

CAUSE NO. D-1-GN-26-008509

SPACE EXPLORATION	§	IN THE DISTRICT COURT OF
TECHNOLOGIES CORP.,	§	
Plaintiff,	§	
	§	
v.	§	
	§	
KEN PAXTON, in his official capacity	§	
as Attorney General of Texas; and	§	
GRIMES COUNTY, TEXAS,	§	
Defendants,	§	TRAVIS COUNTY, TEXAS
	§	
MARIE EGYED, on behalf of	§	
GRIMES COUNTY CITIZENS FOR	§	
RESPONSIBLE DEVELOPMENT,	§	
Plaintiff-Intervenor,	§	
	§	
v.	§	
	§	
GRIMES COUNTY, TEXAS,	§	126TH JUDICIAL DISTRICT
Defendant.	§	

**PLAINTIFF-INTERVENOR GCCRD'S ORIGINAL PETITION FOR WRIT OF
MANDAMUS, PETITION IN INTERVENTION, AND SPECIAL
EXCEPTIONS**

TO THE HONORABLE JUDGE OF SAID COURT:

Marie Egyed, on behalf of Grimes County Citizens for Responsible Development, files this Original Petition for Writ of Mandamus against Grimes County, Texas, Petition in Intervention, and Special Exceptions to the Original Petition of Plaintiff Space Exploration Technologies Corp. ("SETC"),¹ and respectfully shows the Court as follows:

¹SETC erroneously refers to itself as "SpaceX" 102 times in its Original Petition. For purposes of this litigation, GCCRD does not adopt that designation for SETC. "SpaceX" is a registered assumed name of non-party Testing Nonya LLC, and SETC's own registered assumed name is "Ad Astra." *See* Special Exception No. 2. Quotations from SETC's filings substitute "[SETC]" where SETC used "SpaceX."

SUMMARY

1. It goes without saying that communities all over Texas are very concerned about large artificial-intelligence projects, such as data centers and semiconductor plants, being developed in their communities, and the Plaintiff/Intervenor, Grimes County Citizens for Responsible Development, is no exception. In order for them and their fellow citizens to make informed judgments about the proposed TERAFAFAB facility, they asked their County Judge and Commissioners to be transparent about what was going on. Instead, these Grimes County officials have, to this day, concealed their negotiations, correspondence with each other and SETC, and other information requested that should be disclosed publicly.

a. Concealing public information from taxpayers is not the behavior of good public servants, nor is bending a knee to a giant corporation and failing to aggressively protect Grimes County residents while keeping them in the dark about how they made the deal with SETC. The Texas Public Information Act (TPIA) does not just allow citizens to see the final action their elected officials take, but also to see how the meeting of the minds occurred, leading to that final action.

b. This lawsuit seeks to remind the Grimes County officials what the TPIA says about situations like this:

Under the fundamental philosophy of the American constitutional form of representative government that adheres to the principle that *government is the servant and not the master of the people*, it is the policy of this state that each person is entitled, unless otherwise expressly provided by law, at all times to complete information about the affairs of government and the official acts of public officials and employees. *The people, in delegating authority, do not give their public servants the right*

to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created. The provisions of this chapter shall be liberally construed to implement this policy. Tex. Gov't Code § 552.001 (emphasis added).

2. Grimes County Citizens for Responsible Development (“GCCRD”), acting through its Director of Operations, Marie Egyed, asks the Court to order Grimes County to release public information about the tax incentives the County granted for the “TERAFAB” semiconductor project, and to deny the relief sought by Plaintiff SETC.

3. On June 3, 2026, the Grimes County Commissioners Court designated a reinvestment zone and approved a Tax Abatement Agreement, a Section 381.004 Economic Development Program and Agreement, and a Road Use Agreement with SETC, each effective that same day. That evening, Ms. Egyed requested records about the abatement application, the reinvestment zone, notice to affected taxing units, and the communications behind the deal (Request No. PIA2026.0604.22). On June 23, 2026, she requested records showing how the Chapter 381 Agreement was transmitted and revised after the June 3 vote (Request No. PIA2026.0623.35).

4. On July 28, 2026, the Attorney General ruled that the County may withhold only certain attorney-client communications the Attorney General marked and “must release the remaining information.” Open Records Letter Ruling No. OR2026-032116. The County did not sue to challenge that ruling. Yet in the three months since, the County has released nothing in response to Request No. PIA2026.0604.22, not even the information that SETC does not claim and that

SETC's lawsuit does not reach. The County also never answered part of the request, never sought a ruling on other parts, and told Ms. Egyed to obtain the County's own proof of publication from a newspaper.

5. The County's handling of Request No. PIA2026.0623.35 is worse. After timely requesting an Attorney General decision, the County withdrew its request and never submitted the brief and records Section 552.301(e) requires. The Attorney General closed the file without a ruling. The requested information is therefore presumed public under Section 552.302, and the County has waived its own exceptions. SETC's suit does not encompass that request.

