

CAUSE NO. D-1-GN-18-006098

TEXAS PROTAX-AUSTIN, INC.;	§	IN THE DISTRICT COURT
FIVE STONE TAX ADVISERS, LLC;	§	
46 COMMERCIAL PROPERTY OWNERS	§	
113 RESIDENTIAL PROPERTY OWNERS	§	
Plaintiffs,	§	
vs.	§	
	§	OF TRAVIS COUNTY, TX
TRAVIS APPRAISAL REVIEW BOARD;	§	
MARYA CRIGLER, CHIEF APPRAISER,	§	
(In her Official Capacity)	§	
Defendants	§	<u>201ST</u> JUDICIAL DISTRICT

PLAINTIFFS’ ORIGINAL PETITION
AND DISCOVERY REQUESTS

TO THE HONORABLE JUDGE OF THIS COURT:

Plaintiffs, Texas Protax-Austin, Inc. (Protax) and 46 of Protax’s Commercial Property customers; Five Stone Tax Advisers, LLC (Five Stone) and 113 of Five Stone’s Residential Property customers, file this Original Petition against Defendants Travis Appraisal Review Board and Marya Crigler, in her official capacity as Travis County Chief Appraiser.

A. SUMMARY AND DISCOVERY CONTROL PLAN

1. a. Plaintiff taxpayers and their tax agents challenge the Defendants’ unlawful manipulation and corruption of the 2018 tax appraisal protest process in Travis County that leaves property owners without the Appraisal Review Board (ARB) hearing to which they are entitled by law. The Defendants, particularly Chief Appraiser Marya Crigler, also use tactics—including the manipulation of protest hearing schedules—to try to prevent taxpayers from getting representation from the tax agent the taxpayers officially designate to represent them, as they are entitled by law to do. Plaintiffs seek appropriate court orders (a) requiring that their 2018 appraisal protests

receive an ARB hearing; (b) that any dismissal of their 2018 protest that may have occurred by the ARB violated the Texas Open Meetings Act and should be declared void; (c) and that the Chief Appraiser, Marya Crigler, Chief Deputy Lonnie Hendry, and the rest of her staff should be enjoined from exceeding her authority and destroying the independence of the ARB by such tactics as her and her Chief Deputy, Lonnie Hendry's prejudicial control in scheduling ARB hearings; assigning protests for hearing to certain ARB panels in a non-random method; and in causing the unlawful dismissal of appraisal protests without a hearing.

b. In recent press reports, Chief Appraiser Crigler says there were a record number of tax appraisal protests filed in 2018. The reason so many protests are filed is because the appraised value the Chief Appraiser puts on the property is inflated, unequitable, and erroneous and can only be corrected by filing a protest. If the Chief Appraiser's value was correct and equitable, there would not be so many appraisal protests. Tax agents, such as Plaintiffs, have the resources and expertise to prove the Chief Appraiser's excessive and unequal appraisal for their clients. For example, Protax's tax agent, Dave Brown (who represented the 46 Commercial Property Plaintiffs in this case), obtained a reduced value for his other commercial clients in over 76% of the ARB Hearings held, achieving over 12% reduction in value. Five Stones' agents (who represented the 113 Residential Property Plaintiffs in this case) obtained value reductions for their other residential clients in over 85% of the ARB Hearings held, achieving over 7% reduction in value. No wonder Crigler and Hendry tried to keep these agents from getting fair ARB hearings for their clients. This year, Crigler and her Chief Deputy essentially declared "war" on tax agents and tried to interfere in them obtaining corrections and equity for their clients. Together with the ARB Chair Betty Thompson and the ARB Board's complicity, Crigler and Hendry denied any ARB hearing *at all*

to the plaintiffs.

c. Discovery in this case is intended to be conducted under Level 2 pursuant to Texas Rules of Civil Procedure 190.3.

B. RELIEF

2. Plaintiffs seek monetary relief of \$100,000 or less and nonmonetary relief. Tex. R. Civ. P. 47(c)(2).

C. PARTIES

3. Plaintiffs are:

a. Texas Protax-Austin, Inc. is a Texas corporation employing property tax agents and may be served through their attorney of record in this case.

b. Five Stone Tax Advisers, LLC is a Texas limited liability company employing property tax agents and may be served through their attorney of record in this case.

c. 46 Commercial Property Owners who are customers of Texas Protax-Austin and are listed by name and the TCAD Property ID (PID) of their property in the list on the last pages of this petition. These plaintiffs may be served through their attorney of record in this case.

d. 113 Residential Property Owners who are customers of Five Stone Tax Advisers and are listed by name and the TCAD Property ID (PID) of their property in the list on the last pages of this petition. These plaintiffs may be served through their attorney of record in this case.

