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SUPREME COURT OF TEXAS
BLAKE A. HAWTHORNE, CLERK

No. 26-1246

In the Supreme Court of Texas

IN RE TEXAS TRANSGENDER STUDENT UNION LLC,

Relator

On Petition for Writ of Mandamus to the

345th District Court of Travis County

Trial Court Cause No. D-1-GN-26-010559

REAL PARTY IN INTEREST TRANSGENDER EDUCATION NETWORK OF TEXAS'S RESPONSE TO RELATOR'S EMERGENCY MOTION FOR TEMPORARY RELIEF

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Counsel for Real Party in Interest Transgender Education Network of Texas

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To the Honorable Supreme Court of Texas:

Real Party in Interest Transgender Education Network of Texas ("TENT") submits this response to Relator's Emergency Motion for Temporary Relief, as directed by the Court's October 30, 2026 order.[1] Because TENT has nonsuited its Rule 202 petition as to Relator, the motion and the underlying petition for writ of mandamus are moot and should be dismissed.

INTRODUCTION

As revealed in the Rule 202 proceeding, Texas Transgender Student Union LLC ("TTSU") does not dispute that it is responsible for sending the "Texas Trans & LGBTQ+ Student Resource Guide" to millions of families with school-age children throughout Texas. Pet. 2; MR. 147. Addressed to the "students" in each household, this mailer advised those children on gender-affirming care and on steps toward emancipation if their parents do not support them. MR.78. This is TTSU's content, not TENT's, and TENT has never contacted other families' children about such subjects. MR.32, 78. TTSU nonetheless fraudulently presented that

[1] "Pet." and "Mot." refer to TTSU's petition for writ of mandamus and its emergency motion for temporary relief; "MR." refers to TTSU's mandamus record; and "App." refers to the appendix to this response.

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advice as TENT's by using TENT's name, logo, website, and photographs, under a return address nearly identical to TENT's own. MR.31. Days earlier, on October 12 and 13, 2026, statewide text messages naming no sender and pointing only to TENT's website were sent from two telephone numbers owned by Infobip LLC (collectively, the "Fraudulent Mailer and Messages"). MR.27, 77. Together, the Fraudulent Mailer and Messages reached millions of Texans. MR. 77-78.

As a result, TENT has suffered serious reputational and financial harm, including calls for governmental investigations into TENT and severe threats. TENT has been forced to shut down its website, suspend its educational programming, and bulk up security. MR.77-79.

On October 22, 2026, TENT petitioned under Rule 202 to try to discover who was responsible for the Fraudulent Mailer and Messages and allow TENT to file suit to stop further communications. MR.26-37. After an evidentiary hearing, the trial court rightly found that TENT satisfied the requirements for Rule 202 because TENT was "currently suffering injuries, including harassment, threats, diversion of resources, and frustration of operations," and the requested deposition therefore "may prevent a failure or delay of justice in an anticipated suit." App. B

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at 1. The court ordered the depositions of Infobip and TTSU. App. B; App. C. On October 28, 2026, Infobip's written deposition identified information about the clients underlying the text message campaigns. App. D. TTSU's corporate representative was scheduled to be deposed on Friday, October 30 but this Court administratively stayed the TTSU deposition. That same day, TENT nonsuited its Rule 202 petition as to TTSU. App. A.

Although TENT was entitled to the deposition as ordered by the trial court, TENT nonsuited for two reasons. *First,* TENT now has sufficient information to bring a lawsuit against TTSU and other parties responsible for the Fraudulent Mailer and Messages, which is precisely the purpose Rule 202 exists to serve. *Second,* TENT is a small nonprofit, and it intends to spend its limited resources pursuing those responsible rather than litigating over presuit discovery it no longer needs. Because the nonsuit was effective upon filing, there is no deposition left to stay and no relief left to grant. The motion for temporary relief and the petition should be dismissed as moot.

