

GINA HINOJOSA, IN HER OFFICIAL
CAPACITY AS A MEMBER OF THE
TEXAS HOUSE OF REPRESENTATIVES
Plaintiff,

v.

GREG ABBOTT, IN HIS OFFICIAL
CAPACITY AS GOVERNOR OF THE
STATE OF TEXAS,
Defendant

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IN THE DISTRICT COURT

TRAVIS COUNTY, TEXAS

126TH JUDICIAL DISTRICT

**PLAINTIFF’S FIRST AMENDED ORIGINAL PETITION,
APPLICATION FOR TEMPORARY RESTRAINING ORDER
AND TEMPORARY AND PERMANENT INJUNCTIONS,
AND REQUEST FOR DECLARATORY JUDGMENT**

Introduction and Summary

Plaintiff Gina Hinojosa files this petition against Governor Greg Abbott seeking injunctive and declaratory relief to halt his unlawful, ultra vires denial of her statutory right under the Texas Public Information Act (“PIA”) to inspect documented communications between Governor Abbott and Elon Musk. Representative Hinojosa has that right under Texas Government Code § 552.008, which provides that “[a] governmental body on request by an individual member . . . of the legislature *shall provide public information, including confidential information*, to the requesting member . . . if the requesting member . . . states that the public information is requested under this chapter for legislative purposes.” (Emphasis added.) The statute is mandatory. Governor Abbott refuses to comply with his clear legal duty. He is breaking the law.

Representative Hinojosa sent her request to Governor Abbott on September 29, 2026,¹ and offered to allow him until October 13, 2026, to let her inspect them—even though he already

¹ See Exhibit A (Representative Hinojosa’s 9/29/26 letter to Governor Abbott’s office).

gathered the documents in his previous response to the earlier media PIA request and provided them to the Attorney General for review.² On October 13, the Governor's Office responded in writing, expressly acknowledging that it "has reviewed its files and located the documents responsive to your request," but still refused to release the unredacted versions of the redacted records. Quite simply, Governor Abbott has failed and refused to comply with the law by allowing Representative Hinojosa access to the Abbott-Musk communications. *See* the Affidavit of Gina Hinojosa, attached hereto. Therefore, unless this Court grants immediate injunctive relief, Representative Hinojosa will continue to suffer harm from Governor Abbott's blatantly illegal deprivation of her legal, statutory right, obstructing her performance of her legislative duties.

The communications in issue are between Governor Abbott and Elon Musk and companies in Musk's financial empire. The Musk empire's presence in Texas currently includes SpaceX, Starlink, Tesla, X (formerly Twitter), The Boring Company, Neuralink, and xAI. The interconnected web of businesses encompasses, among other activities, rocket launches, aerospace development, automobile and battery manufacturing, AI, satellite communications, social media, brain-computer technology, and tunneling operations. Thus, the relevant communications bear directly on many matters within the Legislature's responsibility, including state incentives, state grants, broadband deployment, public beach access,³ environmental impact, AI, and data center development.

² *See* Tex. Gov't Code § 552.221(a) (requiring that a government body responding to a PIA request "shall promptly produce public information for inspection . . . [which] means ***as soon as possible under the circumstances***, that is, within a reasonable time, without delay.") (emphasis added).

³ Most recently, *Texas Monthly* has reported that Texas is considering sale of the beloved Boca Chica State Park to Musk's SpaceX. *See* Forrest Wilder, *Texas Has Been Considering Selling a Beloved State Park to Elon Musk's SpaceX, Sources Say*, *Texas Monthly* (Oct. 16, 2026), <https://www.texasmonthly.com/news-politics/boca-chica-spacex-elon-musk/> ("The Texas Parks and Wildlife Commission has been discussing the sale of Boca Chica State Park, *Texas Monthly* has learned. The deliberations were far along enough that the commission planned to take up the sale of '1,300 acres'

The Governor and his staff already assembled and reviewed records in responding to a request from The Texas Newsroom. Notably, the Governor's office produced 1,374 pages, and **all but about 200 were redacted or completely blacked out**. Representative Hinojosa requested inspection of those records and their complete, unredacted counterparts. Texas law prohibits Representative Hinojosa from disclosing or publicly releasing the contents of those materials, and she does not seek to do so. She seeks only to inspect the documents for legislative purposes, as the law allows her to do and as the law requires Governor Abbott to permit.

Discovery Control Plan and Relief Sought

1. Discovery is intended to be conducted under Level 2 of Texas Rule of Civil Procedure 190.

2. Under Texas Rule of Civil Procedure 47(c)(5), Representative Hinojosa seeks nonmonetary relief. This action is not governed by the expedited actions process in Rule 169.

Parties

3. Gina Hinojosa resides in Travis County, Texas, and is a member of the Texas House of Representatives representing House District 49. She sues to protect her right of access to information requested for legislative purposes.

4. Greg Abbott is Governor of the State of Texas and is sued solely in his official capacity. As chief administrative officer of the Governor's Office, he is its officer for public information under Texas Government Code § 552.201(a) and is responsible for the release of

in Cameron County during a closed-door executive session at a meeting on November 5, two days after the election, according to a draft agenda of the commission meeting. Two sources familiar with internal discussions of the potential sale said Elon Musk's SpaceX is the prospective buyer and confirmed that the 1,300-acre property in question is the beachfront state park, which is adjacent to Musk's burgeoning Starbase facility, near Brownsville.”).

information required by Chapter 552. He may be served at 1100 Congress Avenue, Austin, Texas 78701, or wherever he may be found.

