

COPY

REPORTER'S RECORD

TRIAL COURT CAUSE NO. 2025DCV3641

VOLUME 1 OF 1 VOLUMES

POWERED BY PEOPLE,)
)
 Plaintiff,) IN THE DISTRICT COURT
)
 vs.)
) 41ST JUDICIAL DISTRICT
 KEN PAXTON)
 IN HIS OFFICIAL CAPACITY AS)
 TEXAS ATTORNEY GENERAL,) EL PASO COUNTY, TEXAS
)
 Defendant.)

TEMPORARY RESTRAINING ORDER

The 13th day of August 2025, the following
 proceedings came on to be heard in the above-entitled
 and numbered cause before the Honorable Annabell Perez,
 Judge Presiding, held in El Paso, El Paso County, Texas:
 Proceedings reported by machine shorthand
 utilizing computer-assisted realtime transcription.

BERTHA A. PRIETO; OFFICIAL COURT REPORTER

41st Judicial District Court; 500 E. SAN ANTONIO, RM. 1006

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1 (Open court, counsel present)

2 THE COURT: The Court calls Cause Number
3 2025DCV3641, Powered by People, plaintiff v. Ken Paxton,
4 In His Official Capacity as Texas Attorney General,
5 defendant.

6 May I have announcement of counsel,
7 please?

8 MS. COYLE: Good morning, Your Honor.
9 Lynn Coyle serving as local counsel for plaintiff,
10 Powered by People. And I'm joined today by
11 Joaquin Gonzalez and Beth Stevens, who will be acting as
12 lead counsel for this hearing.

13 THE COURT: Thank you. Good morning.

14 MS. STEVENS: Good morning.

15 THE COURT: Thank you.

16 MS. COYLE: We're ready to proceed.

17 THE COURT: Good morning. Thank you.

18 MS. STEVENS: Good morning.

19 MR. STONE: And on behalf of the
20 Attorney General, I am Johnathan Stone and I am joined
21 by my colleague, Scott Froman. And we're also ready to
22 proceed.

23 THE COURT: Mr. Scott, what is your last
24 name again?

25 MR. FROMAN: Froman, F-R-O-M-A-N.

1 THE COURT: Good morning.

2 The Court has received the verified
3 amended petition for declaratory relief filed by the
4 plaintiff in this cause.

5 This morning I did receive the response
6 filed by the Attorney General, which was filed this
7 morning. I've had an opportunity to read that response.

8 They have also filed a plea to the
9 jurisdiction, which I don't think was set today, but I
10 don't know. I'll let the plaintiff address that, but it
11 was not set. What was set today and what we're
12 scheduled to discuss is the temporary restraining order
13 that's being requested in the plaintiff's petition, and
14 then we proceed from there.

15 Let me set it up the way I think we should
16 proceed. I want to be as efficient as possible with
17 everybody's time. I feel that because we have a
18 similar -- I'm not going to go all out and say "same
19 case" but a similar -- involving the same parties, a
20 case is pending in Tarrant County. We have some -- some
21 preliminary procedural questions to answer, and that's
22 the Court's jurisdiction, the first-filed rule, Tarrant
23 County's jurisdiction -- because I understand that's
24 being challenged there -- or at least the choice of
25 venue there. -- and whether that plays any part on

1 whether we should proceed here in El Paso County.

2 So those are the issues that I think we
3 need to sort out before we get to the merits of the
4 complaints, those primarily being the constitutional
5 complaints on the actions made by the Attorney General
6 against Powered by People.

7 Any thoughts on my posture here?

8 MS. COYLE: If I may, Judge?

9 Yeah. I understand how you see the
10 issues, but if we can help to clarify. So this morning,
11 we're seeking emergency temporary relief, which as you
12 know, is to maintain the status quo and prevent
13 irreparable harm.

14 And as our proposed order shows, we are
15 not asking the Court for a ruling on the merits, and
16 we're not asking the Court for a ruling on jurisdiction.
17 And the Eighth Court of Appeals has spoken to this very
18 issue --

19 THE COURT: Okay.

20 MS. COYLE: -- which is that the Court
21 absolutely has jurisdiction to hear a request for
22 emergency relief. Because without yet making a ruling
23 on jurisdiction, even though the pleading has been
24 filed, because of the nature of emergency relief, which
25 is to maintain the status quo and avoid irreparable

1 harm.

2 That case, Your Honor, is *Fernandez v.*
3 *Pimentel*. That's 360 S.W.3d 643, and that was authored
4 by Justice Antcliff. And he addressed this exact issue,
5 which is that the Court noted that -- let me find the
6 quote here.

7 Since the judge -- in that case what
8 happened is, there was a request to extend the temporary
9 restraining order. A plea to the jurisdiction had
10 already been filed and the district court judge said,
11 "Well, I'm going to extend it," and then set a hearing
12 on the plea to the jurisdiction. The parties took that
13 extension of the TRO as a denial of the plea to the
14 jurisdiction. They sought an interlocutory appeal. And
15 the Eighth Court of Appeals said: No. The ruling on
16 the extension for the TRO is explicitly not a denial of
17 the plea to the jurisdiction. It is only a ruling on
18 whether emergency relief should be extended.

19 And so they dismissed that interlocutory
20 appeal. And that's almost --

21 If I may, Judge? I can provide you with a
22 copy of that case.

23 THE COURT: Well, you know, I have it
24 here.

25 MS. COYLE: Okay.

1 THE COURT: If you -- I have my Lexis
2 here, so it's not a problem to pull it up.

3 MS. COYLE: So, Your Honor, I'm not
4 disagreeing with you. If you want to have a
5 discussion -- some sort of preliminary discussion about
6 jurisdiction, but we think -- first of all, I will tell
7 you our presentation on our application for the
8 temporary restraining order is going to carefully walk
9 the Court through everything that's happened in what is
10 a remarkable last seven days, okay? This started seven
11 days ago on August 6th.

12 So we will walk you through exactly what
13 happened here in El Paso and what happened in Tarrant
14 and why emergency relief is being sought today. So that
15 may help the Court understand all the other issues and
16 the context in which they're arising.

17 THE COURT: The -- and I understand the
18 point you're making, is that's what the case says. And
19 I'm going to read the case to make sure.

20 Unlike that case, I feel that -- in that
21 case, the trial court had the case from its onset
22 without the interference of another pending case, a
23 pre-filed case. In that case where the judge extended
24 that temporary restraining order -- I can understand
25 that's not a ruling on the plea.

1 But here, first hearing upon filing of the
2 lawsuit, there already existed another court in another
3 county that claimed proper venue, claimed -- you know, I
4 don't know. I'm going to assume but I don't know if
5 that judge went through that exercise of determining
6 whether she had the proper jurisdiction to entertain it,
7 but she issued an order, a TRO.

8 So that's a little different for me than
9 maybe the case that you're explaining. Because at the
10 onset, I am aware of another court exercising
11 jurisdiction on the -- at least the parties without
12 commenting on that similarity between the case because I
13 think the causes of action are a little bit different.
14 The claims are different. And maybe you can argue that
15 they're reciprocal. The Attorney General doesn't think
16 he's violating the Constitution but exercising his
17 statutory authority, but then we have the reciprocal
18 argument that this is clearly a violation of the
19 First Amendment. So -- but I already have a court
20 already moving on this.

21 So I don't feel like I can just summarily
22 ignore that. And maybe we develop a record on whether I
23 should or should not. I completely agree with the
24 concept of keeping the status quo -- maybe keep the
25 status quo until you hash it out in Tarrant County.

1 Let's keep the status quo so that Mr. O'Rourke doesn't
2 go to jail. You know, whatever the concerns might be,
3 keeping the status quo is intended to kind of keep the
4 peace until we get through some of these issues, in
5 fairness to both sides.

6 So that's my thinking on your proffer with
7 that case, without having read it, but I immediately saw
8 that distinction.

9 MR. STONE: Your Honor, can I add
10 something?

11 MS. COYLE: I'm sorry. I didn't mean to
12 interrupt, but can I just respond real quick to that?

13 THE COURT: Yes.

14 MS. COYLE: That -- you are correct. That
15 is a difference. There was not another action filed in
16 a separate venue, but I -- the argument that we have on
17 why emergency relief is being sought and why the
18 status quo needs to be maintained and the urgency with
19 that is, in part, what you've already identified. But
20 our argument is going to explain carefully -- because
21 there is a lot of procedure that's happened. There's
22 a lot that's happened, and so our argument in support of
23 our request for relief will walk you through why this
24 court has authority, notwithstanding the action that the
25 AG filed in Tarrant County. And we're ready to address

1 the Court's concerns on that right now.

2 THE COURT: Okay. Yes, sir?

3 MR. STONE: Your Honor, if we can just add
4 one more thing to what the Court has already concluded.
5 Another distinction that I think is significant is we
6 filed the plea to the jurisdiction on Monday before they
7 ever sought this temporary restraining order, I think --
8 I believe the next day they sought the temporary
9 restraining order. So there's already a preexisting
10 plea to the jurisdiction before they ever sought the
11 TRO.

12 And one more fact that I think is really
13 notable, all the arguments I'm going to be making today
14 go to mootness and dominant jurisdiction by the other
15 court, which is exactly the same argument we made in our
16 plea to the jurisdiction and plea in abatement.

17 So to have a second hearing in a week or
18 two weeks where both sides get together and make the
19 same argument is a waste of judicial resources. I'm
20 going to be arguing that same thing today, so the Court
21 should just rule on it today.

22 Does the Court have jurisdiction? Yes or
23 no?

24 Does Tarrant County have dominant
25 jurisdiction over the issues? Yes or no?

1 THE COURT: Yeah. I haven't concluded
2 anything, just for purposes of the record. I'm just
3 reacting to the explanation and I'm just thinking out
4 loud.

5 What I would contemplate that if the TRO
6 is granted or denied, the next hearing would be on
7 addressing your plea to the jurisdiction and then
8 delving into that probability of -- of the plaintiff
9 being able to stay in their claims -- their underlying
10 claims, with evidence or any of those things.

11 I think while this is a status quo
12 conversation, I do think we need to talk about whether
13 or not I have the authority to issue an order to
14 maintain that status quo.

15 I understand the purpose of the request,
16 but do I have that underlying authority? And if that
17 equates to a plea to the jurisdiction question, perhaps.

18 What I'll do -- what I'm going to do is
19 I'm going to let you present what you were going to
20 present here today and then make a decision on the TRO
21 based on that. But having spoken out loud on what my
22 concerns are, I hope that you do tailor a little bit of
23 your argument to address some of that.

24 If I -- because if I deny the TRO, the
25 case doesn't go away.

1 MR. STONE: It doesn't go away,
2 Your Honor, but we'd still be coming back.

3 If the Court concludes today that it has
4 jurisdiction to take up their TRO request and get into
5 it, then we would ask the Court to just go ahead and
6 sign an order denying our PTTJ -- our plea to the
7 jurisdiction. We don't need to come back and do the
8 same argument again. You've already heard all the
9 arguments today, and you can just deny it today if
10 that's the -- if you reach the TRO, you might as well
11 just deny our plea to the jurisdiction and deny the TRO.

12 THE COURT: So that you can take your
13 interlocutory appeal?

14 MR. STONE: Yes, Your Honor.

15 THE COURT: Right.

16 MR. GONZALEZ: And stay the proceedings.

17 MS. COYLE: And stay -- and press out on
18 the issue before the Court.

19 But we are very mindful, Your Honor, of
20 your concern. That is a valid concern. I mean, it's an
21 unusual posture; we agree.

22 THE COURT: Yeah.

23 MS. COYLE: And we are absolutely ready to
24 address that thoroughly, including with the white board,
25 to walk you through it to address your concern about the

1 Court's power here, today's temporary restraining order,
2 in the context of our application.

3 THE COURT: Sure. And that's why I want
4 to allow it. Look, this is a -- I'm very honored to be
5 part of this case because it's very historical in my
6 opinion. It's very legally significant and a lot --
7 a lot is at stake here for our community and our state.

8 And so to be part of this case is critical
9 to me as a member of the judiciary to do it right. And
10 part of that duty is to ensure that your record is
11 complete. So I will never -- have never with any
12 party -- it could be the simplest car accident or
13 something of this magnitude, as I perceive it, would
14 never cut off anybody's ability to properly preserve
15 your record and take your procedural steps as you think
16 deem appropriate.

17 I think to get there, though, we need to
18 fully develop the record, and I can be as thoughtful as
19 I can and mindful of the law on when I make that call,
20 okay?

21 MS. COYLE: Thank you.

22 THE COURT: Let's go ahead and start.

23 And just so you know, my way of doing
24 things is I type out my notes. So as I'm typing, I am
25 listening. I'm basically writing down what you're

1 telling me, okay?

2 MS. STEVENS: Understood. Thank you,
3 Your Honor.

4 May it please the Court, counsel.

5 Your Honor, I'm here today representing
6 Powered by People, which is a political action committee
7 and Texas organization. But before I jump into
8 argument, I want to emphasize to the Court, the sole
9 question we're here today is on whether the Court should
10 issue the TRO to preserve the status quo because of
11 imminent irreparable injury to Powered by People.

12 The RTE that's been referenced thus far
13 in the lead-up to discussing this hearing is a key
14 background back that goes to the constitutional
15 violations of the heart of the lawsuit, but it is not
16 the subject of today's hearing, rather we're here to ask
17 the Court to stop Defendant Paxton from proceeding on
18 his third abusive legal maneuver in the last week.

19 Powered by People, the organization, was
20 created in 2019 by Beto O'Rourke, David Wysong, and
21 Gwen Pulido. It is an El Paso organization. All
22 members of the board live in El Paso. Their senior
23 leadership is in El Paso. And their business office is
24 in El Paso. All key decision-makers are in El Paso.

25 Again, Your Honor, we are here today to

1 ask you to grant a temporary restraining order against
2 Defendant Ken Paxton. We do not do so lightly. Quick
3 action through a TRO is required to prevent the
4 irreparable harm that my client faces through
5 Defendant Paxton's abuse of process, actions which
6 violate my client's constitutional rights.

7 In a few moments, I'm going to talk the
8 Court through details to explain why we are entitled to
9 the TRO, including that courts frequently bring up
10 anti-suit injunctions. But before I turn to that, it's
11 important to walk the Court through the larger picture.

12 This larger context is crucial to why we
13 are entitled to relief -- the relief we seek today --
14 and to understand how we got here in an emergency
15 posture less than a week after the Defendant
16 Attorney General began legal proceedings against my
17 client to stifle their First Amendment right to free
18 speech and association.

19 It is no secret that the ideals that
20 Powered by People fight for are in direct contravention
21 to actions taken by Defendant Ken Paxton. It is no
22 secret that Defendant Paxton has identified
23 Mr. O'Rourke, who is the founder of Powered by People,
24 as a political opponent in his upcoming 2026 Senate
25 race. He has said as much on social media postings.

1 And it is no secret that Defendant Paxton has it out for
2 Mr. O'Rourke and Powered by People as a result of that
3 political ire. We need only see the recent reference to
4 attempting to jail Mr. O'Rourke and shut down Powered by
5 People.

6 Now, Defendant Paxton, through this -- his
7 attempt to file an action *quo warranto* seeks nothing
8 short of shutting down an organization that is his
9 political opponent. This is a direct assault on Powered
10 by People's right to free speech and association under
11 the Constitution. He does so in flagrant violation of
12 our judicial system rules. In a county that cannot have
13 jurisdiction over a *quo warranto* proceeding and doing so
14 in naked effort to rest jurisdiction from El Paso
15 County, the rightful venue, for such a proceeding.

16 Defendant Paxton has demonstrated over the
17 last week that he will abuse every process, every
18 procedure, every rule to get his way. Despite the very
19 short timeline -- it has literally been less than a week
20 since this ordeal started. This story is quite a saga,
21 so I ask the Court's patience when I describe everything
22 that's gone on here.