6. SETC, for its part, asks this Court to keep secret the application and negotiating record for a public tax incentive that has already been granted. Its claims fail. The exception for incentive information under Section 552.131(b) expired when the agreements were made on June 3, 2026. *See* Tex. Gov't Code § 552.131(c). Much of what SETC calls confidential is already public: in the executed County agreements, which list SETC's personnel and their contact information; in the County's own reinvestment-zone order, which lists every parcel; and in eight public applications filed with the Texas Comptroller by TeraFab AI, LLC ("TeraFab"), which identifies SETC as its "parent company" and publishes the project description, site, investment schedules, and site-selection rationale.

7. The record is also inconsistent about who owns this project. SETC told the County that it, as "Owner," would construct and operate the facility, and the County's abatement applies only to property SETC owns. TeraFab told the State that

it will own or lease the same property. Yet TeraFab does not appear on the list of subsidiaries SETC filed with the Securities and Exchange Commission, and GCCRD has found no public record of the relationship SETC and TeraFab claim. GCCRD has found no public record that SETC owns any property in Grimes County on which its taxes could be abated. Because the exceptions SETC invokes protect only information obtained from the person asserting them, SETC must prove, category by category, that the information it seeks to withhold is its own.

8. GCCRD therefore (a) intervenes in SETC's suit under Section 552.325 and asks the Court to deny SETC's requested relief; (b) specially excepts to SETC's redundant claim under the Uniform Declaratory Judgments Act, its request for attorney's fees, and its use of the name "SpaceX"; and (c) petitions under Section 552.321 for a writ of mandamus compelling Grimes County to release the public information responsive to both requests, together with costs and reasonable attorney's fees under Section 552.323.

PARTIES

9. Plaintiff-Intervenor Marie Egyed is an individual residing in Grimes County, Texas, and is the Director of Operations of Grimes County Citizens for Responsible Development ("GCCRD"), a nonprofit corporation, on whose behalf she submitted the public information requests at issue. The last three digits of her driver's license number are 787 and the last three digits of her Social Security number are 692. Tex. Civ. Prac. & Rem. Code § 30.014. Ms. Egyed and GCCRD are referred to together as "GCCRD."

10. Plaintiff Space Exploration Technologies Corp. (“SETC”) is a Texas corporation since February 14, 2024 whose registered assumed name of Ad Astra. SETC has appeared through counsel and may be served with this pleading through its counsel of record.

11. Defendant Ken Paxton is sued in his official capacity as Attorney General of Texas. He has appeared through counsel and may be served with this pleading through his counsel of record.

12. Defendant Grimes County, Texas (the “County”) is a political subdivision of the State of Texas and a “governmental body” under Tex. Gov’t Code § 552.003(1)(A)(iii). The County has appeared in this cause through the Grimes County Attorney and may be served with this pleading through its counsel of record.

DISCOVERY CONTROL PLAN AND RULE 47 STATEMENT

13. GCCRD intends to conduct discovery under Level 2 of Texas Rule of Civil Procedure 190.3.

14. Under Texas Rule of Civil Procedure 47, GCCRD states that it seeks non-monetary relief, specifically a writ of mandamus and ancillary declaratory relief under the Public Information Act, together with costs of litigation and reasonable attorney’s fees under Tex. Gov’t Code § 552.323.

JURISDICTION AND VENUE

15. The Court has subject-matter jurisdiction over GCCRD’s intervention under Tex. Gov’t Code § 552.325(a), which provides that a requestor is entitled to intervene in a suit filed by a person seeking to withhold information from the

requestor. GCCRD is the requestor for Request Nos. PIA2026.0604.22 and PIA2026.0623.35.

16. The Court has subject-matter jurisdiction over GCCRD's claims for a writ of mandamus under Tex. Gov't Code § 552.321(a), which waives governmental immunity and authorizes a requestor to sue for a writ of mandamus compelling a governmental body to make information available for public inspection when the governmental body refuses to request an attorney general's decision or refuses to supply public information or information the attorney general has determined is public. *See McLane Co. v. Tex. Alcoholic Beverage Comm'n*, 514 S.W.3d 871, 877–78 (Tex. App.—Austin 2017, pet. denied) (requestor intervening in § 552.324 suit could pursue § 552.321 mandamus).

17. Venue of SETC's suit lies in Travis County under Tex. Gov't Code § 552.325(a). GCCRD's mandamus claims concern the same requests, the same records, and the same Attorney General ruling that SETC has placed at issue in this cause, and the County has appeared and answered here. Trying these claims together will avoid inconsistent rulings on whether the same information must be released.

FACTS

A. The County's June 3, 2026 Approvals

18. On June 3, 2026, the Grimes County Commissioners Court passed an order designating "SpaceX Reinvestment Zone No. 01-2026-001." The order recites that "Space Exploration Technology Corporation is proposing to develop and construct/install facilities and equipment for, and the operation [of] a semiconductor

manufacturing plant, power plant, and artificial intelligence facility.” Its Exhibit B lists, parcel by parcel, the account number, legal description, situs address, appraised value, and acreage of each tract in the zone. Ex. L-3.

19. The same day, the County approved three agreements with SETC, each with an “Effective Date” of June 3, 2026: a Tax Abatement Agreement (Ex. L-1), a Section 381.004 Economic Development Program and Agreement (the “381 Agreement”) (Ex. L-2), and a Construction and Improvement Road Use Agreement (included in Ex. L-1).

