

CAUSE NO. 153-319405-20

**KRISTIN GARCIA**

Plaintiff,

vs.

**CARROLL INDEPENDENT SCHOOL  
DISTRICT BOARD OF TRUSTEES,  
et al.**

Defendants.

IN THE DISTRICT COURT OF

TARRANT COUNTY, TEXAS

153rd DISTRICT COURT

**ORDER GRANTING PLAINTIFF’S  
EMERGENCY MOTION FOR TEMPORARY RESTRAINING ORDER**

Pending before the Court is an Emergency Motion for Temporary Restraining Order filed by Plaintiff Kristin Garcia. Due to the exigent circumstances set forth in Plaintiff’s emergency motion, the Court has considered the motion on an emergency, ex parte basis. After careful consideration of Plaintiff’s verified pleading, Plaintiff’s emergency motion, the evidence cited in Plaintiff’s emergency motion, and the applicable law, the Court finds Plaintiff’s emergency motion to be meritorious and makes the following findings.

1. Defendant CISD Board has the exclusive power to govern and oversee management of the Carroll ISD. *See* Tex. Education Code §§ 11.051 (a), 11.151 (b), (d).
2. In exercising its exclusive power to govern and oversee management of Carroll ISD, Defendant CISD Board was required to comply with the Texas Open Meetings Act. *See, e.g.*, Tex. Education Code § 11.051 (a-1).
3. On August 3, 2020, the CISD Board approved a motion by Sheri Mills to “receive” a proposed policy entitled “Cultural Competence Action Plan” (CCAP) and to “direct” the



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CISD administration to hold workshops on CCAP. The official Board Minutes state the following:

Motion was made by Sheri Mills and seconded by Danny Gilpin to receive the plan and *direct* the administration to hold a series of workshops for clarity on the Cultural Competence Action Plan (CCAP).

The motion was approved on a 5-2 vote.

4. Plaintiff has asserted violations of the Texas Open Meetings Act in connection with Defendant CISD Board's August 3, 2020 actions in connection with CCAP. Plaintiff asserts the August 3 CISD Board actions, both of receiving CCAP and directing the CISD administration to conduct workshops on CCAP, resulted from one or more violations of the TOMA committed by Defendants. The evidence attached to Plaintiff's verified petition and the evidence cited by Plaintiff in her emergency motion supports Plaintiff's claim that the CISD Board actions at issue were taken in violation of TOMA. This evidence tends to establish TOMA violations in failing to comply with TOMA's notice provisions and in assembling a quorum of CISD Board members (the individual defendants) who conducted secret deliberations concerning CCAP prior to the August 3 Board meeting.

4. After this suit was filed, Defendant CISD Board voted to rescind the motion that was approved at the meeting on August 3, 2020 regarding the CCAP. However, despite CISD Board's vote to rescind the August 3, 2020 CISD Board actions to "receive" the CCAP and to "direct" the CISD administration to hold workshops on that Plan, the evidence cited by Plaintiff in her emergency motion confirms CISD administration is continuing to carry out Defendant CISD Board's directive to hold a series of workshop meetings to clarify CCAP. Indeed, Plaintiff's evidence confirms CISD administration is rushing CCAP forward in an effort to drastically change the status quo and render any future judgment in this case ineffectual. The evidence demonstrates CISD Interim Superintendent Lyon directing CISD's District Diversity Council to move forward with revising and clarifying CCAP to enable CISD to officially publish CCAP prior to December 19, 2020. Further,

Defendants have filed documents with the Court containing statements that lead the Court to believe that CISD intends to implement CCAP in the very near future.

8. Plaintiff has a probable right to relief under TOMA. If Plaintiff's TOMA claims are ultimately established, such Act empowers the Court to stop, prevent, or reverse the Board actions at issue. *See* Tex. Gov't Code § 551.141 ("An action taken by a governmental body in violation of this chapter is voidable."), § 551.142 (a) ("An interested person . . . may bring an action by mandamus or injunction to stop, prevent, or reverse a violation . . . by members of a governmental body.").

