

CAUSE NO. 348-367652-25

THE STATE OF TEXAS,	§	IN THE DISTRICT COURT
	§	
<i>Plaintiff,</i>	§	
v.	§	TARRANT COUNTY, TEXAS
	§	
ROBERT FRANCIS O’ROURKE and	§	
POWERED BY PEOPLE,	§	
	§	
<i>Defendants.</i>	§	348TH JUDICIAL DISTRICT

**EMERGENCY TEMPORARY RESTRAINING ORDER &
ORDER SETTING HEARING FOR TEMPORARY INJUNCTION**

After considering Plaintiff the State of Texas’s Application for an Emergency Temporary Restraining Order, the pleadings, the affidavits, and arguments of counsel, the Court finds that harm is imminent to the State, and if the Court does not issue the Temporary Restraining Order, the State will be irreparably injured and the Court improperly deprived of its jurisdiction.

Specifically, this Court has previously held that the State has a probable right to relief because Defendants’ conduct advertising and accepting political contributions from Texas consumers to pay for the personal expenses of Texas legislators constitutes false, misleading, or deceptive acts under the Texas Deceptive Trade Practices Act, Tex. Bus. & Com. Code §§ 17.46(a), (b)(2), (b)(5), (b)(7), and (b)(24), and directly violates or causes Texas legislators to violate Tex. Pen. Code § 36.01(3), 36.08, 36.10, Tex. Elec. Code § 253.035; and Rule 5, § 3 of the House Rules of Procedure. Because this conduct harms Texas consumers, restraining this conduct is in the public interest. Tex. Bus. & Com. Code § 17.47(a); *see also* Tex. Const. art. III, § 5; Emergency Petition for Writ of Quo Warranto, p. 4, *In Re Greg Abbott*, No. 25-0674 (Tex.).

After this Court entered a temporary restraining order restraining Defendants’ alleged misconduct and scheduled a temporary injunction hearing, Defendants sought a temporary

restraining order against Attorney General Ken Paxton restraining him from prosecuting the *quo warranto* claim before this Court wherein the State contends that Defendants directly violated or caused Texas legislators to violate Tex. Pen. Code § 36.01(3), 36.08, 36.10, Tex. Elec. Code § 253.035; and Rule 5, § 3 of the House Rules of Procedure. The El Paso District Court temporarily abated Defendants' proceedings before that Court to allow this Court to determine jurisdiction and venue in this suit. Then, after this Court found jurisdiction and venue were both proper, Defendants obtained a temporary restraining order from the El Paso Court restraining the State from prosecuting the *quo warranto* claims before this Court after that Court found that venue is improper in Tarrant County. Defendants scheduled a temporary injunction hearing for August 29, 2025, before this Court's scheduled temporary injunction hearing scheduled for September 2, 2025. The El Paso Court's temporary restraining order, moreover, remains in effect through September 4, 2025, after this Court's temporary injunction hearing.

The Court finds that venue for the State's *quo warranto* claims in this suit is in Tarrant County—not El Paso County—because all or a substantial part of the events or omissions giving rise to the claim occurred in Tarrant County. Tex. Civ. Prac. & Rem. Code § 15.002(a)(1).

The Court finds that an anti-suit injunction is necessary because Defendants have performed or are about to perform or are procuring or allowing the performance of an act relating to the subject of pending litigation, in violation of the rights of the State, and the act would tend to render the judgment in that litigation ineffectual." Tex. Civ. Prac. & Rem. Code § 65.011(2).

First, this Court has dominant jurisdiction that should be protected. This Court has dominant jurisdiction over El Paso because these proceedings were first-filed over the second-filed El Paso proceedings. *Perry v. Del Rio*, 66 S.W.3d 239, 252 (Tex. 2001). The same factual

allegations make up both the State's DTPA and *quo warranto* claims. See State's Am. Pet. This Court has previously ruled, when denying Defendants' Motion to Transfer Venue, that jurisdiction and venue are proper in Tarrant County because all or a substantial part of the events or omissions giving rise to the claim occurred in Tarrant County. Tex. Civ. Prac. & Rem. Code § 15.002(a)(1). The El Paso court has refused to yield to this Court's dominant jurisdiction by granting the State's Plea in Abatement, and Defendants' actions in El Paso County seek to deprive this Court of its jurisdiction by restraining and enjoining the State from prosecuting the *quo warranto* claims before this Court. Thus, anti-suit injunctive relief is warranted.

Second, this lawsuit centers on the evasion of important public policy to the State (*i.e.* private actors allegedly compensating or bribing lawmakers to flee the State or otherwise engage in unlawful activity to prevent the passage of legislation). It also involves an attempt by Defendants to evade this Court deciding these important public policy matters by restraining and enjoining the State from prosecuting the *quo warranto* claims before this Court. Thus, anti-suit injunctive relief is warranted.

Third, there are a multiplicity of related suits with overlapping claims and parties that cannot continue as parallel litigation because the El Paso Court has interjected itself into this Court's proceedings by restraining the State from prosecuting the *quo warranto* claims before this Court. Thus, anti-suit injunctive relief is warranted.

Fourth, Defendant is using the second-filed El Paso lawsuit to harass the State by restraining its behavior before this Court, to conduct discovery on the State's litigation strategy in this ongoing proceeding, and to obtain a harassing apex deposition of the Attorney General. The State has appealed the implicit denial of its Plea to the Jurisdiction and thereby invoked an

automatic stay on the El Paso proceedings. Yet, Defendants have represented that they do not recognize the El Paso proceedings as stayed and intend to continue to pursue discovery and a temporary injunction in violation of the automatic stay. Thus, anti-suit injunctive relief is warranted.

The Court finds that it is clear that equity demands anti-suit injunctive relief, therefore, the Court issues this Temporary Restraining Order, immediately restraining Defendants, their officers, agents, servants, employees, and attorneys, and those persons or entities in active concert or participation with them who receive actual notice of this Order by personal service or otherwise, from the following:

Initiating, filing, or prosecuting any suit, claim, or proceeding that seeks to restrain or enjoin the State from initiating, filing, or prosecuting the *quo warranto* claims alleged by the State in this proceeding.

Nothing in this Order is intended to bind another Texas Court; rather, it binds Defendants and those in active concert or participation with them.

The foregoing Order shall remain in effect from the date and time of the entry of this Order until fourteen days after entry or until further agreed by the parties or as otherwise ordered by this Court.

This Court further orders the Clerk to issue notice to Defendants Robert Francis O'Rourke and Powered by People that the hearing on the State's Application for Temporary Injunction is set for **September 2, 2025, at 9:00 a.m.** The purpose of the hearing will be to determine whether a temporary injunction should be issued upon the same grounds and particulars as specified herein. This hearing will take place in person in the 348th District Court, Tom Vandergriff Civil Courts Building, 100 North Calhoun Street, Fort Worth, TX 76196.

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

Pursuant to Texas Civil Practice & Remedies Code § 6.001(a), the State is exempt from bond requirements.

SIGNED August 25, 2025, at 11:26 a.m.



DISTRICT COURT JUDGE