

CAUSE NO. 2025DCV3641

POWERED BY PEOPLE,
Plaintiff,

V.

KEN PAXTON,
IN HIS OFFICIAL CAPACITY AS
TEXAS ATTORNEY GENERAL
Defendants.

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IN THE DISTRICT COURT

41st JUDICIAL DISTRICT

EL PASO COUNTY, TEXAS

TEMPORARY RESTRAINING ORDER

On this day, the Court considered Plaintiff Powered by People's Application for Emergency Temporary Restraining Order. Having reviewed the verified pleadings and exhibits and having held a hearing on the matter, the Court finds that immediate and irreparable injury will result absent a restraining order. Therefore, the Court issues the following Temporary Restraining Order to preserve the status quo until a hearing on Plaintiff's Application for Temporary Injunction may be held. The Court issues this Order to prevent imminent, irreparable injury, and this Order expressly is not a ruling on the merits or a ruling on the Court's jurisdiction. Defendants' Plea to the Jurisdiction is held open for further consideration by this Court. Plaintiffs filed a response brief on the Plea to the Jurisdiction on August 18, 2025. Defendants may submit a reply within 7 days of today's order. The court further finds and concludes as follows:

Required factual findings and conclusions of law:

1. Based on the verified record, Plaintiff has shown a probable right to relief on its constitutional claims arising from Defendant's actions, including the challenged Request to Examine ("RTE") served August 6, 2025, demanding sensitive information on an

abbreviated timeline, and Defendant's stated intent to imminently institute and prosecute quo warranto proceedings in Tarrant County.

2. Absent immediate restraint, and as more fully set out below, Plaintiff will suffer violations of its constitutional rights—including rights of political speech and association and equal protection under the law—which constitute irreparable injury not compensable by monetary damages. These violations include outright restraint on protected speech as well as retaliatory and chilling court processes in improper venues.
3. Further, temporary restraint is appropriate because Defendants' proposed course of action poses a severe risk of improper proceedings that would jeopardize the Court's jurisdiction to afford effective relief.
4. The threatened harms are immediate; entry of this Order is necessary to prevent the harms before they occur and to preserve the Court's jurisdiction to hear and decide the merits.
5. These findings are made pursuant to Texas Rule of Civil Procedure 680 and the Court's equitable authority. The acts restrained are described in reasonable detail below.

Additional factual findings and conclusions of law:

6. Plaintiff, Powered by People, is a Texas nonprofit corporation. It operates as a political organization pursuant to 26 U.S.C. § 527(e)(1) for the purpose of "directly or indirectly accepting contributions or making expenditures, or both" to influence elections.
7. Powered by People's principal place of business is in El Paso County; all members of its Board of Directors reside in El Paso County; and none of its staff reside in Tarrant County.
8. On August 6, 2025, Defendant launched an investigation and served Powered by People board members David Wyson and Gwen Pulido in El Paso with an RTE. The RTE demanded a broad range of internal materials—including strategy and communications—

on fewer than 48 hours' notice. The State gave no specific justification for the abbreviated deadline or the RTE itself. It demanded these extensive records within 48 hours while publicly announcing the investigation in a press release.

9. Defendant Paxton has publicly identified Mr. O'Rourke as a prospective opponent in the 2026 U.S. Senate race, and has already used the prospect of running against Mr. O'Rourke in a fundraising appeal.
10. The RTE expressly threatened that failure to comply could result in revocation or termination of the organization's registration or certificate of formation through an information in the nature of quo warranto.
11. Defendant Paxton admitted at or around that time that he did not have "details" to support his allegations, but planned to use this "investigation" to "find out if [Powered by People] has done anything inappropriate," pointing explicitly to Plaintiff's recent political speech, organizing and advocacy. Nevertheless, Defendant Paxton publicly characterized his potential future political opponent's protected political activity as "Beto Bribes."
12. Powered by People requested an extension of twenty days, which Defendants denied. Powered by People then requested a ten-day extension, to which Defendants did not respond.
13. Rather than responding to Powered by People's reasonable request for extension, Defendants abruptly headed to Tarrant County, Texas to institute an ex parte legal proceeding against Powered by People. Despite knowing for days that Powered by People was represented by counsel--given that counsel for Powered by People requested the two extensions--Defendant did not inform the undersigned counsel of an imminent

“emergency” *ex parte* TRO filing and hearing until almost four hours later, and minutes before it filed.

