

Velva L. Price  
District Clerk  
Travis County  
D-1-GN-15-004139  
Patsy Ybarra

CAUSE NO.                      D-1-GN-15-004139

EMCF PARTNERS, LLC.	§	IN THE DISTRICT COURT OF
	§	
	§	
Plaintiff,	§	
	§	
vs.	§	TRAVIS COUNTY, TEXAS
	§	
TRAVIS COUNTY, TEXAS	§	
	§	98TH
	§	
Defendant.	§	_____ JUDICIAL DISTRICT

**PLAINTIFF’S ORIGINAL PETITION FOR DECLARATORY JUDGMENT,  
APPLICATION FOR TEMPORARY RESTRAINING ORDER,  
REQUESTS FOR TEMPORARY AND PERMANENT INJUNCTIONS, AND  
REQUEST FOR DISCLOSURE**

EMCF Partners, LLC d/b/a Euphoria Music and Camping Festival (“Euphoria”) files this declaratory action and request for injunctive relief against Travis County, Texas on the ground that the Travis County Commissioners Court (Travis County, Texas and the Travis County Commissioners, hereinafter cumulatively “Travis County”) recently adopted an ordinance that unconstitutionally restricts the hours of operation for events that are governed by the Texas Mass Gathering Act. Such action is preempted by Texas state law and is therefore unconstitutional.

**I. INTRODUCTION**

1. The issue is whether Travis County has the authority to regulate and restrict the hours of operation of a mass gathering governed by the Texas Mass Gathering Act (“TMGA”) in ways not authorized by the TMGA. Euphoria will show that Travis County does not have the authority to enforce or enact such restrictions.

2. The Texas Constitution provides that the Commissioners Court “shall exercise such powers and jurisdiction over all county business, as is conferred by this Constitution and the laws of the State, or as may be hereafter prescribed.” The Constitution does not confer on

commissioners courts general authority over the county business. The legislature for the State of Texas sets the process for applying and obtaining approval for mass gathering permits. To date, the Legislature has not conferred upon counties the authority to regulate the hours of operation. In fact, the legislature has done the opposite in that the 2005 amendments to the TMGA specifically contemplate, allow (and, in fact, require) applications for hours of operation between 10 p.m. and 4 a.m.

3. On August 11, 2015, the Travis County approved an ordinance that restricts the hours of operation of mass gatherings to 1:00 a.m. on Fridays and Saturdays and 11:00 p.m. on Sundays through Thursdays in clear contravention of the rights of applicants under the TMGA.

4. Before the court voted, one of the commissioners, Gerald Dougherty, admitted that the county lacked the authority to impose such restrictions. Furthermore, he stated that a District Court will rule that the county lacks such power.

5. On September 8, 2015, the Travis County Commissioners Court held a public hearing on an application for a mass gathering permit previously submitted by Euphoria. At the hearing, a commissioner moved to deny Euphoria's application, but the Commissioners Court defeated such motion on a 3 to 2 vote. The County Judge then moved to approve the mass gathering permit conditioned on the above-described county-created time restraints, and the court approved the permit.

6. Therefore, Euphoria seeks a declaration that the Commissioners Court's approved restriction to the Mass Gathering Act is invalid and unenforceable.

7. By imposing this restriction on the hours of operation, the Commissioners Court has exceeded its statutory authority, which it cannot do. The restrictions are outside of the Commissioners Court's authority.

8. Euphoria therefore requests that the Court declare such regulations invalid and unenforceable and further requests that the Court permanently enjoin Travis County from enforcing such regulations.