20. Each agreement identifies SETC, “a Texas corporation,” as “Owner.” The Tax Abatement Agreement recites that “Owner intends to construct and operate a multi-phase, next-generation, vertically integrated semiconductor manufacturing facility and advanced computing fabrication facility.” Ex. L-1, Recitals. The abatement reaches only property SETC owns: “Improvements” are “real property improvements owned by Owner (or its successors and assigns)”; “Land” is land “owned or leased by Owner”; and “Tangible Personal Property” is property “owned by Owner on January 1 of a given taxable year.” *Id.* Art. I. The 381 Agreement uses the same definitions. Ex. L-2, Art. I.

21. The Tax Abatement Agreement abates 100% of County ad valorem taxes on the Improvements for tax years 2027 through 2036. In exchange, SETC agrees to pay a \$10,000,000 upfront payment and annual payments in lieu of taxes of \$20,000,000 for each of those years, and to invest at least \$5,000,000,000 and create at least 1,800 full-time equivalent jobs. Ex. L-1 §§ 3, 4. The 381 Agreement then

grants SETC, for each year from 2037 through 2061, an amount equal to the County taxes it pays less \$20,000,000. Ex. L-2 § 3. SETC may terminate the Tax Abatement Agreement “at any time and for any reason” on 30 days’ notice. Ex. L-1 § 10.13.

22. SETC may assign the agreements to any “Owner Affiliate” on written notice to the County. Ex. L-1 § 10.11. On information and belief, SETC has given the County no such notice.

23. Neither agreement contains any promise by the County to keep confidential SETC’s application, term proposals, or negotiating correspondence. The only references to confidentiality concern SETC’s “reasonable security and confidentiality requirements” for future site inspections and future compliance documentation. Ex. L-1 §§ 5.3, 5.4.

24. The “Notices” provisions of both agreements, which the County has posted on its website, publish the names, titles, business addresses, telephone numbers, and e-mail addresses of SETC’s representatives: J. Ryan Simpson (Manager, Property Tax), Jane Hasselberg (Director, Indirect Tax), and Ben Lancaster (Sr. Manager, Texas Government Affairs), with copies to SETC’s outside counsel at Bracewell LLP. Ex. L-1 § 10.1; Ex. L-2.

B. Request No. PIA2026.0604.22

25. On May 19, 2026, Ms. Egyed requested records from the County concerning the proposed reinvestment zone and tax abatement (Request No. PIA2026.0519.11). On June 1, 2026, the County produced a public notice, maps, and

the June 3 Commissioners Court agenda, and declared the request “fully satisfied and closed.” Ex. A.

26. At 8:15 p.m. on June 3, 2026, Ms. Egyed asked the County to confirm whether it had any other responsive records, identifying eight categories of information. Ex. A. The County treated her e-mail as a new request, assigned it Request No. PIA2026.0604.22, and acknowledged receipt. *Id.* The eight categories were:

1. Any application, request, or application package submitted by SpaceX or any related entity;
2. Any request for designation of a reinvestment zone;
3. Any metes-and-bounds description, field notes, parcel list, R-number list, or boundary description;
4. Any records showing which properties or taxing units were included in the proposed reinvestment zone;
5. Any records showing notice to affected taxing units;
6. Any records showing newspaper publication or proof of publication;
7. Any draft notices, draft maps, draft agendas, or internal review documents;
8. Any communications with SpaceX, Grimes County officials, outside counsel, consultants, the appraisal district, the Chamber,

or any other party regarding the reinvestment zone, tax abatement, or Chapter 381 agreement.

27. On June 18, 2026, the County Attorney notified Ms. Egyed that the County was requesting an Attorney General decision and asserting Sections 552.103, 552.107, 552.1101, 552.111, 552.131, 552.137, and 552.153 as grounds to withhold the information. Ex. B.

28. On June 26, 2026, the County sent Ms. Egyed its fifteen-day submission to the Attorney General and the following dispositions: Categories 1, 2, 3, and 8, “Seeking Attorney General Opinion”; Category 4, no disposition; Category 5, seven notice letters to other taxing units; Category 6, “Please reach out to Navasota Examiner”; Category 7, “No Responsive Records.” The County also asked Ms. Egyed to specify the starting date for Category 8. Ex. C.

29. Each of the seven notice letters states that “[c]opies of the proposed agreements are attached hereto.” The County did not produce the attachments. Ex. C. The County also produced no notice to taxing units of the hearing on designation of the reinvestment zone, although the Tax Abatement Agreement recites that such notice was “delivered in writing to the presiding officer of the governing body of each taxing unit,” and that notice of the hearing was “published in the Navasota Examiner.” Ex. L-1, Recitals.

30. On June 29, 2026, Ms. Egyed specified January 1, 2025 through June 3, 2026 as the date range for Category 8, pointed out that the County had given no disposition for Category 4, and confirmed that she was not withdrawing or narrowing

any part of her request. Ex. D. The County has never responded regarding Category 4.

