

CAUSE NO. D-1-GN-26-000178

TEXAS ASSOCIATION OF HEALTH PLANS, <i>Plaintiff,</i>	§	IN THE DISTRICT COURT FOR THE
	§	
	§	
v.	§	200TH JUDICIAL DISTRICT
	§	
TEXAS DEPARTMENT OF INSURANCE and CASSIE BROWN in her official capacity as Commissioner of the Texas Department of Insurance, <i>Defendants.</i>	§	
	§	
	§	TRAVIS COUNTY, TEXAS

**AGREED TEMPORARY INJUNCTION ORDER**

On this day, the parties presented to the Court for entry this Agreed Temporary Injunction Order on Plaintiff Texas Association of Health Plans’ (TAHP’s) Original Petition for Declaratory and Injunctive Relief against Defendants Texas Department of Insurance (TDI) and Cassie Brown, in her official capacity as the Commissioner of Insurance (collectively, “the Parties”).

**I.  
STIPULATIONS**

The Parties agree and stipulate that:

1. This Court has jurisdiction over this action and the Parties to this action, and venue in this Court is proper.
2. The parties have agreed to entry of this Agreed Temporary Injunction after conferring with their respective counsel.
3. Entry of this Agreed Temporary Injunction is in the public interest.
4. This Agreed Temporary Injunction is non-appealable.
5. For purposes of this Agreed Temporary Injunction only, the Parties stipulate that TAHP has properly pleaded causes of action against Defendants concerning their enforcement of

the provisions of Insurance Code §1301.0055(a)(5)(A). The Parties have agreed to entry of this Temporary Injunction in lieu of requiring proof at a hearing of a probable right to relief, and imminent and irreparable harm. This Agreed Temporary Injunction preserves the *status quo* until TAHP's claims against Defendants are finally resolved.

6. TDI will initiate a new rulemaking under Tex. Gov't Code Ch. 2001 regarding the implementation of HB 3359, 88th Session (2023).

## **II. FINDINGS**

The Court, after reading the pleadings and the Stipulations of the Parties, and it appearing to the Court that the Parties agree to and have approved entry of this Agreed Temporary Injunction, is of the opinion that this Agreed Temporary Injunction should be approved and entered. Accordingly, the Court FINDS that:

1. The Court has jurisdiction under Texas Government Code § 2001.038 over TAHP's claims against TDI, and to enter prospective injunctive relief against TDI and Commissioner Brown in her official capacity.

2. Venue is proper in Travis County pursuant to Tex. Gov't Code § 2001.038(b).

3. TAHP has standing to bring the claims it has asserted against the Defendants in this case.

## **III. TEMPORARY INJUNCTION**

1. The Court FINDS, based on the pleadings, the Parties' stipulations, and their agreement to the entry of this Temporary Injunction, that:

a. There is a threat that TAHP's members will suffer imminent and irreparable injury if TDI and Commissioner Brown are not enjoined as described herein. Specifically,

TAHP's members may, absent this injunction, be unable to continue providing access to their Preferred Provider Organization and Exclusive Provider Organization (collectively "PPO") plans, including the networks of preferred providers they have established through their plans, to their insured enrollees throughout much of the state; and, in much of the state, currently insured enrollees might be left without a comparable health insurance option and access to in-network providers. Enjoining TDI and Commissioner Brown from enforcing its rules in accordance with this injunction is, therefore, necessary to preserve the *status quo* pending a final adjudication of TAHP's claims for declaratory and permanent injunctive relief.

2. The Court, therefore, enters the following specific injunctive relief applicable to TDI's and Commissioner Brown's review of PPO plan submissions in 2026 for issuance in 2027, to be effective until the conclusion of this litigation:

- a. TDI and Commissioner Brown are enjoined from issuing any findings of failure to demonstrate "multiple good faith attempts" under Insurance Code §1301.0055(a)(5)(A);
- b. TDI and Commissioner Brown are enjoined from denying any waiver applications, including any third consecutive waivers, on the basis of a PPO plan's failure to demonstrate "multiple good faith attempts" under Insurance Code §1301.0055(a)(5)(A), including but not limited to any such failure in any previous plan year;

3. This order and the injunctive relief it imposes are effective immediately upon execution of this order. This order and the injunctive relief it imposes enjoins TDI, Commissioner Brown, and each and every one of their respective officers, agents, servants, employees, and

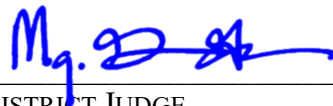
attorneys, as well as any individuals or entities in active concert with them, directly or indirectly under their control, or participating with them who receive actual notice of this order by personal service or otherwise.

4. It is FURTHER ORDERED that a trial on the merits of this case is set for October 19, 2026, at 9:00 a.m. on the Non-Jury Docket at the Travis County Civil and Family Courts Facility, 1700 Guadalupe St., Austin, Texas 78701.

5. **Bond:** The Court finds, pursuant to Texas Rule of Civil Procedure 684, that this temporary injunction is against a state agency and its Commissioner acting in her official capacity, and that neither TDI nor Commissioner Brown have a pecuniary interest in this suit, and no monetary damages can be shown. The Court further finds that this injunction is agreed to by the Parties in lieu of an injunction hearing, and that this injunction order will not be appealed. Therefore, the Court finds that \$100.00 is a sufficient amount for the bond for this temporary injunction order.

6. IT IS FURTHER ORDERED that this Order shall not expire until a final judgment in this case is entered or this case is otherwise dismissed by the Court.

Entered and signed at 3:35 a.m./p.m. on this 29th day of January, 2026



DISTRICT JUDGE

Judge Maya Guerra Gamble  
459th District Court

**AGREED:**



Matthew Baumgartner  
State Bar No. 24062605

[mbaumgartner@abaustin.com](mailto:mbaumgartner@abaustin.com)

Guillermo A. Alarcón  
State Bar No. 24099176

[galarcon@abaustin.com](mailto:galarcon@abaustin.com)

**ARMBRUST & BROWN, PLLC**  
100 Congress Avenue, Suite 1300  
Austin, Texas 78701  
Telephone: (512) 435-2300

**ATTORNEYS FOR PLAINTIFF  
TEXAS ASSOCIATION OF HEALTH PLANS**

**AGREED:**

KEN PAXTON  
Attorney General of Texas

BRENT WEBSTER  
First Assistant Attorney General

RALPH MOLINA  
Deputy First Assistant Attorney General

AUSTIN KINGHORN  
Deputy Attorney General for Civil Litigation

ERNEST C. GARCIA  
Chief, Administrative Law Division

*/s/ John M. Grey*

---

JOHN M. GREY  
State Bar No. 24012735  
Assistant Attorney General  
Administrative Law Division  
OFFICE OF THE ATTORNEY GENERAL OF TEXAS  
P.O. Box 12548, Capitol Station  
Austin, Texas 78711-2548  
Telephone: (512) 475-4203  
Facsimile: (512) 320-0167  
John.Grey@oag.texas.gov

**ATTORNEYS FOR DEFENDANTS,  
TEXAS DEPARTMENT OF INSURANCE AND CASSIE BROWN**