4. Defendants are:

a. The Travis Appraisal Review Board who may be served via its Chair, Betty Thompson, at the Travis Central Appraisal District offices at 8314 Cross Park Drive, Austin,

Texas.

b. Marya Crigler, in her official capacity as Travis County Chief Appraiser, who may be served at the Travis Central Appraisal District offices at 8314 Cross Park Drive, Austin, Texas.

D. JURISDICTION & VENUE

5. The District Courts of Travis County, Texas have jurisdiction over this case pursuant to Texas Tax Code section 41.45(f); Texas Government Code (Texas Open Meetings Act), section 551.142; and the Court's jurisdiction for equitable relief, such as the injunctive relief requested herein. The amount in controversy exceeds the minimal jurisdictional limits of this Court, and the exercise of this Court's jurisdiction over the Defendants is proper. Venue is mandatory in the District Courts of Travis County, Texas pursuant to Texas Civil Practices & Remedies Code § 15.002.

E. FACTS

6. The facts stated in Paragraph 1 above are incorporated herein.

a. A valid and timely protest for 2018 was filed, pursuant to Texas Tax Code section 41.44, for each Plaintiff property owner for the property identified in the list included in this Petition.

b. Licensed tax agents with Plaintiffs Texas Protax and Five Stone were validly appointed as tax agents for each of the Plaintiff property owners as shown in the list included in this Petition.

c. Plaintiffs made one or more written requests, pursuant to Texas Tax Code section 41.45 to ARB Chair Betty Thompson to postpone hearings on Plaintiffs' protests that could not be

feasibly heard on the date scheduled. Chair Thompson either ignored the requests or failed to respond or rule in writing to the requests. Orally, ARB Chair Thompson told both Protax and Five Stone that hearings that were not reached under the schedule, would be rolled over to be heard later, but after Ms. Thompson spoke to Marya Crigler and Lonnie Hendry, she changed her mind and orally indicated that any protest hearings not reached as scheduled (by Marya Crigler) would be dismissed.

d. After the scheduled hearing date for Plaintiffs' appraisal protests when the protests were not heard (due to Crigler's and Hendry's over-scheduling tactic), Plaintiffs made timely requests, pursuant to Texas Tax Code section 41.45, for a new hearing. Chair Thompson either ignored the requests or failed to respond or rule on the requests in writing.

e. Plaintiffs never received any written notice that their protests were dismissed.

f. Based on the Appraisal District's response to public information requests by Texas Protax and Five Stone, there is no record that a hearing on each Plaintiff's protest was ever opened or started.

g. No meeting notice of any meeting of the Travis Appraisal Review Board, held after the originally scheduled hearing dates for Plaintiffs' appraisal protests, contained an agenda subject that gave notice the Board was going to consider dismissing appraisal protests.

7. The Chief Appraiser and her Chief Deputy, Lonnie Hendry, exercise their power in prejudicial and grossly unfair ways. For example, Protax agent Dave Brown was representing a homeowner (PID 548494) in arbitration to correct the over-appraisal of the owner's home as a commercial property and denial of his homestead exemption. On May 15, 2017, the deadline for submission of evidence to support the arbitration hearing, Lonnie Hendry demanded that Dave

Brown meet with him in person (with other witnesses) regarding the case. In a visibly angry and shouting way, Hendry demanded that Dave Brown withdraw the arbitration appeal. Based on Mr. Brown's recollection, Chief Deputy Hendry threatened with the words, "If you don't withdraw, I'll use every means at my disposal to make your life as miserable as possible every time you walk through the Appraisal District's door."¹ Brown did not withdraw the arbitration and was successful in the arbitration appeal.

8. Chief Deputy Appraiser Hendry made good on his threat in the 2018 appraisal protest season by interfering in Mr. Brown's opportunity to settle appraisal protests informally and by deliberately over-scheduling Mr. Brown to be in protest hearings, for accounts he was the assigned agent for, in such a way as to make it impossible him to attend the hearings.

a. Even though ARB protest hearings were scheduled for 17 days (June 25th – July 14th), Hendry, with Marya Crigler's agreement, scheduled all of David Brown's hearings, 517 of them, on just 3 days in 5 ARB panels simultaneously! Hendry scheduled Brown on July 3rd for 185 hearings in 4 ARB panels simultaneously; on July 5th for 170 hearings in 5 ARB panels simultaneously; and on July 6th for 162 hearings in 5 ARB panels simultaneously. Hendry knew that Brown could not be in 2 (or more) places at once and that it would be impossible to conduct that many hearings per day anyway. Hendry had adopted a rule that informal settlement discussions were not available on commercial properties valued below \$950,000. Thus Dave

¹ While it cannot be brought as a civil action, Plaintiffs note that the Texas Penal Code §39.03 defines Official Oppression as "a public servant acting under color of his office or employment ... (1) intentionally subjects another to mistreatment ... (2) intentionally denies or impedes another in the exercise or enjoyment of any right, privilege, power, or immunity, knowing his conduct is unlawful...."

