

CAUSE NO. 25-18363

VICTOR HOLLENDER, BRUCE § IN THE DISTRICT COURT OF  
NEITZKE, ESTHER SCHNEIDER, and §  
SARAH RIVAS §  
*Plaintiffs,* §  
AND §  
GILLESPIE COUNTY, TEXAS § GILLESPIE COUNTY, TEXAS  
*Intervenor Plaintiff* §  
v. §  
ROGERS DRAW ENERGY STORAGE, §  
LLC, §  
*Defendant.* § 216<sup>TH</sup> JUDICIAL DISTRICT

**RULE 11 AGREEMENT REGARDING  
AGREED TEMPORARY INJUNCTION**

Plaintiffs Victor Hollender, Bruce Neitzke, Esther Schneider, and Sarah Rivas; Intervenor Plaintiff Gillespie County, Texas; and Defendant Rogers Draw Energy Storage, LLC file this agreement under Texas Rule of Civil Procedure 11. Without agreeing to the merits of any claims or defenses raised in this case, the parties agree to the entry of the Agreed Temporary Injunction attached as Exhibit A to this Rule 11 Agreement. The parties further agree as follows:

1. Defendant agrees that the Agreed Temporary Injunction is enforceable and will not make any argument that the Agreed Temporary Injunction is void or otherwise unenforceable based on any alleged failure to comply with procedural requirements.
2. The Parties agree that the terms of this Rule 11 Agreement will not be used to argue that any party has waived any claims or defenses or has

conceded any claims or defenses. The Parties agree that by entering into this Rule 11 Agreement, Defendant is not waiving its Plea to the Jurisdiction or any defenses thereto.

3. The Parties agree to jointly request the soonest available trial date, subject to counsel, party, witness, and court availability.
4. Intervenor Gillespie County, Texas agrees not to issue additional stop work orders or similar purported violations while the Agreed Temporary Injunction remains in effect. This Rule 11 Agreement shall not impact the existing stop work orders issued by Intervenor Gillespie County, Texas.



Ross Sutherland  
Counsel for Plaintiffs Victor Hollender,  
Bruce Neitzke, Ester Schneider, and  
Sarah Rivas



Mick McKamie  
Counsel for Intervenor-Plaintiff Gillespie  
County, Texas



Jeremiah Anderson  
Counsel for Defendant Rogers Draw  
Energy Storage LLC

# **Exhibit A**

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*Plaintiffs,* §  
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GILLESPIE COUNTY, TEXAS § GILLESPIE COUNTY, TEXAS  
*Intervenor Plaintiff* §  
v. §  
ROGERS DRAW ENERGY STORAGE, §  
LLC, § 216<sup>TH</sup> JUDICIAL DISTRICT  
*Defendant.* §

## **AGREED TEMPORARY INJUNCTION**

Plaintiffs Victor Hollender, Bruce Neitzke, Esther Schneider, and Sarah Rivas (“Plaintiffs”), Intervenor Plaintiff Gillespie County, Texas, and Defendant Rogers Draw Energy Storage, LLC (“Rogers Draw”), by way of compromise to avoid unnecessary costs and fees, and without agreeing to the merits of Plaintiffs’ or Intervenor Plaintiff’s claims or any defenses to them, and without waiving Defendants’ Plea to the Jurisdiction or any defenses thereto, hereby submit this Agreed Temporary Injunction with respect to Plaintiffs’ and Intervenor Plaintiff’s claims.

The Court hereby **ORDERS** the following:

1. Rogers Draw, and its officers, agents, servants, and employees, and those persons in active concert or participation with them who receive actual notice of the order by personal service or otherwise, are hereby restrained from conducting any onsite construction activities on Rogers Draw's planned battery

energy storage system located at 22277 FM 2093 in Harper, Gillespie County, Texas. This Agreed Temporary Injunction does not prohibit Rogers Draw from taking non-construction administrative action, including but not limited to the following: (a) submitting documents for review and discussion in accordance with NFPA 855 and other similar rules, regulation, or statutes, (b) keeping the currently onsite equipment at the site, and (c) maintaining such equipment and the site solely to the extent necessary to preserve the condition of the site and equipment (including preserving any applicable equipment warranties) as of the date of this Order. The County's review, discussion, acceptance, and approval, if any, of documents submitted in accordance with NFPA 855 or other similar rules, regulation, or statutes shall not constitute approval to recommence construction until a final judgment is entered in this case.

2. A \$1,000 bond shall be posted as security for the Agreed Temporary Injunction, and this Agreed Temporary Injunction shall not be final until the bond is posted.

The prohibitions in this Agreed Temporary Injunction shall continue until a final judgment is entered in this case.

SIGNED on this \_\_\_\_\_ day of \_\_\_\_\_, 2026.

HONORABLE ALBERT D. PATILLO, III

## Automated Certificate of eService

This automated certificate of service was created by the efilng system. The filer served this document via email generated by the efilng 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.

Jessi Abramson on behalf of Ross Sutherland

Bar No. 24117114

jabramson@scottdoug.com

Envelope ID: 110040945

Filing Code Description: Rule 11 Agreement

Filing Description: regarding Agreed Temporary Injunction

Status as of 1/14/2026 3:28 PM CST

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Associated Case Party: Victor Hollender

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Associated Case Party: Rogers Draw Energy Storage, LLC

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Associated Case Party: Rogers Draw Energy Storage, LLC

Name	BarNumber	Email	TimestampSubmitted	Status
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Associated Case Party: Gillespie County, Texas

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