Jurisdiction and Venue

5. This Court has jurisdiction under Article V, Section 8 of the Texas Constitution and the laws of Texas over claims for prospective relief against an official acting without statutory authority or failing to perform a ministerial statutory duty. Accordingly, Representative Hinojosa alleges such an ultra vires claim against Governor Abbott in his official capacity.⁴

6. Representative Hinojosa has standing because Governor Abbott's continuing denial of access injures her in the exercise of her statutory right to inspect the requested information for legislative purposes. She seeks prospective declaratory relief and an injunction prohibiting continued obstruction of her exercise of that right.

7. Venue is proper in Travis County under Texas Civil Practice and Remedies Code § 15.002(a)(1), because all or a substantial part of the events or omissions giving rise to these claims occurred here. The Governor's Office and the records at issue are located in Travis County.

Factual Background

The Media PIA Requests and Abbott's Response

8. On April 20, 2025, an individual associated with The Texas Newsroom⁵ submitted a PIA request to Governor Abbott for communications between his office and Elon Musk and

⁴ See *City of El Paso v. Heinrich*, 284 S.W.3d 366, 372–73 (Tex. 2009) (“To fall within this ultra vires exception, a suit must not complain of a government officer’s exercise of discretion, but rather must allege, and ultimately prove, that the officer acted without legal authority or failed to perform a purely ministerial act.”).

⁵ The Texas Newsroom is a statewide public-radio journalism collaboration of NPR and Texas public-radio stations. See <https://www.kut.org/texasnewsroom/>.

representatives of Musk companies, including SpaceX, Tesla, X, and Neuralink.⁶ Rather than produce the requested information, the Governor’s office sought an Attorney General ruling allowing it to withhold the documents. Abbott objected on several grounds, including the State’s competitive business interests, attorney-client privilege, and deliberative-process privilege. Abbott also notified Musk and/or SpaceX so they could assert a claim of commercial confidentiality, which they did. Abbott also argued that communications between his office and one of the world’s wealthiest businessmen contained information that was “**intimate and embarrassing**.”⁷

9. On August 11, 2025, Attorney General Ken Paxton issued an open records ruling, sustaining many of Abbott’s objections, but directing release of some of the requested materials. In September 2025, Governor Abbott’s office produced 1,374 pages to The Texas Newsroom—but all but about 200 pages were completely blacked out. Thus, to date, Governor Abbott has succeeded in concealing from the public the overwhelming majority of the requested Abbott-Musk communications.⁸

10. On September 29, 2026, Representative Hinojosa submitted a written request to the Governor to inspect the same documents, including the withheld documents and redacted portions

⁶ See Lauren McGaughy, *Why Greg Abbott refuses to release his emails with Elon Musk*, The Texas Tribune (July 14, 2025), <https://www.texastribune.org/2025/07/14/texas-greg-abbott-elon-musk-emails-spacex-telsa-foia/>.

⁷ See Lauren McGaughy, *Why Greg Abbott Refuses to Release His Emails with Elon Musk*, Texas Tribune (July 14, 2025) (reporting that public-information expert Bill Aleshire was “appalled” by Abbott’s invocation of the common-law privacy exception, noting that it usually protects personal information concerning children or medical records, not communications between an elected official and a wealthy businessman); see also Tex. Att’y Gen. OR2025-027289A, at 2–3 (Aug. 11, 2025).

⁸ Lauren McGaughy, *Gov. Greg Abbott Was Ordered to Release Some of His Emails with Elon Musk. Most Are Blacked Out*, ProPublica (Nov. 19, 2025); Tex. Att’y Gen. OR2025-027289A, at 2–6 (Aug. 11, 2025). Thus far, the requester has not filed suit to challenge the confidentiality ruling, but the PIA contains no statute of limitations providing any deadline for such a suit; the default residual limitations period under Tex. Civ. Prac. & Rem. Code § 16.051 is four years. If the Governor or his office destroyed the documents, that could violate several other Texas laws. See, e.g., Tex. Gov’t Code § 441.187(b) (prohibiting destruction of state records involved in a pending open-records request initiated before

of the documents. Her request expressly invoked § 552.008 and stated that she requested the information for legislative purposes. A copy of the request is attached as Exhibit A to this Petition.

More specifically, Representative Hinojosa's September 29 request stated in part:

The people of Texas and the people of House District 49 are concerned over the growing power of tech giants in Texas regarding our tax dollars, resources, and data. In light of the expanding influence of tech CEOs in Texas and the close working relationship between government and the corporate tech industry, transparency is essential for accountability, which is why I'm writing.

Please accept this request on behalf of my legislative office pursuant to Chapter 552 of the Texas Government Code ("Texas Public Information Act") regarding records detailed in Open Records Letter No. 2025-027289A (2025), and as specifically described in the appended KUT news story dated November 19, 2025.