C. The Attorney General’s Ruling and the County’s Failure to Release

31. On July 28, 2026, the Attorney General issued Open Records Letter Ruling No. OR2026-032116. Ex. E. The ruling:

- a. required the County to release the submitted public meeting agenda under the Open Meetings Act;
- b. allowed the County to withhold only the information the Attorney General marked under Section 552.107(1), but not the non-privileged e-mails and attachments the Attorney General marked, if the County maintains them separately;
- c. rejected the County’s claims under Sections 552.103, 552.111, 552.131(b), and 552.153, noting that Section 552.131(b) “protects the interests of governmental bodies, not third parties” and that its applicability “ends once the governmental body completes an agreement with the business prospect”;
- d. declined to consider Sections 552.110 and 552.1101 because they protect private parties, not the County;
- e. directed that, to the extent the County had not submitted or released other responsive information, “it must do so at this time”; and

f. concluded that “[t]he county must release the remaining information.”

32. The County did not file suit to challenge the July 28, 2026 ruling. *See* Tex. Gov’t Code § 552.324. Yet, the County has, without any legal basis at all, refused to release any information in response to Request No. PIA2026.0604.22, even the information that SETC does not contest.

33. In its Original Answer, the County does not defend any of the exceptions it asserted to the Attorney General. It enters a general denial and asks only that, if the Court finds any information excepted, the Court “identify with specificity the information that may be withheld.” That’s not how the TPIA works: Except for the SETC-contested records, the County has the ministerial duty to release all the information within the scope of GCCRD’s public information requests that it possesses or has a right to obtain after a diligent search to locate those records. Tex. Gov’t Code §§ 552.002(a) (defining “public information”); 552.221(a) (requiring governmental bodies to “promptly produce” the information).

D. Request No. PIA2026.0623.35

34. On June 23, 2026, Ms. Egyed submitted Request No. PIA2026.0623.35 seeking records about the document history of the 381 Agreement, including (Item 6) “[a]ny emails, letters, transmittal messages, cover messages, attachments, file-sharing links, or other communications transmitting the Chapter 381 Agreement between Grimes County, County officials, County staff, outside counsel, consultants,

and/or representatives of Space Exploration Technologies Corp. from June 1, 2026 through the date of this request.” Ex. F.

35. On June 25, 2026, the County sent Ms. Egyed a scan of the 381 Agreement transmitted by e-mail from the County’s copier to the County Attorney’s executive assistant at 4:03 p.m. on June 3, 2026. Ex. G. Ms. Egyed asked the County to continue processing the request as submitted. *Id.*

36. On July 8, 2026, the County requested an Attorney General decision, asserting Sections 552.101, 552.103, 552.107, 552.110, 552.1101, 552.111, 552.117, 552.131, 552.137, and 552.153 as grounds for withholding requested records and promised Ms. Egyed that it would submit its brief within fifteen business days and send her a copy. Ex. G. The County had notified SETC of the request on July 2, 2026. Ex. K-2 at 1.

37. On July 16, 2026, the County told Ms. Egyed that Item 6 was “Awaiting Attorney General Opinion – previously submitted.” Ex. H.

38. On July 17, 2026, SETC submitted objections to the Attorney General regarding Request No. PIA2026.0623.35 (No. OR-26-036589-RR). SETC described the responsive records as including the 381 Agreement’s “associated transmittal correspondence, and related metadata and revision history,” enclosed them as Exhibits A and B, and acknowledged that “[t]he parties executed the 381 Agreement and a related Tax Abatement Agreement effective June 3, 2026.” Ex. K-2.

39. The County never submitted the written comments and copies of the information required by Tex. Gov’t Code § 552.301(e). The Attorney General’s public

decision database shows OR-26-036589-RR as received July 8, 2026 and “Issued/Closed” on September 11, 2026, with no ruling issued. Ex. I.

40. On September 14, 2026, the County Attorney wrote Ms. Egyed that the County “withdrew its 10 day letter for PIA2026.0623.35, and did not file a 15 day letter,” because the County had been “instructed by the AG, that when the same requestor continuously request[s] the same documents in multiple forms, one request for AG opinion is sufficient.” She asserted that “[t]here are no documents that were responsive to PIA2026.0623.35 that were not already covered in PIA 2026.0604.22,” and that the County was “now pending a judge’s ruling on whether or not the County can release any responsive documents.” Ex. J.

41. Request No. PIA2026.0604.22 was received on June 3, 2026, and reaches only information that existed on that date. Item 6 of Request No. PIA2026.0623.35 reaches records created through June 23, 2026, including the transmittal of the approved 381 Agreement to SETC for signature after the June 3 vote and SETC’s return of the signed agreement to the County by mail. Those records could not have been submitted to the Attorney General with Request No. PIA2026.0604.22.

42. The County has produced nothing in response to Item 6.

E. SETC’s Objections and Lawsuit

43. On July 17, 2026, SETC submitted objections to the Attorney General regarding Request No. PIA2026.0604.22. SETC did not ask the Attorney General to withhold entire documents. It asked that its “Confidential Information—specifically, the information marked for redaction in Exhibit A—be withheld,” and confined its

claims to marked portions of pages 10 through 22 of that exhibit. Ex. K-1. SETC asserted that it “conspicuously designates materials provided to the County as confidential” and submitted them “with the expectation that the County would protect” them. *Id.*

44. On September 8, 2026, SETC filed this suit. SETC’s petition identifies four requests: PIA2026.0507.07, PIA2026.0604.22, PIA2026.0604.23, and PIA2026.0624.36. It does not identify Request No. PIA2026.0623.35. Pl.’s Orig. Pet. ¶¶ 17–20.

