

NO. 25-03-92211-D

PHI THETA KAPPA HONOR SOCIETY,

Plaintiff,

v.

TONI MAREK,

Defendant.

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IN THE DISTRICT COURT

VICTORIA COUNTY, TEXAS

377th JUDICIAL DISTRICT

OPPOSITION TO INJUNCTION

The Temporary Restraining Order imposed on Defendant Toni Marek is an unlawful prior restraint which violates both the U.S. and Texas Constitutions. There is clear U.S. Supreme Court and Texas Supreme Court case law that makes it clear that this Order should never have issued in the first place. *New York Times Co. v. United States*, 403 U.S. 713 (1971); *Kinney v. Barnes*, 443 S.W.3d 87 (Tex. 2014). The Order is an unconstitutional abomination and it should only continue to exist in Continuing Legal Education materials to teach lawyers and judges precisely what *not* to do – *ever* – when it comes to the issuance of preliminary relief against speech.

1.0 INTRODUCTION

On March 26, 2025, Plaintiff Phi Theta Kappa Honor Society (“PTK”) petitioned this Court, *ex parte*, for a Temporary Restraining Order (“TRO”) against Defendant Toni Marek. On the very same day, this Court gave it one. The TRO forbids Ms. Marek from publishing a book and states that she will not be permitted to publish her book until she hands it to PTK and allows PTK to determine what further prior restraints it wants from this Court. This is not just an unlawful prior restraint, but a never-before-seen type of prior restraint that acts in anticipation of a further prior restraint. It should never have been issued, and it must be dissolved.

Ms. Marek wrote a book entitled *Saving PTK: The Whistleblower’s Fight for Truth and Change*. The book was scheduled to be released on April 3, 2025. This date happens to coincide with the opening of PTK’s national convention in Kansas City, Missouri. PTK cleverly secured this injunction *ex parte*, and PTK has already “won” in a way—the exposé will now never be able to have the impact that Ms. Marek intended—of being available during the conference. The \$5,000 bond posted was woefully inadequate to remedy this wrong. But PTK fortunately has collectable assets, and those assets should be, in part, paid to Ms. Marek after her Anti-SLAPP motion is adjudicated. This case is a textbook example of a SLAPP suit, and should perish like one.

PTK alleges, without proof, that *some* of the information in Marek’s book “is confidential and protected by non-disclosure agreements” and “is protected by the attorney-client privilege and/or work product doctrine.” Petition and Request for Immediate TRO, 8-9. It is not only without proof, but PTK’s very complaint makes it clear that this is false. PTK acknowledges that Ms. Marek obtained the information legally—through interviews with third parties and public records requests. Let that sink in. PTK seeks to censor the publication of information received from *public records requests*.

PTK demanded that the Court restrain and enjoin Ms. Marek from publishing the book “until PTK has an opportunity to review the content and ensure that its confidential and privileged information will not be unlawfully published.”¹ *Id.* The Court abided PTK’s request, providing PTK with editorial power to determine what Ms. Marek is and is not permitted to say.

The TRO and proposed temporary injunction requested by Plaintiff are so obviously unconstitutional that Ms. Marek had the option of violating it to challenge it, rather than taking the

¹ If “unlawfully” is indeed doing any work in this sentence, then this exercise is easy. There is nothing that could be unlawfully published unless it is subject to natural security law, or it is child pornography. Since it is clearly neither, the job is done. She can publish her book.

more deferential path that she takes today “A party subject to an order that constitutes a transparently invalid prior restraint on pure speech may challenge the order by violating it.” *In re Providence Journal Co.*, 820 F.2d 1342, 1344 (1st Cir. 1986). This is an exception to the “sine qua non of orderly government, that, until modified or vacated, a court order must be obeyed.” *Id.* Ms. Marek nevertheless engaged in respect toward this Court, confident that it would lift this unconstitutional order once it realized that it had issued a constitutionally intolerable error.