9. Plaintiff has established that she will suffer a probable injury in the interim for which she will have no adequate remedy at law. An injury is irreparable if the injured party cannot be adequately compensated in damages, or if the damages cannot be measured by any certain pecuniary standard. *Butnara v. Ford Motor Co.*, 84 S.W. 3d 198, 204 (Tex. 2002); *T.L. v. Cook Children's Med. Ctr.*, 607 S.W.3d 9, 35 (Tex. App.—Fort Worth 2020, pet. denied) (citing *Butnara*). Plaintiff has demonstrated a probable and irreparable injury will occur if the Court does not preserve the status quo. Defendant CISD Board, by continuing to direct CISD administration to move CCAP forward to publication prior to the upcoming Winter Break, is attempting to deprive Plaintiff of the remedies available to her under TOMA. Thus, if the actions of Defendant CISD Board are not restrained immediately, Plaintiff will suffer an injury for which she cannot be adequately compensated in damages, and that cannot be measured by any certain pecuniary standard. Defendants have also made statements to the Court that also lead the Court to believe Plaintiff will be without inadequate remedies at law if the status quo is not preserved. According to Defendants, if Defendants proceed with their CCAP plans, Plaintiff's options will be:

- to exercise her right of free speech to complain about CCAP;
- to seek legislative action against CCAP;
- to try to change the composition of CISD's Board in an effort to overturn CCAP; or

- to move away and enroll her children in another school district.

The Court finds that none of these options constitutes an adequate remedy at law.

11. The Court finds that it must act to preserve the status quo in this case. Status quo is the “last actual, peaceable, non-contested status that preceded the pending controversy.” *In re Newton*, 146 S.W.3d 648, 651 (Tex. 2004) (orig. proceeding); *T.L.*, 607 S.W.3d at 34. In this case, the last peaceable non-contested status was prior to the Board’s August 3, 2020 vote to accept CCAP and directing the CISD administration to hold a series of workshop meetings on CCAP. Thus, the Court issues this Order to preserve this status quo. Further, the Court finds that Defendants will not suffer any pecuniary or non-pecuniary loss as a result of the Court’s temporary preservation of the status quo.

IT IS, THEREFORE, ORDERED that Defendant CISD Board must cease from taking any further administrative action to advance CCAP. Defendant CISD Board shall not permit CISD or any subcommittee of Defendant CISD Board, including the CISD District Diversity Council, to take any further action concerning CCAP. All CISD administrative work to advance CCAP, including work to clarify, revise, publish, or implement CCAP, shall immediately cease.

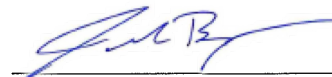
IT IS FURTHER ORDERED that this Order shall automatically expire (unless extended by further order of the Court) at midnight on the 14<sup>th</sup> day after this Order is signed. Thus, this Order shall expire (unless extended by further order of the Court) on December 14, 2020.

IT IS FURTHER ORDERED that a temporary injunction hearing is set on December 14, 2020. at 10:00 a.m.

IT IS FURTHER ORDERED that Plaintiff shall post a bond in the amount of  
\$ 100.00.

IT IS SO ORDERED.

Signed this 30th day of November, 2020.



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JUDGE PRESIDING

**From:** [Stacci L. Reynolds](#)  
**To:** [DUSTY@FILLMOREFIRM.COM](mailto:DUSTY@FILLMOREFIRM.COM); [JONATHAN@MITCHELL.LAW](mailto:JONATHAN@MITCHELL.LAW)  
**Subject:** 153-319405-20; Order Granting Emergency TRO  
**Date:** Tuesday, December 1, 2020 11:03:00 AM  
**Attachments:** [15331940520000051.pdf](#)

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Please find attached a signed order from the court.

Stacci L. Reynolds  
153<sup>rd</sup> Associate Court Clerk  
Tarrant County District Clerk  
100 N. Calhoun ST, 2<sup>nd</sup> Floor  
Fort Worth, TX 76196  
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