

CAUSE NO. 348-367652-25

THE STATE OF TEXAS

Plaintiff,

v.

ROBERT FRANCIS O'ROURKE and
POWERED BY PEOPLE

Defendants.

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IN THE DISTRICT COURT

TARRANT COUNTY, TEXAS

348th JUDICIAL DISTRICT

PLAINTIFF STATE OF TEXAS'S EMERGENCY MOTION FOR CONTEMPT
AND SHOW CAUSE ORDER

TO THE HONORABLE JUDGE OF THIS COURT:

Less than 24 hours after this Court issued a Temporary Restraining Order (TRO) restraining Defendants from “raising funds for non-political purposes . . . through the ActBlue platform,” Defendant O’Rourke bragged at a Fort Worth rally: **“There are no refs in this game, f*ck the rules.”**¹ O’Rourke and Powered by People (“PBP”) proceeded to raise funds in direct violation of this Court’s TRO by actively soliciting donations through the ActBlue platform to fund the personal expenses of unexcused Texas legislators, stating, in direct reference to this lawsuit: “And one of the worst things that we can do to Ken Paxton is to, right now, choose to donate to have the backs of these fighters by texting FIGHT to 20377 [which redirects to an ActBlue fundraiser]. Text FIGHT to 20377. **He is trying to stop us from raising the resources they need to ultimately prevail and come through and we are not going to let him stop us.**”²

Since this Court issued the TRO, O’Rourke and PBP have repeatedly violated, and continue to violate, at least two subsections of the TRO by actively “raising funds for non-political

¹ Beto O’Rourke, *The People vs. The Power Grab: A Rally to Fight Texas Redistricting*, YOUTUBE (Aug. 9, 2025), https://www.youtube.com/watch?v=XXjSG_9XkT0 (timestamp 56:53).

² *Id.* (timestamp 55:47).

purposes.” In fact, aside from the addition of Defendants’ open antagonism towards this Court and its TRO, Defendants’ conduct has largely mirrored the same conduct that the State originally complained of. *See* Orig. Pet., ¶¶ 18, 33-35 (complaining that Defendants were confusing consumers by soliciting political donations by asking consumers to text “fight” to “20377,” and then using those funds for unlawful personal expenditures). To this end, Defendants have made clear they will continue to violate the TRO unless stopped. The State now files this Motion for Contempt and Show Cause Order pursuant to Rule 692 of the Texas Rules of Civil Procedure and would show the Court as follows:

I. STATEMENT OF THE CASE

1. On August 8, 2025, the State filed its Original Petition, Emergency Application for TRO, Request for Temporary and Permanent Injunction, and Notice of Lien (“Original Petition”) against Defendants based on Defendants’ ongoing DTPA violations. Specifically, the State alleged O’Rourke and PBP were “directing consumers to *political fundraising platforms*, such as ActBlue, for the express political purpose of ‘fighting’ Republicans and protecting Democratic seats,” while actually using the funds “for lavish personal expenditures.” Orig. Pet. at 1. The State alleged that this conduct took “advantage of Texas consumers by confusing and misleading them about the use of their donations.” *Id.* at 2.

2. The State sought a TRO in part because of an imminent rally scheduled to be held in Fort Worth on August 9, 2025. At the TRO hearing, the State made clear that it did not seek to stop the rally or otherwise restrain political speech; rather, the State sought to restrain Defendants’ efforts to confuse consumers, and unlawfully raise funds “for non-political purposes, including to (1) fund out-of-state travel, hotel, or dining accommodations or services to unexcused Texas legislators during any special legislative session called by the Texas Governor, or (2) fund payments

of fines provided by Texas House rules for unexcused legislative absences, through the ActBlue platform or any other platform that purports to exist for political fundraising purposes.” Orig. Pet. 43.b; *accord* TRO at 2 ¶ ii.

3. After a TRO hearing, where all parties were heard, at 5:32 p.m. on August 8, 2025, this Court issued a TRO restraining Defendants from specific illegal and deceptive conduct, including “[r]aising funds for non-political purposes . . . [for] unexcused Texas legislators . . . through the ActBlue platform or any other platform that purports to exist for political fundraising purposes.” TRO at 2 ¶ ii.

