

CAUSE NO. DC-2025-CV-2028

BL

JASON CORLEY § IN THE 237TH DISTRICT COURT
V. § OF
MARK A. MEURER § LUBBOCK COUNTY, TEXAS

COMMISSIONER MARK A. MEURER'S PLEA TO THE JURISDICTION

Mark A. Meurer, County Commissioner for Precinct 2 of Lubbock County, Texas, through the undersigned counsel, now files this Plea to the Jurisdiction and would respectfully show the Court as follows:

I. Introduction and Factual Background

Plaintiff Jason Corley filed suit against Commissioner Meurer seeking a temporary injunction, declaratory relief, a permanent injunction, "temporary orders," and an "Application for Writ of Quo Warranto."¹ This Court previously denied an ex parte temporary restraining order sought by Mr. Corley and set the matter for oral hearing on December 19, 2025.

Mr. Corley complains that Commissioner Meurer is improperly serving as Lubbock County Commissioner, believing that he, the former occupant of the office, should still be serving in that capacity instead.² He complains that Commissioner Meurer is wrongfully holding the office he once held.³

This Court lacks jurisdiction to entertain Mr. Corley's claims against Commissioner Meurer and each of Mr. Corley's claims against him must be dismissed with prejudice.

1. See Corley First Amended Petition, filed December 15, 2025.

2. See Pl's Am. Pet. at ¶ 14.

3. See Pl's Am. Pet. at ¶ 15.

II. Plea to the Jurisdiction

This Court is without jurisdiction over the subject matter of the claims against Commissioner Meurer in this lawsuit for the reasons that follow:

A. Standard of Review

A plea to the jurisdiction challenges the court's authority to determine the subject matter of the controversy.⁴ Subject matter jurisdiction cannot be presumed and cannot be waived and is essential the court's authority to decide a case.⁵ When reviewing a plea to the jurisdiction, a court should limit itself to the jurisdictional issue and avoid considering the merits of the claims.⁶

The plaintiff bears the burden of alleging facts affirmatively showing that the trial court has subject-matter jurisdiction.⁷ Standing is a component of subject-matter jurisdiction.⁸ Where, as here, no amount of repleading will bring a plaintiff's claims within the jurisdiction of the Court, a dismissal with prejudice is required.⁹

B. Arguments & Authorities

Mr. Corley cannot affirmatively demonstrate subject-matter jurisdiction over Commissioner Meurer in this suit because Texas law is very clear: (1) A writ of quo warranto is the *sole* and exclusive procedural vehicle by which the courts can determine the rightful holder of an office or position and (2) Mr. Corley is not one of the three distinct individuals identified by

4. *Harris Cnty. v. Sykes*, 136 S.W.3d 635, 638 (Tex. 2004); *Axtell v. Univ. of Tex.*, 69 S.W.3d 261, 263 (Tex. App.—Austin 2002, no pet.).

5. *City of Houston v. Rhule*, 417 S.W.3d 440, 442 (Tex. 2013); *Cont'l Coffee Prods. v. Cazarez*, 937 S.W.2d 444, 449 n.2 (Tex. 1996).

6. *Bland Indep. Sch. Dist. v. Blue*, 34 S.W.3d 547, 552 (Tex. 2000).

7. *Town of Shady Shores v. Swanson*, 590 S.W.3d 544, 550 (Tex. 2019); *Tex. Ass'n of Bus. v. Tex. Air Control Bd.*, 852 S.W.2d 440, 446 (Tex. 1993).

8. *See Heckman v. Williamson County*, 369 S.W.3d 137, 150 (Tex. 2012).

9. *See Texas Dep't of Parks & Wildlife v. Miranda*, 133 S.W.3d 217, 227 (Tex. 2004).

statute who are allowed to seek a writ of quo warranto—whether he is suing as an individual or his purported capacity as a former or current county commissioner. Only the Texas Attorney General or the county or district attorney (in other words, the State of Texas) can seek a writ of quo warranto. Therefore, all of Corley’s pleaded causes of action against Meurer fail because he lacks standing to bring suit to receive the relief he requests.

A writ of quo warranto is the *exclusive* remedy available to determine disputed questions about “the proper person entitled to hold a public office and exercise its functions.”¹⁰ Only the State of Texas, through its attorney general or its county and district attorneys has standing to bring a quo warranto proceeding.¹¹

Courts across this State have either granted pleas to the jurisdiction of this kind or appellate courts have reversed the denial of similar pleas to the jurisdiction; the law is not remotely unsettled on this front. The Houston Court of Appeals decided a very similar case along this settled law just six months ago.¹² Our direct authority, the Amarillo Court of Appeals, has held exactly the same rule applies.¹³ The Corpus Christi Court of Appeals,¹⁴ the Dallas Court of Appeals,¹⁵ the San

10. *State ex rel. Angelini v. Hardberger*, 932 S.W.2d 489, 490 (Tex. 1996).

