

STIRR DALLAS, LLC, CITIZEN UPTOWN, LIMITED LIABILITY COMPANY, THAT'S NOT A TYPO, LLC, NOT UPTOWN, LLC., BIG FACE HENDO'S, LLC, REALHART, LLC, THE SIDE STREET BAR, INC. and Michael Blohm d/b/a Island Club,

Plaintiffs,

v.

GREGORY WAYNE ABBOTT, IN HIS OFFICIAL CAPACITY AS GOVERNOR OF TEXAS,

Defendant.

IN THE DISTRICT COURT

OF DALLAS COUNTY, TEXAS

68th JUDICIAL DISTRICT

ORDER DENYING DEFENDANT'S PLEA TO THE JURISDICTION, GRANTING LEAVE FOR PLAINTIFFS TO JOIN THE TEXAS ALCOHOLIC AND BEVERAGE COMMISSION AS A PARTY DEFENDANT, AND GRANTING THE EXPEDITED DEPOSITIONS OF COVID-19 STRIKE FORCE MEMBERS ROBERT ROWLINGS AND TILMAN FERTITTA FOR THEIR ORAL AND VIDEOTAPED DEPOSITIONS PRIOR TO THE TEMPORARY INJUNCTION HEARING CURRENTLY SCHEDULED FOR JULY 27, 2020

CAME ON TO BE HEARD Defendant Governor Greg Abbott's Plea to the Jurisdiction. The parties appeared through their respective counsel of record. The Court, after review of the pleadings on file, having considered the Defendant's Plea to the Jurisdiction, Plaintiffs' response thereto, and the arguments of counsel, is of the opinion that Defendant's Plea to the Jurisdiction should be DENIED. IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED that Defendant's Plea to the Jurisdiction is hereby DENIED.

CAME ON FOR CONSIDERATION, Plaintiffs Request for Leave to add the Texas Alcohol and Beverage Commission (“TABC”) as an additional defendant in this case. The parties appeared through their respective counsel of record. The Court, after review of the pleadings on file, having considered the Plaintiffs’ request, Defendant’s response thereto, and the arguments of counsel, is of the opinion that Plaintiffs’ request for leave to add the TABC as an additional defendant in this case is GRANTED.

It is therefore ORDERED, ADJUDGED, AND DECREED that Plaintiffs request for expedited discovery is granted. Specifically, the Court instructed Counsel for the Defendant on July 14, 2020 to be prepared to provide the Court with the name of an individual with authority to speak on behalf of the Governor as it related to the allegations in this lawsuit and GA-28. On July 21, 2020, the Court asked Counsel for Defendant to provide a name of an individual with authority to speak on behalf of the Governor and Counsel did not provide a name. As a result of Defendant’s failure to provide the Court with a name, the Court has ordered that Defendant shall produce COVID-19 Strike Force Members Robert Rowling (“Rowling”) and Tilman Fertitta (“Fertitta”) for their oral and videotaped depositions prior to the Temporary Injunction Hearing currently scheduled for Monday, July 27, 2020 at 4:00 p.m.

Specifically, Rowling and Fertitta were chosen because the Defendant in the preamble to GA-28 stated among other things that the order GA-28 was made in accordance with guidance from the Governor’s Strike Force to Open Texas of which Rowling and Fertitta are members. The Governor’s Strike Force to Open Texas is charged with safely and strategically restarting and revitalizing all aspects of the Lone Star State – work, school, entertainment and culture. Rowling’s and Fertitta’s testimony is necessary

because these individuals on the Strike Force have businesses that have not been shut down, despite the fact that their businesses have components to them that are identical to standalone bars that were shut down. Rowling has contributed over \$750,000 to Governor Abbott; Fertitta has given him \$500,000; and the Plaintiffs have not contributed to Governor Abbott at all. In short, Rowling's and Fertitta's testimony is critical to an understanding whether the order GA-28 has a rational basis or was it a result of political influence and political pandering.

SIGNED on this the 24th day of July 2020.



HONORABLE JUDGE PRESIDING