

7:58 am, Feb 15 2024

342-333790-22

Mary Louise Nicholson

County Clerk

CAUSE NO. 342-333790-22

FILED
TARRANT COUNTY
2/14/2024 11:21 AM
THOMAS A. WILDER
DISTRICT CLERK

by LMWillis

**RANGELINE PIPELINE SERVICES,
LLC and RANGELINE TAPPING
SERVICES, INC.,**

Plaintiffs,

v.

**JARRED TOMPKINS, ETHAN
MATHIS, and KOPPL PIPELINE
SERVICES, INC.,**

Defendants.

IN THE DISTRICT COURT

TARRANT COUNTY, TEXAS

342ND JUDICIAL DISTRICT

PUBLIC NOTICE OF PLAINTIFFS' SECOND MOTION TO SEAL

Pursuant to Texas Rule of Civil Procedure 76a(3), Plaintiffs Rangeline Pipeline Services, LLC and Rangeline Tapping Services, Inc. (collectively, "Plaintiffs") file and post this Public Notice of Plaintiffs' Second Motion to Seal (the "Notice") and provides as follows:

1. On February 14, 2024, Plaintiffs filed Plaintiffs' Second Motion to Seal (the "Motion") pursuant to Texas Rule of Civil Procedure 76a. A copy of the Motion is attached hereto as Exhibit A.

2. A hearing will be held in open court on the Motion in the above-styled and numbered cause on **February 29, 2024 at 10:30 a.m.** in the 342nd Judicial District Court of Tarrant County, Texas. A copy of the Notice of Hearing is attached as Exhibit B.

3. Any person may intervene and be heard concerning the sealing of court records described in the Motion.

4. *Nature of the Case:* The parties to this lawsuit are Rangeline Pipeline Services, LLC and Rangeline Tapping Services, Inc. as Plaintiffs, and Jarred Tompkins, Ethan Matis and Koppl Pipeline Services, Inc., as Defendants. Plaintiffs allege that Defendants misappropriated Plaintiffs'

trade secrets in violation of the Texas Uniform Trade Secrets Act. Specifically, Plaintiffs assert, without limitation, that Defendants misappropriated the trade secrets contained in Plaintiffs' technical product drawings which include new product sketches and drawings, material, design and size specifications, and engineering calculations.

5. *Nature of the Records:* On June 7, 2022, the Court entered the parties' Agreed Protective Order, which permits the parties to designate documents and testimony as Confidential" or "Confidential – Attorneys' Eyes Only." Pursuant to the terms of the Protective Order, both parties, along with non-parties, have produced documents and designated deposition testimony as "Confidential" and/or "Confidential – Attorneys' Eyes Only." On July 20, 2023, Defendants Jarred Tompkins and Ethan Mathis filed their Traditional Motion for Partial Summary Judgment challenging whether Plaintiffs' customer and vendor contact information qualify as a protectable trade secret, as defined by the Texas Uniform Trade Secrets Act ("TUTSA") under Texas Civil Practice & Remedies Code § 134A.002 ("Defendants' Motion for Summary Judgment"). Plaintiffs filed their response to Defendants' Motion for Summary Judgment on August 4, 2023 ("Plaintiffs' Response Brief"). Attached to Plaintiffs' Response Brief are Exhibits A.4, A.5 and B.2 that have been designed either by either Plaintiffs or Defendants as "Confidential – Attorney Eyes Only. Exhibits A. 4 and A. 5 consist of spreadsheets identifying Plaintiffs' customers and vendors. Exhibit A.5 also contains Plaintiffs' pricing information for their materials and services. Exhibit B.2 contains Defendants' current and prospective customer contact information. By designating these documents "Confidential – Attorneys' Eyes Only", Plaintiffs and Defendants contend that these records contain the parties' sensitive business information that constitute trade secrets or reveal confidential research, development, and commercial information, including the parties' customer and vendor contact information as well as Plaintiffs' pricing information for their

materials and services that is proprietary in nature and cannot be disclosed without risk of competitive injury in an extremely competitive market.

6. This Notice shall be posted at the place where notices for meetings of county governmental bodies are required to be posted.