The Supreme Court of Texas is so reticent “to condone prior restraints that [it] refuse[s] to allow even unprotected speech to be banned if restraining such speech would also chill a substantial amount of protected speech.” *Kinney v. Barnes*, 443 S.W.3d 87, 89 (Tex. 2014). Here, we have an injunction, based entirely upon anticipated protected speech by Defendant Marek, that contains a *double* prior restraint. It not only prohibits her from publishing her book as intended on April 3, 2025, but also provides Plaintiff with the sole discretion to determine what she is and is not allowed to say in her book. *See* TRO, ¶¶ A, B. Meanwhile, even if a tiny portion of the book were legally unpublishable (which is absurd), the Court enjoined the *entire book* from publication, and the Court has been manipulated by PTK into doing so for no better reason than to help PTK avoid embarrassment during its conference. The Order is wrong and PTK could not have possibly been ignorant to that fact.

2.0 FACTUAL BACKGROUND

Plaintiff Phi Theta Kappa is an honor society for students at two-year colleges. Defendant Marek is a PTK alumna. *See* Declaration of Toni Marek (“Marek Decl.”), ¶ 4. She was elected as an officer in the honor society. *See id.*, ¶ 5. Her relationship with PTK soured over ten years ago at a dinner where she sat next to Rod Risley, PTK’s executive director. *See id.*, ¶ 6. Risley sat between Ms. Marek and his wife, and in an act of gross moral turpitude and entitlement, he sexually assaulted Ms. Marek by reaching under the table and jamming his hand between her legs.

See id., ¶ 7. This was not the first time Mr. Risley had acted inappropriately towards Ms. Marek, but this was the most brazen and the most offensive example. *See id.*, ¶ 8. Marek finally had enough. However, when Ms. Marek complained, PTK retaliated by forcing *her* to resign. *See id.*, ¶ 9. She responded by filing a complaint with the EEOC, which was dismissed because she was not a PTK employee. *See id.*, ¶ 10. PTK allegedly started an internal investigation. However, it went nowhere. Mr. Risley’s misconduct was covered by the media and garnered negative publicity for PTK and Mr. Risley. Nevertheless, Mr. Risley was permitted to retire with no blemishes on his record. *See id.*, ¶¶ 11-12; Smith, Ashley, “Honor Society Director Faces Allegations,” *InsideHigherEd* (March 30, 2015)², attached to the Marek Decl. as **Exhibit A**. Disillusioned by the experience, in 2015, Marek began working on a book to tell her story. *See* Marek Decl., ¶ 13.

That now censored book is: *Saving PTK: The Whistleblower’s Fight for Truth and Change*, and it is ready for release. *See id.*, ¶ 14. Marek intended to release it on April 3, 2025. *See id.* While the TRO is unconstitutional to the extent it restrained her publication by a single minute, it is wildly unconstitutional in that she cannot publish her book until PTK acts the part of the censor, and there is not even a temporal limitation on how long PTK gets to lollygag in its review. Marek will *never* provide the transcript for her book to PTK nor anyone else for approval and will not grant PTK editorial power over what she is and is not permitted to say. *See id.*, ¶ 15. No American needs to provide a book to a third party for pre-publication review, and an Order that requires one should not only be struck down but should never have been issued in the first place.

In writing her book, Marek investigated issues with PTK and its internal governance. *See id.*, ¶ 16. The information about PTK that Ms. Marek gathered has been the result of interviewing with former PTK employees and members and through public records requests. *See id.*, ¶ 17.

² Located at: <[insidehighered.com/news/2015/03/31/students-accuse-director-community-college-honor-society-sexual-harassment](https://www.insidehighered.com/news/2015/03/31/students-accuse-director-community-college-honor-society-sexual-harassment)>.

Former PTK employees and members voluntarily provided her with information. *See id.*, ¶ 18. PTK alleges that at least some of these former employees had signed non-disclosure agreements (“NDAs”) with PTK; that is not her problem. She is not a party to the NDAs, if they even exist. She never discussed these NDAs with those former employees and never asked the former employees to breach. *See id.*, ¶ 19. If these NDAs exist, and someone breached them, then PTK’s remedy is to take it up with the party who signed the NDA, not to enjoin the publication of a book.