23 And I do have a demonstrative for the
24 Court, a timeline.

25 May I approach?

1 THE COURT: Yes. The -- he'll hand it to
2 me. Thank you.

3 MS. STEVENS: Okay. Thank you.

4 THE COURT: So for purposes of the record,
5 I have received a three-page Word document with what
6 appears to be a timeline.

7 MS. STEVENS: Thank you, Your Honor.

8 I'm not going to go through every bullet
9 point on this timeline, but I am going to hit the key
10 points of what happened, all of which, I believe, is in
11 the record before you in various filings -- separate
12 filings.

13 So, again, less than a week ago, on the
14 evening of Wednesday, August 6th, Defendant Paxton
15 served a "Request to Examine" to Powered by People
16 seeking a plethora of documents -- documents related to
17 an ongoing very political fight between Texas
18 Republicans and Texas Democrats about those Republican's
19 efforts to further racially gerrymander the State's
20 political maps, a political fight that Mr. O'Rourke and
21 Powered by People participating in by publicly pushing
22 for support of those Democrats.

23 Defendant Paxton asked for these plethora
24 of documents to be turned over by the organization to
25 Defendant Paxton with a less than 48-hour deadline --

1 less than 48-hour timeline. The deadline set was
2 Friday, August 8th, at 4 o'clock, Mountain Time;
3 5 o'clock, Central.

4 Powered by People sought two different
5 extensions of this patently unreasonable timeline
6 provided by the Attorney General. One was denied.
7 The corporate counsel sent a request. That was denied.
8 The second request was sent by me, Ms. Stevens, at
9 10:21 a.m., Mountain Time, on Friday August 8th --
10 less than an hour after we had been looped in a
11 conversation with the Attorney General. This email put
12 Defendant Paxton on notice that Powered by People was
13 represented by Texas counsel.

14 Then before the deadline to respond to the
15 Request to Examine, and over three hours after
16 Defendant Paxton was on notice that Powered by People is
17 represented by Texas counsel, at 1:46 p.m., Mountain
18 Time, and without previously notifying counsel for
19 Powered by People about their intent to seek an *ex parte*
20 TRO, Defendant Paxton filed a Deceptive Trade Practices
21 Act petition and request for TRO in Tarrant County
22 district court.

23 Again, this was despite the fact that
24 Defendant Paxton had already kicked off legal
25 proceedings in El Paso County when he served the Request

1 to Examine. And despite the fact that there is a
2 mandatory venue provision in the Civil Practice and
3 Remedies Code requiring that late filing DTPA filing
4 also be filed in El Paso.

5 These procedural manipulations were only
6 the first in a long string of abuse of process by
7 Defendant Paxton over the last three business days.

8 Literally one minute after filing suit in
9 Tarrant County, Defendant Paxton's counsel emailed in
10 the same email chain through which we had asked for an
11 extension to the RTE response and indicated that they
12 were filing suit seeking a TRO and asking if counsel
13 wished to be heard on the TRO.

14 We responded that it was completely
15 inappropriate to notify us of the filing -- to not
16 notify us of the filing and request for an *ex parte* TRO
17 when they knew full well that Powered by People was
18 represented and that, yes, we wanted to be heard on the
19 hearing.

20 After contacting Defendant Ken Paxton's
21 counsel over the phone, we learned that one of
22 Defendant Paxton's Austin-based attorneys was in person
23 in Tarrant County, drove the three hours to Tarrant
24 County, and was actively working on getting a TRO
25 hearing. Then less than two hours after the suit was --

1 the DTPA suit was filed, Defendant Paxton's counsel
2 obtained a hearing before the Tarrant County court.
3 Counsel for Powered by People with no time to prepare
4 or to brief this complicated DTPA argument and the
5 First Amendment issues that are inherent in those
6 arguments but in -- of course, in an effort to defend
7 our client against this manufactured emergency process,
8 counsel attended that hearing. After business hours on
9 Friday the 8th, the Tarrant County issued the TRO.

10 The maneuvering between Wednesday and
11 Friday were not enough for Defendant Paxton. He
12 accelerated his abuse of my client and the rules
13 governing our process from there.

14 On Saturday, August 9th, Defendant Paxton
15 notified counsel for Powered by People -- actually,
16 excuse me, Your Honor. On Friday afternoon, we filed
17 the instant matter in El Paso seeking relief -- before
18 the 5 o'clock deadline seeking relief from the "Request
19 to Examine."

20 On Saturday, August 9th, Defendant Paxton
21 notified counsel for Powered by People that he was,
22 quote, withdrawing the "Request to Examine" and asking
23 that we dismiss this case.

24 We know this was another effort to try to
25 rob this court and El Paso County, more generally --

1 which I think is an important issue -- of jurisdiction;
2 something that Defendant Paxton can't actually do
3 himself.

4 On Monday afternoon, Powered by People and
5 Mr. O'Rourke filed an emergency motion to transfer venue
6 in the Tarrant County case, as there is a mandatory
7 venue provision which requires Defendant Paxton's DTPA
8 lawsuit be filed in El Paso County.

9 That is set for hearing tomorrow morning
10 in Tarrant County.

11 THE COURT: May I stop you right there?

12 MS. STEVENS: Yes, Your Honor.

13 THE COURT: So Saturday morning -- by
14 Saturday morning, August 9th, the Attorney General's
15 Office had already filed and obtained their TRO in
16 Tarrant County. And then Saturday morning are telling
17 you they are withdrawing the request for -- I keep
18 calling it request for production -- request to examine
19 for -- for examination.

20 Had you replied to any part of the request
21 at that point?

22 MS. STEVENS: No, Your Honor. We filed
23 the -- the instant lawsuit -- the original petition in
24 this lawsuit, by seeking a protective order, the Rules
25 of Civil Procedure indicate that you are protected from

1 having to respond --

2 THE COURT: So -- okay. I missed that
3 part. You did file for a protective order.

4 MS. STEVENS: Yes, Your Honor.

5 THE COURT: In Tarrant County?

6 MS. STEVENS: In this court --

7 THE COURT: In this court?

8 MS. STEVENS: -- and before the 5 o'clock
9 deadline.

10 THE COURT: On Friday?

11 MS. STEVENS: Yes.

12 THE COURT: Okay. And then they withdraw,
13 again -- but all that happened after they had already
14 filed their petition in Tarrant County?

15 MS. STEVENS: That's correct, Your Honor.

16 THE COURT: And on Friday afternoon at
17 1:45?

18 MS. STEVENS: At 1:45, Mountain Time.

19 THE COURT: So my point is this. They
20 proceeded with their action in Tarrant County without
21 the benefit of their investigative efforts, their -- the
22 records they needed to prove their allegations or to
23 support, presumably, their claims in their petition?

24 MS. STEVENS: Yes, Your Honor.

25 THE COURT: Okay.

1 MS. STEVENS: And I would also like to
2 note that the -- the venue provision in the Rule of
3 Civil Procedure that allows us to move for a protective
4 order against the RTE, that was specifically invoked by
5 the Texas Supreme Court in the Annunciation House case;
6 dictates that we seek that protective order in El Paso.

7 THE COURT: Uh-huh. Yeah. I got that.

8 I'm just trying to, again, either
9 reconcile the two causes of action or distinguish them.
10 And I just found it interesting that you went ahead and
11 filed your DTPA, or whatever the claims were, in Tarrant
12 County without the benefit of meeting that
13 investigation.

14 That's -- that's how it's supposed to
15 happen. You get your evidence and then you proceed with
16 a decision on whether you're going to file a petition or
17 not, but --

18 MR. STONE: I think the Court is making a
19 conclusion that we haven't represented to the Court at
20 all that was the case. We continued to collect
21 information. Once we reached a critical mass, we
22 believed that we had enough information to proceed under
23 a DTPA lawsuit. We filed the DTPA lawsuit, and it was
24 good enough evidence that the Tarrant County court gave
25 us a TRO. And we have -- as to venue and the

1 sufficiency of our evidence to establish venue in
2 Tarrant County, of course, that will be heard tomorrow.
3 We would have withdrawn the RTE on Friday, but they
4 filed their lawsuit before we had an opportunity to talk
5 to them and we were trying to get a TRO hearing
6 scheduled because there was a rally in Fort Worth the
7 very next day.

8 THE COURT: Right. I know it's all
9 pivoted around Tarrant County because of this public
10 rally --

11 MR. STONE: Right.

12 THE COURT: -- and a lot of social media
13 and that business. I mean, if that's enough for that
14 court to conclude that there's a -- enough facts for a
15 DTPA cause of action, I have -- that's not my call at
16 this point, but for me of interest is the timing.

17 You had a TRO hearing on Zoom with that
18 court and you're telling me now at that point you had
19 the intention of withdrawing the request but never said
20 anything.

21 MR. STONE: Well, I mean, Your Honor,
22 we -- again, we filed that afternoon and they filed
23 their lawsuit challenging the RTE, which froze it in
24 place within two hours.

25 If we -- even if we had contacted them --

1 if we filed the Tarrant County lawsuit and I called
2 opposing counsel and told them, "I'm withdrawing the
3 RTE," which I did the next day, they would have sued us
4 here anyway. I don't think it would have made any
5 difference.

6 THE COURT: I'm not suggesting that you
7 should have set it to preempt this lawsuit. I'm saying
8 that if that was your intention all along, then --

9 MR. STONE: It was not our intention all
10 along. Once we had sufficient information, we pursued
11 the DTPA lawsuit.

12 THE COURT: Right.

13 MR. STONE: We did not have sufficient
14 information at the time we sent the RTE, but we
15 continued to conduct investigations and collect evidence
16 and information.

17 So once we had enough, we determined that
18 we could proceed with a DTPA lawsuit based on statements
19 and a lot of information that had occurred after we sent
20 the RTE to them.

21 Now, the information from the RTE would
22 have been helpful --

23 THE COURT: Just -- but, again, I'm not
24 commenting on the sufficiency of your evidence for your
25 DTPA. There's a judge that felt that there was. All

1 I'm saying is that the timing is a little odd on your
2 intent to withdraw. It seems reactive to this lawsuit
3 as opposed to, "Hey, I have enough evidence for my DTPA
4 lawsuit. I'm going to withdraw it. Let's just proceed
5 with" -- "with the cause of action."

6 MR. STONE: We would have had to withdraw
7 it no matter what, in our reading of the law.

8 THE COURT: Well, it didn't happen that
9 way. That's all I'm commenting on, that it didn't
10 happen that way.

11 MR. STONE: Okay.

12 THE COURT: But let her finish, and then
13 I'm going to let you fully give me how you see it, okay?

14 MR. STONE: (Moving head up and down).

15 THE COURT: I'm sorry. Go ahead.

16 MS. STEVENS: Thank you, Your Honor.

17 May I respond just a moment to the
18 representation just made by counsel?

19 He indicated that they intended to
20 withdraw the RTE at the time of the hearing on Friday
21 afternoon. A few hours before that, we had asked for an
22 extension of the RTE deadline, and they did not respond
23 to that. They didn't grant it. They didn't say, "We're
24 about to withdraw." They didn't do that.

25 And counsel just represented to you that

1 they did not have sufficient evidence to pursue the DTPA
2 lawsuit at the time that they served this "Request to
3 Examine." They represented to the Tarrant County court
4 that they learned of the -- the political rally that was
5 to occur on Saturday on Wednesday, which is when our
6 client was served with a "Request to Examine." And so
7 there is a need to really delve into the representations
8 made to both courts, if the court is inclined to care
9 about that timeline between Wednesday and Friday.

10 THE COURT: Well, I'm -- I'm taking it in.

11 MS. STEVENS: Yes, Your Honor.

12 THE COURT: I'm taking it in, and I'm not
13 going to -- like when I ask questions, it's only to
14 clarify this timeline. I think the timeline is
15 important. I just want to make sure I'm clear with it
16 on when things happened. And if there's an underlying
17 explanation on why, I'll give both sides that
18 opportunity to explain it.

19 Go ahead.

20 MS. STEVENS: Thank you, Your Honor.

21 So then -- let me find it. One moment.

22 Yes. Monday afternoon, Powered by People
23 filed its emergency motion to transfer venue in Tarrant.
24 Again, that is to be heard tomorrow.

25 Then at 4:00 p.m., Mountain Time, also on

1 Monday afternoon, Defendant Paxton's counsel over the
2 telephone with Powered by People's counsel informed us
3 that they planned to file a motion for expedited
4 discovery in Tarrant County seeking many of the
5 same materials that they sought and they requested to
6 examine in the first place, and that they were going to
7 file -- seek to -- leave to file, excuse me, an
8 information in the nature of *quo warranto* in Tarrant
9 County. We objected and responded that we opposed -- we
10 had opposed both of those.

11 Also on Monday -- Monday evening,
12 plaintiff filed its amended petition -- so it's a live
13 pleading in this matter -- and request for temporary
14 restraining order, asking this court to stop
15 Defendant Paxton from pursuing *quo warranto*
16 proceedings -- if they're to go forward at all --
17 from filing them in any venue but El Paso County.

18 THE COURT: On this -- you already have
19 this petition, *quo warranto*, and then underlying
20 challenges to their intent and the effect it has on the
21 constitutional rights.

22 Why would you not take it up on a -- like
23 some sort of expedited emergency appeal? And I'm not an
24 appellate lawyer, so I don't know. But it seems that --
25 and if you feel that Tarrant County doesn't have

1 jurisdiction, this is a targeted effort, you know,
2 unfettered authority of the Attorney General, why
3 wouldn't you just take it up to the Tarrant County Court
4 of Appeals?

5 MS. STEVENS: All right. Two things on
6 that, Your Honor. One, is we had requested an
7 opportunity to respond. Because they have to seek
8 leave. They have sought leave. They have not gotten
9 leave. There is no live petition -- or live
10 information, excuse me.

11 THE COURT: Okay.

12 MS. STEVENS: And so it's important to
13 note that we're asking this court for a TRO before
14 making that filing for a petition for leave. We filed
15 our request for TRO on Monday evening at about 1:30 in
16 the morning. On Tuesday, they filed their petition for
17 leave to file the information in the nature of
18 *quo warranto*, and that was despite our request for a
19 TRO in this matter.

20 MR. STONE: But, Your Honor, can I just
21 make sure --

22 MS. STEVENS: Your Honor, may I proceed
23 with my presentation?

24 THE COURT: Yeah.

25 MR. STONE: I'm sorry. I didn't mean

1 to --

2 THE COURT: That's fine. Thank you.

3 MR. STONE: It's just the timeline --

4 THE COURT: And I'm going to assert my own
5 authority to interrupt. But, again, this is just for me
6 to take it in. I'm going to give both sides a full
7 opportunity to develop their record and make sure I'm
8 clear on what things are.

9 Thank you, sir.

10 MS. STEVENS: So, again, plaintiff's --
11 plaintiff, excuse me, filed our amended petition and
12 request for this temporary restraining order on Monday
13 evening after we had been informed by counsel that they
14 planned to file this *quo warranto* proceeding in a wholly
15 improper County.

16 At 1:32 in the morning on Tuesday, they
17 did just that. Defendant filed a petition for leave
18 for -- to file an information in the nature of
19 *quo warranto* in Tarrant County, despite this pending
20 request for TRO.

21 And then to highlight the abusive nature
22 of the proceedings that have occurred thus far by
23 Defendant Paxton, yesterday he filed three emergency
24 motions in Tarrant County district court: An emergency
25 motion for discovery, again, seeking almost exactly the

1 same documents that were in the RTE; a motion to modify
2 the TRO; and a motion to hold our client in this case,
3 Powered by People and Mr. O'Rourke, in contempt -- in
4 civil contempt but also in criminal contempt,
5 threatening to jail Mr. O'Rourke.