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BACKGROUND

A. The Fraudulent Mailer and Messages

On October 12 and 13, 2026, text messages were sent to Texans statewide from two telephone numbers owned by Infobip. MR. 27, 77. The messages identified no sender and directed recipients only to TENT's website. MR.77. As a result of the messages, on October 13, a state lawmaker publicly called on the Attorney General to investigate TENT. *Id.*

Days later, the mailer began reaching homes all across Texas. MR.30. Each envelope was addressed to the "Students Of The [Surname] Family," suggesting that TTSU had drawn these families from a list of households with school-age children. MR.31. Inside, TTSU's mailer (i) told those children what to do "if your parents don't support you," (ii) discussed going "out of state" for "hormones or gender affirming care," and (iii) asked children to consider, "What if I want to be emancipated?" MR.78. That content appeared alongside TENT's name, logo, website, and photographs of TENT's own events and merchandise, in an envelope bearing a nonexistent return address that is TENT's own address with one digit removed. *Id.*; *see* MR.101–05. TENT did not author, authorize,

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fund, or distribute any of these materials. MR.77–78. TTSU tells this Court that the text messages and mailers merely "incorporat[ed] TENT's public statements concerning gender-affirming care and school resources." Pet. 6. Not so: TENT has never directly targeted families with children about such subjects, and the mailer's advice to children is not TENT's. MR.78.

The consequences to TENT were immediate and severe. TENT was met with an onslaught of hateful and violent threats. MR.78-79. It deactivated its website, was forced to spend unbudgeted money to protect its staff and volunteers and suspended its programming. MR.79.

B. The Rule 202 Proceeding

On October 22, TENT filed a verified Rule 202 petition seeking to uncover the parties responsible. MR.26-37. At that time, though public reporting had identified a mysterious Wyoming LLC bearing the same name printed on the mailers, it was unclear whether that organization was indeed responsible. Therefore, TENT sought the deposition on written questions of Infobip and a corporate-representative deposition of TTSU, which is a newly formed Wyoming LLC with no natural human being publicly affiliated with the organization. *Id*. After an evidentiary

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hearing on October 27, the trial court granted the petition, finding that the requested discovery may prevent a failure or delay of justice and that its likely benefits outweigh its burden. App. B at 1; App. C. On October 29, Infobip answered its written questions and identified the parties on whose behalf the text messages were sent. App. D. Over the course of the proceedings related to the Rule 202 petition, including in its filings at this Court, TTSU made clear that it is in fact the entity responsible for the mailings, largely obviating the purpose of the original petition against TTSU.

Late evening on October 29, after the trial court had clarified that it had not ruled on TTSU's TCPA motion, MR.10-11, TTSU filed this original proceeding. On October 30, this Court administratively stayed the order authorizing TTSU's deposition (the "TTSU Order") "[w]ithout regard to the merits" and directed TENT to respond. That same day, TENT nonsuited its Rule 202 petition as to TTSU, confirmed that it will not take the deposition, and asked the trial court to sign an order dismissing the petition as to TTSU and vacating the TTSU Order. App.

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ARGUMENT

I. TENT's nonsuit moots the motion and the petition

A Rule 202 petitioner may nonsuit its petition. Tex. R. Civ. P. 162. A nonsuit "extinguishes a case or controversy from the moment the motion is filed," and "the only requirement is the mere filing of the motion with the clerk of the court." *Univ. of Tex. Med. Branch at Galveston v. Estate of Blackmon*, 195 S.W.3d 98, 100 (Tex. 2006) (per curiam) (quotation omitted). That remains true even when an interlocutory appeal is pending. *Id.* at 100-101. TENT's petition therefore ceased to exist on October 30, and with it any basis for the deposition that the TTSU Order authorized.

Because a proceeding becomes moot when intervening events make it "impossible for a court to grant any effectual relief whatever to the prevailing party," this proceeding is now moot. *Tex. Dep't of Fam. & Protective Servs. v. Grassroots Leadership, Inc.*, 717 S.W.3d 854, 876 (Tex. 2025) (quotation omitted); *see also Heckman v. Williamson County,* 369 S.W.3d 137, 162 (Tex. 2012) (when a case becomes moot, the court "must vacate any order or judgment previously issued and dismiss the case for want of jurisdiction"). TTSU's motion asks the Court to stay

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"every directive requiring a deposition, written response, document production, identity disclosure, or other compliance under the challenged Rule 202 order." Mot. 2. It asks the Court to halt further proceedings, vacate the order, and deny TENT's petition. Pet. 27. Because the nonsuit accomplishes all of those requests, the proceeding is now moot, and no order this Court could enter would affect either party's rights.

