

Cause No. 26-5622-442

THE STATE OF TEXAS,	§	IN THE DISTRICT COURT
<i>PLAINTIFF,</i>	§	
	§	
	§	
	§	
v.	§	DENTON COUNTY, TEXAS
	§	
	§	
CITY OF DENTON; GERARD HUDSPETH,	§	
MAYOR OF DENTON; CASSEY OGDEN,	§	
INTERIM CITY MANAGER OF DENTON; AND	§	
ALLISON WING, INTERIM DIRECTOR PARKS	§	
& RECREATION OF DENTON; IN THEIR	§	
OFFICIAL CAPACITIES.	§	_____ JUDICIAL DISTRICT
<i>DEFENDANTS.</i>		

**STATE OF TEXAS’S ORIGINAL PETITION AND
APPLICATION FOR TEMPORARY RESTRAINING ORDER**

The people of Texas have made themselves clear: we will not abide men invading women’s spaces, or vice versa. The Texas Legislature has responded by mandating that municipalities separate restrooms and changing rooms based on biological sex and take “every reasonable step” to prevent people of the opposite sex from violating these private spaces.

Regrettably, the City of Denton (“City”) has dropped the ball and rented a city pool to sponsors who plan to convert the City’s lawful, sex-separated changing rooms into unlawful “gender neutral changing rooms.” Texas law forbids encouraging men to access spaces prudently reserved for women and girls and likewise preserves the privacy of male changing areas.

Accordingly, and for the reasons set forth herein, the Attorney General, in the name of the State of Texas, brings suit to correct the City’s dereliction of its duty to maintain gendered private spaces. In support thereof, the State of Texas respectfully shows as follows:

DISCOVERY CONTROL PLAN

1. The discovery in this case is intended to be conducted under Level 3 pursuant to Texas Rule of Civil Procedure 190.3.

2. Pursuant to Rule 47(c) of the Texas Rules of Civil Procedure, the State seeks non-monetary relief. The relief sought is within the jurisdiction of this Court.

PARTIES

3. Plaintiff, the State of Texas (the State), is a sovereign state that “has an intrinsic right to enact, interpret, and enforce its own laws.” *State v. Naylor*, 466 S.W.3d 783, 790 (Tex. 2015). The State brings this action by and through Texas Attorney General Ken Paxton.

4. Defendant City of Denton is a home-rule municipality.

5. Defendant Gerard Hudspeth is the Mayor of Denton.

6. Defendant Cassey Ogden is the Interim City Manager of Denton.

7. Defendant Allinson Wing is the Interim Director of Parks & Recreation of Denton.

8. All Defendants are sued in their official capacities.

9. All Defendants may be served with process through Cassey Ogden, Interim City Manager, at 215 E. McKinney Street, Denton, Texas 76201.

JURISDICTION AND VENUE

10. This action is brought by the Office of the Attorney General in the name of the State of Texas (the State), pursuant to the authority granted by Chapter 3002 of the Texas Government Code. Tex. Gov’t Code § 3002.001 et seq.

11. Each district court in Denton County is vested with civil jurisdiction by statute. Tex. Gov. Code §§ 24.007(a)–(b), 24.008.

12. Defendants lack intergovernmental immunity from this suit. Through their conduct Defendants have acted ultra vires state law by violating the requirements of Chapter 3002.

13. Venue is proper in Denton County because a substantial part of the events or omissions giving rise to the State's claims occurred in Denton County, and the City of Denton is located in Denton County. Tex. Civ. Prac. & Rem. Code § 15.002(a)(1); Tex. Civ. Prac. & Rem. Code § 15.002(a)(2)

FACTUAL BACKGROUND

I. The Texas Women's Privacy Act

14. Enacted during the previous legislative session, the Texas Women's Privacy Act, also known as Senate Bill 8, mandates publicly owned "private spaces" be apportioned on the basis of biological sex.

15. The Act requires "a political subdivision or state agency to designate each multiple-occupancy private space in a building the political subdivision or state agency owns, operates, or controls for use only by individuals of one sex." Tex. Gov't Code § 3002.051.