As pled by PTK, Ms. Marek issued public records requests to colleges where PTK operates. *See id.*, ¶ 20. PTK alleges that Ms. Marek received PTK’s confidential and privileged information in response to these requests. *See id.*, ¶ 21. However, the internal inconsistency of this claim should jump off the page and start screaming if one evaluates it with the slightest bit of scrutiny. If a document is a public record, it is neither “confidential” nor “privileged.” After all, it was already in the hands of third parties. However, just for the sake of argument, even if it could be, once it was produced to her, she had every right to publish it. She never requested confidential information about PTK from anyone. *See id.*, ¶ 22. It was simply handed over to her, raising the question of whether PTK is properly asserting that it was confidential.

While this is legally irrelevant, it will be addressed: PTK takes great offense that Ms. Marek has been a witness in a lawsuit filed by PTK in the Southern District of Mississippi against HonorSociety.org for alleged trademark infringement and other related offenses. Given that Ms. Marek’s issues with PTK are public and not at all secret, HonorSociety.org contacted her and asked her to provide a declaration and supporting documentation. *See id.*, ¶ 23. She received nothing from HonorSociety.org for this and was not compensated for providing information to the company. *See id.*, ¶ 24. Despite PTK’s fanciful speculation, also offered without proof or evidence, neither HonorSociety.org nor anyone affiliated with it paid for or provided any funding

for her book about PTK. *See id.*, ¶ 25. Nevertheless, even if she were a paid agent embedded with PTK’s enemies, that would not stop her from being permitted to publish without interference.

In January 2025, Marek started a Change.org petition regarding PTK entitled “Stand Up for Students! Stop Misleading Students & Toxic Bullying by Phi Theta Kappa HQ.” *See* Change.org Petition, attached to the Marek Decl. as **Exhibit B**; ¶ 26. The petition was started to demand PTK abide by its primary directive, to serve students honestly and transparently, and as of the date of this filing, it has been signed over 17,200 times. *See id.*, ¶ 27. PTK describes this as Ms. Marek “weaponizing” information she obtained. PTK does not otherwise explain why it entitled PTK to an *ex parte* TRO. She also does not understand what “weaponizing” information means. Does this mean publishing information that PTK finds embarrassing? Marek pleads guilty as charged—PTK *should be embarrassed* that it swept her sexual assault under the rug and that it appears to be scamming students into believing that it is far more exclusive than it really is.

Ms. Marek understands that PTK has attempted to subpoena her in a separate case between PTK and a competitor, HonorSociety.org. PTK claims that she avoided service of that subpoena. Ms. Marek disputes that she avoided service. *See id.*, ¶ 28. PTK alleges that she “physically [fled] from a process server . . . in violation of Texas law.” Petition and Request for Immediate TRO, ¶ 13. However, the process server never identified himself. *See* Marek Decl., ¶ 29. He was a stranger running after her moving truck and throwing paper at her. *See id.*, ¶ 30. Ms. Marek drove away from him because she had no idea who he was, what he was doing, or what was going on. *See id.* From her perspective, she was a woman fleeing from a lunatic. *See id.*

3.0 STANDARD OF REVIEW

Temporary restraining orders and temporary injunctions are extraordinary remedies that do not “issue as a matter of right.” *Butnaru v. Ford Motor Co.*, 84 S.W.3d 198, 204 (Tex. 2002). To obtain a temporary restraining order or temporary injunction, the movant must show: (1) that it has

a valid cause of action against the defending party; (2) that it has a probable right at final trial to the relief sought; and (3) that it faces probable, imminent, and irreparable injury in the interim. *See id.* The party seeking the injunction bears the burden of production, or the offering of “evidence that establishes a probable right to recover and a probable interim injury.” *Id.*

If the court’s grant of an injunction results from a fundamental error, it has a duty to dissolve it. *See Kassim v. Carlisle Interests, Inc.*, 308 S.W.3d 537, 540 (Tex. App. 5th 2010). In this case, Plaintiff demanded that the Court enjoin Plaintiff from publishing a book. Plaintiff did not disclose to the Court that the injunction that it was requesting was an impermissible and unconstitutional infringement of Defendant’s Constitutional rights and prohibited by decades of Texas and federal precedent. The TRO must be dissolved and not converted into a temporary injunction. Granting it was a fundamental error, and Defendant Merek requests that the Court restore the First Amendment rights that it took away from her, dissolve the temporary restraining order, and deny PTK’s attempt to convert the TRO into a temporary injunction.

