

CAUSE NO. D-1-GN-19-006941

TEXAS COMMISSION ON
ENVIRONMENTAL QUALITY
Plaintiff,

v.

KEN PAXTON, ATTORNEY GENERAL OF TEXAS,
Defendant,
and

SIERRA CLUB
Defendant-Intervenor.

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IN THE DISTRICT COURT OF

TRAVIS COUNTY, TEXAS

53RD JUDICIAL DISTRICT

ORDER ON CROSS-MOTIONS FOR SUMMARY JUDGMENT AND FINAL JUDGMENT

On December 8, 2020, the Court held a hearing in the above-styled cause on the Motion for Summary Judgment of the Texas Commission on Environmental Quality (TCEQ) and the Motion for Summary Judgment of Sierra Club. The Court reviewed *in camera* the information at issue, which was submitted as Sierra Club MSJ Exhibit 28, consisting of documents Bates Numbered 0001 through 6414. In addition, the Court permitted additional briefing, which resulted in the filing of TCEQ's Third Amended MSJ and Sierra Club's Amendment to Reply in Support of its MSJ and Supplemental Response to TCEQ's Third Amended MSJ.

After considering the motions, the responses, and the replies; the summary judgment evidence; the arguments of counsel; and the pleadings on file, the Court hereby DENIES the Motion for Summary Judgment of TCEQ and GRANTS the Motion for Summary Judgment of Sierra Club.

Accordingly, it is ORDERED, ADJUDGED, and FINALLY DECREED that TCEQ TAKE NOTHING by its claims against Ken Paxton, Attorney General of Texas.

It is further ORDERED, ADJUDGED, and FINALLY DECREED that TCEQ is ORDERED to produce to Sierra Club the documents submitted *in camera* as Sierra Club MSJ Exhibit 28, consisting of documents Bates Numbered 0001 through 6414.

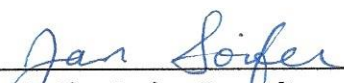
The Clerk shall issue a writ of mandamus to TCEQ requiring production to Sierra Club of the documents submitted *in camera* as Sierra Club MSJ Exhibit 28, consisting of documents Bates Numbered 0001 through 6414.

It is further ORDERED, ADJUDGED, and FINALLY DECREED that Sierra Club shall have and recover \$7,500 from TCEQ as reasonable and necessary attorneys' fees for proceedings in this Court. It is further ORDERED, ADJUDGED, and FINALLY DECREED that Sierra Club shall have and recover from TCEQ additional attorneys' fees on the following conditions and in the following amounts: if a notice of appeal is filed, an additional \$20,000 in reasonable and necessary attorneys' fees; if a petition for review is filed in the Texas Supreme Court, an additional \$7,500 in reasonable and necessary attorneys' fees; if briefing on the merits is requested in the Texas Supreme Court, an additional \$10,000 in reasonable and necessary attorneys' fees; and if oral argument is set in the Texas Supreme Court, an additional \$7,500 in reasonable and necessary attorneys' fees. Amounts awarded shall bear post-judgment interest at the rate of five percent, compounded annually.

Costs of court are adjudged against TCEQ.

All relief not granted herein is denied. This is a final, appealable judgment that disposes of all claims by all parties.

SIGNED on May 5, 2021.



Jan Soifer, Judge Presiding