6 And we think it's important for the Court
7 to actually see that contempt motion because it does a
8 couple of things. You see the political animus that is
9 running through this situation, and you see that the
10 statements that they are quoting by Mr. O'Rourke and
11 thus attributing to Powered by People are protected core
12 political speech protected by the Constitution.

13 And if I might approach? We have a couple
14 of copies of the motion to --

15 THE COURT: Thank you.

16 MS. STEVENS: It's right here.

17 Thank you so much.

18 THE COURT: Thank you.

19 THE BAILIFF: Thank you.

20 THE COURT: Now, I, for the record, have
21 been handed a copy of -- in Tarrant County, Cause Number
22 348-367652-25, in the State of Texas v. Robert Francis
23 O'Rourke and Powered by People, "Plaintiff's State of
24 Texas's Emergency Motion For Contempt and Show Cause."

25 MS. STEVENS: And, Your Honor, if I might

1 direct the Court to page 5 of this pleading. Robert
2 Francis O'Rourke.

3 THE COURT: I'm going to mark this as
4 Court's Exhibit 1.

5 (Exhibit offered and admitted, Court's 1)

6 MS. STEVENS: Okay. Thank you,
7 Your Honor.

8 THE COURT: Go ahead.

9 MS. STEVENS: Directing the Court's
10 attention to paragraph 9. I'm just going to read a
11 few portions of speech that they -- that the
12 Defendant Paxton highlights and that are core political
13 speech protected by the Constitution.

14 It -- paragraph 9 starts with what happens
15 when a consumer opens a link. And then it says: That
16 page states it is taking the fight "to Paxton, Abbott,
17 and Trump," in quote. That's it.

18 Taking the fight "to Paxton, Abbott, and
19 Trump."

20 And requests, it quotes: Requests a show
21 of "support for our fight for Texas." The page
22 hyperlinks an address to support Texas Dems.

23 And then further down, paragraph 11, it
24 talks about the Fort Worth rally that was to occur on
25 Saturday -- that did occur on Saturday. And their --

1 the speech that they highlight, the stated statements by
2 Mr. O'Rourke and Powered by People, are, quote, Texas
3 FIGHT to 20377 to help Texas Democrats stop Trump's
4 power grab, end quote.

5 These are the type of statements by
6 Mr. O'Rourke and Powered by People that Defendant Paxton
7 unconstitutionally seeks to silence.

8 Moving to, Your Honor -- with all of that
9 background, it's key to highlight for the Court what
10 we're not here to consider today. We are not here on
11 defendant's motion to transfer venue in Tarrant County,
12 even though the filing of the DTPA lawsuit in Tarrant
13 County was a flagrant violation of Civil Procedure.
14 That matter will be heard tomorrow in front of the
15 Tarrant County court.

16 We're not here to talk about the TRO in
17 Tarrant County. We're not here to collaterally attack
18 that TRO. The court in Tarrant County will consider
19 some of the substance of that tomorrow.

20 What we are here about is the
21 Attorney General's abuse of the judicial process.
22 The Attorney General's attempt to end-run El Paso's
23 jurisdiction in a *quo warranto* proceeding. And the
24 narrow issue for this court to consider is that we're
25 asking for a TRO to enjoin Defendant Paxton from

1 pursuing a *quo warranto* action against Powered by People
2 in any venue but El Paso.

3 THE COURT: But El Paso?

4 MS. STEVENS: But El Paso, yes,
5 Your Honor.

6 I promised the Court I would walk through
7 why Powered by People is entitled to the TRO relief we
8 seek, and I'm going to proceed to do that.

9 The misuse and abuse of the judicial
10 process by Defendant Paxton over the last only three
11 business days is drastically outside the bounds of the
12 Rules of Civil Procedure and the process provided by the
13 Texas Supreme Court and lower courts. Both the Texas
14 and United States Constitutions prohibit abuse of power
15 in this way.

16 Plaintiffs ask Your Honor to reinstate
17 key -- a key part of that process and procedure by
18 preserving the status quo, requiring the defendant if
19 he's going to pursue a *quo warranto* proceeding at all --
20 which we will vigorously fight -- against Powered by
21 People, to do so in El Paso County with leave of court
22 where Powered by People can defend against such further
23 harassment in the proper venue.

24 I would note for the Court, we do believe
25 it would be warranted for this court to enjoin the

1 defendant from even seeking leave to file an
2 information, but we recognize the -- this necessarily
3 narrowly tailored ask of the Court. And so that we're
4 asking for is to provide the procedural safeguard to
5 ensure that if they're going to pursue this, they do so
6 in El Paso.

7 Now, why is this relief proper, why we're
8 entitled to the TRO, including that courts frequently
9 grant anti-suit injunctions.

10 Although we are seeking the narrowest
11 possible relief, it's important to note for the Court
12 anti-suit -- excuse me -- anti-suit injunctions are
13 well-recognized -- a well-recognized remedy when equity
14 demands it, including temporarily -- temporary equitable
15 relief to avoid subjecting a party to harassing
16 litigation for improper purposes.

17 As the Texas Supreme Court wrote in *Gannon*
18 v. *Payne* -- the cite is 706 S.W.2d 304 -- quote, Texas
19 state courts do have the power to restrain persons from
20 proceeding with suits filed in other courts of this
21 state, end quote.

22 The El Paso --

23 THE COURT: Say it again. Texas state
24 courts do have the power to --

25 MS. STEVENS: Restrain persons from

1 proceeding with suits filed in other courts of this
2 state.

3 THE COURT: Okay.

4 MS. STEVENS: The El Paso Court of Appeals
5 in *Chandler v. Chandler*, the -- I just have the pin site
6 for that, but we'll pull the full site. 991 S.W.2d --
7 it's at 403. The Court noted, quote, an anti
8 injunction -- anti-suit injunction is appropriate in
9 four instances: One, to address a threat to the Court's
10 jurisdiction; two, to prevent the evasion of important
11 public policy; three, to prevent a multiplicity of
12 suits; or, four, to protect a party from vexatious or
13 harassing litigation.

14 In that El Paso case, the Court found it
15 was proper to enjoin an individual from any further
16 vexatious litigation against his former wife because he
17 had filed, quote, a continuous barrage of lawsuits
18 against her.

19 Here, all four situations are at issue.
20 Of particular importance are Defendant Paxton's
21 contravening public policy in having the chief law
22 enforcement officer of this state unconstitutionally
23 target and chill the speech of political opponents -- of
24 admittedly and publicly stated political opponents. It
25 defies the Constitution on its face, especially when

1 this is accomplished through vexatious and harassing
2 litigation.

3 As courts have recognized in the anti-suit
4 injunction context, merely being subject to improper
5 court processes and particularly in proper processes in
6 incorrect venues can constitute the irreparable harm in
7 and of itself.

8 When the act of subjecting a private party
9 to that sort of vexatious improper process is a
10 government actor, then the Constitution is implicated
11 and there can be no question that it creates irreparable
12 harm, which is the question before the Court today. Is
13 there irreparable harm by having Defendant Paxton run to
14 Tarrant County to file -- to proceed with a *quo warranto*
15 proceeding?

16 THE COURT: Well, do you think --

17 MS. STEVENS: And --

18 THE COURT: Do you think -- assuming that
19 is the objective with the litigation here that you've
20 started in El Paso, but do you think those things would
21 be protected nonetheless if presented to the Court in
22 Tarrant County? And if you said, "Hey, look, this is
23 harassing, and this is contrary to public policy, and
24 this is intended to be a political maneuver instead,"
25 and all those things you just explained, you would have

1 those same protections in Tarrant County, especially
2 during these preliminary stages.

3 Do you think that's the case?

4 MS. STEVENS: We don't, Your Honor,
5 because of one of the quotes that I just read about
6 being subjected to the improper processes and improper
7 venue in and of itself is an abuse of his office and
8 irreparable harm to our client.

9 And this is not a typical -- the plaintiff
10 filed in the wrong venue, and we will have a motion to
11 transfer venue argument. This is harassing and abusive
12 maneuvers against a political opponent over the course
13 of three business days. It is -- boggles the mind, the
14 things that have been filed by Defendant Paxton against
15 Powered by People and -- in Tarrant County --
16 Mr. O'Rourke as well.

17 And I'd just like to note for the Court,
18 of course, the definition of "irreparable harm" is harm
19 that cannot be compensated adequately with money damages
20 and that is certainly the case here.

21 In conclusion, we seek a narrow injunction
22 here today that this court require Defendant Paxton, if
23 he is bound and determined to file this *quo warranto*
24 proceeding -- which we don't think he should do -- but
25 if he's determined to do so against my client, he can

1 only do so in the county of proper venue.

2 Your Honor, that's the end of my
3 presentation, but I'd be happy to answer the Court's
4 questions.

5 THE COURT: Have any of these emergency
6 motions filed yesterday by the defendant -- by the
7 Attorney General been set for hearing?

8 MS. STEVENS: Yes, Your Honor. The -- so
9 tomorrow's hearing covers the motion to transfer venue,
10 the motion for expedited discovery and their motion to
11 modify the TRO. Notably, the motion for contempt has
12 been set for, I think, the 26th. So --

13 THE COURT: Okay. And the motion to
14 modify the TRO, what is the -- what modification is
15 being sought?

16 MS. STEVENS: They seek to further chill
17 my client's speech. They want the TRO to --

18 Actually, do we have a copy of that?

19 (Sotto voce discussion between attorneys
20 for the plaintiff)

21 MS. STEVENS: They want their TRO to be
22 sent to other political actors in the political space.

23 I have it here, Your Honor. Thank you.

24 THE COURT: They want to include other
25 respondents, I guess? The -- other than O'Rourke --

1 Mr. O'Rourke and Powered by People?

2 MS. STEVENS: They specifically ask --
3 well, that's the original TRO. My apologies,
4 Your Honor. These look similar.

5 Actually, might I provide a copy to
6 Your Honor?

7 THE COURT: Yes, we -- you can.

8 MS. STEVENS: Okay.

9 THE COURT: And we -- I think, probably,
10 the defendant would be better able to answer my question
11 anyway.

12 So if there's nothing further, let me hear
13 from the Attorney General's Office.

14 MS. STEVENS: Thank you, Your Honor.

15 THE COURT: Yes, sir -- yes, ma'am.

16 MR. STONE: Thank you, Your Honor. I'll
17 take up that issue first and just address it.

18 The motion to modify the TRO just seeks to
19 enjoin -- or to expand the restraint to officers,
20 employees, and anyone acting in concert with the
21 defendants in that lawsuit. And it orders them to
22 provide a copy to anyone else that might be acting in
23 concert with them, such as a bank or ActBlue, which is
24 the fundraising platform.

25 This is in response to the motion to --

1 for contempt, which got brought up a moment ago, and
2 show cause order. This relates to allegations that the
3 defendants in that lawsuit -- which involve Powered by
4 People and Mr. O'Rourke -- they have not complied with
5 the TRO and they're in violation of the TRO.

6 THE COURT: How did they not comply?

7 MR. STONE: Your Honor, that's before the
8 Tarrant County court. But in summary, as we've
9 discussed in our motion for contempt, we contend that
10 Mr. O'Rourke presented -- sent Tweets out and made
11 representations that he was going to keep fundraising,
12 and he was going to keep raising money and that he
13 wasn't constrained by the Court's temporary restraining
14 order.

15 Now, I'm not prepared to argue all that on
16 the merits today --

17 THE COURT: No.

18 MR. STONE: I've prepared for this
19 hearing, so I -- we have a number of lawyers in Dallas
20 that are handling that portion, I believe -- which goes
21 to one of the representations made. We have an attorney
22 that drove from Austin all the way up to Fort Worth.
23 That's just not true. We have an office in Dallas, and
24 some of our Dallas attorneys that are working on this
25 case. And it was one of our Dallas attorneys that drove

1 to Fort Worth.

2 Small things, but I think it's worth
3 correcting because it goes to their so much belief that
4 everything we did was in bad faith and that we're acting
5 with such animus. And it's just not true. And I'm
6 going to go through the timeline with the Court and
7 explain what happened and hopefully -- and address any
8 concerns.

9 So if the Court -- if you were concerned
10 that there's animus or that we acted in bad faith, stop
11 me as I go through this timeline and I will do my best
12 to explain to you so at that you will see we were acting
13 in good faith. We're just acting on an expedited
14 timeline because of circumstances related to the special
15 session and what's going on and the harm that's
16 occurring currently from the fundraising issues.

17 THE COURT: Okay.

18 MR. STONE: Okay. I know that's a lot.

19 THE COURT: I don't want to -- I don't
20 want to. I don't want to say that there's malice or any
21 of those things by you or any of your colleagues. But,
22 you know, that -- I'm very annoyed by -- as in a lot of
23 context, social media. And we take, you know, "I'm
24 going to keep doing this," blah-blah-blah, versus, "Beto
25 bribes." You know, all that is such noise and I want to

1 be fair to the legal issues.

2 Just so you know, that's in my head, that
3 there's a lot of noise happening by really both sides.
4 And we're here to make sure that we adhere to Texas law
5 and make sure we protect people's constitutional rights.
6 And I don't -- I haven't concluded in any way that
7 you're intentionally trampling on somebody's but, you
8 know, the facts will be the facts.

9 Go ahead.

10 MR. STONE: Thank you, Your Honor.

11 And I'm not lecturing, but the
12 Attorney General's Office is entitled to a presumption
13 that we're acting in good faith and that we are trying
14 to comply with the law and that we're acting with
15 normality. And hopefully, again, you're going to
16 understand that as I walk through the same timeline as
17 they are.

18 So let's jump back just a couple of days
19 before we sent the "Request to Examine." That's when a
20 number of legislators from the Texas legislature left
21 the state on private-chartered jets and are -- in an
22 attempt -- with an intent to deprive the legislature of
23 quorum, okay?

24 So this issue only began a few days before
25 we sent the RTE. It's not like we were sitting on this

1 for months and months and then like, "Oh, well, we
2 launched an investigation." Everything was moving very,
3 very quickly all at once. So we're acting in an
4 emergency posture when we sent the "Request to Examine."
5 And we sent that on August 6th, the afternoon of
6 August 6th. They got served that evening.

7 In that "Request to Examine," we expressly
8 say that we're acting in an emergency posture because
9 these things are happening right now. If there's
10 deceptive practices or there's violations of law that
11 occurring, they're occurring right now. And it's time
12 sensitive; that we figure out if they are or are not
13 happening. And act or not act, depending on what we
14 then determine.

15 THE COURT: So just for clarification, are
16 you pursuing a deceptive trade practices conduct --

17 MR. STONE: Yes.

18 THE COURT: -- or action, or are you
19 utilizing these processes to -- to close in on these
20 legislators that left the jurisdiction? One is by far
21 not even close to the other.

22 MR. STONE: Correct. Yes. I completely
23 agree with Your Honor. The issue that we're zoning in
24 on is, is there fraud? Is there misrepresentations in
25 the fundraising that is going on to fund the

1 legislators?

2 So the legislators are a whole separate
3 issue. There is a *quo warranto* up in the Supreme Court
4 that's going on.

5 THE COURT: Right.

6 MR. STONE: That's totally different
7 attorneys. I don't have a lot of insight into that, but
8 there's a different group of folks that are working *quo*
9 *warranto* and relates to that, and the governor's
10 involved. I can't really speak all of that. I can talk
11 about the Consumer Protection Division's focus on
12 representations made to Texans, made to consumers about
13 what their money was being raised for and what it's
14 going to be used for.

15 So that's what the focus of our
16 investigation was. And if that money was being raised
17 for an unlawful purpose or being used for an unlawful
18 purpose without disclosure to consumers, that is
19 something that the Consumer Protection Division is going
20 to act on. So that's what we were looking at when we
21 sent the RTE.