45. SETC now seeks to withhold “the Application in its entirety,” together with term proposals, negotiating correspondence, draft agreements, “Technical and Project Information,” “Site-Location and Land-Acquisition Information,” “Cost and Financial Information,” and “Personnel Information.” Pl.’s Orig. Pet. ¶ 31. SETC alleges that “[n]o tax abatement agreement—or any other agreement—had been executed between [SETC] and the County as of the dates of the Application, the Requests, or the County’s requests for a ruling.” *Id.* ¶ 39. The agreements themselves state an Effective Date of June 3, 2026, the date the County received Request No. PIA2026.0604.22. Exs. L-1, L-2.

F. TeraFab AI, LLC and the Public JETI Filings

46. TeraFab AI, LLC (“TeraFab”), was not formed in Texas until May 13, 2026 without any public record that it is associated with SETC. Ex. O. Before it was even incorporated, TeraFab filed eight applications, beginning on May 4, 2026, with the Texas Comptroller under the Texas Jobs, Energy, Technology and Innovation Act

(“JETI”), Tex. Gov’t Code ch. 403, subch. T, for the same project: Application Nos. J0035 through J0038 with Anderson-Shiro CISD and J0039 through J0042 with Iola ISD. The Comptroller has posted the applications, supplements, recommendation packets, and agreements on its website. Ex. M.

47. Each application identifies the “Parent Company” as “Space Exploration Technologies Corp,” Taxpayer I.D. 10106276719. Ex. M-1. The applications name SETC employees J. Ryan Simpson and Ben Lancaster as TeraFab’s authorized representatives and list their titles, telephone numbers, business addresses, and SETC e-mail addresses. *Id.*

48. TeraFab’s application states that TeraFab’s investment will be leased in part under a capitalized lease; describes existing improvements on the site that TeraFab “would likely demolish” “[i]f acquired”; identifies “SpaceX Reinvestment Zone No. 01-2026-001” as the zone in which the project will be located; and lists the Grimes County abatement as one of TeraFab’s incentives. Ex. M-1, M-2. In each JETI agreement, TeraFab certifies that the eligible property “is either wholly owned by the Company or is leased by the Company through a capitalized lease.” Ex. M-3 § 7.1.

49. The JETI filings publicly disclose much of the information SETC seeks to withhold here, including:

- a. a detailed project description, including integrated circuit design, photomask generation, wafer fabrication, advanced packaging, system-level integration, supporting power generation, and a

space compute test facility, and the participation of Tesla, Inc., SETC, and xAI Corp.;

- b. four construction phases with total capital investment up to \$119 billion, and year-by-year investment schedules (for example, \$6,434,783,000 for Phase 1 in Iola ISD alone);
- c. a parcel-by-parcel table of the site, with account numbers, legal descriptions, situs addresses, acreage, and appraised values, together with maps and photographs of existing improvements;
- d. the competing states considered (Arizona, New Mexico, and Nevada), the site-selection criteria, and the applicant's statement that the school-tax limitation "would reduce the effective tax burden by approximately ~48%"; and
- e. projected appraised values and estimated taxes for each year through 2045.

50. In return for school-district tax limitations, TeraFab's Phase 1 agreement with Iola ISD requires only "10 jobs by the end of the first tax year of the Incentive Period" and an investment of "\$20 million by the end of the first tax year." Ex. M-3, Ex. A ¶¶ r-s. Its wage requirement is "\$66,668, on average, for Total Jobs," measured as total wages divided by the number of jobs. *Id.* §§ 3.6, 3.23 & Ex. A ¶ t. Because the requirement is an average, it could be satisfied, for example, by two positions paid \$250,000 and eight positions paid \$21,000.

51. SETC's list of subsidiaries filed with the Securities and Exchange Commission as Exhibit 21.1 to its Form S-1 Registration Statement on May 20, 2026 lists X Corp., X.AI LLC, CTC Property LLC, and SpaceX Services Inc. It does not list TeraFab. Ex. N. GCCRD has located no public record establishing that TeraFab is a subsidiary of, or is owned or controlled by, SETC.

52. Thus SETC represented to the County that SETC is the "Owner" that will construct and operate the facility, while TeraFab represented to the State that TeraFab will own or lease the facility. The record does not show which entity created or submitted the information SETC now seeks to withhold.

SPECIAL EXCEPTIONS TO SETC'S ORIGINAL PETITION

53. GCCRD specially excepts to SETC's Original Petition under Texas Rule of Civil Procedure 91 as follows.

Special Exception No. 1: The UDJA Claim and Request for Attorney's Fees

54. SETC's claim under the Uniform Declaratory Judgments Act (Pl.'s Orig. Pet. ¶¶ 33–36) and its request for attorney's fees should be stricken. Under the redundant-remedies doctrine, "courts will not entertain an action brought under the UDJA when the same claim could be pursued through different channels." *Patel v. Tex. Dep't of Licensing & Regulation*, 469 S.W.3d 69, 79 (Tex. 2015). The TPIA supplies that channel: Section 552.325 authorizes a third party to sue the Attorney General to withhold information. SETC's requested UDJA declarations are the same relief it seeks under Section 552.325, so they are wholly redundant and nonjusticiable. *McLane Co. v. Tex. Alcoholic Beverage Comm'n*, 514 S.W.3d 871, 877–