I make this request for legislative purposes consistent with Sec. 552.008 of the Texas Public Information Act (Information for Legislative Purposes). I request for inspection of all documents exchanged between Texas Gov. Greg Abbott's office and Elon Musk and his companies, who are involved in numerous issues being addressed in the legislature, including but not limited to: tax incentives and grants, broadband Internet deployment, public beach access, and data center development.

This request seeks all documents provided to the Texas Newsroom as detailed in the November 19, 2025, KUT news story, as well as those same documents without any redactions, regardless of how "embarrassing" or "intimate" they might be.

Representative Hinojosa's letter also asked that the inspection be within 10 business days, by October 13, 2026. Additionally, she asked that if Governor Abbott wanted her to enter a confidentiality agreement, as the PIA authorizes, he provide the draft agreement at least five days before inspection, by October 8, 2026. On October 13, 2026, through counsel, Representative Hinojosa again contacted Governor Abbott's office by email and phone to request inspection that

expiration of the applicable retention period, until the request is resolved), § 552.351(making willful destruction, mutilation, unauthorized removal, or alteration of public information a criminal offense), Tex. Penal Code § 37.10 (making intentional destruction, concealment, removal, or impairment of the availability of a governmental record a criminal offense).

day. Later that day, Mr. Taylor, Assistant General Counsel for the Office of the Governor, responded to Representative Hinojosa's letter with his own letter. He acknowledged receipt of her letter and admitted that the documents she asked to inspect had "already been collected and assembled." Nonetheless, Governor Abbott, through Mr. Taylor, still refused to allow Representative Hinojosa to inspect the documents. Representative Hinojosa subsequently replied through outside counsel to the many inaccuracies in Governor Abbott's response, and requested that the Governor reconsider his position and provide an inspection date and time. Governor Abbott's office failed to respond. See the Affidavit of Gina Hinojosa, attached hereto.

The Abbott-Musk Connections

11. As Representative Hinojosa indicated in her September 29 letter, the growing power of tech giants in Texas is extremely concerning. That issue implicates important public interests and falls squarely within the legitimate scope of legislative investigation and oversight. Elon Musk, the richest man on Earth, epitomizes the dangerous concentration of wealth and influence in Texas. Musk's vast business empire and the breadth of his financial and personal interests in shaping or manipulating Texas government and the state's regulatory structure underscore the importance of Representative Hinojosa exercising her statutory right to examine the Abbott-Musk documents to assess what additional legislative safeguards may be necessary to protect the public interest.

12. The documented connections between Abbott and Musk are extensive. They include personal interactions, joint public appearances, large political contributions, economic-development incentives, and public praise for one another, as well as laws that Abbott and his legislative allies have promoted to help Musk and his companies. For example:

- As long ago as September 2021, Abbott publicly stated that he spoke with Musk “frequently.”⁹
- Speaking at the University of Texas School of Law on April 3, 2025, Abbott recounted that Musk called him on Valentine’s Day 2024, interrupting a rare private dinner Abbott was having with his wife, Cecilia. Musk complained about Delaware’s treatment of his companies and wanted Abbott to reassure him that Texas would support him if he relocated his corporate operations here. Abbott stated that Musk “wanted to know if I would have his back.” Abbott responded, “I said 100%.” According to Abbott’s account, Musk filed paperwork to reincorporate SpaceX in Texas the following day.¹⁰
- In March 2026, Abbott told Fort Worth business leaders that he had directed state agency appointees to accelerate permitting for Tesla’s Texas factory in 2020 and to waive some permitting requirements. Abbott also said that Musk had assured him that Musk’s future business activities would locate in Texas.¹¹
- Abbott and Musk appeared together at the May 8, 2023, groundbreaking ceremony for Tesla’s lithium refinery in Robstown, Texas. Abbott presented Musk with an official gubernatorial proclamation commemorating the project. The proclamation declared that Texas had found a “fast friend” in Musk.¹²
- On March 21, 2026, Abbott attended Musk’s TERAFAFAB announcement at the Seaholm power plant in Austin. Musk publicly acknowledged Abbott’s presence and thanked the Governor and Texas for their support. Abbott responded: “Thanks, Elon. Extraordinary event tonight,” adding that Musk’s vision was powerful and that Texas was proud of his work in the state.¹³

⁹ CNBC Television, *Elon Musk Responds to Texas Gov. Greg Abbott on State’s Restrictive Abortion Law* (Sept. 2, 2021); Breck Dumas, *Elon Musk Won’t Address Texas Abortion Law*, Fox Business (Sept. 2, 2021).

¹⁰ Eleanor Klibanoff, *Gov. Greg Abbott Touts His Influence on Texas Courts to Conservative Law Group*, The Texas Tribune (Apr. 3, 2025); Benjamin Wermund, *Here’s What Greg Abbott Says Elon Musk Asked Him Just Before Relocating SpaceX, Tesla to Texas*, Houston Chronicle (Apr. 3, 2025).

¹¹ Benjamin Wermund, *Greg Abbott Leans Into His Ties to Elon Musk. What Will It Mean for the Midterms?*, Houston Chronicle (Apr. 20, 2026).