22 Okay. So we sent it out on Wednesday. It
23 gets served on them Wednesday evening. Meanwhile, we
24 are continuing to conduct an investigation. We're
25 looking into things. I believe at some point that day

1 we found out that there was going to be an upcoming
2 Fort Worth rally that was going to be -- and we started
3 watching the Tweets and the information that was going
4 out and the representations that were made relating to
5 that rally and representations to consumers about
6 fundraising and what -- at that rally and what that
7 money was being used for.

8 So we're looking at that. On Thursday,
9 they reach out to us. It's out-of-state counsel. They
10 asked for a two-week extension. We respond to them and
11 said because of the exigencies of the circumstances
12 here -- and I -- by way of a catch-all correspondence to
13 my plea in abatement -- and so the Court can review that
14 if you'd like, and you'll see that we acted with extreme
15 professionalism at all times.

16 We told them in response: You guys wanted
17 a two-week extension but because this is time sensitive
18 and we need information ASAP; but listen, we're willing
19 to talk to you about narrowing the scope.

20 And we were willing to talk to them about
21 maybe rolling production. We were willing to engage in
22 some conversation to see what we can do to get what we
23 needed. So we sent them an offer expressing our
24 willingness to narrow the scope and to work with them,
25 but we couldn't give them a blanket two-week extension.

1 And we also asked them to give us some more details.

2 For example -- we can give the Court an
3 example. This isn't in an email but we -- if they had
4 called us, but -- you know, they emailed back and said,
5 "Yes, let's talk" -- we could have explained this to
6 them. If they told us, "Hey, we got 10,000 records and
7 it's going to take a long time to review," we could have
8 worked out some kind of rolling production or the normal
9 things that people do in discovery and when we send out
10 requests to examine. It's pretty normal. They didn't
11 respond, though. We asked them to provide us more
12 information, and they ignored us.

13 So at that point, we continued to collect
14 information and we started working on a draft lawsuit
15 because we thought there -- we might have enough, and it
16 started -- the next day, we got an email from them.
17 We're discussing it internally, and I don't want to get
18 into attorney-client privilege, but we were thinking
19 about it like that night -- like late that night on
20 Thursday.

21 Friday morning, they -- at 10:56 a.m.,
22 Mountain Time, they email us and they're making a lot
23 about like this Texas counsel was involved, like that
24 triggered something or it makes a difference. We're
25 willing to extend the same courtesy to an out-of-state

1 counsel as we would an in-state counsel. It makes no
2 difference to us. We're willing to work with them.

3 So they send us an email at 10:00 a.m.,
4 saying that "Hey, we've added this new counsel." About
5 30 minutes later, they sent us a follow-up email asking
6 for a 10-day extension. And once, again, they've
7 ignored our prior request to talk about scope, talk
8 about rolling -- there's none of that. They just asked
9 for a categorical 10-day extension.

10 At that point, we had concluded -- we
11 concluded that we had had -- that we had enough
12 information. And given the looming rally that was going
13 to be held the next day in Tarrant County, the Tweets
14 and the advertising and solicitations around that, we
15 determined that we needed to act.

16 So we went into high-speed mode. We're
17 drafting, and we're finalizing a lawsuit and we get it
18 on file at 1:46 p.m. in Tarrant County. We asked for it
19 ex parte if necessary, which is without opposing
20 counsel, but there's no hidden agenda there. We
21 contacted opposing counsel.

22 And then what they don't tell you is I
23 must have sent them ten emails, and I had a phone call
24 with them helping coordinate to ensure that they would
25 be able to appear at a Zoom hearing for the temporary

1 restraining order. We went out of our way.

2 We didn't walk into court and just say,
3 "Hey, sign this order, Judge. We're not going to tell
4 the other side." We were blowing up the phones and
5 emails to make sure that they -- once they told us that
6 they wanted to be at the hearing, to make sure that they
7 would be at the hearing so they could be heard. Again,
8 nothing irregular. We're acting in good faith and with
9 professionalism.

10 So while we're communicating to them about
11 the temporary -- the request for a temporary restraining
12 order -- which was, again, not ex parte. Ultimately, it
13 was not ex parte. It says it in the temporary
14 restraining order because they appeared. They had
15 notice of it. They appeared. They made their
16 arguments. They -- I think the hearing lasted
17 45 minutes.

18 That afternoon, after we filed our
19 lawsuit, they filed their lawsuit -- I don't know, about
20 an hour and a half, two hours later. It says 2:25 p.m.
21 here. The notice we got was, I think -- it looked more
22 like two hours to us, but we get a notice of their
23 lawsuit.

24 They sent us an email about it notifying
25 us that they had filed a lawsuit. But at that point,

1 all the conversations really going on at that point were
2 about getting them scheduled for the TRO and getting
3 them there for the hearing that afternoon.

4 So we have the hearing -- the Mountain
5 time's throwing me off, Your Honor.

6 So we have a hearing in Tarrant County.
7 And, again, it was attended by one of our attorneys in
8 the Dallas office who drove -- I don't know --
9 20 minutes over to the courthouse. He didn't drive
10 three hours from Austin.

11 We were there. We were waiting. We
12 arrived early. Actually, we were waiting in the hallway
13 so that we could get opposing counsel on the phone so
14 that we could proceed with the TRO and make sure that
15 they were there. So, eventually, we had the hearing.
16 Both sides made their arguments and the Court entered a
17 TRO, given that there was going to be a rally the next
18 day in Fort Worth.

19 The next day -- that went until after
20 hours. And then we had them go back and forth to get
21 the temporary restraining order language right and then
22 get it signed by the judge. So that's Friday night.

23 The next morning, we email opposing
24 counsel and we withdraw the "Request to Examine" and let
25 them know, "Hey, there is no pre-suit investigation

1 anymore. We're not" -- everything we were
2 investigating, like we just proceeded to litigation.
3 So there's no -- "Will you" -- we ask asked them, "Will
4 you withdraw the" -- "will you dismiss the El Paso
5 lawsuit? There's no need to continue on with the
6 El Paso lawsuit. Like, let's go," both sides, "go fight
7 this out in Tarrant County. There's a live suit now."

8 They didn't respond. They ignored us --
9 which is a bit of a pattern, but they just didn't
10 respond at all to us.

11 On -- on Monday, we had a -- they filed an
12 emergency motion to transfer venue. This is really
13 important. Their motion to transfer venue makes exactly
14 the same argument that they are making to you today.
15 They are -- they argue in their motion to -- emergency
16 motion to transfer venue in Tarrant County, that Tarrant
17 County lacks -- is the improper venue because there is a
18 mandatory venue statute that says that all -- all or
19 substantially all of the events giving rise to the -- to
20 the facts giving rise to the claims, that's the county
21 that has proper venue.

22 And the site for that -- sorry. My
23 computer's locked up.

24 THE COURT: I have it. I have the rule.

25 MR. STONE: Yeah. Exactly.

1 Well, Your Honor, if you compare that with
2 what they've argued here today and what they put in
3 their TRO for today, with the motion to transfer venue,
4 it is exactly the same argument. So they filed that on
5 Monday afternoon, about 3 o'clock, Central Time.

6 We set up a call with them -- and we
7 previously set up a call with them for 5:00 p.m.,
8 Central Time, to confer to see if we could work out some
9 agreed discovery, so that we could -- so we're not doing
10 the TI by -- the temporary injunction hearing by trial
11 by ambush. Like, we want to work out discovery,
12 exchanges of exhibits and witness lists; all that stuff
13 that makes it orderly so you don't show up and get
14 surprised.

15 So we scheduled a call with them at
16 5 o'clock that evening. And during that call, we
17 discussed that. They said they won't agree to any
18 discovery. It's attached, the memorialization of that
19 meet and confer.

20 During that meet and confer, we notified
21 them that we would be seeking leave to add a
22 *quo warranto* claim in our Tarrant County proceeding.
23 This is at 5 o'clock. We're in our meet and confer with
24 them, and that's what we tell them.

25 Two hours later, they amended their

1 petition in this lawsuit here in El Paso County to seek
2 a TRO, preventing us from initiating or seeking -- I
3 think the word that they used was "instituting" --
4 instituting a *quo warranto* claim in Tarrant County.

5 Nonetheless, we proceeded with amending
6 our petition that Monday night -- this all happened
7 Monday night -- and filing a motion for leave to -- for
8 leave to add the *quo warranto* claim in Tarrant County.
9 That all happened on Monday.

10 We also filed our plea to the jurisdiction
11 and plea of abatement here in El Paso on Monday. They
12 added the TRO late Monday night to their claims.

13 So Tuesday. Now we're Tuesday. And I
14 know this is a lot of history, but I'm trying to flush
15 out and helping you understand that we're not acting
16 with animus. Things are just happening fast.

17 On Tuesday, we -- yeah, it was in the
18 middle of the night. Yeah, they're correct. It was in
19 the middle of the night. We were working late.

20 On Tuesday, we filed a motion to hold
21 Mr. O'Rourke and Powered by People in contempt based on
22 statements that were made over the course of the weekend
23 that our office felt violated the temporary restraining
24 order.

25 Again, that will be adjudicated by the

1 Tarrant County court on August 26th. The Court will say
2 yay or nay.

3 We also filed a request for an emergency
4 motion to modify the temporary restraining order in
5 light of what we think are violations of the TRO. And
6 we filed that on Tuesday as well, and that's going to be
7 heard tomorrow in Tarrant County. And we filed a motion
8 for expedited discovery. Since they wouldn't agree to
9 any discovery, we've asked for expedited discovery. And
10 that will be heard tomorrow, along with their emergency
11 motion to transfer venue.

12 And I want to flag the motion to transfer
13 venue, Your Honor, because this is really important.
14 Under the rules and statute, we're entitled -- you're
15 not supposed to set a motion to transfer venue for
16 45 days, right? We're supposed to get a 45 days' notice
17 before you can take up a motion to transfer venue. But
18 the court in Tarrant County is going to take it up
19 anyway tomorrow.

20 And the court in Tarrant County is going
21 to hear the arguments -- the same arguments with the
22 same issues about whether or not, substantially -- a
23 substantial portion of the events giving rise to why
24 we're seeking relief in our Tarrant County lawsuit
25 occurred in Tarrant County or in El Paso County. That's

1 going to be decided by a Tarrant County judge tomorrow
2 in a first-filed lawsuit and in a response to a
3 first-filed motion to transfer venue.

4 Because, remember, they filed their motion
5 to transfer venue, making the same arguments they're
6 doing here today about the TRO before they filed a TRO
7 request in this case, in El Paso.

8 THE COURT: Say that last sentence again.

9 MR. STONE: Yes. They filed their motion
10 to transfer venue in Tarrant County three or four hours
11 before they filed -- I'm sorry, four hours before they
12 sought a temporary restraining order in El Paso County
13 on the same arguments and allegations.

14 THE COURT: Okay.

15 MR. STONE: So --

16 THE COURT: And so two questions. Why
17 does that matter, legally, number one?

18 Number two, well --

19 MR. STONE: Well, I've got an answer for
20 that.

21 THE COURT: Answer that one first.

22 MR. STONE: Yes. Oh, yes, Your Honor.
23 Because they're going to create conflicting rulings.

24 If you rule in response to this TRO -- and
25 what -- the order they've given you, that El Paso is the

1 appropriate venue to hear the *quo warranto* proceeding
2 because that's where all or substantially all of the
3 acts giving rise to that allegation occurred, in
4 El Paso. There's going to be, potentially, a
5 conflicting ruling between this court and the Tarrant
6 County court who is going to hear the same argument and
7 make a determination of whether all or substantially all
8 of the facts giving rise to the claims in that lawsuit
9 happened in El Paso or happened in Tarrant County.

10 So you're both considering -- you and
11 Tarrant County are considering exactly the same
12 arguments as to venue. This is -- it's an attempt to
13 get two bites of the apple. They can argue today here
14 before you that venue is here because all their
15 substantial elements happened here. And then tomorrow
16 they're going to argue in Tarrant County that all or
17 substantially all of the events occurred in El Paso, so
18 the court must transfer venue to El Paso. It's improper
19 because it's going to create conflicts.

20 THE COURT: So you -- you -- I understand
21 your argument. Certainly, that's a point of concern.

22 If I grant the TRO, set it for 14 days, in
23 those 14 days we will have a ruling from Tarrant County
24 on jurisdiction without necessarily a ruling from me on
25 jurisdiction on the venue.

1 MR. STONE: To be clear, the order that
2 they're asking you to sign expressly finds that all our
3 substantially all of the events happened in El Paso
4 County. And exactly the same issues -- exactly the same
5 fact pattern for the *quo warranto* proceeding and the
6 DTPA proceeding, exactly the same fact pattern is at
7 issue here. So there's going to necessarily --

8 THE COURT: Well -- but those are
9 different things. That's why I clarified earlier, why
10 is the AG proceeding against this entity? And you said
11 your consumer protection section feels that there is
12 a -- there are fraudulent statements being made to the
13 people on how and why they should contribute to Power of
14 the People. So you raised -- you narrowed it to a DTPA
15 claim.

16 MR. STONE: Well --

17 THE COURT: Here, what we have are
18 complaints of -- constitutional complaints --
19 First Amendment, Fourth Amendment -- all those other
20 complaints.

21 And so you might be able to adjudicate a
22 DTPA matter in Tarrant County, theoretically -- and I
23 know it has to do with some of the same evidence and
24 statements made publicly, and all those things, but
25 the -- my only question here are the constitutional

1 questions.

2 And, I mean -- and I know I'm going kind
3 of beyond the initial venue question, but I think -- I
4 think there's a way to reconcile the two separate causes
5 of action.

6 MR. STONE: I think that -- Your Honor, if
7 I may? I don't mean to be impudent, but the -- there's
8 a difference in the *quo warranto* proceedings going on.
9 The *quo warranto* proceeding in the Supreme Courts that
10 are against the legislators, seeks to remove them from
11 office. That is totally different than the *quo warranto*
12 proceeding that we're initiating in Tarrant County. The
13 *quo warranto* proceeding that we seek to initiate in
14 Tarrant County relates to representations that were made
15 during the Fort Worth rally and whether or not those
16 representations made in the lead-up to and at the
17 Fort Worth rally violated Texas law.

18 THE COURT: Right.

19 MR. STONE: So if it did, then we can
20 revoke their charter, but we're not seeking to remove
21 the legislators from office --

22 THE COURT: No, I'm not referring to that.

23 MR. STONE: Okay. Okay.

24 THE COURT: Yeah. No, I'm sorry if I --
25 I'm understanding that you're -- that what you're --

1 your business in Tarrant County and the business here,
2 I'm saying that they're distinguishable and they're two
3 different claims.

4 And -- I mean, I think there may be some
5 overlapping pieces of evidence, but the ultimate
6 decisions to be made by the courts are different, and --

7 MR. STONE: Well, Your Honor, the burden
8 is very high if you're going to issue an anti- -- an
9 anti-suit injunction, which is what they're asking for.

10 You heard them say it themselves. They're
11 asking for an anti-suit injunction, so the burden is
12 quite high if you're going to do that. You're
13 effectively depriving the Tarrant County court of
14 deciding this very issue.

15 Because, remember, there's a motion for
16 leave pending in Tarrant County to file an action in *quo*
17 *warranto*. So this issue is already before the Tarrant
18 County district court.

19 THE COURT: Uh-huh.

20 MR. STONE: What you're doing is saying --
21 to the Tarrant County district court and to the
22 Attorney General's Office -- this cannot be decided in
23 Tarrant County. I'm saying today that the
24 Attorney General's Office must come back to El Paso and
25 they have to first argue in El Paso whether or not this

1 is the appropriate venue.

2 I'm not going to let them select the venue
3 that they think is appropriate -- based on the evidence
4 they have, based on the declarations that they have.
5 I'm not going to let them make that decision. I'm going
6 to make them come to me, and I'll make that decision.

