

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

**FILED**  
November 10, 2021  
CLERK, U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXAS

BY: \_\_\_\_\_ SO \_\_\_\_\_  
DEPUTY

E.T., BY AND THROUGH HER §  
PARENTS AND NEXT FRIENDS; D.D., §  
BY AND THROUGH HER PARENTS §  
AND NEXT FRIENDS; J.R., BY AND §  
THROUGH HER PARENTS AND NEXT §  
FRIENDS; H.M, BY AND THROUGH §  
HER PARENTS AND NEXT FRIENDS; §  
E.S., BY AND THROUGH HER §  
PARENTS AND NEXT FRIENDS; §  
M.P, BY AND THROUGH HER §  
PARENTS AND NEXT FRIENDS; S.P., §  
BY AND THROUGH HER PARENTS §  
AND NEXT FRIENDS; AND §  
A.M., BY AND THROUGH HER §  
PARENTS AND NEXT FRIENDS, §  
PLAINTIFFS, §

CAUSE NO. 1:21-CV-717-LY

V. §

MIKE MORATH, IN HIS OFFICIAL §  
CAPACITY AS THE COMMISSIONER §  
OF THE TEXAS EDUCATION §  
AGENCY; THE TEXAS EDUCATION §  
AGENCY; AND ATTORNEY GENERAL §  
KENNETH PAXTON, IN HIS OFFICIAL §  
CAPACITY AS ATTORNEY GENERAL §  
OF TEXAS, §  
DEFENDANTS. §

**PERMANENT INJUNCTION AND FINAL JUDGMENT**

BE IT REMEMBERED that on October 6, 2021, the court called the above styled and numbered cause for bench trial, all parties announced ready, and the trial proceeded and concluded. On this date, by separate Memorandum Opinion Incorporating Findings of Fact and Conclusions of Law and Order on Motion to Dismiss, the court dismissed without prejudice Plaintiffs' claims against Defendants Mike Morath and the Texas Education Agency for lack of subject-matter

jurisdiction and determined that Governor Greg Abbott's Executive Order GA-38 violates federal law and is preempted by federal law. Therefore,

**IT IS ORDERED** and the court **HEREBY DECLARES** that Paragraph 4 of Governor Greg Abbott's Executive Order GA-38 violates Title II of the Americans with Disabilities Act of 1990 ("ADA") and Section 504 of the Rehabilitation Act of 1973 ("Section 504"), and is preempted by the ADA, Section 504, and the American Rescue Plan Act of 2021, insofar as Paragraph 4 applies to school districts, as that term is used in Executive Order GA-38, in Texas.

**IT IS FURTHER ORDERED** that Defendant Kenneth Paxton, Attorney General of Texas as well as his employees, agents, servants, designees, and successors in office are **HEREBY ENJOINED** from imposing any fines, withholding state and federal educational funds, bringing any legal action to enforce or in any way attempting to enforce Paragraph 4 of Executive Order GA-38 insofar as Paragraph 4 applies to school districts, as that term is used in Executive Order GA-38, in Texas.

**IT IS FURTHER ORDERED** that Plaintiffs shall recover their costs of court from Defendant Attorney General Paxton.

Any claim for attorney's fees incurred in this action will be determined post judgment and pursuant to Rule CV-7(j), of the Local Rules of the United States District Court for the Western District of Texas.

As all disputes among the parties have been resolved, the court renders the following Final Judgment pursuant to Federal Rule of Civil Procedure 58.

**IT IS FINALLY ORDERED** that the case is hereby **CLOSED**.

SIGNED this 10th day of November, 2021.

  
\_\_\_\_\_  
LEE YEAKEL  
UNITED STATES DISTRICT JUDGE