

CAUSE NO. _____

NORTHWEST INDEPENDENT
SCHOOL DISTRICT,

Plaintiff,

vs.

QUAIL CREEK GUN RANGE,

Defendant.

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IN THE DISTRICT COURT

____ JUDICIAL DISTRICT

DENTON COUNTY, TEXAS

PLAINTIFF’S VERIFIED PETITION AND
APPLICATION FOR A TEMPORARY RESTRAINING ORDER
AND FOR TEMPORARY AND PERMANENT INJUNCTIONS

Plaintiff Northwest Independent School District (“NISD”) files its Verified Petition and Application for a Temporary Restraining Order and for Temporary and Permanent Injunctions against Defendant Quail Creek Gun Range (“Gun Range”) as follows:

I.
INTRODUCTION

This lawsuit seeks injunctive relief to enjoin the Gun Range from operating in a manner that negligently allows bullets fired from the Gun Range to damage public school district property and endanger the safety of middle school students and parents, campus staff, and visitors.

II.
DISCOVERY CONTROL PLAN

NISD intends to conduct discovery under Level 2 of Tex. R. Civ. P. 190.3 and affirmatively pleads that this suit is not governed by the expedited actions process in Tex. R. Civ. P. 16a because NISD requests injunctive relief.

III.
RULE 47(c) STATEMENT

NISD currently only seeks non-monetary relief.

IV. PARTIES

Plaintiff NISD is a Texas public school district. The campus at issue is Barksdale Middle School in Denton County, Texas.

Defendant Quail Creek Gun Range is a Texas limited liability company. Defendant Gun Range may be served with process by serving its owner and registered agent David Rose at 13800 FM 1171, Northlake, Texas 76262.

V. FACTS

NISD is opening a new middle school in the 2026-2027 school year: Barksdale Middle School. August 12, 2026 is the first day of school. Staff are already working on site to get ready for the new school year.

The school is located near Quail Creek Gun Range (approximately one mile away).¹ See Exhibit A hereto, which is a Google Maps screenshot. Construction of the school began in or around October 2024 and it was ready for occupancy on July 23, 2026.

Since May 2026, two bullets have been found lodged in the exterior of the middle school building. The first bullet struck the school's exterior brick on May 9, 2026 at approximately 3:10 p.m. A construction crew was working on site at the time the bullet struck the exterior brick of the building and reported it to NISD. See Exhibit B hereto, photos of the bullets in the school wall. The second bullet was discovered on or around July 28, 2026, in an exterior window of the press box at the football stadium. See Exhibit C hereto, photos of the bullet in the window. Based on the location of the bullets, it is believed the bullets came from people shooting toward the school from

¹ Depending on factors such as the type of firearm and type of bullet used as well as "shooter technique," a bullet can travel from 1 to 3 miles. See, e.g., www.berrymfg.com/how-far-can-a-bullet-travel/; www.beasafehunter.org/dangerous-rifle-ranges.

inside the Gun Range. There is a berm on the Gun Range intended to stop bullets, but it appears patrons can fire over the berm and strike the school. In addition to the current property damage, NISD staff are concerned that students, parents, staff and/or visitors may be struck by stray bullets when they are on campus.

A police report was filed after the first bullet was found. After the second bullet, NISD reached out to Northlake Police Department. Northlake PD visited the owner of the Gun Range on or about July 29, 2026.

NISD's Executive Director of Safety & Security, Mike Conklin, and Director of Safety & Security, Alan Beck, met with David Rose, the owner of the Gun Range on July 30, 2026, about the safety concerns. Mr. Rose explained protective measures that the Gun Range currently has in place; however, Mr. Rose also agreed that (1) it was possible for an individual to elevate a firearm sufficiently so to fire a bullet over the existing berm – Mr. Rose referred to such an individual as a “goober” and explained that the possibility of an individual intentionally or inadvertently elevating a firearm and shooting over the berm was a concern, and (2) the Gun Range's current set up does not physically prevent an individual from elevating a firearm and firing a bullet over the berm. Mr. Rose also agreed that more safety measures could prevent bullets from being fired over the berm, but the Gun Range has not taken such measures.²

VI. CAUSE OF ACTION

A. Negligence

NISD re-alleges the paragraphs above as if fully set forth herein.

² See Tex. Health & Safety Code § 756.042: “The owner of an outdoor shooting range shall construct and maintain the range according to standards that are at least as stringent as the standards printed in the National Rifle Association range manual.”

The Gun Range owes a duty to NISD, Barksdale Middle School students and parents, Barksdale Middle School staff, and Barksdale Middle School visitors to take reasonable measures to prevent bullets fired from the Gun Range from striking the middle school and endangering the safety of persons and property. The Gun Range has breached its duty because it has not taken appropriate preventative measures to prevent bullets from being fired into the middle school. Because of the Gun Range's breach of its duty, bullets fired from the Gun Range have struck the middle school. This constitutes negligence, for which NISD hereby sues. As relief, NISD currently seeks a Temporary Restraining Order and temporary and permanent injunctions.

