

Case:

**03-18-00261-CV**

Date Filed:

04/17/2018

Case Type:

Administrative law

Style:

Texas Department of Family and Protective Services; Henry Whitman, in His Official Capacity as DFPS Commissioner; Texas Health and Human Services; Charles Smith, in his Official Capacity as HHSC Executive Commissioner and Corrections Corporation of America, and The GEO Group, Inc.

v.:

Grassroots Leadership, Inc., Gloria Valenzuela, E.G.S., for herself and as next friend for A.E.S.G., F.D.G., for herself and as next friend for N.R.C.D., Y.E.M.A., for herself and as next friend for A.S.A.

Orig Proc:

No

Transfer From:

8th Court of Appeals

Transfer In:

04/17/2018

Transfer Case:

08-16-00334-CV

Transfer To:

Transfer Out:

Pub Service:

[www.txcourts.gov/3rdcoa](http://www.txcourts.gov/3rdcoa)

## APPELLATE BRIEFS

| Date <input type="checkbox"/> | Event Type | Description | Document |
|-------------------------------|------------|-------------|----------|
|-------------------------------|------------|-------------|----------|

| Date <input type="text"/> | Event Type                            | Description | Document   |
|---------------------------|---------------------------------------|-------------|--|
| 01/30/2018                | Reply brief filed                     | Appellee    | [ PDF/79 KB ] Sur-Reply<br>[ PDF/125 KB ] Notice |
| 11/28/2017                | Reply brief filed                     | Appellant   | [ PDF/196 KB ] Brief<br>[ PDF/67 KB ] Notice     |
| 11/28/2017                | Reply brief filed                     | Appellant   | [ PDF/237 KB ] Brief<br>[ PDF/68 KB ] Notice     |
| 11/28/2017                | Reply brief filed                     | Appellant   | [ PDF/146 KB ] Brief<br>[ PDF/67 KB ] Notice     |
| 10/19/2017                | Brief filed - oral argument requested | Appellee    | [ PDF/1.13 MB ] Brief<br>[ PDF/68 KB ] Notice    |
| 06/06/2017                | Brief filed - oral argument requested | Appellant   | [ PDF/701 KB ] Brief<br>[ PDF/68 KB ] Notice     |
| 06/06/2017                | Brief filed - oral argument requested | Appellant   | [ PDF/2.42 MB ] Brief<br>[ PDF/68 KB ] Notice    |
| 06/06/2017                | Brief filed - oral argument requested | Appellant   | [ PDF/724 KB ] Brief<br>[ PDF/68 KB ] Notice     |

## CASE EVENTS

| Date       | Event Type   | Disposition            | Document                                    |
|------------|--|------------------------|---|
| 06/22/2020 | Petition for review filed in Supreme Court   |                        |   |
| 06/22/2020 | Petition for review filed in Supreme Court   |                        |   |
| 06/19/2020 | Petition for review filed in Supreme Court   |                        |   |
| 04/14/2020 | Motion for extension of time to file petition for review disposed by Supreme Court | Motion or Writ Granted |   |
| 02/18/2020 | Motion for extension of time to file petition for review disposed by Supreme Court | Motion or Writ Granted |   |
| 01/22/2020 | Motion for extension of time to file petition for review disposed by Supreme Court | Motion or Writ Granted |   |
| 12/05/2019 | Opinion issued   | Dissenting Opinion     | [ PDF/171 KB ] Dissenting Memorandum Or     |
| 12/05/2019 | Order entered  | Ordered                | [ PDF/55 KB ] Order<br>[ PDF/63 KB ] Notice |
| 12/05/2019 | Motion for en banc reconsideration disposed  | Motion or Writ Denied  |   |
| 10/08/2019 | Appearance of counsel  |                        | [ PDF/115 KB ] Notice of Appearance         |
| 10/08/2019 | Notice received  |                        | [ PDF/114 KB ] Address Update               |
| 06/03/2019 | Appearance of counsel  |                        |   |
| 04/23/2019 | Appearance of counsel  |                        |   |

