

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO**

Civil Action No. 06-cv-02132-EWN-MJW

BORGWARNER TURBO SYSTEMS INC., a
Delaware corporation,

Plaintiff,

v.

PCC-ADVANCED FORMING TECHNOLOGY, INC.,
aka ADVANCED FORMING TECHNOLOGY, INC.,
a Colorado corporation,

Defendant.

ORDER GRANTING TEMPORARY RESTRAINING ORDER

This matter having come before the Court on Plaintiff BorgWarner Turbo System Inc.'s ("Plaintiff") motion pursuant to Fed.R.Civ.P. 65, and the Court having reviewed Plaintiff's Motion and Brief for Injunctive Relief, Verified Complaint, and the exhibits attached thereto, the Court has determined the following:

1. Plaintiff has a likelihood of success on the merits.
2. Plaintiff will suffer irreparable harm and loss unless this Court issues a temporary restraining order requiring Defendant PCC-Advanced Forming Technology, Inc. ("Defendant") to resume production of the "Vane I-6" MIM VTG Component (the "Vane I-6 Component"). If Defendant does not supply Plaintiff with the Vane I-6 Component, Plaintiff will be forced to shut down its own production facilities, which will interrupt Plaintiff's supply of Turbochargers it produces for International Truck and Engine Corp. ("International Truck") and John Deere Corporation ("John Deere"), and will cause broad and immeasurable damage to Plaintiff and its customers.
3. Plaintiff has no adequate remedy at law.

4. Plaintiff will suffer greater injury from denial of temporary injunctive relief than Defendants will suffer from the granting of such relief and the granting of a Temporary Restraining Order will further the public interest.

5. Copies of Plaintiff's papers were provided to Defendant prior to being filed with the Court.

IT IS ORDERED that:

- A. Defendant is enjoined and restrained from repudiating or threatening to breach the Long Term Supply Agreement;
- B. Defendant is enjoined and restrained from refusing in any manner to fulfill its supply obligations to Plaintiff;
- C. Defendant is restrained from damaging or otherwise wasting Plaintiff's tooling;
- D. Defendant shall manufacture the Vane I-6 Component for Plaintiff; and
- E. Defendant is enjoined and restrained from taking other retaliatory actions against Plaintiff with regard to other parts that Defendant supplies to Plaintiff.

IT IS FURTHER ORDERED that this Temporary Restraining Order shall be in full force and effect until 2:30 o'clock p.m., Wednesday, November 8, 2006.

IT IS FURTHER ORDERED that no bond is required for the reason that Defendant will suffer no pecuniary loss or damage by reasons hereof.

IT IS FURTHER ORDERED that the motion for preliminary injunction is set for hearing commencing at 9:00 o'clock a.m., Monday, November 6, 2006.

Entered this 25th day of October, 2006 at 2:30 o'clock p.m.

s/ Edward W. Nottingham
U.S. District Court Judge