16. A "multiple-occupancy private space" is defined as "a facility designed or designated for simultaneous use by more than one individual and in which an individual may be in a state of undress in the presence of another individual, regardless of whether the facility provides curtains or partial walls for privacy." *Id.* at § 3002.001(6). In particular, "[t]he term includes a restroom, locker room, changing room, or shower room." *Id.*

17. "Political subdivision" encompasses any "governmental entity of this state, including a...municipality." *Id.* at § 3002.001(7).

18. The only unisex or gender-neutral private spaces the Act permits must be "designed or designated for use by only one individual at a time." *Id.* at §§ 3002.001(9); 3002.052(a)(2).

19. Accordingly, the Act requires municipal owned changing rooms that are multiple occupancy to be designated for use by members of only one sex and prohibits an individual from accessing a multiple occupancy private space that is reserved for use by the opposite sex.

20. Municipalities cannot evade their responsibilities by contracting with private actors and must also monitor and make efforts to ensure sex-segregated facilities are used appropriately. Specifically, the Act requires political subdivisions to “take every reasonable step to ensure an individual whose sex is opposite to the sex designated for a multiple-occupancy private space ... does not enter the private space.” *Id.* at § 3002.051(b).

21. The Act secures the Legislature’s desired policy that men and women—understood sensibly as biological males and females—use separate restrooms, changing rooms and other spaces where patrons are routinely undressed or exposed. The Act thereby ensures that the privacy of women and girls is protected, provides a uniform rule for designating public facilities, and dispels the late confusion regarding gender.

22. Indeed, the Act’s legislative history shows that the bill sponsors responded to concerns that men are “increasingly entering spaces, such as bathrooms, locker rooms, and women’s violence shelters, that have been traditionally set aside to protect the individual privacy rights of women.” The bill analysis described SB 8 as “requir[ing] that private spaces owned or controlled by political subdivisions or state agencies be designated for use by individuals based on their biological sex.”¹

¹ <https://capitol.texas.gov/tlodocs/892/analysis/pdf/SB00008F.pdf>

II. The Denton County Event

23. The City of Denton owns and controls the Quakertown Civic Center (the “Center”). The Center includes a public access swimming pool and several multiple occupancy changing rooms. The Quakertown Civic Center Pool is designed for and advertised as a child-friendly facility.

24. The City offers two-hour rentals of the Center’s pool and ancillary facilities for private events for a flat \$475 fee.²

25. Two non-profit groups, PRIDENTON and OUTreach Denton, have rented the Center and planned an event scheduled for Sunday, June 7, 2026, from the hours of 7:00 PM – 9:30 PM. The event is advertised as the “Big Gay Swim Day” and is open to the general public.

26. Significantly, in materials promoting the event, the event hosts represent that “gender neutral changing rooms” will be available onsite.³

27. However, the Center has only two changing rooms, each multiple occupancy and designated as either a men’s or women’s changing facility. Accordingly, the event sponsors cannot sincerely advertise gender neutral changing rooms unless they plan to disregard the City’s gender-specific signage and open the Center’s changing rooms to event-goers of both sexes.

28. The event sponsors have modified City owned changing rooms to suit their preferences in the past. At a similar event held at the Center in 2024 PRIDENTON “converted” “gendered changing rooms...for the duration of the event.”⁴