II. Nothing Else Keeps this Proceeding Alive

TTSU's lead argument is that its TCPA motion automatically suspended discovery under Tex. Civ. Prac. & Rem. Code § 27.003(c). Pet. 15–18; Mot. 7–8. That provision governs discovery, and because there is no longer any discovery to suspend, the provision has nothing to operate on. And whatever TTSU may contend about its TCPA motion's continued viability is a matter for the trial court in the first instance and, if necessary, for ordinary appellate review.[2]

[2] The TCPA does not apply here in any event. TCPA filings defined as a "legal action," are "connected by their function of commencing (or materially amending) a proceeding on a substantive legal claim." *Ferchichi v. Whataburger Rests, LLC,* 713 S.W.3d 330, 338 (Tex. 2025), and a Rule 202 petition "asserts no substantive claim or cause of action upon which relief can be granted." *Combs v. Tex. Civil Rights Project,* 410 S.W.3d 529, 534 (Tex. App.—Austin 2013, pet. denied); *Montoya Frazier v. Maxwell*, 734 S.W.3d 1 (Tex. App.—Fort Worth 2025, pet. denied) (en banc) (holding the amended TCPA cannot be used to dismiss a Rule 202 petition). And because section 27.003(c)'s suspension is triggered solely by "a motion under this section," *i.e.* a motion to dismiss a "legal action," section 27.0003(c) was never triggered, and

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Further, no exception applies because there is no reasonable expectation that TENT will seek presuit discovery from TTSU again. *Williams v. Lara*, 52 S.W.3d 171, 184 (Tex. 2001). Any further discovery will occur, if at all, in a filed lawsuit. Indeed, TTSU has said as much. *See* MR.151 ("If TENT believes this sufficient for a cause of action, nothing prevents it from filing suit."); Pet. 19 (TENT "could file suit against the known potential defendants and pursue ordinary discovery"). Now that TTSU has admitted that it is responsible for the mailers, and given that TENT has learned more about at least some of the parties responsible for the Fraudulent Mailer and Messages, it has enough evidence to bring suit.

Finally, TENT was entitled to the deposition. The trial court made both findings required under Rule 202.4(a) after an evidentiary hearing. App. B at 1. Nor is there any validity to TTSU's claim that it is protecting its right to "speak anonymously," because TTSU did not speak anonymously, and instead unlawfully spoke in TENT's name. TTSU therefore does not seek to protect a right, but to protect unlawful

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TTSU's motion suspended nothing. Nor did the trial court ever rule on that motion, MR.10-11, so there was no appealable order and no statutory stay. *See* Tex. Civ. Prac. & Rem. Code § 51.014(a)(12), (b).

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behavior. Tex. Civ. Prac. & Rem. Code § 143.001. But the Court need not reach any of TTSU's merits arguments, because the nonsuit has resolved the only dispute that TTSU brought to this Court.

PRAYER

TENT respectfully asks the Court to dismiss Relator's Emergency Motion for Temporary Relief and its petition for writ of mandamus as moot, and to grant TENT all other relief to which it is entitled.

Respectfully submitted,

/s/ Mimi Marziani
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Counsel for Real Party in Interest Transgender Education Network of Texas

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CERTIFICATE OF COMPLIANCE

I certify that this document contains [1,904] words in the portions subject to Texas Rule of Appellate Procedure 9.4(i), as calculated by Microsoft Word.

/s/ Mimi Marziani
Mimi Marziani

CERTIFICATE OF SERVICE

I certify that on November 2, 2026, this document was served through the Court's electronic filing system on counsel for Relator (Judd E. Stone II, Christopher D. Hilton, Ari Cuenin, and Anthony J. Rodregous, Stone Hilton PLLC); on Respondent, the Honorable Jan Soifer, 345th District Court, Travis County; and on counsel for Infobip LLC.

