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DC-20-06494

CAUSE No. _____

JANE DOE,

Plaintiff,

v.

HILLSTONE RESTAURANT GROUP, INC.
d/b/a R+D KITCHEN,

Defendant.

116TH JUDICIAL DISTRICT COURT

OF THE STATE OF TEXAS

DALLAS COUNTY, TEXAS

APPLICATION FOR TEMPORARY RESTRAINING ORDER,
APPLICATION FOR TEMPORARY INJUNCTION, AND ORIGINAL PETITION

“We now know from recent studies that a significant portion of individuals with coronavirus lack symptoms (“asymptomatic”) and that even those who eventually develop symptoms (“pre-symptomatic”) can transmit the virus to others before showing symptoms. This means that the virus can spread between people interacting in close proximity—for example, speaking, coughing, or sneezing—even if those people are not exhibiting symptoms. In light of this new evidence, CDC recommends wearing cloth face coverings in public settings where other social distancing measures are difficult to maintain.”¹

- The Centers for Disease Control and Prevention

“You and your employers should follow CDC guidance to protect your health at work.”²

- President Donald J. Trump’s Coronavirus Guidelines for America

“We are each called upon to be Texans: to act responsibly as we re-engage in the economy, to continue following all health precautions and sanitizing guidelines, and to care for our vulnerable neighbors. Lives depend on our actions.”³

- Governor Greg Abbott’s Open Texas Report

¹ Center for Disease Control and Prevention, RECOMMENDATION REGARDING THE USE OF CLOTH FACE COVERINGS, ESPECIALLY IN AREAS OF SIGNIFICANT COMMUNITY-BASED TRANSMISSION.

² President Donald J. Trump, THE PRESIDENT’S CORONAVIRUS GUIDELINES FOR AMERICA.

³ Governor Greg Abbott, THE GOVERNOR’S REPORT TO OPEN TEXAS, April 27, 2020.

I. INTRODUCTION AND FACTUAL BACKGROUND

For almost two months, our country has been in a state of emergency and has undertaken historic and unprecedented steps to try to protect against the danger of widespread transmission of the novel and highly transmissible SARS-CoV2 coronavirus that causes the deadly acute respiratory disease now called COVID-19. The best and brightest minds in public health have been advising the President of the United States, the Governor of Texas, and the County Judge of Dallas County as these executives have implemented executive orders designed to prevent the spread of the coronavirus and protect citizens of this country.

This case involves a corporation, Hillstone Restaurant Group, Inc., that has made a conscious decision to violate the law, ignore the guidance from all levels of government and public health specialists, and expose its workers and the general public to unreasonable risks of serious harm by preventing its employees from wearing face coverings to protect themselves and the public from transmission of coronavirus.

As we have no known treatment or vaccine for COVID-19, the only tool in our box to prevent widespread deaths is to try to mitigate the transmission of coronavirus. In countless interviews and press statements, the eminent Dr. Anthony Fauci, Director of NIH's National Institute of Allergy and Infectious Diseases and member of President Trump's coronavirus task force, has repeatedly noted that the only two actions we can do to combat the spread of coronavirus is to maintain physical distancing and to wear face coverings as respiratory protection.

Wearing a face covering is not just a recommendation or good public health practice. In Dallas County, at this moment in time, **it is the law**. Beginning in the middle of March, Dallas County has been under a shelter-in-place order in which only essential businesses may operate, and as part of those rules, restaurants were precluded from serving food to guests on premises. In late April, plans began to be developed to reopen portions of the economy.

On April 23, 2020, County Judge Clay Jenkins issued his *Amended Order of County Judge Clay Jenkins's Safer at Home Order* in which Judge Jenkins set forth the legal requirements of any business that re-opens for business.⁴ In two separate sections, the executive order mandates that all employees wear face coverings:

⁴ See Exhibit 1, AMENDED ORDER OF COUNTY JUDGE CLAY JENKINS'S SAFER AT HOME ORDER, April 23, 2020.

- iii. All Reopened Services shall comply with the following requirements:...
 - 5. All employees must wear face coverings....

e. Covering of Nose and Mouth: Because an infected person can transmit the COVID-19 virus to others before showing any symptoms, the covering of a person's nose and mouth is necessary to help slow the spread of the virus....To the greatest extent possible, all non-medical employees who work at an Essential Businesses or perform services that are exempt under this Order must wear face coverings over their noses and mouths while performing their work.

Thus, under the Order, employers must ensure its employees wear face coverings, and employees are independently charged that they must wear face coverings while working at their job.

On April 27, 2020, Governor Greg Abbott issued an executive order that applies across the State of Texas that authorized restaurants to begin to allow limited dine-in services.⁵ Gov. Abbott ordered that

In providing or obtaining essential services or reopened services, people and businesses should follow the minimum standard health protocols recommended by DSHS, found at www.dshs.texas.gov/coronavirus, and should implement social distancing, work from home if possible, and practice good hygiene, environmental cleanliness, and sanitation. This includes also following, to the extent not inconsistent with the DSHS minimum standards, the Guidelines from the President and the CDC, as well as other CDC recommendations.⁶

Thus, restaurants opening pursuant to Gov. Abbott's Order are to follow the President's and CDC recommendations, and as noted at the beginning of this *Application*, both the CDC's recommendations and the President's guidelines require that employees wear face coverings. Gov. Abbott goes further and states that "Individuals are encouraged to wear appropriate face coverings, but no jurisdiction can impose a civil or criminal penalty for failure to wear a face covering."⁷ While Gov. Abbott indicated that no jurisdiction can impose a civil or criminal penalty on an individual for failure to wear a face covering, Gov. Abbott did not contradict Judge Jenkins's prior order requiring businesses to have their employees wear face coverings.

⁵ Exhibit 2, Gov. Greg Abbott, EXECUTIVE ORDER GA-18, *Relating to the expanded reopening of services as part of the safe, strategic plan to Open Texas in response to the COVID-19 disaster*, April 27, 2020.

⁶ Exhibit 2, p. 5.

⁷ *Id.*

On May 4, County Judge Clay Jenkins issued a supplemental order which clarified, yet again, that it is mandatory in Dallas County for all employees to wear face coverings.⁸ In one section, Judge Jenkins ordered that all recommendations and minimum standards set forth in Gov. Abbott's plan are mandatory and not just recommendations in Dallas County. Judge Jenkins again ordered that "To the greatest extent possible, all non-medical employees who work at an Essential Businesses and Reopened Service or perform services that are exempt under this Order must wear face coverings over their noses and mouths while performing their work."

A. Defendant Decides to Violate the Law and Endanger Jane Doe and the Public.

Defendant Hillstone Restaurant Group, Inc. operates a restaurant named R+D Kitchen located at 8300 Preston Center Plaza Drive in Dallas County.

Plaintiff Jane Doe⁹ has worked at R+D Kitchen for two years in the kitchen. Jane Doe has historically worked Thursday through Monday each week for approximately 10 hours a day, for which she was paid per hour for her shifts.¹⁰

On Wednesday, April 29, Jane Doe was contacted by her direct supervisor, the Kitchen Manager at R+D Kitchen. Jane Doe was informed by the Kitchen Manager that R+D would be re-opening its dining services on Friday, May 1 and that Jane Doe could resume her usual Thursday through Monday shifts. Jane Doe asked about personal protection, and the Kitchen Manager informed her that the company was prohibiting employees from wearing masks or face coverings while at work. Jane Doe objected, and the Kitchen Manager advised Jane Doe that she would be removed from the schedule and not be allowed to work unless she agreed to work without a face covering.

⁸ See Exhibit 3, SUPPLEMENTAL ORDER OF COUNTY JUDGE CLAY JENKINS ON REOPENED SERVICES AND FOOD PROCESSING PLANTS, May 4, 2020.

⁹ Jane Doe has filed this matter under a pseudonym to protect her personal safety and rights while also not risking her capacity to access the courthouse. The issue of the proper response to coronavirus and compliance safety measures is a highly charged political fight, and by raising this issue, Jane Doe has significant concerns of retaliation, both at her job and by other partisan activists. The public should have no interest in knowing the identity of Plaintiff beyond the fact that she is an employee of Defendant, and she should not have face retaliation or ostracism upon returning to work. Plaintiff will be submitting for *in-camera* review a Declaration executed by Jane Doe in support of this Petition and will be requesting that the Court permit sealing of the Declaration upon filing.

¹⁰ See Exhibit 4, Declaration of Jane Doe to be provided for in camera review. That Declaration establishes the remaining facts in this subsection A.

Subsequent to the conversation with the Kitchen Manager, Jane Doe received a text message that should she have any questions, she should call the Executive General Manager of the restaurant. On Thursday, April 30, Jane Doe called the Executive General Manager and asked again if she could wear a face covering. She was again told she would be prohibited from wearing any face covering while at work and would not be allowed to return to work unless she agreed to work without a face covering.

Jane Doe has been removed from the schedule. She is not getting paid and not working. She has missed 4 shifts and 40 hours of work and will continue to miss 4 shifts and 40 hours of work unless she decides to break the law and expose herself to unnecessary risks.

B. Injunctive Relief is necessary.

Hillstone is violating the law. It is presently operating a restaurant with employees who are not wearing face coverings, exposing all of those employees and patrons to the danger of transmission of coronavirus and severe risk of COVID-19. Injunctive relief is necessary to stop Hillstone from violating the law, and when the facts show a defendant is violating the law, a court has no discretion but to issue an injunction.¹¹

But what Hillstone is doing goes beyond its own actionable conduct in violating the law. Through its conduct, Hillstone is forcing Jane Doe and other employees to violate the law as a condition of continued employment. Jane Doe and similarly situated employees are being put to an unacceptable and impermissible choice: if they want to earn money to feed their families, they must choose to violate the law. What is more, they are being forced to willingly expose themselves to transmission of coronavirus by violating the advice of the best public health experts at the CDC advising our executives. It is well-established under Texas law that employees cannot be forced to violate the law as a condition of employment. The Court should equitably issue an injunction to prevent Hillstone from forcing Jane Doe and others from choosing between compliance with regulations and safety or being constructively discharged.

¹¹ *Green v. Unauthorized Practice of Law Comm.*, 883 S.W.2d 293, 296 (Tex. App.-Dallas 1994, no writ)(holding “Where the facts conclusively show that a party is violating the substantive law, the trial court should enjoin the violation, and in such case, there is no discretion to be exercised.”); *Risner v. Harris Cty. Republican Party*, 444 S.W.3d 327, 339 (Tex. App.-Houston [14th Dist.] 2014)(*same*); *see, also e.g., San Miguel v. City of Windcrest*, 40 S.W.3d 104, 108 (Tex. App.-San Antonio 2000, no pet.)(holding, “ Similarly, an act that violates a statute or city ordinance may be enjoined without a showing that the legal remedy is inadequate.”).

Further, this is not just an issue of executive orders; Hillstone is violating long-standing federal and state statutes. The Texas Labor Code and federal OSHA regulations both stand for the same proposition: employees are entitled to a safe workplace which includes that they be provided necessary personal protective equipment (“PPE”) necessary to protect themselves.¹² Here, instead of providing PPE and a safe work place, Hillstone is *preventing* an employee from wearing her own PPE—the same PPE that the President, the CDC, and the County Judge all require to be worn. Such conduct violates the core labor protection rules that exist at the state and federal level. The Court should enjoin such violative conduct that creates a dangerous workplace for Jane Doe and every other employee at R+D Kitchen.

Finally, injunctive relief is needed as Hillstone has already taken adverse employment action against Jane Doe by removing her from the schedule after she objected to not being able to wear a face covering. As she is not allowed to work or earn money, she has been constructively discharged—unless and until she agrees to break the law. Under the *Sabine Pilot* doctrine, injunctive relief is appropriate when there is an adverse employment action in response to an employee who refuses to commit an action that is illegal.¹³ Such injunctive relief includes restraining any retaliative conduct.

II.

GROUND FOR INJUNCTIVE RELIEF

The Court has broad discretion and authority by statute, by rule, and under equity to issue injunctive relief.¹⁴ There are two general types of injunctive relief: prohibitive (prohibiting one from engaging in certain conduct) or mandatory (requiring one to affirmatively undertake a course of action) or both. “A prohibitive injunction forbids conduct, whereas a mandatory injunction requires

¹² See TEX. LABOR. CODE § 411.103 (“ Each employer shall: (1) provide and maintain employment and a place of employment that is reasonably safe and healthful for employees; (2) install, maintain, and use methods, processes, devices, and safeguards, including methods of sanitation and hygiene, that are reasonably necessary to protect the life, health, and safety of the employer’s employees; and (3) take all other actions reasonably necessary to make the employment and place of employment safe.”); 29 C.F.R. 1910.132 (PPE shall be provided as appropriate).

¹³ See, e.g., *Ed Rachal Found. v. D’Unger*, 117 S.W.3d 348, 370 (Tex. App.—Corpus Christi 2003); *Sabine Pilot Servs. v. Hauck*, 687 S.W.2d 733, 736 (Tex. 1985).

¹⁴ See TEX. CIV. PRAC. & REM. CODE § 65.011; TEX. R. CIV. P. 680; *Butnaru v. Ford Motor Co.*, 84 S.W.3d 198, 204 (Tex. 2002).

it.”¹⁵ Either of those two types of injunctive relief can be granted by way of three types of orders: a temporary restraining order, a temporary injunction, or a permanent injunction. The primary difference between the three type of orders is the length of time over which the order extends:

- A “temporary restraining order” preserves the status quo of the subject matter of the litigation until a temporary injunction hearing can be held (no more than 14 days).
- A “temporary injunction” preserves the status quo of the subject matter of the litigation until a final hearing can be held on the merits of the case.
- A “permanent injunction” grants either of the types of injunctive relief as part of the final judgment after a trial on the merits.