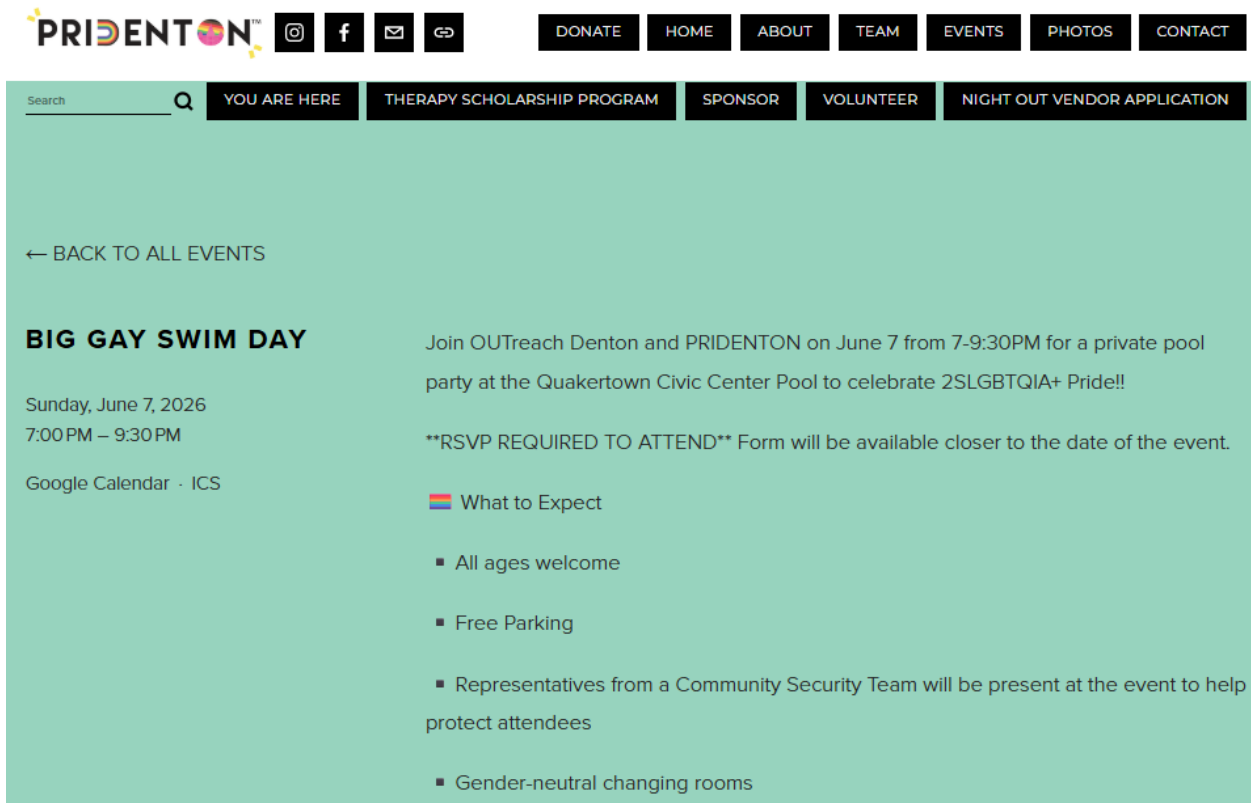
² “Civic Center Pool,” City of Denton. (Accessed May 20, 2026). <https://www.cityofdenton.com/189/Civic-Cent>.

³ *Big Gay Swim Day*, PRIDENTON (2026/05-19-2026), <https://www.pridenton.org/events/big-gay-swim-day-2026>.

⁴ *Big Gay Swim Day 2024*, PRIDENTON (6/22/2024), <https://www.pridenton.org/events/big-gay-swim-day-2024>.

29. Likewise, PRIDENTON intends to hold another event at the Center during the week following the swim event and, on its website, states “[t]he Civic Center has gendered, multi-stall restrooms which will be converted to all-use for the duration of the event.”⁵