DATED: February 14, 2024

Respectfully submitted,

Filed
Tarrant County Clerk
7:58 am, Feb 15 2024
Mary Louise Nicholson
County Clerk
by LMWillis

/s/ Martin C. Robson
Brett Charhon
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bcharhon@ccrglaw.com
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*Counsel for Plaintiffs Rangeline Pipeline Services,
LLC and Rangeline Tapping Services, Inc.*

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served on all counsel of record via the Court's electronic filing system on February 14, 2024:

/s/ Martin C. Robson
Martin C. Robson

Filed
Tarrant County Clerk

7:58 am, Feb 15 2024

Mary Louise Nicholson
County Clerk

by **LMWillis**

Exhibit A

7:58 am, Feb 15 2024

342-333790-22

Mary Louise Nicholson

County Clerk

by LMWillis

CAUSE NO. 342-333790-22

FILED
TARRANT COUNTY
2/14/2024 9:11 AM
THOMAS A. WILDER
DISTRICT CLERK

**RANGELINE PIPELINE SERVICES,
LLC and RANGELINE TAPPING
SERVICES, INC.,**

Plaintiffs,

v.

**JARRED TOMPKINS, ETHAN
MATHIS, and KOPPL PIPELINE
SERVICES, INC.,**

Defendants.

IN THE DISTRICT COURT

TARRANT COUNTY, TEXAS

342ND JUDICIAL DISTRICT

PLAINTIFFS' SECOND MOTION TO SEAL

Plaintiffs Rangeline Pipeline Services, LLC and Rangeline Tapping Services, Inc. (collectively, "Plaintiffs") hereby file this Second Motion to Seal ("Motion") pursuant to Texas Rule of Civil Procedure 76a, and in support thereof respectfully shows:

I.

1. On June 6, 2022, Plaintiffs and Defendants Jarred Tompkins and Ethan Matis jointly moved the Court to enter an Agreed Protective Order that allows the parties and non-parties to designate certain materials produced in discovery as "Confidential" and "Confidential – Attorney's Eyes Only." The Court entered the Agreed Protective Order on June 7, 2022.¹

2. The Agreed Protective Order specifically allows producing parties to stamp documents that they, in good faith, determine to be a "Protected Document" as "Confidential" or "Confidential – Attorneys' Eyes Only." See June 7, 2022 Agreed Protective Order (on file with the Court) at ¶ 2(a), (b).

¹ Defendant Koppl Pipeline Services, Inc. was named as a defendant in this lawsuit after the Court entered the Agreed Protective Order.

3. The Agreed Protective Order defines “Confidential Information” as “information that the Producing Party believes, in good faith, constitutes a trade secret or reveals confidential research, development, or commercial information or confidential information relating to an individual. Confidential Information does not include information that has been disclosed in the public domain.” *Id.* at ¶ 1(a).

4. Pursuant to the terms of the Agreed Protective Order, the parties, as well as certain non-parties, have produced documents as “Confidential” and/or “Confidential – Attorney’s Eyes Only.”

5. On July 20, 2023, Defendants Jarred Tompkins and Ethan Mathis filed their Traditional Motion for Partial Summary Judgment challenging whether Plaintiffs’ customer and vendor contact information qualify as a protectable trade secret, as defined by the Texas Uniform Trade Secrets Act (“TUTSA”) under Texas Civil Practice & Remedies Code § 134A.002 (“Defendants’ Motion for Summary Judgment”). Plaintiffs filed their response to Defendants’ Motion for Summary Judgment on August 4, 2023 (“Plaintiffs’ Response Brief”).

6. To support the argument that Plaintiffs’ customer and vendor contact information are protectable trade secrets, Plaintiffs’ pointed to its customer and vender contact information, as well as pricing information. Plaintiffs also cited emails sent by Defendants to their prospective customers. These documents were produced and designated by the parties as “Confidential – Attorney’s Eyes Only” pursuant to the Agreed Protective Order. Plaintiffs’ filed these documents as exhibits to Plaintiffs’ Response Brief, which are marked as Exhibits A.4, A.5 and B.2, in redacted form and submitted them to the Court for *in camera* review.

