

THE STATE OF TEXAS,	§	
<i>Plaintiff,</i>	§	
	§	
v.	§	
	§	
DYNETTE DAVIS, in her official	§	
capacity as Board President and Trustee	§	
for Place 4,	§	
GOPAL PONANGI, in his official	§	
capacity as Board Vice President and	§	In the District Court of
Trustee for Place 1,	§	
RENE ARCHAMBAULT, in her official	§	
capacity as Board Secretary and Trustee	§	
for Place 7,	§	
MARVIN LOWE, in his official capacity	§	Collin County, Texas
as Trustee for Place 2,	§	
STEPHANIE ELAD, in her official	§	
capacity as Trustee for Place 3,	§	
MARK HILL, in his official capacity as	§	
Trustee for Place 5,	§	429 th Judicial District
JOHN CLASSE, in his official capacity	§	
as Trustee for Place 6,	§	
MIKE WALDRIP, in his official capacity	§	
as Superintendent of Schools,	§	
MEGAN DEWOLFE, in her official	§	
capacity as "Committee Chair," Frisco	§	
Independent School District,	§	
Government Affairs,	§	
<i>Defendants.</i>	§	

PLAINTIFF’S MOTION FOR CONTEMPT AND SHOW CAUSE ORDER

TO THE HONORABLE JUDGE JILL RENFRO WILLIS:

NOW COMES The State of Texas, by and through its attorney of record, Ken Paxton, Attorney General of Texas, and the undersigned Assistant Attorney General, and files this Plaintiff’s Motion for Contempt and Show Cause Order pursuant to Rule 692 of the Texas Rules of Civil Procedure, complaining of the actions of the

Defendants and would show the Court the following:

I. STATEMENT OF THE CASE

1.1 On February 28, 2024, Plaintiff filed Plaintiff's Original Petition and Request for a Temporary Restraining Order, Temporary Injunction, and Permanent Injunction alleging Defendants posted statements online which violated Texas Education Code § 11.169 and § 45.105(c) and Texas Election Code § 255.003(a).

1.2 Plaintiff obtained a Temporary Restraining Order (TRO) on February 29, 2024, at 2:44 p.m. in Collin County which enjoined Defendants and their agents from publishing the following statements, or any iteration thereof, through the use of governmental funds or resources:

a. "Last session, proposed legislation that tied public school funding to a voucher program failed, leaving Frisco ISD \$90 million behind 2019 funding levels. Many of the seats up for election do not have competitive races during the November general election, so whoever wins the primary – in most cases – will win the November election. That means candidates we're voting for right now will decide whether or not public schools get funded appropriately. Make your voice heard!"

b. "Very few competitive seats were left after Texas redistricted Senate and House districts in 2021. Redistricting mostly solidified which seats would be held by a Republican and which would be held by a Democrat. That means whoever wins the party's primary race will

most likely be elected in the general election in November 2024. This is why it is so important to vote in the primary elections in Texas.”

- c. “Since redistricting has mostly solidified which seats will be held by Republican and which will be held by a Democrat, some voters choose to vote in the primary of the party that’s most likely to win in their area, regardless of which party they normally identify with.”

1.3 Also, the TRO issued by this Court, which was drafted and submitted to the Court by counsel for the Defendants, stated: “This order is effective upon signing.”

II. STATEMENT OF FACTS

2.1 On or about March 12, 2024, Plaintiff reviewed Defendant’s Facebook page and X page,¹ @FISDGovAffairs.

2.2 On February 29, 2024, at 7:09 p.m.—just over four hours after the Court issued the TRO—Defendant posted the following statement on X: “The state legislature determines how much money districts can receive. They have not increased that per-student amount since 2019. Since then, we’ve experienced record inflation. Now, FISD is \$90 million behind in buying power.” *See Exhibit A*, attached hereto and incorporated herein by reference.

III. VIOLATIONS OF TEMPORARY RESTRAINING ORDER

3.1 Plaintiff repeats and re-alleges the facts stated above in paragraphs 2.1 and 2.2.

¹ Formally known as Twitter.

3.2 On February 29, 2024, at 2:44 pm, the Court entered a TRO against Defendants.

3.3 Defendants have violated the TRO by posting the statement in paragraph 2.2 on X just hours after the TRO went into effect.