VII. CONDITIONS PRECEDENT

All conditions precedent to NISD's claim for relief have been performed or have occurred.

VIII. APPLICATION FOR TEMPORARY RESTRAINING ORDER AND TEMPORARY AND PERMANENT INJUNCTIONS

NISD re-alleges the paragraphs above as if fully set forth herein.

Pursuant to Tex. R. Civ. P. 680 *et seq.* and Tex. Civ. Prac. & Rem. Code §65.011, NISD seeks a TRO and a temporary and permanent injunction as set forth below. NISD will suffer immediate and irreparable injury unless the Gun Range is immediately and permanently enjoined from allowing any patron or staff of the Gun Range to discharge a firearm or firearm projectile (i.e., bullet) that is capable of travelling the distance from the Gun Range to Barksdale Middle School unless and until the Gun Range implements appropriate reasonable safety measures at least as stringent as the standards printed in the National Rifle Association range manual that prevent any bullets from being fired from the Gun Range and entering the Barksdale Middle School campus.

A. Applicable Legal Standard

To obtain temporary injunctive relief, an applicant must prove three elements: (1) a cause of action against the defendant; (2) a probable likelihood of success on the merits³; and (3) a probable, imminent, and irreparable injury in the interim for which there is no adequate remedy at law. See *Butnaru v. Ford Motor Co.*, 84 S.W.3d 198, 204 (Tex. 2002). Similarly, to be entitled to a permanent injunction, an applicant must prove (1) a wrongful act; (2) imminent harm; (3) an irreparable injury; and (4) the absence of an adequate remedy at law. *Huynh v. Blanchard*, 694 S.W.3d 648, 674 (Tex. 2024).

B. Application of Law to Fact

1. Justiciable Controversy/Cause of Action

As set forth above, a justiciable controversy exists between the parties as to whether the Gun Range's acts and/or omissions are negligent. Accordingly, this case involves a viable cause of action.

2. Likelihood of Success on the Merits

NISD is likely to succeed on the merits of its negligence claim. The facts show that the Gun Range has breached its duty to prevent bullets from being fired from the Gun Range and endangering the safety of NISD students, staff, visitors, and property.

3. Probable, Imminent, Irreparable Injury

Absent injunctive relief from this Court, NISD will suffer a probable, imminent, irreparable injury.

Harm is probable and imminent because the Gun Range, if not restrained, will otherwise continue to operate in a manner that allows bullets fired from the Gun Range to damage public

³ Importantly, to be entitled to a temporary injunction, "the applicant is not required to establish that [it] will prevail on final trial." *Walling v. Metcalfe*, 863 S.W.2d 56, 58 (Tex. 1993).

school district property and endanger the safety of middle school students, campus staff, and visitors.

In addition, the harm is irreparable because the danger to public safety at Barksdale Middle School cannot be adequately compensated in damages, meaning there is no adequate remedy at law.

4. Bond

NISD is willing to post bond. NISD, because it is a public entity, requests that the Court set the bond for a nominal amount not to exceed \$1,000.00 for the Temporary Restraining Order and Temporary Injunction.

5. Requested Temporary Restraining Order/Injunction

NISD has established a viable cause of action for negligence, a probable right to recovery, and a probable, imminent, and irreparable injury in the interim. NISD is therefore entitled to a Temporary Restraining Order and a temporary injunction.

After a hearing, NISD asks this Court pending a final trial or other disposition on the merits, to enter a Temporary Restraining Order and then a temporary injunction enjoining the Gun Range from allowing any patron or staff of the Gun Range to discharge a firearm or firearm projectile (i.e., bullet) that is capable of travelling the distance from the Gun Range to Barksdale Middle School unless and until the Gun Range implements appropriate reasonable safety measures at least as stringent as the standards printed in the National Rifle Association range manual that prevent any bullets from being fired from the Gun Range and entering the Barksdale Middle School campus.

NISD also requests that this Court set this matter for trial on the merits and, following trial, enter a permanent injunction enjoining the Gun Range from allowing any patron or staff of the

Gun Range to discharge a firearm or firearm projectile (i.e., bullet) that is capable of travelling the distance from the Gun Range to Barksdale Middle School unless and until the Gun Range implements appropriate reasonable safety measures at least as stringent as the standards printed in the National Rifle Association range manual that prevent any bullets from being fired from the Gun Range and entering the Barksdale Middle School campus.

**IX.
OBJECTION TO ASSOCIATE JUDGE**

NISD objects to the referral of this case to an associate judge for hearing a trial on the merits or presiding at a jury trial.

**X.
PRAYER**

Plaintiff NISD respectfully asks for a judgment in its favor against Defendant Quail Creek Gun Range as follows:

- a. A Temporary Restraining Order and temporary and permanent injunctions enjoining the Gun Range from allowing any patron or staff of the Gun Range to discharge a firearm or firearm projectile (i.e., bullet) that is capable of travelling the distance from the Gun Range to Barksdale Middle School unless and until the Gun Range implements appropriate, reasonable safety measures at least as stringent as the standards printed in the National Rifle Association range manual that prevent any bullets from being fired from the Gun Range and entering the Barksdale Middle School campus.
- b. Court costs.
- c. Post-judgment interest on any amounts awarded.
- d. Any additional equitable or legal relief to which NISD is entitled.