Here, Jane Doe is seeking both kinds of injunctive relief—prohibitive and mandatory—and is seeking first a temporary restraining order, a temporary injunction, and a permanent injunction.

The Court can grant injunctive relief for a number of reasons.

First, the Court can and must issue an injunction when a party violates the law.¹⁶

Second, the Court may issue an injunction to maintain the status quo and protect the applicant from an irreparable injury until final adjudication on the merits of a case.¹⁷ To obtain injunctive relief, the applicant must plead and prove: (i) a cause of action or seek permanent relief against the defendant, (ii) a probable right to the relief sought, and (iii) a probable, imminent, and irreparable injury in the interim.¹⁸ If the conduct enjoined is to bring a party in compliance with a law or ordinance, there is no required showing of injury or legal remedy.¹⁹

Third, a Court may issue an injunction to prevent adverse employment action or retaliation against an employee for objecting to unlawful conduct and pursuing her rights.

If the Court finds the applicant has met its burden and orders injunctive relief, the standard of appellate review is deferential and limited. “A trial court is clothed with broad discretion in

¹⁵ *RP&R, Inc. v. Territo*, 32 S.W.3d 396, 400 (Tex. App.–Houston [14th Dist.] 2000, no pet.).

¹⁶ *Green v. Unauthorized Practice of Law Comm.*, 883 S.W.2d 293, 296 (Tex. App.–Dallas 1994, no writ)(holding “Where the facts conclusively show that a party is violating the substantive law, the trial court should enjoin the violation, and in such case, there is no discretion to be exercised.”).

¹⁷ *Loye v. Travelhost, Inc.*, 156 S.W.3d 615, 619 (Tex. App.–Dallas 2004, no pet.).

¹⁸ *Id.*

¹⁹ *San Miguel v. City of Windcrest*, 40 S.W.3d 104, 108 (Tex. App.–San Antonio 2000, no pet.)(holding, “Similarly, an act that violates a statute or city ordinance may be enjoined without a showing that the legal remedy is inadequate.”).

determining whether to issue an injunction, and its order will be reversed only on a showing of clear abuse of discretion.”²⁰ Moreover, a temporary restraining order is generally not appealable.²¹ That is because a temporary restraining order is not an interlocutory order like a temporary injunction, but rather is in aid of the temporary injunction:

A temporary restraining order is one entered as part of a motion for a temporary injunction, by which a party is restrained pending the hearing of the motion. A temporary injunction is one which operates until dissolved by an interlocutory order or until the final hearing.²²

A temporary injunction is an interlocutory order, but appellate review is deferential:

The reviewing court should not substitute its judgment for that of the trial judge unless that trial judge’s action was so arbitrary that it exceeded the bounds of reasonable discretion. . . . In reviewing the trial court’s decision, [the appellate court will] draw all legitimate inferences from the evidence in the light most favorable to the trial court’s judgment. When the trial court considers conflicting evidence, there can be no abuse of discretion.²³

This Court has the grounds to exercise its discretion and enjoin the conduct of Defendant to stop prohibiting Jane Doe and similarly situated employees from wearing face coverings or masks, to affirmatively comply with Judge Jenkins’ order that all employees must wear coverings, to not remove Jane Doe from the schedule, and to prevent any retaliation against Jane Doe for raising these concerns.

A. Hillstone is violating the law.

As noted, Hillstone is in violation of both County Judge Jenkins’s April 23 and May 4 orders which specifically require all employees to wear face coverings. Hillstone is also in violation of Gov. Abbott’s April 27 order which states that reopening restaurants must follow the CDC’s recommendations, which require face coverings. Hillstone is not requiring its employees to wear such face coverings; on the contrary, Hillstone is affirmatively preventing employees from wearing

²⁰ See *Alert Synteks, Inc. v. Jerry Spencer, L.P.*, 151 S.W.3d 246, 253 (Tex. App.–Tyler 2004).

²¹ *In re Newton*, 146 S.W.3d 648, 652 (Tex. 2004).

²² *In re Texas Natural Res. Conservation Comm’n*, 85 S.W.3d 201, 205 (Tex. 2002).

²³ *Loye v. Travelhost, Inc.*, 156 S.W.3d 615, 618-19 (Tex. App.–Dallas 2004, no pet.) (internal citations omitted).

face coverings. “Where the facts conclusively show that a party is violating the substantive law, the trial court should enjoin the violation, and in such case, there is no discretion to be exercised.”²⁴

B. The Court Should Issue Injunctive Relief to protect Jane Doe and others like her.

A court should enter an injunction maintaining the status quo if an applicant can prove (i) a cause of action against the defendant, (ii) a probable right to the relief sought, and (iii) a probable, imminent, and irreparable injury in the interim.²⁵ Jane Doe can carry this burden.

1. The status quo to be protected is Jane Doe being able to be employed in a safe work place.

In the injunction context, the status quo is “the last, actual, peaceable, non-contested status that preceded the pending controversy.”²⁶ The Court should look at the evidence of the parties’ historical practices and operation before the dispute arose to determine the status quo.²⁷ To recover and maintain the status quo, the Court can enter prohibitory or mandatory injunctive relief.²⁸

Prior to the arrival of the coronavirus, Jane Doe and other employees were able to work without fear of reprisal or danger of an unsafe workplace. Upon the arrival of coronavirus, R+D Kitchen was shut down. It is now re-opening. Jane Doe should be able to return to work and to do so in a manner that is safe without having to choose between her own safety and compliance with the law in order to work.

Therefore the status quo here is that Jane Doe and others like her be able to continue to work at R+D Kitchen and earn a living while being able to wear face coverings as the law requires and in

²⁴ *Green*, 883 S.W2d at 296.

²⁵ *Loye v. Travelhost, Inc.*, 156 S.W.3d 615, 619 (Tex. App.–Dallas 2004, no pet.).

²⁶ *In re Newton*, 146 S.W.3d 648, 651 (Tex. 2004).

²⁷ *Intercontinental Terminals Co., LLC v. Vopak N. Am., Inc.*, 354 S.W.3d 887, 892 (Tex. App.–Houston [1st Dist.] 2011, no pet.); *see also Lifeguard Benefit Servs., Inc. v. Direct Med. Network Solutions, Inc.*, 308 S.W.3d 102, 114 (Tex. App.–Fort Worth 2010, no pet.) (noting that, if one party takes action that alters relationship between parties, status quo is relationship that existed before action); *Pharaoh Oil & Gas, Inc. v. Ranchero Esperanza, Ltd.*, 343 S.W.3d 875, 882 (Tex. App.–El Paso 2011, no pet.) (concluding that status quo was circumstances that existed between parties from 1992 to 2004, when dispute arose)

²⁸ *RP&R, Inc. v. Territo*, 32 S.W.3d 396, 400 (Tex. App.–Houston [14th Dist.] 2000), no pet.) (noting “but it sometimes happens that the status quo is a condition not of rest, but of action, and the condition of rest is exactly what will inflict the irreparable injury on complainant. In such a case, courts of equity issue mandatory writs before the case is heard on the merits.”).

order to protect themselves and others. The status quo is also the absence of any retaliatory action against Jane Doe by Hillstone.

2. Jane Doe seeks permanent relief and damages.

As set forth below, Jane Doe seeks permanent relief in the form of a permanent injunction and she also asserts causes of action in a suit for damages following a jury trial. Those causes of action are sufficient to satisfy the permanent relief prerequisite to injunctive relief.²⁹ Plaintiff incorporates the Petition and facts above as proof of a viable cause of action.

3. Plaintiff has a probable right to relief on her causes of action.

The Dallas Court of Appeals described the requisite showing necessary to carry the burden of showing a probable right to relief:

An applicant for injunctive relief must show it has a probable right to the relief it seeks on final hearing. The applicant must prove that it is likely to succeed on the merits of its lawsuit but does not have to prove he will ultimately prevail. To establish a probable right to the relief sought, an applicant is required to allege a cause of action and offer evidence that tends to support the right to recover on the merits. An applicant is not required to show he will prevail at the final trial because the ultimate merits of the case are not before the trial court.³⁰

Here, Jane Doe will likely succeed on the merits of her claims.

Jane Doe will likely prevail on her request for permanent injunction because Hillstone's conduct is in violation of the law, and the Court has no discretion but to enjoin such conduct.

Jane will also likely prevail on her claim for damages as the conduct by Hillstone in violation of the law has cost her pay. Furthermore, as Jane Doe has been removed from the schedule after raising her objection, she will be able to show retaliation by Hillstone.

4. The harm to Jane Doe is imminent.

If the Court does not enjoin Defendant, the harm to Plaintiff and those similarly situated to her is imminent. For purposes of injunctive relief, a harm is imminent if the respondent will in the

²⁹ *Walling v. Metcalfe*, 863 S.W.2d 56, 57 (Tex. 1993) (noting “[i]t is enough that Walling pled a cause of action for damages resulting from breach of contract.”) *See also Sun Oil Co. v. Whitaker*, 424 S.W.2d 216, 218 (Tex.1968) (“A trial court may grant a temporary writ of injunction to preserve the status quo pending trial even though the applicant’s prayer does not include a claim for equitable relief following determination of the merits”).

³⁰ *Dallas Anesthesiology Associates, P.A. v. Texas Anesthesia Grp., P.A.*, 190 S.W.3d 891, 896-97 (Tex. App.–Dallas 2006, no pet.) (internal citations omitted).

future or has already engaged in the activity to be enjoined.³¹ Here, the Defendant has already engaged in the illegal conduct and retaliated against Jane Doe by removing her from the schedule for her failure to break the law. On shifts that Jane Doe would otherwise be scheduled on Friday through Monday, she will be harmed yet again.

Given the imminent harm, injunctive relief is warranted.

5. The harm that will occur to Plaintiff and others is irreparable.

An applicant for injunctive relief must show that the harm that will occur in the absence of injunctive relief is irreparable. An injury is irreparable if the injured party cannot be adequately compensated in damages or if the damages cannot be measured by any certain pecuniary standard.³²

Here, the requirement for harm is not needed because, as set forth above, the conduct complained of is illegal and therefore does not require harm to warrant an injunction. The Court need not consider the issue of harm.

However, the harm is irreparable because if Jane Doe complies with the demands of Hillstone and works without a face covering, she will have violated the law and she will have exposed herself and others to the danger of transmission of the virus and exposure to the deadly disease of COVID-19. Either of such harms are not measurable or readily compensable. Further, if Defendant continues retaliating against Jane Doe, she will be forced into the decision of quitting and suffering the attendant harm on her professional career or remain technically employed, but constructively discharged, caught in limbo of no pay and no unemployment benefits.

This type of peculiar circumstance and harms meet the metric of why injunctive relief is warranted.

6. There is no adequate remedy at law if the Court fails to enter injunctive relief.

No adequate remedy at law exists if damages are incapable of calculation or if a defendant is incapable of responding in damages.³³ In order for a legal remedy to be adequate, the remedy must be as complete, practical, and efficient to the ends of justice.³⁴

³¹ See, e.g., *Schmidt v. Richardson*, 420 S.W.3d 442, 447 (Tex. App.–Dallas 2014, no pet. h.).

³² *Bank of Texas, N.A. v. Gaubert*, 286 S.W.3d 546, 552 (Tex. App.–Dallas 2009, pet. dismissed w.o.j.).

³³ *Loye v. Travelhost, Inc.*, 156 S.W.3d 615, 621-22 (Tex. App.–Dallas 2004, no pet.).

³⁴ *Recon Exploration, Inc. v. Hodges*, 798 S.W.2d 848, 851 (Tex. App.–Dallas 1990, no writ).

Here, the element of adequate remedy at law is not necessary since the issue is bringing defendant in compliance with an ordinance.³⁵

Further, there is no adequate remedy at law because Jane Doe's health, fidelity to the law, and damage to her professional reputation cannot be incapable of being remedied by monetary damages. Based on the foregoing, Plaintiff has proved all of the elements necessary to get injunctive relief.

III.

APPLICATION FOR TEMPORARY RESTRAINING ORDER

For the reasons set forth above, Jane Doe requests injunctive relief to bring Hillstone into compliance with the law and to return the parties to the status quo until a hearing can be held on her application for Temporary Injunction. For the reasons set forth above, if the Court does not enjoin Defendant and acting on their behalf, Defendant will continue in violation of the law, and Jane Doe will in all probability suffer imminent, irreparable injury. The injury is already here and further injury is imminent and irreparable. Such an injury cannot be measured by a certain pecuniary standard or calculated to a dollar amount, and it is therefore sufficient to establish the irreparable injury faced by Plaintiff, who is without an adequate remedy at law.

Plaintiff therefore requests a temporary restraining order against Hillstone as follows:

1. Enjoining Hillstone from prohibiting Jane and other employees at R+D Kitchen from wearing face coverings while at work;
2. Requiring Hillstone to put Jane Doe back on her prior schedule during the pendency of this injunction, unless such schedule is modified by agreement of the Parties or with further order of the Court;
3. Requiring Hillstone to comply with Judge Jenkins's May 4 Order and any subsequent amendment to it regarding the requirement of employees to wear face coverings or other such PPE; and
4. Prohibiting Hillstone from retaliating against Jane Doe in any form for objecting to Hillstone's policy, for filing this lawsuit, or trying to protect her rights.

