

CAUSE NO. 296-09499-2025

<b>THE HON. VINCENT J. VENEGONI, JR.,</b>	§	<b>IN THE DISTRICT COURT</b>
<b>JUSTICE OF THE PEACE, PRECINCT 4,</b>	§	
<b>IN HIS OFFICIAL CAPACITY,</b>	§	
	§	
<b>PLAINTIFF,</b>	§	
<b>v.</b>	§	
	§	
<b>COLLIN COUNTY COMMISSIONERS</b>	§	
<b>COURT;</b>	§	
<b>CHRIS HILL, COUNTY JUDGE;</b>	§	<b>429<sup>TH</sup> JUDICIAL DISTRICT</b>
<b>SUSAN FLETCHER,</b>	§	
<b>COMMISSIONER PCT. 1;</b>	§	
<b>CHERYL WILLIAMS,</b>	§	
<b>COMMISSIONER PCT. 2;</b>	§	
<b>DARREL HALE,</b>	§	
<b>COMMISSIONER PCT. 3; &amp;</b>	§	
<b>DUNCAN WEBB,</b>	§	
<b>COMMISSIONER PCT. 4;</b>	§	
<b>IN THEIR OFFICIAL CAPACITIES,</b>	§	
	§	
<b>DEFENDANTS.</b>	§	<b>COLLIN COUNTY, TEXAS</b>

**DEFENDANTS’ ORIGINAL ANSWER TO PLAINTIFF’S  
ORIGINAL PETITION AS SUPPLEMENTED**

TO THE HONORABLE JUDGE OF SAID COURT:

Defendant Collin County Commissioners Court (“**Commissioners Court**”)<sup>1</sup>; and Defendants County Judge Chris Hill; Susan Fletcher, Commissioner Precinct 1; Cheryl Williams, Commissioner Precinct 2; Darrell Hale, Commissioner Precinct 3; and Duncan Webb, Commissioner Precinct 4 (collectively referred to as the “**Individual County Defendants**”)<sup>2</sup>, hereby submits the following original answer to the Plaintiff’s Original Petition, Request for an Emergency Temporary Restraining Order, and Request for Injunctive [sic] Relief, filed on

<sup>1</sup> While the Commissioners Court is named as a defendant, it is not a jural entity subject to suit. Collin County is the proper party defendant in any effort to control the actions of the Commissioners Court.

<sup>2</sup> The individual members of the Commissioners Court are sued in their official capacities. A suit against a governmental official in an official capacity is effectively a suit against the governmental unit. *Franka v. Velasquez*, 332 S.W.3d 367, 382 (Tex. 2011).

December 4, 2025, and Plaintiff's Supplemented Petition, Request for an Emergency Temporary Restraining Order, and Request for Injunctive [sic] Relief, filed on December 18, 2025 (collectively referred to as the "**Petition**"), filed by Plaintiff, the Honorable Vincent J. Venegoni, Jr. ("**Judge Venegoni**")<sup>3</sup>, in the above-referenced matter, and respectfully shows the court as follows.

**I.**

**GENERAL DENIAL**

Pursuant to Rule 92 of the Texas Rules of Civil Procedure, the Commissioners Court and the Individual County Defendants deny each and every material allegation of the Petition and demand that each such allegation be proved by a preponderance of the evidence.

**II.**

**SPECIFIC DENIAL**

Pursuant to Rule 54 of the Texas Rules of Civil Procedure, the Commissioners Court and the Individual County Defendants specifically deny that all conditions precedent to Judge Venegoni being entitled to bring this action and recover the relief requested herein have been performed or have occurred.

**III.**

**AFFIRMATIVE DEFENSES**

1. The Commissioners Court affirmatively pleads that it is not a jural entity subject to suit. Collin County is the proper party defendant in any effort to control the actions of the Commissioners Court.

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<sup>3</sup> While Judge Venegoni purports to file suit in his official capacity as Justice of the Peace for Precinct 4, neither the Commissioners Court nor the County Administrator has authorized the appointment of an outside attorney to represent Judge Venegoni in his official capacity against the County. As a result, Judge Venegoni is prohibited from using any county funds on his legal expenses against the Commissioners Court and the Individual County Defendants.

2. The Individual County Defendants affirmatively plead that to the extent that they are sued their official capacities, such suit is a suit against Collin County because a suit against a governmental official in an official capacity is effectively a suit against the governmental unit. *Franka v. Velasquez*, 332 S.W.3d 367, 382 (Tex. 2011).

3. The Individual County Defendants affirmatively plead that to the extent that Judge Venegoni seeks personal liability against them under an *ultra vires* theory, such claims fail as a matter of law because Judge Venegoni complains of the Individual County Defendants alleged abuse of discretion in their legislative budgeting and staffing determinations as members of the Commissioners Court. To fall within an *ultra vires* exception to sovereign or governmental immunity, 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. *City of El Paso v. Heinrich*, 284 S.W. 3d 366, 372 (Tex. 2009).

4. The Individual County Defendants affirmatively plead that to the extent that Judge Venegoni seeks personal liability against them for their legislative budgeting and staffing determinations as members of the Commissioners Court that they are entitled to legislative immunity from both suit and damages.

5. The Commissioners Court and the Individual County Defendants affirmatively plead that Judge Venegoni has failed to plead a cause of action in this matter because Texas Constitution Article II, Section 1 (addressing separation of powers) does not provide an independent basis for suit without an accompanying procedural process to assert such a claim such as mandamus or through the Uniform Declaratory Judgments Act.

6. The Commissioners Court and the Individual County Defendants affirmatively plead that the Texas Local Government Code gives the Commissioners Court exclusive legislative authority to determine staffing levels and funding levels for Justice of Peace Offices.