/s/ Mimi Marziani
Mimi Marziani

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No. 26-1246

In the Supreme Court of Texas

IN RE TEXAS TRANSGENDER STUDENT UNION LLC,

Relator

On Petition for Writ of Mandamus to the

345th District Court of Travis County

Trial Court Cause No. D-1-GN-26-010559

APPENDIX

Tab A Petitioner's Notice of Nonsuit Without Prejudice as to Texas Transgender Student Union LLC and, Alternatively, Motion to Dismiss (Oct. 30, 2026)

Tab B Order Granting Presuit Oral Deposition of the Corporate Representative of Texas Transgender Student Union LLC (Oct. 28, 2026)

Tab C Order Granting Presuit Deposition on Written Questions of the Corporate Representative of Infobip, LLC (Oct. 28, 2026)

Tab D Infobip LLC's Answers to Deposition on Written Questions (Oct. 29, 2026)

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TAB A

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CAUSE NO. D-1-GN-26-010559

IN RE	§	IN THE DISTRICT COURT
TRANSGENDER EDUCATION	§	
NETWORK OF TEXAS,	§	345TH JUDICIAL DISTRICT
	§	
Petitioner.	§	TRAVIS COUNTY, TEXAS

PETITIONER'S NOTICE OF NONSUIT WITHOUT PREJUDICE AS TO TEXAS TRANSGENDER STUDENT UNION LLC AND, ALTERNATIVELY, MOTION TO DISMISS

Under Texas Rule of Civil Procedure 162, Petitioner Transgender Education Network of Texas ("TENT") nonsuits without prejudice its Verified Petition for Presuit Discovery as to Texas Transgender Student Union LLC ("TTSU"). TENT filed its petition to learn who was responsible for the Mailer and Messages. Pet. at 2; Pet. 19(a)-(b). Based on information in the filings and at the hearings for this proceeding, as well as the written deposition that occurred, TENT now has enough information to file suit against the entities and individuals responsible, and no longer requires the Rule 202 deposition granted by this Court.

A Rule 202 petitioner may nonsuit its petition under Rule 162. *Florez v. Olibas*, 657 S.W.3d 31, 37 (Tex. App.—El Paso July 26, 2022, pet. denied) ("Appellee had every right to nonsuit his Rule 202 petition. See TEX. R. CIV. P. 162."); *see also Fox v. Hinderliter*, 222 S.W.3d 154, 157 (Tex. App.—San Antonio 2006, no pet.) **(**explaining that a "[g]enerally, a plaintiff has an unqualified right to dismiss a case or take a nonsuit"). And a nonsuit is effective on filing and "the only requirement is the mere filing of the motion with the clerk of the court." *Univ. of Tex. Med. Branch at Galveston v. Estate of Blackmon*, 195 S.W.3d 98, 100 (Tex. 2006) (per curiam); *see also* Shadowbrook Apts. v. Abu-Ahmad, 783 S.W.2d 210, 211 (Tex. 1990); *Greenberg v. Brookshire*, 640 S.W.2d 870, 872 (Tex. 1982). Further, the Court has no discretion to refuse to sign an order of dismissal. *In re Bennett*, 960 S.W.2d 35, 38 (Tex. 1997).

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In light of the nonsuit, TENT will not take the deposition authorized by the Court's Order Granting Presuit Oral Deposition of the Corporate Representative of Texas Transgender Student Union LLC, signed October 28, 2026 (the "TTSU Order"). TENT asks the Court to sign the attached order dismissing the petition as to TTSU without prejudice and vacating the TTSU Order.

Respectfully submitted,

/s/ Mimi Marziani
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ATTORNEYS FOR PETITIONER TRANSGENDER EDUCATION NETWORK OF TEXAS

CERTIFICATE OF SERVICE

I certify that on October 30, 2026, this document was served on all counsel of record through the electronic filing manager in accordance with Texas Rule of Civil Procedure 21a.