Plaintiff requests that such a temporary restraining order be put in place until the Court hears her Application for Temporary injunction.

³⁵ *San Miguel v. City of Windcrest*, 40 S.W.3d 104, 108 (Tex. App.–San Antonio 2000, no pet.)(holding, “ Similarly, an act that violates a statute or city ordinance may be enjoined without a showing that the legal remedy is inadequate.”).

VI.

APPLICATION FOR TEMPORARY INJUNCTION

For the reasons set forth above, Jane Doe requests that the Court set this matter for a temporary injunction hearing, and upon conclusion of same, to issue against Defendant and those acting in concert with it a temporary injunction until the matter in dispute can be resolved by a trial on the merits on the following grounds:

1. Enjoining Hillstone from prohibiting Jane and other employees at R+D Kitchen from wearing face coverings while at work;
2. Requiring Hillstone to put Jane Doe back on her prior schedule during the pendency of this injunction, unless such schedule is modified by agreement of the Parties or with further order of the Court;
3. Requiring Hillstone to comply with Judge Jenkins's May 4 Order and any subsequent amendment to it regarding the requirement of employees to wear face coverings or other such PPE; and
4. Prohibiting Hillstone from retaliating against Jane Doe in any form for objecting to Hillstone's policy, for filing this lawsuit, or trying to protect her rights.

VII.

BOND UNDER RULE 684

In support of her request for a Temporary Restraining Order and her Temporary Injunction, Plaintiffs is willing to post a bond under Rule 684. Given the circumstances, the lack of harm to Defendant during the pendency of the injunction, and that the relief is compliance with the law, Plaintiff asserts any such bond should be *de minimus*.

VIII.

ORIGINAL PETITION

A. Parties

1. At all relevant times, Plaintiff Jane Doe was a resident of Dallas County.
2. Defendant Hillstone Restaurant Group, Inc. d/b/a R+D Kitchen is a foreign corporation authorized to do business in this state and maintains a registered agent for service of process at:

**CT Corporation System
1999 Bryan St., Suite 900
Dallas, TX 75201-3136**

B. Discovery Control Plan

3. Plaintiff intends that discovery be conducted under Level III of TEXAS RULE OF CIVIL PROCEDURE 190.3.

C. Jurisdiction and Venue

4. Venue is proper in Dallas County pursuant to TEXAS CIVIL PRACTICE & REMEDIES CODE § 15.002(a)(1) because all or a substantial part of the events or omissions giving rise to these claims occurred in Dallas County.

5. This Court has jurisdiction because the amount in controversy exceeds the minimum jurisdictional amounts of the Court.

D. Application for Permanent Injunction

6. Plaintiff incorporates the above facts in support of this Application.

7. For the reasons set forth above, and on the same grounds for injunctive relief that support the temporary restraining order and the temporary injunction, Jane Doe requests that following a trial on the merits, the Court issue a judgment:

1. Enjoining Hillstone from prohibiting Jane and other employees at R+D Kitchen from wearing face coverings while at work;
2. Requiring Hillstone to comply with Judge Jenkins's May 4 Order and any subsequent amendment to it regarding the requirement of employees to wear face coverings or other such PPE; and
3. Prohibiting Hillstone from retaliating against Jane Doe for raising an objection about Hillstone's policy, from filing this lawsuit, or trying to protect her rights.

E. Causes of Action and Damages

8. Plaintiffs incorporate the foregoing paragraphs in support of these Claims.

9. The conduct described above by Defendant constitutes negligence per se, wrongful constructive discharge, and retaliation.

10. Because of Defendant's unreasonable policy prohibiting face coverings in violation of the law, Jane Doe has been harmed for which damages are sought. Because of Defendant's wrongful discharge and retaliation of prohibiting Jane Doe from working after she raised the issue regarding the unlawful policy, Jane Doe has been financially harmed and has suffered actual damages including mental anguish, for which damages are sought.

11. Jane Doe seeks damages in excess of the minimum jurisdiction of the Court for mental anguish, economic loss, pecuniary losses, exemplary damages, interest, and court costs.

F. Request for a Jury Trial

12. Plaintiff demands a jury trial on all issues so triable and will submit the applicable fee subsequent to this filing.

G. Prayer

13. Plaintiff prays that Defendant be cited to appear and answer herein, and that upon final determination of these causes of action, Plaintiff receive a judgment against Defendant awarding the Plaintiff as follows:

- a. Injunctive relief as requested above;
- b. Actual, compensatory, and consequential damages in an amount in excess of the minimal limits of the Court against the named Defendant;
- c. Costs of Court;
- d. Pre-judgment interest at the highest rate allowed by law from the earliest time allowed by law;
- e. Interest on judgment at the highest legal rate from the date of judgment until collected; and
- f. All such other and further relief at law and in equity to which the Plaintiff may show herself to be justly entitled.

Respectfully submitted,

/s/ Charla G. Aldous

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DALLAS COUNTY

AMENDED ORDER OF COUNTY JUDGE CLAY JENKINS

Safer At Home Order

DATE AMENDED ORDER ISSUED: April 23, 2020

WHEREAS, pursuant to Texas Government Code Section 418.108, Dallas County Judge Clay Jenkins issued a Declaration of Local Disaster for Public Health Emergency on March 12, 2020, due to a novel coronavirus now designated SARS-CoV2 which causes the disease COVID-19;

WHEREAS, on March 12, 2020, Judge Jenkins issued an Order in furtherance of his authority to protect the safety and welfare of the public by slowing the spread of the virus;

WHEREAS, the on-going evaluation of circumstances related to the virus and the updated recommendations of the Centers for Disease Control and the Texas Department of State Health Services warrant the March 12, 2020 Order of County Judge Clay Jenkins be amended;

WHEREAS, on March 16, 2020, President Trump acknowledged the gravity of the COVID-19 pandemic, releasing strict new guidelines to limit people's interactions, including that Americans should avoid groups of more than 10 people;

WHEREAS, on March 19, 2020, the Dallas County Commissioners Court issued an Order of Continuance of Declaration of Local Disaster for Public Health Emergency that affirmed the activation of the Dallas County Emergency Management Plan and extends the Declaration of Local Disaster until 11:59 p.m. on May 15, 2020, unless rescinded by order of the Commissioners Court.

WHEREAS, on March 24, 2020, the World Health Organization indicated that the United States has the potential to become the center of the COVID-19 pandemic;

WHEREAS, this Emergency Order is necessary because of the propensity of the virus to spread person to person and also because the virus is physically causing property damage due to its proclivity to attach to surfaces for prolonged periods of time;

WHEREAS, this Emergency Order is necessary to protect the lives, health, welfare, and safety of the County's residents from the devastating impacts of this pandemic;

THEREFORE, the March 12, 2020, Order of County Judge Clay Jenkins is hereby AMENDED as follows:

Summary: The virus that causes 2019 Coronavirus Disease (COVID-19) is easily transmitted through person to person contact, especially in group settings, and it is essential that the spread of the virus be slowed to protect the ability of public and private health care providers to handle the influx of new patients and safeguard public health and safety. Because of the risk of the rapid spread of the virus, and the need to protect the most vulnerable members of the community, this Order requires all individuals anywhere in Dallas County to shelter in place – that is, stay at home – except for certain essential activities and work to provide essential business and government services or perform essential public infrastructure construction, including housing. This Order



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takes effect Noon on April 23, 2020 and will continue through 11:59 p.m. on May 15, 2020, subject to the limited exceptions and under the terms and conditions more particularly set forth below.

UNDER THE AUTHORITY OF TEXAS GOVERNMENT CODE SECTION 418.108, DALLAS COUNTY JUDGE CLAY JENKINS ORDERS:

1. Effective as of Noon on April 23, 2020, and continuing until 11:59 p.m. on May 15, 2020:
 - (a) All individuals currently living within Dallas County are ordered to shelter at their place of residence. For the purposes of this Order, residences include hotels, motels, shared rentals, and similar facilities. To the extent individuals are using shared or outdoor spaces, they must at all times as reasonably as possible maintain social distancing of at least six feet from any other person when they are outside their residence. All persons may leave their residences only for Essential Activities, Reopened Services, or to provide or perform Essential Governmental Functions, or to operate Essential Businesses, all as defined in Section 2.
 - (b) All businesses operating within Dallas County, except Essential Businesses and Reopened Services as defined in below in Section 2, are required to cease all activities at facilities located within the County except Minimum Basic Operations as defined in Section 2. For clarity, businesses may continue operations consisting exclusively of employees or contractors performing activities at their own residences (i.e. working from home). To the greatest extent possible, all Essential Businesses shall comply with the Social Distancing Rules attached, including maintaining six feet social distancing for both employees and the general public.
 - (c) Employees of Essential Businesses and Reopened Services, whose physical presence at the workplace is not essential to operations, are directed to use telecommuting to the fullest extent possible.
 - (d) All public or private gatherings of any number of people occurring outside a single household or living unit are prohibited, except as otherwise provided herein. Nothing in this Order prohibits the gathering of members of a household or living unit.
2. Definitions:
 - a. For purposes of this Order, individuals may leave their residence only to perform any of the following “**Essential Activities**”:
 - i. To engage in activities or perform tasks essential to their health and safety, or to the health and safety of their family or household members (for example, obtaining medical supplies or medication, visiting a health care professional, or obtaining supplies need to work from home).
 - ii. To obtain necessary services or supplies for themselves and their family or household members, or to deliver those services or supplies to others (for example, food, pet supply, and any other household consumer products, and products necessary to maintain the safety, sanitation, and essential operation of residences).



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- iii. To engage in outdoor activity, provided the individuals comply with social distancing requirements of six feet (for example, walking, biking, hiking, running, golfing, and tennis).
 - iv. To perform work providing essential products and services at an Essential Business or to otherwise carry out activities specifically permitted in this Order.
 - v. To care for a family member or pet in another household.
 - vi. To move to another residence either in or outside Dallas County.
 - vii. To engage in **“Essential Travel,”** which includes travel for any of the following purposes: (1) travel related to the provision of or access to Essential Activities, Essential Governmental Functions, Essential Businesses, Reopened Services, Essential Critical Infrastructure, and Minimum Basic Operation; (2) travel to care for elderly, minors, dependents, persons with disabilities, or other vulnerable persons; (3) travel to or from educational institutions for purposes of receiving materials for distance learning, for receiving meals, and any other related services; (4) travel to return to a place of residence from outside the jurisdiction; (5) travel required by law enforcement or court order; (6) travel by church staff or clergy for the purpose of production of remote delivery of religious services and other ministries requiring travel; (7) travel related to attending a funeral service; or (8) travel required for non-residents to return to their place of residence outside the County.
- b. For purposes of this Order, **“Reopened Services”** means:
- i. Retail services that are not “Essential Businesses” under this Order.
 - ii. Effective 12:01 a.m. on Friday, April 24, 2020, Reopened Services shall be provided only through pickup, delivery by mail, or delivery to the customer’s doorstep. Customers may not enter the premises.
 - iii. All Reopened Services shall comply with the following requirements:
 - 1. All employees must be trained on environmental cleaning and disinfection, hand hygiene, and respiratory etiquette.
 - 2. All employees must be screened before coming into the business for new or worsening cough; shortness of breath; sore throat; loss of taste or smell; feeling feverish or a measured temperature greater than or equal to 100.0 degrees Fahrenheit; or known close contact with a person who is lab-confirmed to have COVID-19. Any employee who meets any of these criteria must be sent home.
 - 3. Employers must provide soap and water, or hand sanitizer if no soap or water is available, in the workplace, including all restrooms and food preparation areas.
 - 4. Employees must wash their hands for at least twenty (20) seconds before beginning work, after each interaction with a customer, before any food preparation, before and after the use of shared items, after any meal or restroom breaks, and immediately prior to the end of the work shift.
 - 5. All employees must wear face coverings.



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6. Employees must maintain at least 6 feet separation from one another.
- iv. All Reopened Services providing services through Retail-to-Go shall comply with the following conditions:
 1. All payments shall be done over the phone or internet if possible, and contact shall be minimized if remote payment is not available.
 2. Purchased items shall be delivered by the employee to the backseat or trunk of the customer's vehicle whenever possible to minimize physical contact with the customer.
 3. Employees must wash or sanitize their hands after each interaction with a customer, and whenever possible, must disinfect any item that came into contact with the customer.
- v. All Reopened Services providing services through delivery to a customer's residence or business shall comply with the following conditions:
 1. All payments shall be done over the phone or internet if possible, and contact shall be minimized if remote payment is not available.
 2. Purchased items shall be delivered by an employee or third-party carrier and delivered to the customer's residence or business. The employee or third-party carrier may not enter the customer's house or business.
- vi. All Reopened Services providing services through delivery by mail shall comply with the following conditions:
 1. All payments must be done over the phone or internet.
 2. Purchased items shall be delivered by mail without customer contact.
- c. For purposes of this Order, "**Essential Businesses**" means:
 - i. **Essential Healthcare Operations.** Healthcare Operations includes but is not limited to hospitals, clinics, dentists, chiropractors, physical therapy, optometry offices, pharmacies, pharmaceutical and biotechnology companies, other healthcare facilities, healthcare suppliers, mental health providers, substance abuse service providers, blood banks, medical research, laboratory services, certified doulas, or any related and/or ancillary healthcare services. Home-based and residential-based care for seniors, adults, or children are also considered healthcare operations. Healthcare operations also includes veterinary care and all health and welfare services provided to animals. This exemption shall be viewed broadly to avoid any impacts to the delivery of healthcare. Healthcare operations do not include fitness and exercise gyms, personal training, gymnastics studios, and similar facilities. Healthcare operations do not include elective medical, surgical, and dental procedures as established in accordance with Subsection 1(e) of this Order.
 - ii. **Essential Governmental Functions.** All services provided by local governments needed to ensure the continuing operation of the government agencies to provide for the health, safety and welfare of the public. Each governmental body will determine its Essential Governmental Functions



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and identify the employees and/or contractors necessary to the performance of those functions. Further, nothing in this order shall prohibit any individual from performing or accessing "Essential Governmental Functions." All Essential Governmental Functions shall be performed in compliance with social distancing requirements of six feet, to the extent possible. This Order does not apply to Federal or State Government.

