

IN THE DISTRICT COURT OF EL PASO COUNTY, TEXAS
384TH JUDICIAL DISTRICT COURT

JOSEPH C. PICKETT,

Plaintiff,

v.

CITY OF EL PASO, TEXAS

Defendant,

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Cause 2020DCV3514

FINDINGS OF FACT AND CONCLUSIONS OF LAW

1. Plaintiff JOSEPH C. PICKETT has standing to bring this lawsuit as an El Paso taxpayer and a customer for trash pickup who has been paying the franchise fee.

2. Defendant THE CITY OF EL PASO's franchise fee assessed by the Environmental Services Department is unreasonable, excessive, and/or intended to raise revenue making it a tax as specifically delineated by the evidence presented at trial summarized above based on the arguments raised in this brief.

3. Based on the evidence presented by a preponderance of the evidence, the franchise fee is unconstitutional and should be discontinued. The franchise fee constitutes an impermissible tax, is an unconstitutional taking, and/or is not authorized by law. The ordinance is invalid as written and has not been followed by Defendant CITY OF EL PASO.

4. Plaintiff JOSEPH C. PICKETT is entitled to and the Court renders judgment for Plaintiff for actual damages for the \$6 monthly fee, attorney's fees in the amount of \$33,107.82, appellate attorney's fees, in the event of an appeal, in the amount of \$37,500, court costs, and prejudgment and post judgment interest.

SIGNED AND ENTERED on August 13, 2024.



HONORABLE PATRICK GARCIA