

# **Bond Case Briefs**

*Municipal Finance Law Since 1971*

---

## **BOND VALIDATION - TEXAS**

### **Hansard v. Zamora**

**United States District Court, W.D. Texas, Pecos Division - September 19, 2024 - Slip Copy - 2024 WL 4249845**

In early summer 2022, George and Stacy Hansard became concerned about a \$110 million school bond placed on the ballot for the May 2022 election cycle. The Hansards understood that no public funds could be used to advocate for the bond but learned that the Fort Stockton Independent School Board had done so anyway. They expressed these concerns to the bank underwriting the funds who then reached out to the School Board with a demand for all advertisements used in the election. The bond did not pass during the May 2022 election.

When the bond reappeared on the November election ballot, the Hansards sent the Texas Attorney General's office copies of the advertisements they believed had been paid for with public funds. They also appeared at two open meetings and began expressing their many concerns to the School Board.

Members of the School Board then commenced a truly shocking course of harassment against the Hansards.

The Hansards filed this suit in October 2023, bringing First Amendment retaliation, defamation, slander, slander per se, and libel per se claims under 42 U.S.C. § 1983, as well as federal conspiracy. They also brought three state-law claims for defamation, intentional infliction of emotional distress, and civil conspiracy.

The Magistrate Judge issued his report and recommendation. Both parties filed objections. The Court took up these objections on de novo review.

The District Court denied each of the Hansard's objections, finding that each highlighted the same misunderstanding of how qualified immunity plays out at the motion to dismiss stage, particularly when a group is alleged to have acted in unison. Where the actions of individuals within a group were previously discoverable, courts may no longer defer ruling on a defendant's assertion of qualified immunity to allow for such limited discovery.

Here, the Magistrate Judge found George Hansard's § 1983 claim against the School Board Defendants did not pass muster because "a § 1983 plaintiff who alleges mistreatment at the hands of a group [must] describe with particularity the actions taken by each of them individually."