3.4 The statement posted on X is a clear iteration of the first statement listed in the TRO.

3.5 As such, posting was a violation of the TRO causing Defendants to be in contempt of court.

IV. CONTEMPT AUTHORITY

4.1 The Texas Government Code authorizes courts to punish contempt by levying a fine of not more than \$500.00 for each act of contempt. Tex. Gov't Code Ann. 21.002(b). The purpose of civil contempt is to persuade the contemnor to obey the Court's order. *Ex Parte Hayes*, No. 05-17-00473-CV, 2017 WL 2889047, at *2 (Tex. App.—Dallas July 7, 2017, no. pet.) (mem. op.).

4.2 Because Defendants violated the TRO issued by the court, Plaintiff respectfully requests that this Court find them in contempt of court. The Plaintiff requests that Defendants be fined \$500.00 for each contemptuous violation of the TRO.

V. PRAYER

WHEREFORE PREMESIS CONSIDERED, the Plaintiff respectfully requests that Defendants be cited to appear herein in accordance with Rule 692 of the Texas Rules of Civil Procedure to show cause why she should not be held in contempt of

Court for disobeying the TRO issued by this Court on February 29, 2024, at 2:44 pm.

Plaintiff also prays that upon hearing, this Court will find Defendants in contempt and will punish Defendant accordingly by fining them \$500 for each act of contempt found by the Court.

Respectfully submitted,

KEN PAXTON
Attorney General of Texas

BRENT WEBSTER
First Assistant Attorney General

JAMES LLOYD
Deputy Attorney General for Civil Litigation

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Attorneys for Plaintiff

CERTIFICATE OF SERVICE


I hereby certify that a true and correct copy of the above and foregoing Plaintiff's Motion for Contempt and Show Cause Order has been served on March

13, 2024, on the following by e-service and/ or e-mail.

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Attorney for Defendants

/s/ Lauren McGee
Lauren McGee
Assistant Attorney General

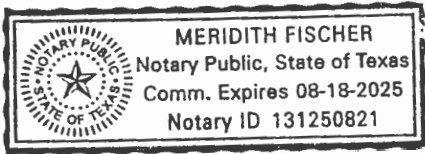


Roger M. Richmond

Sworn and subscribed before me on 13 March 2024.



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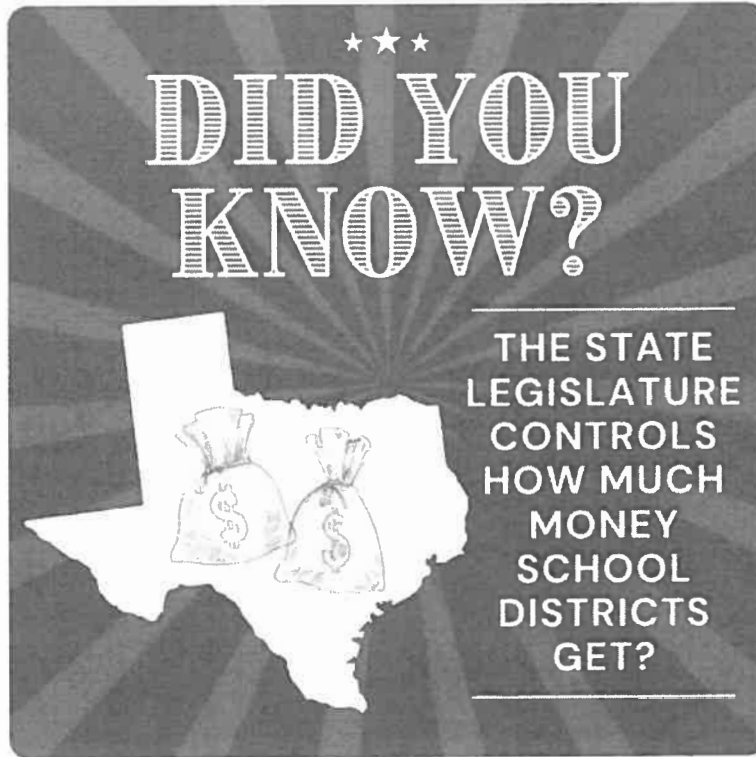
POST

EXHIBIT A

Frisco ISD Government Affairs
@FISDGovAffairs

The state legislature determines how much money districts can receive. They have not increased that per-student amount since 2019. Since then, we've experienced record inflation. Now, FISD is \$90 million behind in buying power.

Early voting is happening now!



7:09 PM · Feb 29, 2024 · 511 Views



5

8



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