/s/ Mimi Marziani
Mimi Marziani

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TAB B

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D-1-GN-26-010559
Velva L. Price
District Clerk
Travis County

CAUSE NO. D-1-GN-26-010559

IN RE	§	IN THE DISTRICT COURT
TRANSGENDER EDUCATION	§	
NETWORK OF TEXAS,	§	345th JUDICIAL DISTRICT
	§	
Petitioner.	§	TRAVIS COUNTY, TEXAS

ORDER GRANTING PRESUIT ORAL DEPOSITION OF THE CORPORATE REPRESENTATIVE OF TEXAS TRANSGENDER STUDENT UNION LLC

After an evidentiary hearing on October 27, 2026, the Court considered Transgender Education Network of Texas's ("TENT") Verified Petition for Pre-Suit Discovery concerning Texas Transgender Student Union, LLC ("TTSU"), the admitted evidence, any responses, and arguments of counsel, the Court hereby:

GRANTS the request and further finds and concludes that:

1. TENT anticipates filing suit in a district court in Travis County, Texas.

2. TENT is currently suffering injuries, including harassment, threats, diversion of resources, and frustration of operations. Therefore, allowing TENT to take the requested deposition may prevent a failure or delay of justice in an anticipated suit.

3. TENT only seeks narrow factual questions which can be readily produced by TTSU. TENT's petition is investigatory only and would not in any way enjoin or otherwise curtail TTSU's speech.

4. The likely benefit of allowing the petitioner to take the requested deposition to investigate a potential claim outweighs the burden or expense of the procedure.

IT IS THEREFORE ORDERED that TENT is authorized to take the oral deposition of TTSU through a qualified custodian or designated representative(s) of a knowledgeable TTSU

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corporate representative. The Court-approved Attachment 1 is incorporated and attached to this order. Accordingly,

1. TTSU is directed to identify its representative or representatives and the topics in Attachment 1 assigned to each by October 28, 2026, at 5:00 P.M. Central Time. Each representative shall prepare to testify about information known or reasonably available to the organization within the authorized topics.

3. The examination shall begin on Friday, October 30, 2026, at 9:00 A.M. Central Time, remotely via a secure video conference link. The examination is to be administered and recorded by a person legally authorized to do so. The court reporter will be remote for purposes of transcribing the deposition.

4. Counsel may participate remotely by the secure means provided by the officer. TENT's counsel may participate from 500 W. 2nd Street, Suite 1900, Austin, Texas 78701. The Austin counsel address is not the witness's physical place of examination. No out-of-state witness is ordered to travel to Texas.

SIGNED on October 28, 2026.



Jan Soifer, Judge Presiding

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ATTACHMENT 1

SCOPE OF AUTHORIZED DISCOVERY

A. Instructions and Scope

Texas Trangender Student Union LLC (the "LLC") is directed to identify an organizational witness who is knowledgeable and able to answer questions about the following topics:

1. The creation and formation of the LLC.
2. The identity of the owners and operators of the LLC.
3. The LLC's involvement with the Mailer and Messages described in TENT's Rule 202 Petition.
4. The LLC's coordination with any other entities or individuals in planning, creating, and distributing the Mailer or Messages, including the identity of those entities or individuals.
5. The identity of any entity or individual who directly or indirectly provided anything of value to the planning, creation, or distribution of the Mailer or Messages.
6. Any agreements for the future reimbursement of any costs related to the planning, creation, or distribution of the Mailer or Messages.

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TAB C

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D-1-GN-26-010559
Velva L. Price
District Clerk
Travis County

CAUSE NO. D-1-GN-26-010559

IN RE	§	IN THE DISTRICT COURT
TRANSGENDER EDUCATION	§	
NETWORK OF TEXAS,	§	345th JUDICIAL DISTRICT
	§	
Petitioner.	§	TRAVIS COUNTY, TEXAS

ORDER GRANTING PRESUIT DEPOSITION ON WRITTEN QUESTIONS FOR THE CORPORATE REPRESENTATIVE OF INFOBIP LLC

After an evidentiary hearing on October 27, 2026, the Court considered Transgender Education Network of Texas's ("TENT") Verified Petition for Pre-Suit Discovery concerning Infobip LLC, the admitted evidence, any responses, and arguments of counsel, the Court hereby:

