

WAL-MART STORES, INC.,  
WAL-MART STORES EAST, LP, and  
SAM'S EAST, INC.

PLAINTIFFS,

v.

UNITED FOOD AND COMMERCIAL  
WORKERS INTERNATIONAL UNION,  
ORGANIZATION UNITED FOR  
RESPECT AT WALMART  
("OURWalmart"), JOBS WITH JUSTICE,  
ALAN HANSON and SILVIA FABELA

) IN THE  
)  
) CIRCUIT COURT  
)  
) FOR  
)  
) ANNE ARUNDEL COUNTY  
)  
) MARYLAND  
)  
)  
) CASE NO. C-13-181974  
)

DEFENDANTS.

**ORDER FOR PRELIMINARY INJUNCTION**

After review of Plaintiffs' Motion for Preliminary Injunction, Affidavits and Exhibits, and all Oppositions, Responses and Replies thereto, and after a full adversarial hearing with live sworn testimony, subject to cross-examination, the Court makes the following specific findings of fact:

1. Plaintiffs Walmart Stores, Inc., Walmart Stores East, LP, and Sam's East, Inc. ("Walmart") operate 59 stores throughout Maryland in multiple formats, including discount stores, Supercenters and Sam's Clubs.

2. Defendants and their agents, representatives and supporters (except for current Walmart employees) have unlawfully trespassed onto and into Walmart's private property and stores across Maryland, with their activity ranging from a single or few OURWalmart member(s) trespassing onto Walmart's private property repeatedly, to large scale demonstrations at numerous stores.

3. Defendants and their agents, representatives and supporters (except for current Walmart employees) have committed and continue to threaten unlawful acts on Walmart's private property. Plaintiffs' evidence establishes that Defendants have

engaged in multiple disruptive demonstrations on private property in the possession and control of Walmart, interfering with its use and enjoyment of its private property and the conduct of its business operations. These demonstrations have included the use of “flash mobs,” handbilling, placards, singing, chanting, stomping, yelling, sound amplification devices (such as bullhorns or megaphones), manager confrontations, picketing, and the blocking of ingress and egress to and from Walmart’s private property.

4. Walmart has repeatedly notified Defendants, their agents and representatives (except for current Walmart employees) that any privilege or license for Defendants or their followers to enter onto Walmart’s private property for the purpose of engaging in any activity other than shopping has been revoked. Notwithstanding Walmart’s revocation of any privilege of Defendants, their agents or representatives (except for current Walmart employees) to enter onto Walmart private property for any disallowed purpose, Defendants have continued to trespass onto Walmart’s private property and conduct demonstrations on Walmart’s private property. This Court specifically finds that each of Defendants’ entries onto Walmart’s private property following Walmart’s oral and written notices to Defendants revoking any privilege to enter onto Walmart’s private property for purposes other than shopping constitutes an “unauthorized entry” onto Walmart’s private property, and that the number of unauthorized entries by Defendants amounts to a continuing trespass.

5. As a result of Defendants’ demonstrations, Walmart has been disturbed in the safety, shopping experience and working environment that it can provide to its employees and customers working and shopping at its stores. The Court further finds that as a result of Defendants’ conduct, Walmart has suffered lost sales, but that such lost sales defy

precise calculation. Defendants' activities have also damaged Walmart's reputation and goodwill, increased the opportunities for third parties to steal merchandise, created a potential for violence, prevented Walmart associates from doing their jobs, and caused a loss of productivity due to Walmart's need to monitor and control Defendants' trespassory activities. The cumulative effect of the harms wrought by Defendants on Walmart has thereby deprived Walmart of an adequate remedy at law to address Defendants' repeated trespasses and continued threats to enter onto and into Walmart's private property to engage in their demonstrations and other disruptive conduct.

6. The Court further finds that, absent the entry of a preliminary injunction, Defendants' unauthorized entries onto Walmart's private property throughout the state of Maryland are likely to continue in the future and a substantial and irreparable injury to Walmart and its property would be unavoidable. The evidence establishes greater injury will be inflicted upon Walmart by the denial of this preliminary injunction than will be inflicted upon Defendants by the granting of relief, as Defendants can conduct lawful demonstrations on public property.

**WHEREFORE**, it is on this 26 day of November, 2013, hereby

**ORDERED** that Plaintiffs' Motion for Preliminary Injunction is hereby **GRANTED**; and it is further

**ORDERED** that Defendants, United Food and Commercial Workers International Union, Organization United for Respect at Walmart ("OURWalmart"), Jobs With Justice, Alan Hanson, Silvia Fabela, their parents, subsidiaries, and affiliates, their non-Walmart employee officers, employees, agents, members, representatives, servants, assigns, and all other non-Walmart employee persons who act on behalf of or in concert with

Defendants (collectively "Defendants"), directly or indirectly, are hereby enjoined and restrained from:

(i) entering on or inside Walmart private property in the State of Maryland to engage in activities such as unlawful picketing, patrolling, parading, demonstrations, "flash mobs," handbilling, solicitation, customer interference, and manager confrontations;

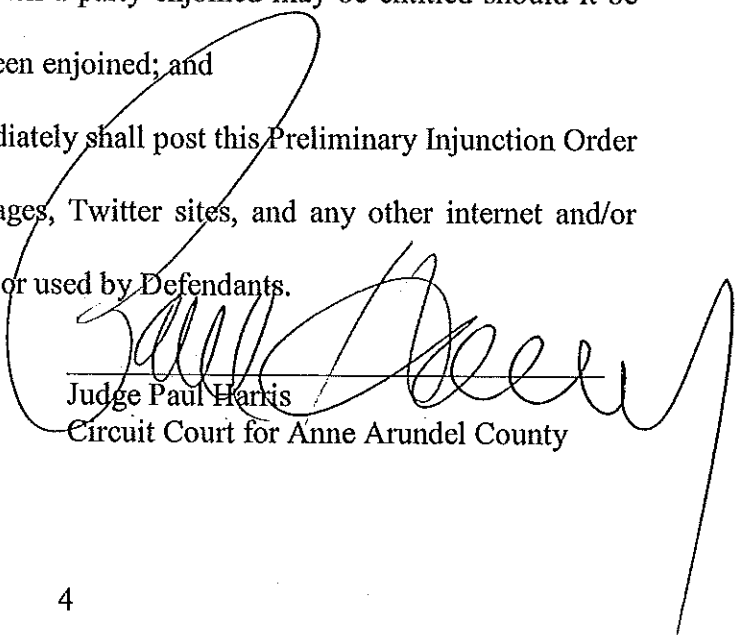
(ii) entering on or inside Walmart's private property in the State of Maryland without permission or authorization from Walmart for any purpose other than shopping for and/or purchasing merchandise at Walmart's stores;

(iii) engaging in any nuisance conduct off Walmart's private property in the State of Maryland which blocks, causes to be blocked, disrupts and/or interferes with Walmart customers' or associates' access to, or ability to move around on, or enter or exit Walmart private property in the State of Maryland; and

**ORDERED** that this Preliminary Injunction shall remain in effect until a trial on the merits is held in this action or until further order of this Court; and

**ORDERED** that Plaintiffs shall post a bond in the amount of \$ 10,000.00 for the payment of any damages to which a party enjoined may be entitled should it be determined that they should not have been enjoined; and

**ORDERED** that Defendants immediately shall post this Preliminary Injunction Order on Defendants' websites, Facebook pages, Twitter sites, and any other internet and/or social media outlets under their control or used by Defendants.

  
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Judge Paul Harris

Circuit Court for Anne Arundel County