

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

PAULETTE M. GUAJARDO
Plaintiff

§
§
§
§
§
§

VS

CIVIL ACTION NO. 2:26-CV-00111

CITY OF CORPUS CHRISTI, TEXAS

RESPONSE OF CITY OF CORPUS CHRISTI

TO THE HONORABLE JUDGE OF SAID COURT:

COMES NOW, the **City of Corpus Christi**, Defendant and files this *Response* to Plaintiff's Request for Temporary Injunction and would show this Honorable Court as follows:

SUMMARY OF RESPONSE

1. This action is premature in that it speculates on what action the City Council of the City of Corpus Christi will take on April 14, 2026. While the Agenda for such meeting is stated correctly in Plaintiff's *Original Complaint* that item comes from a Motion on March 24, 2026, to set preliminary and procedural matters for removal hearing.
2. Plaintiff had constructive notice of the contemplated action well in advance. In 1990 the City Charter was amended to provide for suspension and removal. Plaintiff was elected to the Council and served several terms. Plaintiff was then elected Mayor and has served several terms.
3. Plaintiff has actual notice of the potential for suspension and removal on August 29, 2025, when the Petition for Removal was filed. Plaintiff had actual notice when the Articles of Impeachment were filed on March 10, 2026. Plaintiff had

actual notice on March 26, 2026 when the City Council voted to proceed. Plaintiff had actual notice when the Agenda was posted for the April 14, 2026, meeting.

4. The actions of the City of Corpus Christ comply with the citizen voted Charter and the law regarding such matters.
5. The Parties are correctly stated for the purposes of the Temporary Restraining Order/Preliminary Injunction.
6. The Jurisdiction and Venue are correctly stated for the purposes of the Temporary Restraining Order/Preliminary Injunction.
7. The Factual Background stated relate to the underlying substantive cause of the removal of Plaintiff. For purposes of the Temporary Restraining Order/Preliminary Injunction, the facts are the City received a Petition for Removal of Plaintiff on August 29, 2025. This Petition complied with the City Charter provision approved by the voters of Corpus Christi in 1990. March 10, 2026 Articles of Impeachment were filed giving further notice to Plaintiff. On March 24, 2026, the City Council voted to "Set Agenda Item & Date on preliminary & procedural matters for removal hearing".
8. The allegations with regard to Lawsuit Filed by Ajit David in paragraphs 14, 15, 16 and 17 and immaterial to the issue of Temporary Restraining Order/Preliminary Injunction.
9. The allegations regarding the Petition for Removal of Mayor Filed are correctly stated for the purposes of the Temporary Restraining Order/Preliminary Injunction with the exception of those parts challenging

the factual allegations. Such challenges are not germane to the issue at hand.

10. The allegations regarding the Articles of Impeachment Filed are correctly stated for the purposes of the Temporary Restraining Order/Preliminary Injunction with the exception of those parts challenging the factual allegations. Such challenges are not germane to the issue at hand.
11. Article II, Section 11, City Charter, adopted in 1990 is reproduced accurately.
12. The allegations in paragraphs 34, 35, 36, 37 are substantially correct for the purposes of the Temporary Restraining Order/Preliminary Injunction
13. Defendant has no factual knowledge of the allegations in paragraph 38 and paragraph 39 is argumentative.

RESPONSE

14. This action of premature in that it speculates on the action the City Council will take on April 14, 2026. In fact they are restrained from taking action by Order of this Honorable Court on April 13, 2026.
15. Plaintiff complains repeatedly and respectively about lack of due process. The argument boils down to Plaintiff does not have sufficient notice of the charges against her or the procedure to be involved. The City Charter provision was voted on by the citizens of Corpus Christi in 1990 and has been the basic law in the city since then. Plaintiff was elected to the City Council in 2016. Plaintiff served until elected Mayor where she still serves. During this time, Plaintiff knew or should have known about Article II,

Section 11, City Charter-that she was subject to suspension, removal or other action.