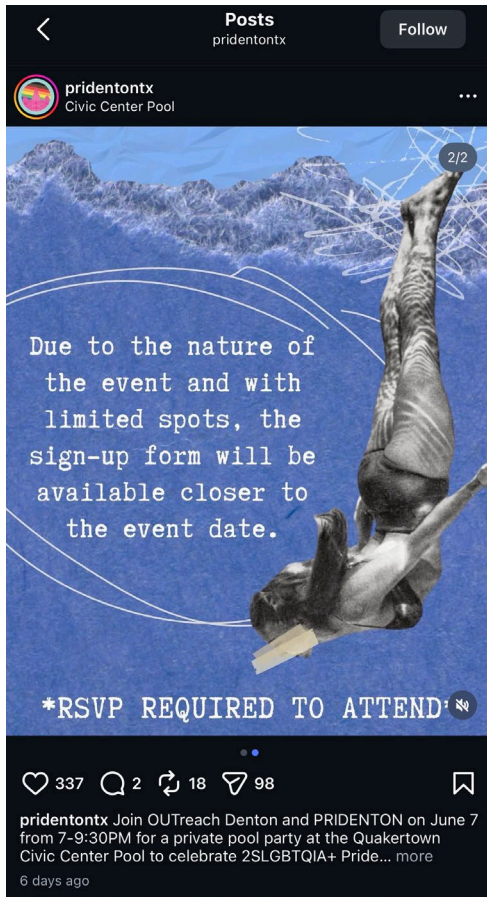
30. Thus, PRIDENTON has a history of flouting the City’s sex-specific designations and ignoring state law’s requirement of sex differentiated private spaces.



PRIDENTON’s Website Advertisement of “Big Gay Swim Day”⁶

⁵ Night Out, Pridenton, [Night OUT — PRIDENTON](#).

⁶ *Big Gay Swim Day*, PRIDENTON (2026/05-19-2026), <https://www.pridenton.org/events/big-gay-swim-day-2026>



Screenshots of PRIDENTON’s Instagram Account⁷

31. The swim event is open to persons of “[a]ll ages,” meaning that children and adolescent minors may be subjected to mixed sex changing rooms.

32. During the event, the Center will remain staffed by City employees, including lifeguards who will be present in and around the swimming pool.⁸ The City’s rental policy does not cede control of the premises nor diminish the City’s responsibility for the condition or use of any of its facilities.

⁷ PRIDENTON (@pridentontx), INSTAGRAM (May 21, 2026, 2:30PM),

⁸ “Civic Center Pool,” City of Denton. (Accessed May 20, 2026). <https://www.cityofdenton.com/189/Civic-Cent>.

III. Notice to the City

33. Under the Act, private citizens file a complaint with the Attorney General describing violations after first delivering written notice to the political subdivision. Tex. Gov't Code § 3002.102(a). After receiving a citizen notice, a political subdivision has three days to cure any violation. *Id.*

34. On May 19, 2026, a Denton resident sent an email to Denton's interim city manager, mayor and one city councilmember alerting the City to the event sponsor's plans to operate gender neutral changing rooms on the premises of the Center.⁹

35. Two days later on May 21, 2026, a City employee sent a boilerplate response that outlined the City's rental policy but did not promise to take any steps to ensure that the Center's changing rooms would be used according to their sex-specific designations.¹⁰ Nor did the City's response address PRIDENTON's and OUTreach's history of acting in a manner that is inconsistent with state law.

36. The resident-complainant then filed a complaint with the Office of the Attorney General reporting the swim event, imminent violation of the Texas Women's Privacy Act that it entails, and the City's inadequate response. The resident's complaint was accompanied by the affidavit attached hereto as Exhibit A.

The State's Response

37. The intended use of the facility on June 7, 2026, directly conflicts with State law, through permitting gender-neutral changing facilities. Implementation of "gender-neutral

⁹ See Affidavit of Stephen J. Sullivan verifying facts supporting the present Application, attached as Exhibit A and incorporated herein.

¹⁰ See May 21, 2026, email response from Kayla Herrod to Stephen J. Sullivan, attached as Exhibit B and incorporated herein.

changing rooms” will create the exact type of harm and victim that the Texas Women’s Privacy Act seeks to prevent and protect.

38. By and through these acts, Defendants have conducted themselves in a way that flouts State law, demanding enforcement action from the State, as authorized by the Texas Women’s Privacy Act.

CAUSES OF ACTION

IV. Violations of Chapter 3002 of the Texas Government Code (Texas Women’s Privacy Act)

39. The State incorporates the foregoing legal and factual allegations as if set forth fully herein.

40. The City of Denton must “take every reasonable step” to ensure that its multiple occupancy private spaces are correctly used by the appropriate sex.

