

STATE OF NORTH DAKOTA

IN DISTRICT COURT

COUNTY OF CASS

EAST CENTRAL JUDICIAL DISTRICT

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North Dakota Soybean Processors, LLC,

Plaintiff,

vs.

Spiritwood Energy Park Association,

Defendants.

**Case No. 09-2019-CV-02739**

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**ORDER GRANTING TEMPORARY RESTRAINING ORDER  
AND PRELIMINARY INJUNCTION**

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IT IS HEREBY ORDERED that Plaintiff's Motion for Temporary Restraining Order ("TRO") and Preliminary Injunction is hereby GRANTED. The Court makes the following findings and enters the following order.

Plaintiff has demonstrated that it will suffer irreparable injury if an injunction is not entered preventing Spiritwood Energy Park Association, LLC ("SEPA") from terminating the Key Terms Agreement (attached as Exhibit A to the Complaint) it entered into with the North Dakota Soybean Processors, LLC ("NDSP"), or from entering into a new contract pertaining to the site location of the proposed soybean-crushing facility. Plaintiff has demonstrated that it has a substantial probability of succeeding on the merits in this action. Plaintiff has demonstrated that the balance of harms weighs in favor of entering an injunction. Plaintiff has demonstrated that the effect on the public interest weighs in favor of entering an injunction.

Accordingly, it is HEREBY ORDERED that:

1. SEPA is enjoined, until further order of this Court, from terminating for convenience under the terms of the Key Terms Agreement dated July 14, 2017. Because of the delay incurred by SEPA's purported July 24, 2019 termination,

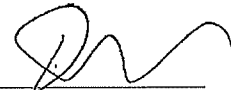
SEPA is enjoined, until further order of this Court, from terminating for convenience under the terms of the Updated Key Terms Agreement;

2. SEPA is enjoined, until further order of this Court, from entering into a contract with another entity for the development, construction or operation of a soybean-crushing (or similar) facility in or adjacent to the Spiritwood Energy Park.

Dated: \_\_\_\_\_, 2019

BY THE COURT:

Signed: 8/13/2019 9:50:50 AM



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District Court Judge  
Cass County District Court  
Tristan Van de Streek