Brown, who had hundreds of commercial protests in that category, had even more protests pushed into formal hearings because Hendry outlawed informal settlements in that category. But Hendry allowed other agents of commercial property with such lower values to settle the protests informally.

b. Consistent with his previous threat, Hendry scheduled Brown for more hearings, before more ARB panels, in fewer days than any other commercial tax agent operating in Travis County. When Mr. Brown tried to get the unreached hearings reset, Hendry and Crigler refused, and 46 of those protests were dismissed without a hearing (now the subject of this lawsuit). The evidence will show that other tax agents who had hearings that were not reached on the day originally scheduled were allowed to “rollover” those hearings to have them heard at subsequent times.

9. Once protests are settled for lower values or the ARB orders changes in value, it affects the benchmark for equal-and-uniform values for comparable properties. So, Protax has always requested updated appraisal information during the appraisal protest process so it has fresh appraisal decisions included in its ARB hearing evidence. Defendant Crigler and her staff attempted to block this evidence from being presented to ARB panels.

a. Since 1986, Protax has routinely requested a “full load” set of the District’s appraisal information, which the District has provided usually within one day or so. But this year when Protax made this routine data request in June, the District responded that the updated appraisal information would not be available until July 11, 2018—virtually after all the ARB protest hearings were concluded! Protax viewed this ridiculous delay as part of Crigler’s “war” on tax agents and a deliberate attempt to keep tax agents from being able to show the ARB panels

updated appraisal evidence for “equity” hearings.

b. That this tactic was deliberate, is further supported by a written statement district appraisers began reading at the beginning of ARB equity hearings—for the first time—that denounced the practice of tax agents asking the panels to consider the updated appraisal information and giving panels incorrect interpretations of the Tax Code provision on unequal appraisal protests. The district labeled the statement “‘Me Too’ (Equity) Grids.” So, upon hearing from Crigler’s staff that the updated appraisal information would not be provided until the ARB hearings were over, Protax filed a formal request with ARB Chair Thompson to postpone the hearings until the Chief Appraiser would provide the updated appraisal data. Ms. Thompson denied that request indicating that she did not have to postpone hearings just because the District was refusing to provide appraisal information the tax agents needed to put on their protest before the ARB panels. This is consistent with ARB Chair Thompson’s attitude that the Tax Code only provides that taxpayers get a hearing, not necessarily a *fair* hearing. After being threatened with a lawsuit for violating the Texas Public Information Act’s requirement to “promptly” provide this public information, Ms. Crigler relinquished and provided the data—proving that it was feasible to do so all along and had deliberately been withheld.

10. When, on July 3rd, David Brown asked District appraiser Jared Bates if he could try to settle the unreached hearings informally, Mr. Bates reported that Chief Deputy Hendry refused, saying the deadline for informal settlement had passed. Public records show that District Appraiser

Jared Bates also works, privately, for Chief Deputy Hendry's real estate firm.² But *after this supposed deadline*, Hendry let other commercial tax agents settle 129 cases informally with taxable value reductions of \$161,493,406! The bulk of these value reductions were included in 43 by Morrison & Head on a couple of days around July 9th, that reduced the taxable value of those commercial properties by \$102,856,592!³ Hendry permitted a value reduction on the 43 Morrison & Head accounts that exceeds the *total* assessed value of *all* the 46 Protax/Dave Brown accounts (\$88,026,102) on which protests were dismissed and are at issue in this lawsuit.