41. Here, PRIDEDENTON and OUTreach Denton have publicly expressed an intent to modify City owned multiple occupancy changing rooms so that the same rooms are available to both men and women simultaneously as “gender neutral changing rooms.” Thus, biological men will be allowed to enter women’s-only changing facilities and biological women will be allowed into the men’s.

42. The City has been doubly notified of this impending violation of the Act. The May 19 citizen’s notice provided the City a three day cure period during which the City could easily have obtained assurances from the event sponsors that they would abide by the City’s sex-specific designations.

43. Instead, the City has not taken any precautions in the face of the event sponsors' manifest intent to ignore the sex-specific designations of the Center's changing rooms and to encourage their invitees to use facilities reserved for the opposite sex.

44. The City's failure to take reasonable steps to prevent unlawful use of its private spaces constitutes a violation of the Act.

45. Pursuant to the Texas Women's Privacy Act, "the attorney general" may apply for "appropriate equitable relief," including but not limited to an injunction. *Id.* § 3002.104.

APPLICATION FOR TEMPORARY RESTRAINING ORDER AND TEMPORARY INJUNCTION

46. The State incorporates the foregoing allegations as if set forth fully herein. The State is entitled to a temporary restraining order, and subsequently a temporary injunction.

47. Generally, an applicant for a temporary restraining order or temporary injunction must plead and prove: (1) a cause of action against the defendant; (2) a probable right to the relief sought; and (3) a probable, imminent, and irreparable injury in the interim. *Butnaru v. Ford Motor Co.*, 84 S.W.3d 198, 204 (Tex. 2002); *Polston v. State*, No. 03-20-00130-CV, 2022 WL 91974, at *3 (Tex. App.—Austin Jan. 6, 2022, no pet.); *Trove v. Scott*, No. 03-99-00118-CV, 1999 WL 546997, at *1 (Tex. App.—Austin July 29, 1999, no pet.) (not designated for publication); Tex. R. Civ. P. 680.

48. But when the State seeks injunctive relief under a statute, those common law requirements give way. The Texas Supreme Court has held that "when it is determined that [a] statute is being violated, it is within the province of the district court to restrain it"—and that "[t]he doctrine of balancing the equities has no application to this statutorily authorized injunctive relief." A statute's express authorization for injunctive relief supersedes the common law elements of imminent harm, irreparable injury, and lack of adequate remedy at law. *West v.*

State, 212 S.W.3d 513, 519 (Tex. App.—Austin 2006, no pet.); see *White Lion Holdings, L.L.C. v. State*, No. 01-14-00104-CV, 2015 WL 5626564, at *9 (Tex. App.—Houston [1st Dist.] Sept. 24, 2015, pet. denied) (mem. op.).

49. In any event, the State’s inability to enforce its own duly enacted laws “clearly inflicts irreparable harm on the State.” *Texas Ass’n of Bus. v. City of Austin*, 565 S.W.3d 425, 441 (Tex. App.—Austin 2018, pet. denied) (quoting *Abbott v. Perez*, 585 U.S. 579, 602 (2018)); see *Washington v. Associated Builders & Contractors of S. Tex. Inc.*, 621 S.W.3d 305, 319 (Tex. App.—San Antonio 2021, no pet.) (“Like the trial court, our sister court, and the Supreme Court, we agree that the ‘inability [of a state] to enforce its duly enacted [laws] clearly inflicts irreparable harm on the State.’” (quoting *Abbott*, 585 U.S. at 602 n.17, and *Texas Ass’n of Bus.*, 565 S.W.3d at 441)).

50. This Court may issue a temporary restraining order with or without notice to the opposing party. See Tex. R. Civ. P. 680-81. A temporary injunction requires notice. Tex. R. Civ. P. 682. Whether to grant either a temporary restraining order or temporary injunction rests within the trial court’s sound discretion. *In re MetroPCS Communications, Inc.*, 391 S.W.3d 329, 336 (Tex. App.—Dallas 2013, no pet.); *Butnaru*, 84 S.W.3d at 204.

