

**CAUSE NO. DC-25-09345**

BRIAN MORROW, ET AL., § IN THE DISTRICT COURT OF  
*Plaintiffs,* §  
v. § DALLAS COUNTY, TEXAS  
RANDY SCHACKMANN, ET AL., §  
*Defendants.* § 95TH JUDICIAL DISTRICT  
§

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**PLAINTIFFS' RESPONSE IN OPPOSITION TO DEFENDANTS' MOTION FOR PROTECTIVE ORDER**

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**I. SUMMARY OF THE ARGUMENT**

Defendants Randy Schackmann, Cassandra Hatfield, Nancy Kimmel Brady, Ileana Garza-Rojas, Marjorie Barnes, and Carrollton-Farmers Branch Independent School District ("CFBISD" or "the District") seek to impose a "Standard" Protective Order that, in practice, operates as an "Attorneys' Eyes Only" (AEO) gag order. By excluding the Plaintiffs themselves from the list of "Qualified Persons" authorized to view Confidential Information, the District attempts to shield the Superintendent's personnel file not just from the public, but from the very litigants challenging the District's administration.

Plaintiffs do not oppose a reasonable protective order that prevents public dissemination of sensitive personal data (e.g., social security numbers, medical history). However, Plaintiffs vehemently oppose a restriction that prohibits them from reviewing the evidence necessary to prosecute their claims.

In a case centered on public governance, the "institutional knowledge" of the Plaintiffs—who are long-standing community members, past members of the Board of Trustees and Carrollton City Council—is essential. Counsel cannot effectively review personnel files for evidence of the allegations central to this case without the ability to consult the clients who know the relationships involved. The District has failed to meet the high burden required by the Texas Supreme Court to justify an "Attorneys' Eyes Only" designation.

**II. BACKGROUND AND NATURE OF THE DISPUTE**

1. This case concerns allegations of Open Meetings Act violations regarding the closure of schools within CFBISD.
2. As detailed in Plaintiffs' First Amended Petition, a central issue in this litigation is

whether the Superintendent and other officials engaged in acts to circumvent the Texas Open Meetings Act.

3. To investigate these claims, Plaintiffs appropriately requested responsive documents from the Defendants, of which Defendants have identified the personnel file of Superintendent Dr. Wendy Eldredge.
4. Defendants refused to produce the file without the entry of the Court's "Standard Protective Order."
5. Crucially, the "Standard Order" offered by Defendant limits access to "Confidential Information" solely to counsel and experts. It excludes the Parties.
6. Plaintiffs offered to enter into an Agreed Protective Order that included the Parties as "Qualified Persons," with strict prohibitions against public disclosure (e.g., no social media, no press). Defendant refused, insisting on blinding the Plaintiffs to the evidence.

### III. ARGUMENT AND AUTHORITIES

#### A. The District Bears a Heavy Burden to Justify an "Attorneys' Eyes Only" Restriction.

Under Texas Rule of Civil Procedure 192.6, the party seeking a protective order bears the burden of showing "a particular, specific and demonstrable injury." *In re Collins*, 172 S.W.3d 287, 291 (Tex. App.—Fort Worth 2005, orig. proceeding).

When a party seeks to limit disclosure to "Attorneys' Eyes Only"—thereby preventing a client from viewing the evidence—the burden is even higher. The Texas Supreme Court has held that AEO designations are "highly restrictive" and appropriate only in limited circumstances, typically involving high-stakes trade secrets between direct competitors. *In re M-I L.L.C.*, 505 S.W.3d 569, 577 (Tex. 2016).

To sustain an AEO restriction, the District must show that disclosure to the Plaintiffs *themselves* (not just the public) would result in a "specific, serious harm" that outweighs the Plaintiffs' need for the information to prepare their case. *Id.*

The District cannot meet this burden. This is not a trade secret case. The Plaintiffs are parents and taxpayers, not corporate competitors stealing proprietary formulas. There is no "serious harm" to the Superintendent if a named Plaintiff reviews her job performance or contract documents, which, in large part, are matters of public concern.

#### B. Plaintiffs' Review of the Evidence is Essential to the Litigation.

The Texas Supreme Court mandates that a protective order must not impede a party's ability to present its case, *Garcia v. Peeples*, 734 S.W.2d 343, 345 (Tex. 1987).

In this matter, the restriction is fatal to effective representation.

- **Counsel's Limitation:** Undersigned counsel does not possess the decades of local knowledge held by the Plaintiffs. Counsel cannot look at a performance review, see a name, and immediately recognize its impact on the case.
- **Plaintiffs' Necessity:** The Plaintiffs possess the institutional knowledge required to connect the dots in the Superintendent's file. Without their review, the documents are

effectively sanitized of their context.

By insisting on an AEO designation, the District is effectively asking the Court to handicap Plaintiffs' counsel by cutting off his primary source of factual context: the clients.

### **C. A "Standard" Commercial Order is Inappropriate for Public Governance Litigation.**

The District argues that because the proposed order is the "Court's Standard," it must be accepted. This relies on a false equivalence. A standard order designed to protect medical records in a car accident or proprietary schematics in a breach of contract case is wholly unsuited for a public interest lawsuit against a government entity.

