

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

DERRICK PETROLEUM SERVICES,	§	
	§	
Plaintiff,	§	
	§	
VS.	§	CIVIL ACTION NO. H-14-1520
	§	
PLS, INC.,	§	
	§	
Defendant.	§	

**PARTIAL FINAL JUDGMENT AND ORDER APPROVING THE PARTIES’  
AGREEMENT PENDING APPEAL**

On September 3, 2014, plaintiff Derrick Petroleum Services and defendant PLS, Inc. agreed to bifurcate this case. The Phase 1 Claims consisted of competing requests for declaratory relief relating to: (1) ownership of the Global M&A Database, the subject of the parties’ Memorandum of Understanding dated October 3, 2009 (the “MOU”); and (2) whether the MOU terminated on October 3, 2014 or whether the parties’ legal relationship extended past that date. These claims were to be resolved in a bench trial. All other issues, claims, counterclaims, and defenses (the Phase 2 Claims) were to be resolved in a jury trial. That trial is set to begin on July 29, 2015.

Concurrent with the agreement to bifurcate this case, the parties filed under seal an Agreement in Lieu of Preliminary Injunction, which generally preserves the status quo as it existed on September 3, 2014 and extends the expiration of the MOU through the conclusion of this case. (Docket Entry No. 43).

A bench trial was held beginning November 18, 2014 on the Phase 1 Claims. The parties presented evidence and arguments of counsel from November 18, 2014 through November 26, 2014. The court issued a December 31, 2014 Memorandum and Opinion setting out findings of fact and

conclusions of law and resolving the Phase 1 Claims. The findings and conclusions set out in the December 31, 2014 Memorandum and Opinion are made part of this partial final judgment.

Consistent with the December 31, 2014 Memorandum and Opinion, the court enters declaratory judgment as follows:

1. Derrick and PLS did not form a partnership.
2. Derrick did not contribute all or part of ownership in or title to its Derrick Database<sup>1</sup> as it existed before 2009 or after it was marketed as the Derrick/PLS Database, to the parties' business venture, or to PLS.
3. The parties' MOU and business relationship ended on October 3, 2014.
4. Derrick is the sole owner of the Derrick Database and what was marketed from 2009 to 2014 as the jointly branded Derrick/PLS Database.

This declaratory judgment is a partial final judgment under Federal Rule of Civil Procedure 54(b). The court finds that there is no just reason for delaying an appeal from this partial final judgment. PLS may appeal this partial final judgment before the conclusion of this case.

The appeal from this partial final judgment will affect, and may dispose of, some or all of the parties' remaining claims. To avoid potentially duplicative and unnecessary litigation, for the convenience of the parties and witnesses, to further judicial economy, and in the interests of justice, further proceedings, including the litigation of the Phase 2 Claims, are stayed until the earlier of: (1) the determination of any appeal from this partial final judgment by the United States Court of Appeals for the Fifth Circuit; (2) the expiration of 30 days after this partial final judgment is entered,

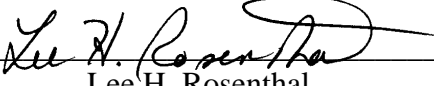
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<sup>1</sup> The "Derrick Database" refers to the database that Derrick created, marketed, and serviced before it began working with PLS under the MOU.

if PLS does not file a notice of appeal within that period in accordance with Federal Rule of Appellate Procedure 4(a)(1)(A); or (3) the issuance of a further order by this court that lifts or modifies the stay.

During this period, the parties' relationship is governed by the attached sealed Order granting the parties' motion for the court to approve and enter the Agreement Pending Appeal of Phase 1 Claims, which is made part of this partial final judgment. The Order approving the Agreement Pending Appeal terminates and replaces the Agreement in Lieu of Preliminary Injunction approved by the court on September 3, 2014. (Docket Entry Nos. 43, 45). The court retains jurisdiction to enforce the Order approving the Agreement Pending Appeal during any appeal of this partial final judgment.

SIGNED on May 12, 2015, at Houston, Texas.

  
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Lee H. Rosenthal  
United States District Judge