7 THE COURT: Yeah, but the story didn't
8 start with that Tarrant County rally. The story started
9 with your service of a request for examination before
10 you even knew about a Fort Worth rally. So the story
11 doesn't start there.

12 MR. STONE: The Court is narrowed to the
13 facts that are within our verified petition in Tarrant
14 County. That's the allegations that we're making as the
15 basis for establishing venue in Tarrant County.

16 So to the extent that they disagree and
17 that they think that there's more to the story because
18 the RTE that we sent somehow relates to what happened in
19 Fort Worth -- which we didn't even know about the time
20 that we issued the --

21 THE COURT: I think you're relying on
22 that. I think what they're doing is just arguing the
23 rule. This is -- what the rule says is -- where it
24 substantially happened.

25 And so you have to point to where it

1 started, rather than subsequent events for you to pick
2 your venue. They're relying on the rule. You're
3 relying on, "Okay, now we can hang our hat in Tarrant
4 County and proceed that way."

5 MR. STONE: Respectfully, that is exactly
6 wrong, Your Honor.

7 THE COURT: Okay.

8 MR. STONE: The -- we, as the moving
9 party, get to choose our venue, number one. We get to
10 choose. But, number two, let's take that to a logical
11 conclusion. To suggest that all or substantially all of
12 the events giving rise to our *quo warranto* lawsuit
13 occurred when we sent a pre-suit investigative RTE that
14 we later withdrew, and not the rally that happened for
15 multiple hours and the advertising that happened around
16 that and the fundraising that happened all around that,
17 all in Tarrant County --

18 THE COURT: Do you have evidence of actual
19 fundraising and -- other than the Tweets about "Come" --
20 "Come to the rally and" -- but do you have evidence of
21 any of that?

22 MR. STONE: Yes, Your Honor. And that's
23 going to be adjudicated on Tuesday -- next Tuesday at
24 the upcoming temporary injunction hearing. We also
25 attached a verification to our amended petition that

1 alleges all of this, and we attached screenshots of the
2 web flow -- the fundraising web flow that folks go
3 through. We have lots of representations in evidence,
4 and we may have more by the time the temporary
5 injunction hearing happens on Tuesday.

6 So we absolutely have evidence. But
7 you're getting into that right now; right? Like you're
8 sort of asking us, like, "State, can you present your
9 evidence showing that venue is proper" --

10 THE COURT: No. I'm trying to get to that
11 substantial -- where it substantially happened
12 question --

13 MR. STONE: Exactly --

14 THE COURT: -- and for venue purposes
15 only.

16 MR. STONE: Right. And that's the very
17 issue that we're going to be arguing tomorrow in front
18 of the district court in Tarrant County.

19 I think the question today is whether or
20 not this court has jurisdiction to consider the
21 temporary restraining order. And we would urge the
22 Court not to reach that venue question. The Court
23 doesn't have all the record before it.

24 We don't have witnesses here. We're going
25 to present actual evidence tomorrow during the hearing

1 on the -- on the motion to transfer venue tomorrow in
2 Tarrant County. And then we've got an upcoming
3 temporary injunction hearing in Tarrant County that's
4 going to be presenting all of the evidence showing that
5 all or substantially all of the events occurred in
6 Tarrant County, but we're not going to have an
7 opportunity to do all of that if this court is already
8 prejudging that and saying: "Without knowing any of
9 that, I'm going to enter a TRO saying that venue is
10 proper in El Paso. And before you seek to file a *quo*
11 *warranto* proceeding anywhere else, you have to first
12 come to me and I'm going to review your evidence and
13 then I will decide whether or not I will let you file a
14 lawsuit in" -- "seek a *quo warranto* proceeding in
15 Tarrant County," or seek -- initiate a *quo warranto*
16 proceeding somewhere else.

17 Like, they're asking you to take all of
18 that out of Tarrant County and take the authority that
19 we have as a plaintiff to pick our venue where we file
20 suit and it restrains us from making that decision with
21 an anti-suit injunction per the rules. I'm not arguing
22 outside of those. I'm arguing in the rules.

23 THE COURT: Uh-huh.

24 MR. STONE: So -- okay. I have a little
25 bit more, Your Honor.

1 THE COURT: Go ahead. Go ahead.

2 Thank you.

3 MR. STONE: So I'm going wrap that as the
4 timeline -- my response to the timeline.

5 I want to get into the mootness question
6 because we think it's extremely relevant. We withdrew
7 the RTE on Saturday. And in our plea to the
8 jurisdiction and plea in abatement, we attached a
9 declaration affirmatively representing that we will not
10 reissue it.

11 It's not an issue before the Court. It is
12 absolutely clear that we're not going to reissue it. I
13 think if we even tried, it would be an issue because
14 there's an ongoing lawsuit in Tarrant County and any
15 attempt to conduct a pre-suit investigation, including
16 using pre-suit investigative tools to gather evidence
17 for an ongoing lawsuit, violates the Texas Rules of
18 Civil Procedure. It's wholly improper.

19 If we're going to conduct discovery on
20 them at this point, it needs to happen within the
21 confines of ongoing litigation, not a pre-suit discovery
22 tool like a "Request to Examine." So it will not be
23 reissued. We have sworn to the Court that it will not
24 be reissued.

25 And in the absence of any evidence to the

1 contrary from them that it's reasonably likely that we
2 would reissue it, the Court must dismiss it as moot --
3 both the lawsuit itself, the claim, as well as the
4 request to restrain us from enforcing the RTE. There's
5 no RTE to enforce. It's been withdrawn, and it will not
6 be issued. So there's no live issue before the Court to
7 decide as it relates to the RTE.

8 As it relates to instituting a
9 *quo warranto* lawsuit, we have already initiated or
10 instituted the *quo warranto* lawsuit. We filed an
11 amended pleading adding a *quo warranto* claim on Monday
12 night in Tarrant County. We also filed a motion seeking
13 leave from Tarrant County to initiate that *quo warranto*
14 or to add that *quo warranto* claim.

15 So that's also moot. They're not trying
16 to stop us from instituting it. What they're trying to
17 do is have the -- prevent the Tarrant County court from
18 deciding an issue that is already before it.

19 Finally, Your Honor, as to dominant
20 jurisdiction. I want to talk a little bit about that as
21 well. I mentioned before the same arguments involving
22 the motion to transfer venue and the problem with
23 conflicting rulings that are potential to come out --
24 potentially could come out because you're both looking
25 at exactly the same thing -- the fact pattern that is in

1 our verified petition and determining whether or not the
2 facts in that petition weren't venue, either in Tarrant
3 County or in El Paso County.

4 And I want to add one more thing because I
5 think I made a misstatement before, Your Honor. You
6 asked me what evidence I have that shows that venue is
7 proper in Tarrant County. And my response was we have
8 lots of evidence and you're going to see that at the
9 upcoming TI hearing, but that's improper. That's not
10 what happens.

11 When you do a motion to transfer venue,
12 you look at the pleading itself. That is what
13 determines whether or not venue is proper. It's the
14 pleading.

15 The TI hearing will happen next week, and
16 that's when we will present lots of additional evidence.
17 But the only issue as to venue, needs to be tied to what
18 is in the pleading itself. And if the Court looks at
19 our pleading that we filed in Tarrant County -- and
20 we've attached it as one of our exhibits -- the Court
21 will see that the allegations all relate to conduct that
22 is alleged to have occurred in Fort Worth -- or in
23 Tarrant County. That's why it's the appropriate venue
24 to get to the merits.

25 But I want to give my junior attorney

1 here, Scott Froman -- if the Court will indulge us. I
2 want to give him an opportunity to make an argument
3 about dominant jurisdiction so that he can get some time
4 in front of the Court and make the argument if the Court
5 will allow it.

6 THE COURT: Don't let him call you junior.

7 MR. STONE: I'm his boss.

8 MR. FROMAN: So we are arguing that these
9 two suits are inherently related. And as a general
10 rule, for dominant jurisdiction, the court in which suit
11 is first filed requires dominant jurisdiction to the
12 exclusion of all the coordinate courts.

13 So if the party asserting dominant
14 jurisdiction establishes that this doctrine applies, the
15 trial court in the second filed suit, here, has no
16 discretion to deny the plea in abatement if the party
17 establishes -- unless the other party establishes an
18 exception to that rule, which we're arguing that there's
19 no exception here.

20 So we are arguing that because there
21 is dominant -- the dominant jurisdiction doctrine
22 applies, and opposing counsel has not stated any kind of
23 exception here, that the Court should grant an abatement
24 pending resolution of the first-filed suit in Tarrant
25 County.

1 So, generally, a plea in abatement must be
2 granted when an inherent interrelation of the subject
3 matter exists in two pending suits, here and the one in
4 Tarrant County. So the first question to address in
5 that is whether there is an inherent relationship here,
6 which we've already addressed somewhat before.

7 So in this case, the first-filed suit and
8 the second filed case -- I mean, sorry. In the
9 first-filed suit in Tarrant County and this, the second
10 filed suit, so if yes, then dominant jurisdiction
11 applies. And absent an exception, the second filed suit
12 must be abated.

13 Courts are guided by the compulsory
14 counterclaim rule, and we have a list of factors there
15 in our pleading for that. Opposing counsel, I don't
16 think, has made any objection to any of those. But on
17 top of all of that, the same allegations are made
18 between these suits. It's our position that, and
19 they'll necessarily involve the same underlying records
20 and challenges that form the basis of this second filed
21 El Paso suit between those two suits.

22 So as the courts already pointed out, this
23 could create conflicting rulings and inconsistent
24 obligations, particularly if the Court rules that the
25 RTE statute is unconstitutional. Should this court rule

1 that the withdrawn RTE requests are unconstitutional,
2 those inconsistent obligations between the two courts
3 will almost certainly occur.

4 THE COURT: I think there's already
5 Supreme Court ruling saying that it's not facially
6 unconstitutional; right?

7 MR. FROMAN: I'm sorry?

8 THE COURT: Yeah, it's in that
9 Annunciation House --

10 MR. FROMAN: Right. Correct.

11 THE COURT: So I'm going to follow what my
12 bosses say, that it's not going to be unconstitutional.
13 But in its application by -- you know, with the
14 aggression, it could be used unconstitutionally.

15 MR. FROMAN: Uh-huh.

16 THE COURT: So that's, I think, the
17 allegation.

18 MR. FROMAN: Correct.

19 THE COURT: But go ahead.

20 MR. FROMAN: Okay. And then -- and I
21 agree with that.

22 And so -- also, just -- you know, these
23 two suits are going to address the same questions of
24 unconstitutionality, and it's going to create confusion.
25 But not only that, it's going to waste judicial

1 resources between these two courts.

2 So we're also arguing that there's no
3 exception to the first-filed rule. A race to the
4 courthouse is not by itself inequitable conduct. And
5 that's cited by the -- in the *Texas Christian University*
6 case.

7 And, basically, because the Tarrant County
8 case is first filed and it has the dominant jurisdiction
9 and there isn't any kind of exception to that rule,
10 based on the race to the courthouse, then we are arguing
11 that this case must be abated pending the resolution of
12 the Tarrant County matter.

13 THE COURT: Okay. A motion to abate
14 instead.

15 So if I would grant a motion to abate, can
16 I put conditions on that, such as: Don't pursue your
17 request to examine? Without necessarily touching the
18 motions -- the subject of the motions pending in Tarrant
19 County, such as, you know, the motion for leave --

20 MR. FROMAN: Right.

21 THE COURT: -- the motion to modify the
22 TRO, the motion to -- any of those things?

23 MR. FROMAN: Well, I'll let my colleague
24 speak here, but I know that we've already addressed that
25 there is a declaration that he made about the RTE, but

1 if he wants to fill in more on that.

2 THE COURT: I know. I'm not comfortable
3 with that because I have to trust you. You know, I
4 don't know you. I don't know if you're really not going
5 to do it, unless we tack on some consequences if you do.

6 MR. STONE: Your Honor --

7 THE COURT: So that's kind of what I'm
8 getting at, on whether I can put conditions on a motion
9 to -- on an order to abate.

10 MR. STONE: Your Honor, we're the
11 Attorney General's Office and we're also offices of the
12 court. If we represent to the Court that we will not
13 reissue an RTE, our office will not issue -- reissue an
14 RTE.

15 You have a sworn declaration from me that
16 we will not reissue the RTE. There is no other evidence
17 or document or anything that we could give you. My bar
18 license is on the line, and I'm the one that decides
19 whether another RTE will be issued. There will be no
20 further RTEs, and the Court does not need to attach any
21 conditions. We're representing that we will not reissue
22 it, and we will not reissue any RTE that is similar to
23 that one to Powered by People.

24 So it's moot. There's nothing -- there is
25 no live controversy before the Court to decide.

1 But as to abatement, could you thread the
2 needle? Could you abate part of the case and then maybe
3 do like some kind of tailored --

4 THE COURT: Yeah. Kind of like a
5 tailored: I'm going to abate this proceeding pending
6 rulings of the Tarrant County that will maybe shed some
7 clarification on the arguments being made in both
8 courts. Pending those rulings, thou shall not do
9 another RTE. You shall not impede -- you know, some of
10 the -- I can't remember some of the things they
11 requested, but -- really, that's just the only one that
12 comes to mind.

13 MR. STONE: The --

14 THE COURT: Because I don't want to
15 interfere unlawfully in another court's -- things
16 happening in another court. I'm following your
17 argument, and -- but I need to -- I need to research
18 how -- how I and the Tarrant County district court need
19 to conduct ourselves as we proceed.

20 MR. STONE: Your Honor --

21 THE COURT: And you both can make
22 arguments about it, but there's a process in place.
23 You've given me information about some of those tools
24 that we can use, but I still feel compelled to factor in
25 protections in place for a citizen against the powers of

1 the State. I think that's an important part of it
2 without -- I can't ignore that.

3 So, respectfully, I don't have any doubt
4 on your proffer to me on your -- putting your bar
5 license on the line and those things. I'm not trying to
6 put you in bad light, but you have a boss. And you
7 have -- your office has very strong constitutional and
8 statutory powers that defy any other tools any other
9 regular litigant might have. So I need to make sure
10 that we're both clear on the scope of those powers, the
11 limits of those powers, and really some heightened
12 authority that your office might have despite court
13 rulings and arguments made in the courtroom.

14 The power of the Attorney General is very
15 strong, very -- and I would be remiss in my duties in
16 justice to ignore any impact it would have to the
17 litigants in this court. So that's where I'm coming
18 from.

19 MR. STONE: Your Honor, I would like to
20 direct the Court -- because we feel very strongly
21 that -- I have the authority by the Attorney General's
22 Office -- and because there's not a live controversy --
23 the Court would -- if it issues a TRO relating to
24 protecting them from future RTEs -- from future
25 challenged RTEs, it is an advisory opinion because there

1 is no live controversy and we will not reissue it.

2 And I want to direct the Court to the
3 *Annunciation House* --

4 THE COURT: No. There's legal authority
5 cited by the plaintiff about how -- even if you withdraw
6 it, it's moot. The potential of this continuing on,
7 this -- this exercise of authority over a citizen in a
8 constitutional context, that in and of itself still
9 creates a justiciable issue of live controversies, just
10 the potential.

11 And so you're asking me -- "The
12 potential's not there because I'm promising you it won't
13 happen."

14 MR. STONE: Correct.

15 THE COURT: And I'm saying, let me explore
16 the law and the -- and the force of the Attorney General
17 to make sure that is -- because without the protections
18 of a court in light of consequences if you do that, or
19 would there be any consequences if you did it anyway, or
20 Mr. Paxton said you're going to do it anyway, then where
21 would we be and what's the point of a court of law?

