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7 **IN THE THIRD JUDICIAL DISTRICT COURT**
8 **IN AND FOR SALT LAKE COUNTY, STATE OF UTAH**

9 Randy Lieber, an individual,
10 Natruell, LLC, a Utah Limited
Liability Company, Technocarb, a
11 Canadian limited corporation,
Natural Solutions, LLC, a Utah
12 Limited Liability Company and
Clean and Green Automotive,
13 LLC.,

14 Plaintiffs,

15 vs.

16 Lance Davenport, in his capacity as
the acting Commissioner of Utah
17 Department of Public Safety, and
the Utah Safety Inspection
18 Advisory Board

19 Defendants.

PRELIMINARY INJUNCTION

Civil No. 090901808

Honorable Kate Toomey

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21 This Matter comes on before the Court based on the Joint Motion of the Parties for Entry
22 of Preliminary Injunction and the Parties' Stipulation. The Court, having reviewed the parties'
23 motion, stipulation and the Verified Complaint in this matter, and finding good cause therefor,
24 NOW ORDERS AS FOLLOWS:

25 During the pendency of this action and until further order of the Court:

1 1. Defendants, and their agents and inspectors, are enjoined during the pendency of
2 these proceedings from enforcing the Department of Public Safety, 2009-2010 Official Safety
3 Inspection Manual for Passenger Vehicles and Light Duty Truck up to 26,000 GVWR (the
4 “Manual”), as to those provisions of the Manual, or any versions thereof, that would mandate
5 the rejection of any vehicle equipped with a compressed natural gas conversion on the basis that
6 the conversion is not EPA-certified.

7 2. The Department of Public Safety IS HEREBY ORDERED to promptly notify all
8 Utah Safety Inspection Stations that they shall not reject any vehicle based solely upon the fact
9 that the vehicle is equipped with a compressed natural gas conversion which is not EPA-certified
10 (i.e., under Section 12- Fuel System, A.1.a.8. of the Manual), and that any sections of the
11 Manual, or any version thereof that would require or mandate rejection based solely on that fact
12 is void until further order of the Court.

13 3. This preliminary injunction does not prohibit or preclude the Defendants from
14 engaging in or pursuing rulemaking during the pendency of this action as to compressed natural
15 gas conversions or any other matter, provided said rulemaking adheres to and complies with the
16 Utah Administrative Rulemaking Act, Utah Code Ann. §§63G-3-101 *et seq.* (2008).

17 4. The Defendants and, specifically the Department of Public Safety, ARE
18 ORDERED to provide notice to Plaintiff’s counsel should it decide to pursue rulemaking as
19 allowed under paragraph 3 above. Such notice shall be immediate and may be by email and fax.

20 5. This preliminary injunction shall not be construed to preclude a state inspection
21 station from failing any vehicle that is unsafe based on provisions in the Manual that are not
22 related to EPA certification.

23 6. Defendants shall not be required to file an answer in this action until Plaintiffs
24 provide Defendants with 10 days written notice that an answer is to be filed, which notice shall
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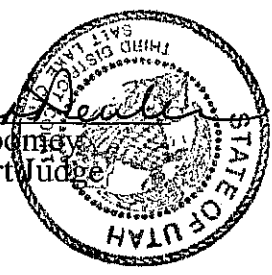
1 be served on Defendants' counsel according to the Utah Rules of Civil Procedure.

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Dated this 6 day of March, 2009

BY THE COURT

Kate Toomey
for Honorable Kate Toomey
Third District Court Judge



Approved as to form:

Lana Taylor

Lana Taylor
Attorney for Defendants

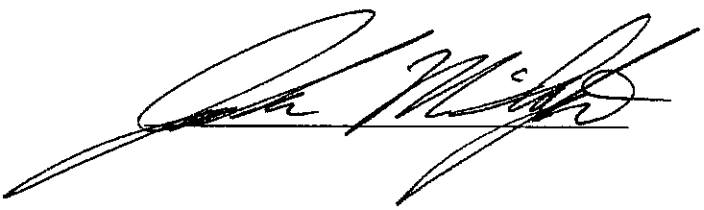
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CERTIFICATE OF MAILING

I hereby certify that on the 6th day of March, 2009, I mailed, postage pre-paid, a true and correct copy of the foregoing Preliminary Inspection to the following:

Mark Shurtleff
PO Box 142320
Salt Lake City, Utah 84114

Lana Taylor
4501 South 2700 West
C/O Dept of Public Safety
Salt Lake City, Utah 84114

A handwritten signature in black ink, appearing to read "Lana Taylor", is written over a horizontal line.