11. See TEX. CIV. PRAC. & REM. CODE § 66.002(a)–(b) (only such an officer of the State may petition “for leave to file an information in the nature of quo warranto” and the petition “must state that the information is sought in the name of the State of Texas”).

12. See *Gulfion Area Mun. Mgmt. Dist. v. APT Villa Contento LLC & APTFP LLC*, No. 01-23-00703-CV, 2025 Tex. App. LEXIS 3985 (Tex. App.—Houston [1st Dist.], Jun. 12, 2025, no pet.).

13. See *In re Jones*, 978 S.W.2d 648, 651 (Tex. App.—Amarillo 1998, orig. proceeding [mand. denied]).

14. *Nelson v. Head*, No. 13-18-00484-CV, 2019 Tex. App. LEXIS 10197, at *4 (Tex. App.—Corpus Christi Nov. 26, 2019, no pet.).

15. See *Orix Capital Mkts., LLC v. American Realty Tr., Inc.*, 356 S.W.3d 748, 754 (Tex. App.—Dallas 2011, pet. denied); *Robinson v. Neeley*, 192 S.W.3d 904, 909 (Tex. App.—Dallas 2006, no pet.).

Antonio Court of Appeals,¹⁶ the Austin Court of Appeals,¹⁷ the Waco Court of Appeals,¹⁸ are all in agreement: Individual citizens simply lack standing to challenge the authority of individuals to hold office.

Finally, Mr. Corley's claims for declaratory and injunctive relief fail on their face as well. These are phrased and pleaded to be separate causes of action, but, as this Court knows, "neither a claim's label nor the relief requested is determinative of the jurisdictional inquiry; rather, the substance of the claim controls."¹⁹ Because Mr. Corley cannot establish jurisdiction for his challenge to Commissioner Meurer's authority to hold the county-commissioner seat, there is similarly no jurisdiction over his requested declaratory and injunctive relief, which seeks the same relief as his fatally flawed application for a writ of quo warranto.²⁰

III. Conclusion and Prayer

Mr. Corley simply lacks standing to bring this suit against Commissioner Meurer. All of his pleaded causes of action seek to determine the proper County Commissioner for Precinct 2 in Lubbock County, Texas. These pleaded causes and requests for relief all fall within the sole and

16. *State ex rel. Patterson v. Garcia*, No. 04-05-00001-CV, 2005 Tex. App. LEXIS 1953, 2005 WL 605388, at *1 (Tex. App.—San Antonio Mar. 16, 2005, no pet.); *Rivera v. City of Laredo*, 948 S.W.2d 787, 790 (Tex. App.—San Antonio 1997, writ denied).

17. *Goodwin v. Hohl*, No. 03-20-00433-CV, 2021 Tex. App. LEXIS 10161, at *9 (Tex. App.—Austin Dec. 29, 2021, no pet.); *In re Osborn*, No. 03-13-00314-CV, 2013 Tex. App. LEXIS 5916, at *1 (Tex. App.—Austin May 15, 2013, orig. proceeding).

18. *Vick v. City of Waco*, 614 S.W.2d 861, 864 (Tex. App.—Waco 1981, writ ref'd n.r.e.).

19. *Texas Parks & Wildlife Dep't v. Sawyer Tr.*, 354 S.W.3d 384, 389 (Tex. 2011) ("The central test for determining jurisdiction is whether the 'real substance' of the plaintiff's claims" is within the trial court's jurisdiction.); *Texas Facilities Comm'n v. Speer*, 559 S.W.3d 245, 256 (Tex. App.—Austin 2018, no pet.) ("[P]leading labels are not singularly controlling—instead, it is the 'real substance' of the claims that determines immunity and jurisdiction.").

20. *See City of Austin v. Utility Assocs., Inc.*, 517 S.W.3d 300, 319 (Tex. App.—Austin 2017, pet. denied) (reversing denial of plea to jurisdiction on request for injunctive relief where plaintiff failed to establish jurisdiction over claim underlying his request); *see also Goodwin*, 2021 Tex. App. LEXIS 10161, at *11–12.

exclusive purview of Section 66.002 and the writ of quo warranto.²¹ Because Mr. Corley, in any capacity, is not the attorney general or a county or district attorney for Lubbock County, he lacks authority and therefore the standing to bring suit to determine this controversy. Because Mr. Corley lacks standing, this Court lacks subject-matter jurisdiction. Because no repleading would remedy this jurisdictional error in Mr. Corley's pleadings, this Court should sustain and grant this plea to the jurisdiction and dismiss Mr. Corley's claims and causes of action with prejudice.

THEREFORE, Commissioner Mark A. Meurer respectfully requests that this Court dismiss Plaintiff's claims against him with prejudice; that the Court enter judgment for Defendant Mark A. Meurer, and against the Plaintiff, holding that Plaintiff take nothing by his action; and award Commissioner Meurer such further relief to which he is entitled, including costs and attorney fees.

Respectfully submitted,

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21. TEX. CIV. PRAC. & REM. CODE § 66.002(a)-(b).