4. Among the evidence considered by the Court in support of the TRO was the fact that, at various PBP rallies, Defendant O’Rourke “urged consumers to text the word ‘fight’ to ‘20377’ in order to make political donations and ‘support these brave Texas Democrats.’” Orig. Pet. ¶ 18. The State demonstrated that texting this number generates a response text message that contains various misrepresentations, including a hyperlink that “directs consumers to an ActBlue page for PBP, wherein consumers are prompted to make *political* donations.” *Id.* ¶¶ 20–21.

5. At the conclusion of its hearing, the Court set a temporary injunction hearing for August 19, 2025.

II. STATEMENT OF FACTS

6. On August 8, 2025, soon after this Court’s ruling, Attorney General Ken Paxton issued a press release regarding the TRO, then posted about the press release on X.com, stating: “I just defeated Beto O’Rourke in court.”³

³ Attorney General Ken Paxton (@KenPaxtonTX), *Breaking: I just defeated Beto O’Rourke in court.*, X.com (Aug. 8, 2025, 5:57 p.m.), <https://x.com/KenPaxtonTX/status/1953953648922570881>.

7. Four (4) hours later—and less than five (5) hours after this Court issued the TRO—Defendant O’Rourke replied to this tweet saying: “Actually, you didn’t. *Still here, still raising* and rallying to stop the steal of 5 congressional seats in Texas.”⁴

8. The next day, at 12:18 p.m., Defendant O’Rourke tweeted out another link to an ActBlue donation page affiliated with Defendant PBP, asking: “Donate here to have the backs of our Texas Democrats in this fight”:⁵



⁴ Beto O’Rourke (@BetoORourke), *Actually, you didn’t. Still here, still raising and rallying to stop the steal of 5 congressional seats in Texas.*, X.com (Aug. 8, 2025, 10:14 pm) (emphasis added), <https://x.com/BetoORourke/status/1954018300939169993>.

⁵ Beto O’Rourke (@BetoORourke), *Donate to have the backs of our Texas Democrats in this fight.*, X.com (Aug. 9, 2025, 12:18 pm), <https://x.com/BetoORourke/status/1954230858975736128>.

9. When a consumer opens this hyperlink, they are directed to an ActBlue fundraising page hosted by Defendant PBP. Thatpage states it is taking the fight “to Paxton, Abbott, and Trump,” and requests a show of “support for our fight for Texas.” The page lists as the hyperlink address: “support-texas-dems-2025”:⁶

The screenshot shows a web browser window with the URL <https://secure.actblue.com/donate/support-texas-dems-2025?refcode=social>. The page has a black header with the text "POWERED BY PEOPLE" in white. Below the header, the main content area is white. On the left, there is a section titled "THE GLOVES ARE OFF. DONATE NOW." with a paragraph: "This is our moment to fight for our democracy as hard as we possibly can. We're going to take this fight to Paxton, Abbott, and Trump with everything we have." Below this is a question: "Can you show your support for our fight for Texas by making a donation today?". On the right, there is a "Choose an amount:" section with a subtext: "Your contribution will benefit Powered By People." Below this are buttons for \$5, \$25, \$50, \$100, \$250, \$500, \$1,000, and a custom amount field. Below the amount buttons is a "MAKE IT MONTHLY!" section with two options: "Yes, count me in!" and "No, donate once" (which is selected). Below this is a "Checkout" section with a link: "Have an ActBlue Express account? Sign in to give faster." Below the checkout section are three payment method buttons: "Pay with card", "PayPal", and "venmo".

10. As of the filing of this Motion, this link is still active and the tweet is still active on Defendant O’Rourke’s X page, confusingly and deceptively soliciting political donations to pay for the personal expenses of rogue Texas legislators.

11. Also on August 9, 2025, Defendant PBP held its planned Fort Worth rally, which was livestreamed on Defendant O’Rourke’s YouTube channel.⁷ Throughout the entire rally, the video stream reads at the bottom: “Text FIGHT to 20377 to help Texas Democrats stop Trump’s

⁶ Powered By People, *The gloves are off. Donate now.*, ActBlue (2025), <https://secure.actblue.com/donate/support-texas-dems-2025?refcode=social>.