11. The Chief Appraiser's tactic of deliberately over-scheduling tax agents for hearings and then dismissing the unreached protests was used on residential protests as well. But the Chief Appraiser (as an opposing party in the ARB hearings) is not authorized by law to do the ARB scheduling or ARB panel assignments which are, by Comptroller rule, supposed to be randomly assigned. For example, John P. Krueger, of Five Stone Tax Advisers, complained that his residential accounts were over-scheduled (July 3rd and 5th, 80 hearings per day for each of 5 ARB

² Chief Deputy Appraiser Lonnie Hendry, Jr. also has an active real estate brokerage with 8 sales agents, supposedly operating outside Travis County. But the TREC website for "Team Hendry Realty" shows that TCAD's Manager of Commercial Property, Matt Markert, and TCAD commercial appraiser, Jared Bates, are also sales agents for Hendry's brokerage. https://www.trec.texas.gov/apps/license-holder-search/?detail_id=1000039924 On LinkedIn, Hendry says, "If any of my LinkedIn connections refers a client to my brokerage – Team Henley Realty LLC—and we are able to help them *I will pay a referral fee for the lead.*" (emphasis added) <https://www.linkedin.com/feed/update/urn:li:activity:6406644187789344768>

³ Agent companies receiving settlements after the deadline Hendry imposed on David Brown included BRECK BOSTWICK & ASSOC.; CANTRELL MCCULLOCH INC.; COMMERCIAL TAX GROUP LLC; HARDING & CARBONE INC.; PARADIGM TAX GROUP LLC; POPP HUTCHESON PLLC; PROPERTY TAX PARTNERS LLP – HOUSTON; RYAN LLC; and MORRISON & HEAD LP. The appearance of favoritism by Hendry to Morrison & Head is raised by the fact that in the Fall of 2016, Morrison & Head offered Hendry a lucrative job which, because he would have to relocate to Dallas, Hendry declined.

panels, or an average of one hearing every 6 minutes). On July 3rd at approximately 1pm, Mr. Krueger spoke to ARB Chair Betty Thompson about the unfairness of the panel scheduling and non-random assignment, to which Ms. Thompson replied, “The [Tax] Code doesn’t say anything about a *fair* hearing.”

12. About mid-day on July 6th, Krueger argued with Chief Appraiser Marya Crigler (with other witnesses present) about the unfairness of the hearing schedule, and Krueger asked, “Who set my hearing schedule this way?” As Krueger recalls, Crigler admitted, “I set all of your hearings.” (emphasis added). During the hearings, Crigler refused to let Five Stone’s agents plug their laptops in electrical outlets in the ARB hearing rooms (which were held at the Exposition Center) so, the agents’ laptops ran down, making it impossible to continue the hearings. On June 28th, TCAD staff told Protax they could not use any of vacant tables or electrical plugs for their computers either. This was another element of the Chief Appraiser’s “war” on tax agents.

13. In an email on June 26, 2018, Krueger proposed that, for efficient use of personnel, his agents be able to work informally at the Exposition Center with Crigler’s appraisers on 145 residential cases when the TCAD appraisers’ time was not occupied with owner-filed protests or while not appearing in formal hearings. Crigler refused, even though there were many hours of downtime (residential owners not showing up at the Expo Center) for her appraisers and plenty of availability of ARB panels during the hearings period. Because of the deliberate over-scheduling and stubborn refusal to provide any kind of hearing, formal or informal, 113 of Five Stone’s residential property owners had their protests dismissed without a hearing, resulting in this lawsuit.

14. While Crigler and Hendry refused tax agents’ requests to support rescheduling of protest hearings instead of dismissing the protests, when Crigler’s staff were not ready for hearings, the

hearings were magically postponed. For example, on the morning of July 3rd, Protax residential tax agent Debra Bawcom was signing in for 102 ARB hearings she was prepared for, when TCAD Assistant Director for Residential, Monica Chacon, approached her and said the TCAD was not ready and those hearings would be rescheduled or settled informally. This is further evidence that Crigler and her staff are scheduling the ARB panel hearings, not the ARB Chair.

15. Crigler and Hendry, with complicity by ARB Chair Thompson, used tactics that denied fair hearings to taxpayers, and, in the case of the Plaintiffs in this lawsuit, any hearing at all. They put an extra-legal time limit of only 15 minutes on any ARB protest hearing. Crigler and Hendry controlled the informal settlement process in prejudicial fashion and used denial of access to “Informals” to punish agents they disfavored, forcing even more formal ARB hearings, the schedules for which Crigler and Hendry also controlled. ARB Chair Thompson arbitrarily ignored formal requests for hearing postponements and rehearing pursuant to Tax Code section 41.45. Even in the ARB hearing process, Crigler’s staff, including Chief Deputy Hendry, used improper “training” discussions with ARB members, *ex parte*, to misinform ARB panel members about the Tax Code and appraisal issues, and comments intended to prejudice the panel members against tax agents and deny fair hearings to taxpayers and their agents. District staff did not follow hearing evidentiary rules, and one tax agent, Jason Nassour, reports that he observed TCAD appraiser Jason Ruley having online access to highly confidential mortgage information on the Fannie Mae West website of taxpayers’ private mortgage information!