16. The perceived immediate threat to the Plaintiff of suspension on April 14, 2026, has been resolved by Order of this Honorable Court on April 13, 2026. Defendant believes such threat was unlikely because the City Council voted on March 24, 2026, to set an Agenda for item and date on preliminary and procedural matters for removal hearing. But that ship has sailed, the perceived threat is resolved and no reason exists for a preliminary injunction. Plaintiff has, and has pled, other remedies available in the event she is suspended or removed. Those other remedies provide her adequate relief at law such as to preclude the imposition of a preliminary injunction preventing the City Council to perform its duties as elected officials under the City Charter. To issue an injunction is to act on speculation. The City Council is presumed to act in good faith and in accordance with the law. To issue an injunction *supposes* they will act otherwise contrary to the presumption of validity.
17. The Rules and Procedures for consideration of the Petition and Articles have not been adopted but are expected to be adopted April 14, 2026. Those rules are anticipated to provide rules and procedures that will give fair notice and due process to Plaintiff and to the citizens who followed the City Charter provisions and invoking the Article II, Section 11 process. Plaintiff's argument boils down to she does not have adequate notice and fair process. The Rules and the provisions of the Texas Open Meeting Act

provide notice, fair process and provides due process. Any argument is speculative at best and an adequate remedy is available to Plaintiff to remedy any defect in notice or procedure. To the extent Plaintiff complains that Defendant is proceeding without sufficient evidence ignores the fact that is what the hearing process is designed to produce-facts with which to base a reasoned judgment. The process is like any legal proceeding. The Plaintiff pleads a cause of action-Petition and Article here. The Defendant pleads defenses-paragraph 33, Exhibit 3, 3A and 3B. The case then proceeds to hearing with Plaintiff and Defendant each providing factual testimony to support their side and argue their case. Exactly the procedure to be followed in this case. If the trial court-City Council-makes a decision either side disagrees with, they appeal. In this case, either side may proceed with litigation.

18. Neither the facts nor the law provides a basis for the issuance of an injunction.
19. The City of Corpus Christi is proceeding in this matter by following applicable law. *Barnett v. City of Plainview*, 848 S.W. 2d 334 (Civ.App- Amarillo 19193, no writ) places this matter in context. The case involves the removal of a municipal court judge. The Court upheld the removal but instructs us in viewing actions of a home rule city such as Corpus Christi. The Court states starting on page 337 the authority for establishing a home-rule city then states: "A home-rule city has authority to create offices, determine the method for selecting officers, and prescribe the

qualifications, duties, and tenure of offices for its officers.” Then on page 338: “The purpose of the home-rule amendment to the Constitution is to bestow upon cities coming thereunder full power of local self-government...[citations omitted]...A city ordinance or Charter provision is presumed to be valid, and the courts have no authority to interfere unless it is unreasonable and arbitrary, amount to a clear abuse of municipal discretion.” Then on page 339: “In construing a city’s charter, intent must be given effect and the language used construed as written, unless this would defeat the intent. [If power is granted to a city, the exercise thereof is within the discretion of the city. [Citation omitted],:” Then on page 340: “The general rule applicable when a valid provision of a home-rule city charter vests a discretionary power in a city council, is that a court has no right to substitute its judgment and discretion for the judgment and discretion of that body and may only adjudge whether the council acted illegally unreasonably, or arbitrarily...[citations omitted]...Secret motives of members of the city council are not matters of judicial inquiry but the inquiring court’s decision must be made in light of all the surrounding circumstances.” These rules establish the right of Defendant to promulgate rules and procedures upon which to evaluate the Petition, Articles and Plaintiff’s response to such evidence and allegations. Defendant should be allowed to follow the process. If Plaintiff disagrees with the actual factual process, not the supposed process, Court action is available to

correct any action Plaintiff believes violates due process or failure of notice. Injunction is not the proper relief at this point in time.