¹² Office of the Governor, *Governor Abbott Celebrates New Tesla Lithium Refinery in Robstown* (May 8, 2023); Office of the Governor, *Proclamation Recognizing Groundbreaking Ceremony of the Tesla Lithium Refinery* (May 8, 2023); Andrea Leinfelder, *Elon Musk and Greg Abbott Celebrate Another Texas Partnership as Tesla Builds Lithium Refinery*, Houston Chronicle (May 9, 2023).

¹³ Chelsey Zhu, *Elon Musk Announces Large-Scale Chip Manufacturing Project, Including Facility in Austin*, KUT News (Mar. 22, 2026).

- On July 8, 2026, Abbott served as guest host of “The Sean Hannity Show,” a nationally syndicated radio program, and interviewed Musk, discussing SpaceX and its operations. Musk thanked Abbott for supporting Musk’s businesses in Texas, and Abbott praised Musk as “the leading visionary of our time.”¹⁴
- This election cycle, Elon Musk has contributed approximately **\$366 million** to Republicans and Republican-supported PACs, and just since July, he has “funneled **more than \$276 million** into Republican groups and his super PAC.”¹⁵ Musk has contributed large amounts, directly and indirectly, to help Abbott, including: a 2014 Elon Musk Revocable Trust contribution of \$10,000 in 2014, the year Abbott first ran for governor; a May 12, 2026 contribution of \$500,000; 2024 – 2026, Musk Revocable Trust contributed \$4 million to the Texans for Lawsuit Reform PAC, which contributed \$200,000 to Abbott in 2025 and 2026.¹⁶
- On February 10, 2025, the Texas Space Commission announced a **\$7.5 million grant** for SpaceX for its Starbase operations near Brownsville.¹⁷
- On March 12, 2025, Abbott announced a **\$17.3 million grant** to SpaceX for operations in Bastrop.¹⁸
- On August 6, 2026, Abbott announced a **\$30 million grant** for SpaceX to build a semiconductor manufacturing facility in Grimes County.¹⁹
- In the summer of 2026, Abbott agreed to **\$1.7 billion in school tax breaks** for Musk’s Terafab project.²⁰

¹⁴ The Sean Hannity Show, *Elon Musk, SpaceX, and the Future of America* (July 8, 2026).

¹⁵ Theodore Schleifer, *Inside Elon Musk’s \$276 Million Midterm Rescue Mission for Republicans*, N.Y. Times (Oct. 12, 2026).

¹⁶ Benjamin Wermund, *Elon Musk Jumps Into Texas Election With \$1M Donation to Pro-Business PAC*, Houston Chronicle (Oct. 8, 2024); Transparency USA, Greg Abbott—Contributions, Texans for Lawsuit Reform PAC—Contributions and Payments (2024–2026); Kayla Guo & María Méndez, *Texas Governor 2026: Who Is Running and What to Know*, The Texas Tribune (updated Oct. 6, 2026).

¹⁷ Tex. Space Comm’n, *\$47.7 Million Approved by Texas Space Commission for SEARF Grant Awards* (Feb. 10, 2025).

¹⁸ Governor’s Office, *Governor Abbott Announces Texas Semiconductor Innovation Fund Grant to SpaceX* (Mar. 12, 2025).

¹⁹ Office of the Governor, *Governor Abbott Announces SpaceX Expansion in Grimes County* (Aug. 6, 2026).

²⁰ Benjamin Wermund, *Why Elon Musk has so much at stake in Greg Abbott’s reelection bid*, Houston Chronicle (Oct. 16, 2026), <https://www.houstonchronicle.com/politics/texas/article/elon-musk-abbott-22455904.php>.

- On April 23, 2025, Abbott signed Senate Bill 14 establishing the Texas Regulatory Efficiency Office, which he publicly described as Texas’s own version of Musk’s “DOGE.”²¹
- During the 2025 legislative session, Musk’s businesses successfully advocated for numerous proposals affecting SpaceX and Tesla. Enacted measures included legislation addressing drone operations over spaceports, designating spaceports as critical infrastructure, restricting access to roads and Gulf beaches near launch facilities, and regulating energy-storage and backup-power systems. Other legislation modified Texas corporate governance laws to respond to concerns that Musk had publicly raised concerning Delaware’s corporate legal system.²²

13. The disturbing influence over Texas government of Musk and his fellow megabillionaires makes clear the importance of Representative Hinojosa’s legislative oversight efforts to protect Texans against the potential abuse of such a severe concentration of power and money. Nevertheless, § 552.008 does not require her to establish the importance of the requested records, justify her legislative objectives, or demonstrate any particular need for the information. The statute requires only that she request the records for legislative purposes. Having done so, she is entitled to inspect the requested Abbott-Musk communications, including confidential information, and Governor Abbott has a mandatory, nondiscretionary statutory duty to provide that access, subject to any applicable confidentiality requirements.

Ultra Vires Claim

14. Section 552.008(a) provides that Chapter 552 does not grant authority to a governmental body to withhold information from an individual legislator who seeks the

²¹ Office of the Governor, *Governor Abbott Signs Texas DOGE Into Law at Texas Capitol* (Apr. 23, 2025); Kayla Guo, *Abbott Signs First Bill of Session Into Law, Creating a Texas DOGE*, The Texas Tribune (Apr. 23, 2025); Lauren McGaughy, *Inside Elon Musk’s Stellar Year at the Texas Capitol*, The Texas Tribune (July 2, 2025).