78 (Tex. App.—Austin 2017, pet. denied); see *Jackson v. State Office of Admin. Hearings*, 351 S.W.3d 290, 300–01 (Tex. 2011); *Tex. Emp’t Comm’n v. Child, Inc.*, 738 S.W.2d 56, 58 (Tex. App.—Austin 1987, writ denied), *cert. denied*, 488 U.S. 849 (1988); see also *UnitedHealthcare Ins. Co. v. Paxton*, 691 S.W.3d 209, 214 n.2 (Tex. App.—Austin 2024) (noting the trial court granted the Attorney General’s plea that UDJA claims in a § 552.325 suit were redundant of the TPIA claims).

55. Nor may SETC recover attorney’s fees by tacking a declaratory claim onto a TPIA claim that provides none. *McLane*, 514 S.W.3d at 878 n.3; *Tex. State Bd. of Veterinary Med. Exam’rs v. Giggelman*, 408 S.W.3d 696, 708 (Tex. App.—Austin 2013, no pet.); *Etan Indus., Inc. v. Lehmann*, 359 S.W.3d 620, 624 (Tex. 2011) (per curiam). Striking the UDJA claim also eliminates any basis on which SETC could seek fees against GCCRD, a requestor exercising its statutory right to intervene.

56. GCCRD adopts and joins the Attorney General’s Plea to the Jurisdiction on this issue but suggests that the Court order the UDJA claim be stricken from the Petition and SETC ordered to replead accordingly or have its UDJA claim dismissed.

Special Exception No. 2: SETC’s Use of the Name “SpaceX”

57. SETC’s petition refers to Plaintiff throughout in 102 instances as “SpaceX.” According to the records of the Texas Secretary of State, “SpaceX” is a registered assumed name of non-party Testing Nonya LLC, and SETC’s own registered assumed name is “Ad Astra.” Referring to SETC by another entity’s assumed name is misleading in a case that turns on which entity provided the

information at issue. GCCRD asks the Court to order SETC to replead using its legal name or its own registered assumed name.

PETITION IN INTERVENTION (§ 552.325)

58. GCCRD intervenes under Tex. Gov't Code § 552.325(a) to oppose SETC's request to withhold the information responsive to GCCRD's requests.

59. General denial. Under Texas Rule of Civil Procedure 92, GCCRD generally denies the allegations in SETC's Original Petition and demands strict proof by a preponderance of the evidence.

60. SETC bears the burden of proving that each item of information it seeks to withhold falls within an exception. *UnitedHealthcare*, 691 S.W.3d at 214–15. The Act “shall be liberally construed in favor of granting a request for information.” Tex. Gov't Code § 552.001(b). SETC's claims fail for the following reasons.

A. Section 552.131(b) ended when the agreements were made.

61. Section 552.131(b) protects incentive information only “[u]nless and until an agreement is made with the business prospect.” After an agreement is made, Section 552.131 does not except information about an incentive offered by the governmental body, or by another person if the incentive may result in the expenditure of public funds or a reduction in a governmental body's revenue. Tex. Gov't Code § 552.131(c). The agreements were made effective June 3, 2026, as SETC acknowledged to the Attorney General. Exs. L-1, L-2, K-2. A 100% abatement reduces County revenue. In addition, Section 552.131(b) protects the governmental body's interests, not a third party's. Ex. E at 6.

B. Sections 552.131(a) and 552.110 require specific factual evidence.

62. Commercial or financial information may be withheld under Sections 552.110(c) and 552.131(a)(2) only if it is “demonstrated based on specific factual evidence that disclosure would cause substantial competitive harm to the person from whom the information was obtained.” A trade secret may be withheld only on specific factual evidence that the owner has taken reasonable measures to keep it secret and that it derives independent economic value from not being generally known. Tex. Gov’t Code § 552.110(a)–(b). Conclusory assertions of harm, which is all SETC has plead, do not suffice.

C. Information already made public cannot be withheld.

63. Information that SETC, its asserted subsidiary, or the County has already made public is not secret and its release cannot cause competitive harm. That includes the executed agreements and their financial terms (Exs. L-1, L-2), the parcel list in the reinvestment-zone order (Ex. L-3), and the project description, phases, investment schedules, parcel table, maps, site-selection rationale, and tax-burden analysis in TeraFab’s public JETI filings (Ex. M; ¶ 49 above).

D. Personnel information.

64. The names, titles, business addresses, telephone numbers, and e-mail addresses of SETC’s representatives are published in the executed agreements and the JETI filings. Exs. L-1, L-2, M-1. Business contact information is not “highly intimate or embarrassing” information protected by common-law privacy. *See Indus. Found. of the S. v. Tex. Indus. Accident Bd.*, 540 S.W.2d 668, 685 (Tex. 1976). Section

552.137 does not apply to an e-mail address provided by a person who has a contractual relationship with the governmental body, or by that person's agent. Tex. Gov't Code § 552.137(c)(1).