22 MR. STONE: Your Honor, that is a
23 hypothetical. It will not happen. I bind the
24 Attorney General when I stand before a court and a
25 representative as an officer of the court on behalf of

1 the Attorney General's Office that something will not
2 happen. We have a long tradition of that. It will not
3 be overridden by the Attorney General or anyone else.
4 And my bar license is not only on the line, but the
5 agency's reputation and its history of being able to
6 make forthright representations to courts is at stake.

7 So it is very big deal to us. We have a
8 presumption that when we say something to a judge, that
9 we mean it and that we will stand by it.

10 Here, there is nothing else I can do
11 beyond a sworn declaration to the Court that we will
12 never reissue the challenged RTE. We cite the case law
13 that repeatedly says they are correct. If I equivocate,
14 if I qualify, if I say, "Well, maybe. I'll withdraw
15 this RTE, but maybe another one in the future might go
16 out. I'm only withdrawing as to this one," if I were to
17 prevaricate or equivocate, then, yes, then there is the
18 potential that it could be reissued in the future.
19 There is none of that. It is absolutely --

20 THE COURT: So you're saying you will
21 never --

22 MR. STONE: Correct.

23 THE COURT: -- ever, under any
24 circumstances issue another RTE against Powered by the
25 People or Robert O'Rourke?

1 MR. STONE: Related to any of the issues
2 in this case; correct. That is -- and that's what we're
3 here about. You can't enjoin me from ever issuing an
4 RTE ten years from now related to a completely different
5 thing.

6 THE COURT: No. No. You're right, but
7 you're a completely different thing. It could be very,
8 very similar to this thing and that would be something
9 that you would hash out in the future.

10 So I agree with you that any restriction
11 would have to be carefully craftily to not usurp the
12 authority of the Attorney General in -- forever,
13 absolutely. I would not do that, but that's where my
14 thoughtfulness on the decision has to come in, is -- you
15 know, the government is going to call another special
16 session. He's already said that. I don't know what
17 50 Democrats are going to do that in that session, and I
18 don't know what Mr. O'Rourke might be doing during that
19 next session if the issue of restricting is still on the
20 table.

21 That -- this is evolving as we go. And
22 what if there's another rally in Houston? There's a
23 rally in Texarcana?

24 MR. STONE: But this is all hypothetical.

25 THE COURT: It is hypothetical.

1 MR. STONE: If you're going to be doing
2 hypotheticals --

3 THE COURT: It is. It is.

4 MR. STONE: That is an advisory opinion.

5 THE COURT: No.

6 MR. STONE: That is the definition of an
7 advisory opinion, Your Honor.

8 THE COURT: It's not advisory when I'm
9 trying to preempt future bad conduct.

10 MR. STONE: But --

11 THE COURT: And that's what -- that's not
12 advisory. Advisory is something that's not based on any
13 facts. Here, we have an ongoing situation. As you've
14 said, an ongoing emergency situation for the legislator
15 and the governor's office.

16 So -- so it's not -- this is not a
17 hypothetical. This is -- he's called another special
18 session, and it's a hotly contested problem in the
19 House. So how do we protect people's rights in the
20 interim?

21 MR. STONE: Yes, Your Honor. Absolutely.
22 We can do that right now by myself making a
23 representation to you we will not issue an RTE related
24 to the special session and related to fundraising or
25 expenditures of funds by Powered by the People or

1 Mr. O'Rourke. We're not going to issue another RTE.
2 We are in litigation.

3 So if the governor calls more special
4 sessions here because they're out of state, I'm not
5 issuing another RTE. We will not issue another RTE to
6 Powered by the People or Mr. O'Rourke.

7 THE COURT: So what would be the harm in
8 me putting it in an order abating this case and the
9 Attorney General shall not issue any RTE associated with
10 fundraising on the issue -- by Powered by the People and
11 Beto O'Rourke and his affiliates.

12 MR. STONE: Yes, Your Honor. Please don't
13 take this the wrong way, okay? This is going to sound a
14 little strong. But from our perspective, you're
15 essentially calling us liars. You're saying that we're
16 not trustworthy.

17 THE COURT: I'm not.

18 MR. STONE: Your Honor, I don't mean to
19 interrupt you. I'm just telling you like from our --
20 what our office will see this as. We are making a
21 representation to you that we will not do something.
22 And you're saying, like, "I'm going to have to order" --
23 that I don't believe you. I don't trust you that you
24 will do what you say.

25 THE COURT: Let me just tell you that that

1 is -- while I feel this case is -- as I said at the
2 beginning, this is significant through the State of
3 Texas -- not just El Paso -- not even just for the
4 people here in the room, but that's what courts do.
5 They issue orders saying, "Don't do this."

6 And I've had lawyers tell me, "Judge, I
7 promise I'm going to turn over the discovery in two
8 weeks. I promise." And so if I put it in the order,
9 "You shall turn it over in two weeks," and then they
10 don't, then there's remedies. There's -- I'm not
11 treating you any differently than I would any issue that
12 I have to -- to make a decision on and make sure that my
13 ruling stands and it's not going to be interrupted.

14 What if you win the lottery tomorrow and
15 you leave and the next guy appointed in your position
16 could feel otherwise.

17 MR. STONE: He could not. He doesn't have
18 a choice. Our office would say, "You do not have a
19 choice."

20 And you just gave some examples of
21 misrepresentations. None of them involve the
22 Attorney General's Office. Our office is --

23 THE COURT: Not misrepresentations, but "I
24 really thought, Your Honor, that my client was going to
25 give me all the documents, and he didn't."

1 So things happen, so I'm not -- and with
2 all due respect to you, I have integrity, too. I have
3 responsibility, too. I have canons -- judicial canons
4 that I need to abide by aside from professional
5 responsibilities. I'm a lawyer, too. I litigated, too.
6 And so I do not take kindly anyone calling anyone a
7 liar, but you need to understand that I have a duty to
8 make sure that the rule of law is followed and that my
9 rulings are followed and that I'm not treating you any
10 differently than I would any other party.

11 And so I think we've spent way too much
12 time in you trying to convince me that you're not a liar
13 and that --

14 MR. STONE: Yeah.

15 THE COURT: -- you can bind the
16 Attorney General.

17 That's not what the point is. The point
18 is that I need to make some rulings here that keep the
19 status quo, that protect the parties from each other, if
20 needed -- whatever it may be -- that I respect the -- my
21 sister court, having a responsibility to her case that
22 was filed before mine; that I have those
23 responsibilities.

24 And so your credibility and your law
25 license on the line really doesn't make a difference

1 because I have to follow my duties as an officer of the
2 court -- as the judicial officer of this court. And so
3 it's not swaying me that you make your promises. You
4 seem like a good person. You seem like an excellent
5 lawyer, but that doesn't sway me. I have
6 responsibilities as well.

7 So the more we talk about it, the more
8 agitated I'm going to get.

9 MR. STONE: Yes. Yes, Your Honor. I got
10 you. I understand. I understand completely. I'm not
11 going to argue it further.

12 I will leave it at this. There may be a
13 way that the Court could thread the needle by talking
14 about how -- the representations that the Attorney
15 General's Office has made and relying on those. There
16 might be a way to thread it where our office would not
17 take offense that we, again --

18 THE COURT: You shouldn't take offense;
19 right?

20 MR. STONE: I understand, Your Honor.

21 THE COURT: There's separate branches of
22 government that have separate duties. I'm on the
23 record, and I don't find you to be either a liar or a
24 bad lawyer. That's not what this is about, and so you
25 should never take offense by any ruling. That's why we

1 have processes. That's why we have appeals. That's why
2 we have things that we need to abide by. And so same
3 way you have -- you take your job seriously, so do I.

4 Is there anything further on this?

5 MR. STONE: No, Your Honor. I will -- I
6 think we can wrap with this. We just want to close by
7 saying that in all times we've acted in good faith.
8 We've just been acting very quickly because of the
9 exigencies of the circumstances. We hope the Court can
10 appreciate that.

11 And we believe for all the reasons that
12 we've stated and discussed today, that the Court should
13 grant our plea to the jurisdiction. And it should find
14 that if it doesn't have jurisdiction to reach these
15 issues, and that even if it did, it should abate this
16 proceeding because there was a first-filed lawsuit in
17 Tarrant County that has dominant jurisdiction. Things
18 need to play out there. And tomorrow this whole case
19 may be back down here. We might be here tomorrow after
20 the Tarrant County judge considers their motion to
21 transfer venue. The whole case would come down here.

22 So I think that -- we'd ask the Court to
23 let it play out in Tarrant County.

24 Thank you, Your Honor.

25 THE COURT: Thank you, sir. I appreciate

1 that.

2 Can we address their argument on the
3 dominant jurisdiction first-filed rule?

4 MS. STEVENS: Yes, Your Honor.

5 I had a whole presentation. Do you want
6 me to start there? Or as long as I get there, is that
7 okay?

8 THE COURT: Let's start there. I mean --
9 yes. Sorry. I don't mean to throw you off.

10 MS. STEVENS: I think it's important to
11 note -- and our understanding of this discussion is --
12 as we understand it, the Court is inquiring as to
13 mootness, abatement, and those arguments are all couched
14 in determining whether you have probable jurisdiction
15 vis-à-vis the TRO only and that we are not hearing
16 somehow with -- bootstrapped in the plea to the
17 jurisdiction or the plea in abatement, which are set for
18 hearing on Monday.

19 THE COURT: Yes. And I haven't seen your
20 proposed order. But if your proposed TRO says: Tarrant
21 County, you cannot proceed with their motion for leave
22 to pursue their *quo warranto*, that might be problematic.

23 So that's what I'd like to hash out with
24 you.

25 MS. STEVENS: Yes, Your Honor. Yes.

1 May we approach and provide the Court with
2 a copy?

3 THE COURT: Yes. Thank you.

4 And now what I've been handed is the draft
5 temporary restraining order that I think you've emailed
6 me; I just haven't had a chance to look at.

7 MS. STEVENS: Yes, Your Honor. And it is
8 several pages, but I will represent to the Court that I
9 don't believe it speaks in the terms that Your Honor
10 just articulated, rather it seeks to enjoin the
11 Attorney General from proceeding at all in *quo warranto*
12 unless it's filed in El Paso County.

13 THE COURT: Well, that decision is the
14 Tarrant County court. Wouldn't it?

15 MS. STEVENS: Respectfully, Your Honor, we
16 disagree with their characterization of "this is in the
17 Tarrant County court case." In fact, what they have
18 done is sought leave. They have not gotten leave.

19 THE COURT: Right.

20 MS. STEVENS: There is no active
21 information in front of Tarrant County court, and so it
22 is -- and they filed that after we filed this amended
23 pleading that -- the live pleading on file with
24 Your Honor and requested this TRO hearing.

25 So they have gone outside the bounds of

1 this Court's jurisdiction where we specifically asked
2 for a TRO to stop them from taking the further steps
3 that they're going to take related to *quo warranto*.

4 THE COURT: So is there authority that
5 does that to their case, separates their -- they filed a
6 lawsuit first.

7 MS. STEVENS: Uh-huh.

8 THE COURT: But what you're telling me is
9 they filed a lawsuit, and then you filed your petition
10 for TRO and then they filed their petition for
11 *quo warranto* in their original lawsuit.

12 Is there any authority or rule or
13 procedure that can help me do what you're saying; that
14 it separates them into, essentially, two causes of
15 action?

16 Because you're saying your TRO preempts,
17 or is the first filed against their petition for
18 *quo warranto*?

19 MS. STEVENS: That's right, Your Honor.
20 And I think it's important -- this is important to the
21 Court's jurisdiction in the first place, is -- two
22 things are equally important here. One, the RTE is not
23 the subject of this TRO; and their issuance of the RTE
24 in El Paso started the legal proceedings in El Paso.

25 I will direct the Court's attention --

1 there's not a page number. It's the second page of the
2 RTE.

3 THE COURT: Okay. I have it marked.

4 MS. STEVENS: Yes, Your Honor.

5 At the -- towards the bottom where it says
6 "Notice of Right and Penalties" on the second page --

7 THE COURT: Yes.

8 MS. STEVENS: -- the very last paragraph
9 says: Take further notice that penalties for a legally
10 unexcused failure or refusal to timely produce records
11 for the Attorney General's examination include the
12 Office of the Attorney General initiating a legal action
13 for the entities, quote, "Registration of Certificate of
14 Formation" to be revoked or terminated.

15 Those are the *quo warranto* proceedings.

16 If the Office of the Attorney General
17 deems such penalty warranted, proceedings to revoke or
18 terminate an entity's registration or certificate of
19 formation are initiated through a petition for leave to
20 file an information in the nature of *quo warranto*.

21 It cites the Rule of Civil -- excuse me,
22 from the Civil Practice and Remedies Code. They chose
23 the venue. They chose El Paso County when they served
24 this RTE and started this legal process. That is key.

25 The other thing that is key --

1 THE COURT: So, counsel -- hold on.

2 MS. STEVENS: Yes, Your Honor?

3 THE COURT: I'm sorry. Don't lose that
4 thought.

5 MS. STEVENS: Yes.

6 THE COURT: So by this document, this
7 mechanism, the request to examination, it's based on the
8 statute, on the -- this Business Organization Code. By
9 them initiating this in El Paso County, that sets the
10 proper venue, the proper jurisdiction --

11 MS. STEVENS: Yes.

12 THE COURT: -- the proper court in El Paso
13 County?

14 MS. STEVENS: Yes.

15 THE COURT: And where's -- okay.

16 Where's that authority? number one. And
17 number two -- so you have -- they have lawsuits going
18 all over the place; right? And they decide: We're
19 going to sue this company in Harris County. And then
20 for this other thing, we're going to sue this company in
21 El Paso County. But now we're just going to drop this
22 one because of the efficiency. You know, this one's
23 stronger.

24 Whatever reason they want to drop one and
25 not the other, by them withdrawing the RTE, is that

1 initially abandoning their cause of action or process in
2 El Paso County? Is that the next thought, that that
3 would happen? If they set the venue with this -- with
4 this RTE, by them withdrawing it, it's like nonsuiting a
5 case?

6 MS. STEVENS: The problem with that is
7 they can't nonsuit the case because we filed the case in
8 El Paso pursuant to the process invoked by them in the
9 RTE. So they started it. We filed this lawsuit, and so
10 they can't nonsuit now and deprive this court of
11 jurisdiction.

12 And -- I think this is important for a
13 couple of things. They -- they not only put
14 jurisdiction in El Paso County for the RTE, they cite
15 the *quo warranto* statute here for El Paso County.

16 The two venue provisions in the Code --
17 it's Civil Practices and Remedies Code and Rules of
18 Civil Procedure that dictate where these things can be
19 filed -- are two different provisions. But they're two
20 different mandatory provisions that say this should be
21 filed in El Paso County.

22 We are going to argue the DTPA venue
23 transfer tomorrow in Tarrant County. That in no way
24 touches on the venue -- mandatory venue provisions for
25 the *quo warranto* -- which they have not had time to

1 file. There is no active pleading in Tarrant County on
2 *quo warranto*. They've just asked for leave to file.
3 They have not done it.

4 That is different from the DTPA venue
5 transfer question before the Tarrant County court
6 tomorrow. We are not asking this court to touch that.
7 We are asking this court to tackle something completely
8 different, which is where the *quo warranto* can be filed.
9 And the only place it can be filed is El Paso County.

10 THE COURT: I know, but wouldn't that
11 point be decided by the Tarrant County judge in
12 consideration of their motion for leave?

13 MS. STEVENS: We have not gotten a hearing
14 set. We have asked for time to brief that. We don't
15 know what that court will determine.

16 THE COURT: We don't know, but she will.
17 She's going to make a ruling on that; right?

18 I'm not saying that you know. I'm just
19 saying that there's a motion for leave to do it. And in
20 that context, she's going to hear arguments about the
21 proper venue and may or may not decide that it's Tarrant
22 County or not. I don't know. The point being is that
23 that question is in her court already by the motion for
24 leave.

