

CAUSE NO. D-1-GN-17-000115

DR. THOMAS A. WALLIS,

Plaintiff,

vs.

KEN PAXTON, ATTORNEY GENERAL  
OF THE STATE OF TEXAS, AND  
BRYAN INDEPENDENT SCHOOL  
DISTRICT,

Defendants.

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IN THE DISTRICT COURT OF

TRAVIS COUNTY, TEXAS

345TH JUDICIAL DISTRICT

**AMICUS BRIEF OF REQUESTOR KBTX-TV IN OPPOSITION TO PLAINTIFF'S  
REQUEST FOR A TEMPORARY INJUNCTION**

KBTX-TV files this *amicus* brief in opposition to Plaintiff Dr. Thomas A. Wallis' request for a temporary injunction. Through his request, and the underlying lawsuit, Wallis seeks to shield from the public records that directly bear on his fitness to lead our state's public schools and that the Attorney General's Office has reviewed and determined to be public.

The Texas Public Information Act presumes records will be open to the public and "shall be liberally construed in favor of granting a request for information." Tex. Gov't Code Ann. § 552.001. The Act guarantees each person access "at all times to complete information about the affairs of government and the official acts of public officials and employees." *Id.* Indeed, it specifically recognizes that "[t]he people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know." *Id.* Wallis' request for a temporary injunction thwarts the clear purpose of the law. It will deprive the public, and specifically the children and families whom he serves as principal, from accessing public records bearing directly on his fitness for that public position of extreme trust and responsibility.

As has been widely reported, Wallis agreed to a separation from the district after he entered into a voluntary separation agreement with the board of trustees of the Bryan

Independent School District.<sup>1</sup> Certain reports indicate that Wallis was “forced to resign” from this position.<sup>2</sup> Prior to entering into this agreement, Wallis took a personal leave of absence from his duties, but declined to offer more details on the reasons behind this action.<sup>3</sup> Eventually, he was awarded a roughly \$83,000 settlement, paid at the expense of local taxpayers.<sup>4</sup> No additional information on the separation was provided by Wallis or the Bryan Independent School District Board.

KBTX, along with other Brazos Valley media organizations, filed open records requests under the Texas Public Information Act for information related to Wallis’s separation. On December 27, 2016 and on January 3, 2017, the Attorney General ruled that Wallis’ self-evaluation and other documents related to his separation from the Bryan Independent School District Board were subject to disclosure under the Public Information Act. Around the same time, Wallis took another job as principal in the Fort Bend Independent School District.

In seeking the temporary injunction, Wallis suggests that without injunctive relief he may “suffer imminent injury that will be irreparable,” however he has already found employment by another public school district. In any event, any harm Wallis may suffer from the release of what the Attorney General has determined to be public records is clearly outweighed by the interest of the people of Texas, and the children and families Wallis serves as principal. Indeed, it is they

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<sup>1</sup> See: <http://www.kbtx.com/content/news/Former-Bryan-school-superintendent-requested-confidentiality-clause-on-the-way-out-395904051.html> (last visited on 01/26/2017)

<sup>2</sup> See: <http://www.kbtx.com/content/news/Audio-recording-obtained-by-KBTX-reveals-Dr-Wallis-was-forced-to-resign-from-BISD-408618895.html> (last visited on 01/26/2017)

<sup>3</sup> See: <http://www.kbtx.com/content/news/Former-Bryan-school-superintendent-requested-confidentiality-clause-on-the-way-out-395904051.html> (last visited on 01/26/2017)

<sup>4</sup> See: <http://www.kbtx.com/content/news/Attorney-says-Bryan-ISDs-secret-deal-with-former-superintendent-is-ridiculous-397021451.html> (last visited on 01/26/2017)

who continue to be irreparably harmed by the inability to access public records related to Wallis' fitness to serve as an educator.

WHEREFORE, this court should reject Wallis' attempts to continue to shield from the public critical public records which bear directly on his fitness to be an educator, and deny his motion for a temporary injunction.

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing document was filed electronically. As such, this notice was served on all counsel of record via electronic case filing on January 26, 2017.

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