of the hearing will be to determine whether this temporary restraining order should be made a temporary injunction pending a full trial on the merits.

c. Sets bond at \$ 2000.

This order expires on August 4, 2018.

SIGNED on July 25, 2018, at 3:00 a.m./p.m.

[Signature]  
PRESIDING JUDGE