4.0 LEGAL ARGUMENT

“Every person shall be at liberty to speak, write or publish his opinions on any subject, being responsible for the abuse of that privilege; and no law shall ever be passed curtailing the liberty of speech or of the press.” – Tex. Const. art. I, § 8.

“Congress shall make no law . . . abridging the freedom of speech or of the press.” – U.S. Const., Amend. I.

“For your information, the Supreme Court has roundly rejected prior restraint.” – Walter Sobchak, “THE BIG LEBOWSKI.”³

4.1 The TRO Constitutes an Unconstitutional Prior Restraint

An injunction prohibiting speech before it happens is a prior restraint. *See Chemerinsky, Erwin, Constitutional Law: Principles and Policies* 918 (2002) (“The clearest definition of prior

³ Cited in *Kinney v. Barnes*, 443 S.W.3d 87 at n.7.

restraint is . . . a judicial order that prevents speech from occurring”). Because prior restraints suppress communication “*before* an adequate determination that it is unprotected by the First Amendment,” the bar that a plaintiff must cross prior to being awarded an injunction prohibiting speech is almost impossibly high. *Pittsburgh Press Co. v. Pittsburgh Comm’n on Human Relations*, 413 U.S. 376, 390 (1973). The “liberty of the press is essential to a free state,” and both Texas and federal courts allow “no prior restraints upon publication, rather than freedom from censure when what is published is improper.” *Corpus Christi Caller-Times v. Mancias*, 794 S.W.2d 852, 854 (Tex. App. 13th 1990), citing *Near v. Minnesota*, 2083 U.S. 697 (1931). “An injunction which imposes prior restraints upon speech and publication constitutes an impermissible restraint on First Amendment rights.” *Mancias*, 794 S.W.2d at 854, citing *Pirmantgen v. Feminelli*, 745 S.W.2d 576 (Tex. App. 13th 1988).

Texas affords the greatest respect for freedom of speech and expression and recognizes the “transcendent importance of such freedom to the search for truth, the maintenance of democratic institutions, and the happiness of individual men.” TEX. CONST. ART. I, § 8 interp. Commentary (West 2007). The state’s courts are highly skeptical of any attempt to restrain speech and “have long held that ‘pre-speech sanctions’ are presumptively unconstitutional.” *Kinney*, 443 S.W.3d at 90, quoting *Davenport v. Garcia*, 834 S.W.2d 4, 9 (Tex. 1992). The First Amendment to the U.S. Constitution and federal courts are similarly suspicious of “judicial orders ‘forbidding certain communications’ that are ‘issued in advance of the time that such communications are to occur.’” *Kinney*, 443 S.W.3d at 90, quoting *Alexander v. United States*, 509 U.S. 544, 550 (1993).

The Supreme Courts of Texas and the United States have proclaimed that “prior restraints on speech and publication are the most serious and least tolerable infringement on First Amendment rights.” *Davenport v. Garcia*, 834 S.W.2d 4, 9 (Tex. 1992); see also *Neb. Press Ass’n*

v. Stuart, 427 U.S. 539, 559 (1976). Any time a plaintiff requests that a court restrain future speech, those requests bear “a heavy presumption against [their] constitutional validity.” *Bantam Books, Inc. v. Sullivan*, 372 U.S. 58, 70 (1963); *see also Kinney*, 443 S.W.3d at 91.

