

**NOTICE: THIS DOCUMENT CONTAINS SENSITIVE DATA.**

**\*NOTE: Areas below in blue are for example purposes to indicate where and what should be filled out.**

CAUSE NO. \_\_\_\_\_

**Tina Smith AS NEXT FRIEND OF  
Maria Victoria Smith**

vs.

**Juan Valdez, Sarah Valdez AND Peter  
Valdez, A MINOR**

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IN THE **District** COURT

OF

**Bexar** COUNTY, TEXAS

**ORDER GRANTING TEMPORARY RESTRAINING ORDER  
AND ORDER SETTING HEARING FOR TEMPORARY INJUNCTION**

On September 4, 2021 Petitioners, Tina and John Smith presented a motion for temporary restraining order to this Court.

Respondents' names are: Juan Valdez, Sarah Valdez, and Peter Valdez ( a Minor)

The minor Petitioner is identified in paragraph 1 of the Verified Petition and Application for Injunctive Relief and will be referred to in this order as "Target."

The minor Respondent is identified in paragraph 2 of the Verified Petition and Application for Injunctive Relief and will be referred to in this order as "alleged Bully."

1. After considering the Petitioners' *Verified Petition and Application for Injunctive Relief* and the pleadings, evidence, and arguments of the parties, the Court finds that a temporary restraining order should be issued.

2. The Court takes judicial notice of the following under David’s Law, codified in Texas Civil Practice & Remedies Code § 129A.002:

A plaintiff is not required to plead or prove that, before notice can be served and a hearing can be held, immediate and irreparable injury, loss, or damage is likely to result from past or future cyberbullying; and

The temporary restraining order or temporary injunction is not required to:

1. Define the injury or state why it is irreparable.
2. State why the order was granted without notice; or
3. Include an order setting the cause for trial on the merits with respect to the ultimate relief requested.

3. The Court takes judicial notice of the pleadings on file with the Court and the evidence in determining that Respondent(s), Juan and Sarah Valdez is/are:

(Put an “X” next to one option)

<input type="checkbox"/>	the parent(s) of the alleged Bully.
<input type="checkbox"/>	standing in a parental relationship to the alleged Bully.

4. The Court finds that Petitioners are entitled to this order having shown to the Court’s satisfaction they are likely to succeed in establishing that the alleged Bully, was cyberbullying Target.

5. Therefore, by this Order, the Court prohibits Respondent(s) and any persons in active concert or participation with Respondent(s) who receive actual notice of this order by personal service or otherwise, from engaging in any of the following actions:

(Put an “X” next to all that apply)

	Cyberbullying (as defined by Texas Education Code § 37.0832) of Target.
	Releasing, distributing, publishing, or promoting any invasive visual material of Target, including as defined by Texas Penal Code § 21.15, or any other visual material or photographs depicting Target in violation of the Texas Penal Code.
	Releasing, distributing, publishing, or promoting Certain Visual Material Depicting Minor as further defined and prohibited by Texas Penal Code § 43.261.
	Communicating, verbally or in writing, to any third party about Target or Target’s family in any harassing, abusive, or harmful manner.
	Inciting or encouraging, directly or indirectly, Target to commit self-harm.
	Inciting, communicating, or encouraging any third party to violate this order.
	Communicating with other students in any way, directly or indirectly, that disparages or demeans Target, including any communication or attempted communication that is intended, or effectively does, cause social isolation or exclusion of target.
	Being within 200 feet of Target except as may be required to attend any hearing in this cause or required school function.
	Entering into any virtual videoconference in which Target is expected to or may attend except as may be required to attend any hearing in this cause or required school function.
	Posting any social media messages, or in any way, directly or indirectly, communicating messages, information, data, or material that disparages, defames, or demeans Target.
	Posting, releasing, promoting, publishing, or otherwise disseminating any visual recordings of Target.
	Destroying or deleting, or attempting to destroy or delete, any electronic media, social media accounts, hard drives, mobile phones, tablets, or devices of any kind containing any evidence relevant to the Petitioners’ allegations.

6. Further, by this Order, the Court orders and compels Respondents, and any persons in active concert or participation with Respondents who receive actual notice of this order by personal service or otherwise, to perform the following actions:

(Put an “X” next to all that apply)

	Take reasonable actions to cause the alleged Bully to cease engaging in cyberbullying of Target.
	Discourage and prohibit the use of any electronic device for cyberbullying of Target.
	Discourage and prohibit the alleged Bully from encouraging or inciting any third party to bully, cyberbully, or socially isolate Target.
	Produce for inspection at the temporary injunction hearing all electronic devices including laptops, tablets, phones, and hard drives used by the alleged Bully.
	Produce for inspection at the temporary injunction hearing all mobile phone billing statements for any phone used by the alleged Bully during the period of the alleged cyberbullying.

(To be completed at the courthouse)

7. The clerk is ordered to issue a writ to Respondent(s) and notice that the hearing on Petitioners’ Application for Temporary Injunction is set for \_\_\_\_\_ at \_\_\_\_\_ .m. The hearing will take place at the following address: \_\_\_\_\_

\_\_\_\_\_. The purpose of the hearing shall be to determine whether this temporary restraining order should be made a temporary injunction pending a full trial on the merits.

8. It is further ordered that the bond is set in the amount of \$\_\_\_\_\_.

9. This restraining order is effective immediately and will continue in full force and effect until it expires by its terms within a time period determined by the Court (not to exceed 14 days), unless within that time frame the order is extended for good cause shown, or unless the

Respondent(s) consent(s) that it may be extended for a longer period. See Texas Rule of Civil Procedure 680.

10. This restraining order expires on the following date: \_\_\_\_\_.

11. **THE VIOLATION OF A TEMPORARY RESTRAINING ORDER IS PUNISHABLE BY CONTEMPT UNDER RULE 692 OF THE TEXAS RULES OF CIVIL PROCEDURE.**

SIGNED on this \_\_\_\_ day of \_\_\_\_\_, 202\_\_\_\_, at \_\_\_\_\_  a.m.  p.m.

\_\_\_\_\_  
PRESIDING JUDGE

**By signing below, Petitioner agrees to this temporary restraining order in form and substance:**

Petitioner 1

Name  Tina Smith

Signature  Tina Smith

Petitioner 2 (if applicable)

Name  John Smith

Signature  John Smith