- iii. **Essential Critical Infrastructure.** All public and private facilities and assets, including both physical and cyber systems, and other functions and sectors vital to the security, governance, and public health, safety of Dallas County. Critical infrastructure includes, but is not limited to, utilities such as electricity, gas, water and wastewater, roads and highways, public transportation, solid waste and recycle collection and removal, oil refining, roads and highways, public transportation, defense and national security-related operations, and manufacturing operations supplying essential items to Essential Businesses, Essential Governmental Functions, and Critical Infrastructure. All manufacturers and distributors shall comply with the Rules for Manufacturers and Distributors set out in Exhibit C. Critical Infrastructure employers should implement screening precautions to protect employees and all activity shall be performed in compliance with social distancing guidelines attached. For reference, the U.S. Department of Homeland Security in its Guidance on the Essential Critical Infrastructure Workforce, Version 2.0, can be found here: <https://www.cisa.gov/publication/guidance-essential-critical-infrastructure-workforce>
- iv. **Stores that Sell Groceries and Other Essential Supplies.** Grocery stores, supermarkets, warehouse stores, big-box stores, bodegas, liquor stores, convenience stores, and farmers' markets that sell food products and household consumer products (such as cleaning and personal care products). This includes stores that sell groceries and also sell other non-grocery products. The sale of self-service food items is prohibited. Stores that sell groceries and other essential supplies shall comply with the Rules for Essential Retail Establishments set out in Exhibit A.
- v. **Restaurants.** Restaurants with or without drive-in or drive-through services and microbreweries, micro-distilleries, or wineries may only provide take out, delivery, or drive-through services as allowed by law. In-person service is prohibited. Customers may order and pay inside, but are prohibited from waiting inside the restaurant for their food. All food must be brought outside to customers. To allow for increased access to restaurants, this Order hereby suspends all laws and regulations prohibiting people from walking in a drive-through.
- vi. **Food Cultivation.** Food cultivation, including farming, fishing, and livestock.
- vii. **Delivery of Groceries and Essential Supplies.** Businesses that ship or deliver groceries, food, hygiene products, and essential supplies directly to



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residences or essential businesses. All businesses that deliver groceries and essential supplies shall comply with the rules set out in Exhibit E.

- viii. **Transportation.** Operation, maintenance, and repair of airlines, taxis, and other private transportation providers (such as Uber and Lyft) that provide transportation services necessary for the performance of essential activities and essential travel.
- ix. **Gas Stations and Businesses Needed for Transportation.** Gas stations, auto dealers, auto-supply stores, auto-repair, and bicycle repair. Gas stations and convenience stores are prohibited from selling self-service food items. Gas stations and businesses needed for transportation shall comply with the Rules for Essential Retail Establishments set out in Exhibit A.
- x. **Critical Trades.** Plumbers, electricians, exterminators, janitors, lawn care services, pool cleaners, maintenance and security, and other service providers who provide services that are necessary to maintaining the safety, sanitation, and essential operations of residences, Essential Businesses, Essential Government Functions, and Critical Infrastructure. Critical Trade does not include discretionary maintenance or improvements. Union representatives and their staff for the purpose of performing critical labor union functions, including the maintenance of health and welfare funds and checking on the well-being and safety of members.
- xi. **Construction.** Construction for public works, residential, commercial, and schools. Elective additions and maintenance are prohibited. Protecting construction worker from the spread of COVID19 is extremely important for their safety and for public health, all construction sites must follow the COVID-19 Safety Recommendations issued by the Construction Industry Safety Coalition, including, but not limited to, the Rules for Construction Industry set out in Exhibit B. Failure to strictly comply with this Order can result in penalties described below. Additionally, the general contractor and non-compliant subcontractor can be removed from the essential business list.
- xii. **Professional Services.** Professional services, such as legal or accounting services, when necessary to assist in compliance with legally mandated activities or services necessary to avoid imminent harm to a client. Real estate and inspection services, so long as they comply with the rules set out in Exhibit F.
- xiii. **Financial Institutions.** Banks and related depository financial institutions, credit unions, insurance companies, title companies, payroll and accounting services. Check cashing businesses and pawnshops so long as they comply with the rules set out in Exhibit D. A copy of Exhibit D must be prominently displayed in each establishment in English and Spanish and a copy must also be provided to each customer in the customer's preferred language.
- xiv. **Information Technology Services/Telecommunications Services.** IT and IT services and their essential service vendors, including the provision of essential global, national, and local infrastructure for computing services, business infrastructure, communications, and web-based services, and



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critical manufacturing, as well as telecommunications services, internet access and broadband/communications services.

- xv. **Essential Retail.** Laundromats, dry cleaners, and laundry service providers, hardware stores, and related facilities. Firearm and ammunition suppliers and retailers for purposes of safety and security. Hardware stores and business that sell electrical, plumbing, and other materials necessary to support Essential Businesses, and Essential Government Functions, and Critical Infrastructure. Essential retail establishments shall comply with the Rules for Essential Retail Establishments set out in Exhibit A.
- xvi. **Fabric Stores.** Stores that sell fabric, for the sole purpose of selling fabric and supplies necessary for the creation of fabric cloth coverings and masks and supplies necessary for home schooling students. Stores that sell fabric shall comply with the Rules for Essential Retail Establishments set out in Exhibit A.
- xvii. **Hotels and Motels.** Hotels and motels, to the extent used for lodging or delivery or carry-out food services.
- xviii. **Short-Term Rentals.** Short-term rental of all or part of a residential property to a person who is not a permanent resident is prohibited. Within the meaning of this Order, a “permanent resident” is a person who has the right to use or possess a room at the residential property for at least 30 consecutive days, so long as there is no interruption of payment for the period. This Order does not prohibit short-term rental to hospital employees or other licensed healthcare professionals, military personnel, law enforcement personnel, government employees, or Dallas County residents who need a place to self-quarantine away from their family and/or roommates. Renters currently occupying short-term rental properties shall be permitted to complete the current rental contract but are required to follow the requirements of this order
- xix. **Providers of Basic Necessities to Economically Disadvantaged Populations.** Businesses or organizations that provide food, shelter, and social services, and other necessities of life for economically disadvantaged or otherwise needy individuals.
- xx. **Essential Services Necessary to Maintain Essential Operations of Residences or Other Essential Businesses.** . Businesses or services that supply other Essential Businesses, Essential Government Services, and Critical Infrastructure with the support or supplies needed to operate; including but not limited to mail, shipping and delivery services, warehouse/distribution and fulfillment, storage, moving services, janitorial services, laundry services, computer, audio or video electronics, sanitary equipment, and medical equipment.. To the extent possible, services shall be provided in compliance with Social Distancing Rules attached, including distancing of six feet and routine use of hand sanitizer. All employers that are common carriers, motor carriers, private carriers, shippers, delivery services, moving companies and contract carriers that



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load or unload cargo, supplies, equipment or goods at any point located in Dallas County shall comply with the rules set out in Exhibit E.

- xxi. **Supplies to Work From Home and Home School Students.** Businesses that supply products needed for people to work from home and stores that sell supplies necessary for home schooling students. Stores that sell supplies for people to work from home shall comply with the Rules for Essential Retail Establishments set out in Exhibit A.
 - xxii. **Public and Private Education.** All schools are closed to in-person classroom attendance and shall not recommence before the end of the 2019-2020 school year. Public and private educational institutions may operate in-person only for the purposes of facilitating distance learning or performing essential functions, provided compliance with the Social Distancing Rules is maintained.
 - xxiii. **News Media.** Newspapers, television, radio, and other media services.
 - xxiv. **Childcare Services.** Childcare facilities providing services or community service providers offering childcare services under the following mandatory conditions:
 - 1. Childcare services shall only be provided to employees of Essential Businesses;
 - 2. Childcare must be carried out in stable groups of 12 or fewer ("stable" means that the same 12 or fewer children are in the same group each day);
 - 3. Children shall not change from one group to another;
 - 4. If more than one group of children is cared for at one facility, each group shall be in a separate room. Groups shall not mix with each other;
 - 5. Childcare providers shall remain solely with one group of children.
 - xxv. **Animal Care Services.** Animal shelters, veterinary care, and pet food and supply stores. Grooming, if necessary for the health and wellbeing of the animal. Pet daycare, but only for employees of Essential Businesses. To the greatest extent possible, all services must be performed in compliance with social distancing requirements of six feet. Pet food and supply stores shall comply with the Rules for Essential Retail Establishments set out in Exhibit A.
 - xxvi. **Religious and Worship Services.** The Office of the Dallas County Judge and the Health Authority strongly encourage religious and worship services be provided by audio, video, and teleconference whenever possible and that all individuals follow all CDC and County Social Distancing Guidelines including the six feet social distancing rule.
 - xxvii. **Funeral Services.** Funeral, mortuary, cremation, burial, cemetery, and related services, provided that social distancing of six feet per person is maintained to the greatest extent possible.
- d. For purposes of this Order, **Minimum Basic Operations** means the following, provided that employees comply with the Social Distancing Rules:



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- a. The number of COVID-19 tests performed; and
- b. The number of positive COVID-19 tests.

Reports shall be made to Dallas County Judge Clay Jenkins at Clay.Jenkins@dallascounty.org and Dallas County Health and Human Services Director Dr. Philip Huang at Philip.Huang@dallascounty.org. Reporting laboratories shall not provide names or any other identifiable health information that could be used to identify an individual patient.

7. Door-to-door solicitation creates an unnecessary face-to-face situation for residents who are home in greater numbers due to the closure of schools and businesses, potentially endangering the health of residents. Under this Order, door-to-door solicitation is prohibited, including the leaving of written materials on the door or mailbox of a residence. This provision does not apply to any business in the grocery supply chain or any non-profit providing community resources for those effected by the coronavirus. Nothing in this Order prohibits utility companies or government agencies from contacting individuals at their residences to perform their normal business functions.
8. Employers shall not implement any rules making a negative COVID-19 test or a note from a healthcare provider a requirement before a COVID-19 recovered employee can return to work.
9. Under this Order, no person shall sell any of the following goods or services for more than the regular retail price the person charged for the goods or services on March 16, 2020, except where an increased retail price is the result of increased supplier or other costs (including the loss of supplier supporting funds):
 - a. groceries, beverages, toilet articles, and ice;
 - b. restaurant, cafeteria, and boarding-house meals; and
 - c. medicine, pharmaceutical and medical equipment, and supplies.
10. Grocery stores, supermarkets, warehouse stores, hospitals, and medical facilities are experiencing high levels of demand for a large number of products, requiring more deliveries from manufacturers and distribution centers to serve their customers. A number of Texas cities and local associations have implemented restrictions on delivery hours to stores to mitigate truck noise and traffic. Due to the need to deliver products as quickly and efficiently as possible during this critical timeframe, this Order hereby suspends all delivery hour restrictions for transport to or from any entity involved in the selling or distribution of food products, medicine, or medical supplies in Dallas County for the next 60 days.
11. Due to increased demand for bath or toilet tissue resulting from stock up buying and individuals who purchase for resale, a mandatory limit on toilet paper sales is instituted until the supply chain meets the demand or two weeks, whichever comes first. All sales of bath or toilet tissue occurring in Dallas County are limited to the greater of: (a) twelve (12) rolls per purchase or (b) one (1) package per purchase. This provision does not apply to the sale of bath or tissue paper to a government organization or essential business.
12. Due to the public health emergency, the Office of the Dallas County Judge hereby advises the Dallas County Justices of the Peace to suspend eviction hearings and writs of



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possession for at least the next 60 days to prevent renters from being displaced. Nothing in the moratorium relieves tenants of liability for unpaid rent. Landlords should cap late fees for delayed payment of rent at fifteen dollars (\$15) per month.

13. If someone in a household has tested positive for coronavirus, the household is ordered to isolate at home. Members of the household cannot go to work, school, or any other community function, except for workers included in Essential Healthcare Operations who may continue to work in accordance with CDC guidance.
14. Nursing homes, retirement, and long-term care facilities are instructed by this Order to prohibit non-essential visitors from accessing their facilities unless to provide critical assistance or for end-of-life visitation.
15. Public and private schools and institutions of higher education are instructed by this Order to provide a safety plan to Dallas County Office of Homeland Security and Emergency Management 72 hours before students return to a classroom setting.
16. Additionally, the Office of the Dallas County Judge and the Health Authority instructs all employees to remain at home if sick. Employees of private businesses and nonprofits with six (6) or more employees in the City of Dallas can use their paid sick leave when they are sick or to care for sick family members.
17. This Order shall be in effect until 11:59 p.m. on April 30, 2020, or until it is either rescinded, superseded, or amended pursuant to applicable law.
18. The County of Dallas must promptly provide copies of this Order by posting on the Dallas County Health and Human Services website. In addition, the owner, manager, or operator of any facility that is likely to be impacted by this Order is strongly encouraged to post a copy of this Order onsite and to provide a copy to any member of the public asking for a copy. If any subsection, sentence, clause, phrase, or word of this Order or any application of it to any person, structure, gathering, or circumstance is held to be invalid or unconstitutional by a decision of a court of competent jurisdiction, then such decision will not affect the validity of the remaining portions or applications of this Order.

