

MAY 04 2016

FA

At 4:43 P.M.
Velva L. Price, District Clerk

No. D-1-GN-15-004336

GRASSROOTS LEADERSHIP, et al.

Plaintiffs,

v.

TEXAS DEPARTMENT OF FAMILY
AND PROTECTIVE SERVICES (DFPS),
et al.

Defendants.

§
§
§
§
§
§
§
§
§
§
§

IN THE DISTRICT COURT OF

TRAVIS COUNTY, TEXAS

353rd Judicial District Court
(All proceedings assigned to the
250th Judicial District Court)

TEMPORARY RESTRAINING ORDER

On May 4, 2016, the Court considered Plaintiffs' application for a temporary restraining order. Plaintiffs appeared by teleconference through their attorney of record, Robert Doggett. Defendants appeared by teleconference through their attorney of record, Kara Holsinger. After considering the pleadings, exhibits, and all other documents filed in this case to date, the arguments of counsel, and the applicable law, the Court is of the opinion that Plaintiff's application for a temporary restraining order should be, and is, GRANTED for the following reasons:

(1) pursuant to TEX. GOV'T CODE § 2001.038(a), Plaintiffs have shown a probable right to a declaratory judgment that the following regulation adopted by the Texas Department of Family and Protective Services is invalid because it was adopted without statutory authority: Title 40, Part 19, Chapter 748, Subchapter A, Rule § 748.7 (effective March 1, 2016), published in 41 TEX. REG. 1493-1502 (Feb. 26, 2016);

(2) Plaintiffs will suffer immediate and irreparable harm absent a temporary restraining order because money damages are unavailable against the state agency and incapable of certain determination; and

(3) the temporary restraining order is necessary to preserve the *status quo* while the validity of the agency's regulation is litigated pursuant to TEX. GOV'T CODE § 2001.038.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that Plaintiffs' Application for Temporary Restraining Order be and is hereby GRANTED.

ACCORDINGLY, THE TEXAS DEPARTMENT OF FAMILY AND PROTECTIVE SERVICES, and its agents, servants, employees, and attorneys are hereby ORDERED to desist and refrain from implementing 40 Tex. Admin. Code § 748.7 to issue any license to the owner or operator of the South Texas Family Residential Center in Dilley, Texas, until further order of the Court.

IT IS FURTHER ORDERED that the bond Plaintiffs have already executed and filed with this Court shall be held sufficient for issuance of this temporary restraining order in conformity with Rule 684 of the Texas Rules of Civil Procedure to ensure that Plaintiffs will abide by the decision which may be made in the cause and that Plaintiffs will pay all sums of money and costs that may be adjudged against them.

The clerk shall forthwith, when so requested by Plaintiffs, issue a writ of temporary restraining order in conformity with the law and the terms of this Order.

IT IS FURTHER ORDERED that Plaintiff's application for a temporary injunction will be heard before this Court on May 13, 2016 at 9:00 o'clock a.m.

IT IS FURTHER ORDERED that this order expires no later than fourteen days after issuance or when amended by order of this Court, whichever occurs first.

SO ORDERED this 4th day of May, 2016 at 4:39 o'clock p.m.



JUDGE PRESIDING
KARIN CRUMP