

LATONIA D. WILSON
 CLERK DISTRICT COURT
 FILED
by cat 9.25am
 MAR 30 2005
 GALVESTON COUNTY, TEXAS
 BY *Maria Kahla* Deputy

CAUSE NO. 05CV0337

MIGUEL ARENAZAS AND *
 ELIZABETH RAMON *

IN THE DISTRICT COURT

VS. *
 *

GALVESTON COUNTY, TEXAS

B P AMOCO CHEMICAL COMPANY, *
 BP AMOCO POLYMERS, INC., BP *
 CORPORATION NORTH AMERICA, *
 INC., DON PARUS, AND JE MERIT *
 CONTRACTORS, INC. *

212TH JUDICIAL DISTRICT

CAUSE NO. 05CV0347

IN RE: *

IN THE DISTRICT COURT

APPLICATION OF SANDRA *
 THOMAS, ET AL. FOR *
 TEMPORARY RESTRAINING *
 ORDER AND TEMPORARY *
 INJUNCTION *

212th DISTRICT COURT

VS. *
 *

B P AMOCO CHEMICAL COMPANY *

GALVESTON COUNTY, TEXAS

AMENDED TEMPORARY RESTRAINING ORDER

The application of Applicants for a temporary restraining order and temporary injunction, having been presented to me on this the 29th day of March, 2005, and BP Products North America Inc., one of the parties to the previous Order, having requested that the Temporary Restraining Order heretofore entered by the Court be amended in certain respects, IT IS ORDERED, ADJUDGED AND DECREED THAT the Temporary

Restraining Order be Amended by adding the following additional provisions:

- 1) THE COURT RECOGNIZES THE ONGOING INVESTIGATION EFFORT OF GOVERNMENTAL AGENCIES. THIS ORDER DOES NOT RESTRICT THE DIRECTION, ACTIVITIES OR INVESTIGATION OF ANY GOVERNMENTAL AGENCIES INCLUDING BUT NOT LIMITED TO THE GALVESTON COUNTY MEDICAL EXAMINER'S OFFICE, OSHA, EPA OR THE CHEMICAL SAFETY BOARD.

Plaintiffs' engineering team shall be allowed to observe any action taken by or at the direction of such agencies unless the Federal agency involved requests no such observation;

- 2) The Court Orders that Plaintiffs be allowed entry to and access to the site in question, immediately or at the first time that any other investigation team is allowed access (unless during the time a Federal agency is conducting its inspection, such Federal agency involved requests no such access) and continuing until the investigation is complete, by a team of engineers consisting of Harry McAnich, Harry West, Mike Sawyer and a photographer selected by Plaintiffs for the purpose of observing, photographing, documenting, and recording changes made by or at the direction of any governmental agency and for the purpose of observing, photographing, documenting, and recording the scene and condition of the

premises and monitoring BP's preservation of evidence; Plaintiffs team shall not unreasonably delay or interfere with investigations underway or in the interest of Defendant and the parties shall attempt to agree on details as provided below;

- 3) The Court Orders the parties to confer with each other and to attempt to agree upon procedures for access, inspection and preservation of evidence as allowed above; such agreements should include agreements for identification and cataloging evidence which is moved, changed or for other disposition of evidence; the parties shall exchange all photographs periodically and shall preserve at least one copy of all photographs and negatives, and shall maintain such photographs as confidential by not releasing them to anyone not a party (or expert retained by a party) to a lawsuit before this court arising out of the explosion of March 23, 2005, and shall use them only for purposes of such lawsuits, further, see Paragraph 6, below;
- 4) The Plaintiffs shall be entitled to have occasional inspections by attorneys for the plaintiffs; the parties shall attempt to agree upon procedures for such inspections providing 48 hours notice to Defendants;
- 5) Defendant BP is allowed to make any changes at the site not objected to by the Plaintiffs and the restraining order heretofore entered is lifted to such

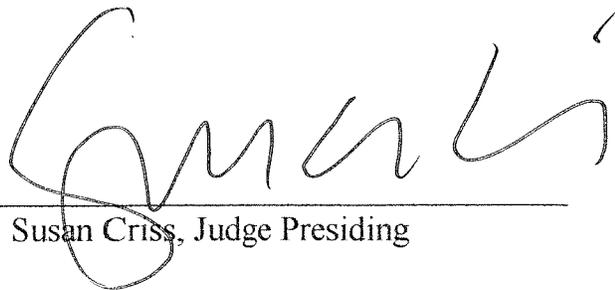
extent; BP shall advise Plaintiffs, through their engineering team, of such proposed changes; the court approves, in principle the following actions, details of which shall be presented to Plaintiffs for any possible objection:

- a) This Order is not to restrict access to the site, including access for search and rescue, for stabilization, for security and for hazard assessment. Defendant is authorized to investigate the integrity of ladders, platforms, gratings, and walkways as well as the integrity of site glasses, any glass bottles or containers, any tubing or piping for integrity.
- b) The Order is not to restrict Defendant from repairing the storm water run-off lift station at the site or from re-energizing or repairing the switch gear room re-establishing electrical.
- c) The Order is not to restrict Defendant from testing for radioactive sources for hazardous substances, or for safe environment prior to entry.
- d) The Order is not to restrict Defendant from entering the site to take pressure level and other readings to verify safe conditions.
- e) The Order is not to restrict Defendant from identifying, isolating and rendering safe any leaking drums, vessels, containers or piping prior to entry.

- 6) Plaintiffs herein are Ordered to share the fruits of their investigation (including photographs received from BP) with other Plaintiffs having claims against Defendants upon the agreement of such Plaintiffs to abide the confidentiality Order above;
- 7) Should the parties be unable to agree upon any of the matters set forth above, counsel shall contact the Court Coordinator or, if necessary, the Court directly, and the Court will grant an immediate hearing to resolve any differences.
- 8) Defendant BP has advised the Court that the site is defined by an enclosure as set out in orange in the attached photograph and some areas to which equipment, debris or evidence is or has been removed; this Order extends to the site and all other areas to which equipment, debris or evidence from the site has been removed and to all other tangible evidence respecting the explosion and its cause;

The Hearing on all applications for a Temporary Injunction shall be held at the time previously set in the Arenazas case, to-wit: April 1, 2005 at 9:00 am.

SIGNED THIS 29th day of March, 2005.



Susan Criss, Judge Presiding

APPROVED AS TO FORM:
Attorneys for Plaintiffs

Rob Ammons

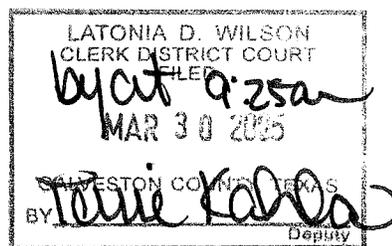
David L. Perry

Craig Sico

TO WHICH DEFENDANT OBJECTS:

Attorney for Defendant BP Products North America Inc.

[Mr. Gilbraith appeared but refused to sign]
Jim Galbraith



TRO

In Re Thomas App TRO; March 30, 2005 (9:15am)

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