IT IS SO ORDERED

CLAY JENKINS
DALLAS COUNTY JUDGE



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EXHIBIT A

Rules for Essential Retailers

Reason for Rules. The purpose of these rules is to outline the steps that every employer and employee must take to reduce the risk of exposure to COVID-19. The rules describe how to prevent worker exposure to coronavirus and protective measures to be taken in all establishments.

Definition of Essential Retailers.

1. Stores that Sell Groceries and Other Essential Supplies. Grocery stores, supermarkets, warehouse stores, big-box stores, bodegas, liquor stores, convenience stores, and farmers' markets that sell food products and household consumer products (such as cleaning and personal care products). This includes stores that sell groceries and also sell other non-grocery products.
2. Gas Stations and Businesses Needed for Transportation. Gas stations, auto dealerships, auto-supply stores, auto-repair, and bicycle repair.
3. Other Essential Retailers. Stores that sell supplies necessary for the creation of fabric cloth coverings and masks and supplies necessary for home schooling students. Pet food and supply stores. Laundromats, dry cleaners, and laundry service providers, hardware stores, and related facilities. Firearm and ammunition suppliers and retailers for purposes of safety and security. Hardware stores and business that sell electrical, plumbing, and other materials necessary to support Essential Businesses, and Essential Government Functions, and Critical Infrastructure.

Safety Rules for All Essential Retailers. All employers involved in essential retail activity must follow the requirements set forth in the rules below:

1. All employees must take their temperature at their residence before going to an Essential Retailer. If an employee has a temperature above 99.6 degrees Fahrenheit, then they are prohibited from going to work and must remain at their residence;
2. To the greatest extent possible and as equipment becomes available, an Essential Retailer must implement a system whereby supervisors must check the temperature of all employees with a forehead thermometer before the employee begins work. If an employee has a temperature above 99.6 degrees Fahrenheit, then they are not permitted to work and must be sent home immediately;
3. Gatherings during meals or breaks are prohibited;
4. Employees must keep a 6 foot distance between people at all times, unless the work being performed requires multiple individuals for the safety of the employees;
5. Employers must allow non-essential personnel to work from home when possible;
6. Employers must provide soap and water, or hand sanitizer if no soap or water is available, in the workplace, including all restrooms and food preparation areas. Ensure that adequate supplies are maintained;



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7. Employees must wash their hands for at least twenty (20) seconds before beginning work, before any food preparation, before and after the use of shared items, after any meal or restroom breaks, and immediately prior to the end of the work shift.
8. Rest breaks of at least fifteen (15) minutes for every four (4) hours worked must be provided so employees may follow hygiene guidelines;
9. There shall be no adverse action taken against an employee who has, due to possible exposure to coronavirus, (1) been quarantined or advised to self-quarantine; (2) have not reported to work because the employee has a temperature of 99.6 degrees or higher; and (3) requested to use paid sick leave under the employer's policy; and
10. Employers must designate both a member of management as the COVID-19 Safety Monitor and a senior hourly worker (that is not a member of management) as the COVID-19 Vice Safety Monitor at each store to have the authority to work together to enforce these rules. Employers in unionized workplaces should consult with the employee's representatives on this designation.

General Rules for Essential Retailers.

1. Employers shall implement an organized line system where employees, customers, and other persons are not less than six feet apart at all times;
2. To the greatest extent practicable, designate shopping times for at risk populations (seniors, pregnant people, and people with underlying health conditions);
3. To the greatest extent possible, implement a system to restrict the number of customers who are physically present at an Essential Retailer so that six foot spacing may be maintained;
4. Employers shall implement purchase limits on high-demand items (toilet paper, soap, hand sanitizer). These purchase limits do not apply to a government organization or essential business;
5. To the greatest extent possible, employers shall offer pick up services or delivery services of grocery items and other essential supplies; and
6. Self-service food stations are prohibited. Self-service stations are defined as items that customers use common serving utensils to serve themselves, including but not limited to, salad bars, hot dog stands, self-service bulk food items, and other related food items. This section does not apply to self-checkout stations, so long as the checkout stations are cleaned at least every 30 minutes.

Enforcement. A violation of this Order is a misdemeanor punishable by a fine not to exceed \$1,000 and/or confinement in jail for a term not to exceed 180 days. Additionally, any essential retailer who fails to strictly comply with these rules can be removed from the essential business list and prohibited from operating in Dallas County.



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EXHIBIT B

Rules for the Construction Industry

Reason for Construction Rules. The purpose of these rules is to outline the steps that every employer and employee must take to reduce the risk of exposure to COVID-19. The rules describe how to prevent worker exposure to coronavirus, protective measures to be taken on the jobsite, and cleaning and disinfecting procedures.

Construction as Critical Infrastructure. The Order classified construction for public works, residential, commercial, and schools as critical infrastructure. Elective additions and maintenance are prohibited.

Requirements for Construction. All employers involved in construction activity must follow the requirements set forth in the COVID-19 Safety Recommendations issued by the Construction Industry Safety Coalition, including the rules below:

1. All workers and contractors (hereafter referred to as “workers”) must take their temperature at their residence. If a worker has a temperature above 99.6 degrees Fahrenheit, then they are prohibited from going to work and must remain at their residence;
2. To the greatest extent possible, implement a system whereby supervisors must check the temperature of all workers and contractors with a forehead thermometer before the worker begins work. If a worker or contractor has a temperature above 99.6 degrees Fahrenheit, then they are to be sent home immediately;
3. To the greatest extent possible, shift work must be implemented such that each shift shall have no more than fifty percent (50%) of the workers who were on shift on March 16, 2020. Once assigned to a shift, workers shall not change from one shift to another;
4. To the greatest extent possible, limit crossover of subcontractors;
5. Gatherings during meals or breaks are prohibited;
6. Workers must keep a 6 foot distance between people at all times, unless the work being performed requires multiple individuals for the safety of the workers;
7. Workers must not use a common water cooler. Employers shall provide individual water bottles or instruct workers to bring their own;
8. Employers must allow non-essential personnel to work from home when possible;
9. Employers must provide soap and water and hand sanitizer in the workplace, including all restrooms. Ensure that adequate supplies are maintained;
10. If running water is available at the site, workers must wash their hands for at least twenty (20) seconds before beginning work, when they remove gloves, and before and after the use of shared items such as tools or multi-user devices, before and after any meal or restroom breaks, and when their shift or work time ends.
11. Rest breaks of at least fifteen (15) minutes for every four (4) hours worked must be provided so workers may follow hygiene guidelines;
12. Employers must provide one (1) working flushing toilet for every fifteen (15) workers on site or one (1) outdoor portable toilet for every 10 workers on site;
13. There shall be no adverse action taken against a worker who has, due to possible exposure to coronavirus, (1) been quarantined or advised to self-quarantine; (2) have not



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- reported to work because the worker has a temperature of 99.6 degrees or higher; and (3) requested to use paid sick leave under the employer's policy; and
14. Employers must designate a COVID-19 safety monitor on each site who has the authority to enforce these rules;

Enforcement. A violation of this Order is a misdemeanor punishable by a fine not to exceed \$1,000 and/or confinement in jail for a term not to exceed 180 days. Additionally, any general contractor or subcontractor who fails to strictly comply with these rules can be removed from the essential business list and prohibited from operating in Dallas County.



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EXHIBIT C

Rules for Manufacturers and Distributors

Reason for Rules. The purpose of these rules is to outline the steps that every employer and employee must take to reduce the risk of exposure to COVID-19. The rules describe how to prevent worker exposure to coronavirus, protective measures to be taken on the jobsite, and cleaning and disinfecting procedures.

Definition of Critical Manufacturers and Distributors. This Order defines Critical Manufacturing and Distribution as the industries listed in the U.S. Department of Homeland Security in its Guidance on the Essential Critical Infrastructure Workforce, Version 2.0.

Rules for Manufacturers and Distributors. All employers involved in critical manufacturing and distribution activity must follow the requirements set forth in the rules below:

1. All employees must take their temperature at their residence before going to work at a manufacturing or distribution center. If a worker has a temperature above 99.6 degrees Fahrenheit, then they are prohibited from going to work and must remain at their residence;
2. To the greatest extent possible and as equipment becomes available, employers must implement a system whereby supervisors check the temperature of all employees before the employee begins work. If an employee has a temperature above 99.6 degrees Fahrenheit, then they are not permitted to work and must be sent home immediately;
3. Gatherings during meals or breaks are prohibited;
4. Employees must keep a six (6) foot distance between people at all times, unless the work being performed requires multiple individuals for the safety of the employees;
5. To the extent practicable, employers shall adjust shift timing to allow for greater physical distance between employees;
6. Employers must allow non-essential personnel to work from home when possible;
7. Employers must provide soap and water, or hand sanitizer if no soap or water is available, in the workplace, including all restrooms. Employers shall ensure that adequate supplies of soap and hand sanitizer are maintained;
8. Employees must wash their hands for at least twenty (20) seconds before beginning work, before any food preparation, before and after the use of shared items, after any meal or restroom breaks, and immediately prior to departing the work site.
9. Employers shall discourage employees from sharing work tools when possible.
10. Rest breaks of at least fifteen (15) minutes for every four (4) hours worked must be provided so employees may follow hygiene guidelines;
11. There shall be no adverse action taken against an employee who has, due to possible exposure to coronavirus, (1) been quarantined or advised to self-quarantine; (2) have not reported to work because the worker has a temperature of 99.6 degrees or higher; and (3) requested to use paid sick leave under the employer's policy; and
12. Employers must designate both a member of management as the COVID-19 Safety Monitor and a senior hourly employee (that is not a member of management), or a non-management



DALLAS COUNTY

employee if an hourly employee is not available, as the COVID-19 Vice Safety Monitor at each site to have the authority to work together to enforce these rules. Employers in unionized workplaces should consult with the employee's representatives on this designation.

Enforcement. A violation of this Order is a misdemeanor punishable by a fine not to exceed \$1,000 and/or confinement in jail for a term not to exceed 180 days. Additionally, any manufacturer and distributor who fails to strictly comply with these rules can be removed from the essential business list and prohibited from operating in Dallas County.



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EXHIBIT D

Rules for Financial Institutions

Reason for Rules. The purpose of these rules is to outline the steps that every employer and employee must take to reduce the risk of exposure to COVID-19. The rules describe how to prevent worker exposure to coronavirus, protective measures to be taken on the jobsite, and cleaning and disinfecting procedures.

1. Check Cashing Businesses

Application. For the purpose of this Order, “Check Cashing Business” means a person or entity that for compensation engages, in whole or in part, in the business of cashing checks, drafts, money orders, traveler’s checks or other instruments for the transmission or payment of money. This Order does not apply to a retail seller engaged primarily in the business of selling consumer goods, including consumables, to retail buyers that cash checks or issue money orders as a service to its customers that is incidental to its main purpose or business.

Interest and Fees. Fees shall not exceed 2% of the amount of the check, draft, or money order, or \$2, whichever is greater. Interest on a loan or advance of money shall not exceed 15% per annum of the total amount of the advance, provided that total fees associated with the loan do not exceed \$75, regardless of the name or type of charge. A check cashing business may charge only those charges expressly authorized in this Order in connection with a loan or advance issued.

Safety Rules. All check cashing businesses must follow the requirements set forth in the rules below:

- a) All employees must take their temperature at their residence before going to work. If an employee has a temperature above 99.6 degrees Fahrenheit, then they are prohibited from going to work and must remain at their residence;
- b) To the greatest extent possible and as equipment becomes available, employers must implement a system whereby supervisors must check the temperature of all workers and contractors with a forehead thermometer before the worker begins work. If a worker has a temperature above 99.6 degrees Fahrenheit, then they are to be sent home immediately;
- c) Employees must keep a 6 foot distance between people at all times, unless the work being performed requires multiple individuals for the safety of the workers;
- d) Employers shall restrict the number of customers physically present in the store to only those people necessary to complete the transaction as determined by the customer. All other individuals must remain outside the store while the transaction is completed;
- e) Employers must allow non-essential personnel to work from home when possible;
- f) Employers must provide soap and water, or hand sanitizer if no soap or water is available, in the workplace, including all restrooms and food preparation areas. Employers must ensure that adequate supplies are maintained;
- g) Employees must wash their hands for at least twenty (20) seconds before beginning work, before any food preparation, before and after the use of shared items, after any meal or restroom breaks, and immediately prior to the end of the work shift;



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- h) Rest breaks of at least fifteen (15) minutes for every four (4) hours worked must be provided so workers may follow hygiene guidelines; and
- i) There shall be no adverse action taken against a worker who has, due to possible exposure to coronavirus, (1) been quarantined or advised to self-quarantine; (2) have not reported to work because the worker has a temperature of 99.6 degrees or higher; and (3) requested to use paid sick leave under the employer's policy.

2. Pawnshops

Application. These rules apply to all locations or premises at which a pawnbroker regularly conducts business.

