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JACK PIDGEON and
LARRY HICKS

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IN THE DISTRICT COURT OF

V.

HARRIS COUNTY, TEXAS

SYLVESTER TURNER, in his
Official Capacity as Major of the
City of Houston, and
CITY OF HOUSTON

310TH JUDICIAL DISTRICT

**ORDER ON DEFENDANTS' PLEA TO THE JURISDICTION
AND/OR COUNTER-MOTION FOR SUMMARY JUDGMENT**

On June 30, 2017, the Texas Supreme Court remanded this case to the 310th Court for both parties to have a "full and fair" opportunity to litigate their legal positions in light of *Obergefell*. The Texas Supreme Court noted that Pidgeon sued the Mayor pre-*Obergefell* for acting *ultra vires* in issuing and enforcing the directive to provide benefits to employees' same-sex spouses in violation of DOMA. The issue now before this trial court on a plea to the jurisdiction and motions for summary judgment is whether Mayor Turner's directive was unlawful and unauthorized in light of the United States Supreme Court's opinion in *Obergefell v. Hodges*, 135 S. Ct. 2534 (2015). Both parties have briefed the issue and the parties have filed competing motions for summary judgment.

After considering said plea/motion and the summary judgment evidence filed by Defendants, the Court is of the opinion that said plea/motion should be GRANTED.

It is therefore ORDERED that all of Plaintiffs' claims are dismissed with prejudice.

All other relief not expressly granted herein is denied. This is a final order.

SIGNED Feb. 18, 2019

Sonyal Heath
HON. SONYAL L. HEATH
Judge Presiding

FILED
Marilyn Burgess
District Clerk

FEB 18 2019

Time: 10:19 am
By: Nidia Alberto
Deputy

RECORDER'S MEMORANDUM
This instrument is of poor quality
at the time of imaging