

1. Defendants are operating and continue to operate the Turkey Leg Hut so as to produce smoke and odor that presents health hazards to Applicants and other neighbors to the properties at 4830 and 4902 Alameda Road. Further, the Defendants' operation of the Turkey Leg Hut involves presently illegal and unpermitted operations posing a risk of harm to the public, including unenclosed outdoor food preparation areas and use of smokers.

2. Applicants have pleaded that Defendants' actions violate Houston, Texas, Municipal Code § 20-19, Tex. Civ. Prac. & Rem. Code §§ 125.0015(a) and (a)(24), constitute a nuisance per se, private nuisance, common nuisance, and have resulted in trespasses onto Applicants' properties.

3. Having presented evidence sufficient to raise a bona fide issue as to Applicants' right to ultimate relief, Applicants have established a probable right to the relief sought against Defendants for the allegations pertaining to the creation of smoke and odors and the illegal use of unenclosed outdoor food preparation areas, including smokers.

4. Having sought a temporary restraining order under Tex. Civ. Prac. & Rem. Code § 65.011(5), Applicants need not establish a probable, imminent, and irreparable injury. Nevertheless, if the relief requested is not granted, Applicants will suffer further imminent harm and irreparable injury and will have no adequate remedy at law.

5. This temporary restraining order will serve the public interest. The harm to Applicants if this Application is not granted outweighs any potential harm to Defendants by the issuance of the temporary restraining order.

Accordingly, the Court GRANTS the Plaintiffs' Application for Temporary Restraining Order and makes the following order under Tex. R. Civ. P. 683:

Defendants Turkey Leg Hut & Company, LLC d/b/a "Turkey Leg Hut," Nakia Price, and Lyndell Price and Defendants' members, agents, employees, successors, assigns, attorneys, and any person acting in concert or participation with them who receives actual notice of this Order by personal service or otherwise are PROHIBITED AND ENJOINED from:

- i. Producing smoke and ~~odor~~^{pollution} at the 4830 and 4902 Alameda Road locations ~~until the Court conducts a full trial on the merits.~~ ^{from the hours of 8:00pm and 6:00am daily.}
- ~~ii. Outdoor food preparation and the use of the smokers at the Defendant's business premises so long as such operations do not conform with the requirements of the City of Houston Ordinances regulating food establishments.~~

IT IS FURTHER ORDERED that Applicants shall execute and file with the clerk of this Court a bond, or cash deposit in lieu of bond, in the amount stated below in conformity with Rule 684 of the Texas Rules of Civil Procedure, payable to Defendants and conditioned that Plaintiffs will abide by the decision which may be made in the cause and that Plaintiffs will pay all sums of money and costs that may be adjudged against them if the Temporary Restraining Order shall be dissolved in whole or in part.


The clerk shall, when so requested by Applicants and after they have filed the bond described above, issue a writ of temporary restraining order in conformity with the law and the terms of this Order.

IT IS FURTHER ORDERED that, unless extended by agreement of the parties or changed by further order of this Court, this Order becomes effective only at such time as Applicants file with the clerk of this Court a bond in the amount of ~~\$100.00~~ \$500.00.

IT IS FURTHER ORDERED that Plaintiffs' Application for a Temporary Injunction will be heard before the Court on December 6, 2019 at 1:30 pm.

IT IS FURTHER ORDERED that this Order expires no later than fourteen days after issuance or when amended by order of this Court, whichever occurs first.

Signed on November 20, 2019 at 11:31 A m.



Honorable Cory Spiker
Judge, 269th District Court

This Order Expires on December 4, 2019.