| Date       | Event Type  | Disposition                   | Document  |  |  |  |
|------------|---|-------------------------------|---|--|--|--|
| 03/26/2019 | Response filed  |                               | [ PDF/230 KB ]                                    | Response                                 |  |  |
| 03/26/2019 | Response filed  |                               | [ PDF/293 KB ]                                    | Response                                 |  |  |
| 03/26/2019 | Response filed  |                               | [ PDF/314 KB ]                                    | Response                                 |  |  |
| 02/20/2019 | Motion for extension of time to file response disposed                          | Motion or Writ Granted        | [ PDF/87 KB ]                                     | Notice                                   |  |  |
| 02/19/2019 | Motion for extension of time to file response filed                             |                               | [ PDF/72 KB ]                                     | Motion                                   |  |  |
| 02/11/2019 | Response requested by the court   |                               | [ PDF/86 KB ]                                     | Notice                                   |  |  |
| 01/25/2019 | Notice received   |                               |   |  |  |  |
| 01/25/2019 | Motion for extension of time to file petition for review filed in Supreme Court |                               |   |  |  |  |
| 01/11/2019 | Motion for en banc reconsideration filed  |                               | [ PDF/1.56 MB ]                                   | Motion Filed                             |  |  |
| 01/11/2019 | Motion for extension of time to file motion for rehearing enbanc disposed       | Dismissed as Moot             | [ PDF/84 KB ]                                     | Notice                                   |  |  |
| 01/11/2019 | Motion for leave disposed   | Dismissed as Moot             |   |  |  |  |
| 01/03/2019 | Motion for rehearing received   |                               | [ PDF/1.52 MB ]                                   | Motion                                   |  |  |
| 01/03/2019 | Motion for extension of time to file motion for rehearing enbanc filed          |                               | [ PDF/212 KB ]                                    | Motion                                   |  |  |
| 01/03/2019 | Motion for leave filed  |                               | [ PDF/189 KB ]                                    | Motion                                   |  |  |
| 12/14/2018 | Motion for rehearing disposed   | Overruled                     | [ PDF/82 KB ]                                     | Notice                                   |  |  |
| 12/12/2018 | Motion for rehearing filed  |                               | [ PDF/315 KB ]                                    | Motion                                   |  |  |
| 11/28/2018 | Memorandum issued   | opinion Reversed and Rendered | [ PDF/104 KB ]<br>[ PDF/123 KB ]<br>[ PDF/80 KB ] | Judgment<br>Memorandum Opinion<br>Notice |  |  |
| 09/05/2018 | Submitted   |                               |   |  |  |  |
| 09/05/2018 | Oral argument exhibits filed  |                               |   |  |  |  |
| 09/04/2018 | Letter filed  |                               | [ PDF/102 KB ]                                    | Letter                                   |  |  |
| 08/01/2018 | Confirmation of oral argument & counsel presenting oral argument                |                               | [ PDF/83 KB ]                                     | OA Letter                                |  |  |
| 07/31/2018 | Confirmation of oral argument & counsel presenting oral argument                |                               | [ PDF/91 KB ]                                     | Appellants' OA Letter                    |  |  |
| 07/30/2018 | Set for submission on oral argument   |                               | [ PDF/114 KB ]                                    | Notice                                   |  |  |
| 07/30/2018 | Submission cancelled  |                               |   |  |  |  |
| 05/09/2018 | Submitted   |                               |   |  |  |  |
| 04/18/2018 | Set for submission on briefs  |                               | [ PDF/86 KB ]                                     | Notice                                   |  |  |
| 04/18/2018 | Letter filed  |                               |   |  |  |  |