51. The purpose of a temporary injunction is to maintain the status quo pending a full hearing on the merits—not to grant complete final relief. *In re Triantaphyllis*, 68 S.W.3d 861, 869 n.7 (Tex. App.—Houston [14th Dist.] 2002, no pet.) (citation omitted); *Intercont’l Terminals Co., LLC v. Vopak N. Am., Inc.*, 354 S.W.3d 887, 891 (Tex. App.—Houston [1st Dist.] 2011, no pet.).

52. The state is not required to post a bond when seeking such an injunction. See Tex. Civ. Prac. & Rem. Code § 6.001.

53. All elements required for a temporary injunction are satisfied here. The State has articulated its claim pursuant to the Texas Women’s Privacy Act, specifically Section 3002.051 of the Texas Government Code.

54. Absent immediate relief from this Court, Defendants will permit the swim event to proceed in a manner that directly violates state law’s prohibition on the use of multiple-occupancy private spaces that the City of Denton operates, or controls, for use by individuals of the opposite sex.

55. This Court should immediately enter a temporary restraining order, then a temporary injunction, and ultimately a permanent injunction—barring Defendants, their officers, agents, employees, and all persons acting in concert with them from permitting violations of the Texas Women’s Privacy Act.

56. For the reasons set forth above, Defendants are engaging in, have engaged in, or are about to engage in activity declared unlawful by Texas Government Code § 3002.051, and that such relief would be appropriate here. Accordingly, relief is warranted.

PRAYER FOR RELIEF

57. The State incorporates by reference the preceding paragraphs as if set forth herein. As explained above, Defendants have engaged in unlawful conduct, conduct that constitutes violations of Chapter 3002 of the Texas Government Code. Accordingly, and for the reasons set forth herein, the State respectfully prays that the Court enter judgment in its favor and order the following:

- a. A temporary restraining order to restrain ongoing and threatened violations of Chapter 3002 of the Texas Government Code;
- b. Temporary and permanent injunctive relief;

- c. Attorneys' fees and all costs and expenses; and
- d. Any and all further relief to which the State may be entitled.

Date: May 28, 2026

Respectfully submitted.

KEN PAXTON
Attorney General

/s/Zachary W. Berg
ZACHARY W. BERG
Special Counsel
Texas Bar No. 24107706

BRENT WEBSTER
First Assistant Attorney General

Steven Loomis
Special Counsel
Texas Bar No. 00793177

RALPH MOLINA
Deputy First Assistant Attorney General

ROB FARQUHARSON
Deputy Attorney General for Legal Strategy

OFFICE OF THE ATTORNEY GENERAL OF
TEXAS
SPECIAL LITIGATION DIVISION
P.O. Box 12548, Capitol Station
Austin, Texas 78711-2548
Tel.: (512) 463-2100

COUNSEL FOR STATE OF TEXAS

CERTIFICATE OF SERVICE

I certify that a true and accurate copy of the foregoing document was filed electronically (via CM/ECF) on May 28, 2026 and that all counsel of record were served by CM/ECF.

/s/Zachary W. Berg
ZACHARY W. BERG

AFFIDAVIT

The State of Texas)
) S.S.
County of Denton)

1 My name is Stephen J. Sullivan. I am over 18 years of age, of sound mind and competent to testify to the facts stated herein.

2 I am writing to submit a formal complaint to the Office of the Attorney General.

3 On Wednesday, May 20, 2026 I gave notice to the City of Denton regarding a “Big Gay Swim Day” to be held on June 7, 2026 at the Denton Civic Center Pool. According to events advertisement the event is an “all ages” event and city facilities will be transformed into gender-neutral changing facilities. A copy of my notice to the City is attached hereto.

4 I am personally familiar with the Denton Civic Center Pool facilities and that center has only 2 changing rooms each multiple Occupancy and designated as Men’s and Women’s.

5 The City has not taken action to cure my complaint in the time since it was submitted on May 20, 2026.

Further affiant sayeth nought.

STATE OF TEXAS

COUNTY OF DENTON

SUBSCRIBED AND SWORN TO BEFORE

ME, on the 27 day of

May, 2020.