20. The rules stated in *Barnett*, supra, are and where the rules applied to home-rule cities. An earlier Texas Supreme Court case considered the removal of a Mayor. In *Riggins v. City of Waco*, 93 S.W. 426, (Tex. 1906) the Court held at page 427: "...the court has reached the conclusion that it cannot interfere with or disregard the action of the city council whereby plaintiff in error was removed from office. The power of removal is vested in that body by law, and no power of review, merely, is given to the courts...courts...may inquire whether or not the council exceeded its lawful authority in the attempted removal so that its action may be treated as a nullity, but beyond this have no rightful power over the subject. The most that could be asserted in favor of the power of the courts is that they may inquire whether or not charges were duly preferred, a hearing had, and evidence adduced tending to sustain them." In the instant case, we are at the stage of charges having been preferred. An injunction is premature because the hearing has not occurred and evidence has not been produced. The City Council has determined that the charges were sufficient to proceed to a hearing. The facts produced at the hearing will determine whether the "charges were duly preferred". Any complaint thereon, or of the hearing, notice or sufficiency of the evidence are speculative and not appropriate at this stage of the proceedings.

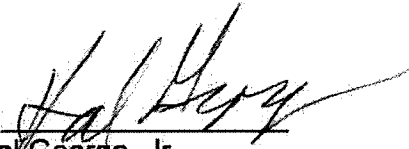
21. Defendant will show that it has followed the applicable law and intends to follow the law in proceeding further.
22. Plaintiff has a remarkable knowledge of the facts, and allegations and procedure for one complaining of lack of notice or due process. Those factual allegations, in fact, show that Plaintiff knows what the charges are, what the facts are alleged to be, what facts she knows are in dispute and what the procedure is to be followed in this ongoing process. Plaintiff's *Complaint* is a hearing notebook for her presentation at the hearing. The totality of the pleading demonstrates no lack of due process but rather the provision of adequate notice to Plaintiff. No factual or legal reason exists for any further injunctive relief.
23. Contrary to paragraph 88, Plaintiff is likely to fail.
24. Defendant is restrained from suspending Plaintiff and paragraph 89 is moot.
25. Defendant is presumed to act in accordance with the law and intends to do so. The allegation that Defendant's conduct is arbitrary and unconstitutional, paragraph 90 is speculation.
26. Paragraph 91 is duplicative.
27. The allegations of Irreparable harm are speculative at best.
28. The balance of equities favors the Defendant who is in the process of following a charter provision voted on and pasted by the citizens of the City of Corpus Christi in 1990 and the citizens who followed that process in filing the Petition on August 29, 2025, and the Articles on March 10, 2026.

29. Likewise public interest favors the Defendant and its citizens.
30. Plaintiff has been provided immediate relief. No factual or legal reason exists for further injunctive relief.
31. Defendant denies it is liable to Plaintiff for damages, denies Plaintiff has suffered damages and pleads governmental immunity.

WHEREFORE, PREMISES CONSIDERED, **City of Corpus Christi**, Defendant, prays that Plaintiff's request for preliminary injunction be denied, that Plaintiff take nothing by her suit, that any and all relief requested be denied, that Plaintiff be denied compensatory damages, if any, attorney's fees, costs, interest; that it go forth without day and with its costs; and such other and further relief to which it may be justly entitled.

Respectfully submitted:

Felix Hal George, Jr.

By: 
Hal George, Jr.
SBN 07809000
*

Suite 431 Kleberg Bank Bldg.
5350 South Staples St.
Corpus Christi, Texas 78411
(361) 779-1826
halgeorge@sbcglobal.net
Attorney for Defendant

CERTIFICATE OF SERVICE

A true and correct copy of this document was provided opposing counsel by court service and email to on 14th day of April, 2026:

John Flood
819 N. Upper Broadway
Corpus Christi, Texas 78401
john@floodtriallawyers.com
irma@floodtriallawyers.com


Hal George

- Southern District admission expired. Motion for Admission Pro Hac Vice filed. Admitted as Felix Hal George, Jr., but practice as Hal George. Believed Federal No. is 53553.


Hal George