| Date       | Event Type   | Disposition            | Document                         |                            |
|------------|--|------------------------|----------------------------------|----------------------------|
| 04/17/2018 | Case transferred to this court from another court of appeals |                        | [ PDF/94 KB ]                    | Notice                     |
| 04/16/2018 | Case transferred from this court to another court of appeals | Motion or Writ Granted |                                  |                            |
| 01/30/2018 | Reply brief filed  |                        | [ PDF/79 KB ]<br>[ PDF/125 KB ]  | Sur-Reply<br>Notice        |
| 01/30/2018 | Motion for leave disposed                                    | Motion or Writ Granted | [ PDF/125 KB ]                   | Notice                     |
| 01/30/2018 | Motion for leave filed                                       |                        | [ PDF/57 KB ]<br>[ PDF/125 KB ]  | Motion for Leave<br>Notice |
| 01/25/2018 | Submitted  |                        |                                  |                            |
| 11/29/2017 | Set for submission on briefs                                 |                        | [ PDF/63 KB ]                    | Notice                     |
| 11/28/2017 | Reply brief filed  |                        | [ PDF/196 KB ]<br>[ PDF/67 KB ]  | Brief<br>Notice            |
| 11/28/2017 | Reply brief filed  |                        | [ PDF/146 KB ]<br>[ PDF/67 KB ]  | Brief<br>Notice            |
| 11/28/2017 | Reply brief filed  |                        | [ PDF/237 KB ]<br>[ PDF/68 KB ]  | Brief<br>Notice            |
| 10/30/2017 | Motion for extension of time to file reply brief filed       |                        | [ PDF/63 KB ]                    | Motion                     |
| 10/30/2017 | Motion for extension of time to file reply brief disposed    | Motion or Writ Granted | [ PDF/72 KB ]                    | Notice                     |
| 10/30/2017 | Fee paid   |                        |                                  |                            |
| 10/19/2017 | Case ready to be set   |                        |                                  |                            |
| 10/19/2017 | Brief filed - oral argument requested                        |                        | [ PDF/1.13 MB ]<br>[ PDF/68 KB ] | Brief<br>Notice            |
| 10/12/2017 | Supplemental clerks record filed                             |                        | [ PDF/68 KB ]                    | Notice                     |
| 10/04/2017 | Motion for extension of time to file brief filed             |                        | [ PDF/67 KB ]                    | Motion                     |
| 10/04/2017 | Motion for extension of time to file brief disposed          | Motion or Writ Granted | [ PDF/68 KB ]                    | Notice                     |
| 10/04/2017 | Order entered  |                        | [ PDF/220 KB ]                   | Order                      |
| 10/04/2017 | Fee paid   |                        |                                  |                            |
| 08/25/2017 | Motion for extension of time to file brief filed             |                        | [ PDF/72 KB ]                    | Motion                     |
| 08/25/2017 | Motion for extension of time to file brief disposed          | Motion or Writ Granted | [ PDF/68 KB ]                    | Notice                     |
| 08/25/2017 | Fee paid   |                        |                                  |                            |
| 08/25/2017 | Order entered  |                        | [ PDF/141 KB ]                   | Order                      |
| 08/01/2017 | Fee paid   |                        |                                  |                            |
| 08/01/2017 | Motion for extension of time to file brief disposed          | Motion or Writ Granted | [ PDF/71 KB ]                    | Notice                     |
| 08/01/2017 | Motion for extension of time to file brief filed             |                        | [ PDF/72 KB ]                    | Motion                     |
| 06/12/2017 | Fee paid   |                        |                                  |                            |
| 06/12/2017 | Motion for extension of time to file brief filed             |                        | [ PDF/74 KB ]                    | Motion                     |

| Date       | Event Type  | Disposition            | Document        |                            |
|------------|---|------------------------|-----------------|----------------------------|
| 06/12/2017 | Motion for extension of time to file brief disposed | Motion or Writ Granted | [ PDF/71 KB ]   | Notice                     |
| 06/06/2017 | Brief filed - oral argument requested               |                        | [ PDF/724 KB ]  | Brief                      |
|            |   |                        | [ PDF/68 KB ]   | Notice                     |
| 06/06/2017 | Brief filed - oral argument requested               |                        | [ PDF/701 KB ]  | Brief                      |
|            |   |                        | [ PDF/68 KB ]   | Notice                     |
| 06/06/2017 | Brief filed - oral argument requested               |                        | [ PDF/2.42 MB ] | Brief                      |
|            |   |                        | [ PDF/68 KB ]   | Notice                     |
| 05/10/2017 | Order entered                                       |                        | [ PDF/141 KB ]  | Order                      |
| 05/10/2017 | Motion for extension of time to file brief disposed | Motion or Writ Granted | [ PDF/68 KB ]   | Notice                     |
| 05/10/2017 | Motion for extension of time to file brief filed    |                        | [ PDF/67 KB ]   | Motion                     |
| 05/10/2017 | Fee paid  |                        |                 |                            |
| 04/13/2017 | Motion for extension of time to file brief disposed | Motion or Writ Granted | [ PDF/106 KB ]  | Notice                     |
| 04/13/2017 | Motion for extension of time to file brief filed    |                        | [ PDF/67 KB ]   | Motion                     |
| 04/13/2017 | Fee paid  |                        |                 |                            |
| 02/21/2017 | Fee paid  |                        |                 |                            |
| 02/21/2017 | Motion for extension of time to file brief disposed | Motion or Writ Granted | [ PDF/106 KB ]  | Notice                     |
| 02/21/2017 | Motion for extension of time to file brief filed    |                        | [ PDF/59 KB ]   | Motion                     |
| 02/15/2017 | Clerks record filed                                 |                        | [ PDF/68 KB ]   | Notice                     |
| 02/15/2017 | Supplemental clerks record filed                    |                        |                 |                            |
| 02/13/2017 | Reporters record filed                              |                        | [ PDF/21 KB ]   | Notice                     |
|            |   |                        | [ PDF/68 KB ]   | Notice                     |
| 01/26/2017 | Docketing statement filed                           |                        | [ PDF/1.59 MB ] | Docketing Statement        |
| 01/19/2017 | Appearance of counsel                               |                        | [ PDF/55 KB ]   | Appearance                 |
|            |   |                        | [ PDF/68 KB ]   | Notice                     |
| 01/19/2017 | Fee paid  |                        |                 |                            |
| 01/17/2017 | Court fee due                                       |                        | [ PDF/69 KB ]   | Notice                     |
| 01/17/2017 | Appearance of counsel                               |                        | [ PDF/164 KB ]  | Letter                     |
| 01/17/2017 | Notice of appeal filed in court of appeals          |                        | [ PDF/97 KB ]   | NOA                        |
|            |   |                        | [ PDF/119 KB ]  | Notice                     |
|            |   |                        | [ PDF/19 KB ]   | Notice                     |
| 01/13/2017 | Fee paid  |                        |                 |                            |
| 01/13/2017 | Docketing statement filed                           |                        | [ PDF/287 KB ]  | Docketing Statement        |
| 01/11/2017 | Appearance of counsel                               |                        | [ PDF/63 KB ]   | Appearance                 |
|            |   |                        | [ PDF/67 KB ]   | Notice                     |
| 01/09/2017 | Docketing statement filed                           |                        | [ PDF/253 KB ]  | Docketing Statement        |
| 01/06/2017 | Court fee due                                       |                        | [ PDF/106 KB ]  | Notice                     |
| 01/06/2017 | Notice of appeal filed in court of appeals          |                        | [ PDF/108 KB ]  | NOA-Intervenor-Corrections |
|            |   |                        | [ PDF/119 KB ]  | Notice                     |
| 01/04/2017 | Notice of appeal filed in court of appeals          |                        | [ PDF/415 KB ]  | NOA                        |
|            |   |                        | [ PDF/103 KB ]  | Notice                     |