Signature

Heather Rogers (Seal)

NOTARY PUBLIC

My Commission expires on:

November 14, 2029

A handwritten signature in black ink, appearing to read "Stephen J Sullivan", written over a horizontal line.

(Signature)

Stephen J Sullivan



Steve Sullivan

Sent - iCloud May 20, 2026 at 10:40 AM

Notice re Gov't Code Sec 3002.102

To: Cassandra.Ogden@cityofdenton.com, Gerard Hudspeth, Cc: Joe Holland Bcc: & 1 more

[Details](#)



Siri Found a Contact

Stephen Sullivan
stevesullivan2013@icloud.com

Add



This is your notice of my intent to file a complaint regarding the "Big Gay Swim Day" to be held on June 7, 2026 at the Quakertown Civic Pool. Due to the promotion of "Gender-neutral changing rooms" this appears to be a violation of Sec 3002.051 that states:

Sec. 3002.051. DESIGNATION OF MULTIPLE-OCCUPANCY PRIVATE

SPACES. (a) A political subdivision or state agency shall designate each multiple-occupancy private space in a building the political subdivision or state agency owns, operates, or controls for use only by individuals of one sex.

(b) A political subdivision or state agency shall take every reasonable step to ensure an individual whose sex is opposite to the sex designated for a multiple-occupancy private space under Subsection (a) does not enter the private space.

Added by Acts 2025, 89th Leg., 2nd C.S., Ch. 20 (S.B. 8), Sec. 2, eff. December 4, 2025.

Your immediate attention to this would be appreciated.

Steve Sullivan
940-368-3789

EXHIBIT A



Herrod, Kayla

Civic Center Pool Rental on June 7

To: Steve Sullivan

Inbox - iCloud May 21, 2026 at 3:28 PM



Good afternoon Mr. Sullivan,

Thank you for reaching out to us regarding the upcoming private rental of the Civic Center Pool on June 7.

The event itself is a private rental and is not sponsored by the City. The Civic Center Pool is available for private rentals for two-hour periods after the facility closes to the public, and all standard facility rules and requirements remain in effect during those rentals, which includes keeping all existing City signage, including restroom signage, visible and unobstructed. Temporary, covered, or altered signage is not permitted in accordance with the law.

Best,

Kayla Herrod

Interim Director of Marketing and Communications

215 E. McKinney Street

Denton, Texas 76201

Office: (940) 349-7463 | Cell: 972-358-7416

www.cityofdenton.com



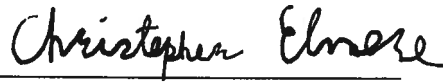
EXHIBIT B

VERIFICATION

My name is Christopher Elmore. I am over the age of eighteen, capable of making this declaration, and fully competent to testify to the matters stated in this declaration. My date of birth is May 2, 2002, and my business address is 209 West Fourteenth Street, Austin, Texas 78701. I am a Research Specialist at the Office of the Texas Attorney General. I have read the foregoing Original Petition and have personal knowledge through my role of the factual statements contained therein. Those factual statements are true and correct.

Pursuant to Texas Civil Practice & Remedies Code § 132.001, I declare under penalty of perjury that the foregoing statements are true and correct.

Executed in Travis County, State of Texas, on the 28th of May, 2026.

A handwritten signature in black ink that reads "Christopher Elmore". The signature is written in a cursive style and is positioned above a horizontal line.

Christopher Elmore

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Zachary Berg on behalf of Zachary Berg

Bar No. 24107706

zachary.berg@oag.texas.gov

Envelope ID: 115444777

Filing Code Description: Original Petition/Application

Filing Description: State of Texas's Original Petition and Application for Temporary Restraining Order

Status as of 5/28/2026 3:26 PM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Zachary W.Berg		Zachary.Berg@oag.texas.gov	5/28/2026 12:25:10 PM	SENT
Jessica Yvarra		jessica.yvarra@oag.texas.gov	5/28/2026 12:25:10 PM	SENT