²² Lauren McGaughy, *Inside Elon Musk’s Stellar Year at the Texas Capitol*, The Texas Tribune (July 2, 2025)

information for legislative purposes. Subsection (b) requires a governmental body, upon receiving a legislator's request, to allow the legislator to inspect or copy public information, including confidential information. Section 552.221(a) generally requires prompt access, defined as meaning "as soon as possible under the circumstances," within a reasonable time and without delay.

15. Representative Hinojosa's written request satisfied § 552.008. She is a member of the Legislature, she requested identifiable information maintained by the Governor's office, and she expressly stated that she requested the information for legislative purposes. She is also willing to satisfy the lawful confidentiality requirements authorized by the statute. The Governor's Office has acknowledged receiving that request, has confirmed that it located the responsive documents, and has admitted that the information was previously collected and assembled. Nevertheless, the Governor's Office refused to permit inspection.

16. Governor Abbott has no statutory discretion to deny Representative Hinojosa's request merely because the records contain confidential information or information otherwise excepted from disclosure to the general public.

17. By continuing to withhold access to the requested and already assembled records, Governor Abbott acts beyond his statutory authority and fails to perform the ministerial duty imposed by § 552.008.

18. Representative Hinojosa seeks prospective relief restraining that continuing obstruction. Her request for interim relief is limited to inspecting the records already assembled for the Texas Newsroom response, including the unredacted counterparts of the redacted records. She currently seeks to enjoin Governor Abbott from barring her from conducting that inspection.

Application for Temporary and Permanent Injunctive Relief

19. Representative Hinojosa requests an immediate temporary restraining order, and then, after hearing, a temporary injunction, and, after trial, a permanent injunction to halt Governor Abbott's violations of the law.

20. Section 552.008 expressly grants Representative Hinojosa the right to inspect the requested information for legislative purposes, and Governor Abbott's violation of that law is clear. Thus, Representative Hinojosa meets the standards in Rules 680 and 683 of the Texas Rules of Civil Procedure: she now has a probable right to relief, and she is suffering present, imminent, and ongoing irreparable injury daily and will continue to suffer that injury until this Court acts to restrain Governor Abbott from his continuing course of illegal conduct. Governor Abbott is obstructing Representative Hinojosa in performing her legislative duties, violating her rights and undermining the public interests of all Texans. Representative Hinojosa's loss of that statutorily guaranteed right cannot be measured or compensated in money, and Representative Hinojosa does not seek any award of damages. A later judgment on the merits will not restore the lost time and current opportunities to use the Abbott-Musk information for legislative work. Representative Hinojosa therefore faces imminent, irreparable injury and has no adequate remedy at law.

21. The Governor's October 13 letter confirms that this injury results from an affirmative and final refusal to permit inspection, not from an inability to identify responsive records or a pending administrative process. The Governor's office admits it located and previously assembled the requested documents. It nevertheless expressly refused to permit inspection of the unredacted versions of the redacted documents.

22. Additionally, Representative Hinojosa's present term in the House of Representatives ends on January 12, 2027, when her successor assumes office. Thus, the time she

has left to complete this part of her legislative duties grows shorter each day. That fact increases the urgency of her exercising her right to access the materials. She is currently working to evaluate the operation and adequacy of existing laws so she can propose additional legislation before she leaves office. The enormous and growing wealth, power, and influence of Elon Musk and other tech billionaires over Texas government—particularly the Governor’s office—raise increasingly urgent concerns and risks for all Texans. The tech billionaires’ influence extends to matters affecting taxpayers and communities statewide, including through taxpayer-funded economic incentives, the authorization and operation of data centers, and the serious environmental and community impacts of Tesla’s and SpaceX’s expanding operations in Central and South Texas. These concerns make fully informed legislative oversight and appropriate legislative safeguards necessary to protect Representative Hinojosa’s constituents and our entire State.

23. The public interest favors the limited relief that Plaintiff Hinojosa requests in this suit. In the Public Information Act generally, and in Government Code §§ 552.001 and 552.008 specifically, the Legislature has expressly codified the public’s interest in knowing how its government operates and directed governmental bodies to provide legislators access to confidential public information for legislative purposes. Governor Abbott’s continued obstruction deprives Representative Hinojosa, during the limited remainder of her legislative term, of information necessary and relevant to legislative oversight of public spending, economic-development incentives, and regulatory safeguards. Conversely, an injunction permitting her inspection does not result in public disclosure. Section 552.008(b) preserves existing confidentiality and authorizes appropriate confidentiality agreements. Thus, the public interest and balance of equities strongly

favor the narrowly tailored injunctive relief that Representative Hinojosa requests to protect both her statutory right of access and legitimate confidentiality interests.²³

24. The Governor's Office itself acknowledges that § 552.008 authorizes confidentiality agreements to protect confidential or privileged information disclosed to legislators. Representative Hinojosa expressly offered to execute such an agreement and requested that the Governor send her a draft agreement before the inspection, but the Governor's office has neither provided a confidentiality agreement nor permitted inspection. Moreover, the Governor's office has admitted that it previously collected and assembled the requested records and has now located the documents responsive to her request.