## **II. DISCOVERY CONTROL PLAN**

9. This case raises questions of constitutional law and statutory interpretation that are appropriately determined on summary judgment. Because no material fact questions exist, no discovery beyond disclosures is necessary and no discovery control plan is required. Because the Commissioners Court's regulations prevent Euphoria from planning its event, Euphoria respectfully requests that the Court issue a docket control order that establishes an expedited briefing schedule for hearings on Euphoria's request for temporary injunction, forthcoming motion for summary judgment, and an expedited trial setting on the merits. In the alternative, in the event the Court determines that discovery beyond disclosures is necessary, Euphoria requests that Level Three discovery apply and that the Court establish an expedited schedule for discovery, hearings, briefing, and trial.

## **III. FACTS**

10. EMCF Partners, LLC d/b/a Euphoria Music and Camping Festival ("Euphoria") produces the Euphoria Music and Camping Festival which began in 2012. In 2014, the annual festival relocated to Carson Creek Ranch ("Carson Creek") and continues to operate the festival at this venue, the 2015 festival taking place April 10-12, 2015.

11. Carson Creek is a private ranch in an unincorporated part of Travis County and is set within the Airport Overlay Zone 3 with predominantly industrial and agricultural business adjacent to the venue. The AO-3 does not allow for new residential development to occur, with limited exceptions. The airport overlay prohibits building because of sheer decibels.

12. On April 15, 2014, the Travis County Commissioners Court granted Euphoria's first mass gathering permit at Carson Creek. At the permit hearing, Judge Biscoe and Commissioners Todd, Daugherty, and Gomez expressly acknowledged the Commissioners Court's limited authority to enact ordinances or regulations restricting the light, noise level or dust of such an event because there is no constitutional or statutory grant of such ordinance-making power to counties.

13. On March 31, 2015, the Commissioners Court granted Euphoria's second mass gathering permit at Carson Creek. The festival was held from April 10 through April 12, 2015.

14. On July 7, 2015, the Commissioners Court held a public hearing to discuss the proposed restrictions to mass gatherings that, as is shown below, would be in contravention to the Texas Mass Gathering Act (a point essentially acknowledged on the record by one of the Commissioners, as set forth below). The revisions sought to limit the hours of operation of amplified sound to 10:00 p.m. on Sundays through Thursdays and 12:00 a.m. on Fridays and Saturdays with an 85-decibel limit.

15. On multiple occasions during past events at Carson Creek, including the 2015 Euphoria Festival, the fire marshal and sheriff deputies have taken decibel readings and have found that the readings do not exceed the statutory limit.

16. It is against this backdrop that the Travis County Commissioners Court, on Tuesday, August 11, 2015, voted to impose limits on the hours of operation for mass gatherings to 1:00 a.m. on Fridays and Saturdays and 11:00 p.m. on Sundays through Thursdays with a 70-decibel limit at an adjacent residence.

17. Before Commissioner Daugherty moved to vote, he recognized "that this thing is going to get challenged." (See Transcript of August 11, 2015 hearing at 10:26 a.m., *available at*

<http://www.traviscountyclerk.org/cclerk/Content.do?code=Commissioners>). He further stated that “[this] thing is going to court and there’s going to be a district judge that probably is going to tell us you really don’t have the authority to do any of this stuff because that is what we have in the state of Texas and that’s what we have as county government.” *Id.*

18. Yet, after admitting that the Commissioners Court lacked authority to impose the time restriction, Travis County voted to approve the regulations. Travis County is the first in 254 Texas counties to pass such a restriction.

19. On August 25, 2015, the Commissioners Court held a public hearing on the permit application for Euphoria’s 2016 event. At the hearing, Euphoria requested an extension of the limits on the hours of operation from 1:00 a.m. to 2:00 a.m. on Fridays and Saturdays and from 11:00 p.m. to 12:00 a.m. on Sundays through Thursdays. The court rescheduled the permit hearing to September 8, 2015.

20. On September 8, 2015, the Commissioners Court held a public hearing on the mass gathering application. A duly authorized representative from the Travis County Fire Marshal’s office testified “that the event could take place in a safe manner if the court approved the permit as submitted by Euphoria.” (See Transcript of September 8, 2015 hearing, *available at* <http://traviscountytexas.com/Citizens/SplitView.aspx?Mode=Video&MeetingID=1534&Format=Minutes> from 9:42 a.m. - 9:43 a.m.).

