



**KEN PAXTON**  
ATTORNEY GENERAL OF TEXAS

December 30, 2020

***VIA EMAIL***

The Honorable Andy Brown  
Travis County Judge  
P.O. Box 1748  
Austin, Texas 78767  
Andy.Brown@traviscountytexas.gov

The Honorable Steve Adler  
Mayor, City of Austin  
P.O. Box 1088  
Austin, Texas 78767  
Steve.Adler@austintexas.gov

Dear Judge Brown and Mayor Adler:

Last night, you issued city and county orders enacting a four-day shutdown of dine-in food and beverage services from 10:30 p.m. to 6:00 a.m. from December 31, 2020 through January 3, 2021. *See* City Order No. 20201229-024; County Judge Order 2020-24. Your orders violate Governor Abbott's Executive Order No. GA-32. You must rescind or modify the local orders immediately or face imminent legal action from the State.

Executive Order No. GA-32 "supersede[s] any conflicting order issued by local officials in response to the COVID-19 disaster, but only to the extent that such a local order restricts services allowed by th[e] executive order." GA-32 at 5. Under GA-32, "[e]very business establishment in Texas shall operate" under certain protocols, but without limitations on those establishments' hours of operation. Yet your orders shut down dine-in food and beverage services during specific dates and times. The orders "restrict[] services allowed by" GA-32 and are thus unlawful and unenforceable.

Again, you must immediately rescind or, at a minimum, modify your orders to fully comply with GA-32. We are open to conferring with you before 12:30 p.m. today. Otherwise I, on behalf of the State of Texas, will take legal action against you.

Respectfully,

A handwritten signature in cursive script that reads "Ken Paxton".

**KEN PAXTON**  
Attorney General of Texas