Meanwhile, this Order enjoins Ms. Marek from publishing a book “until PTK has an opportunity to review the content and ensure that its confidential and privileged information will not be unlawfully published.” How such an Order could ever be signed is confusing. What does “unlawfully published” even mean? The Supreme Court has established a robust First Amendment right to publish information—even *illegal* information—and has built strong, tall, and obvious barriers against any intrusion into that right. *See e.g., Fla. Star v. B. J. F.*, 491 U.S. 524 (1989); *Smith v. Daily Mail Pub. Co.*, 443 U.S. 97 (1979); *Okla. Pub. Co. v. Dist. Court of Okla.*, 430 U.S. 308 (1977); *Neb. Press Ass’n v. Stuart*, 427 U.S. 539 (1976); *Cox Broad. Corp. v. Cohn*, 420 U.S. 469 (1975); *Miami Herald v. Tornillo*, 418 U.S. 241 (1974); *Org. for a Better Austin v. Keefe*, 402 U.S. 415 (1971); *N.Y. Times v. United States*, 403 U.S. 713 (1971) (“*Pentagon Papers*”); *N.Y. Times v. Sullivan*, 376 U.S. 254 (1964); *Grosjean v. Am. Press Co.*, 297 U.S. 233 (1936); *Near v. Minnesota*, 283 U.S. 697 (1931). There is such a legion of case law prohibiting this Order that a complete string cite could easily overwhelm the page limits. Meanwhile, there is not a single case that would support the issuance of an injunction like the one Marek attacks today.

In the *Pentagon Papers* case, the government sought to stop the New York Times from publishing a *classified* and *stolen* government report. 403 U.S. 713 (1971). The mere act of giving the report to the New York Times *violated federal espionage laws*. *Id.* It does not get much more “unlawful” than that. Nevertheless, the Supreme Court held that the Times had a right to publish the information. *Id.* Even stolen state secrets can be published without government interference, but PTK believes that its interests are so ennobled with power that information they wish to censor

risers above our constitutional horizon and eclipses the entire First Amendment until PTK is darn good and ready to tell Ms. Marek what she is allowed to publish? All this against the backdrop of the fact that the information PTK claims to be “secret” is *already out in the public*. It is a public record *and* it is already on the docket in the U.S. District Court for the Southern District of Texas. *Marek v. Phi Theta Kappa Honor Society*, 3:25-mc-00209 Doc. 14-4. Where the government takes action to try to suppress information that has already reached the public, there is yet another “heavy presumption against its constitutional validity.” *Bantam Books*, 372 U.S. at 70. This case bears similarity to, and compels the same outcome as, *Organization for a Better Austin v. Keefe*, 402 U.S. 415 (1971), where a group of protestors were enjoined from protesting a company’s business practices. The U.S. Supreme Court struck down the injunction as “an impermissible restraint on First Amendment rights.” *Id.* at 417-18, 418 n.1. In invalidating the prior restraint, the Court held that “[n]o prior decisions support the claim that the interest of an individual in being free from public criticism of his business practices . . . warrants the injunctive power of the Court.” *Id.* at 419. Here, PTK’s interest in not having unflattering things published about it and not revealing facts to the public that PTK wishes to obscure from public scrutiny do not warrant the Court abandoning decades of free speech precedent.

PTK fashioned its request as an attempt to stop Defendant Marek from publishing “confidential” information about PTK, but it did not support that request with any caselaw because *none exists*. Ms. Marek obtained the information legally.⁴ She did not breach any agreements with PTK and did not ask any third parties to breach agreements with PTK.⁵

⁴ Even if she had not, there is no power under the First Amendment to enjoin publication of even illegally obtained information. *See, e.g., Berge v. School Comm. of Gloucester*, 107 F.4th 33, 43 (1st Cir. 2024) (Even if a party gathered information unlawfully, that creates no power to burden its publication).

⁵ Even if she did, she has every right to *ask* someone to violate an NDA, then they can make their own decisions about her request. She might not have the right to compel them at gunpoint to do so, but asking another sexual assault victim to share her story, or asking an insider to share information about fraud is hardly gathering information *illegally*. If it became so, then the entire field of investigative reporting would be banned in Texas.

