

2. The Plaintiff secured the entry of a Temporary Restraining Order in order to send in attorneys and investigators to learn more about what happened and what was released. Eagle Railcar services was notified of the TRO by telephone call to the local facility and telephone call to their corporate office within minutes of the entry of the order. A copy of the Petition and Order was emailed to the President of Eagle Railcar, Marc Walraven, and Vice Presidents James Bullard and Ronnie Graves, about an hour after the order was entered. Since then, the undersigned counsel has reached out to both the local and corporate offices seeking a time and date for an inspection on a near daily basis. So far, the company has denied these requests.

3. Many clients of BCA continue to experience symptoms, but so far, because of a lack of cooperation, a basic inspection has not occurred. This means that BCA has no way to confirm what has been released and the doctors don't know how best to treat patients. A pattern of obfuscation initially started last week, when Eagle failed to alert local officials of the dangers to the community. The plan continued as the effects of the release were initially downplayed in the media. And it continues today.

II. ARUGUMENTS

4. Tex. R. Civ P. 196.7(a), allows a party on motion and hearing to gain entry to land to inspect, measure, survey, photograph, test, and sample the property or any designated object on the property. Plaintiff seeks to conduct of an inspection at Defendants facility at Eagle Railcar Services 1993 Foreman Rd, Orange, TX 77630 for the purposes of inspecting (including taking photographs and drone video) of the railcar, flaring operations, surrounding areas, and any posted documentation, and any other matter related to the release on July 18, 2024.

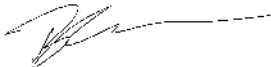
5. Plaintiff requests that this be done as soon as it can possibly be done safely after the courts hearing on this matter.

PRAYER

WHEREFORE PREMISES CONSIDERED, Plaintiff prays that this Court hold a hearing and

order the Defendants to allow Plaintiffs to enter their property and inspect the site and for any other relief to which she may show herself to be entitled.

BRENT COON & ASSOCIATES

By:  _____

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ATTORNEY(S) FOR PLAINTIFF

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing instrument was served on all known counsel of record in accordance with the Texas Rules of Civil Procedure, Rule 21a on July 26, 20024 to the following:

Via US MAIL
Via CMRRR 7012 1640 0002 0240 3824
Marc W. Walraven
9701 IH 20 East
Eastland, Texas 76448

Via Electronic Mail
MarcW@eaglesm.com

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Julie Lane on behalf of Eric Newell
Bar No. 24046521
Julie.Lane@bcoonlaw.com
Envelope ID: 90248828
Filing Code Description: Motion (No Fee)
Filing Description: Motion for Entry on Land
Status as of 7/29/2024 9:40 AM CST

Associated Case Party: Rachelle Gerik

Name	BarNumber	Email	TimestampSubmitted	Status
Eric W.Newell		Eric_Newell@bcoonlaw.com	7/26/2024 4:06:30 PM	SENT