

No. CV37178

FOUNDATION FOR INDIVIDUAL	§	IN THE DISTRICT COURT OF
RIGHTS AND EXPRESSION,	§	
	§	
Petitioner,	§	
	§	
v.	§	ERATH COUNTY, TEXAS
	§	
TARLETON STATE UNIVERSITY,	§	
	§	
Respondent.	§	266 <sup>th</sup> Judicial District

~~PROPOSED~~ **FINAL ORDER**

This matter is before the Court on Petitioner's Motion for Traditional Summary Judgment (Dkt. No.7), Respondent's Cross-Motion for Summary Judgment (Dkt. No. 16), Petitioner's request for costs and attorney's fees (Dkt. Nos. 18, 30), and Respondent's Motion to Reconsider the Court's June 9 Order granting Petitioner's Petition for a Writ of Mandamus. (Dkt. No 31.)

1. Upon consideration of the Motions, supporting evidence, and the parties' arguments, the Court has determined that Petitioner is entitled to judgment as a matter of law on its Original Petition seeking a Writ of Mandamus to compel Respondent to disclose public information under the Texas Public Information Act. Therefore, it is hereby ORDERED that Petitioner's Motion for Summary Judgment is GRANTED and Respondent's Cross-Motion for Summary Judgment is DENIED.

2. The Court does not find good cause to grant Respondent's Motion for Reconsideration as to its June 9, 2023, order granting the Writ of Mandamus. Thus, the

Court **ORDERS** that the Motion for Reconsideration is **DENIED IN PART** as to the Court's grant of summary judgment to Petitioner.

3. As a result, the Court **GRANTS** the Petition for a Writ of Mandamus and **DIRECTS** Respondent to disclose all records responsive to Petitioner's October 5, 2021 and December 3, 2021 records requests no later than 21 days after the date this order is filed. To the extent responsive records contain students' or parents' personally identifiable information, Respondent must redact such information and produce the records. Should Respondent timely perfect appeal of the Court's decision, Respondent will not be required to produce the aforementioned documents until 21 days after the appeals court issues an opinion and judgment affirming the grant of mandamus in full or in part.

4. Finally, the Court has fully considered Petitioner's request for costs and attorney's fees (Dkt. Nos. 18, 30), Respondent's opposition, and Respondent's motion for the Court to reconsider its grant of attorney's fees and litigation costs to Petitioner under Tex. Gov. Code § 552.323 in the Court's June 9, 2022 order.

5. The Court **GRANTS IN PART** Respondent's motion for reconsideration as to attorney's fees, and denies Petitioner's request for attorney's fees under Tex. Gov. Code § 552.323.

6. The COURT **DENIES** the motion to reconsider as to litigation costs, and **ORDERS** Respondent to pay Petitioner **\$360.12** in court costs.

This Order is final and disposes of all issues in this matter.

It is so ORDERED on this 09/28/2023 9:53:31 AM day of 2023.

A handwritten signature in black ink, appearing to be 'J. Cashon', written over a horizontal line.

HON. JASON C. CASHON  
266<sup>th</sup> Judicial District Judge

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JT Morris on behalf of Joshua (JT) Morris  
Bar No. 24094444  
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Envelope ID: 80013441  
Filing Code Description: Proposed Order  
Filing Description: [Proposed] Final Order  
Status as of 9/27/2023 4:07 PM CST

#### Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
JT Morris		jt.morris@thefire.org	9/27/2023 4:03:15 PM	SENT
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Kelley Bregenzer		kelley.bregenzer@thefire.org	9/27/2023 4:03:15 PM	SENT
Joel Cannon		joel.cannon@thefire.org	9/27/2023 4:03:15 PM	SENT
Alyssa Bixby-Lawson		Alyssa.Bixby-Lawson@oag.texas.gov	9/27/2023 4:03:15 PM	SENT

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#### Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
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Joel Cannon		joel.cannon@thefire.org	9/28/2023 11:06:15 AM	SENT
Alyssa Bixby-Lawson		Alyssa.Bixby-Lawson@oag.texas.gov	9/28/2023 11:06:15 AM	SENT