25. Representative Hinojosa seeks only prohibitory injunctive relief, not mandatory relief. Governor Abbott's illegal refusal to let her inspect the Abbott-Musk documents is preventing her from exercising her statutory legislative right. In short, Governor Abbott is blocking Representative Hinojosa from doing her job. She seeks injunctive relief to prohibit him from preventing her from performing her legislative duties and exercising her legislative rights. Injunctive relief would not require or compel Governor Abbott to perform any act; it would only order that he stop blocking the door to his office.²⁴ Before he undertook this obstruction,

²³ See, e.g., *Universal Health Servs., Inc. v. Thompson*, 24 S.W.3d 570, 578–79 (Tex. App.—Austin 2000, no pet.) (affirming temporary injunction when the trial court balanced the parties' competing hardships and "the public interest of the patients and their babies" in maintaining the hospital's operations); *Huynh v. Blanchard*, 694 S.W.3d 648 (Tex. 2024) (recognizing that equity considers injury to the public and the parties in determining the scope of a permanent injunction); *Concerned Citizens of Palm Valley, Inc. v. City of Palm Valley*, 2020 WL 4812641 (Tex. App.—Corpus Christi–Edinburg 2020, no pet.) (mem. op.) ("Consideration of the equities involves weighing the public interest against the injury to the parties from the grant or denial of injunctive relief.").

²⁴ See, e.g., *Universal Health Services, Inc. v. Thompson*, 24 S.W.3d 570, 576–77 (Tex. App.—Austin 2000, no pet.) (holding that an injunction's "primary function" determines whether it is prohibitory or mandatory, despite any "incidental" acts required; affirming an injunction preventing closure of an operating hospital, despite potentially requiring the owners to act to seek additional funding and obtain agreements recognizing approved-facility status for the hospital under insurance and health plans); *Hartwell v. Lone Star, PCA*, 528 S.W.3d 750, 767–68 (Tex. App.—Texarkana 2017, pet. dism'd)

Representative Hinojosa had a lawful right to fulfill her legislative responsibilities. Governor Abbott has illegally changed the status quo by preventing her from performing her legislative functions. Immediate court relief is necessary.

26. The relief that Representative Hinojosa seeks would not threaten or diminish the confidentiality that Attorney General Ken Paxton has granted to Governor Abbott and Elon Musk. Section 552.008(b) of the Government Code expressly protects the confidentiality of the documents that Representative Hinojosa inspects.²⁵ The law requires her to maintain continued confidentiality, and allows the Governor to require Representative Hinojosa to enter a confidentiality agreement, which she already offered to do. Moreover, violation of that statutory confidentiality would be a crime.²⁶ Thus, in balancing the equities, there is ongoing, irreparable harm to Representative Hinojosa if injunctive relief is denied, but there is no harm to Governor Abbott if relief is granted.

27. Accordingly, Representative Hinojosa requests an expedited proceeding for her application for a temporary restraining order, and an early hearing on her application for a

(affirming a requirement that borrowers immediately turn over collateral and proceeds to their lender as incidental to injunctive prohibitions preserving the lender's interest); *Pham v. M&M Orthodontics, PA*, 2024 WL 3165999 (Tex. App.—San Antonio 2024, no pet.) (holding that a requirement to return collateral was incidental to the prohibition against transferring or diverting it and preserved the creditor's contractual rights within a generally prohibitory injunction).

²⁵ See Tex. Gov't Code § 552.008(b) ("A governmental body, by providing public information under this section that is confidential or otherwise excepted from required disclosure under law, does not waive or affect the confidentiality of the information The governmental body may require the requesting individual member of the legislature . . . to sign a confidentiality agreement that covers the information").

²⁶ See Tex. Gov't Code § 552.352 ("(a) A person commits an offense if the person distributes information considered confidential under the terms of this chapter. (a-1) An officer or employee of a governmental body who obtains access to confidential information under Section 552.008 commits an offense if the officer or employee knowingly: (1) uses the confidential information for a purpose other than the purpose for which the information was received . . . ; . . . or (3) discloses the confidential information to a person who is not authorized to receive the information.").

temporary injunction. After trial, she requests a permanent injunction prohibiting continued interference with her inspection rights as to the records covered by her September 29, 2026 request.

Request for Declaratory Judgment

28. Representative Hinojosa requests a declaration that under § 552.008 she is entitled to inspect the requested documents and that Governor Abbott is violating the law by his ultra vires actions to prevent that inspection. Because Governor Abbott continues to obstruct the requested inspection, an actual controversy exists, and a declaratory judgment is appropriate regarding Representative Hinojosa's present right to inspect the requested information and Governor Abbott's authority to continue withholding access. As part of her ultra vires claim, and under Chapter 37 of the Texas Civil Practice and Remedies Code, Representative Hinojosa seeks a declaration that under Section 552.008 she is entitled to inspect the requested documents and that Governor Abbott is violating the law by blocking that inspection.

29. The existence of an actual controversy is further established by the Governor's Office's October 13, 2026 written response, which expressly refused inspection of the unredacted versions of the redacted documents and declared that refusal to be its final determination, thereby presenting a concrete dispute concerning Representative Hinojosa's rights under § 552.008 and the Governor's authority to deny those rights.