GRANTS the request and further finds and concludes that:

1. TENT anticipates filing suit in a district court in Travis County, Texas.
2. TENT is currently suffering acute injuries, including harassment, threats, diversion of resources, and frustration of operations. TENT needs additional information to enable it to effectively file suit to protect its interests and rights. Therefore, allowing TENT to take the requested deposition may prevent a failure or delay of justice in an anticipated suit.
3. TENT only seeks narrow factual questions which can be readily produced by Infobip LLC.
4. The likely benefit of allowing the petitioner to take the requested deposition to investigate a potential claim outweighs the burden or expense of the procedure.

IT IS THEREFORE ORDERED that TENT is authorized to take the organizational deposition on written questions of Infobip LLC through a qualified custodian or designated representative(s). The Court-approved Attachment 1 is incorporated and attached to this order. Accordingly,

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1. No later than 5:00 P.M. on Wednesday, October 28, Infobip LLC shall provide the written answers to the examination questions provided in Attachment 1 by its designated representative(s). Each representative shall prepare to testify about information known or reasonably available to the organization within the authorized topics. The examination is to be administered and recorded by a person legally authorized to do so.
2. The testimony and accompanying information provided in response to the examination questions may be provisionally designated as "Confidential Information," in whole or in part.
3. Any testimony or information marked as "Confidential Information," shall not be disclosed except for the purpose of investigating or bringing the potential claims described in this proceeding, or other claims arising from the same facts, and in no instance shall the entity providing the Confidential Information be publicly revealed absent a court order or agreement of the parties.
4. Following receipt of the deposition testimony, TENT may move this Court for an order removing the "Confidential Information" designation from the deposition testimony in whole or in part.
5. The Court will hear any motion to remove the designations of Confidential Information as to testimony or information on Thursday, October 29 at 4:00 P.M. or otherwise as directed by the Court at the Court's earliest convenience.

SIGNED on October 28, 2026.

Jan Soifer, Judge Presiding

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ATTACHMENT 1

SCOPE OF AUTHORIZED DISCOVERY

A. Definitions

1. "TENT" means Transgender Education Network of Texas.
2. "Infobip" means Infobip Voice US, Infobip LLC, and Peerless Network of Texas, LLC, now operating as part of Infobip.
3. "Mailer" means the mailings described in TENT's Rule 202 Petition, and attached to Exhibit B.
4. "Identified Numbers" means (432) 324-9190 and (432) 324-9938 assigned to Peerless Network of Texas, LLC, now operating as part of Infobip.
5. "Messages" mean the text messages transmissions sent to Texans on or around October 12 and 13, 2026 by the Identified Numbers and described in the TENT's Rule 202 Petition and attached to Exhibit A.
6. "Identify" means state the legal name, relevant business role, and reasonably available business address, business telephone number, and business email address. A usable counsel contact may be provided instead of any private home address.

B. Instructions and Limitations

1. Infobip is directed to identify an organizational witness who is able to answer the questions below from information known or reasonably available to the witness. The witness should be specifically knowledgeable about the Identified Numbers, Messages, Infobip Cease-and-Desist Letter and Infobip Cease-and-Desist Letter Response.

B. Direct Written Questions

1. State your name, position, and the duration of your employment with Infobip.

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2. Describe the steps taken to prepare for this deposition and the ordinary records searched to identify the account or accounts associated with each Identified Number and Messages.
3. Did Infobip assign, lease, provision, host, route for, or otherwise service either Identified Number?
4. Identify the direct customer, account holder, and/or reseller assigned each Identified Number, together with the account identifier and the assignment, reassignment, or termination dates relevant to that period.
5. Identify, by name and contact information, each natural person shown in Infobip's ordinary records for the responsive account(s) (including, but not limited to, the customer contact and billing contact) during the relevant period.
6. Identify, by name and contact information, each business entity shown in Infobip's ordinary records for the responsive account(s) (including, but not limited to, the customer contact and billing contact) during the relevant period.
7. If Infobip's direct customer was a reseller, aggregator, or other intermediary, identify the direct customer and any downstream customer or subaccount tied in the ordinary records to the Identified Numbers.
8. State the campaign, sender-profile, or registration identifiers tied to the Identified Numbers for the referenced dates, and identify the business registrant or submitting customer records for each.
9. Identify the person(s) or business(es) shown as the payer or billed customer for the relevant number or account service.
10. What information, if any, does InfoBip have related to Texas Transgender Student Union LLC?