The TRO that is currently in place is even more problematic than most prior restraint injunctions. Even an injunction that enjoins speech subject to the subjective censorship of the trial judge are troubling, despite the fact that the judge is presumed to be a neutral, uninterested party. Here, the censorship pen is in Plaintiff's hand and gives Plaintiff the unfettered right to prevent Defendant Marek from saying anything at all in her book that PTK does not like.

Plaintiff's overreach would at least be somewhat emotionally understandable, if still legally deficient, if Ms. Marek had obtained PTK's information through illegal actions like hacking or theft, but she clearly did not. PTK *acknowledges* that Ms. Marek obtained the information legally. Specifically, PTK admits that she gained access to the information by issuing "numerous public records requests to various agencies in various locations" and by "soliciting former [PTK] employees (many of whom have signed nondisclosure agreements)." Plaintiff's Petition and Request for Immediate TRO, ¶ 1.

Given that she obtained the information through public records requests and interviews with third parties, claims of "confidentiality" are sheer bunk. What is truly sad is that there really was no reason for PTK to take the liberty of such a departure from the truth – since the status of this information (confidential or not) does not change the legal analysis. The recipients of the requests either did not believe the documents in their possession were confidential, or they elected to violate their own NDAs. PTK also makes the ersatz complaint that Ms. Marek received documents covered by the attorney-client privilege. However, an inspection of the record itself shows that this is not the case.⁶ Even if it was once privileged, given that the public records requests were all made to third parties, the documents could not remain privileged if they were already in

⁶ A copy of this "privileged" email will be provided at the hearing, despite there being absolutely no reason for it not to be attached to this document. The Court may take judicial notice of the document as it is found in a federal docket at ECF No. 14-4, *Marek v. Phi Theta Kappa*, Case 6:25-mc-00001 (S.D. Tex. March 24, 2025).

the hands of third parties. With respect to “NDA violations,” even if nondisclosure agreements existed binding some PTK employees that Ms. Marek spoke with, she was not a party to those agreements and cannot be held responsible if third parties chose to breach them.⁷

At this point, whether the information that Ms. Marek intends to publish will embarrass PTK or injure it or its reputation is speculative. But this is of no legal importance. Even if the information was potentially defamatory (which PTK does not allege), that would never be enough to give PTK an injunction. It would not be entitled to an injunction if the information in Ms. Marek’s possession were military secrets, like in the *Pentagon Papers* case. Protecting PTK from some undefined injury or alleged embarrassment can never be enough. *PTK pulled one over on the Court*, handing it a pre-written order it *had to know* could not pass Constitutional muster. The TRO must fall, further injunctive relief must be denied, and sanctions against PTK are appropriate.

4.2 PTK Does Not Have a Valid Cause of Action

As evidenced in Section 4.1, above, Plaintiff PTK does not have a valid cause of action and is not entitled to the relief it seeks at trial because both are unconstitutional. PTK seeks a declaratory judgment that Ms. Marek “is not entitled to . . . publish PTK’s confidential and privileged information.” Petition and Request for Immediate TRO, ¶ 32. As discussed above, that is not how this works. PTK additionally seeks “temporary, preliminary and permanent injunctive relief” prohibiting “any past, present, and future publication of the confidential and privileged information that is the subject of this claim.” *Id.*, ¶ 33. It finally seeks an order “preventing publication of [Defendant Marek’s] book until such time as its content may be properly vetted and reviewed by PTK to confirm it does not include any offending confidential or privileged

⁷ To the extent any of these NDAs purport to restrain discussion of sexual impropriety at PTK, they are potentially unenforceable even against the signatories. The Speak Out Act of 2022 (Pub. L. No. 117-224) is a U.S. federal law designed to limit the enforceability of pre-dispute nondisclosure agreements (NDAs) and nondisparagement clauses in cases involving sexual assault or sexual harassment.

communications or information.” *Id.* Everything that PTK requests is prohibited by decades of federal and Texas jurisprudence. It isn’t even a close call.