16. Throughout the hearing process this year, ARB Chair Thompson and Chief Appraiser Crigler claimed the restrictions and scheduling, including the dismissal of the cases at issue in this lawsuit, were necessary to certify the appraisal roll by their self-chosen target date of

July 14th, while the Tax Code gives them until July 20th to do so. With those extra days—in addition to the days when ARB panel and district appraisers were sitting idle—there was plenty of time available to complete the Plaintiffs’ protest hearings and still meet the certification deadline. Yet, the total value of the Plaintiffs’ property in this lawsuit, \$159 million, is less than 7/100^{ths} of 1% percent of the approximately \$236 Billion in value they needed to achieve certification. The excuse that over-scheduling and dismissing the appraisal protests on Plaintiffs’ property was necessary to timely achieve certification is a sham. No one—not the Chief Appraiser, the ARB Chair, nor the ARB Board—ever sent Plaintiffs notice that their valid and timely filed appraisal protests had been dismissed. With or without notice, the protest dismissals were unlawful.

17. Ominously, it appears that Crigler intends to ramp up her “war” on tax agents even more in 2019 and rig the system so even more taxpayers are denied hearings and fair treatment. In a meeting with Crigler and Hendry on August 28, 2018, Hendry told Protax agent Debra Bawcom that certain tax agents, including Jason Nassour and Dave Brown—whom Hendry doesn’t like—will not be allowed to have informal settlement discussions on arbitration appeals from 2018. And Crigler announced that, for 2019, she is dramatically reducing the opportunity for taxpayers using tax agents to get informal settlement conferences and that even more formal ARB panel hearings would be required. This means that if hearing schedules are manipulated in 2019 the way they were in 2018, even more protests will be dismissed without hearings.

F. CLAIMS

Denial of ARB Hearing

17. Texas Tax Code section 41.45(f) says:

(f) A property owner who has been denied a hearing to which the property owner is entitled under this chapter may bring suit against the appraisal review board by

filing a petition or application in district court to compel the board to provide the hearing. If the property owner is entitled to the hearing, the court shall order the hearing to be held and may award court costs and reasonable attorney fees to the property owner.

Plaintiffs were entitled to a hearing. Plaintiffs are also entitled to be represented at that hearing by a tax agent of their choosing. Tex. Tax Code section 1.111. Neither the Chief Appraiser, the ARB Chair, nor the ARB Board has authority to pressure or punish a taxpayer for the choice the taxpayer makes in choosing the tax agent. The Defendants are without authority to so schedule the Plaintiffs' hearing(s) that it was impossible for their designated tax agent to appear at the scheduled hearing. No hearing was actually commenced for the Plaintiffs' appraisal protests. The ARB Chair improperly and unlawfully ignored or implicitly denied Plaintiffs' request for postponement or rehearing.

18. Therefore, Plaintiffs seek a court order compelling the Defendant Travis Appraisal Review Board to grant Plaintiffs hearings on their appraisal protest for 2018.

Violation of the Texas Open Meetings Act

19. Defendant Travis Appraisal Review Board is a "governmental body" subject to Tex. Gov't Code Chapter 551, the Texas Open Meetings Act. No meeting notice in 2018 of the Travis Appraisal Review Board contained an agenda subject item to dismiss appraisal protests. The Texas Open Meetings Act requires such notice:

Sec. 551.041. NOTICE OF MEETING REQUIRED. A governmental body shall give written notice of the date, hour, place, and *subject* of each meeting held by the governmental body.

On information and belief, the Defendant dismissed thousands of appraisal protests, ostensibly because the taxpayers or their agents were not in attendance at the scheduled time for the protest hearing. Dismissing a validly and timely filed appraisal protest is not the same thing as approving

the appraised value after a contested appraisal review board panel hearing. Dismissing a protest is a distinct subject from deciding to approve appraisal records. For example, at the July 14, 2018 ARB meeting (at which Plaintiffs believe the Board dismissed their protests), the agenda subject items were:

1. Call to Order
2. Establish Quorum Present
3. Approval of Records
4. Order Approving 2018 Appraisal Records
5. Administrative Matters and Any Action Resulting from
6. Adjournment of Quorum Meeting

Not one of those agenda items would be sufficient notice under Open Meetings Act section 551.041 to *dismiss* appraisal protests. In fact, the agenda items are so vague and general, they may not even be sufficient notice for other actions the Board took.