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11. Identify each category of records produced, if any, and explain any field abbreviations necessary to understand the account relationship.

12. Are the answers complete to the extent information is known or reasonably available to Infobip? If not, identify any other known records custodian or business to which a targeted follow-up request should be directed.

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TAB D

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CAUSE NO. D-1-GN-26-010559

IN RE	§	**IN THE DISTRICT COURT OF**
	§	
TRANSGENDER EDUCATION	§	
NETWORK OF TEXAS,	§	**345TH JUDICIAL DISTRICT**
	§	
Petitioner.	§	**TRAVIS COUNTY TEXAS**

INFOBIP LLC'S RESPONSES TO PRE-SUIT DISCOVERY REQUESTS

A. Definitions

1. "TENT" means Transgender Education Network of Texas.
2. "Infobip" means Infobip Voice US, Infobip LLC, and Peerless Network of Texas, LLC, now operating as part of Infobip.
3. "Mailer" means the mailings described in TENT's Rule 202 Petition, and attached to Exhibit B.
4. "Identified Numbers" means (432) 324-9190 and (432) 324-9938 assigned to Peerless Network of Texas, LLC, now operating as part of Infobip.
5. "Messages" mean the text messages transmissions sent to Texans on or around October 12 and 13, 2026 by the Identified Numbers and described in the TENT's Rule 202 Petition.

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6. "Identify" means state the legal name, relevant business role, and reasonably available business address, business telephone number, and business email address. A usable counsel contact may be provided instead of any private home address.

B. Instructions and Limitations

1. Infobip is directed to identify an organizational witness who is able to answer the questions below from information known or reasonably available to the witness. The witness should be specifically knowledgeable about the Identified Numbers, Messages, Infobip Cease-and-Desist Letter and Infobip Cease-and-Desist Letter Response.

C. Direct Written Questions

1. State your name, position, and the duration of your employment with Infobip.

RESPONSE: Ethan Gustav, Group President of North America of. I have been employed by Infobip Inc. since approximately 2023.

2. Describe the steps taken to prepare for this deposition and the ordinary records searched to identify the account or accounts associated with each Identified Number and Messages.

RESPONSE: I have reviewed the customer agreement between Infobip Inc and **[BEGIN CONFIDENTIAL INFORMATION]** [redacted] **[END CONFIDENTIAL INFORMATION]** ("Customer") that is the Customer to which the Identified Numbers were assigned on October 12, 2026 and October 13, 2026, and I have reviewed internal Infobip information identifying the political campaign register for the text messages sent by the Customer associated with the Identified Numbers on October 12, 2026 and October 13, 2026. I have

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reviewed communications between Peerless and the Customer on or after October 12, 2026, and I have reviewed the Petition for Discovery filed by TENT.

3. Did Infobip assign, lease, provision, host, route for, or otherwise service either Identified Number?

RESPONSE: Yes, Infobip assigned these numbers to the Customer and the Customer routed text messages through the Infobip network.

4. Identify the direct customer, account holder, and/or reseller assigned each Identified Number, together with the account identifier and the assignment, reassignment, or termination dates relevant to that period.

RESPONSE: The customer of record for both numbers is identified to Infobip as **[BEGIN CONFIDENTIAL INFORMATION]** [redacted]

[END CONFIDENTIAL INFORMATION]

5. Identify, by name and contact information, each natural person shown in Infobip's ordinary records for the responsive account(s) (including, but not limited to, the customer contact and billing contact) during the relevant period.

