



Having heard the applications of Plaintiffs La Joya ISD, Edinburg CISD, Hidalgo ISD, Brownsville ISD, Crowley ISD, Edcouch-Elsa ISD, Lasara ISD, Pharr-San Juan-Alamo ISD, DeSoto ISD, Lancaster ISD, Ben Bolt-Palito Blanco ISD, Fort Worth ISD, and El Paso ISD and Intervenor-Plaintiffs Shanetra Miles-Fowler, Elias Ponvert, Kim Taylor, Austin Community College District, Houston ISD, Dallas ISD, Northside ISD, Austin ISD, Aldine ISD, and Spring ISD for a temporary injunction prohibiting Governor Abbott and his officers, agents, servants, employees, and attorneys from enforcing the portions of GA-38 related to face coverings against Plaintiffs, Intervenor-Plaintiffs, and any school district located within Travis County until further order of this Court or until this Court issues a final judgment in the above-styled and numbered action, whichever event occurs first, the Court finds the applications have merit and should be granted.

1. Plaintiffs and Intervenor-Plaintiffs appeared through counsel and announced ready for a hearing on their applications for temporary injunction. Defendant Greg Abbott appeared through counsel and announced ready on the Plaintiffs' and Intervenor-Plaintiffs' applications for temporary injunction.

2. The Court considered the admitted exhibits and witness testimony presented by the parties at this hearing, along with all written and oral arguments submitted by the parties and counsel. The Court is of the opinion that the Plaintiffs and Intervenor-Plaintiffs have met their burden to show their probable right of recovery on their claims against Governor Abbott, in his official capacity, asserting that Defendant's conduct and/or threatened conduct is without legal authority, is *ultra vires*, and violates the Texas Constitution. Plaintiffs and Intervenor-Plaintiffs have shown a probable right to relief on the merits of their claims.

3. The Court finds that Plaintiffs and Intervenor-Plaintiffs have made a sufficient showing of a probable right to recovery on their contention that under a proper construction of the applicable provisions of the Texas Constitution, the Texas Disaster Act, and the Texas Education Code that Defendant Governor Abbott, in his official capacity is not authorized to declare by executive fiat that school districts are prohibited from requiring individuals to wear face coverings.

4. The Court finds that Plaintiff has made a sufficient showing that the above-discussed conduct is unlawful, *ultra vires* conduct that violates the Texas Constitution and would cause irreparable harm to Plaintiffs, Intervenor-Plaintiffs, and the students, staff, and communities of Plaintiffs and Intervenor-Plaintiffs.

5. The Court finds that Plaintiffs and Intervenor-Plaintiffs will have no adequate remedy at law unless Defendant Greg Abbott is temporarily enjoined from enforcing the portion of GA-38 that prohibits school districts from requiring individuals to wear face coverings pending further order of this court or final trial on the merits of this suit, whichever event should first occur.

6. The Court finds that the issuance of a temporary injunction will maintain the status quo between the parties during the pendency of such order. The Court finds that during the 2020–2021 school year Texas school districts were permitted to require individuals to wear face coverings.

7. The Court finds that the balance of potential, irreparable harm to Plaintiffs and Intervenor-Plaintiffs and their students, staff, and local communities that would be caused by a denial of the requested temporary injunction, outweighs the potential harm, if any, to Defendant and that the public interest is served by granting this temporary injunction. Absent this order, the school districts and community college district will be unable to adopt a face covering requirement to control the spread of the COVID-19 virus, which threatens to overwhelm public schools and

could result in more extreme measures such as the school closures that have already begun in several Texas school districts.

8. The Court finds that Plaintiffs and Intervenor-Plaintiffs seek only declaratory and prospective injunctive relief against Defendant based on the allegations that Defendant's actions and proposed actions are without legal authority and are *ultra vires* and violate the Texas Constitution.

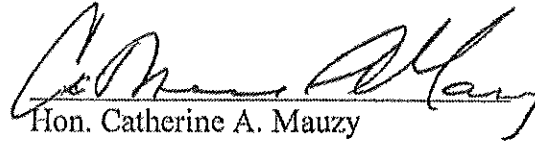
9. The Court finds that the amounts previously deposited with the Travis County District Clerk, constitute sufficient security, in lieu of bond, for any foreseeable harm or compensable damages that could result from the granting of this Temporary Injunction until further order of this Court or final judgment on the merits. This Temporary Injunction shall become effective immediately.

10. **IT IS THEREFORE ORDERED** that Defendant Greg Abbott, in his official capacity and his agents, servants, representatives, employees, designees, and officials acting in concert with him or on his behalf, are prohibited from enforcing the portions of GA-38 related to face coverings against Plaintiffs, Intervenor-Plaintiffs, and any school district located within Travis County until further order of this Court or until this Court issues a final judgment in the above-styled and numbered action, whichever event occurs first.

11. **IT IS FURTHER ORDERED** that trial on the merits of this case is set for January 18, 2023, at 9:00 o'clock a.m. in Travis County, Texas.

12. **IT IS FURTHER ORDERED** that the clerk of this Court shall forthwith, issue this Order Granting Temporary Injunction and Writ of Temporary Injunction in conformity with the law and the terms of this Order.

Signed and Entered on this the 27th day of August, 2021 at 3:15 P.M., in  
Travis County, Texas.



Hon. Catherine A. Mauzy  
District Judge Presiding