20. Plaintiffs Texas Protax-Austin, Inc., Five Stone Tax Advisers, and each of the property owners are interested persons for purposes of this Open Meetings Act claim. The Open Meetings Act says:

Sec. 551.142. MANDAMUS; INJUNCTION. (a) An interested person, including a member of the news media, may bring an action by mandamus or injunction to stop, prevent, or reverse a violation or threatened violation of this chapter by members of a governmental body.

(b) The court may assess costs of litigation and reasonable attorney fees incurred by a plaintiff or defendant who substantially prevails in an action under Subsection (a). In exercising its discretion, the court shall consider whether the action was brought in good faith and whether the conduct of the governmental body had a reasonable basis in law.

The Open Meetings Act also says: “Sec. 551.141. ACTION VOIDABLE. An action taken by a governmental body in violation of this chapter is voidable.”

21. Therefore, pursuant to the Open Meetings Act, Plaintiffs ask the Court to reverse and

declare void the action taken by Defendant Travis Appraisal Review Board in dismissing Plaintiffs' valid and timely filed protests under Texas Tax Code section 41.44 and order the Defendant to provide a hearing to each Plaintiff on its 2018 appraisal protest. In addition, Plaintiffs ask the Court to reverse and declare void any action taken in 2018 by the Defendant Appraisal Review Board to dismiss *any* property owner's appraisal protest at a meeting of the TARB for which no agenda subject appeared in the meeting notice to dismiss appraisal protests.

Injunction to Stop Chief Appraiser's *Ultra Vires* Scheduling and Selection of ARB Panels

22. Plaintiffs are all adversely and uniquely affected by the effective denial of their right to an ARB appraisal protest hearing by Chief Appraiser Marya Crigler's (and her Chief Deputy Lonnie Hendry's) tactic of over-scheduling hearings to get the protests dismissed when the ARB panel runs out of time to conduct the hearing as Crigler and her staff scheduled. The Chief Appraiser does not have authority to schedule ARB panel hearings or to select with protests are heard by which ARB panel (which are supposed to be assigned randomly). The Texas Tax Code, section 41.45(a) says that upon a taxpayer filing notice of protest of the appraisal, "*the appraisal review board shall schedule a hearing on the protest.*" (emphasis added). Section 41.66(o) says, "The chairman of an appraisal review board or a member designated by the chairman may make decisions with regard to the scheduling or postponement of a hearing...."

23. While Tex. Tax Code section 6.43(f) allows the ARB to get "clerical assistance" from the Chief Appraiser's staff including "with scheduling and arranging of hearings," that section does not permit what has now occurred in Travis County: The complete abdication of any independence by the ARB in establishing a fair schedule of hearings and total delegation of that function to the Chief Appraiser. The Chief Appraiser herself has admitted that "she" is scheduling the hearings

and selecting the panels (in a non-random way, in violation of the Texas Comptroller's rules). Injunction is appropriate to stop a government official from exercising authority she does not possess.

24. Plaintiffs seek an injunction to permanently enjoin Marya Crigler, in her capacity as Chief Appraiser, her staff and her successors in office, from scheduling appraisal protest hearings or selecting the ARB panel that will hear the protest. The requested injunctive relief is authorized by Tex. Civ. Prac. & Rem. Code section 65.011(1), (2), and (3). It is probable that Plaintiffs will recover from Defendant after a trial on the merits regarding Defendant Crigler's *ultra vires* acts. If Plaintiffs' application for injunctive relief is not granted, harm is imminent because Crigler's *ultra vires* exercise of authority to schedule ARB hearings, particularly in the prejudicial fashion she did in 2018, will cause Plaintiffs to be without the appraisal protest hearings to which they entitled by law. Even if the Court grants the requested Order for hearings under Tax Code section 41.45(f), Plaintiffs should not again be subjected to a prejudicial and unlawful hearing schedule instituted by Defendant Crigler. The harm of being denied a hearing by Defendant Crigler's unlawful exercise of authority to set the hearing schedule and choose the ARB panels to hear Plaintiffs' protest is irreparable. Plaintiffs have no adequate remedy at law because there is no other procedure available, than injunctive relief, to prevent Defendant Crigler from continuing her unlawful and harmful tactics to effectively deny Plaintiffs appraisal protest hearings now and in the future.

