

CAUSE NO. D-1-GN-20-003795

PUBLIC CITIZEN, INC.,	§	IN THE DISTRICT COURT
HUGH FITZSIMONS, and	§	
MOLLY K. ROOKE,	§	
Plaintiff,	§	
V.	§	OF TRAVIS COUNTY
	§	
RAILROAD COMMISSION	§	
OF TEXAS,	§	
CHAIRMAN WAYNE CHRISTIAN,	§	
and COMMISSIONERS	§	
CHRISTI CRADDICK and	§	
RYAN SITTON,	§	
Defendants.	§	53rd JUDICIAL DISTRICT

TEMPORARY INJUNCTION

1. On August 26, 2020, the Court heard Plaintiffs Public Citizen Inc.'s, Molly Rooke's, and Hugh Fitzsimmons' (collectively Public Citizen's) request for a temporary injunction. The parties appeared by logging into a Zoom proceeding set up by the Court and announced that they were ready to proceed. The Court considered the pleadings, the briefing, the evidence, and the arguments of counsel. The Court determined that Public Citizen's request should be granted solely on the basis of the Texas Open Meetings Act (TOMA) claims.

2. The Court finds and concludes as follows:

a. Section 551.041 of the TOMA requires that a governmental body “give written notice of the date, hour, place, and subject of each meeting held by the governmental body.” Tex. Gov’t Code Ann. §551.041.

b. The notice at issue in this case stated:

189. Consideration of issues and possible action related to the COVID 19 pandemic including but not limited to (1) potential waiver or suspension of applicable statutes, rules, final orders, or other regulatory requirements; and (2) analysis of potential relief or other economic development initiatives.

(RRC Open Meeting Notice for Tuesday, May 5, 2020, p. 16.)

c. The use of the general terms "potential waiver or suspension" of unspecified "rules" is insufficient notice to the public that the RRC would adopt orders that grant exceptions or provide the means to grant exceptions to rules without naming the specific rules at issue.

3. Therefore, the Court orders as follows:

a. Defendants shall be and are hereby enjoined from enforcing the three orders adopted at the May 5, 2020 meeting, in specific, the RRC May 5, 2020 Orders titled "Temporary Exceptions to Statewide Rules 8, 13, 14, and 107,"

"Temporary Exceptions to Certain Fees & Surcharges Required by Statewide Rule 78," and "Temporary Exceptions to Statewide Rule 95."

b. This order shall remain in place until the earlier of trial on the merits, which it set as described below, or, until Defendants post proper notice by naming in the notice the specific rules at issue.

c. The trial on the merits is set for May 10, 2021, at 9:00
a .m.

4. The Court sets bond at \$500, which shall be posted by Plaintiffs, by bond or by cash in lieu of bond.

SIGNED on December 8, 2020, at 8:55 a.m./p.m.



THE HONORABLE JAN SOIFER
JUDGE PRESIDING

APPROVED AS TO FORM ONLY:

/s/Jennifer S. Riggs_____

Jennifer S. Riggs
Texas Bar No. 16922300
Attorney for Plaintiffs

/s/Sara J. Ferris by JS Riggs with permission_____

Sara J. Ferris
Texas Bar No. 50511915
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Attorney for Defendants