

TONY H. MORENO  
*Plaintiffs,*

v.

THE CITY OF LAREDO AND CITY OF  
LAREDO MUNICIPAL CIVIL SERVICE  
COMMISSION  
*Defendants.*

§  
§  
§  
§  
§  
§  
§  
§

IN THE DISTRICT COURT

49<sup>TH</sup> JUDICIAL DISTRICT

WEBB COUNTY, TEXAS

**ORDER GRANTING REQUEST FOR TEMPORARY INJUNCTION**

**BE IT REMEMBERED** that on the 9<sup>TH</sup> day of September 2021 came on to be considered Plaintiff, Tony H. Moreno's ("Mr. Moreno") verified request for a temporary injunction.

***Appearances***

Plaintiff, Mr. Moreno appeared in person and by his counsel, Carlos E. Flores and Martha Cigarroa, and announced ready.

Defendants, the City of Laredo ("City") and City of Laredo Municipal Civil Service Commission ("Commission") (collectively, "Defendants") appeared by and through the City Manager, Robert Eads and its counsel, Kristina K. Laurel Hale and Anna Sophia Garcia, and announced ready.

***Relief Granted***

The Court **FINDS** that Mr. Moreno filed that certain verified Plaintiff's Original Petition & Request for Injunctive Relief seeking a temporary injunction on or about September 3, 2021.

After considering the request for a temporary injunction, the evidence received, and the arguments of counsel, the Court **FINDS** and concludes that Mr. Moreno filed and asserted valid causes of action against the Defendants for alleged violations of Mr. Moreno's due process rights under the Fourteenth Amendment to the United States Constitution and Article 1, Section 19, of the Texas Constitution.

Based on the evidence received at the hearing and admitted as **Exhibit B** (City of Laredo's July 6, 2021, Disciplinary Action Form/Termination Letter issued to Moreno, **Exhibit D** (City of Laredo's Municipal Civil Service Rules and Regulations of the City of Laredo), and **Exhibit E** (City of Laredo Municipal Civil Service Commission Final Decision dated August 20, 2021), the Court **FINDS** that Mr. Moreno established he will probably prevail on the trial of this cause, and will probably establish that the City wrongfully terminated Mr. Moreno by failing to give him fair notice of the policies or standards he allegedly failed to meet and that the Commission upheld the wrongful termination in violation of Mr. Moreno's due process rights when it entered the August 20<sup>th</sup> Final Decision finding no facts that supports the Commission's decision, by failing to include credibility

determinations regarding the witnesses' testimony and by failing to state its reasons for its opinion in violation of the Commission's Rules, which were promulgated by the City and Commission.

Based on the evidence received at the hearing and arguments of counsel, the Court **FURTHER FINDS** that Mr. Moreno has vested property rights in his continued employment with the City based on **Exhibit D** (City of Laredo's Municipal Civil Service Rules and Regulations of the City of Laredo) and applicable law.

Based on the evidence received, applicable law, equity, and arguments of counsel, Mr. Moreno's constitutional right to due process was likely violated and such violations as outlined herein caused Mr. Moreno imminent and irreparable harm for which there is no adequate remedy at law.

To maintain the status quo, which was the last, actual, peaceable, non-contested status, which preceded the July 6, 2021, termination, **IT IS THEREFORE ORDERED, ADJUDGED AND DECREED:**

- 1) that the City reinstate Mr. Moreno as a City employee at the same rate of pay, and benefits that he was earning on the day prior to his termination July 6, 2021;
- 2) that Mr. Moreno's personnel records evidence his reinstatement as a continuing and current employee with the City effective as of July 6, 2021;
- 3) that Mr. Moreno is entitled to receive, and the City of Laredo shall pay Mr. Moreno all of the pay and reinstate all of the benefits he was entitled to receive from July 6, 2021 forward at the date of the City's next regular pay period; and
- 4) that the City provide Carlos E. Flores, counsel for Mr. Moreno, with a date, time and specific location for Mr. Moreno to report to work at the time and specific place designated by the City of Laredo; and
- 5) trial on the merits is set on this Cause for April 25, 2022.

This order shall not be effective unless and until Moreno executes and files with the clerk a bond, in conformity with the law, in the amount of \$ 1000.00

The clerk shall forthwith, on the filing by Plaintiff Tony Moreno of the bond, and on approving the bond according to the law, issue a temporary injunction in conformity with the law and the terms of this order.

DONE this 9 day of September 2021.

  
\_\_\_\_\_  
Joe Lopez, Judge  
49<sup>th</sup> Judicial District  
Webb County, Texas

Carlos Evaristo Flores  
State Bar No. 24050606  
[cflores@wctexlaw.com](mailto:cflores@wctexlaw.com)

Martha Cigarroa  
State Bar No. 04250800  
[mcigarroa@wctexlaw.com](mailto:mcigarroa@wctexlaw.com)  
602 E. Calton Rd., 2nd Floor  
Laredo, TX 78041  
Telephone: 956-727-441  
Fax: 956-7272696

**Attorneys for Tony H. Moreno**

Kristina K. Laurel Hale  
Anna Sophia Garcia  
Assistant City Manager  
Acting City Attorneys  
Attorney at Law  
City of Laredo  
1110 Houston  
Laredo, Texas 78040  
(956) 791-7302 Telephone  
956) 791-7498 Facsimile  
[khale@ci.laredo.tx.us](mailto:khale@ci.laredo.tx.us)

**Attorneys for City of Laredo  
and City of Laredo Municipal Civil Service Commission**