21. At the hearing, Commissioner Daugherty moved to deny Euphoria’s application. However, the Commissioners Court defeated the motion by a 3-2 vote.<sup>1</sup>

22. County Judge Sarah Eckhart then moved to approve Euphoria’s permit, conditioned on the new county-created time restraints, which are 1:00 a.m. on Fridays and

---

<sup>1</sup> This vote does not appear on the voting session’s transcript; the vote is audible and visible on the voting session’s video *available at* <http://traviscountytexas.com/Citizens/SplitView.aspx?Mode=Video&MeetingID=1534&Format=Minutes>.

Saturdays and 11:00 p.m. on Sundays through Thursdays. Judge Eckhart explained that her motion was “to grant a permit that is ... consistent with the [Commissioners Court’s] policy.” (*Id.* at 9:53 a.m.). She further stated that “[t]here is clearly a legal question, but that legal question will not be settled here today.” *Id.* Travis County then court approved the permit, as conditioned by the motion, on a 3-1 vote with one abstention (Brigid Shea).

23. Travis County’s restrictive regulations place an undue burden on the promoters. Euphoria cannot fully complete its headline and direct support contracts until it knows the hours of operation. Travis County’s limits on hours would limit the number of hours of featured entertainment during the hours the consumers of such events expect, a significant percentage of whom have travel from out of state to attend. The hours would further limit the music from the campground stage that operates after the close of the main stage entertainment, further diminishing the enjoyment and attraction to this event that its consumers have come to expect from Euphoria and its competitors. Therefore, Euphoria needs a quick resolution. *See* Affidavit of James Mitchell Morales at ¶¶4-6, attached hereto as Exhibit A and incorporated herein by reference.

#### IV. STANDING AND PARTIES

24. Euphoria has standing to sue Travis County. EMCF Partners, LLC, is a Texas Limited Liability Company, registered to transact business in the State of Texas and remains in good standing with the State.

25. Defendant, Travis County, Texas, is a government agency that may be served with process by serving Defendant's attorney of record, David Escamilla, Travis County Attorney, 314 S. 11th Street, #300, Austin, Texas 78701, Telephone (512) 854-9415, Facsimile (512) 854-9316.

## V. JURISDICTION AND VENUE

26. The Court has jurisdiction over Travis County, which has its principal place of business in Travis County, Texas. The Court also has jurisdiction over the subject matter of this lawsuit, because the relief sought is within the jurisdiction of this Court.

27. Venue is proper in Travis County, Texas, because all or a substantial part of the events giving rise to the claims at issue occurred in Travis County, Texas, and Travis County is the county of Travis County's domicile and principal office in this state.

## VI. BASIS FOR DECLARATORY AND INJUNCTIVE RELIEF

28. Travis County lacks the authority to regulate the hours of operation of a mass gathering. In the August 11, 2015 hearing, as set forth above in the Facts section, one commissioner confirmed the county's lack of authority. A county has no authority to enact or enforce zoning laws. Before a county takes action, it must have a legal basis for that action which is rooted in either a statute or the Constitution. No such basis exists under current Texas law; therefore, the Travis County Commissions Court cannot regulate Euphoria's hours of operation.

29. Article V, Section 18, of the Texas Constitution provides that the Commissioners Court "shall exercise such powers and jurisdiction over all county business, as is conferred by this Constitution and the laws of the State, or as may be hereafter prescribed." The Constitution does not confer on the commissioners courts general authority over the county business. *Canales v. Laughlin*, 214 S.W.2d 451, 453 (Tex. 1948). Rather, a commissioner courts must exercise only such powers as the Constitution itself or the statutes have specifically conferred upon them. *Id.*

30. Therefore, unlike municipalities, counties lack general police power and may exercise only those powers expressly conferred upon them by the Constitution and by the

Legislature.