⁷ See Beto O’Rourke, *The People vs. The Power Grab: A Rally to Fight Texas Redistricting*, YOUTUBE (Aug. 9, 2025), https://www.youtube.com/watch?v=XXjSG_9XkT0.

power grab” —the exact same number and redirect to ActBlue that the State cited in its Petition. *See id.* at timestamp 6:00–1:10:04.

12. Defendant O’Rourke was the final speaker at the rally. He repeatedly solicited donations through the ActBlue platform at the rally, directly referring to this Court’s ruling (and mischaracterizing it):

He tried to stop us from raising money to support these Democrats in the fight; he lost. And one of the worst things that we can do to Ken Paxton is to, right now, choose to donate to have the backs of these fighters by texting FIGHT to 20377. Text FIGHT to 20377. He is trying to stop us from raising the resources they need to ultimately prevail and come through and we are not going to let him stop us. Are you with me on that?⁸

13. O’Rourke further declared that he did not care about the “refs in this game” or “the rules,” stating: “Listen, you may say to yourself: Well those aren’t the rules. There are no refs in this game, f*** the rules, we are gonna win whatever it takes. We’re gonna take this to em’ in every way that we can.”⁹

14. Each of these instances constituted individual and ongoing violations of this Court’s TRO by Defendants.

15. Defendants also engaged in similar violations at an August 10, 2025 town hall in Abilene, Texas.¹⁰

III. VIOLATIONS OF THE TEMPORARY RESTRAINING ORDER

16. The State repeats, re-alleges, and incorporates the facts stated above.

⁸ Beto O’Rourke, *The People vs. The Power Grab: A Rally to Fight Texas Redistricting*, YOUTUBE (Aug. 9, 2025), https://www.youtube.com/watch?v=XXjSG_9XkT0 (timestamp 55:47).

⁹ *Id.* at 56:53.

¹⁰ *See* Beto O’Rourke, *Back in Abilene for a Powered by People Town Hall*, YOUTUBE (Aug. 10, 2025), https://www.youtube.com/watch?v=NycMJ1_pvd8 (timestamp 23:00) (Defendant O’Rourke requesting donations via texting FIGHT to 20377).

17. Defendant O’Rourke violated the Temporary Restraining Order when he posted an ActBlue fundraising page on X and solicited donations for the express purpose of “hav[ing] the backs of our Texas Democrats in this fight.” This clearly sought to raise funds for the purpose of funding “unexcused Texas legislators during any special legislative session called by the Texas Governor, or [to] (2) fund payments of fines provides by Texas House rules for unexcused legislative absences, through the ActBlue platform” TRO at 2 ¶ ii.

18. Defendant PBP also violated the Temporary Restraining Order by hosting its ActBlue fundraising page for the same restrained purposes.

19. PBP additionally violated the Temporary Restraining Order on August 9, 2025 when it actively solicited donations to its ActBlue fundraiser at its Fort Worth rally, including on the livestreamed video.

20. O’Rourke, and PBP alike, also violated the TRO at the August 9th Fort Worth Rally by requesting that attendees and viewers “donate to have the backs of these fighters by texting FIGHT to 20377. Text FIGHT to 20377 [ActBlue].”

21. Defendants PBP and O’Rourke engaged in near identical violations at an Abilene town hall on August 10, 2025.

22. Based on the flagrancy and openness of these violations, the State has reason to believe Defendants may have engaged in other similar violations of the Temporary Restraining Order that the State is as yet unaware of.

23. Both Defendants have repeatedly expressed their intent to continue raising funds for personal expenses via ActBlue, regardless of this Court’s order.

24. These acts are clear violations of this Court’s Temporary Restraining Order. As such, Defendants are both in contempt of court.

