

VIRGINIA:

IN THE FAIRFAX CIRCUIT COURT

JACKSON'S MFF RTC, LLC,)

Plaintiff,)

v.)

BP SOUTH OF MARKET, LLC *et. al.*,)

Defendants.)

Case No. CL 2017-04267

PRELIMINARY INJUNCTION ORDER

THIS MATTER CAME BEFORE THE COURT upon the Plaintiff Jackson's MFF RTC, LLC's motion for a preliminary injunction and Defendants opposition to said motion. AND IT APPEARING that the primary defendant has been misnamed and its legal name is actually South of Market LLC d/b/a BP South of Market, LLC. The parties are directed to submit an Order correcting the name of the primary defendant unless the name is disputed.

AND IT FURTHER APPEARING that the Court is satisfied with the Plaintiff's equities for reasons as stated under the letter opinion, dated June 13, 2017, which is adopted, ratified and incorporated into this Order, it is therefore ORDERED, ADJUDGED and DECREED that Plaintiff's motion for preliminary injunction is GRANTED and it is

FURTHER ORDERED that Defendant South of Market LLC d/b/a BP South of Market, LLC, its employees, agents, licensees, tenants, successors, and assigns, all those claiming through or under it, and all those acting in concert with Defendant South of Market LLC, are hereby ENJOINED, until further Order of this Court, from (1) enforcing or attempting to enforce against Jackson's MFF RTC LLC, its guests, customers, licensees and invitees, compliance with the pay-to-park system currently in place at the Parking Structure or Parking Garage known as the Orange Garage; and (2) otherwise interfering with, restricting, or diminishing the rights of Jackson's

guests, customers, licensees and invitee's to access and use, on an unreserved basis up to one thousand four hundred sixteen (1,416) passenger vehicle parking spaces at the Parking Structure free and without charge. This injunction shall not apply to the Jackson's employees as long as their access to parking free and without charge is not unduly impeded by having them participate in the program identified under Boston Properties, Inc.'s ParkRTC Tenant Parking Reference Guide.

AND IT IS FURTHER ORDERED that as a condition to the injunction going into effect, the Plaintiff Jackson's shall post a bond in the sum of \$25,000.00 payable to Defendant should the Defendant prevail upon the appeal of this Order or upon the conclusion of this case whereupon the fact-finder may determine who, if any, was the prevailing party in this action and whether such bond should be used to pay the costs and damages, sustained by Defendant South of Market, LLC if it is found to have been incorrectly enjoined. The payment of the bond over to the Defendant requires Court approval to determine whether the attorney's fees and costs were reasonable and necessary. The parties may submit for entry by the Court any agreed upon Supplemental or Corrective Order that they jointly believe include omitted language necessary to protect their respective interests.

AND THIS MATTER IS CONTINUED

ENTERED this 13th day of June, 2017.



JUDGE, Fairfax Circuit Court

Endorsement of this Order is dispensed with under Virginia Supreme Court Rule 1:13.