E. Section 552.101 and Section 418.181.

65. Section 418.181 makes confidential only documents that "identify the technical details of particular vulnerabilities of critical infrastructure to an act of terrorism." Tex. Gov't Code § 418.181. SETC identifies no such vulnerability. The records requested are a tax-abatement application and negotiating correspondence for a facility that has not been built, and the project's nature, location, and scope are already public.

F. Designations and expectations cannot make information confidential.

66. Information is not confidential merely because the party that submits it anticipates or requests that it be kept confidential, and a governmental body cannot, by agreement or contract, overrule or repeal the provisions of the Act. *Indus. Found.*, 540 S.W.2d at 677; Tex. Att'y Gen. Op. No. JM-672 (1987); Tex. Att'y Gen. ORD Nos. 541 at 3 (1990), 514 at 1 (1988), 203 at 1 (1978). SETC's designations and "expectation that the County would protect" its submissions do not make them confidential, and the agreements contain no confidentiality promise in any event. Exs. K-1, L-1 §§ 5.3, 5.4.

G. SETC must prove that the information is its own.

67. Sections 552.110 and 552.131(a) protect only the interests of the person from whom the information was obtained or the business prospect. SETC told the

County that SETC is the Owner that will build and operate the facility; TeraFab told the State that TeraFab will own or lease it. Exs. L-1, M-3 § 7.1. SETC must prove, for each item it seeks to withhold, which entity created or submitted that item and that SETC holds the interest it asserts. To the extent SETC controls TeraFab, TeraFab's public JETI disclosures are SETC's own disclosures.

H. Any withholding must be limited to what SETC presented to the Attorney General.

68. Before the Attorney General, SETC sought only the redaction of marked portions of pages 10 through 22 of the responsive records. Ex. K-1. SETC's petition now seeks "the Application in its entirety" and entire categories of records. Pl.'s Orig. Pet. ¶ 31. If the Court finds any information excepted, GCCRD asks that the Court limit withholding to specifically identified portions, as the County also requests, and order the release of all remaining information.

69. GCCRD asks the Court to deny SETC all relief and to declare that the information responsive to GCCRD's requests is not excepted from disclosure, except the information the Attorney General marked under Section 552.107(1) in Ruling No. OR2026-032116.

CLAIM 1: MANDAMUS — REQUEST NO. PIA2026.0604.22 (§ 552.321)

70. GCCRD incorporates the preceding paragraphs.

71. The County has refused to supply public information and information the Attorney General has determined is public. Tex. Gov't Code § 552.321(a). The County did not challenge Ruling No. OR2026-032116 and has no pending claim to

withhold any information. SETC's suit, at most, places at issue SETC's own information. It does not justify withholding any other information.

72. GCCRD asks the Court to issue a writ of mandamus compelling the County to release promptly the following information responsive to Request No. PIA2026.0604.22, other than information SETC has placed at issue in its suit and information the Attorney General marked under Section 552.107(1):

- a. the public meeting agenda the Attorney General ordered released under the Open Meetings Act;
- b. the non-privileged e-mails and attachments the Attorney General marked;
- c. all other information submitted to the Attorney General, including the County's communications with its officials, staff, consultants, the appraisal district, the Chamber, other taxing units, and other third parties;
- d. all information responsive to Category 3, including the R-number lists and boundary descriptions on which the reinvestment-zone maps were "rendered based on R#'s provided";
- e. all information responsive to Category 4, for which the County neither released information nor requested a ruling;
- f. all information responsive to Category 5, including the proposed agreements attached to the County's notice letters to other taxing

units and the notices of the reinvestment-zone hearing delivered to taxing units;

- g. all information responsive to Category 6, including publisher's affidavits, proofs of publication, and newspaper invoices held by or for the County;
- h. all information responsive to Category 7, including draft notices, draft maps, draft agendas, and internal review documents; and
- i. all information responsive to Category 8 from January 1, 2025 through June 3, 2026 that the County did not submit to the Attorney General.

73. Information the County neither released nor submitted to the Attorney General within the time required by Section 552.301 is presumed public, and the County must release it unless there is a compelling reason to withhold it. Tex. Gov't Code § 552.302. The County has waived its own discretionary exceptions as to that information.

74. The County's statement that it has "No Responsive Records" for Category 7 cannot be reconciled with the County's claim to the Attorney General that internal memoranda were excepted under Section 552.111 and staff evaluations under Section 552.153, with the attachment of "proposed agreements" to the County's own notice letters, or with the County's later statement that drafts responsive to Request No. PIA2026.0623.35 were "previously submitted" under Request No. PIA2026.0604.22. Exs. C, E, H, J.

CLAIM 2: MANDAMUS — REQUEST NO. PIA2026.0623.35 (§ 552.321)

75. GCCRD incorporates the preceding paragraphs.

76. A governmental body that wishes to withhold information must request an Attorney General decision and, within fifteen business days of receiving the request, submit written comments explaining why the exceptions apply, a copy of the request, and the information requested or representative samples. Tex. Gov't Code § 552.301(b), (e). If it does not, the information “is presumed to be subject to required public disclosure and must be released unless there is a compelling reason to withhold the information.” *Id.* § 552.302.