Interest and Fees. Interest on a loan of money extended pursuant to a pawn transaction shall not exceed 15% per annum of the total amount of the advance, provided that total fees associated with the loan do not exceed \$75, regardless of the name or type of charge. A pawnshop may charge only those charges expressly authorized in this Order in connection with a pawnshop loan.

Minimum Term Length. A pawnshop shall hold the goods pledged as collateral for at least 120 days after the end of the Emergency Declaration issued by Judge Jenkins or the end of the Emergency Declaration issued by Governor Abbott, whichever is later.

Safety Rules. All pawnshops must follow the requirements set forth in the rules below:

- a) All employees must take their temperature at their residence before going to work. If an employee has a temperature above 99.6 degrees Fahrenheit, then they are prohibited from going to work and must remain at their residence;
- b) To the greatest extent possible and as equipment becomes available, employers must implement a system whereby supervisors must check the temperature of all workers and contractors with a forehead thermometer before the worker begins work. If a worker has a temperature above 99.6 degrees Fahrenheit, then they are to be sent home immediately;
- c) Employees must keep a 6 foot distance between people at all times, unless the work being performed requires multiple individuals for the safety of the workers;
- d) Employers shall restrict the number of customers so that only one customer is physically present in the store at a time;
- e) Employers must allow non-essential personnel to work from home when possible;
- f) Employers must provide soap and water, or hand sanitizer if no soap or water is available, in the workplace, including all restrooms and food preparation areas. Employers must ensure that adequate supplies are maintained;
- g) Employees must wash their hands for at least twenty (20) seconds before beginning work, before any food preparation, before and after the use of shared items, after any meal or restroom breaks, and immediately prior to the end of the work shift;
- h) Rest breaks of at least fifteen (15) minutes for every four (4) hours worked must be provided so workers may follow hygiene guidelines; and
- i) There shall be no adverse action taken against a worker who has, due to possible exposure to coronavirus, (1) been quarantined or advised to self-quarantine; (2) have not reported to



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work because the worker has a temperature of 99.6 degrees or higher; and (3) requested to use paid sick leave under the employer's policy.

3) **Enforcement**

Enforcement. A violation of this Order is a misdemeanor punishable by a fine not to exceed \$1,000 and/or confinement in jail for a term not to exceed 180 days. Additionally, any financial institution who fails to strictly comply with these rules can be removed from the essential business list and prohibited from operating in Dallas County.



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EXHIBIT E

Rules for Common Carriers, Shipper, Delivery Services, and Related Companies

Reason for Rules. The purpose of these rules is to outline the steps that every employer and employee must take to reduce the risk of exposure to COVID-19. The rules describe how to prevent worker exposure to coronavirus, protective measures to be taken on the jobsite, and cleaning and disinfecting procedures.

Definition of Common Carriers. All employers which are common carriers, motor carriers, private carriers, shippers, delivery services, moving companies and contract carriers which load or unload cargo, supplies, equipment or goods at any point located in Dallas County.

Rules for Common Carriers. All employers involved in trucking, shipping, delivery and moving services, and related industries must follow the requirements set forth in the rules below:

1. All employees must take their temperature at their residence before going to work. If a worker has a temperature above 99.6 degrees Fahrenheit, then they are prohibited from going to work and must remain at their residence;
2. To the greatest extent possible and as equipment becomes available, employers must implement a system whereby supervisors check the temperature of all employees before the employee begins work. If an employee has a temperature above 99.6 degrees Fahrenheit, then they are not permitted to work and must be sent home immediately;
3. Gatherings during meals or breaks are prohibited;
4. Employees must keep a six (6) foot distance between people at all times, unless the work being performed requires multiple individuals for the safety of the employees;
5. To the extent practicable, employers shall adjust shift timing to allow for greater physical distance between employees, including coordination between dispatch and scheduling so that there is no overlap between crews traveling to different locations;
6. Employers must allow non-essential personnel to work from home when possible;
7. Employers must provide soap and water, or hand sanitizer if no soap or water is available, in the workplace, including all restrooms. Employers shall ensure that adequate supplies of soap and hand sanitizer are maintained. Hand sanitizer must be available in each vehicle;
8. Workers must wash their hands for at least twenty (20) seconds before beginning work, before any food preparation, before and after the use of shared items, after any meal or restroom breaks, and immediately prior to the end of the work shift;
9. Employers must ensure that employees use gloves when handling shared tools or equipment (such as dollies, dock plates, and controls) and that employees wash their hands for at least 20 seconds after handling such tools or equipment;
10. To the greatest extent possible, drivers and other personnel should stay in their vehicles while the vehicles are being loaded and unloaded, unless required for employee safety;



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11. To the greatest extent possible, receipts, bills of lading, acknowledgements and other such documentation should be electronic so as minimize the need for personnel to physically sign and exchange documents;
12. Rest breaks of at least fifteen (15) minutes for every four (4) hours worked must be provided so workers may follow hygiene guidelines;
13. There shall be no adverse action taken against a worker who has, due to possible exposure to coronavirus, (1) been quarantined or advised to self-quarantine; (2) has not reported to work because the worker has a temperature of 99.6 degrees or higher; and (3) requested to use paid sick leave under the employer's policy; and
14. Employers must designate both a member of management and an employee who is not a member of management COVID-19 safety monitors at each of the business's warehouses, yards or other locations who have the authority to work together to enforce these rules. Employers in unionized workplaces should consult with the employee's representatives on this designation.

Enforcement. A violation of this Order is a misdemeanor punishable by a fine not to exceed \$1,000 and/or confinement in jail for a term not to exceed 180 days. Additionally, any common carrier or related business who fails to strictly comply with these rules can be removed from the essential business list and prohibited from operating in Dallas County.



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EXHIBIT F

Rules for Real Estate Agents

Reason for Rules. The purpose of these rules is to outline the steps that every Agent/Employee must take to reduce the risk of exposure to COVID-19. The rules describe how to prevent exposure to coronavirus and protective measures to be taken in all real estate showing.

Definition of Real Estate Activity. For the purposes of this Order, real estate activity includes any activity governed by the Texas Real Estate License Act, the Inspector Act, the Residential Service Company Act, and the Timeshare Act.

Safety Rules for All Real Estate Agents/Employees. All realtors and their employees involved in essential real estate activity must follow the requirements set forth in the rules below:

1. Open Houses are prohibited;
2. All realtors and their employees (hereafter referred to as “realtors”) must take their temperature at their residence prior to any real estate showing. If an agent has a temperature above 99.6 degrees Fahrenheit, they are prohibited from participating in any real estate showings and must remain at their residence;
3. Realtors and clients must travel to showings in separate vehicles;
4. Realtors, clients, and homeowners must follow the six-foot social distancing rule at all times;
5. Realtors and staff should limit in person contact and conduct business remotely as much as possible;
6. Realtors must wear a protective mask and provide new, unused protective masks to clients when touring a site;
7. Employers must designate a COVID-19 safety monitor at each real estate office who has the authority to enforce these rules;

Enforcement. A violation of this Order is a misdemeanor punishable by a fine not to exceed \$1,000 and/or confinement in jail for a term not to exceed 180 days. Additionally, any realtor who fails to strictly comply with these rules can be removed from the essential business list and prohibited from operating in Dallas County.



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EXHIBIT G

Guidance on Covering Nose and Mouth

A significant percentage of individuals with the COVID-19 virus lack symptoms. Because an infected person can transmit the virus to others before showing any symptoms, the covering of a person's nose and mouth when visiting an Essential Business is necessary to help prevent the spread of COVID-19. This is consistent with the findings of the CDC and Dallas County Health Authority.

Staying home is the best way to help reduce the spread of the virus, but if an individual must leave their place of residence to visit an Essential Business, wearing a fabric face mask shall be used as outlined in this Order. Wearing a face covering is not a substitute for maintaining 6-feet social distancing and hand washing, as these remain important steps to slowing the spread of the virus. The face coverings recommended are not surgical masks or N-95 respirators, which are critical supplies that must continue to be reserved for healthcare workers and first responders.

The public in general and Essential Business employees shall comply with the following:

- A. To the greatest extent possible, all persons over the age of two (2) shall wear some form of covering over their nose and mouth, such as a homemade mask, scarf, bandana or handkerchief, when:
 - 1) patronizing an Essential Business; and
 - 2) using public transportation, taxis, or ride shares.
- B. This section shall not apply to persons that are:
 - 1) riding in a personal vehicle;
 - 2) **that are alone in a separate single space;**
 - 3) **that are in the presence only of other members of their household or residence;**
 - 4) engaging in outdoor activity;
 - 5) eating; or
 - 6) when wearing a covering poses a greater mental or physical health, safety or security risk such as anyone who has trouble breathing, or is unconscious, incapacitated or otherwise unable to remove the cover without assistance.

Children under the age of two (including infants) should not wear cloth face coverings. Those between the ages of two and nine should use them but under adult supervision to ensure that the child can breathe safely and avoid choking or suffocation. Children with breathing problems should not wear a face covering. Parents and Guardians of children under 10 shall be responsible for appropriately masking children pursuant to this Order.

All COVID-19 Suspected Positives, those currently being tested, and untested individuals with cough and/or fever, and household members of same category of individuals shall not leave their residence without a mask or cloth face covering to prevent the spread to others.



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To the greatest extent possible, all individuals working for an Essential Business must wear a mask or cloth face covering whenever in public and whenever performing job duties in the presence of others. To the greatest extent possible, employers shall provide employees with a mask or face covering. An owner or operator of an Essential Business may refuse admission or service to any individual who fails to wear face covering.

Medical grade (N95) and surgical masks should be reserved and used only by medical professionals and first responders. Cloth face coverings are not intended for use by healthcare workers, first responders, and others whose work requires close contact with people who are ill.

Cloth coverings should be made in accordance with CDC Guidance, which can be found here: <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/diy-cloth-face-coverings.html>



DALLAS COUNTY

DCHHS Social Distancing Rules

1) Vulnerable Populations: Limit Outings

- Vulnerable populations include people who are:
 - 60 years old and older.
 - People with certain health conditions such as heart disease, lung disease, diabetes, kidney disease and weakened immune systems.
- For vulnerable populations, don't go to gatherings unless it is essential. Stay home. Avoid people who are sick.

2) Workplace and Businesses: Minimize Exposure

- Suspend nonessential employee travel.
- Ensure employees practice social distancing and do not work within six feet of one another.
- Urge essential employees to stay home when they are sick and maximize flexibility in sick leave benefits.
- Do not require a doctor's note for employees who are sick.
- Maximize telecommuting options.
- Persons who need to be at work to provide essential services of great benefit to the community must take steps in their workplace to minimize risk.

3) Cancel Non-essential Events

- Cancel non-essential events.
- Do not attend any events or gatherings if sick.
- For events that aren't cancelled, we recommend:
 - Having hand washing capabilities, hand sanitizers and tissues available.
 - Frequently cleaning high touch surface areas like counter tops and hand rails.
 - Finding ways to implement social distancing.

4) Schools: Safety First

- Do not have your child attend school if sick.
- If you have a child with chronic health conditions, consult the child's doctor about school attendance.
- Schools should equip all classrooms with hand sanitizers and tissues.
- Recommend rescheduling or cancelling events that are not essential.
- Explore remote teaching and online options to continue learning.
- Schools should develop a plan for citywide school closures, and families should prepare for further closures.

5) Transit: Cleaning and Protection

- Increase cleaning of vehicles and high touch surface areas.
- Provide hand washing/hand sanitizers and tissues in stations and on vehicles.
- Ensure social distancing practices are implemented to the full extent possible.



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6) Health Care Settings: Avoid as possible, protect the vulnerable

- Long-term care facilities should have a COVID-19 plan in accordance with CDC or state guidelines.
- Long-term care facilities should restrict all visitation except for certain compassionate care situations, such as end of life situations.
- The general public should avoid going to medical settings such as hospitals, nursing homes and long-term care facilities, even if you are not ill.
- If you are ill, call your health care provider ahead of time, and you may be able to be served by phone.
- Do not visit emergency rooms unless it is essential.
- Follow guidance and directions of all facilities.

7) Everyone: Do your part

The best way for all Dallas County residents to reduce their risk of getting sick, as with seasonal colds or the flu, still applies to prevent COVID-19:

- Wash hands with soap and water for at least 20 seconds.
- Cough or sneeze into your elbow or a tissue. Throw the tissue in the trash.
- Stay home if you are sick.
- Avoid touching your face.
- Try alternatives to shaking hands, like an elbow bump or wave.
- If you have recently returned from a country, state or region with ongoing COVID-19 infections, monitor your health and follow the instructions of public health officials and CDC guidance.

You can also prepare for the disruption caused by an outbreak. Preparedness actions include:

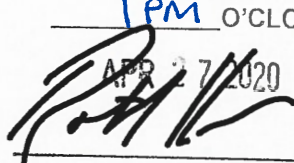
- Prepare to work from home if that is possible for your job, and your employer.
- Make sure you have a supply of all essential medications for your family.
- Prepare a child care plan if you or a caregiver are sick.
- Make arrangements about how your family will manage school closures.
- Plan for how you can care for a sick family member without getting sick yourself.
- Take care of each other and check in by phone with friends, family and neighbors that are vulnerable to serious illness or death if they get COVID-19.
- Keep common spaces clean to help maintain a healthy environment for you and others. Frequently touched surfaces should be cleaned regularly with disinfecting sprays, wipes or common household cleaning products.



