

Cause No. 26-DCV-342369

Phillip McNallen and Ashley Malin,	§	IN THE DISTRICT COURT OF
	§	
Plaintiffs,	§	
	§	
v.	§	FORT BEND COUNTY, TEXAS
Owners Association of Young Ranch, Inc.	§	
and Stephanie Simper, in her official capacity as President and Director,	§	Fort Bend County - 240th Judicial District Court
	§	
Defendants.	§	_____ JUDICIAL DISTRICT

**EX PARTE TEMPORARY RESTRAINING ORDER AND ORDER SETTING  
HEARING ON TEMPORARY INJUNCTION**

On this day, the Court considered Plaintiffs' Verified Original Petition, Application for Temporary Restraining Order, Temporary Injunction, and Permanent Injunction. The Court reviewed the pleading, the unsworn declarations, the exhibits, and the record presently before the Court.

The Court finds that Plaintiffs have asserted claims for declaratory and injunctive relief concerning the governance of Owners Association of Young Ranch, Inc. and the attempted adoption and enforcement of a document styled the "First Amendment to the Bylaws."

The Court further finds, for purposes of temporary restraining relief only, that:

1. Plaintiffs have shown a probable right to the relief sought at a temporary-injunction hearing based on their allegations that the challenged "First Amendment to the Bylaws" was approved by only a majority of the Board despite governing-document provisions requiring a two-thirds board vote, that the amendment conflicts with existing provisions reserving director-removal authority to the membership, and that the amendment is being advanced for a retaliatory and improper purpose.

2. Plaintiffs have shown specific facts demonstrating that Defendants are threatening imminent action before a hearing can be held, including an announced April 7, 2026 special board meeting at which Defendants allegedly intend to vote on, adopt, sign, certify, file, enforce, or otherwise act under the document styled the "First Amendment to the Bylaws."
3. If Defendants are not immediately restrained, Defendants will likely take action before a hearing can be held to adopt, sign, certify, file, publish as effective, enforce, or otherwise act under the purported bylaw amendment and to purport to remove Ashley Malin under the authority of that purported amendment, thereby changing the existing board structure and governance status quo that is the subject of this suit.
4. Plaintiffs will likely suffer imminent and irreparable injury before notice can be served and a hearing can be held because the complained-of acts would, if taken, alter the composition and governance structure of the Board, interfere with the membership's asserted removal rights under the existing governing documents, undermine the Board's current internal oversight structure, and impair the status quo in ways not readily measurable by money damages.
5. The Court further finds from the specific facts shown in Plaintiffs' pleading and supporting unsworn declarations that, if Defendants are given advance notice of this application, Defendants will likely immediately convene the special meeting, vote on the challenged Purported Amendment, and purport to remove Ashley Malin under that amendment before the Court can hold a hearing, thereby causing the exact irreparable harm Plaintiffs seek to prevent.
6. Immediate and irreparable injury, loss, or damage will therefore result before Defendants or their attorneys can be heard in opposition, and issuance of temporary restraining relief without notice is necessary under Texas Rule of Civil Procedure 680.

The Court further finds that the purpose of this Temporary Restraining Order is to preserve the status quo until a hearing may be held on Plaintiffs' request for temporary injunction.

IT IS THEREFORE ORDERED that Defendants Owners Association of Young Ranch, Inc., Stephanie Simper in her official capacity as President and Director, and their officers, agents, servants, employees, attorneys, and all persons in active concert or participation with them who receive actual notice of this Order by personal service or otherwise, are TEMPORARILY RESTRAINED from:

7. holding any vote on, adopting, approving, signing, certifying, publishing as effective, or filing in the real property records any document titled "First Amendment to the Bylaws," whether at the April 7, 2026 special meeting or at any other board meeting before the temporary-injunction hearing;
8. taking any action to remove Ashley Malin, or any other elected director, from the Board of Directors under the authority of the purported "First Amendment to the Bylaws";
9. treating the purported "First Amendment to the Bylaws" as valid, effective, or enforceable for any purpose before further order of this Court;
10. destroying, deleting, altering, concealing, or failing to preserve records relating to Association business implicated by this suit, including communications, approvals, receipts, invoices, contracts, and account records maintained in personal email accounts, text messages, Microsoft Teams, personal devices, or third-party vendor portals or accounts.

This Order does not prohibit Defendants from conducting ordinary Association business that is otherwise permitted by the existing governing documents and Texas law, provided such business is not undertaken pursuant to the purported "First Amendment to the Bylaws" and does not violate the specific restraints stated above.

IT IS FURTHER ORDERED that Plaintiffs shall file a bond in the amount of \$ 100, payable to Defendants, as required by Texas Rule of Civil Procedure 684. This Temporary

Restraining Order shall not become operative unless and until such bond is filed and approved by the Clerk.

IT IS FURTHER ORDERED that this Temporary Restraining Order shall expire at 11:30 a .m. on April 16, 2026, which date shall be no later than fourteen (14) days after the date this Order is signed, unless before then it is extended by agreement of the parties, extended by order of this Court as allowed by law, or superseded by an order on Plaintiffs' application for temporary injunction.

IT IS FURTHER ORDERED that the Clerk shall issue notice of a hearing on Plaintiffs' application for temporary injunction, to be held on April 15, 2026, at 1:00 p.m. **Virtual** in the courtroom of the undersigned, or as soon thereafter as counsel and the parties may be heard.

IT IS FURTHER ORDERED that Plaintiffs shall immediately serve Defendants with:

11. this Ex Parte Temporary Restraining Order and Order Setting Hearing on Temporary Injunction;
12. Plaintiffs' Verified Original Petition, Application for Temporary Restraining Order, Temporary Injunction, and Permanent Injunction;
13. all supporting unsworn declarations and exhibits submitted in support of temporary injunctive relief; and
14. the notice of hearing on temporary injunction.

SIGNED on 4/2/2026, 2026, at 11:30 a.m.



JUDGE PRESIDING

### **Automated Certificate of eService**

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Filing Code Description: Petition

Filing Description: Plaintiff's Verified Original Petition Application for Temporary Restraining Order, Temporary Injunction, and Permanent Injunction

Status as of 4/1/2026 3:44 PM CST

#### Case Contacts

<b>Name</b>	<b>BarNumber</b>	<b>Email</b>	<b>TimestampSubmitted</b>	<b>Status</b>
Eric Tonsul	24029865	etonsul@rmwbh.com	4/1/2026 2:50:34 PM	NOT SENT