F. CONDITIONS PRECEDENT

25. All conditions precedent have been performed or have occurred.

G. ATTORNEY FEES

26. Plaintiffs have been required to retain the legal services of the attorney signing this pleading. Plaintiffs ask the Court to award Plaintiffs reasonable and necessary attorney fees pursuant to Tex. Tax Code section 41.45(f) and Tex. Gov't Code section 551.142(b) (Texas Open Meetings Act).

PRAYER

For these reasons, Plaintiffs pray that—

- a. Defendants be cited to appear and answer;
- b. Plaintiffs be granted judgment as follows:
 1. Pursuant to Tex. Tax Code 41.45(f), an order compelling the Defendant Travis ARB to promptly grant hearings to each Plaintiff on their 2018 appraisal protest, and after such hearing, to correct the 2018 appraisal records of Travis County;
 2. Pursuant to Tex. Gov't Code sections 551.141 and 551.142, reverse and declare void (a) the action of the Travis Appraisal Review Board to dismiss Plaintiffs' 2018 appraisal protests, and (b) the action of the Travis Appraisal Review Board to dismiss any property owners' 2018 appraisal protests, and to order the Board to set hearings on those unlawfully dismissed protests.
 3. To grant an injunction against Marya Crigler, in her capacity as Chief Appraiser of Travis County and against her staff and successors in office, from determining the schedule or ARB panel selection by which appraisal protests in Travis County will be heard.
- e. Plaintiffs be granted judgment for all costs of court and reasonable and necessary attorney fees.

f. Plaintiffs be granted all further relief to which Plaintiffs may be entitled.

Respectfully submitted,



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ATTORNEY FOR PLAINTIFFS

Attached:
Discovery Requests Served With Petition

Verification for Purposes of Injunction

My full name is Debra Glynn Bawcom. My date of birth is [REDACTED] and my address is 405 Friesian Ln., Cedar Park, TX 78613. I am over 18 years of age, of sound mind, and capable of making this verification. I declare under penalty of perjury that the facts stated in this document are true and correct. I have read the above Original Petition as it relates to injunctive relief against the Chief Appraiser. The facts stated in it are within my personal knowledge and are true and correct.



Debra Glynn Bawcom
Affiant

PARTY PLAINTIFFS' LIST:

Petition Paragraph 3(c): 46 Commercial Property Owners, Customers of Protax:

PID	OWNERSHIP/PLAINTIFF'S NAME
350573	EDWARD LAWRENCE BRACKIN
211180	JAME CECIL PICKENS ET AL
194641	J B BRANTON JR
194311	MARK D BRAINARD
105405	STANLEY F KORNFUEHRER
194459	BENARD LAVES & HAROLD P LAVES
208315	JOHN CALHOUN MILLER
327549	KENNETH D PRUE
194520	HAL B ARMSTRONG III
282700	STEPHEN WERTHEIMER
194454	201 EAST 6TH STREET LLC
194535	418 EAST 6TH STREET LLC & ET AL
105391	715 WEST SIXTH STREET LP
190889	BANGERS RAINEY STREET
194497	SMITH-HAGE BUILDING LP
194566	GSD ENTERPRISES LP
105500	BROADDUS PROPERTIES LTD
107247	BRIDGES REAL ESTATE LLC
105390	BULL CREEK EXPLORER LLC
194312	ANKO LLC
194589	PECAN-500 LLC
249932	PCD PROPERTIES LTD
105367	600-2313-2305 MJM LLC & RICHARD G HARDIN
807119	SIX-TEN-TWELVE-SIXTEEN NUECES LLC
424204	LAKEWAY CAR WASH LLC
194540	408 SIXTH EAST LC
194569	505-507 SIXTH LLC
194631	SIXTH RED RIVER LC
194597	MCDANIEL COMMERCIAL LLC
194343	MILLER 120 W 5TH PROPERTY LLC
194186	520 WEST 6TH STREET LLC
194634	CABOT-CHASE LTD
194640	CABOT-CHASE LTD

107155	OGDEN RENTALS LP
243374	3AQ INC
194526	RATR INC
291961	2002 RE LP
194467	REWBOW LLC
192857	M M REYNOLDS 67 M O M TRUST
194493	SILBERSTEIN JONAS & JUANITA LIVING TRUST
249915	SILBERSTEIN JONAS & JUANITA LIVING TRUST
194283	SIMMS & STEIN FAMILY TRUST
233436	AUSTIN TRUST COMPANY TRUSTEE & LAURA N ROBERTS & ROBERT NICHOLAS
194284	THREE D PROPERTIES LIMITED
208428	TWIN OAKS ASSOCIATES LTD
196567	WATERLOO II LTD