25 MS. STEVENS: And we would submit that

1 that question was before your court first. That
2 question was before your court when we filed our amended
3 petition and request for TRO to stop the
4 Attorney General from proceeding on a *quo warranto* at
5 any time in El Paso. They tried to do an end-run. They
6 tried to go and file this in Tarrant County despite this
7 being before this court. But it is squarely before this
8 court on the -- our request for TRO well before they
9 filed in Tarrant County.

10 THE COURT: So your petition was based on
11 their telling you, "Hey, we plan to file"?

12 MS. STEVENS: Yes, Your Honor.

13 THE COURT: And when they said, "We plan
14 to file," did you know it was going to happen in Tarrant
15 County or -- I guess you would have. That's the
16 petition.

17 MS. STEVENS: They indicated it at the
18 phone call that afternoon --

19 THE COURT: Okay.

20 MS. STEVENS: -- that they planned to file
21 in the improper county -- not their words; mine.

22 THE COURT: Yes.

23 She's the one saying --

24 MR. STONE: Oh, okay. Yeah.

25 THE COURT: She's the one saying it's

1 improper.

2 MS. STEVENS: Sorry.

3 THE COURT: My words; not yours.

4 Okay. So that's the significance of
5 that -- those events -- the timing of those events.

6 MS. STEVENS: Yes, Your Honor.

7 THE COURT: Okay.

8 MS. STEVENS: In addition -- so my
9 statement at the --

10 THE COURT: So I -- hold on. Just to
11 follow through.

12 MS. STEVENS: Yes.

13 THE COURT: If I follow your argument that
14 the question on proper venue is -- was first in this
15 court -- on a *quo warranto* stemming from the activity in
16 question -- the fundraising and all those things. If it
17 was filed -- that question was filed here first because
18 of virtue of the RTE being served here in El Paso
19 County -- and I issue a TRO today saying proper venue
20 for *quo warranto* is in El Paso County, and I did so with
21 a finding that that question of law in fact was
22 presented first in El Paso County, does that trump any
23 ruling that the judge would make in Tarrant County?
24 Because that question in law in fact was presented to a
25 court first in El Paso.

1 That's what you're saying?

2 MS. STEVENS: We would -- Your Honor, if
3 Your Honor grants that temporary restraining order
4 today, we would notify the Tarrant County wherein the
5 petition for leave is pending of your ruling.

6 But, yes.

7 MR. GONZALEZ: And we would be asking you
8 to restrain the activity of the Attorney General from
9 proceeding with that -- not to in any way restrain a
10 sister court. The restraint is on the part -- and
11 that's what an anti-injunction suit is.

12 THE COURT: Uh-huh. Okay. I think I'm
13 following the argument.

14 MS. STEVENS: Your Honor, as I -- as I
15 said when I got back up here, we understand the
16 arguments about jurisdiction are related to whether you
17 have proper jurisdiction such that you can grant the TRO
18 today. I will note we have not had the opportunity to
19 brief and respond to their motion -- or, excuse me, to
20 their plea to the jurisdiction and their plea in
21 abatement. That hearing, of course, is set for Monday.

22 Arguing -- or, excuse me, focusing on the
23 arguments that were raised by counsel related to
24 mootness and abatement, just to state the obvious, as
25 the defendant acknowledges in their own briefing one of

1 the exceptions for a plea in abatement is equitable
2 conduct -- inequitable, excuse me, conduct. Here, of
3 course, their overall inequitable conduct that is the
4 subject matter of our lawsuit. That is to say that the
5 unconstitutional harassment and attempt to restrain the
6 First Amendment rights of his political opponent. And
7 there is particular inequitable conduct related to how
8 Defendant Paxton has proceeded with his abuse of process
9 in multiple filings.

10 We just went over this, but he initiated
11 the legal process in El Paso County -- the proper
12 venue -- for seeking a protective order; was here. Then
13 they obfuscated. They did not tell Power of the People
14 that -- Powered by People that despite knowing they were
15 represented by counsel, that they were working behind
16 the scenes to go to Tarrant County.

17 One of -- one of the fundamental elements
18 of their argument is that it arises out of a transaction
19 or occurrence that is the subject matter of the opposing
20 party's claim. The subject matter of our claim is his
21 abuse; his unconstitutional harassment of our client.
22 That is wholly different from the subject matter of
23 their suit.

24 And I -- it's important to note for
25 Your Honor, the key -- I think this goes under

1 harassment and abuse. It also goes under the argument
2 that there's -- that Defendant Paxton has been
3 forthright to all the courts at issue here.

4 Yesterday they filed a motion for
5 contempt, which we provided to the Court in my initial
6 presentation. But what I did not address at the time
7 is, we quickly filed what we termed a notice to the
8 Tarrant County court because there were blatant
9 misrepresentations about what Mr. O'Rourke and Powered
10 by People said at the Tarrant County rally that were the
11 basis of this request for contempt in front of the
12 Tarrant County court and our -- part of the basis for
13 their request to modify the TRO.

14 We don't want this court to get into
15 any of that. Of course, those are in front of the
16 Tarrant County, but it's important to note because it
17 reemphasizes the harassment and abuse by Defendant
18 Paxton here.

19 We have a copy of that notice report if I
20 might provide it to --

21 THE COURT: Yes. Thank you.

22 I've been handed what's styled in the
23 Tarrant County case notice to the Court filed by
24 August 12th, 2025, at 1:04 p.m. on -- yeah, August 12th.

25 Go ahead.

1 MS. STEVENS: And, Your Honor, I apologize
2 that I don't have the -- I have a copy for counsel.
3 And, actually, I gave you my copy.

4 THE COURT: Can you make a copy?

5 MS. STEVENS: But I will note on page 2,
6 we -- there is a quote that is used multiple times in
7 their motion for contempt and their motion to modify the
8 TRO where they quote Mr. O'Rourke in a way that makes it
9 sound like he undermines and disrespects the Tarrant
10 County court based on -- based on the quote that they
11 misleadingly -- that is putting it mildly --
12 misleadingly quote him as on those motions.

13 We provided to the Tarrant County court
14 and to Your Honor, when you read the notice, the full
15 text of Mr. O'Rourke's statement at Tarrant County and
16 then to compare with how they quoted him.

17 It is beyond the pale the way that that
18 was quoted. I don't know what counsel drafted that. I
19 don't know who, but it is attributable to Defendant
20 Ken Paxton; that he is continuing to abuse the process
21 to target our client's protected constitutional speech.
22 And we are asking this court for a very narrow decision
23 today to stop him from engaging in another abuse of
24 process by filing a *quo warranto* process in a venue that
25 is not proper.

1 The case law demonstrates that it is
2 irreparable harm -- it can be irreparable harm for a
3 party to have to go through an abuse of process and
4 particularly using improper venue for that abuse of
5 process. That in and of itself can be irreparable harm
6 sufficient to require a temporary restraining order.

7 The last thing on the abuse of process
8 that is note for this court, last night while on our way
9 to this court, we were informed that the State is
10 attempting to subpoena Powered by People and
11 Mr. O'Rourke for -- to have them testify next week in
12 Tarrant County -- not take a deposition in El Paso
13 County, in Tarrant County. We believe this is further
14 evidence of the bad faith.

15 And I would like to apologize to
16 Your Honor about the characterization of the attorney,
17 he drove from Austin to Dallas. I misunderstood based
18 on his -- his address on the State Bar website. My
19 apologies to the Court. But the -- whether he drove an
20 hour to get there from his office in Dallas or he drove
21 three hours, they did not inform represented Powered by
22 People that they intended to go seek a TRO later that
23 afternoon. We believe that is evidence of
24 Defendant Paxton's bad faith.

25 I'm just making sure I've addressed

1 several things.

2 THE COURT: When would -- when should you
3 have known? Because there's emails saying, "Hey, we're
4 going to have a TRO hearing. Let me know if you want to
5 make an appearance."

6 And what was represented earlier was
7 there were calls and emails about that and trying to
8 accommodate to make sure that you got the Zoom link and
9 things like that.

10 When -- what should have happened?

11 MS. STEVENS: They -- when we asked for an
12 extension on that RTE, they knew we were actively
13 working on these matters. And they knew that they were
14 going to go file in Tarrant County to seek a TRO against
15 our client with -- we had less than two hours' notice
16 to -- it wasn't even notice. We had less than two hours
17 from when we got notified about their suit and -- that
18 they were seeking a TRO to actually being in a Zoom
19 hearing.

20 And I -- I don't think counsel meant to
21 misrepresent it this way. The email notifying us that
22 they were filing the suit and were seeking the TRO and
23 asked if we wanted to be heard, that was the first
24 notice we had.

25 The later conversations trying to get a

1 Zoom link happened after that email and after we called
2 the court coordinator to ask respectfully that we be
3 heard at that hearing.

4 THE COURT: Okay.

5 MS. STEVENS: A few things to note about
6 *quo warranto*. The -- again, the motion to transfer
7 venue is not -- tomorrow will not address the *quo*
8 *warranto*. It is about their active pleading. It is a
9 different mandatory statute than the venue statute we
10 are going to argue about tomorrow.

11 The thing to come back to multiple times
12 is -- the sole question before the Court today is not a
13 ruling on the merits. It is preserving the status quo
14 as it's -- only as it relates to the *quo warranto*.
15 We're not asking for anything outside of that, but we
16 are asking this court to preserve the status quo.

17 And that despite the protestations by the
18 Attorney General's Office, that has not been instituted.
19 They have asked for leave to file something. That is
20 all. That has not been instituted and this court can
21 and still enjoin them from pursuing *quo warranto*
22 proceedings in an improper venue.

23 May I just consult with counsel
24 momentarily?

25 (Sotto voce discussion between attorneys

1 for the plaintiff)

2 THE COURT: You were going to point
3 something out about your draft TRO?

4 MS. STEVENS: Yes, Your Honor.

5 THE COURT: And I -- and we went on to
6 something else.

7 MS. COYLE: Your Honor -- if I may,
8 Your Honor? I think we may have given you the wrong
9 one. Can I --

10 THE COURT: Okay.

11 MS. COYLE: I want to make sure. I want
12 to make sure that this is the final, okay?

13 I'll take this one.

14 THE COURT: I think this is the one I was
15 handed.

16 MS. COYLE: Okay. Just in case. Thank
17 you.

18 THE COURT: All right. And this draft
19 TRO --

20 MS. STEVENS: Yes, Your Honor. I believe
21 that I provided it to the Court, just so that you can
22 verify yourself that we were not asking you to stop the
23 Tarrant County court from doing anything. We're asking
24 Your Honor to enjoin the Attorney General.

25 THE COURT: Okay. The way it's proposed

1 is: Defendant is restrained and enjoined from
2 initiating, filing, or prosecuting any *quo warranto*
3 proceeding against Powered by People, or it's officers,
4 directors, or founders, without leave of this court or
5 leave of another El Paso County district court. Nothing
6 in this order is intended to bind any court, rather it
7 binds defendant and those in active concert from
8 participation with them.

9 Okay. And no findings about
10 constitutionality about anything or any of those things?

11 MS. STEVENS: Correct, Your Honor.

12 THE COURT: Okay.

13 Anything further?

14 MS. STEVENS: No, Your Honor. Thank you.

15 THE COURT: One last word.

16 MR. STONE: Yes, Your Honor. I'll be
17 brief. I've got five things.

18 THE COURT: Five?

19 MR. STONE: I know. There was supposed to
20 be three, but they kept -- I kept accruing things. I'll
21 try to be quick.

22 THE COURT: Go ahead.

23 MR. STONE: The first one, I did not -- in
24 their motion for request for temporary restraining
25 order, they did ask for you to restrain us from

1 enforcing the RTE that's in their petition. So I was
2 not aware that --

3 MS. STEVENS: I'll respond when -- sorry.

4 MR. STONE: To the extent that they're --
5 I'll be more specific, Your Honor, since there might be
6 confusion.

7 Paragraph 59 of their petition says the
8 following: Here, plaintiff is entitled to preservation
9 of the status quo because it will suffer immediate
10 irreparable harm if there is not adequate -- for which
11 no adequate remedy at law exists if defendants are not
12 restrained from enforcing the RTE.

13 That's paragraph 59.

14 And then in their prayer for relief, it
15 says here: For the foregoing reasons, Plaintiff Powered
16 by People are requesting immediately -- immediate
17 protective order -- and then it cites to the Texas Rules
18 of Civil Procedure.

19 And then it says: And a temporary
20 restraining order issued to defendants preventing
21 enforcement of the RTE in its entirety.

22 A temporary restraining order issued to
23 defendants preventing enforcement on the RTE in its
24 entirety.

25 I'm reading from their prayer for relief,

1 so...

2 MR. GONZALEZ: It says temporary
3 injunction, Your Honor. That's not the -- our TRO at
4 issue.

5 MR. STONE: I'm reading it, Your Honor.
6 Please look at page 26 of their amended petition and
7 their prayer for relief. It says, and I quote: And a
8 temporary restraining order issued to defendants
9 preventing enforcement of the RTE in its entirety.

10 I'm reading it.

11 MR. GONZALEZ: I think it might have been
12 a typo, Your Honor. Obviously, when we enumerate the
13 request for relief in our actual proposed order,
14 Your Honor can see that we're not requesting that.

15 THE COURT: So I -- when I first read
16 it -- because we kind of talked -- when we were talking
17 about enforcement of the RTE and stuff, I read that part
18 of it to see -- you know, how would I create an order
19 that doesn't violate any rules?

20 I skipped into that next sentence that
21 says: Further, plaintiff requests that defendant be
22 cited to appear and answer; and that on hearing, issue
23 plaintiff judgment --

24 MR. STONE: Judgment.

25 THE COURT: Judgment -- which to me is

1 later --

2 MR. STONE: Yeah.

3 THE COURT: -- on numbers (a) through (h).

4 I didn't see the sentence that you -- or I
5 probably did, but like I said, I skipped into the next
6 sentence.

7 It does read: For the foregoing reasons,
8 plaintiff requests immediate protective order and a
9 temporary restraining order issued to defendant
10 preventing enforcement of the RTE.

11 MR. GONZALEZ: Your Honor --

12 THE COURT: So are we you asking for that
13 or not?

14 MR. GONZALEZ: No, Your Honor. In the
15 application itself and the petition does not talk about
16 that and the proposed order does not talk about that,
17 and then the enumerated relief does not talk about it.
18 I think it must have been a typo that was overlooked or
19 something.

20 THE COURT: Yeah. It's a lengthy
21 pleading, so...

22 MR. GONZALEZ: Yes, Your Honor.

23 MR. STONE: And I'm not fighting with them
24 on that. I'm okay with that. So if the RTE is not an
25 issue --

1 THE COURT: Now your promise not to do is
2 really important.

3 MR. STONE: Exactly. Exactly, Your Honor.
4 We don't have to even address it because it doesn't come
5 up, so we're very happy with that. And we'll just note
6 that for -- I thought it was an issue, and I apologize
7 to the Court for taking a bunch of time on this issue
8 when it wasn't even an issue.

9 MR. GONZALEZ: And we apologize for the
10 typo.

11 THE COURT: Somebody could have said
12 something sooner; right?

13 MR. FROMAN: I wish.

14 THE COURT: But, okay. So that's clear,
15 that's not the relief being requested today in the
16 requested TRO.

17 MR. STONE: Okay. And second, Your Honor,
18 the question of whether or not this court acquired
19 jurisdiction as to *quo warranto* proceedings because we
20 sent an RTE to the defendants who are domiciled in this
21 jurisdiction.

22 I want to talk a minute about what an
23 RTE -- first, I want to pause for a second and say this
24 assumes that we only issued one RTE in this case. When
25 we conduct investigations -- an RTE is a pre-suit

1 subpoena that asks for the production of records. We
2 have a similar tool under the DTPA called a "civil
3 investigative demand." So it's a variety of pre-suit
4 investigative subpoenas that we can send out regarding
5 documents.

