

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLORADO

Civil Action No. 09-cv-02667-RPM

INGERSOLL RAND COMPANY,

Plaintiff,

v.

ROBERT H. BRUST,

Defendant.

TEMPORARY RESTRAINING ORDER

This matter comes before the Court on the Stipulated Motion for Temporary Restraining Order (the “Motion”) filed by Plaintiff Ingersoll Rand Company (“Ingersoll Rand”) and Defendant Robert H. Brust (“Brust”). The Court having reviewed the Stipulated Motion and Plaintiff’s previously filed Complaint, has determined as follows:

1. Plaintiff Ingersoll Rand will suffer irreparable harm unless this Court issues a temporary restraining order (i) prohibiting Brust from using or disclosing any confidential business information and/or Trade Secrets¹ belonging to Ingersoll Rand; and (ii) requiring Brust to return to Ingersoll Rand all confidential business information and/or Trade Secrets belonging to Ingersoll Rand.

¹ As used herein, “Trade Secrets” means (i) all of the emails and their accompanying attachments sent by Brust to his personal email accounts, including the personal email account of his wife, and the attachments to such emails included Ingersoll Rand’s business plans, Ingersoll Rand’s detailed analysis of progress towards achieving a regional business plan, Ingersoll Rand’s confidential sales plans; and (ii) any other confidential and/or proprietary information taken by Brust from Ingersoll Rand either in hard copy or transmitted electronically to his or his wife’s personal email accounts.

2. Ingersoll Rand will suffer greater injury from the denial of temporary injunctive relief than any harm that might be caused to the Defendants from the granting of the requested relief. Granting the requested relief will further the public interest.

3. Because the parties are negotiating a settlement and mutual release, and because the parties intend to submit a proposed entry of judgment to the Court, the Court finds that the entry of this Temporary Restraining Order is appropriate at this time in order to return the parties to the status quo prior to the alleged unlawful actions by Defendant Brust.

THEREFORE, IT IS ORDERED that:

A. Brust is prohibited from using or disclosing any confidential business information and/or Trade Secrets belonging to Ingersoll Rand;

B. Brust is required to return all to Ingersoll Rand confidential business information and/or Trade Secrets belonging to Ingersoll Rand.

C. IT IS FURTHER ORDERED that this Temporary Restraining Order shall be in full force and effect until November 30th, 2009 at 9:00 a.m., at which time, or before, the parties shall submit their proposed stipulated entry of judgment to the Court.

IT IS FURTHERED ORDERED that no bond or security is required to be posted by Ingersoll Rand because Defendant Brust will suffer no costs or damages, nor will Brust suffer pecuniary loss or damage, by reason of the relief granted by this Temporary Restraining Order.

ENTERED this 19th day of November, 2009 at 2:45 p.m..

BY THE COURT:

s/Richard P. Matsch

Richard P. Matsch, Senior District Judge