7. Plaintiffs assert that these documents (Exhibits A.4, A.5 and B.2 attached to the Plaintiffs’ Response Brief) contain both Plaintiffs’ and Defendants’ confidential information and

trade secrets. In particular, Exhibits A. 4 and A. 5 consist of spreadsheets identifying Plaintiffs' customers and vendors. Exhibit A.5 also contains Plaintiffs' pricing information for their materials and services. Finally, Exhibit B.2 contains Defendants' current and prospective customer contact information. These documents are proprietary in nature and cannot be disclosed without risk of competitive injury in an extremely competitive market. As a result, by this Motion, Plaintiffs' seek to seal the following exhibits attached to Plaintiffs' Response Brief, which Plaintiffs will present to the Court for *in camera* review at the hearing on this motion: Exhibits A.4, A.5 and B.2.

8. Plaintiffs note that, in this case, Plaintiffs assert that Defendants have misappropriated Plaintiffs' trade secrets in violation of the Texas Uniform Trade Secrets Act ("TUTSA"). Specifically, Plaintiffs assert that Defendants misappropriated Plaintiffs' customer and vendor information contained in Exhibits A.4 and A.5 attached to the Plaintiffs' Response Brief.

9. Pursuant to recent Texas Supreme Court authority, with respect to TUTSA claims, there is a "controlling" presumption that there is a specific, serious, and substantial interest in protecting the secrecy of trade secrets that outweighs the presumption of openness and any adverse health or safety effects of sealing documents containing the trade secrets. *See HouseCanary, Inc. v. Title Source, Inc.*, 622 S.W.3d 254, 261 (Tex. 2021). Thus, "parties seeking to seal records containing alleged trade secrets in misappropriation actions no longer have to show a specific, serious, and substantial interest that outweighs the presumption of openness and any adverse health or safety effects of sealing." *Id.* (citing Tex. Civ. Prac. & Rem. Code § 134A.007(c)).

10. Further, given that the information sought to be sealed is Plaintiffs' trade secrets concerning their customer information, there is no less restrictive means other than sealing the records that will adequately and effectively protect the confidential nature of the trade secrets

asserted. For instance, filing redacted copies of the subject documents with the Court and submitting the documents to the Court in unredacted form for *in camera* review is insufficient to allow the redacted portions of the documents to become part of the appellate record in the event of an appeal. *See, e.g., In re Cook*, 629 S.W.3d 591, 608 (Tex. App.—Dallas 2021, no pet.) (concurring op.) (noting that “[i]f the trial court has not entered a sealing order, appellate courts abate the appeal or temporarily seal the filed documents to allow the trial court to conduct a hearing to determine whether the requirements of rule 76a have been satisfied and to make findings on whether the contents of the record should be sealed.”) (citing *Griffin v. Birkman*, No. 03-06-00412-CV, 2006 WL 6041819, at *1 (Tex. App—Austin Nov. 16, 2006, no pet.).

11. Accordingly, pursuant to the terms of the Agreed Protective Order and Rule 76a, Plaintiffs seek to seal the documents attached as Exhibits A.4, A.5 and B.2 to the Plaintiffs’ Response Brief.

II.

WHEREFORE, PREMISES CONSIDERED, Plaintiffs respectfully request that the Court grant their motion and seal the above-referenced materials, and for such further relief which may be appropriate.

DATED: February 14, 2024

Respectfully submitted,

Filed
Tarrant County Clerk

7:59 am, Feb 15 2024

Mary Louise Nicholson

County Clerk

by LMWillis

/s/ Martin C. Robson

Brett Charhon

Texas State Bar No. 24040674

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Michael Zweber

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*Counsel for Plaintiffs Rangeline Pipeline Services,
LLC and Rangeline Tapping Services, Inc.*

CERTIFICATE OF CONFERENCE

I hereby certify that on February 14, 2024, I, as counsel for Plaintiffs, conferred with counsel for Defendants regarding the issues raised in this motion and opposing counsel have indicated that they oppose the motion. Therefore, it is presented to the Court for determination.

