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CAUSE NO. 468-54065-2025

In the Matter of the Marriage of	§	IN THE DISTRICT COURT OF
	§	
ANGELA SUZANNE PAXTON and	§	468TH JUDICIAL DISTRICT
	§	
WARREN KENNETH PAXTON, JR.	§	COLLIN COUNTY, TEXAS

MEDIA INTERVENORS' PLEA IN INTERVENTION
TO UNSEAL COURT RECORDS

Dow Jones & Company, Inc., The Washington Post, Hearst Newspapers, LLC, Pro Publica Inc., The Texas Lawbook, The Texas Observer, The Texas Tribune, and The Texas Newsroom (collectively the "Media Intervenors") file this limited-purpose plea in intervention to vindicate the public's First Amendment right of access and to unseal the records, filings, and orders in this action, subject only to narrowly tailored redactions of information that is protected by a specific, compelling, and legally cognizable privacy interest. The Media Intervenors respectfully request that the Court grant this plea in intervention, vacate the prior sealing order, and order that all filings in this case be unsealed and made available for the public's review and inspection, subject to the limited exceptions described herein.

I. INTRODUCTION AND INTEREST OF INTERVENORS

1. The Media Interventors are state, local, and national news organizations with long-standing commitments to report on matters of significant public interest, including the conduct of public officials and the administration of justice. The Media Intervenors are:

- Dow Jones & Company, Inc., the publisher of The Wall Street Journal;
- WP Company LLC, the publisher of The Washington Post;

- Hearst Newspapers, LLC, owner and publisher of several newspapers across the country and in Texas, including the Houston Chronicle, San Antonio Express-News, and Austin American-Statesman;
- Pro Publica Inc., a non-profit newsroom that focuses on investigative journalism with the aim of serving the public interest;
- The Texas Lawbook, an online news organization focused on the legal industry in Texas;
- The Texas Observer, an independent investigative news publication based in Austin that addresses matters of public concern;
- The Texas Tribune, a nonpartisan, digital-first news organization based in Texas that focuses on informing Texans and empowering them with the information they need to engage with their government and participate in civil life; and
- The Texas Newsroom, a public radio journalism collaboration that includes stations in Houston, San Antonio, Austin, and across the state.

2. As news organizations with a long-standing history of reporting on matters of public interest, the Media Intervenors have a constitutionally recognized right to pursue information of a public interest. Indeed, it is a bedrock principal of constitutional law that news gathering is protected by the First Amendment—"without some protection for seeking out the news, freedom of the press could be eviscerated." *Branzburg v. Hayes*, 408 U.S. 665, 681 (1972).

3. Both parties to this divorce are elected officials. Warren Kenneth Paxton, Jr. is the Attorney General of Texas and a current U.S. Senate candidate, and Angela Suzanne Paxton is a Texas Senator. The grounds alleged for divorce and the disposition of property are of substantial public interest because they bear on integrity in public office, potential use of public resources, and transparency in judicial proceedings.

4. Under Texas law, the Media Intervenors have standing to intervene and challenge the Court's prior order sealing this case. *See In re Houston Chronicle Pub. Co.*,

64 S.W.3d 103, 106–08 (Tex. App.—Houston [14th Dist.] 2001, orig. proceeding) (holding that non-party newspaper had standing to challenge a trial court gag order because "it limits access to certain sources of information"). As the Fourteenth Court of Appeals recently explained in finding that a media company had standing to challenge a sealing order in a divorce case, Texas courts have "recognized a media entity's standing to request access to court records even when the media entity has no stake in the litigation itself and seeks no relief other than access to public documents." *In re Dolcefino Commcn's, LLC*, -- S.W.3d --, 2025 WL 2471307, at *4 (Tex. App.—Houston [14th Dist.] Aug. 28, 2025, orig. proceeding).

II. RIGHT OF ACCESS AND GOVERNING LAW

5. Public access to records in actions arising under the Family Code is governed by common law and constitutional principles. Rule 76a expressly excludes such records from its definition of "court records" but confirms that access remains governed by existing law and that no court order or opinion in any civil case may be sealed. *See* Tex. R. Civ. P. 76a(2)(a)(3), 76a(9), 76a(1).