31. In recognition of Texas counties' lack of authority to regulate land use, Representative Patricia Harless introduced a bill in the Texas Legislature to regulate noise and sound levels in the 2015 legislative session. Tex. H.B. 153, 84th Leg., R.S. (2015). This bill, if passed, would have granted Texas Counties the authority to prohibit amplified sound over 85 decibels at a distance of 50 feet from the property line of the property on which the amplified sound operated. *Id.* However, the bill failed to get out of the County Affairs Committee, and the legislature never voted on the bill and it did not otherwise become law.

32. To date, the Texas Legislature has not conferred upon counties the authority to regulate the hours of operations of mass gatherings in their unincorporated areas. Until the Legislature specifically grants the State's counties authority to regulate mass gathering's hours of operations, Travis County is unable to regulate the hours of operation in a mass gathering permit.

33. Rather, Travis County must follow the current protocol under the Texas Mass Gathering Act ("TMGA"). Importantly, the TMGA lists strict, comprehensive guidelines for county judges to follow when deciding to grant or deny a mass gathering permit. *See* Tex. Health & Safety Code Ann. § 751.007. These guidelines allow county judges to objectively execute the permit process and curb subjective bias.

34. County judges must use the guidelines to determine whether promoters can ensure that minimum standards of sanitation and health will be maintained. *Id.* The health and sanitation minimum standards are set by administrative rule by the Department of State Health Services. 25 Tex. Admin. Code §265.2 (1976) (Tex. Dep't of State Health Services, Health and Sanitation for Mass Gatherings). The state health department sets minimum standards for water supply, toilet facilities, vector control, minimum area, solid waste facilities, noise control, food sanitation,



medical and nursing care, and final site cleanup. *Id.* at §265.3. The health department does not include “hours of operation” or any other similar restriction in the minimum standards.

35. Further, H&S Code §751.010 expressly confers regulatory authority regarding public order on the Department of Public Safety (“DPS”). The legislature has preempted any county authority by conferring the ability to adopt regulations regarding maintaining order on the DPS:

“Sec. 751.010. RULES. (a) After notice and a public hearing, the Texas Board of Health shall adopt rules relating to minimum standards of health and sanitation to be maintained at mass gatherings.

(b) After notice and a public hearing, the Department of Public Safety shall adopt rules relating to minimum standards that must be maintained at a mass gathering to protect public safety and maintain order.”

Accordingly, regulatory rules regarding public safety and order are the exclusive province of the DPS, which has adopted applicable rules as set forth in 37 Texas Administrative Code §§1.161- 169. The DPS has not adopted restrictions regarding sound, light, or dust, nor has it adopted rules conferring authority on counties to create such regulations. Because the legislature has conferred applicable rule making authority on the DPS, the statute preempts any county authority for making the proposed rules.

36. When considering the minimum standards for sanitation and health under the TMGA, county judges must objectively follow the prescribed guidelines. Importantly, judges must refrain from adding additional prior restraints to subjectively appease voting constituents.

37. Additionally, the 2005 amendments to the TMGA now require a permit if the gathering lasts “for any amount of time during the period beginning at 10 p.m. and ending at 4 a.m.” Tex. Health & Safety Code Ann. § 751.002(1)(C)(ii). Clearly, this language anticipates that a mass gathering can run between the hours of 10 p.m. and 4 a.m.

38. Furthermore, certain inalienable rights are reserved to the citizens of this state by the Bill of Rights to the Texas Constitution. Importantly, Article I, section 1 of the Texas Constitution proclaims: “Texas is a free and independent State, subject only to the Constitution of the United States, and the maintenance of our free institutions and the perpetuity of the Union depend upon the preservation of the right of local self-government, unimpaired to all the States.” This section is interpreted as a means to protect the citizens from the abuses of governmental power. *Vinson v. Burgess*, 773 S.W.2d 263, 265 (Tex. 1989). The framers of the Texas Constitution of 1876 felt justified in writing into that instrument a bill of rights that would bid defiance to future injustice and misrule. *Id.* Travis County’s restriction on the hours of operation for mass gatherings is an abuse of governmental power and disrupts the framers’ intent to safeguard against injustice and misrule.

