Supreme Court of Texas

No. 25-1030

In re Cook Children's Health Plan, Texas Children's Health Plan, Superior Health Plan, Inc., and Wellpoint Insurance Company,

Relators

On Petition for Writ of Mandamus

PER CURIAM

Justice Sullivan did not participate in the decision.

Relators brought ultra vires claims against the Executive Commissioner of the Texas Health and Human Services Commission. The trial court denied the Commissioner's plea to the jurisdiction and temporarily enjoined her from, among other things, executing certain contracts. The Commissioner filed an interlocutory appeal, which automatically superseded the temporary injunction. *See* TEX. CIV. PRAC. & REM. CODE § 6.001(b); *In re Tex. Educ. Agency*, 619 S.W.3d 679, 680 (Tex. 2021). To prevent emergency filings seeking or opposing temporary relief under Texas Rule of Appellate Procedure 29.3, the parties entered into a "standstill agreement," which states in relevant part:

> Notwithstanding any supersedeas rights, Defendant, the Texas Health & Human Services Commission, and all employees and agents of the Texas Health & Human Services Commission (collectively, "HHSC") will comply with the terms of the Temporary Injunction Order until the latest of (a) 30 days after the end of the 89th Regular Session of the Texas Legislature, regardless of the appellate court's ruling on the Joint Motion to Abate; (b) a ruling from the appellate court on any request for temporary orders under TRAP 29.3 filed within seven days of the Appeal's reinstatement; or (c) disposition of any mandamus proceeding in the Texas Supreme Court reviewing a ruling on a request described in (b) above, provided that the proceeding is filed within seven days of such ruling.

Relators then filed motions for Rule 29.3 relief in the court of appeals.

On November 12, 2025, the court of appeals issued an order denying Rule 29.3 relief. The court reasoned that under the standstill agreement, the Commissioner "will continue to abide by the terms of the trial court's temporary injunction regardless of how this Court rules on Appellees' motions until the Texas Supreme Court resolves the issue." According to the court, because its decision "will not affect [the Commissioner's] adherence to the terms of the temporary injunction," relators "failed to demonstrate that they will suffer irreparable harm" absent Rule 29.3 relief. Relators filed a mandamus petition in this Court asking us to vacate the court of appeals' order, direct that court to decide relators' Rule 29.3 motions "on their merits," and direct the Commissioner to comply with the temporary injunction in the meantime. Alternatively, relators ask us to consider the "merits" of their Rule 29.3 motions ourselves and order the court of appeals to grant them.

The judiciary of our State should encourage this kind of standstill agreement. By voluntarily complying with the temporary injunction, the

government forestalled emergency satellite litigation over whether the appellate courts would require it to abide by the injunction's terms pending appeal. That agreement prevents the extraordinary burden that emergency litigation places on courts, attorneys, and parties.

But the court of appeals' decision turns the agreement on its head. The court denied relief based solely on the existence of the standstill agreement, yet by denying the Rule 29.3 motions, the court hastened the end of that agreement. And the court effectively passed the buck to us; if we were to deny this mandamus petition, then under the standstill agreement's terms, the Commissioner would no longer be required to abide by the terms of the superseded injunction. That, in turn, would most likely result in emergency motions for temporary relief from relators—the very kind of emergency motions that the standstill agreement was meant to avoid.

We disagree with the court of appeals' reasoning. The existence of a standstill agreement like this one does not establish that appellants will not suffer irreparable harm if relief is not granted. Nor, of course, does it mean that they will. Each case must be evaluated on its own merits.

Without hearing oral argument, we therefore conditionally grant the petition for writ of mandamus, vacate the court of appeals' order denying the Rule 29.3 motions, and direct the court of appeals to reconsider those motions. TEX. R. APP. P. 52.8(c). The writ will issue only if the court of appeals does not comply.

We note that because we are vacating the court of appeals' order, it is as if the court never ruled, and the standstill agreement remains in

effect. We express no view of whether relators have shown entitlement to temporary relief under Rule 29.3, and we note that a decision on the merits of the underlying appeal may render the motions moot.

OPINION DELIVERED: November 20, 2026