6. As recently noted by the Texas Supreme Court *in a divorce proceeding*, "The public generally has a right to access judicial proceedings except for those rare cases in which competing rights or interests outweigh the public's interest." *Baker v. Bizzle*, 687 S.W.3d 285, 294 (Tex. 2024). The Texas Supreme Court noted that "[t]his right, which is a fundamental element of the rule of law, is recognized under the common law, constitutionally guaranteed, and incorporated into our procedural rules requiring court

proceedings and court records to be open to the public." *Id.* (citations and internal quotation marks omitted).

7. Texas common law recognizes a strong presumption in favor of public access to judicial records and proceedings. This presumption is rooted in the principle that the courts are public institutions, and their proceedings and records are presumptively open to public scrutiny. *See Nixon v. Warner Commc'ns, Inc.*, 435 U.S. 589, 597 (1978) (recognizing the common law right to inspect and copy judicial records); *Binh Hoa Le v. Exeter Fin. Corp.*, 990 F.3d 410, 416 (5th Cir. 2021) ("Judicial records are public records. And public records, by definition, presume public access.").

8. Any restriction on the public's right of access to court proceedings must be justified by a showing of a compelling interest that outweighs the public's right to know. The burden rests on the party seeking to close the courthouse doors to demonstrate that (a) sealing is necessary to protect a specific, serious, and substantial interest, and (b) no less restrictive alternatives (such as redactions) are available to protect that interest.

III. FAMILY LAW DOES NOT ALTER THE PRESUMPTION OF OPENNESS

9. The divorce proceedings between Senator Paxton and AG Paxton are matters of significant public interest. Both parties are elected officials, and the issues raised in this matter—including allegations of adultery and requests for disproportionate division of property—may bear directly on the conduct of public office, the use of public resources, and the financial interests of public servants. The public has a compelling and legitimate interest in understanding the conduct of these public officers, the nature and extent of assets held by these long-serving public officers, and any allegations of fault, misconduct, or abuse

of trust—particularly where such issues may bear on the performance of official duties, the ethical obligations of office, or AG Paxton's service in current or future public office.

10. The fact that this case arises under the Family Code does not justify sealing any records. Courts across the country have consistently held that family law proceedings, including divorce actions, are presumptively open to the public—particularly where no overriding privacy interests outweigh the public's right to access. *See* W. Thomas McGough, Jr., *Public Access to Divorce Proceedings: A Media Lawyer's Perspective*, 17 J. Am. Acad. Matrim. Law 29, 31 (2001) ("While it may come as a surprise to some involved in family practice, the law in most jurisdictions favors, sometimes very strongly, the openness of divorce proceedings."); *Falconi v. Eighth Jud. Dist. Ct.*, 543 P.3d 92, 97 (Nev. 2024) ("Traditionally, across the nation, family law proceedings are, and have been, presumptively open.") (citing example cases from New York, California, Louisiana, New Jersey, and North Carolina).

11. In divorce proceedings involving elected public officials, courts in other jurisdictions have noted that "a public official has a significantly diminished privacy interest with respect to information relevant to the conduct of his office." *George W. Prescott Pub. Co. v. Register of Prob. for Norfolk Cnty.*, 479 N.E.2d 658, 662 (Mass. 1985). This "limited expectation of privacy" must be weighed against "the public's interest in learning whether public servants are carrying out their duties in an efficient and law-abiding manner." *Id.* at 662–63 (citations and internal quotation marks omitted); *see also Gallego v. Wash. Free Beacon*, No. 1 CA-CV 24-0527, 2024 WL 4459307, at *1–3 (Ariz. Ct. App. Oct. 10, 2024) (noting the presumption of openness to court records and affirming trial

court order granting motion to unseal filed by a newspaper seeking access to divorce records during the campaign of then-U.S. Representative Ruben Gallego for U.S. Senate).