Respectfully Submitted,

**ABERNATHY, ROEDER, BOYD &
HULLETT, P.C.**

/s/Charles J. Crawford

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**ATTORNEYS FOR NORTHWEST
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DECLARATION OF MICHAEL CONKLIN

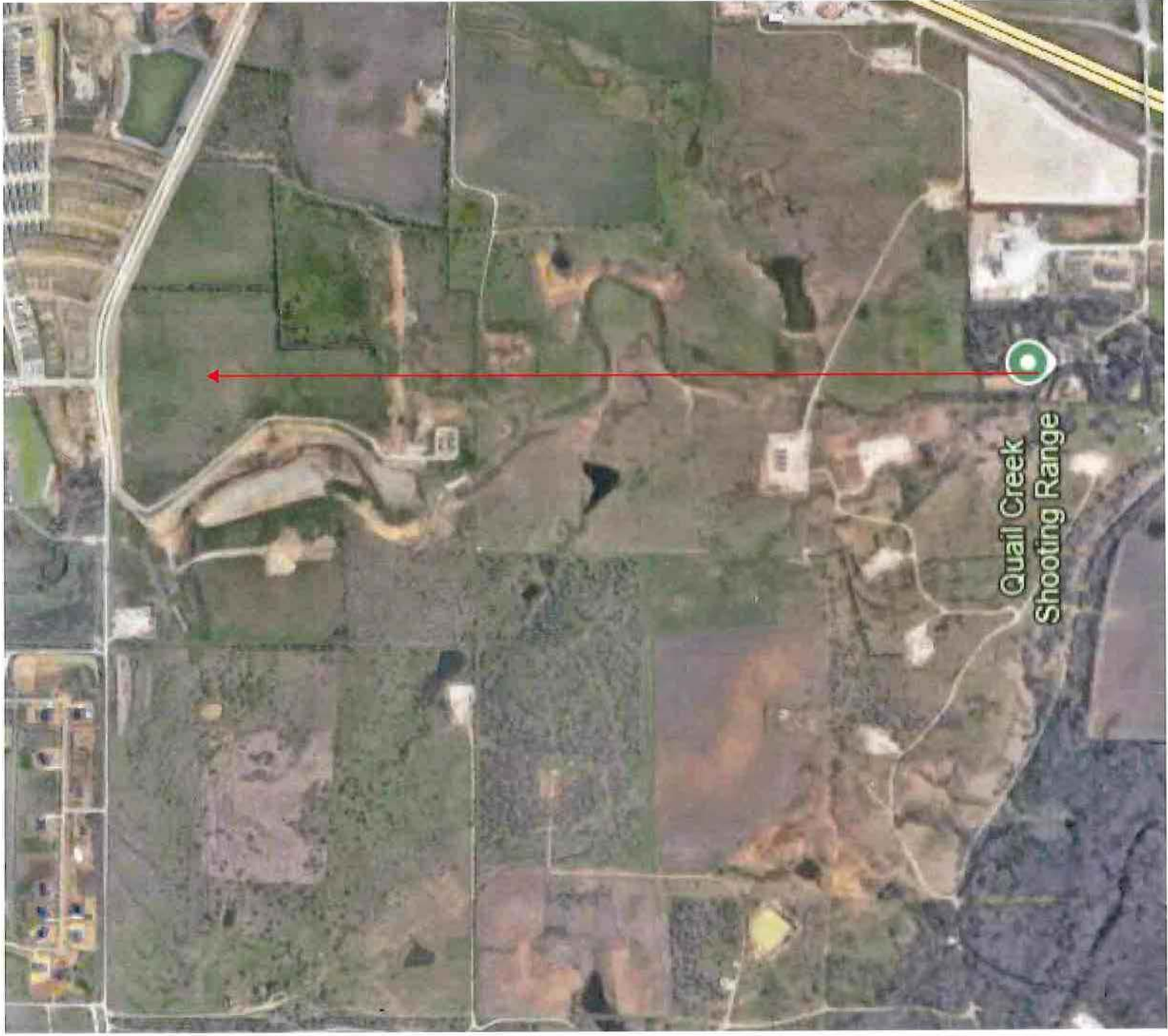
My name is Michael Conklin. I am the Executive Director of Safety and Security for Northwest Independent School District. My date of birth is 2/21/1975, and my business address is 2001 Texas Drive, Justin, Texas 76247. I declare under penalty of perjury that the facts stated in the above Application for a Temporary Restraining Order and for Temporary and Permanent Injunctions are true and correct within my knowledge as the Director of Safety and Security for Northwest Independent School District.

Executed in Denton County, Texas, on August 6, 2026.



Michael Conklin

EXHIBIT A



Quail Creek
Shooting Range

EXHIBIT B







EXHIBIT C