GOVERNOR GREG ABBOTT

April 27, 2020

The Honorable Ruth R. Hughs
Secretary of State
State Capitol Room 1E.8
Austin, Texas 78701

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
1 PM O'CLOCK
APR 27 2020

Secretary of State

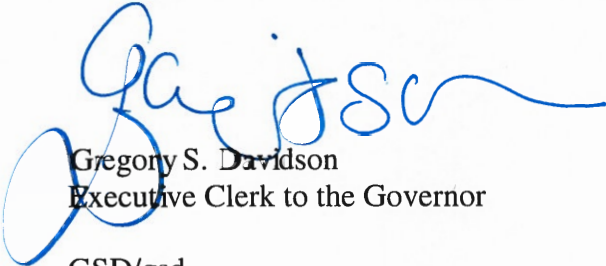
Dear Secretary Hughs:

Pursuant to his powers as Governor of the State of Texas, Greg Abbott has issued the following:

Executive Order No. GA-18 relating to the expanded reopening of services as part
of the safe, strategic plan to Open Texas in response to the COVID-19 disaster.

The original executive order is attached to this letter of transmittal.

Respectfully submitted,

A large, stylized blue ink signature of Gregory S. Davidson.

Gregory S. Davidson
Executive Clerk to the Governor

GSD/gsd

Attachment

POST OFFICE BOX 12428 AUSTIN, TEXAS 78711 512-463-2000 (VOICE) DIAL 7-1-1 FOR RELAY SERVICES

Executive Order

BY THE
GOVERNOR OF THE STATE OF TEXAS

Executive Department
Austin, Texas
April 27, 2020

EXECUTIVE ORDER GA 18

*Relating to the expanded reopening of services as part of the safe, strategic plan to
Open Texas in response to the COVID-19 disaster.*

WHEREAS, I, Greg Abbott, Governor of Texas, issued a disaster proclamation on March 13, 2020, certifying under Section 418.014 of the Texas Government Code that the novel coronavirus (COVID-19) poses an imminent threat of disaster for all counties in the State of Texas; and

WHEREAS, on April 12, 2020, I issued a proclamation renewing the disaster declaration for all counties in Texas; and

WHEREAS, the Commissioner of the Texas Department of State Health Services (DSHS), Dr. John Hellerstedt, has determined that COVID-19 represents a public health disaster within the meaning of Chapter 81 of the Texas Health and Safety Code, and renewed that determination on April 17, 2020; and

WHEREAS, I have issued executive orders and suspensions of Texas laws in response to COVID-19, aimed at protecting the health and safety of Texans and ensuring an effective response to this disaster; and

WHEREAS, I issued Executive Order GA-08 on March 19, 2020, mandating certain obligations for Texans in accordance with the President's Coronavirus Guidelines for America, as promulgated by President Donald J. Trump and the Centers for Disease Control and Prevention (CDC) on March 16, 2020, which called upon Americans to take actions to slow the spread of COVID-19 for 15 days; and

WHEREAS, shortly before Executive Order GA-08 expired, I issued Executive Order GA-14 on March 31, 2020, based on the President's announcement that the restrictive social-distancing Guidelines should extend through April 30, 2020, in light of advice from Dr. Anthony Fauci and Dr. Deborah Birx, and also based on guidance by DSHS Commissioner Dr. Hellerstedt and Dr. Birx that the spread of COVID-19 can be reduced by minimizing social gatherings; and

WHEREAS, Executive Order GA-14 superseded Executive Order GA-08 and expanded the social-distancing restrictions and other obligations for Texans that are aimed at slowing the spread of COVID-19, including by limiting social gatherings and in-person contact with people (other than those in the same household) to providing or obtaining "essential services," and by expressly adopting federal guidance that provides a list of critical-infrastructure sectors, workers, and functions that should continue as "essential services" during the COVID-19 response; and

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Governor Greg Abbott
April 27, 2020

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WHEREAS, after more than two weeks of having in effect the heightened restrictions like those required by Executive Order GA-14, which have saved lives, it was clear that the disease still presented a serious threat across Texas that could persist in certain areas, but also that COVID-19 had wrought havoc on many Texas businesses and workers affected by the restrictions that were necessary to protect human life; and

WHEREAS, on April 17, 2020, I therefore issued Executive Order GA-17, creating the Governor's Strike Force to Open Texas to study and make recommendations on safely and strategically restarting and revitalizing all aspects of the Lone Star State—work, school, entertainment, and culture; and

WHEREAS, also on April 17, 2020, I issued Executive Order GA-16 to replace Executive Order GA-14, and while Executive Order GA-16 generally continued through April 30, 2020, the same social-distancing restrictions and other obligations for Texans according to federal guidelines, it offered a safe, strategic first step to Open Texas, including permitting retail pick-up and delivery services; and

WHEREAS, Executive Order GA-16 is set to expire at 11:59 p.m. on April 30, 2020; and

WHEREAS, Texas must continue to protect lives while restoring livelihoods, both of which can be achieved with the expert advice of medical professionals and business leaders; and

WHEREAS, the “governor is responsible for meeting ... the dangers to the state and people presented by disasters” under Section 418.011 of the Texas Government Code, and the legislature has given the governor broad authority to fulfill that responsibility; and

WHEREAS, under Section 418.012, the “governor may issue executive orders ... hav[ing] the force and effect of law;” and

WHEREAS, under Section 418.016(a), the “governor may suspend the provisions of any regulatory statute prescribing the procedures for conduct of state business ... if strict compliance with the provisions ... would in any way prevent, hinder, or delay necessary action in coping with a disaster;” and

WHEREAS, under Section 418.017(a), the “governor may use all available resources of state government and of political subdivisions that are reasonably necessary to cope with a disaster;” and

WHEREAS, under Section 418.018(c), the “governor may control ingress and egress to and from a disaster area and the movement of persons and the occupancy of premises in the area;” and

WHEREAS, under Section 418.173, failure to comply with any executive order issued during the COVID-19 disaster is an offense punishable by a fine not to exceed \$1,000, confinement in jail for a term not to exceed 180 days, or both fine and confinement.

NOW, THEREFORE, I, Greg Abbott, Governor of Texas, by virtue of the power and authority vested in me by the Constitution and laws of the State of Texas, do hereby order the following on a statewide basis effective immediately, and continuing through May 15, 2020, subject to extension based on the status of COVID-19 in Texas and the

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recommendations of the Governor's Strike Force to Open Texas, the White House Coronavirus Task Force, and the CDC:

In accordance with guidance from DSHS Commissioner Dr. Hellerstedt, and to achieve the goals established by the President to reduce the spread of COVID-19, every person in Texas shall, except where necessary to provide or obtain essential services or reopened services, minimize social gatherings and minimize in-person contact with people who are not in the same household. People over the age of 65, however, are strongly encouraged to stay at home as much as possible; to maintain appropriate distance from any member of the household who has been out of the residence in the previous 14 days; and, if leaving the home, to implement social distancing and to practice good hygiene, environmental cleanliness, and sanitation.

"Essential services" shall consist of everything listed by the U.S. Department of Homeland Security (DHS) in its Guidance on the Essential Critical Infrastructure Workforce, Version 3.0 or any subsequent version, plus religious services conducted in churches, congregations, and houses of worship. Other essential services may be added to this list with the approval of the Texas Division of Emergency Management (TDEM). TDEM shall maintain an online list of essential services, as specified in this executive order and any approved additions. Requests for additions should be directed to TDEM at EssentialServices@tdem.texas.gov or by visiting the TDEM website at www.tdem.texas.gov/essentialservices.

"Reopened services" shall consist of the following to the extent they are not already "essential services:"

1. Retail services that may be provided through pickup, delivery by mail, or delivery to the customer's doorstep.
2. Starting at 12:01 a.m. on Friday, May 1, 2020:
 - a) In-store retail services, for retail establishments that operate at up to 25 percent of the total listed occupancy of the retail establishment.
 - b) Dine-in restaurant services, for restaurants that operate at up to 25 percent of the total listed occupancy of the restaurant; provided, however, that (a) this applies only to restaurants that have less than 51 percent of their gross receipts from the sale of alcoholic beverages and are therefore not required to post the 51 percent sign required by Texas law as determined by the Texas Alcoholic Beverage Commission, and (b) valet services are prohibited except for vehicles with placards or plates for disabled parking.
 - c) Movie theaters that operate at up to 25 percent of the total listed occupancy of any individual theater for any screening.
 - d) Shopping malls that operate at up to 25 percent of the total listed occupancy of the shopping mall; provided, however, that within shopping malls, the food-court dining areas, play areas, and interactive displays and settings must remain closed.
 - e) Museums and libraries that operate at up to 25 percent of the total listed occupancy; provided, however, that (a) local public museums and local public libraries may so operate only if permitted by the local government, and (b) any components of museums or libraries that have interactive functions or exhibits, including child play areas, must remain closed.
 - f) For Texas counties that have filed with DSHS, and are in compliance with, the requisite attestation form promulgated by DSHS regarding five or fewer cases of COVID-19, those in-store retail services, dine-in restaurant services, movie theaters, shopping malls, and museums and libraries, as otherwise defined and limited above, may operate at up to 50 percent (as opposed to 25 percent) of

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April 27, 2020

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- the total listed occupancy.
- g) Services provided by an individual working alone in an office.
 - h) Golf course operations.
 - i) Local government operations, including county and municipal governmental operations relating to permitting, recordation, and document-filing services, as determined by the local government.
 - j) Such additional services as may be enumerated by future executive orders or proclamations by the governor.

The conditions and limitations set forth above for reopened services shall not apply to essential services. Notwithstanding anything herein to the contrary, the governor may by proclamation identify any county or counties in which reopened services are thereafter prohibited, in the governor's sole discretion, based on the governor's determination in consultation with medical professionals that only essential services should be permitted in the county, including based on factors such as an increase in the transmission of COVID-19 or in the amount of COVID-19-related hospitalizations or fatalities.

In providing or obtaining essential services or reopened services, people and businesses should follow the minimum standard health protocols recommended by DSHS, found at www.dshs.texas.gov/coronavirus, and should implement social distancing, work from home if possible, and practice good hygiene, environmental cleanliness, and sanitation. This includes also following, to the extent not inconsistent with the DSHS minimum standards, the Guidelines from the President and the CDC, as well as other CDC recommendations. Individuals are encouraged to wear appropriate face coverings, but no jurisdiction can impose a civil or criminal penalty for failure to wear a face covering.

Religious services should be conducted in accordance with the joint guidance issued and updated by the attorney general and governor.

People shall avoid visiting bars, gyms, public swimming pools, interactive amusement venues such as bowling alleys and video arcades, massage establishments, tattoo studios, piercing studios, or cosmetology salons. The use of drive-thru, pickup, or delivery options for food and drinks remains allowed and highly encouraged throughout the limited duration of this executive order.

This executive order does not prohibit people from accessing essential or reopened services or engaging in essential daily activities, such as going to the grocery store or gas station, providing or obtaining other essential or reopened services, visiting parks, hunting or fishing, or engaging in physical activity like jogging, bicycling, or other outdoor sports, so long as the necessary precautions are maintained to reduce the transmission of COVID-19 and to minimize in-person contact with people who are not in the same household.

In accordance with the Guidelines from the President and the CDC, people shall not visit nursing homes, state supported living centers, assisted living facilities, or long-term care facilities unless to provide critical assistance as determined through guidance from the Texas Health and Human Services Commission (HHSC). Nursing homes, state supported living centers, assisted living facilities, and long-term care facilities should follow infection control policies and practices set forth by the HHSC, including minimizing the movement of staff between facilities whenever possible.

In accordance with the Guidelines from the President and the CDC, schools shall remain temporarily closed to in-person classroom attendance by students and shall not

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
1 PM O'CLOCK

APR 27 2020

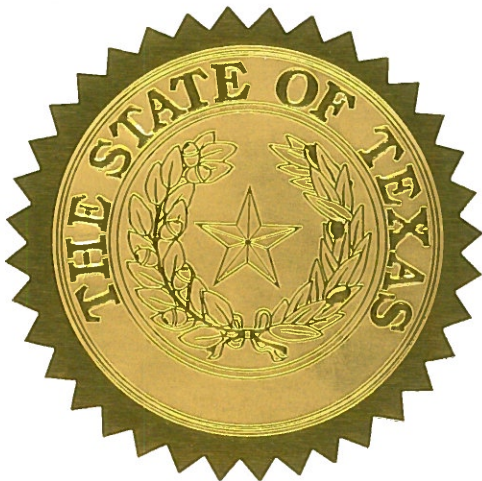
Governor Greg Abbott
April 27, 2020

Executive Order GA-18
Page 5

recommence before the end of the 2019-2020 school year. Public education teachers and staff are encouraged to continue to work remotely from home if possible, but may return to schools to conduct remote video instruction, as well as perform administrative duties, under the strict terms required by the Texas Education Agency. Private schools and institutions of higher education should establish similar terms to allow teachers and staff to return to schools to conduct remote video instruction and perform administrative duties when it is not possible to do so remotely from home.

This executive order shall supersede 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 essential services or reopened services allowed by this executive order, allows gatherings prohibited by this executive order, or expands the list of essential services or the list or scope of reopened services as set forth in this executive order. I hereby suspend Sections 418.1015(b) and 418.108 of the Texas Government Code, Chapter 81, Subchapter E of the Texas Health and Safety Code, and any other relevant statutes, to the extent necessary to ensure that local officials do not impose restrictions inconsistent with this executive order, provided that local officials may enforce this executive order as well as local restrictions that are consistent with this executive order.

