

Motion Granted in Part; Order and Dissent to Order filed May 14, 2020.



In The

Fourteenth Court of Appeals

NO. 14-20-00358-CV

STATE OF TEXAS, Appellant

V.

**TEXAS DEMOCRATIC PARTY, GILBERTO HINOJOSA, IN HIS CAPACITY
AS CHAIRMAN OF THE TEXAS DEMOCRATIC PARTY, JOSEPH
DANIEL CASCINO, SHANDA MARIE SANSING, ZACHARY PRICE,
LEAGUE OF WOMEN VOTERS OF TEXAS, LEAGUE OF WOMEN
VOTERS OF AUSTIN AREA, WORKERS DEFENSE ACTION FUND,
AND MOVE TEXAS ACTION FUND, Appellees**

**On Appeal from the 201st District Court
Travis County, Texas
Trial Court Cause No. D-1-GN-20-001610**

ORDER

On May 5, 2020, appellees Texas Democratic Party, Gilberto Hinojosa, in his capacity as Chairman of the Texas Democratic Party, Joseph Daniel Cascino, Shanda Marie Sansing, Zachary Price, League of Women Voters of Texas, League

of Women Voters of Austin Area, Workers Defense Action Fund, and MOVE Texas Action Fund filed an emergency motion pursuant to Texas Rules of Appellate Procedure 29.3 and 29.4, asking this court to either enforce the trial court’s temporary injunction or to issue an order that the trial court’s injunction remains in effect to preserve the parties’ rights until the disposition of the appeal.

Texas Rule of Appellate Procedure Rule 29.3 states “When an appeal from an interlocutory order is perfected, the appellate court may make any temporary orders necessary to preserve the parties’ rights until disposition of the appeal and may require appropriate security.” Tex. R. App. P. 29.3.

In *Tex. Educ. Agency v. Houston Indep. Sch. Dist.*, No. 03-20-00025-CV, 2020 WL 1966314, at *5 (Tex. App.—Austin Apr. 24, 2020, order), the Austin Court of Appeals held that, pursuant to our appellate jurisdiction in an interlocutory appeal, Texas Rule of Appellate Procedure 29.3 provides a mechanism by which we may exercise the scope of our authority over parties, including our inherent power to prevent irreparable harm to parties properly before us. (citing *In re Geomet Recycling, LLC*, 578 S.W.3d 82, 90 (Tex. 2019) (“We find no reason to doubt that the court of appeals had the authority to make orders protecting EMR against irreparable harm using Rule 29.3.”)).

We conclude that under the circumstances presented here, where appellees allege irreparable harm, under the binding authority of the Austin Court, we must exercise our inherent authority under Rule 29.3.¹ We conclude that such a temporary order is necessary in this case to preserve the parties’ rights. Accordingly, we grant

¹ The Texas Supreme Court ordered the Third Court of Appeals to transfer this case to our court. Under the Texas Rules of Appellate Procedure, “the court of appeals to which the case is transferred must decide the case in accordance with the precedent of the transferor court under principles of stare decisis if the transferee court’s decision otherwise would have been inconsistent with the precedent of the transferor court.” Tex. R. App. P. 41.3.

appellees' motion for temporary orders under Rule 29.3 and order that the trial court's temporary injunction remains in effect until disposition of this appeal. No security is required from appellees because the State has not shown that it will incur monetary damages as a result of the injunction. *See* Tex. R. App. P. 29.3.

/s/ Margaret "Meg" Poissant

Margaret "Meg" Poissant
Justice

Panel consists of Chief Justice Frost and Justices Zimmerer and Poissant (Frost, C.J., dissenting).

Publish.

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Associated Case Party: League of Women Voters of Austin-Area

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Associated Case Party: MOVE Texas Action Fund

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Associated Case Party: Workers Defense Action Fund

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