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10 *Attorneys for Plaintiff Ruby Pipeline, LLC*

11 **THE UNITED STATES DISTRICT COURT**
12 **FOR THE DISTRICT OF NEVADA**

13 RUBY PIPELINE, L.L.C., a Delaware limited
14 liability company,

15 Plaintiff,

16 vs.

17 0.768 ACRES OF REAL PROPERTY IN
18 ELKO COUNTY, NEVADA; THE ESTATE
19 OF VELDA HANVILLE; ELKO COUNTY,
20 NEVADA; 0.498 ACRES OF REAL
21 PROPERTY IN HUMBOLDT COUNTY,
22 NEVADA; RICHARD C. HARRIS, an
23 individual; JANE M. HARRIS, an individual;
24 2.673 ACRES OF REAL PROPERTY IN
25 HUMBOLDT COUNTY, NEVADA; 0.335
26 ACRES OF REAL PROPERTY IN
27 HUMBOLDT COUNTY, NEVADA; JDK
28 1991 TRUST; JAMES EDWARD
BATEMAN AS CO-TRUSTEE OF THE
JDK 1991 TRUST; CHERYL J.
BATEMAN, AS CO-TRUSTEE OF THE
JDK 1991 TRUST; INTERMOUNTAIN
FEDERAL LAND BANK ASSOCIATION
FLCA; FRANK TSCHANNEL, an
individual; 0.743 ACRES OF REAL
PROPERTY IN HUMBOLDT COUNTY,
NEVADA; BENJAMIN INAY SOLOMON,
TRUSTEE UNDER THAT CERTAIN
UNRECORDED SELF TRUSTEED
TRUST; CONCEPTION PENA SOLOMON
TRUSTEE UNDER THAT CERTAIN
UNRECORDED SELF TRUSTEED
TRUST; and ALL UNKNOWN OWNERS
OF OR INTEREST HOLDERS IN THE
ABOVE DESCRIBED TRACTS,

Defendants.

CASE NO.: 3:10-cv-00332-RCJ-RAM

**ORDER GRANTING
PLAINTIFF'S MOTION FOR A
PRELIMINARY INJUNCTION
AUTHORIZING IMMEDIATE
POSSESSION**


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Ruby Pipeline, L.L.C. v. 0.768 Acres of Real Property in Elko County, Nevada et al. Case No. 10-332-RCJ-RAM

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The Court, having carefully considered Plaintiff, Ruby Pipeline, L.L.C.'s ("Ruby Pipeline") Motion for Preliminary Injunction Authorizing Immediate Possession, the points and authorities in support thereof, and the evidence presented therewith, including the Declaration of Thomas L. Price, the Declaration of John J. Jermyn, the Declaration of Robert M. Poteete, the Declaration of Kelly Osborn; the Affidavit of Lynn A. Christiansen, the Affidavit of David W. Clare, the Affidavit of Time Proeme, and the Declaration of Daniel Gredvig, and the Court notes that no objections or defenses to the taking have been filed and that no responses were filed thereto, and good cause appearing; the Court finds that: (1) Ruby Pipeline's condemnation authority has been previously reviewed and confirmed by this Court; (2) Ruby Pipeline is likely to succeed on the merits; (3) Ruby Pipeline is likely to suffer irreparable harm in the absence of preliminary relief; (4) the balance of equities tips in Ruby Pipeline's favor; and, (5) that an injunction is in the public interest.

IT IS THEREFORE ORDERED that Ruby Pipeline's Motion for Preliminary Injunction Authorizing Immediate Possession is hereby **GRANTED**.

IT IS FURTHER ORDERED that a preliminary injunction be and is hereby issued granting Ruby Pipeline immediate access to and possession of the easements and temporary workspaces as prayed for in the Verified Complaint with respect to the real property owned by the Estate of Velda Hanville, and the real property owned by that Certain Unrecorded Self Trusteed Trust of which Benjamin Inlay Solomon is Trustee, for the limited uses and purposes described in the Verified Complaint. Ruby Pipeline shall deposit the estimated fair market value of the condemnations in an amount of \$12,000^(5000 + 7000) with the Registry of this Court. 

IT IS FURTHER ORDERED that a trial on the issue of the just compensation to be paid by Ruby Pipeline to the remaining defendants Benjamin Inay Solomon, Trustee Under

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That Certain Unrecorded Self Trusteed Trust, and the Estate of Velda Hanville, will be set by
the Court in due course.

DATED this 12 day of October, 2010



JUDGE ROBERT C. JONES
UNITED STATES DISTRICT COURT JUDGE

Submitted by:
HOLLAND & HART LLP

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