## **VII. CAUSES OF ACTION FOR DECLARATORY AND INJUNCTIVE RELIEF**

### **A. Request for Declaratory Judgment**

39. Euphoria incorporates and re-alleges the matters set forth in each of the preceding paragraphs.

40. In accordance with the provisions of Chapter 37 of the Texas Civil Practices and Remedies Code, Euphoria respectfully requests that this Court issue a judgment declaring that (a) the hours of operation restriction imposed by Travis County is unlawful and invalidated by operation of the Texas Health and Safety Code and the Texas Constitution; and (b) neither Travis County nor its agents have the authority to require Euphoria to comply with the hours of operation restriction set by the Commissioners Court.

41. The requested declaration will resolve the real and substantial controversy over the validity of the regulation. This declaration is needed to prevent Travis County from enforcing

any portion of the regulation, which would subject Euphoria to unlawful regulation.

**B. Application for Temporary Restraining Order**

42. Euphoria incorporates and re-alleges the matters set forth in each of the preceding paragraphs.

43. Pending the Courts ruling on the requested declaratory judgment and temporary injunction, Euphoria requests that the Court issue an immediate temporary restraining order, restraining the Travis County from enforcing the hours of operation restriction.

44. The grounds on which Euphoria seeks injunctive relief is that it is entitled to the relief demanded in this petition, and all or part of the relief requires the restraint of acts prejudicial to Euphoria. Tex. Civ. Prac. & Rem. Code § 65.011(1). Moreover, Euphoria is entitled to a writ of injunction under the principles of equity and the statutes of the State of Texas relating to injunctions. Tex. Civ. Prac. & Rem. Code § 65.011(3).

45. It is probable that Euphoria will prevail after a full hearing or a trial on the merits, because Travis County's restrictions on the hours of operation are clearly in contravention of the TMGA and the Texas Constitution, as some of the County Commissioners even acknowledged on the record.

46. Euphoria, through its members, is faced with imminent and irreparable injury unless the Court issues the permanent injunction sought by Euphoria as soon as possible. Euphoria cannot secure all of the performing talent for the festival if the hours of operation are restricted, and most such top talent must be secured many months in advance, because of the competing demand for their services. Exhibit A, Affidavit of Morales.

47. Euphoria will have no adequate remedy at law. Money damages, alone, will not adequately address the loss of hours of performance by artists of stature and the hours of

enjoyment and experience of campers and attendees, many of whom travel long distances to attend the Euphoria Music and Camping Festival. Exhibit A, Affidavit of Morales. Prompt injunctive relief to stop the enforcement of the hours of operation restriction is therefore necessary.

48. There is no harm to Travis County should the Court grant the temporary restraining order and temporary injunction until the matter can be fully heard on the merits, as the festival is not scheduled to take place until the spring of 2016. On the other hand, Euphoria will suffer irreparable harm if it cannot, as soon as possible without the restrictions, pursue booking its talent for the full number of hours it should be able to operate. The balance of equities clearly argues in favor of the temporary restraining order for Euphoria.

### **C. Request for Temporary Injunction**

49. Euphoria incorporates and re-alleges the matters set forth in each of the preceding paragraphs.

50. Euphoria asks the Court to set its application for temporary injunction for a hearing and, after the hearing, issue a temporary injunction against Travis County and its agents, restraining Travis County and its agents from enforcing the newly and unlawfully imposed hours of operation restriction and that the Court set a hearing for the request for temporary injunction within two (2) weeks of the date of the temporary restraining order. In the event the Court does not grant the temporary restraining order, Euphoria requests that the Court set the hearing for the temporary injunction as soon as possible.