| Date       | Event Type   | Disposition | Document                                     |
|------------|--|-------------|--|
| 12/22/2016 | Fee paid   |             |  |
| 12/21/2016 | Court fee due  |             | [ PDF/70 KB ] Notice                         |
| 12/21/2016 | Case transferred to this court from another court of appeals |             | [ PDF/19 KB ] Notice<br>[ PDF/67 KB ] Notice |
| 12/21/2016 | Case transferred from this court to another court of appeals |             |  |
| 12/20/2016 | Supplemental clerks record filed                             |             | [ PDF/80 KB ] Notice                         |
| 12/19/2016 | Supplemental clerks record due                               |             | [ PDF/77 KB ] Notice                         |
| 12/07/2016 | Letter filed   |             |  |
| 12/06/2016 | Notice of appeal filed in court of appeals                   |             | [ PDF/87 KB ] Notice                         |

## CALENDARS

| Set Date   | Calendar Type          | Reason Set          |
|------------|------------------------|---------------------|
| 01/25/2019 | Appeal to Higher Court | Higher court review |

## PARTIES

| Party  | PartyType | Representative   |
|--|-----------|--|
| Henry Whitman, in his official capacity as DFPS Commissioner           | Appellant | Mr. Kyle D. Hawkins<br>Ms. Nichole B. Bunker-Henderson<br>Mr. Todd Disher<br>Mr. Kristofer S. Monson         |
| Charles Smith, in his official capacity as HHSC Executive Commissioner | Appellant | Mr. Todd Disher<br>Ms. Nichole B. Bunker-Henderson<br>Mr. Kyle D. Hawkins<br>Mr. Andrew Edelman              |
| Corrections Corporation of America                                     | Appellant | Mr. Bruce Wilkin<br>Mr. Jay W. Brown<br>Mr. Cameron Dernick<br>Mr. Charles A. Deacon                         |
| The GEO Group, Inc.  | Appellant | Ms. Bertina Buran York<br>Mr. Mark Emery<br>Ms. Amy Warr   |
| Grassroots Leadership, Inc.  | Appellee  | Mr. Jerome W. Wesevich<br>Mr. Robert W. Doggett<br>Mr. Nicholas Bacarisse<br>Ms. Nichole B. Bunker-Henderson |
| The Texas Department of Family and Protective Services;                | Appellant | Mr. Kyle D. Hawkins<br>Mr. Kristofer S. Monson<br>Mr. Todd Disher  |

**Party****PartyType****Representative**

Texas Health and Human Services Appellant

Mr. Todd Disher  
Ms. Nichole B. Bunker-Henderson  
Mr. Kristofer S. Monson  
Mr. Kyle D. Hawkins

**TRIAL COURT INFORMATION**

Court

353rd District Court

County

Travis

Court Judge

Honorable Karin Crump

Court Case

D-1-GN-15-004336

Reporter

Jamie Foley

Punishment

To view or print PDF files you must have the Adobe Acrobat® reader. This software may be obtained without charge from Adobe.  
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