77. The County withdrew its request for a decision on Request No. PIA2026.0623.35, never submitted the materials Section 552.301(e) requires, and the Attorney General closed the file without a ruling. Exs. I, J. The information responsive to Item 6 is therefore presumed public, and the County has waived its own exceptions, including Sections 552.103, 552.107, 552.111, 552.131(b), and 552.153.

78. The County's explanation does not excuse its failure. The Attorney General's ruling on Request No. PIA2026.0604.22 states that it “is limited to the particular information at issue in this request” and “must not be relied upon as a previous determination regarding any other information or any other circumstances.” Ex. E at 7. Request No. PIA2026.0604.22 reaches only information that existed on June 3, 2026; Item 6 reaches records created through June 23, 2026. Those records were never submitted to the Attorney General.

79. SETC's suit does not encompass Request No. PIA2026.0623.35. To the extent SETC claims an interest in any information responsive to Item 6, SETC bears the burden of demonstrating a compelling reason to withhold it.

80. GCCRD asks the Court to issue a writ of mandamus compelling the County to release promptly all information responsive to Item 6 of Request No. PIA2026.0623.35.

ATTORNEY'S FEES AND COSTS (§ 552.323)

81. In an action brought under Section 552.321, the Court "shall assess costs of litigation and reasonable attorney fees incurred by a plaintiff who substantially prevails," unless the governmental body acted in reasonable reliance on a court judgment or order, a published appellate opinion, or a written decision of the Attorney General. Tex. Gov't Code § 552.323(a). The County has no such defense: the Attorney General ruled that the County must release the information responsive to Request No. PIA2026.0604.22, and no ruling permits the County to withhold the information responsive to Request No. PIA2026.0623.35.

82. GCCRD has retained the undersigned counsel and requests an award of its costs of litigation and reasonable attorney's fees against the County, including conditional awards of fees in the event of an appeal.

PRAYER

83. For these reasons, Plaintiff-Intervenor Marie Egyed, on behalf of Grimes County Citizens for Responsible Development, asks the Court to:

- a. sustain GCCRD's special exceptions, strike SETC's claim under the Uniform Declaratory Judgments Act and its request for attorney's fees, and order SETC to replead using its legal name or its own registered assumed name;
- b. deny all relief requested by SETC and declare that the information responsive to Request No. PIA2026.0604.22 is not excepted from disclosure, except the information the Attorney General marked under Section 552.107(1) in Ruling No. OR2026-032116;
- c. issue a writ of mandamus compelling Grimes County to release promptly the information responsive to Request No. PIA2026.0604.22 described in this petition;
- d. issue a writ of mandamus compelling Grimes County to release promptly the information responsive to Item 6 of Request No. PIA2026.0623.35;
- e. award GCCRD its costs of litigation and reasonable attorney's fees against Grimes County under Tex. Gov't Code § 552.323, including conditional appellate fees; and
- f. grant GCCRD all other relief to which it is entitled.

Respectfully submitted,



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ATTORNEY FOR PLAINTIFF-

INTERVENOR

MARIE EGYED, on behalf of GRIMES

COUNTY

CITIZENS FOR RESPONSIBLE

DEVELOPMENT

CERTIFICATE OF SERVICE

I certify that on October 27, 2026, a true and correct copy of the foregoing document was served on the following counsel of record through e-filing, in accordance with Texas Rule of Civil Procedure 21a:

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Bill Aleshire

INDEX OF EXHIBITS

- Exhibit A Request No. PIA2026.0604.22 and County acknowledgment (June 1–4, 2026 e-mails)
- Exhibit B County Attorney letter to Marie Egyed, June 18, 2026
- Exhibit C County partial response, June 26, 2026, with notice letters to taxing units
- Exhibit D Marie Egyed e-mail to County, June 29, 2026
- Exhibit E Open Records Letter Ruling No. OR2026-032116 (July 28, 2026)
- Exhibit F Request No. PIA2026.0623.35 (June 23, 2026)
- Exhibit G County e-mails of June 25, 2026; County ten-day letter and letter to requestor, July 8, 2026
- Exhibit H County partial response, July 16, 2026
- Exhibit I Attorney General PIA Decision Database, OR-26-036589-RR
- Exhibit J County Attorney e-mail to Marie Egyed, September 14, 2026
- Exhibit K-1 SETC objection letter to Attorney General re PIA2026.0604.22, July 17, 2026 (redacted)
- Exhibit K-2 SETC objection letter to Attorney General re PIA2026.0623.35, July 17, 2026 (redacted)
- Exhibit L-1 Tax Abatement Agreement and Road Use Agreement, effective June 3, 2026
- Exhibit L-2 Section 381.004 Economic Development Program and Agreement, effective June 3, 2026
- Exhibit L-3 Order Designating SpaceX Reinvestment Zone No. 01-2026-001, June 3, 2026
- Exhibit M-1 Comptroller Recommendation Packet, JETI Application J0039 (excerpts)
- Exhibit M-2 JETI Application J0039, Supplement 1 (excerpts)
- Exhibit M-3 JETI Agreement J0039, TeraFab AI, LLC and Iola ISD (excerpts)
- Exhibit N SETC Form S-1, Exhibit 21.1, List of Significant Subsidiaries (filed May 20, 2026)
- Exhibit O Certificate of Formation, Terafab AI, LLC, filed with the Texas