

TEXAS LAND TITLE ASSOCIATION,	§	IN THE DISTRICT COURT OF
<i>Plaintiff,</i>	§	
	§	
v.	§	
	§	
TEXAS DEPARTMENT OF	§	TRAVIS COUNTY, TEXAS
INSURANCE and CASSIE BROWN,	§	
IN HER CAPACITY AS	§	
COMMISSIONER OF THE TEXAS	§	
DEPARTMENT OF INSURANCE,	§	
<i>Defendants.</i>	§	345TH JUDICIAL DISTRICT

NOTICE OF APPEAL TO THE FIFTEENTH COURT OF APPEALS

COME NOW Defendants, the Texas Department of Insurance and Cassie Brown, in her capacity as Commissioner of the Texas Department of Insurance (collectively “TDI”), through their counsel the Office of the Attorney General, and file this, their Notice of Appeal:

1. This is an appeal of two judgments issued by Judge Daniella DeSeta Lyttle, in the 261st Judicial District Court, Travis County, Texas, Cause Number D-1-GN-25-001663, styled *Texas Land Title Association v. Texas Department of Insurance and Cassie Brown, in her capacity as Commissioner of the Texas Department of Insurance*. It is, on the issues under Texas Civil Practices and Remedies Code section 51.014(a)(4) and (8), an accelerated interlocutory appeal.

2. The judgments appealed are the trial court’s Order Granting Plaintiff’s First Amended Application for Temporary Injunction, signed and filed May 30, 2025, [Attachment A] and the trial court’s Order Overruling Texas Department of

Insurance and Cassie Brown's First Amended Plea to the Jurisdiction, also signed and filed May 30, 2025 [Attachment B].

3. The parties filing this appeal are Defendants, Texas Department of Insurance and Cassie Brown, in her capacity as Commissioner of the Texas Department of Insurance. The other party is Plaintiff Texas Land Title Association.

4. This appeal is taken to the Fifteenth Court of Appeals, Austin, Texas. See Tex. Gov't Code § 22.220(a) and (d) (providing that the Fifteenth Court of Appeals has exclusive intermediate jurisdiction over a matter brought against a state commission or against an employee of an agency in the executive branch arising out of that employee's official conduct). This appeal does not meet any of the exceptions found in Texas Government Code section 22.220(d)(1)(A)-(O).

5. On May 30, 2025, Judge Lyttle signed the Order Granting Plaintiff's First Amended Application for Temporary Injunction, granting a Temporary Injunction in favor of the Plaintiffs and issuing other rulings including, but not limited to, granting Plaintiff's Petition for Review and remanding the matter to the Department for reconsideration and further proceedings. [See Attachment A]. Also on May 30, 2025, Judge Lyttle signed the Order Overruling Texas Department of Insurance and Cassie Brown's First Amended Plea to the Jurisdiction. [See Attachment B].

6. The Texas Department of Insurance and Commissioner Cassie Brown, through their counsel, the Attorney General, desire to appeal under Rules 25.1, 26.1, 26.1(b), 27.1(a), 28.1, and 29 of the Texas Rules of Appellate Procedure and under

Texas Civil Practices and Remedies Code 51.014(a)(4) and (8) both the Temporary Injunction and other rulings in the trial court's May 30, 2025, Order Granting Plaintiff's First Amended Application for Temporary Injunction and the trial court's May 30, 2025, Order Overruling Texas Department of Insurance and Cassie Brown's First Amended Plea to the Jurisdiction.

7. A copy of this Notice of Appeal has been served on all parties of record.

Respectfully Submitted,

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/ James Z. Brazell

JAMES Z. BRAZELL

State Bar No. 02930100

Assistant Attorney General

ROSALIND HUNT

State Bar No. 24067108

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) 475-3204

Facsimile: (512) 320-0167

James.Brazell@oag.texas.gov

ATTORNEYS FOR DEFENDANTS TEXAS
DEPARTMENT OF INSURANCE AND CASSIE
BROWN, IN HER CAPACITY AS COMMISSIONER OF
THE TEXAS DEPARTMENT OF INSURANCE

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing Notice of Appeal has been served on June 19, 2025, in compliance with Texas Rule of Civil Procedure 21a to the following party:

RAY C. CHESTER
State Bar No. 04189065
ANDREW M. EDGE
State Bar No. 24071446
MCGINNIS LOCHRIDGE LLP
1111 W. 6th Street, Bldg. B, Suite 400
Austin, Texas 78703
Telephone: (512) 495-6000
Facsimile: (512) 495-6093
rchester@mcginnislaw.com
aedge@mcginnislaw.com

ATTORNEYS FOR PLAINTIFF
TEXAS LAND TITLE ASSOCIATION

/s/ James Z. Brazell
JAMES Z. BRAZELL
Assistant Attorney General

Attachment A

05/30/2025 04:28:34 PM
Velva L. Price
District Clerk
Travis County
D-1-GN-25-001663

CAUSE NO. D-1-GN-25-001663

TEXAS LAND TITLE ASSOCIATION,

Plaintiff,

v.