Dr. Eldredge is the highest-ranking public official in the District. Her expectations of privacy regarding her professional conduct are significantly lower than those of a private citizen. *See generally Abbott v. Dallas Area Rapid Transit*, 410 S.W.3d 876 (Tex. App.—Austin 2013). While Plaintiffs agree to protect her truly private data (SSN, medical info), the District's attempt to blanket her professional file as "Confidential/AEO" serves only to obstruct transparency.

### **D. Plaintiffs' Proposed Order Strikes the Proper Balance.**

Plaintiffs have proposed—and attach hereto as **Exhibit A**—a Protective Order that protects the District's legitimate interests while allowing fair litigation. Plaintiffs' proposed order:

1. Designates the **Parties** as "Qualified Persons" authorized to view Confidential Information;
2. Explicitly **prohibits** the Parties from disclosing such information to the media, posting it on social media, or sharing it with non-parties; and
3. Subjects the Plaintiffs to the contempt powers of this Court should they violate those terms.

This proposal satisfies Rule 192.6(b)(5) by protecting the documents from public view without stripping Plaintiffs of their fundamental right to participate in their own lawsuit.

## **IV. CONCLUSION**

The District's Motion seeks to impose a commercially restrictive "Attorneys' Eyes Only" regime on a public accountability case. There is no legal basis to hide the Superintendent's personnel file from the Plaintiffs.

Plaintiffs respectfully request that the Court **DENY** Defendant's Motion for Protective Order and instead **ENTER** the Plaintiffs' Proposed Protective Order attached as Exhibit A.

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## **PRAYER**

For these reasons, Plaintiffs pray that the Court deny Defendants' Motion for Protective Order, enter the Protective Order attached hereto, and grant Plaintiffs such other and further relief to

which they may be justly entitled.

Respectfully submitted,

/s/ Brian T. Morrow  
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ATTORNEY FOR PLAINTIFFS

**CERTIFICATE OF SERVICE**

I hereby certify that on January 22, 2026, a true and correct copy of the foregoing document was transmitted to all parties and counsel of record in this case *via* email and/or the Court's electronic case filing/service system.

/s/ Brian T. Morrow  
Brian T. Morrow

**EXHIBIT A**

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**PROTECTIVE ORDER**

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On this day, the Court considered the necessity of a Protective Order to govern the production of confidential documents in the above-styled and numbered cause. The Court finds that discovery in this case may involve the production of sensitive personnel information, employment records, or other confidential government documents.

The Court further finds that while such information requires protection from public dissemination, the Parties require access to said information to effectively prosecute and defend this litigation.

**IT IS THEREFORE ORDERED** as follows:

**1. DEFINITION OF CONFIDENTIAL INFORMATION** "Confidential Information" generally refers to documents or tangible things produced in discovery that are designated by the producing party as "CONFIDENTIAL." This includes, but is not limited to, personnel files, performance evaluations, medical records, and sensitive personal identifiers (e.g., social security numbers, home addresses).

**2. DESIGNATION OF DOCUMENTS** A producing party may designate a document as "CONFIDENTIAL" if they possess a good faith belief that the document contains sensitive personal or protected information. Such documents shall be clearly marked "CONFIDENTIAL."

**3. QUALIFIED PERSONS** Documents designated as "CONFIDENTIAL" may be disclosed **only** to the following "Qualified Persons":

- a. The **Parties** to this litigation (Plaintiffs and Defendants);
- b. Counsel for the Parties, including their paralegals, staff, and secretarial personnel;
- c. Experts or consultants retained by the Parties for this litigation;
- d. The Court, court personnel, and court reporters; and
- e. Witnesses during depositions, provided they agree to be bound by this Order.

**EXHIBIT A**

**4. RESTRICTIONS ON USE AND DISCLOSURE** All Confidential Information shall be used **solely** for the purpose of this litigation and for no other purpose.

**a. No Public Dissemination:** The Parties and their Counsel are strictly prohibited from publishing, posting, or disseminating any Confidential Information to the media, the press, on social media platforms (including but not limited to Facebook, X/Twitter, Nextdoor), or to any person not listed as a "Qualified Person" in Paragraph 3. **b. Redaction of PII:** Before any document is filed with the Court, the filing party must redact sensitive Personally Identifiable Information (PII) such as social security numbers, dates of birth, and financial account numbers.

**5. SECURITY OF CONFIDENTIAL INFORMATION** Counsel and the Parties must take reasonable measures to ensure that Confidential Information is kept secure and is not accessible to unauthorized persons.

**6. RETURN OF DOCUMENTS** Within thirty (30) days after the final conclusion of this litigation (including any appeals), all copies of Confidential Information shall be returned to the producing party or destroyed, with a written certification of such destruction provided upon request.

**7. ENFORCEMENT** Any violation of this Order by any Party, Counsel, or other person having notice of this Order may be punished by contempt of court and may subject the violator to sanctions.

**SIGNED** this \_\_\_\_\_ day of \_\_\_\_\_, 2026.

\_\_\_\_\_  
MONICA PURDY  
JUDGE, 95TH JUDICIAL DISTRICT COURT  
DALLAS COUNTY, TEXAS

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Brian Morrow on behalf of Brian Morrow

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