This executive order supersedes Executive Order GA-16, but does not supersede Executive Orders GA-10, GA-11, GA-12, GA-13, GA-15, or GA-17. This executive order shall remain in effect and in full force until 11:59 p.m. on May 15, 2020, unless it is modified, amended, rescinded, or superseded by the governor.



Given under my hand this the 27th
day of April, 2020.

A handwritten signature in black ink that reads "Greg Abbott".

GREG ABBOTT
Governor

ATTESTED BY:

A handwritten signature in black ink that reads "Ruth R. Hughs".

RUTH R. HUGHS
Secretary of State

FILED IN THE OFFICE OF THE
SECRETARY OF STATE
1PM O'CLOCK

APR 27 2020



DALLAS COUNTY

SUPPLEMENTAL ORDER OF COUNTY JUDGE CLAY JENKINS ON REOPENED SERVICES AND FOOD PROCESSING PLANTS

DATE ORDER ISSUED: May 4, 2020

WHEREAS, pursuant to Texas Government Code Section 418.108, Dallas County Judge Clay Jenkins issued a Declaration of Local Disaster for Public Health Emergency on March 12, 2020, due to a novel coronavirus now designated SARS-CoV2 which causes the disease COVID-19;

WHEREAS, on March 12, 2020, Judge Jenkins issued an Order in furtherance of his authority to protect the safety and welfare of the public by slowing the spread of the virus;

WHEREAS, on March 16, 2020, President Trump acknowledged the gravity of the COVID-19 pandemic, releasing strict new guidelines to limit people's interactions, including that Americans should avoid groups of more than 10 people;

WHEREAS, on March 19, 2020, the Dallas County Commissioners Court issued an Order of Continuance of Declaration of Local Disaster for Public Health Emergency that affirmed the activation of the Dallas County Emergency Management Plan and extends the Declaration of Local Disaster until 11:59 p.m. on May 15, 2020, unless rescinded by order of the Commissioners Court.

WHEREAS, on March 24, 2020, the World Health Organization indicated that the United States has the potential to become the center of the COVID-19 pandemic;

WHEREAS, on April 27, 2020, Governor Abbott issued an Executive Order reopening certain businesses in Texas for in-person services so long as certain workplace safety rules are followed;

WHEREAS, this Supplemental Order is necessary to protect the lives, health, welfare, and safety of the County's residents from the devastating impacts of this pandemic;

THEREFORE, County Judge Clay Jenkins hereby ISSUES the following Supplemental Order as follows:

UNDER THE AUTHORITY OF TEXAS GOVERNMENT CODE SECTION 418.108, DALLAS COUNTY JUDGE CLAY JENKINS ORDERS:

1. Effective as of 5:00 p.m. on May 4, 2020, and continuing until 11:59 p.m. on May 15, 2020:
 - a. "Reopened Services" may operate in Dallas County in compliance with this Order. For purposes of this Order, "**Reopened Services**" means:
 - i. Retail services that may be provided through pickup, delivery by mail, or delivery to the customer's doorstep;
 - ii. In-store retail services, for retail establishments that operate at up to 25 percent of the total listed occupancy of the retail establishment;
 - iii. Dine-in restaurant services, for restaurants that operate at up to 25 percent of the total listed occupancy of the restaurant; provided, however, that (a)



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this applies only to restaurants that have less than 51 percent of their gross receipts from the sale of alcoholic beverages and are therefore not required to post the 51 percent sign required by Texas law as determined by the Texas Alcoholic Beverage Commission, and (b) valet services are prohibited except for vehicles with placards or plates for disabled parking;

- iv. Movie theaters that operate at up to 25 percent of the total listed occupancy of any individual theater for any screening;
 - v. Shopping malls that operate at up to 25 percent of the total listed occupancy of the shopping mall; provided, however, that within shopping malls, the food court dining areas, play areas, and interactive displays and settings must remain closed;
 - vi. Museums and libraries that operate at up to 25 percent of the total listed occupancy; provided, however, that (a) local public museums and local public libraries may so operate only if permitted by the local government, and (b) any components of museums or libraries that have interactive functions or exhibits, including child play areas, must remain closed;
 - vii. Services provided by an individual working alone in an office; and
 - viii. Golf course operations.
 - ix. Local government operations, including county and municipal governmental operations relating to permitting, recordation, and document-filing services, as determined by the local government.
- b. Reopened Services must comply Minimum Standard Health Protocols, in *The Governor's Report to Open Texas*, issued April 27, 2020. For clarity, to the extent the Governor's Minimum Standard Health Protocols are recommendations, the Health Protocols are adopted as mandatory rules in Dallas County. Individuals, employers, employees, and customers in Dallas County must comply with the following applicable Minimum Standard Health Protocols, to the greatest extent possible:
- i. Minimum Standard Health Protocols for All Individuals.
 - ii. Minimum Standard Health Protocols for All Employers.
 - iii. Minimum Standard Health Protocols for Retailers.
 - iv. Minimum Standard Health Protocols for Retail Customers.
 - v. Minimum Standard Health Protocols for Restaurants.
 - vi. Minimum Standard Health Protocols for Restaurant Customers.
 - vii. Minimum Standard Health Protocols for Movie Theaters.
 - viii. Minimum Standard Health Protocols for Movie Theater Customers.
 - ix. Minimum Standard Health Protocols for Museums and Libraries.
 - x. Minimum Standard Health Protocols for All Museum and Library Visitors.
 - xi. Minimum Standard Health Protocols for Outdoor Sports Participants.
 - xii. Minimum Standard Health Protocols for Churches/Places of Worship.
 - xiii. Minimum Standard Health Protocols for Single-Person Offices.

The Steps to Open Texas Business, which include the Minimum Standard Health Protocols, collectively, are attached as Exhibit C to these Emergency Regulations. Any reference to the geographic area of Texas in Order GA-18 shall instead mean the Dallas County. Whenever the phrase "Governor Abbott's executive order GA-



DALLAS COUNTY

18” is used in the Minimum Standard Health Protocols, it shall instead mean this Supplemental Order. Any reference to the word “recommended” in the Minimum Standard Health Protocols, adopted as part of these Emergency Regulations, shall instead mean “must comply to the greatest extent possible.”

2. **Food Preparation and Processing Plants.** All food manufacturing and processing plants, including meat and poultry processing facilities, fruit and vegetable plants, dairy plants, and other food and beverage plants. In addition to OSHA and CDC guidelines, all food preparation and processing plants must follow the Rules for Food Preparation and Processing Plants set forth in Exhibit A.
3. **Covering of Nose and Mouth:** Because an infected person can transmit the COVID-19 virus to others before showing any symptoms, the covering of a person’s nose and mouth is necessary to help slow the spread of the virus. To the greatest extent possible all persons over the age of two (2) shall wear some form of covering over their nose and mouth, such as a homemade mask, scarf, bandana or handkerchief, when patronizing an Essential Business or Reopened Service, or using public transportation pursuant to the rules outlined in Exhibit B. Parents and Guardians of children under 10 shall be responsible for appropriately masking children pursuant to this Order. To the greatest extent possible, all non-medical employees who work at an Essential Businesses and Reopened Service or perform services that are exempt under this Order must wear face coverings over their noses and mouths while performing their work. An owner or operator of an Essential Business or Reopened Service may refuse admission or service to any individual who fails to wear face covering. Wearing a face covering is not a substitute for maintaining 6-foot social distancing and hand washing, as these remain important steps to slowing the spread of the virus. The enforcement provisions set forth in this Order are not applicable to this cloth covering requirement and no law enforcement officer shall stop, detain, or arrest any person based on a person failing to wear a cloth covering or mask.
4. This Order shall be in effect until 11:59 p.m. on May 15, 2020, or until it is either rescinded, superseded, or amended pursuant to applicable law.
5. The County of Dallas must promptly provide copies of this Order by posting on the Dallas County Health and Human Services website. In addition, the owner, manager, or operator of any facility that is likely to be impacted by this Order is strongly encouraged to post a copy of this Order onsite and to provide a copy to any member of the public asking for a copy. If any subsection, sentence, clause, phrase, or word of this Order or any application of it to any person, structure, gathering, or circumstance is held to be invalid or unconstitutional by a decision of a court of competent jurisdiction, then such decision will not affect the validity of the remaining portions or applications of this Order.
6. The Dallas County Sheriff’s Office, the Dallas County Fire Marshal’s Office, and other peace officers, are hereby authorized to enforce this Order. A violation of this order may be punishable through criminal or civil enforcement. A violation of this Order is a misdemeanor punishable by a fine not to exceed \$1,000 and/or confinement in jail for a term not to exceed 180 days.

IT IS SO ORDERED
CLAY JENKINS
DALLAS COUNTY JUDGE



DALLAS COUNTY

EXHIBIT A

Rules for Food Preparation and Processing Plants

Rules for Food Preparation and Processing Plants:

- Food preparation and processing plants shall implement a system whereby all employees take their temperature at home and upon arriving at work are screened for the following: new or worsening cough, shortness of breath, sore throat, loss of taste or smell, feeling feverish or an onsite measured temperature greater than or equal to 100.0 degrees Fahrenheit, or known close contact with a person who is lab-confirmed to have COVID-19. Any employee who meets any of these criteria must be sent home;
- Employees must wash or disinfect hands upon entering the plant, after any interaction with other employees, and after the use of any shared items;
- To the greatest extent possible, all employees must wear cloth face coverings over the nose and mouth;
- Food preparation and processing plants shall regularly and frequently clean and disinfect any regularly touched surfaces, such as restrooms, doorknobs, tables, and chairs;
- Remove turnstiles and other physical barriers at the entrance that would be touched by employees one after the other;
- Food preparation and processing plants shall implement a system by which all employees maintain at least 6 feet separation from one another and other individuals, including:
 - Mark out 6 foot distances for workers to stand in while they wait to punch in or create methods for employee time-tracking other than using a common time-clock to minimize workers congregating;
 - Stagger start, break and lunch times;
 - Mark out a 6 foot line in front of supervisor/management desk;
 - No meetings without 6 foot distances between chairs or people;
 - Identify areas where employees congregate – such as locker rooms, donning and doffing areas for PPE, breakrooms, etc. and ensure social distancing is possible in these areas;
 - Restrict specific areas of the plant to individuals who need to be in that area;
 - Consider physical barriers on the line or reduce line speeds so that lines can operate with fewer employees spaced further apart; and
 - To the greatest extent possible, create alternating shifts for different types of work activities, or split plant operations from one shift into two, to create situations in which fewer employees have to interact.



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EXHIBIT B

Guidance on Covering Nose and Mouth

A significant percentage of individuals with the COVID-19 virus lack symptoms. Because an infected person can transmit the virus to others before showing any symptoms, the covering of a person's nose and mouth when visiting an Essential Business or Reopened Service is necessary to help prevent the spread of COVID-19. This is consistent with the findings of the CDC and Dallas County Health Authority.

Staying home is the best way to help reduce the spread of the virus, but if an individual must leave their place of residence to visit an Essential Business or Reopened Service, wearing a fabric face mask shall be used as outlined in this Order. Wearing a face covering is not a substitute for maintaining 6-feet social distancing and hand washing, as these remain important steps to slowing the spread of the virus. The face coverings recommended are not surgical masks or N-95 respirators, which are critical supplies that must continue to be reserved for healthcare workers and first responders.

The public in general and Essential Business employees shall comply with the following:

- A. To the greatest extent possible, all persons over the age of two (2) shall wear some form of covering over their nose and mouth, such as a homemade mask, scarf, bandana or handkerchief, when:
 - 1) patronizing an Essential Business or Reopened Service; and
 - 2) using public transportation, taxis, or ride shares.
- B. This section shall not apply to persons that are:
 - 1) riding in a personal vehicle;
 - 2) that are alone in a separate single space, such as an enclosed office;
 - 3) that are in the presence only of other members of their household or residence;
 - 4) engaging in outdoor activity;
 - 5) eating; or
 - 6) when wearing a covering poses a greater mental or physical health, safety or security risk such as anyone who has trouble breathing, or is unconscious, incapacitated or otherwise unable to remove the cover without assistance.

Children under the age of two (including infants) should not wear cloth face coverings. Those between the ages of two and nine should use them but under adult supervision to ensure that the child can breathe safely and avoid choking or suffocation. Children with breathing problems should not wear a face covering. Parents and Guardians of children under 10 shall be responsible for appropriately masking children pursuant to this Order.

All COVID-19 Suspected Positives, those currently being tested, and untested individuals with cough and/or fever, and household members of same category of individuals shall not leave their residence without a mask or cloth face covering to prevent the spread to others.



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To the greatest extent possible, all individuals working for an Essential Business or Reopened Service must wear a mask or cloth face covering whenever in public and whenever performing job duties in the presence of others. To the greatest extent possible, employers shall provide employees with a mask or face covering. An owner or operator of an Essential Business or Reopened Service may refuse admission or service to any individual who fails to wear face covering.

The enforcement provisions set forth in this Order are not applicable to this cloth covering requirement and no law enforcement officer shall stop, detain, or arrest any person based on a person failing to wear a cloth covering or mask.

Medical grade (N95) and surgical masks should be reserved and used only by medical professionals and first responders. Cloth face coverings are not intended for use by healthcare workers, first responders, and others whose work requires close contact with people who are ill.

Cloth coverings should be made in accordance with CDC Guidance, which can be found here: <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/diy-cloth-face-coverings.html>