RESPONSE: **[BEGIN CONFIDENTIAL INFORMATION]** [redacted]

[END CONFIDENTIAL INFORMATION]

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6. Identify, by name and contact information, each business entity shown in Infobip's ordinary records for the responsive account(s) (including, but not limited to, the customer contact and billing contact) during the relevant period.

RESPONSE: See response to Request Nos. 4 and 5.

7. If Infobip's direct customer was a reseller, aggregator, or other intermediary, identify the direct customer and any downstream customer or subaccount tied in the ordinary records to the Identified Numbers.

RESPONSE: Infobip does not have knowledge of facts relating to this request.

8. State the campaign, sender-profile, or registration identifiers tied to the Identified Numbers for the referenced dates, and identify the business registrant or submitting customer records for each.

RESPONSE: [BEGIN CONFIDENTIAL INFORMATION] Upon information and belief the text campaign is registered on behalf of "Republican Women Caucus Fund". ID:c5018025-e000-e452a-9e26-2c44597771e6 and "John Braun" ID 115816e4-c40b-414a-9825-deecfe0589dd. **[END CONFIDENTIAL INFORMATION]**

9. Identify the person(s) or business(es) shown as the payer or billed customer for the relevant number or account service.

RESPONSE: Infobip Customer **[BEGIN CONFIDENTIAL INFORMATION]** [redacted] **[END CONFIDENTIAL INFORMATION]**

10. What information, if any, does Infobip have related to Texas Transgender Student Union LLC?

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RESPONSE: Infobip has no knowledge of having a business relationship with Texas Transgender Student Union LLC.

11. Identify each category of records produced, and explain any field abbreviations necessary to understand the account relationship.

RESPONSE: Not applicable.

12. For a requested category not produced, state whether (i) no responsive record was found, (ii) the record is outside the witness entity's possession, custody, or control, (iii) it is withheld on a stated objection, or (iv) it is no longer retained. State any known retention limit or deletion date.

RESPONSE: Not applicable.

13. Are the answers complete to the extent information is known or reasonably available to Infobip? If not, identify any other known records custodian or business to which a targeted follow-up request should be directed.

RESPONSE: The answers are complete to the extent information is known or reasonably available to Infobip,

Further Affiant sayeth not.

Ethan Gustav

Name of witness Ethan Gustav

In the state of Texas, county of Tarrant, appeared: Ethan Samuel Gustav

Subscribed and sworn to before me this 28th day of October 2026

Notary Public, State of Texas

Notary Public

NOTARY PUBLIC STATE OF TEXAS

John D Clark

ID NUMBER
13240917-9
COMMISSION EXPIRES
March 18, 2028

Electronically signed and notarized online using the Proof platform.

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Automated Certificate of eService

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Joaquin Gonzalez on behalf of Joaquin Gonzalez
Bar No. 24109935
jgonzalez@msgpllc.com
Envelope ID: 121938092
Filing Code Description: Response to Motion
Filing Description: Real Party in Interest Transgender Education Network of Texas's Response to Relator's Emergency Motion for Temporary Relief
Status as of 11/2/2026 9:58 AM CST

Associated Case Party: Texas Transgender Student Union LLC

Name	BarNumber	Email	TimestampSubmitted	Status
Christopher Hilton	24087727	chris@stonehilton.com	11/2/2026 9:52:56 AM	SENT
Judd Stone	24076720	Judd@stonehilton.com	11/2/2026 9:52:56 AM	SENT
Anthony Rodregous	24146382	anthony@stonehilton.com	11/2/2026 9:52:56 AM	SENT

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Rosalinda Luna		rosie@stonehilton.com	11/2/2026 9:52:56 AM	SENT
Maria Mendoza		maria@stonehilton.com	11/2/2026 9:52:56 AM	SENT
Brian Falligant`		bfalligant@inquestresources.com	11/2/2026 9:52:56 AM	SENT
Joaquin Gonzalez		jgonzalez@msgpllc.com	11/2/2026 9:52:56 AM	SENT
Mimi Marziani	24091906	mmarziani@msgpllc.com	11/2/2026 9:52:56 AM	SENT
Rebecca Stevens		bstevens@msgpllc.com	11/2/2026 9:52:56 AM	SENT

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