Affidavit of Plaintiff Hinojosa

30. Attached hereto, and incorporated herein fully, is the Affidavit of Plaintiff Gina Hinojosa swearing to relevant facts on which this Petition and Application are based.

Prayer

Gina Hinojosa respectfully requests that Greg Abbott be cited to appear and answer and that the Court:

- a. Set an expedited determination of Representative Hinojosa's application for a temporary restraining order prohibiting Governor Abbott from blocking her access to the requested documents, with advance notice to Governor Abbott through the Attorney General;
- b. After notice and hearing, grant a temporary injunction imposing the same restraint pending trial;
- c. After trial, grant a permanent injunction prohibiting Governor Abbott's continued obstruction of Representative Hinojosa's exercise of her right to inspect the records covered by her September 29, 2026 legislative request;
- d. Grant the prospective declaratory relief requested above;
- f. Award costs of suit as permitted by law and such other relief consistent with these requests as she may be entitled to receive.

Respectfully submitted,

/s/ Cris Feldman

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COUNSEL FOR PLAINTIFF GINA HINOJOSA

Exhibit A



GINA HINOJOSA



STATE REPRESENTATIVE • DISTRICT 49

Mr. Matthew Taylor
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Austin, Texas 78711

VIA ELECTRONIC MAIL TO
publicrecords@gov.texas.gov

Sept. 29, 2026

Dear Mr. Taylor:

The people of Texas and the people of House District 49 are concerned over the growing power of tech giants in Texas regarding our tax dollars, resources, and data. In light of the expanding influence of tech CEOs in Texas and the close working relationship between government and the corporate tech industry, transparency is essential for accountability, which is why I'm writing.

Please accept this request on behalf of my legislative office pursuant to Chapter 552 of the Texas Government Code ("Texas Public Information Act") regarding records detailed in Open Records Letter No. 2025-027289A (2025), and as specifically described in the appended [KUT news story dated November 19, 2025](#).

I make this request for legislative purposes consistent with Sec. 552.008 of the Texas Public Information Act (Information for Legislative Purposes). I request for inspection of all documents exchanged between Texas Gov. Greg Abbott's office and Elon Musk and his companies, who are involved in numerous issues being addressed in the legislature, including but not limited to: tax incentives and grants, broadband Internet deployment, public beach access, and data center development.

This request specifically seeks all documents provided to the Texas Newsroom as detailed in the November 19, 2025, KUT news story, **as well as those same specific documents without any redactions whatsoever, regardless of how "embarrassing" or "intimate" they might be.**

As you know, Sec. 552.008 "does not grant authority to withhold information from individual members, agencies, or committees of the legislature to use for legislative purposes." It is understood that a confidentiality agreement as authorized by Sec. 552.008 may be required by your office so I may inspect the unredacted emails you otherwise consider to be confidential, intimate, embarrassing, or not of legitimate concern to the public. Please provide a draft confidentiality agreement, should you so require, at least five (5) days in advance of the inspection.

As the information being requested has already been collected and assembled, I am confident this request will not impose any additional burden on your office. With that in mind, please promptly provide a specific time and location for the simultaneous inspection of both the redacted and unredacted versions of the requested emails. **Any inspection should occur on or before the tenth business day following receipt of this request (on or around October 13, 2026) as required by Sec. 552.221 of the Texas Public Information Act.**

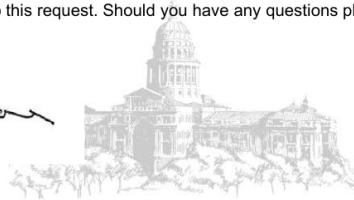
Sec. 552.224 Texas Public Information Act requires the officer for public information or the officer's agent to provide a requester all reasonable comfort and facility for the full exercise of a right granted by the Texas Public Information Act. Please provide a time and location for the requested inspection consistent with these requirements.

I appreciate your prompt attention to this request. Should you have any questions please let me know.

Sincerely,

A handwritten signature in black ink that reads "Gina Hinojosa".

Rep. Gina Hinojosa



P.O. Box 2910 • AUSTIN, TEXAS 78768-2910 • PHONE (512) 463-0668 • FAX (512) 463-8022
GINA.HINOJOSA@HOUSE.TEXAS.GOV

Cause No. _____

**GINA HINOJOSA, IN HER OFFICIAL
CAPACITY AS A MEMBER OF THE
TEXAS HOUSE OF REPRESENTATIVES**

Plaintiff,

v.

**GREG ABBOTT, IN HIS OFFICIAL
CAPACITY AS GOVERNOR OF THE
STATE OF TEXAS,**

Defendant.

