

Cause No. D-1-GN-20-003926

**Dianne Hensley**, on behalf of herself  
and others similarly situated,

Plaintiff,

v.

**State Commission on Judicial  
Conduct**, et al.,

Defendants.

IN THE DISTRICT COURT

TRAVIS COUNTY, TEXAS

459th JUDICIAL DISTRICT

**ORDER GRANTING DEFENDANTS' PLEA TO THE JURISDICTION  
AND, IN THE ALTERNATIVE, PLEA IN ESTOPPEL**

On May 26, 2021, the Court heard Defendants' Plea to the Jurisdiction and, in the Alternative, Plea in Estoppel. All parties appeared by their respective counsel of record and announced ready. Having considered Defendants' alternative pleas, Plaintiff's opposition, Defendants' reply, the admissible evidence introduced at the hearing, the parties' arguments, and the legal authorities urged by the parties, the Court FINDS that dismissal is required for each of the following reasons: Plaintiff's failure to exercise her exclusive statutory remedy concerning issues pertinent to her disciplinary proceeding; Plaintiff's failure to comply strictly with jurisdictional statutory notice requirements pertinent to her claims under the Texas Religious Freedom Restoration Act; sovereign immunity; statutory immunity under Section

33.006 of the Texas Government Code; lack of ripeness and Plaintiff's request for impermissible advisory opinions; and *res judicata*.

The Court further FINDS that, if the Court had jurisdiction and if the case were not barred by *res judicata*, Plaintiff is bound by the findings and conclusions of, and all issues concluded by, the November 12, 2019, Public Warning at issue due to collateral estoppel.

Accordingly, it is ORDERED that this cause be, and it hereby is, DISMISSED. IT IS FURTHER ORDERED that all costs are taxed against Plaintiff Dianne Hensley.

SIGNED on June 25, 2021.

  
Jan Soifer, Judge Presiding

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Associated Case Party: DIANNE HENSLEY

Name	BarNumber	Email	TimestampSubmitted	Status
Kelly J. Shackelford	18070950	kshackelford@firstliberty.org	6/28/2021 2:48:39 PM	SENT
Jeremiah Dys	24096415	jdys@firstliberty.org	6/28/2021 2:48:39 PM	SENT
Michael Berry	24085835	mberry@firstliberty.org	6/28/2021 2:48:39 PM	SENT
Hiram Stanley Sasser	24039157	hsasser@firstliberty.org	6/28/2021 2:48:39 PM	SENT
Jonathan F. Mitchell		jonathan@mitchell.law	6/28/2021 2:48:39 PM	SENT
Charles W. Fillmore		chad@fillmorefirm.com	6/28/2021 2:48:39 PM	SENT
Justin Butterfield		jbutterfield@firstliberty.org	6/28/2021 2:48:39 PM	SENT
H. Dustin Fillmore		dusty@fillmorefirm.com	6/28/2021 2:48:39 PM	SENT

Associated Case Party: STATE COMMISSION ON JUDICIAL CONDUCT

Name	BarNumber	Email	TimestampSubmitted	Status
John J. McKetta	13711500	Mmcketta@gdhn.com	6/28/2021 2:48:39 PM	SENT
David R. Schleicher	17753780	efiling@gov.law	6/28/2021 2:48:39 PM	SENT
Jeannette YLanger		jlanger@gdhn.com	6/28/2021 2:48:39 PM	SENT