

CAUSE NO. D-1-GN-24-001276

PFLAG, Inc.,

Plaintiff,

v.

OFFICE OF THE ATTORNEY GENERAL OF
THE STATE OF TEXAS; and WARREN
KENNETH PAXTON, JR., in his official
capacity as Attorney General of Texas,

Defendants.

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IN THE DISTRICT COURT OF
TRAVIS COUNTY, TEXAS
261ST JUDICIAL DISTRICT

**ORDER GRANTING PLAINTIFF'S APPLICATION
FOR A TEMPORARY INJUNCTION**

On this day, the Court considered the application by Plaintiff PFLAG, Inc. ("PFLAG" or "Plaintiff") for a Temporary Injunction (the "Application"), as found in Plaintiff's Original Verified Petition to Set Aside Civil Investigative Demands, for Declaratory Judgment, and Application for Temporary Restraining Order and Temporary and Permanent Injunctive Relief ("Petition") filed against Defendants the Office of the Attorney General of the State of Texas ("OAG") and Warren Kenneth Paxton, Jr. ("Paxton") in his official capacity as Attorney General of the State of Texas (collectively, "Defendants").

Based on the facts set forth in Plaintiff's Petition, the testimony, the evidence, and the argument of counsel presented during the March 25, 2024, hearing on Plaintiff's Application, this Court finds sufficient cause to enter a Temporary Injunction against Defendants.

Procedural History

On February 9, 2024, the OAG served PFLAG with a Civil Investigative Demand ("CID") and a Notice of Demand for Sworn Written Statement ("Demand for Sworn Statement"), both

dated February 5, 2024. The Demands instruct PFLAG to provide information and documents purportedly related to the OAG's "investigation of actual or possible violations" of Section 17.46 of the Texas Deceptive Trade Practices-Consumer Protection Act ("DTPA") for issues related to alleged "misrepresentations regarding Gender Transitioning and Reassignment Treatments and Procedures and Texas law."

On February 28, PFLAG filed its Verified Petition to Set Aside Civil Investigative Demands, For Declaratory Judgment, and Application for a Temporary Restraining Order and Temporary and Permanent Injunction Relief.

On March 1, the Court granted Plaintiff's Application for Temporary Restraining Order ("TRO"). On March 15, 2024, the Court extended the TRO until March 29, 2024.

Subsequent to the issuance of the TRO, the parties filed the following motions still pending before the Court:

1. The Office of the Attorney General's Motion to Modify and Clarify the Court's March 1, 2024, Temporary Restraining Order, filed on March 19, 2024; and
2. The Office of the Attorney General's Plea to the Jurisdiction, filed on March 22, 2024.

Legal Authority

Plaintiff states a valid cause of action against the OAG and Attorney General Paxton and have a probable right to the declaratory and permanent injunctive relief they seek. For the reasons detailed in Plaintiff's Application and accompanying evidence, there is a substantial likelihood that Plaintiff will prevail after a trial on the merits. It clearly appears to the Court that unless the Defendants are immediately restrained from enforcing the DTPA against PFLAG or otherwise requiring PFLAG to provide the information and documents listed in the CID and Notice of

Demand for Sworn Written Statement, immediate and irreparable injury, loss, or damage will result to PFLAG and its members. Such injury includes, but is not limited to: being subjected to unlawful and *ultra vires* requests for information and documents that exceed the Defendants' authority under the DTPA; harm to the ability of PFLAG and its members to exercise their rights of free speech and association under the First Amendment; harm to the ability of PFLAG and its members to be secure against unreasonable searches under the Fourth Amendment; harm to the ability of PFLAG and its members to avail themselves of the courts when their constitutional rights are threatened; and gross invasions of both PFLAG's and its members' privacy in an attempt to bypass discovery stays entered in both *Loe v. Texas* and *PFLAG v. Abbott*.

Further, the Court finds that PFLAG's injuries cannot be remedied by any award of damages or other adequate remedy at law. Indeed, Defendants have proposed to continue seeking much of the same information, even if through modified demands. The Temporary Injunction being entered by the Court today is therefore necessary to maintain the status quo, and should remain in effect while this Court, and potentially the Court of Appeals, and the Supreme Court of Texas, examine the parties' merits and jurisdictional arguments.

IT IS THEREFORE ORDERED that, until all issues in this lawsuit are finally and fully determined, the return dates for both the Civil Investigative Demand and Notice of Demand for Sworn Written Statement are extended until the conclusion of this litigation; that Defendants OAG and Paxton, and their respective officers, agents, servants, employees, and attorneys, as well as any individuals or entities in active concert with them, directly or indirectly under their control, or participating with them, who receive actual notice of the Order by personal service or otherwise, are immediately enjoined and restrained from taking any adverse action in relation to the Civil Investigative Demand and Notice of Demand for Sworn Written Statement against PFLAG, its

officers, chapters, agents, servants, employees, and attorneys, and upon and its members, and such restraint encompasses but is not limited to:

(1) restraining Defendants from taking any affirmative steps to revoke, suspend, forfeit, dissolve, or void the ability of PFLAG or any of its chapters to operate in Texas during the pendency of this case, to the extent such steps are based on failure to respond to any requests for information or documents relating to PFLAG's statements in *Loe v. Texas* and *PFLAG v. Abbott*, alleged "misrepresentations regarding Gender Transitioning and Reassignment Treatments and Procedures," or a failure to respond to civil investigative demands or requests for sworn statements pursuant to the DTPA relating to "Gender Transitioning and Reassignment Treatments and Procedures";

(2) restraining Defendants from demanding information or documents from PFLAG that would reveal the identities or private communications of PFLAG, its officers, members, chapters, agents, servants, employees, attorneys, and associated persons, including but not limited to, volunteers and donors.

IT IS FURTHER ORDERED THAT a trial on the merits of this case is set on the central docket at the Civil and Family Courts on June 10, 2024, at 9: 00A.M. ~~at~~ FACILITY located at 1700 Guadalupe, Austin, Texas, 78701. Accordingly, the Clerk of the Court is hereby directed to issue a SHOW CAUSE notice to Defendants to appear at the trial. (EW)

The Clerk shall forthwith issue a temporary restraining order in conformity with the laws and the terms of this Order.

Plaintiff has previously executed with the Clerk a bond in conformity with the law in the amount of \$200 dollars, and that bond amount will remain adequate and effective for this Temporary Injunction.

IT IS FURTHER ORDERED that this Order shall not expire until judgment in this case is entered or this case is otherwise dismissed by the Court.

WARNING: FAILURE TO OBEY A COURT ORDER MAY RESULT IN FURTHER LITIGATION TO ENFORCE THE ORDER, INCLUDING CONTEMPT OF COURT. A FINDING OF CONTEMPT MAY BE PUNISHED BY CONFINEMENT IN JAIL FOR UP TO SIX MONTHS, A FINE OF UP TO \$500 FOR EACH VIOLATION, AND A MONEY JUDGMENT FOR PAYMENT OF ATTORNEY'S FEES AND COURT COSTS.

Entered and signed at 11:07 A.M on this 25th day of March.



JUDGE AMY CLARK MEACHUM