

CAUSE NO. 2014-61812

JACK PIDGEON AND
LARRY HICKS,
PLAINTIFFS,

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IN THE DISTRICT COURT

A3
Dinjx

v.

HARRIS COUNTY, TEXAS

MAYOR ANNISE PARKER AND
CITY OF HOUSTON,
DEFENDANTS.

310th
245th JUDICIAL DISTRICT

Temporary Restraining Order

The Court considered the Plaintiffs' application for a temporary ~~restraining order~~ ^{*injunction*} at a hearing on ~~October 5~~ ^{*November 5*}, 2014. It has the parties' pleadings and filings, the parties' arguments, and the evidence presented; and it takes judicial notice of the earlier arguments and rulings in this case. The Court renders this temporary ~~restraining order~~ ^{*injunction*} based on that consideration.

Findings

There is evidence that, and the Court finds, that:

A. Law.

1. The City's charter prohibits the City's furnishing employment benefits to anyone other than employees, their spouses, and their dependent children.
2. The Texas Family Code prohibits political subdivisions of the state from giving effect to (1) government proceedings that create, recognize, or validate a marriage between persons of the same sex and (2) rights or claims to legal benefits a person asserts as a result of a marriage between persons of the same sex.
3. The Texas Constitution defines marriage as a union of one man and one woman, and it prohibits the state's political subdivisions from recognizing a legal status identical to marriage.

B. City's status and actions.

1. The City is a political subdivision of the State of Texas.

2. Parker has ordered the City's Human Resources Department to furnish spousal benefits to persons who were married in another jurisdiction to a City employee of the same sex.

3. The Defendants have spent, or absent this restraining order will spend, City funds to extend those benefits to those persons.

C. City's violations of the law.

4. Spending funds in that manner will recognize a union between two people of the same sex as a status identical to the Texas Constitution's definition of marriage. That expenditure is thus barred by the Texas Constitution.

5. Spending funds in that manner recognizes and validates a marriage between persons of the same sex. That expenditure is thus barred by the Family Code.

6. Spending funds in that manner gives effect to a right or claim to benefits asserted as the result of a marriage between persons of the same sex. That expenditure is thus barred by the Family Code.

7. Spending funds in that manner will furnish employment benefits to persons who are not an employee's legal spouse or dependent children. That expenditure is thus barred by the City's charter.

D. Entitlement to temporary restraint.

8. The Plaintiffs have standing as taxpayers to sue to prevent those illegal expenditures.

9. Because the City has already spent, or absent this restraining order will spend, those funds, the harm from those illegal expenditures is imminent. If the City has already spent those funds, the harm is actual; if it is about to spend those funds, it is probable.

10. The harm from those illegal expenditures is, and will be, irreparable.

11. There is no legally adequate remedy for the City's illegal expenditures.

12. The Plaintiffs have introduced evidence tending to sustain their claims against the Defendants.

13. That evidence demonstrates the Plaintiffs' entitlement to have the last peaceable, uncontested status preserved pending the outcome of this suit.

Order

Based on these findings, the Court orders that:

A. Temporary restraint.

The City is prohibited from furnishing benefits to persons who were married in other jurisdictions to City employees of the same sex.

B. Bond.

The Plaintiffs' bond for this order is set at \$250 per plaintiff—\$500 in total. Bonds previously deposited with the clerk are continued.

C. Hearing.

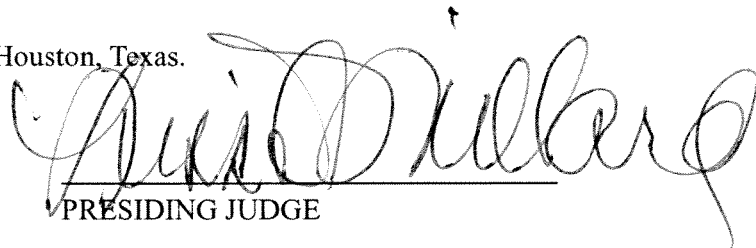
The Court ^{will try the case} ~~will hear the Plaintiffs' request for a temporary injunction~~ on December 14, 2014, at _____ e. @ 9:00 a.m

D. Expiration.

This order expires on _____, 2014.

Signed on ^{November} ~~October~~ __, 2014, at Houston, Texas.

NOV - 5 2014



PRESIDING JUDGE