51. Euphoria has joined all indispensable parties under Texas Rule of Civil Procedure 39, as Travis County is the only party that has authority to grant permits for mass gatherings in the county.

#### **D. Request for Permanent Injunction**

52. Euphoria incorporates and re-alleges the matters set forth in each of the preceding paragraphs.

53. Euphoria asks the Court to set this request for a permanent injunction for a full trial on the merits and, after the trial, issue a permanent injunction against Travis County enjoining Travis County and its agents from enforcing the newly and unlawfully imposed hours of operation restriction.

#### **E. No Sovereign Immunity**

54. Travis County does not enjoy sovereign immunity from the conduct described in this petition. Counties do not enjoy immunity from suit where their acts are unauthorized or in violation of state law, nor do they enjoy sovereign immunity against suits in which declaratory relief is sought.

#### **VIII. CONDITIONS PRECEDENT**

55. All conditions precedent to the filing of this suit have been performed or occurred.

#### **IX. ATTORNEYS FEES AND COSTS**

56. Euphoria has retained the undersigned counsel to prosecute this suit on its behalf and has agreed to pay counsel reasonable and necessary attorneys' fees. An award of attorneys' fees and costs to Euphoria would be equitable and just, and Euphoria requests that it be awarded attorneys' fees and costs pursuant to Section 37.009 of the Texas Civil Practices & Remedies Code.

#### **X. REQUEST FOR DISCLOSURE**

Euphoria asks Travis County to produce its initial disclosure within 50 days of service of this request. *See* Tex. R. Civ. P. 194.2.

## XI. PRAYER FOR RELIEF


Euphoria prays that Travis County be cited to appear and answer, and that upon further hearings by this Court and upon final trial, Euphoria have judgment against Travis County as follows:

1. A declaration that the above-described hours of operations restrictions recently adopted by Travis County are unlawful and invalid by operation of the Texas Health and Safety Code and the Texas Constitution; and (b) neither Travis County nor its agents may require Euphoria to comply with the newly adopted limits of the hours of operation;
2. A temporary restraining order, followed by a temporary injunction, followed by a permanent injunction prohibiting Travis County and its agents from enforcing the newly adopted regulatory ordinance that restrict hours of operation.;
3. Reasonable and necessary attorneys' fees;
4. Costs of suit; and
5. Such other and further relief to which Euphoria may be justly entitled.

Respectfully submitted,

Craig Barker  
State Bar No. 01748010  
Law Office of Craig Barker, P.C.  
401 Congress Avenue, Suite 1540  
Austin, Texas 78701  
Telephone: 512-494-0777  
Facsimile: 512-553-3197  
Email: craig@craigbarkerlaw.com

Tom Knapp  
State Bar No. 24074541  
Tom Knapp, P.C.  
500 S Taylor Street  
Amarillo, Texas 79101  
Telephone: (806) 316-9284  
Email: tom@euphoriafest.com

BY:   
\_\_\_\_\_

Craig Barker


**ATTORNEYS FOR PLAINTIFF,  
EMCF PARTNERS, LLC**

VERIFICATION

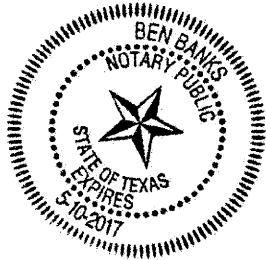
STATE OF TEXAS           §  
TRAVIS COUNTY           §

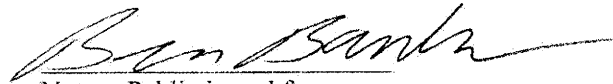
Before me, the undersigned notary, on this day personally appeared James Mitchell Morales, the affiant, whose identity is known to me. After I administered an oath, affiant testified as follows:

“My name is James Mitchell Morales. I am capable of making this verification. I am a managing member of EMCF Partners, LLC d/b/a Euphoria Music and Camping Festival, the plaintiff in the lawsuit filed against Travis County, Texas. I have read Plaintiff’s Original Petition For Declaratory Judgment, Application For Temporary Restraining Order, Requests For Temporary And Permanent Injunctions, and Request For Disclosure. The facts stated in it are within my personal knowledge and are true and correct.”