12. In short, the fact that this case arises in a family law context does not warrant the extraordinary remedy of sealing. The same presumption of openness that applies to every case is equally applicable here. Absent a compelling, narrowly tailored justification supported by specific findings, the Court must uphold the public's constitutional and common-law right of access.

IV. HEIGHTENED PUBLIC INTEREST IN THIS CASE

13. Where, as here, the parties are not private citizens but elected constitutional officers, the need for transparency is heightened, not diminished. Allegations that might suggest abuse of marital assets, concealment of financial information, or personal conduct inconsistent with public responsibility are not merely private—they are of public consequence. The public's interest is further heightened by the fact that AG Paxton is a current candidate for U.S. Senate in a contentious and highly publicized primary election.

14. AG Paxton's tenure has been marked by sustained, high-profile controversies, underscoring the public's need to scrutinize matters that bear on his conduct while in public office and public accountability. That scrutiny is properly facilitated through open courts. That is particularly true given that many of these controversies involve matters that have been put at issue in this proceeding.

15. The publicly reported controversies include the following:

- **Texas Rangers & Collin County District Attorney (2015):** Collin County District Attorney Greg Willis referred AG Paxton to the Texas Rangers over alleged securities law violations. In 2015, he was indicted on three felony securities fraud charges.

- **U.S. Securities and Exchange Commission (2015–2017)**: The SEC filed a civil enforcement action alleging that AG Paxton solicited investors for Servergy, Inc. without disclosing that he was compensated, thereby defrauding them.

- **FBI & U.S. Department of Justice (2020–2024)**: In 2020, eight senior aides in AG Paxton's office reported him to the FBI, alleging that he abused his office to benefit a political donor. The investigation was transferred to the DOJ's Public Integrity Section.

- **State Bar of Texas (2021–2025)**: The Commission for Lawyer Discipline brought disciplinary proceedings alleging that AG Paxton knowingly made misrepresentations to the U.S. Supreme Court when challenging the 2020 election results.

- **Texas House Impeachment (2023)**: AG Paxton became the only sitting Attorney General in Texas history to be impeached. He is one of only three officials in state history to stand trial before the Senate on articles of impeachment.

- **Whistleblower Lawsuit (2025)**: In April 2025, a Travis County judge found that the Office of the Attorney General, under AG Paxton's leadership, had violated the Texas Whistleblower Act, awarding more than $6.6 million in damages and fees to four former senior aides.

These sustained, serious, and high-profile matters raise questions about AG Paxton's conduct in public office and his fidelity to the law.

V. LESS-RESTRICTIVE MEANS EXIST

16. Texas courts routinely protect truly sensitive information through targeted measures—*e.g.*, redaction of Social Security numbers, account identifiers, medical records, or narrowly tailored protective orders. Wholesale sealing is impermissible absent a specific, compelling showing that no narrower means will protect a cognizable interest. *See Binh Hoa Le*, 990 F.3d at 420 (criticizing sealing practices that are "wholesale" and "perpetual" and give the parties "nigh-boundless discretion to label things confidential").

17. Here, neither the motion to seal nor the sealing order contains any facts or evidence, discussion of a compelling need for confidentiality, or consideration of less restrictive means. For that reason, the sealing order is improper and should be vacated. *See id*. (rejecting sealing of documents when "there is no sealing analysis—no reasons given, no authorities cited, no document-by-document inquiry").

18. The Court should require any party seeking sealing to identify, line-by-line, the material that allegedly warrants protection and to carry the burden with admissible evidence. The Court should then conduct an *in camera* review to determine whether to seal specific documents or portions of documents rather than the entire record.

VI. PRAYER

The Media Intervenors respectfully request that the Court grant this Plea in Intervention, vacate the prior sealing order, and order that all records, filings, and orders in this proceeding be unsealed and made available for public inspection, except for those portions, if any, that the Court finds, after notice and hearing, are subject to a specific and compelling privacy interest that cannot be protected by less restrictive means.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on September 16, 2025, a true and correct copy of this document was served on all counsel of record pursuant to the Texas Rules of Civil Procedure.

/s/ Tyler J. Bexley
Tyler J. Bexley

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