

AUG 30 2023

At 12:00 P.M.
Velva L. Price, District Clerk

CAUSE NO. D-1-GN-23-003474

THE CITY OF HOUSTON,
Plaintiff, and

THE CITY OF SAN ANTONIO AND
THE CITY OF EL PASO,
Intervenors

v.

THE STATE OF TEXAS,
Defendant

§ IN THE DISTRICT COURT OF
§
§
§
§ TRAVIS COUNTY, TEXAS
§
§
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§
§
§ 345th JUDICIAL DISTRICT

FINAL JUDGMENT

On August 30, 2023, the Court held a hearing on: (1) the City of Houston’s Traditional Motion for Summary Judgment (“Houston’s MSJ”); and (2) Defendant’s Motion to Dismiss Based on Lack of Subject Matter Jurisdiction (“State’s Motion”). The Court heard argument from counsel for Plaintiff the City of Houston, Intervenors the City of San Antonio and the City of El Paso, and Defendant the State of Texas. The Court considered the pleadings on file, the motions, responses, and replies, and the amicus filings. The Court ORDERS as follows:

The Court finds that it has jurisdiction over the claims and the parties. The State’s Motion is therefore DENIED.

IT IS FURTHER ORDERED that Houston’s MSJ is GRANTED.

For the reasons stated in Houston’s MSJ, the Court DECLARES House Bill 2127 in its entirety is unconstitutional—facially, and as applied to Houston as a constitutional home rule city and to local laws that are not already preempted under article XI, section 5

of the Texas Constitution—because, in the absence of a severability clause, no provision can be given effect without the invalid provisions and application.

IT IS FURTHER ORDERED that the Court's declaration regarding House Bill 2127 grants the relief that Intervenors sought through their petition. This Final Judgment therefore resolves the claims of Intervenors.

IT IS FURTHER ORDERED that the Court grants Intervenors' non-suit of their claim for attorney's fees pursuant to Chapter 37 of the Texas Civil Practice and Remedies Code.

IT IS FURTHER ORDERED that any claim by Barney Donalson, to the extent that he appeared as a party to this action, is DISMISSED.

This Final Judgment resolves all parties and all claims in this action. It is final and appealable.

IT IS SO ORDERED.

Signed August 30, 2023.


Hon. Maya Guerra Gamble

APPROVED AS TO FORM AND SUBSTANCE:

Counsel for Plaintiff the City of Houston

Counsel for Intervenors the City of San Antonio
and the City of El Paso

APPROVED AS TO FORM ONLY:

Counsel for Defendant the State of Texas