

No. D-1-GN-20-001610

TEXAS DEMOCRATIC PARTY AND GILBERTO	§	IN THE DISTRICT COURT
HINOJOSA, IN HIS CAPACITY AS CHAIRMAN OF	§	
THE TEXAS DEMOCRATIC PARTY, JOSEPH	§	
DANIEL CASCINO AND SHANDA MARIE	§	
SANSING,	§	
<i>Plaintiffs,</i>	§	
	§	
and	§	
	§	
ZACHARY PRICE, LEAGUE OF WOMEN VOTERS	§	
OF TEXAS, LEAGUE OF WOMEN VOTERS OF	§	
AUSTIN-AREA, MOVE TEXAS ACTION FUND,	§	TRAVIS COUNTY, TEXAS
WORKERS DEFENSE ACTION FUND,	§	
<i>Plaintiffs-Intervenors</i>	§	
	§	
v.	§	
	§	
DANA DEBEAUVOIR, IN HER CAPACITY AS	§	
TRAVIS COUNTY CLERK,	§	
<i>Defendant.</i>	§	
	§	
STATE OF TEXAS,	§	
<i>Intervenor.</i>	§	201st JUDICIAL DISTRICT

TEXAS’S OBJECTIONS TO PLAINTIFFS’ PROPOSED ORDER

Intervenor State of Texas, by and through its Attorney General, hereby objects to the Proposed Order circulated by Plaintiffs after the Court’s April 15, 2020 hearing in this case (“Proposed Order”), and respectfully shows as follows:

1. Under Texas Rule of Civil Procedure 683, “[e]very order granting an injunction . . . is binding only upon the parties to the action, their officers, agents, servants, employees, and attorneys, and upon those persons in active concert or participation with them[.]” TEX. R. CIV. P. 683.

2. The Travis County Clerk is the only Defendant who has been cited and appeared herein.

3. The Attorney General's intervention in this case, on behalf of the State of Texas, did not confer the Court with jurisdiction to enter an injunction against the State of Texas or any State actor. *See, e.g., State v. Cook United, Inc.*, 469 S.W.2d 709, 712 (Tex. 1971) (holding that county attorney's pursuit of statutorily authorized relief in the name of the State of Texas did not render the State of Texas or its Attorney General subject to injunctive relief under Texas Rule of Civil Procedure 683); *see also* TEX. R. CIV. P. § 37.006(b) (providing—without waiving sovereign immunity—that the Attorney General is “entitled to be heard” in, “any proceeding” in which a “statute, ordinance, or franchise is alleged to be unconstitutional.”).

4. The claims in this case and the Defendant herein cannot support the scope of the relief reflected in the Proposed Order.

5. Thus, Intervenor objects to paragraphs 3, 4, and 5 of the operative portion of the Proposed Order to the extent that those paragraphs purport to enjoin the State of Texas or any State actor.

6. Intervenor Texas expressly reserves its right to seek review of any order ultimately entered in this cause, and to raise any objections thereto including without limitation the factual findings, legal conclusions, and any relief entered by the Court herein.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that that on April 16, 2020, this document was filed electronically via the Court's CM/ECF system, causing electronic service upon all counsel of record.

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