IV. CONTEMPT AUTHORITY

25. Texas Government Code 21.002(b) authorizes courts to punish contempt by levying a fine of not more than \$500.00 for each act of contempt. TEX. GOV’T CODE ANN. 21.002(b). Section 21.002(b) also authorizes courts to punish contempt by confinement in the county jail for not more than six months or both such a fine and confinement in jail. *Id.* “Coercive or civil contempt is used to encourage obedience to a previous order; remedial or criminal contempt is available to punish those who disrespect a court’s order and to deter others from engaging in disrespectful conduct.” *Byrd v. Phillip Galyen, P.C.*, 430 S.W.3d 515 (Tex. App.—Fort Worth 2014, pet. denied). Additionally, “[a] court may issue an order that imposes punishment for both civil and criminal contempt, which is considered a ‘hybrid’ order.” *In re Hidalgo*, No. 14-25-00338-CV, 2025 WL 1805814, at *2 (Tex. App. July 1, 2025) (quoting *Ex parte Sanchez*, 703 S.W.2d 955, 957 (Tex. 1986) (orig. proceeding)).

26. “A criminal contempt conviction for disobedience to a court order requires proof beyond a reasonable doubt of: (1) a reasonably specific order; (2) a violation of the order; and (3) the willful intent to violate the order.” *In re Janson*, 614 S.W.3d 724, 727 (Tex. 2020) (quotation omitted).

27. Because O’Rourke and PBP repeatedly violated the Temporary Restraining Order beyond a reasonable doubt, and continue to do so, the State respectfully requests that this Court find Defendants in contempt of court. The State requests Defendants each be fined \$500.00 for each contemptuous violation of the Temporary Restraining Order.

28. Additionally, in light of Defendant O'Rourke's repeated statements disparaging this Court's TRO and announcing his intent to continue violating the order—because, “f*ck the rules”— the State requests Defendant O'Rourke be confined to jail unless and until he demonstrates a willingness to abide by the Court's orders pending the outcome of this lawsuit.

V. PRAYER

Plaintiff State of Texas respectfully requests Defendants be cited to appear herein in accordance with Rule 692 of the Texas Rules of Civil Procedure to show cause for why they should not be held in contempt of court for disobeying the Temporary Restraining Order issued by this Court on August 8, 2025.

Plaintiff State of Texas also respectfully requests that upon hearing, this Court find Defendants in contempt of court and punish Defendants by fining them each \$500 for each act of contempt, and by confining Defendant O'Rourke unless and until he represents to this Court a willingness to abide by the Court's TRO.

[signature page to follow]

Respectfully submitted,

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Attorney General of Texas

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First Assistant Attorney General

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CERTIFICATE OF SERVICE

I certify that a copy of the above Motion for Contempt and Show Cause Order was served on the 12th day of August 2025, upon Defendants by email and this Court's e-file system:

/s/ Rob Farquharson
ROB FARQUHARSON

CERTIFICATE OF CONFERENCE

A conference was not held with opposing counsel on the merits of this motion due to the emergency nature of the relief sought and because the relief sought is not capable of agreement.

/s/ Rob Farquharson
ROB FARQUHARSON

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IN THE DISTRICT COURT

TARRANT COUNTY, TEXAS

348TH JUDICIAL DISTRICT

VERIFICATION OF ROZANNE LOPEZ

Pursuant to Texas Civil Practice and Remedies Code section 132.001(f), I, Rozanne Lopez, submit this unsworn verification in lieu of a written sworn declaration, verification, certification, oath, or affidavit:

1. My name is Rozanne Lopez. I am over 18 years of age, of sound mind, and capable of making this verification.
2. The facts stated within this verification are within my personal knowledge and are true and correct.
3. I work as an investigator in the Office of the Texas Attorney General. In my capacity as an investigator, I have read the foregoing document titled "Plaintiff State of Texas's Emergency Motion for Contempt and Show Cause Order," and the factual allegations stated therein are true and correct.
4. My name is Rozanne Lopez and I am an employee of the following governmental agency: Texas Office of the Attorney General. I am executing this verification as part of my assigned duties and responsibilities. I verify and declare under penalty of perjury that the factual statements in the foregoing are true and correct.

Executed in Hidalgo County, State of Texas, on the 12th day of August, 2025.

/s/ Rozanne Lopez
Rozanne Lopez
Investigator