

CAUSE NO. 2021-CI-12657

DEPUTY SHERIFFS ASSOCIATION	§	IN THE DISTRICT COURT
OF BEXAR COUNTY	§	
Plaintiff	§	
	§	
V.	§	<u>224TH</u> JUDICIAL DISTRICT
	§	
BEXAR COUNTY SHERIFF'S	§	
OFFICE AND BEXAR COUNTY	§	
SHERIFF'S CIVIL SERVICE	§	
COMMISSION	§	
Defendants	§	BEXAR COUNTY, TEXAS

**TEMPORARY RESTRAINING ORDER AGAINST THE BEXAR COUNTY SHERIFF'S  
CIVIL SERVICE COMMISSION AND THE BEXAR COUNTY SHERIFF'S OFFICE  
AND ORDER SETTING HEARING FOR TEMPORARY INJUNCTION**

On this date the Court heard Plaintiff Deputy Sheriffs Association of Bexar County application for a temporary restraining order against Defendants. The application was presented *ex parte*. The Court, after considering Plaintiff's TRO application, the pleadings and arguments of counsel, finds that the application is well-taken and should be in all things GRANTED. In particular, the Court finds the following:

An *ex parte* order rendered without notice to the Defendant was necessary because Plaintiff will suffer an immediate and irreparable injury before notice can be served on Defendants and a hearing held on the application for temporary restraining order. Specifically, an *ex parte* TRO is appropriate under the circumstances because the promotion of an individual off the improper list is imminent.

The evidence shows that Plaintiff will suffer imminent harm if the Court does not issue a temporary restraining order against Defendants because on information and belief, unless Defendant BSCO is immediately enjoined and restrained, Defendant will promote an individual on Friday, June 25, 2021 or shortly thereafter from the invalid list.

Temporary injunctive relief is authorized under Texas Civil Practice and Remedies Code § 65.011 because if not granted the BCSO will promote an individual off of the invalid list. Plaintiff is entitled to an injunction under principles of equity and to enforce the rules of the Commission. The harm is imminent because the invalid promotion is expected to take place soon. If this injunction is not granted, an entire class of deputies could be harmed. Those who have now qualified to take the promotional test since the original list expired in February of 2021 will be denied the opportunity to test and be placed on the list. Individuals currently on the invalid list will lose out on the chance to re-retest and be re-ranked and perhaps move up on the list. All of the affected individuals will then lose the chance to obtain the experience and lessons of being a Captain which would further their careers and possibly lead to higher positions in law enforcement or the private sector. The opportunity to promote to Captain at the BCSO rare as there only four in the Law Enforcement Division. There is also a monetary implication in lost higher salary.

There is no reasonable remedy if the invalid promotion is allowed to happen. The promotion does not affect just the deputies looking to promote to Captain. It has a chain reaction affect because when a Lieutenant is promoted three other positions below the Lieutenant open and individuals promote. Therefore, this one invalid promotion likely affects 3 promotions that would have to be reversed in 2 plus years to correct the plain error committed in extending the deadline and allowing the current invalid list to be used to promote a deputy.

There is also harm to the deputies who are promoted because there is no certainty in their promotion because it was invalid. It protects all deputies who promote as a result of this invalid promotion to instead have the error cured and the process proceed by the rules. Doing so, would remove the cloud and uncertainty of all promotion that follow as a result of this invalid promotion.

It is necessary to enjoin the Defendant as ordered herein in order to prevent this harm because the harm is imminent and results solely from the acts of the Defendants.

IT IS THEREFORE ORDERED that Defendants are immediately restrained from directly or indirectly taking any action to promote any individual to the position of Captain unless proper procedures are followed by the BCSO and Order the Commission to take no further action related to promotion to the Captain position except, if it elects, to hear the grievance in short order.

IT IS FURTHER ORDERED that the Clerk of the Court issue a writ of injunction to Defendants in accordance with the terms of this Order.

IT IS FURTHER ORDERED that Plaintiff file a bond payable to the Defendant in the amount of \$ 100 with two or more sureties as security for this temporary restraining order. The bond must be filed and approved by the Clerk of the Court before any writ of injunction may issue pursuant to this temporary restraining order. The Plaintiff may post a cash deposit in lieu of a bond under Texas Rule of Civil Procedure 14c.

IT IS FURTHER ORDERED that Plaintiff's application for a temporary injunction is set for hearing on the 8 day of July, 2021 at 9 : 00 [a.m.] p.m.] in this Court. The purpose of the hearing is to determine whether this temporary restraining order should be made a temporary injunction pending a full trial on the merits.

THIS ORDER EXPIRES ON July 8, 2021.

EXECUTED this 24 day of June, 2021, at 2:26 o'clock p.m.

Aaron S. Haas  
The Honorable Presiding Judge