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IN THE DISTRICT COURT

TRAVIS COUNTY, TEXAS

_____ JUDICIAL DISTRICT

AFFIDAVIT OF GINA HINOJOSA

STATE OF TEXAS §
COUNTY OF TRAVIS §

BEFORE ME, the undersigned authority, on this day personally appeared Gina Hinojosa, who, being by me duly sworn, stated as follows:

1. "My name is Gina Hinojosa. I am over eighteen years of age, of sound mind, and competent to make this Affidavit. The facts stated below are within my personal knowledge and are true and correct.
2. I reside in Travis County, Texas. I am a member of the Texas House of Representatives representing House District 49. My current legislative term ends in January 2027.
3. On September 29, 2026, I sent a written request to Governor Greg Abbott, through the Office of the Governor, addressed to public information coordinator, Matthew Taylor, at publicrecords@gov.texas.gov. A true and correct copy of my signed request is attached to Plaintiff's Original Petition as Exhibit A.
4. In my request, I expressly invoked § 552.008 of the Texas Government Code and stated that I sought the information for legislative purposes. I requested inspection of records concerning communications between Governor Greg Abbott through the Governor's Office and Elon Musk and his companies, including records addressed in Open Records

Letter No. 2025-027289A and described in a November 19, 2025 KUT report. My request encompassed both the versions furnished to The Texas Newsroom and the corresponding unredacted and withheld records.

5. I seek those records for legislative purposes, to carry out my legislative work, including concerning the operation and adequacy of Texas laws concerning economic-development incentives and grants, broadband deployment, public beach access, data-center development, and related oversight and safeguards. I am presently evaluating whether changes to Texas law, appropriations, or legislative oversight measures are warranted. Reviewing those communications is essential to perform those legislative duties.

6. My September 29 letter asked the Governor's Office to arrange simultaneous inspection of the redacted and unredacted records within ten business days, on or about October 13, 2026. I also asked the office to send me a proposed confidentiality agreement at least five days before inspection if it intended to require one.

7. On October 13, 2026, through counsel, I reached out to Matthew Taylor, Assistant General Counsel for Governor Abbott, to indicate that (1) I still had not received any response to my September 29, 2026 letter and had not received a draft confidentiality agreement (which my September 29 letter requested that I receive at least five days before the inspection), and (2) I was ready to inspect the documents on October 13, 2026, the last date stated in my letter for the proposed inspection to occur.

8. Later on October 13, 2026, I received a written response from Mr. Taylor. Mr. Taylor stated, among other things, the following:

(1) The Office of the Governor ("OOG") had received my request.

(2) "The OOG has reviewed its files and located the documents responsive to your request."

(3) "This information, as you note, 'has already been collected and assembled,' and was the subject of Open Records Letter Ruling No. OR2025-027289A, which ordered the release of certain documents subject to redactions based, in part, on confidentiality rules set forth in the Public Information Act ('PIA')."

(4) "It is likely . . . that you seek this information for an impermissible purpose." That statement by Mr. Taylor is false.

(5) "[Y]our request also appears framed to facilitate impermissible disclosure." That statement by Mr. Taylor is incorrect. My letter did not seek any "impermissible disclosure. I will comply with the law, including the provision in Section 552.008 that states that by providing public information "that is confidential or otherwise

excepted from disclosure under the law,” a public body “does not waive or affect the confidentiality of the information” I will protect the information that I inspect from any improper disclosure, as required by Chapter 552 of the Texas Government Code.

(6) “[T]his office may require a legislator to sign a binding confidentiality agreement before reviewing or handling confidential or privileged information.” Mr. Taylor, however, failed to note or acknowledge that in my September 29 letter, I had expressly stated that “It is understood that a confidentiality agreement as authorized by Sec. 552.008 may be required by your office so I may inspect the unredacted emails you otherwise consider to be confidential, intimate, embarrassing or not of legitimate concern to the public. Please provide a draft confidentiality agreement, should you so require, at least five (5) days in advance of the inspection.” Neither Governor Abbott, Mr. Taylor, nor anyone else at the OOG ever provided me with a draft confidentiality agreement.

As of the date I sign this Affidavit, I still have not been permitted to inspect the unredacted records I requested.

9. As stated in my September 9, 2026 letter, I was willing to sign and comply with a lawful confidentiality agreement concerning information that covers the redacted and withheld information. I am still willing to do so.

10. I seek inspection for legislative purposes, and will comply with the restrictions on use, inspection, and disclosure of confidential information as provided in Government Code §§ 552.008 and 552.352.

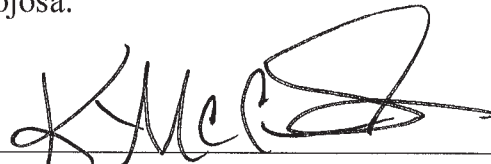
11. My current term as a member of the Texas House of Representatives ends January 12, 2027. I have sought to inspect the requested records as part of my ongoing evaluation of the need for possible legislation, and to conduct that work before my legislative term ends on January 12, 2027. Each additional day without access reduces the time available to review the records, to evaluate their significance, and to fulfill my statutory duties as a member of the Texas House of Representatives. Every day of delay caused by Governor Abbott’s refusal to comply with Texas law shortens the time available for inspection during my legislative term. No adequate remedy at law can compensate for that lost time and the lost opportunity to fulfill those legislative responsibilities. Our elected Representatives serve the public interest of the people of Texas, and Governor Abbott’s obstruction of my legislative work harms the public interest daily.

FURTHER AFFIANT SAYETH NOT.


Gina Hinojosa, Affiant

km state: Texas County: Trans

SUBSCRIBED AND SWORN TO before me on the 19 day of
October, 2026, by Gina Hinojosa.



Notary Public, State of Texas

My commission expires:

05-19-2027

Notary ID: 134370358

