

No. 15-25-00107

IN THE FIFTEENTH COURT OF APPEALS
AUSTIN, TEXAS

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

Appellants,

v.

TEXAS LAND TITLE ASSOCIATION,

Appellee.

On Appeal from the 345th Judicial District Court
Travis County, Texas
Cause No. D-1-GN-25-001663

APPELLANT’S RESPONSE TO
APPELLEE’S UNOPPOSED EMERGENCY MOTION FOR TEMPORARY RELIEF UNDER
TEX. R. APP. P. 29.3

Appellant, Texas Department of Insurance and Cassie Brown, in Her Capacity as Commissioner of the Texas Department of Insurance (collectively “TDI”), herewith file this response to Appellee, Texas Land Title Association’s (“TLTA”), June 20, 2025, filing of its unopposed request for emergency relief on the grounds set forth in the motion (TLTA’s unopposed “Emergency Motion”).

I. POSITION ON EMERGENCY MOTION

This afternoon, Monday, June 23, 2025, Appellants received a call from the Clerk's office at the 15th Court of Appeals and at the same time received a letter from the Clerk directing Appellants to file a response to TLTA's Emergency Motion by Wednesday June 25, 2025, at 4:00 p.m. Ray Chester, counsel for TLTA, and the undersigned, counsel for TDI, conferred regarding the Court's request and conferred regarding the need to file a short response as soon as possible. Counsel agreed that the Court's directive manifested a need for clarification and resolution of uncertainty about the parties' positions posed by Friday's filing of the unopposed Emergency Motion.

In response, TDI provides the following short filing restating its position regarding the unopposed Emergency Motion:

II. RESPONSE

In response to the 15th Court's request, TDI notes the following:

1) TLTA's unopposed Emergency Motion was, at the time of filing, and is, currently, in fact "unopposed." TDI did not and does not oppose TLTA's Friday Emergency Motion for the reasons discussed in the motion. The requested emergency injunction is not only responsive to TLTA's and its member's needs for certainty and continuity, but is also consistent with TDI's June 12, 2025, notice to the title industry that title agents and underwriters should continue to charge the current rates and should not put into effect the 10% rate reduction.

2) While TDI does not concede or change its position in this appeal on any claims, factual averments, or positions on the merits, TDI was, is, and remains unopposed to TLTA's emergency request for injunctive relief, which was focused solely on approval of surgically precise emergency injunctive relief from the Commissioner's 10% rate decrease during the pendency of the appeal.

3) TDI agrees, as stated in the unopposed Emergency Motion, that the Court should, under TRAP 29.3, lift the stay of the trial court's May 30, 2025, temporary injunction that resulted from TDI's filing of its notice of appeal on June 19, 2025.

4) Alternatively, the Court should itself approve, under TRAP 29.3, for the pendency of the appeal on an emergency basis, the temporary injunction approved by the trial court in her May 30, 2025, Order Granting Temporary Injunction.

TDI is filing this response before the June 25, 2025, stated deadline to restore assurance among the parties and the Court that that TLTA's unopposed Emergency Motion was, is, and remains, in fact, unopposed by TDI, as declared the filing.

III. CONCLUSION AND PRAYER

For the reasons stated herein, Appellant, TDI, was, is, and remains unopposed to TLTA's June 20, 2025, request for emergency relief from this Court under TRAP 29.3, and does not oppose the Court either lifting the stay of the trial court's temporary injunction that resulted from Appellant's filing of its notice of appeal on June 19, 2025, or, alternatively, approving under TRAP 29.3, the temporary injunction approved by

the trial court in her May 30, 2025, Order Granting Temporary Injunction on an emergency basis for the pendency of this appeal.

Respectfully submitted,

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ATTORNEYS FOR DEFENDANTS TEXAS
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CERTIFICATE OF CONFERENCE

I hereby certify that pursuant to Tex. R. App. P. 29.3, on the 23rd day of June, 2025, I conferred with Ray Chester, counsel for Appellees, and Appellees do not oppose the relief sought in this response.

Respectfully submitted,

By /s/ James Z Brazell

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing First Amended Plea to the Jurisdiction has been served on June 23, 2025, on the following attorneys-in-charge, by e-service and/or e-mail:

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