7. The Commissioners Court and the Individual County Defendants affirmatively plead that the Commissioners Court had the legislative authority and discretion to determine appropriate staffing levels for Justice of the Peace Precinct 4.

8. The Commissioners Court and the Individual County Defendants affirmatively plead that the Commissioners Court had the legislative authority and discretion to determine the compensation to be paid to Justice of the Peace Precinct 4 staff.

9. The Commissioners Court and the Individual County Defendants affirmatively plead that in creating a County budget, the Commissioners Court performs a legislative function.

10. The Commissioners Court and the Individual County Defendants affirmatively plead that the allocation of County funds is a policymaking determination.

11. The Commissioners Court and the Individual County Defendants affirmatively plead that they have broad discretion in making budgetary decisions.

12. The Commissioners Court and the Individual County Defendants affirmatively plead that the Texas Constitution does not authorize a district court to sit as the head of the commissioners court and thereby direct its actions.

13. The Commissioners Court and the Individual County Defendants affirmatively plead that commissioners courts in Texas have the power of the purse strings and, in carrying out the legislative function of budget-making, commissioners courts have significant freedom of action.

14. The Commissioners Court and the Individual County Defendants affirmatively plead that a district court does not have a right to second-guess the discretionary policy decisions of county commissioners except in very limited circumstances where there are illegal expenditures or a commissioners court abuses its discretion through arbitrary and capricious actions.

15. The Commissioners Court and the Individual County Defendants affirmatively plead that a district court has no authority to substitute its judgment for that of elected officials as to a particular expenditure that should be made.

16. The Commissioners Court and the Individual County Defendants affirmatively plead that the actions of which Judge Venegoni complains were not illegal, unreasonable, or arbitrary and capricious as they were made to address serious human resources/culture/leadership issues going on in Justice of the Peace Precinct 4.

17. The Commissioners Court and the Individual County Defendants affirmatively plead that Judge Venegoni has not alleged a waiver of Collin County's governmental immunity.

18. The Commissioners Court and the Individual County Defendants affirmatively plead that Judge Venegoni lacks standing to seek back pay for a reclassified employee as that damages claim belongs solely to the reclassified employee.

19. The Commissioners Court and the Individual County Defendants affirmatively plead that Judge Venegoni's request for injunctive relief is without merit because Judge Venegoni has not specified the injunctive relief he seeks.

20. The Commissioners Court and the Individual County Defendants affirmatively plead that Judge Venegoni's request for injunctive relief is without merit because Judge Venegoni cannot demonstrate that the Commissioners Court and the Individual County

Defendants have committed a wrongful act, which is one of the essential elements required in sustaining Judge Venegoni's burden of establishing entitlement to injunctive relief.

21. The Commissioners Court and the Individual County Defendants affirmatively plead that Judge Venegoni's request for injunctive relief is without merit because Judge Venegoni cannot demonstrate imminent and irreparable harm, which is one of the essential elements required in sustaining Judge Venegoni's burden of establishing entitlement to injunctive relief.

22. The Commissioners Court and the Individual County Defendants affirmatively plead that Judge Venegoni's request for injunctive relief is without merit because Judge Venegoni cannot demonstrate the absence of an adequate remedy at law, which is one of the essential elements required in sustaining Judge Venegoni's burden of establishing entitlement to injunctive relief.

23. The Commissioners Court and the Individual County Defendants affirmatively plead that Judge Venegoni's request for injunctive relief is without merit because Judge Venegoni cannot demonstrate the relief he seeks will not disserve the public interest, which is one of the essential elements required in sustaining Judge Venegoni's burden of establishing entitlement to injunctive relief.

24. The Commissioners Court and the Individual County Defendants affirmatively plead that they are entitled to governmental immunity from suit and liability.

#### IV.

#### **RESERVATION OF RIGHTS**

Because the Court has given Judge Venegoni until January 14, 2025, to replead his Petition, the Commissioners Court and the Individual County Defendants have opted not to file

in response to the Petition: (1) a Texas Rule of Civil Procedure 91a motion to dismiss based on the grounds that the Petition has no basis in law or fact, (2) a sanctions motion under Texas Rule of Civil Procedure 13 for bringing a groundless suit, or (3) a sanctions motion under Texas Civil Practice and Remedies Code Chapter 10 for bringing a frivolous pleading.

The Commissioners Court and the Individual County Defendants reserve the right, however, to assert such claims in the event that (1) an amended petition is filed that does not address the deficiencies that these dismissal and sanctions laws are intended to address; or (2) the Petition is not amended. In the event that the Commissioners Court and the Individual County Defendants file one or more motions seeking dismissal and/or sanctions, reasonable and necessary attorneys will be requested from Judge Venegoni.

**WHEREFORE, PREMISES CONSIDERED,** Defendant Collin County Commissioners Court; and Defendants County Judge Chris Hill; Susan Fletcher, Commissioner Precinct 1; Cheryl Williams, Commissioner Precinct 2; Darrell Hale, Commissioner Precinct 3; and Duncan Webb, Commissioner Precinct 4; pray (1) that Plaintiff take nothing by this suit and that all relief requested therein be denied; and (2) that the Commissioners Court and the Individual County Defendants have such other and further relief, general or special, at law or in equity, to which he may be justly entitled.

Respectfully Submitted,

By: /s/ Robert F. Brown

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**ATTORNEYS FOR DEFENDANTS**

**CERTIFICATE OF SERVICE**

A copy of this document was served by electronic service on December 30, 2025, on the following:

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*/s/ Robert F. Brown*  
Robert F. Brown

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