

CAUSE NO. C10369

FILED
CANDACE GARRETT
COUNTY/DISTRICT CLERK
SOMERVELL CO., TEXAS

2015 JAN 15 AM 8:27

IN THE DISTRICT COURT

DEPUTY

BY _____

THE STATE OF TEXAS
on the Relation of
GEORGE DARRELL BEST,
Plaintiff

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SOMERVELL COUNTY, TEXAS

v.
PAUL REED HARPER,
In His Official Capacity as Director
for the Somervell County Hospital District,
Defendant

249TH JUDICIAL DISTRICT

**STATE OF TEXAS' APPLICATION FOR EMERGENCY EX PARTE TEMPORARY
RESTRAINING ORDER AND ORDER SETTING HEARING FOR TEMPORARY
ORDERS**

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES The State of Texas, by and through Andrew Lucas, Somervell County Attorney, and requests the Court grant an Emergency Ex Parte Temporary Restraining Order, immediately restraining Defendant, Paul Reed Harper, from engaging in the acts described herein. In support of this request, The State offers the affidavit of Ronald D. Hankins, a member of the Board of Directors of the Somervell County Hospital District, attached hereto as Exhibit "A" and incorporated herein for all purposes. The State requests that the order be binding on Defendant, Defendant's agents, and on those persons in active concert or participation with Defendant who receive actual notice of this order by personal service or otherwise. The State requests that the requirement of bond be waived by the Court. Following a hearing for temporary orders as requested herein, The State requests that the Temporary Restraining Order be made a Temporary Injunction pending final hearing. The State shows as follows:


1. Following a hearing on January 8, 2015, Defendant was reinstated to his position on the Somervell County Hospital District Board of Directors. Defendant had been temporarily removed from the Board by the Court on October 20, 2014 pending a ruling from the Medicaid board regarding his fitness to serve as Director, having been previously convicted of a felony. Defendant was not prohibited from serving on the Board and was thus reinstated, pending jury trial.
2. As discussed in the Hankins' affidavit, Defendant's actions on the Board following reinstatement continue to exhibit a clear detriment to the successful operation of Glen Rose Medical Center and as such has left its administration without an adequate remedy at law to prevent Defendant's incompetence and official misconduct from creating

irreparable harm to the hospital and its CEO/Administrator, Ray Reynolds. Specifically, the State alleges that Defendant is conspiring with three fellow Board members to unlawfully retaliate against Ray Reynolds for his testimony (given under oath and under subpoena) at the October 20, 2014 temporary removal hearing. This is evidenced by Defendant's immediate action upon reinstatement to call for Ray Reynolds' termination as GRMC CEO/Administrator. No such action or discussion of any such action had taken place at the Board's meetings prior to this date. Defendant, as has been the case since he was originally appointed Secretary of the Board, has complete and absolute control of the agenda. He is clearly using this authority to unlawfully retaliate against Ray Reynolds.

3. This action is immediately required because the GRMC CEO/Administrator will likely be terminated at the Somervell County Hospital District Board of Directors' meeting on Friday, January 16, 2015 at 7:00 p.m. absent a temporary restraining order.

WHEREFORE, PREMISES CONSIDERED, The State prays the Court grant an Emergency Ex Parte Temporary Restraining Order immediately restraining Defendant from taking the actions complained of herein, waive the requirement of bond, set the matter for hearing, grant a Temporary Injunction pending final hearing, and grant all such other and further relief respecting the parties as the Court deems necessary and equitable.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I hereby certify that on the 15 day of January, 2015, a true and correct copy of the above and foregoing document was served on David B. Dowell, Attorney for Defendant, by facsimile to 817-877-2807 in accordance with Rule 21a of the Texas Rules of Civil Procedure.


Andrew Lucas

was granted back these rights and duties. On the next day, January 13th, 2015, Mr. Harper posted an agenda containing two action items to be set for a meeting on Friday, January 16th, 2015, at 7:00 p.m. in the Citizens Center of Glen Rose, Texas. Those two action items are: “V. The administrator/chief executive officer's employment, evaluation, reassignment, duties, discipline, or dismissal; complaints or charges against the administrator/chief executive officer” and “VI. Appoint an Acting Administrator/CEO with no middle to upper personnel change rights or privileges”.

During the initial removal hearing held in October of 2014, wherein a Petition had been filed to have Mr. Paul Harper removed from the Board of Directors of the Somervell County Hospital District, Mr. Ray Reynolds (the Administrator/CEO of the Glen Rose Medical Center) was subpoenaed by the State to testify about certain facts surrounding Mr. Harper's performance as a Director of the Somervell County Hospital District. The testimony given by Mr. Reynolds did not shed the best light on Mr. Harper's actions while a member of the Board.

During the entire time that the current Board members have been on the Board, there have never been any meetings wherein Mr. Ray Reynolds was given any goals to achieve, or any other instructions on what the Board expected of him. Likewise, there was never any evaluation made by the Board of Mr. Reynolds' performance of his duties as Administrator/CEO.


With the foregoing in mind, it is my belief (and I so allege) that the Agenda posted by Mr. Harper, and which appears to be calculated to provide for Mr. Ray Reynolds' termination, has no basis in fact, and is nothing more than an attempted retaliation by Mr. Paul Harper against Mr. Reynolds, because of Mr. Ray Reynolds

having provided (under subpoena) testimony concerning Mr. Paul Harper's performance as a Director on the Board.

It is further my belief (and I so allege) that if Mr. Paul Harper is allowed to participate in this meeting on Friday, January 16th, that there will be a vote of 4 for and 3 against to terminate Mr. Ray Reynolds' employment as Administrator/CEO of Glen Rose Medical Center. It is also my belief (and I so allege) that Mr. Harper would not have filed this Agenda, if he were not already assured that he had the votes of 3 other Board Members to accomplish the termination.

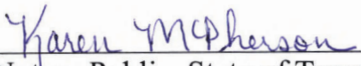
It is further my belief (and I so allege) that if the termination of Mr. Ray Reynolds is allowed under these circumstances, there will be irreparable harm done to the Glen Rose Medical Center, as well as to Mr. Ray Reynolds.”

Further, the affiant sayeth naught.


RONALD D. "RON" HANKINS

The foregoing Affidavit was signed and acknowledged before me, the undersigned Notary Public, by RONALD D. "RON" HANKINS, on this the 14th day of January, 2015.




Notary Public, State of Texas