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China National Building Materials Import  
and Export Corporation and  
CNBM Forest Products (Canada) Ltd.*

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

PORTLAND DIVISION

**CHINA NATIONAL BUILDING MATERIALS IMPORT AND EXPORT CORPORATION**, a People's Republic of China corporation; and **CNBM FOREST PRODUCTS (CANADA) LTD.**, a Canadian corporation,

Plaintiffs,

v.

**MURPHY OVERSEAS USA ASTORIA FOREST PRODUCTS, LLC**, an Oregon limited liability company; **MURPHY OVERSEAS U.S.A. TIMBER AND LAND DEVELOPMENT, LLC**, an Oregon limited liability company; **MURPHY OVERSEAS U.S.A. HOLDINGS, LLC**,

Defendants.

Case No. 3:14-cv-00746-ST

ORDER GRANTING PLAINTIFFS' MOTION FOR TEMPORARY RESTRAINING ORDER

The motion of plaintiffs China National Building Materials Import and Export Corporation ("CBMIE") and CNBM Forest Products Canada, Ltd. ("CNBM Canada") (collectively "China National") for temporary restraining order came before the court on July 11, 2014.

Based on the record, including the complaint, amended complaint, plaintiffs' motion for temporary restraining order, declaration of Brian Esler, memorandum in support, arguments of counsel, witness testimony, exhibits, and the provisions of Fed R Civ P 65, the Court finds:

CNBM has shown a likelihood of success on the merits, irreparable harm, the balance of equities tip in CNBM's favor, and a temporary restraining order that preserves the status quo is in the public interest. If not immediately enjoined, Murphy's continued movement of CNBM's logs will likely cause immediate and irreparable injury to CNBM. Temporarily enjoining movement of the logs will cause little or no harm to the parties.

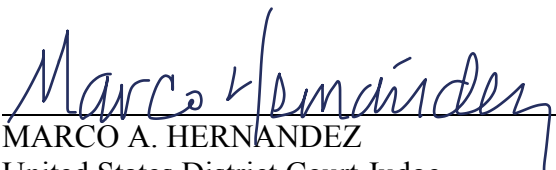
Pursuant to FRCP 65, it is therefore ORDERED as follows:

1. Defendants Murphy Overseas USA Astoria Forest Products, LLC, Murphy Overseas Timber and Land Development, LLC, Murphy Overseas U.S.A. Holdings, LLC (collectively, "Murphy"), and any other persons or entities acting in concert with them, are prohibited from further moving, handling, removing, transferring or disposing of any of the logs owned by China National currently situated on Pier 3 at the Port of Astoria.
- 2.. Murphy is ordered to show cause, if any, why the order requested above should not continue and remain in effect during the pendency of this action.
3. This order shall be effective upon filing. CNBM shall post a cash bond in the amount of \$50,000.00.

4. Defendant is allowed to submit a response to the motion not later than Tuesday, July 15, 2014 (with paper judge's copies delivered to chambers by July 16, 2014 at 9:00 a.m.).

5. This order shall remain in effect until further order of this Court following a hearing on Friday, July 18, 2014 at 10:00 a.m. in Portland Courtroom 14B.

DATED this 11<sup>th</sup> day of July, 2014.

  
MARCO A. HERNANDEZ  
United States District Court Judge

Submitted by:

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