TEXAS DEPARTMENT OF INSURANCE
AND CASSIE BROWN, IN HER
CAPACITY AS COMMISSIONER OF THE
TEXAS DEPARTMENT OF INSURANCE,

Defendants.

§
§
§
§
§
§
§
§
§
§
§

IN THE DISTRICT COURT OF

TRAVIS COUNTY, TEXAS

345TH JUDICIAL DISTRICT

ORDER GRANTING PLAINTIFF’S FIRST AMENDED APPLICATION FOR TEMPORARY INJUNCTION

On May 27-28, 2025, the Court heard Plaintiff’s Original Petition and Application for Temporary Injunction filed on March 6, 2025, and as amended on May 28, 2025, solely to include a verification as provided in Plaintiff’s First Amended Original Petition and Application for Temporary Injunction.

The Court FINDS that Defendants waived the insufficiency of verification to support Plaintiff’s original application for injunctive relief, by Defendants’ failure to timely object thereto before the Court heard evidence pertaining to the requested injunctive relief. *Russell v. City of Dallas*, No. 05-13-00061-CV, 2014 Tex. App. LEXIS 5339, at * 9–10 (Tex. App.—Dallas 2014, pet. denied, cert. denied 574 U.S. 1048 (2014)).

After considering the evidence and arguments of counsel, the Court FINDS Defendants did not strictly comply with the rulemaking requirements of Texas Insurance Code section 2703.202, subdivision (c), in connection with the issuance of Commissioner’s February 6, 2025 order number 2025-9125 (Commissioner’s Order 2025-9125).

The Court FURTHER FINDS that Commissioner's Order 2025-9125 dictates a new set of basic premium rates as set forth in the "Exhibit A" attached to that order, which will take effect on July 1, 2025, and its application to Plaintiff interferes with or impairs, or threatens to interfere with or impair, a legal right or privilege of the plaintiff.

IT IS THEREFORE ORDERED that Plaintiff's Petition for Review of Commissioner's Order 2025-9125 is GRANTED.

IT IS FURTHER ORDERED that this matter is hereby REMANDED to the Texas Department of Insurance for reconsideration of Commissioner's Order 2025-9125, and for further proceedings as may be necessary before that agency, to include but is not limited to additional income and expenses data used to fix premium rates for the year of 2023 and beyond, which were incomplete or previously unavailable and as recognized by the Commissioner's Order in her Findings of Fact 12(d) and its attendant footnote 2.

The Court FURTHER FINDS that Plaintiff is without adequate remedies at law, absent a temporary injunction of Commissioner's Order 2025-9125 at this time.

IT IS THEREFORE ORDERED that Plaintiff's First Amended Application for Temporary Injunction is GRANTED.

IT IS ORDERED that Defendants are hereby ENJOINED from enforcing Commissioner's Order 2025-9125, and that order is hereby STAYED, pending final disposition of this matter. This injunction is binding only upon the parties to the action, their officers, agents, servants, employees, and attorneys, and upon those persons in active concert or participation with them who receive actual notice of the order by personal service or otherwise.

IT IS FURTHER ORDERED that this cause is hereby set for trial on the merits to commence on December 1, 2025, and as the Court may further order.

IT IS FURTHER ORDERED that this Order not be effective unless and until Plaintiff executes and files with the Clerk a bond, in conformity with the law, payable to Defendants in the amount of \$2,500.

SIGNED on May 30, 2025,



DANIELLA DESETA LYTTLE
Judge Presiding, 261st District Court

Attachment B

05/30/2025 04:27:51 PM
Velva L. Price
District Clerk
Travis County
D-1-GN-25-001663

CAUSE NO. D-1-GN-25-001663

TEXAS LAND TITLE ASSOCIATION,

Plaintiff,

v.

TEXAS DEPARTMENT OF INSURANCE
AND CASSIE BROWN, IN HER
CAPACITY AS COMMISSIONER OF THE
TEXAS DEPARTMENT OF INSURANCE,

Defendants.

§
§
§
§
§
§
§
§
§
§
§

IN THE DISTRICT COURT OF

TRAVIS COUNTY, TEXAS

345TH JUDICIAL DISTRICT

ORDER OVERRULING TEXAS DEPARTMENT OF INSURANCE AND CASSIE BROWN'S FIRST AMENDED PLEA TO THE JURISDICTION

On May 27-28, 2025, the Court heard Texas Department of Insurance and Cassie Brown's First Amended Plea to the Jurisdiction filed on May 20, 2025 (Plea).

After considering the evidence and arguments of counsel, the Court FINDS that it has subject-matter jurisdiction under Texas Insurance Code section 36.201 and Texas Government Code section 2001.038, subdivision (a), to conduct judicial review of the Commissioner's actions as alleged in Plaintiff's Original Petition and Application for Temporary Injunction filed on March 6, 2025, and as amended on May 28, 2025. The Court therefore FINDS that Defendants' sovereign immunity has been statutorily waived.

IT IS THEREFORE ORDERED that the Plea is OVERRULED.

SIGNED on May 30, 2025,



DANIELLA DESETA LYTTLE
Judge Presiding, 261st District Court