6 If every time I send a pre-suit subpoena
7 asking for documents, I -- whoever I send it to suddenly
8 acquires jurisdiction as to the ultimate lawsuit that I
9 filed, then -- if I send five -- five pre-suit
10 subpoenas, do all five jurisdictions have the same
11 jurisdiction over the resulting claims when we finally
12 decide who we're going to sue?

13 So even just by analogy, if you think
14 about like sending a subpoena while you're conducting
15 discovery, it doesn't make any sense for the ultimate
16 lawsuit that you may or may file at some point in the
17 future, is suddenly -- that it's mandatory venue that it
18 be filed where you send in the subpoena at some point to
19 collect records.

20 I'll note for the Court they couldn't cite
21 to any actual case law or any statute that said that.
22 The statute that they mentioned only says that the *quo*
23 *warranto* must be initiated in the proper county. That's
24 all it says.

25 And they have gone on to argue that the

1 proper county should revert to the standard rules, which
2 are where all or a substantial amount of the actions
3 giving rise to the claims occurred.

4 In this case, where the claim -- the
5 claims that are at issue are the ones in Tarrant County
6 about the Fort Worth rally, okay? Not other information
7 from beforehand.

8 So we think that -- the fact that they
9 can't cite to any authority and then just, logically, it
10 doesn't make sense because we send pre-suit subpoenas
11 all the time. It doesn't make any sense what they're
12 arguing, and that's -- there's a reason they don't have
13 any legal authority they can cite to.

14 Third -- unless you want to ask me any
15 questions?

16 THE COURT: No.

17 MR. STONE: Third, inequitable conduct and
18 the sort of abuse of process argument, I need to address
19 it. I've walked the Court through the timeline, and I
20 hope that I have assuaged any concerns that the Court
21 might have about us acting in bad faith or acting
22 quickly, but that doesn't mean that we're trying to harm
23 the other side. We're communicating with them. We're
24 giving them notice. We are working with them in trying
25 to cooperate to make sure that they have opportunities

1 to be heard. An abuse of process would occur if we were
2 trying to preempt them or prevent them from being able
3 to make their arguments.

4 So, for example, they're upset that we
5 believe that they may have violated the temporary
6 restraining order and that we filed a motion for
7 contempt. That's an abuse of process. That's going to
8 go before a judge in two weeks. She's going to hear out
9 both sides and issue a ruling.

10 We filed a lawsuit, and we're not --
11 they're not -- if -- they're not entitled for us to call
12 them up and say, "Hey, we want to sue you," before we
13 file a lawsuit. We don't do that to any party, and it's
14 not an abuse of process or punishment because we believe
15 that we have evidence that and we initiate a lawsuit.

16 If you listen to their list of grievances,
17 it's every single thing we did. It's everything that
18 we've done. But when we withdraw the RTE on Saturday,
19 that was an abuse of process. When we called them on
20 Monday to confer about the temporary injunction hearing,
21 it was an abuse of process. Everything we do is an
22 abuse of process. Like, they're presuming there's bad
23 faith on our part, and there's just not bad faith.

24 THE COURT: So what is -- what is -- like
25 if you want to discuss that, we can, but I'm actually

1 trying to stay away from --

2 MR. STONE: I understand.

3 THE COURT: -- some of those
4 communications.

5 So how is that point of assistance to me
6 in the questions I have to answer today?

7 MR. STONE: Well, I don't think it is,
8 Your Honor. But I wanted to just, for the record,
9 defend -- to defend our -- kind of integrity if that's
10 okay.

11 THE COURT: Yeah.

12 MR. STONE: I'm done. I'll move on.
13 That's all I had to say about that.

14 THE COURT: No. But, you know, like I
15 said earlier, there's just a lot of noise --

16 MR. STONE: Agreed.

17 THE COURT: -- happening, frankly, with --
18 you know, from what's in the pleadings also happening
19 from the Attorney General himself.

20 Mr. O'Rourke is a political person, not
21 just through his -- this entity, but he's been a
22 statewide candidate, a national candidate, but certainly
23 he's a presence in the State of Texas.

24 And, you know, when he interjects things
25 like -- that Mr. O'Rourke is going to be his opponent

1 and picking on Mr. O'Rourke as a Democrat that's trying
2 to further the Democrat agenda on restricting or any
3 other issue, you know, Austin is very partisan. The
4 capital is very partisan. And I don't know if you want
5 to sign bad faith but people move forward on that
6 partisanship line.

7 And so there's definitely evidence on
8 that, statements that are beyond your control attributed
9 to the Attorney General, beyond your control. You --

10 MR. STONE: Yes.

11 THE COURT: You work with what you've got;
12 right?

13 MR. STONE: Yes.

14 THE COURT: And so to the extent there
15 isn't bad faith -- I'm not going to make a finding of
16 one or the other. You're the one that kind of keeps
17 interjecting that, but there are -- there are concerns
18 about that, and that's -- and I can admit to you that's
19 part of the reason why I need to really pause and make
20 sure that constitutional -- fundamental constitutional
21 mandates -- you know, constitutional law 101 are not
22 stepped on regardless of that partisanship line.

23 MR. STONE: I understand, Your Honor. Can
24 I add one more clarifying thing?

25 And I know I'm bringing up the bad faith

1 part because I feel like we're being attacked. But I
2 keep hearing the other side arguing that we're abusing
3 the process or that there's inequitable conduct, and so
4 I'm trying to -- I'm being reactive here.

5 THE COURT: Yes.

6 MR. STONE: I'm not responding to it --

7 THE COURT: I understand.

8 MR. STONE: And just one final thing about
9 Powered by People. The reason that they got an RTE and
10 the reason that there is a lawsuit in Tarrant County
11 involving them is because of the Fort Worth rally and
12 because there are representations in the media that that
13 is the entity that is primarily doing -- engaging in
14 this conduct. If we had a --

15 THE COURT: What conduct?

16 MR. STONE: The misrepresentations related
17 to the fundraising for political purposes, yet
18 disbursing money for personal purposes that --

19 THE COURT: It's not personal purposes.
20 I can tell you -- well, I can't tell you, I guess.

21 My guess is that those individuals, those
22 legislators did not jet off to another state for
23 vacation, for personal purposes. This is -- whether we
24 like it or not -- political conduct. Whether it's legal
25 or not, that's for the Supreme Court to decide. And,

1 you know, they have rules on how you try to manage those
2 situations.

3 But there's political conduct and then
4 there's personal conduct. Personal conduct is not at
5 play here, in my mind, not in the causes of action,
6 certainly not in your own claims whether here or in
7 Tarrant County.

8 But, you know, I think we're getting
9 really philosophical about things that I really want to
10 avoid interjecting in the decision, but I do want to
11 put on the record that I am very mindful of what is
12 happening, way beyond the control of you as counsel and
13 any of us, really, doing our jobs. It is what it is,
14 but let's not color it with --

15 MR. STONE: Yes, Your Honor.

16 THE COURT: -- with what it's not.

17 So anyway. Point number four?

18 MR. STONE: Number four, yes. And this
19 one's quick. Just in the venue statute. There was a
20 mention that there are different venue statutes at play,
21 and I just want to bring to the Court's attention that
22 that is -- we don't believe that's true.

23 If you compare their verified petition and
24 you look at the citation that they relied on, it's in --
25 and other petition is in paragraph -- let me give you

1 the specifics cite. It is in footnote 10 to paragraph
2 20.

3 The citation that they give is Texas Civil
4 Practice and Remedies Code, Section 15.002(a). And it
5 provides that: In relevant part, that venue is only
6 proper in the county in which all or substantial -- or a
7 substantial part of the events or omissions giving rise
8 to the claim occurred, or in the county of the
9 defendant's principal office in the state.

10 And that's in footnote 10, again, on
11 paragraph 20. It's what they've been arguing today.
12 And if you compare that with their motion to transfer
13 venue -- that will be heard tomorrow -- it is the same
14 citation. So they are -- it is the same argument.

15 The final thing. Fifth. Anti-injunction.
16 They're trying to kind of craft this thing of, "Well,
17 we're not allowing" -- you're only enjoining the State
18 from proceeding and engaging and instituting the *quo*
19 *warranto*. You're not enjoining the Tarrant County court
20 from deciding it. But the fact of the matter is,
21 there's already a pending motion before the Tarrant
22 County court, and we've already amended our petition to
23 add the claim. We've now asked her for leave to
24 authorize it. That's all before the Tarrant County
25 judge.

1 So whether you enjoin us from proceeding
2 on that, the pending thing that's in front of that
3 court, or you enjoin that court itself, it is all the
4 same thing because you're preventing the Tarrant County
5 court from being able to adjudicate the merits.

6 And for that reason, we ask that, again,
7 the Court either dismiss -- deny the TRO and dismiss the
8 suit for lack of jurisdiction; or in the alternative,
9 abate this proceeding, let it play out in Tarrant
10 County. We might be back here tomorrow.

11 So that's all. Thank you, Your Honor.

12 THE COURT: Yes. Thank you.

13 MS. STEVENS: May I point out two quick
14 things, Your Honor?

15 THE COURT: Yes, ma'am.

16 MS. STEVENS: One, on that last point
17 about whether we're talking about the same venue
18 provisions. We've provided Your Honor with a copy of
19 the motion to transfer venue. A key point of the motion
20 to transfer venue that will be heard tomorrow is that
21 there is a mandatory venue provision for injunctions,
22 and it's not the rule that counsel just referenced.
23 Rather, it's Civil Practice and Remedies Code 65.023,
24 which, of course, is referenced in the motion to
25 transfer venue, but it is not at issue here.

1 And then the second point is, counsel
2 said --

3 I put the quote down.

4 -- that they're attempting to revoke the
5 charter of Powered by People because of statements made
6 in a lead-up to -- and at the rally in Fort Worth, and
7 those are the bases for the *quo warranto*.

8 But I have here their motion that is in
9 front of the -- that has been filed before the Tarrant
10 County court, and it says: The State seeks to revoke
11 Powered by People's registration on the grounds that
12 it's operating in violation of criminal laws of the
13 State and have done so in a manner that brought the
14 Texas House of Republicans to a legislative standstill
15 and prevented the State's ability to address critical
16 State interests, including flood relief, property tax
17 relief, public school reforms, matters related to the
18 protection of women's privacy, and congressional
19 restricting for the people of this state.

20 Nowhere in there, of course, is reference
21 to Tarrant County. Nowhere in there is even tieing the
22 conduct that they claim is the basis for this
23 *quo warranto* to Tarrant County.

24 It underscores why this court should grant
25 the TRO prohibiting Defendant Paxton from pursuing

1 *quo warranto* in any other county in the state besides
2 El Paso.

3 THE COURT: All right.

4 MS. STEVENS: Thank you, Your Honor.

5 MR. STONE: Your Honor, may I make a
6 representation to you that I think may make your job
7 easier? I'll make a representation today. It binds us,
8 okay?

9 I know the Court -- but I'll make a
10 representation to you. If they win tomorrow on the
11 motion to transfer venue and we get transferred to
12 El Paso County, we will similarly bring the *quo warranto*
13 proceeding to El Paso County. This whole case moves
14 together, okay?

15 So if El Paso -- if the proceedings get
16 transferred for El Paso tomorrow, all of it gets
17 transferred to El Paso. We're not going to bring
18 another *quo warranto* proceeding in some other county.
19 We will bring it with the DTPA suit, wherever that DTPA
20 suit ultimately is decided for that DTPA lawsuit.

21 MS. STEVENS: May I respond, Your Honor?

22 THE COURT: Yes.

23 MS. STEVENS: With all due respect to
24 counsel, that's -- it's not really relevant to the
25 question here, which is, El Paso County being the proper

1 venue. And the direction that we're asking this court
2 to give to the Defendant Paxton, that he can only bring
3 that suit. If he's going to bring it at all -- and we
4 vehemently will oppose it -- it has to be in El Paso
5 County.

6 Thank you, Your Honor.

7 THE COURT: All right. Is there anything
8 further by the plaintiff?

9 MS. STEVENS: No, Your Honor.

10 THE COURT: Anything further by the
11 defendant?

12 MR. STONE: No, Your Honor.

13 THE COURT: All right. I am going to
14 think this through. I'm going to consider the authority
15 that you've provided me, and I hope to have a ruling for
16 you before you appear in tomorrow's Tarrant County
17 hearing. And so I'm working on it.

18 MR. STONE: May we submit to the Court a
19 proposed order on the PTTJ issue? Just a proposed
20 order. You don't have to -- may we present one to the
21 Court?

22 MS. STEVENS: May I respond, Your Honor?

23 THE COURT: Yes.

24 MS. STEVENS: The Rules of Civil Procedure
25 provide us three days notice before we have a hearing on

1 that. We're entitled to briefing on this plea to the
2 jurisdiction.

3 THE COURT: Yes, you are. You can send me
4 the order. People send me the order weeks in advance.

5 MR. STONE: Thank you, Your Honor.

6 THE COURT: But we're set. And if you
7 would, though, send it to me on Word.

8 MR. STONE: Yes, Your Honor.

9 THE COURT: I'm not going to rule on the
10 plea to the jurisdiction.

11 MR. STONE: Thank you, Your Honor.

12 THE COURT: All right.

13 MS. STEVENS: Thank you.

14 THE COURT: Thank you all for your time.
15 I really appreciate your travel to El Paso and the work
16 that you do.

17 At this time, we're adjourned.

18 (Proceedings concluded)

19

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25

1 STATE OF TEXAS)

2 COUNTY OF EL PASO)

3

4 I, Bertha A. Prieto, Official Court Reporter in and
 5 for the 41st Judicial District Court of El Paso County,
 6 State of Texas, do hereby certify that the above and
 7 foregoing contains a true and correct transcription of
 8 all portions of evidence and other proceedings requested
 9 in writing by counsel for the parties to be included in
 10 this volume of the Reporter's Record, in the
 11 above-styled and numbered cause, all of which occurred
 12 in open court or in chambers and were reported by me.

13 I further certify that this Reporter's Record of
 14 the proceedings truly and correctly reflects the
 15 exhibits, if any, offered by the respective parties.

16 I further certify that the total cost for the
 17 preparation of this Reporter's Record is \$400.00 and was
 18 paid/will be paid by Mr. Johnathan Stone, Esq.

19 WITNESS MY OFFICIAL HAND this the 14th day of
 20 August 2025.

21

22 /s/ Bertha A. Prieto
 23 BERTHA A. PRIETO, Texas CSR# 7222
 24 Official Court Reporter
 41st Judicial District Court
 500 E. San Antonio, Rm. 1006
 El Paso, TX 79901
 25 (915) 273-3728
 Expires July 31, 2027

TRIAL COURT CAUSE NO. 2025DCV3641

POWERED BY PEOPLE,)
)
 Plaintiff,) IN THE DISTRICT COURT
)
 vs.)
) 41ST JUDICIAL DISTRICT
 KEN PAXTON)
 IN HIS OFFICIAL CAPACITY AS)
 TEXAS ATTORNEY GENERAL,) EL PASO COUNTY, TEXAS
)
 Defendant.)

I, Bertha A. Prieto, Official Court Reporter in and for the 41st Judicial District Court of El Paso County, State of Texas, do hereby certify that the following exhibits constitute true and complete duplicates of the original exhibits, excluding physical evidence, offered into evidence during the Temporary Restraining Order in the above-entitled and numbered cause as set out herein before the Honorable Annabelle Perez, Presiding Judge of the 41st Judicial District of El Paso, El Paso County, Texas.

WITNESS MY OFFICIAL HAND this the 14th day of August 2025.

/s/ Bertha A. Prieto
 BERTHA A. PRIETO, Texas CSR# 7222
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