  
\_\_\_\_\_  
James Mitchell Morales

Sworn to and subscribed before me by James Mitchell Morales on September 22, 2015.



  
\_\_\_\_\_  
Notary Public in and for  
the State of Texas  
My commission expires: 5/10/17



# **Exhibit A**

CAUSE NO. \_\_\_\_\_

EMCF PARTNERS, LLC.

§  
§  
§  
§  
§  
§  
§  
§  
§  
§

IN THE DISTRICT COURT OF

Plaintiff,

vs.

TRAVIS COUNTY, TEXAS

TRAVIS COUNTY, TEXAS

Defendant.

\_\_\_\_\_ JUDICIAL DISTRICT

AFFIDAVIT OF JAMES MITCHELL MORALES

Before me, the undersigned notary, on this day personally appeared Mitch Morales, the affiant, whose identity is known to me. After I administered an oath, affiant testified as follows:

1. "My name is James Mitchell Morales. I am over 18 years of age, of sound mind, and capable of making this affidavit. The facts stated in this affidavit are within my personal knowledge and are true and correct.

2. "I am a managing member of EMCF Partners, LLC, d/b/a Euphoria Music and Camping Festival ("Euphoria Festival").

3. "I have personally been involved with all material aspects of putting on each of the four annual Euphoria Festival events that began in 2012 and have continued through this year's event that was held on April 10-12, 2015.

4. "Securing the musical talent the Euphoria Festival needs to be successful is a process that must start several months in advance, due to the competition among live music presenters for the musical talent. This is particularly true of securing headliners. Securing headliners early helps attract other desirable music talent and helps secure the participation of desirable vendors and helps ticket sales, as potential attendees tend to make music festival plans well in advance, particularly those who must travel to attend. All of these things, in turn, help feed the overall development of the Euphoria Festival into a desirable event, and the timing is critical in the short amount of time remaining before the next Festival in April 2016.

5. "It is impossible to secure all of the musical talent and negotiate to finalize other necessary elements when the festival does not know if the restrictions on the hours and decibel

levels, imposed recently by Travis County, Texas, will be upheld. This continued uncertainty could result in the loss of opportunities to secure the talent and other elements necessary to have a successful festival. An unsuccessful festival could cause the loss of momentum created in the prior years and puts the Festival's future survival in jeopardy.

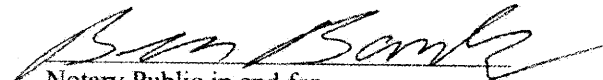
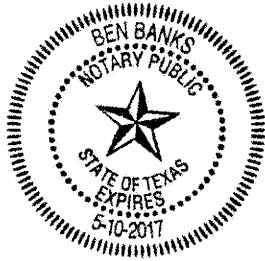
6. "The loss of momentum in the Euphoria Festival's development or the demise of the Festival would result in both economic and noneconomic harm. There is the loss of revenue that is vital to secure talent and vendors to provide a safe, wonderful experience for those who love this unique musical and camping experience. But the Euphoria Festival is also a unique event involving music, camping and outdoor activity that brings a great deal of pleasure to thousands of attendees, many of whom plan vacations around it each year with friends and family members. The loss of such a unique music and camping experience for a community of supporters is not something that money alone can compensate for."

The affiant says nothing further.



James Mitchell Morales

Sworn to and subscribed before me by Mitch Morales on September 23, 2015.



Notary Public in and for  
the State of Texas

My commission expires: <sup>BB</sup> 5/10/15-17