Petition Paragraph 3(d): 113 Residential Property Owners, Customers of Five Stone Tax Advisers:

PID	OWNERSHIP/PLAINTIFF'S NAME
100425	1719 Bluebonnet Ln LLC
795972	210 Lee Barton LLC
204135	Amy Schweiss
302703	Andre Beskrowni & Meghal Mehta
321345	Arjun Mishra
163256	Baci Series #2 of Clasi Series LLC
495244	Beatty Barts Family Trust
460747	Ben Le
159402	Beverly Ogier Wood Trustee
333253	Brandye Tambunga
231699	Brian Christensen
831426	Butler Cove Partners LLC
709177	Caitlin Sulley & Ryan Bamford
303391	Carey Howard & Sarah Howard
101151	Catherine Morgan
129581	Charles & Hanna Byrd
117585	Charles Gordon Watson
758857	Charles John Marriot
191816	Christina Di Pierro & Kevin Fagan

557421 Chrys Hightower
113228 Dana Golemi
356270 Daniel & Cheryl Seay
121101 David Macdonald
366634 Eldho Varkey
306096 Elizabeth Sowell & Clark Mentel
101225 Emil Jimenez & Christina Iron
423033 Gabriel Rodriguez & Rory Mcneill
165254 Gary and Linda Vopat
200281 Gaston Family Trust
207219 Gautum Mekala & Chalasani Lokaranjitt
204402 Gretchen Robbins
117401 Heidi & Vincent Restivo
752729 Henry & Georgia Smith
107780 Hweilu Chen & Kellie Pai
455820 Invigor Property Management LLC
325509 Israel & Chris Trevino
540766 James Martino
312538 Jean Kim
709119 Jeffery & Hannah Hamilton
355545 Jett Virginia Revocable Trust
323384 Joel & Jillian Farris
359665 John M Scott
134858 Joseph & Mary Jo Sheehan
239885 Joseph Schuepbach
128119 Josh & Leila Behjat
193348 Justin Thomas Stewart
102556 Katelyn & Clayton Boone
323405 Kathleen Godwin
521260 Kevin & Cathy Zou
200415 Kimberly Griffin
475209 Laura Perez & Joseph Corso
117404 Lillian Kathleen Montana
508890 Lisa & Bryan Oneil
323526 Lynn Cash & Alison Proctor
177749 Margaret Butler
108202 Mark & Dawn Hooper
501082 Marvin & Lucille Duncan
204350 Matthew & Sarah Shaw

324118	Melisa Santillano
121902	Michele Seghers
121914	Michele Seghers
794488	Miles Anderson
311894	Monica Flores & Dusty Burcham
129585	Murray Martin & Peggy Broo
207635	MWS Capital LLC
310963	Nathan Kennedy
129582	Patricia Anderson
108420	Patrick Eitel & Natasha Beagh
121876	Patrick Fear
786629	Paul & Linda Spurgeon
267323	Pavel & Darya Karoukin
438443	Pintek Family Trust
219065	Rebecca Abdallah
464650	Richard & Kerri Slobodnik
534703	Rick Clay & Alice Bingham
356099	Robert & Tracy King
356144	Ronald & Linnea Spitzack
189220	Ross Blagg
122539	Ryan & Elizabeth Coleman
303358	Ryan & Kristin Chandler
548869	Ryan & Ruth Firth
329451	Sandra Sancen
222654	Santaka Investment Group
148146	Scott & Ronnie Kruger
557268	Seung Hun Lee & Kim Yeonjin
100734	Shirin Khosropour
197596	Simon Wallace
522127	Soledad Wilson
825601	Srinivas Neshangi
540687	Stan & Parker Rice
161982	Stanley Craig
772839	Steven & Geanneita Butler
157240	Steven & Sharon Rudkin
125010	Susan Klein & Shil Govino
100699	Sylvia Deily & William Tucker
330883	Tarin Lewis
121016	Teresa Vannoy

157210	Teri Hewitt
709196	Tiffany & Crystal Murray
129584	Timothy & Beth Jones
366268	Tommy & Meghan Lueders
355856	Toni & Jason Hammond
484290	Trudy & David Hasan
775177	Tung Chung
125011	Velayudhan & Deepthi Venugopal
349258	Vincent & Angie Whitney
100673	Virginia Wilkinson & Christopher
126785	William & Barbara Shepherd
103346	William Ogilvie
187662	William Pittman & Eric Webb
891396	Yesenia Woodall
431303	Tony & Brenda Alvarado
741044	Haynes Family Investments LTD