14. On August 11, 2025, Defendant announced his intention to seek a writ of quo warranto against Powered by People for the purpose of revoking the organization’s charter and ability to do business in Texas.
15. Since that time, Defendant has publicly threatened to jail Powered by People’s founder for engaging in political speech such as “support these brave Texas Democrats.”
16. A quo warranto proceeding prosecuted in Tarrant County would immediately force Plaintiff’s El Paso-based officers, employees, and records custodians to defend and respond in a distant forum, diverting time and resources from ongoing political organizing and speech. Plaintiff is a nonprofit political organization that sells no goods or services and exists to promote political association and speech; restraint of its political speech and diversion of its limited staff and volunteer resources is non-compensable.
17. Defendant has not presented any allegations or evidence to demonstrate that venue would be proper for its threatened enforcement action in Tarrant County. Rather, Defendant’s action is part of a larger course of attempting to use the legal system to impinge on Powered by People’s constitutionally protected activity.
18. The specter and pendency of a charter-revocation action in an improper forum threatens Plaintiff’s ability to maintain its operations statewide, undermines confidence among volunteers and partners, and chills ongoing political activity both in the form of speech (contributions, expenditures, and fundraising) and association with likeminded individuals. These constitutional harms cannot be remedied by damages after the fact.

19. Defendants' entire course of conduct exhibits a purpose and effect of singling out one organization for targeted enforcement based solely on that organization's protected constitutional activity--to wit, its support for Democratic political causes and opposition to Republican political causes. In particular, Defendant has targeted Powered by People for its support for Texas Democratic lawmakers who are opposing a current proposal at the Texas Legislature. Defendant has further exhibited a purpose and effect of targeting Powered by People because its founder is a potential political opponent. As numerous courts have recognized, the state and federal constitution protect an individual's ability to seek political office.
20. Defendant's enforcement actions and public conduct associated with those enforcement actions, including its threatened quo warranto proceeding, demonstrate that Plaintiff has stated a probable right to relief under the Equal Protection Clauses of the Texas and United States Constitutions.
21. Powered by People acted in a timely manner to seek relief from this Court to restrain Defendant from continuing to subject it to chilling and selective enforcement actions. Powered by People sought relief from this Court prior to the institution or attempted institution of any quo warranto proceedings in Tarrant County.
22. Powered by People is currently suffering irreparable constitutional harm from Defendant's enforcement actions. Forcing Powered by People to defend a quo warranto action in an improper venue would cause additional irreparable harm for which money damages cannot provide full relief.

It is, therefore, ORDERED that, pending further order of this Court or expiration of this

Order:

Defendant is restrained and enjoined from initiating, filing, or prosecuting any quo warranto proceeding against Powered by People (or its officers, directors, or founders) without leave of this Court or leave of another El Paso County District Court. Nothing in this Order is intended to bind any court; rather, it binds Defendant and those in active concert or participation with him.

Security

As security for this Order, Plaintiff shall post a bond in the amount of \$500.00 with the Clerk of this Court, conditioned as the rules require, on or before August 22, 2025. The Court sets the bond at a nominal amount in light of the non-pecuniary nature of the harm and the lack of any demonstrated monetary injury to Defendant.

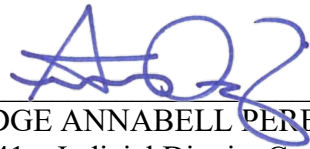
Setting and Notice of Temporary Injunction

Hearing on Temporary Injunction. The Court sets Plaintiff's Application for temporary injunction for hearing on August 29, 2025 at 8:30 a.m. MST in the courtroom of the 41st Judicial District Court, El Paso County, Texas. Defendant may appear and show cause why a temporary injunction should not issue.

Effective Date and Duration

This Temporary Restraining Order takes effect upon signing and shall expire 14 days thereafter, on September 2, 2025 unless extended by the Court for good cause, by agreement of the parties, or until it is superseded by a temporary injunction.

SIGNED on 19th day of August, 2025 at 2:10 p.m.(MST).



JUDGE ANNABELL PEREZ
41st Judicial District Court