

August 09, 2021, 09:08:33

At _____
Velva L. Price, District Clerk

CAUSE NO. D-1-GN-21-003760

REP. GINA HINOJOSA,	§	IN THE DISTRICT COURT OF
REP. ALMA A. ALLEN,	§	
REP. MICHELLE BECKLEY,	§	
REP. JASMINE CROCKETT,	§	
REP. JOE DESHOTEL,	§	
REP. BARBARA GERVIN-HAWKINS,	§	
REP. VIKKI GOODWIN,	§	
REP. CELIA ISRAEL,	§	
REP. RAY LOPEZ,	§	
REP. ARMANDO "MANDO" MARTINEZ,	§	
REP. TREY MARTINEZ FISCHER,	§	
REP. INA MINJAREZ,	§	
REP. CHRISTINA MORALES,	§	
REP. MARY ANN PEREZ,	§	
REP. ANA-MARIA RAMOS,	§	
REP. RICHARD PEÑA RAYMOND,	§	
REP. RON REYNOLDS,	§	
REP. EDDIE RODRIGUEZ,	§	
REP. RAMON ROMERO, JR.,	§	
	§	
<i>Plaintiffs,</i>	§	
	§	
v.	§	TRAVIS COUNTY, TEXAS
	§	
GREG ABBOTT, in his official capacity as	§	
Governor of the State of Texas, and	§	
MATTHEW McDADE PHELAN,	§	
in his official capacity as the Speaker of the	§	
Texas House of Representatives, and	§	
the STATE OF TEXAS.	§	
	§	
<i>Defendants.</i>	§	261ST
	§	____ JUDICIAL DISTRICT

TEMPORARY RESTRAINING ORDER

On this date, the Court heard Plaintiffs’ application for a temporary restraining order. After considering the pleadings, affidavits, and arguments of counsel, the Court GRANTS the application for a temporary restraining order *ex parte* and ORDERS as follows:

1. The Court finds that it clearly appears from the facts set forth in Plaintiffs’ Original Petition and the affidavits and evidence attached thereto that Defendants have erroneously interpreted Texas law and legislative rules to permit the detention, confinement, or other restriction of members of the Texas House of Representatives within the State of Texas in response to a call for quorum, and that, unless Defendants are immediately restrained as

set forth below, Plaintiffs will suffer imminent and irreparable harm by either the loss of liberty or the loss of real and personal property, personal, professional, and political relationships with family, friends, staff, and constituents, and mental anguish of being separated from home.

2. The Court further finds that immediate and irreparable injury, loss, or damage will result to Plaintiffs before notice of a temporary restraining order application can be served and hearing had thereon. Specifically, Defendants announced on Saturday, August 7, 2021, that the next Special Session in which Plaintiffs would be purportedly require to attend will begin on Monday, August 9, 2021, but, as State government workers, Defendants' counsel are presumably unavailable to receive notice or appear at a hearing on the only date between those key dates.
3. The Court RESTRAINS defendants the State of Texas, Governor Greg Abbott, and Speaker of the House Matthew McDade "Dade" Phelan from:
 - a. Detaining, confining, or otherwise restricting a Texas House Democrat's movement without his or her consent so as to interfere substantially with his or her liberty within the State of Texas under the alleged authority of Article III, Section 10 of the Texas Constitution, House Rule 5, Section 8, or a Call to the House passed on or after July13, 2021;
 - b. Issuing any warrants or other instruments commanding the detention, confinement, or other restriction of a Texas House Democrat's movement without his or her consent so as to interfere substantially with his or her liberty within the State of Texas under the alleged authority of Article III, Section 10 of the Texas Constitution, House Rule 5, Section 8, or a Call to the House passed on or after July13, 2021; and
 - c. Commanding the Texas House sergeant-at-arms, officers appointed by the Texas House sergeant-at-arms, Department of Public Safety, Texas Rangers, Texas Highway Patrol Officers, Capitol Police Officers, or other law enforcement officials to detain, confine, or otherwise restrict a Texas House Representative's movement without his or her consent so as to interfere substantially with his or her liberty within the State of Texas under the alleged authority of Article III, Section 10 of the Texas Constitution, House Rule 5, Section 8, or a Call to the House passed on or after July13, 2021.
4. The Court ORDERS the Clerk to issue notice to defendants the State of Texas by and through the Attorney General, Governor Greg Abbott, and Speaker of the House Matthew McDade "Dade" Phelan to show cause why a temporary injunction should not be issued against them, and that the hearing on Plaintiffs' application for temporary injunction is set for:

August 20 _____, 2021 at _____ 2:00 AM / **PM**

The purpose of the hearing will be to determine whether the temporary restraining order should be made a temporary injunction pending a full trial on the merits.

5. The Court finds that the temporary restraining order or temporary injunction is against the State and officers of the State in their governmental capacity and that Defendants have no pecuniary interest in the suit and no money damages can be shown; nonetheless, the Court sets bond at: \$1.00.
6. This Order is binding upon all of Defendants' agents, servants, employees, attorneys, and all persons in active concert or participation with Defendants who receive actual notice of this order by personal service or otherwise.
7. This Order expires within fourteen (14) days unless extended as permitted by Tex. R. Civ. P. 680.

SIGNED on August 8, 2021 at 8:14PM.



JUDGE PRESIDING