/s/ Martin C. Robson

Martin C. Robson

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served on all counsel of record via the Court's electronic filing system on February 14, 2024:

/s/ Martin C. Robson

Martin C. Robson

Filed
Tarrant County Clerk

7:59 am, Feb 15 2024

Mary Louise Nicholson

County Clerk

by **LMWillis**

Exhibit B

7:59 am, Feb 15 2024

Mary Louise Nicholson

County Clerk

LMWillis

342-333790-22

CAUSE NO. 342-333790-22

FILED
TARRANT COUNTY
2/14/2024 11:03 AM
THOMAS A. WILDER
DISTRICT CLERK

**RANGELINE PIPELINE SERVICES,
LLC and RANGELINE TAPPING
SERVICES, INC.,**

Plaintiffs,

v.

**JARRED TOMPKINS, ETHAN
MATHIS and KOPPL PIPELINES
SERVICES, INC.,**

Defendants.

IN THE DISTRICT COURT

TARRANT COUNTY, TEXAS

342ND JUDICIAL DISTRICT

NOTICE OF HEARING ON PLAINTIFFS' SECOND MOTION TO SEAL

Please take notice that, on **February 29, 2024 at 10:30 a.m.**, the Court will hold an in-person hearing on *Plaintiffs' Second Motion to Seal* filed on February 14, 2024. The Court has allotted the parties 30 minutes to conduct this hearing. All orders and responses must be filed according to the Texas Rules of Civil Procedures or the day before the hearing by 12:00 pm. If the motion and response is over 50 pages, a notebook must be delivered to the court 2 days prior to the hearing, between 9:00 am – 11:00 am or 2:00 pm – 4:00 pm.

DATED: February 14, 2024

Respectfully submitted,

Filed
Tarrant County Clerk
8:00 am, Feb 15 2024
Mary Louise Nicholson
County Clerk
by LMWillis

/s/ Martin C. Robson
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*Counsel for Plaintiffs Rangeline Pipeline Services,
LLC and Rangeline Tapping Services, Inc.*

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document was served on all counsel of record via the Court's electronic filing system on February 14, 2024:

/s/ Martin C. Robson
Martin C. Robson

Automated Certificate of eService

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

Angela Ivy on behalf of Martin Robson
Bar No. 24004892
aivy@ccrglaw.com
Envelope ID: 84497590
Filing Code Description: Notice
Filing Description: Public Notice of Plaintiffs' Second Motion to Seal
Status as of 2/14/2024 11:30 AM CST

Filed
Tarrant County Clerk
8:00 am, Feb 15 2024
Mary Louise Nicholson
County Clerk
by **LMWillis**

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Martin Robson		mrobson@ccrglaw.com	2/14/2024 11:21:00 AM	SENT
Michael C.Zweber		mzweber@ccrglaw.com	2/14/2024 11:21:00 AM	SENT
Sophia Palat	24051149	sophia@palatlaw.com	2/14/2024 11:21:00 AM	SENT
CCRG Service		service@ccrglaw.com	2/14/2024 11:21:00 AM	SENT
Connor Scott		cscott@ccrglaw.com	2/14/2024 11:21:00 AM	SENT

Associated Case Party: JARREDTOMPKINS

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Associated Case Party: ETHANMATHIS

Name	BarNumber	Email	TimestampSubmitted	Status
Alexandra Williams	24107297	amwilliams@jw.com	2/14/2024 11:21:00 AM	SENT
Timothy Davis		tdavis@jw.com	2/14/2024 11:21:00 AM	SENT

Associated Case Party: THEKOPPEL PIPELINE SERVICES INC

Automated Certificate of eService

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

Angela Ivy on behalf of Martin Robson

Bar No. 24004892

aivy@ccrglaw.com

Envelope ID: 84497590

Filing Code Description: Notice

Filing Description: Public Notice of Plaintiffs' Second Motion to Seal

Status as of 2/14/2024 11:30 AM CST

Filed
Tarrant County Clerk

8:00 am, Feb 15 2024

Mary Louise Nicholson

County Clerk

by LMWillis

Associated Case Party: THEKOPPEL PIPELINE SERVICES INC

Name	BarNumber	Email	TimestampSubmitted	Status
Marc AStach		marc@harriscooklaw.com	2/14/2024 11:21:00 AM	SENT

Associated Case Party: THEKOPPL PIPELNE SERVICES INC

Name	BarNumber	Email	TimestampSubmitted	Status
Marc AStach		marc@harriscooklaw.com	2/14/2024 11:21:00 AM	SENT