4.3 PTK Cannot Show Irreparable Injury

In Texas, injunctions are required to “define the injury to be suffered by the applicant and explain why that injury is irreparable.” *In re Nat’l Lloyds Ins. Co.*, 2015 Tex. App. 11299, at *7 (Tex. App. 13th Nov. 3, 2015), citing Tex. R. Civ. P. 680, 684, *Washington D.C. Party Shuttle, LLC v. iGuide Tours*, 406 S.W.3d 723, 741 (Tex. App. 14th 2013). Plaintiff’s fails to do this.

The Petition makes no attempt to identify, even vaguely how the information will irreparably injure PTK if it is published (especially when it is published elsewhere). It merely states that she has information that PTK does not want her to have. PTK does try to impute wrongdoing on Ms. Marek by stating that she obtained PTK’s information “as a results [sic] of breaches of those non-disclosure agreements,” but it does not, and cannot, allege that she acquired that information by committing any wrongdoing. Petition and Request for Immediate TRO, ¶ A. In addition, PTK makes no attempt to identify any irreparable injury it will suffer. In fact, the Petition does not allege irreparable injury, or any injury, at all. The one document that PTK claims was “privileged” was a public record when she received it and is already on a public court docket.⁸

The TRO itself is equally silent. It concludes that “Plaintiff will suffer probable, imminent, and irreparable injury” that “will harm PTK’s business.” TRO, ¶ 2. The TRO lacks a single word to define the injury that PTK will supposedly suffer or how or why that injury would be irreparable.

PTK seems to think that mere embarrassment is enough. But embarrassment at being caught sweeping sexual assault and harassment claims under the rug is not enough to call “damage” for these purposes. Revealing things that actually happened are not “irreparable harm.”

⁸ See ECF No. 14-4, *Marek v. Phi Theta Kappa*, Case 6:25-mc-00001 (S.D. Tex. March 24, 2025).

PTK did these things. PTK is afraid that Ms. Marek will hold up a mirror, and PTK will not like its own reflection. That is not justification to set aside generations of case law and the Constitutions of the United States and the State of Texas. It is not even close.

5.0 REQUEST FOR RELIEF

WHEREFORE, Toni Marek respectfully requests that this Court:

1. Decline to issue a temporary injunction against Ms. Marek regarding the publication of her book about PTK and recognize that its March 26, 2025 Order was void; and,
2. Award such other and further relief as the Court deems just and proper including awarding Ms. Marek her fees incurred in having to defend against and lift this patently and obviously unlawful prior restraint.

Dated: April 4, 2025

Respectfully submitted,

/s/ David C. Griffin
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Attorneys for Defendant.

CERTIFICATE OF SERVICE

I hereby certify that on April 4, 2025, a true and correct copy of the foregoing document has been electronically filed with the Clerk of the Court using the court filing system, and served electronically to the following:

Tracy Betz
Taft Stettinius & Hollister LLP
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<kcullen@cullenlawfirm.com>

Dated: April 4, 2025

/s/ Marc J. Randazza _____
Marc J. Randazza

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IN THE DISTRICT COURT

VICTORIA COUNTY, TEXAS

377th JUDICIAL DISTRICT

DECLARATION OF TONI MAREK

I, Toni Marek, hereby declare:

1. I am over 18 years of age. I have knowledge of the facts set forth herein, and if called as a witness, could and would testify competently thereto.

2. I am the Defendant in the above-captioned proceeding.

3. I make this declaration in support of Defendant’s Motion to Dissolve Unconstitutional Temporary Restraining Order Acting as Prior Restraint and Opposition to Temporary Injunction.

4. I am an alumna of Phi Theta Kappa (“PTK”).

5. I was elected as an officer in the honor society.

6. My relationship with PTK soured over ten years ago at a gathering where I sat next to Rod Risley. At the time, Mr. Risley was PTK’s executive director.

7. Despite the presence of his wife, Mr. Risley sexually assaulted me by reaching under the table and jamming his hand between my legs.

8. This was not the first time Mr. Risley had acted inappropriately towards me, but it was the most brazen and the most offensive time.

9. When I complained, PTK retaliated by forcing me to resign.

10. I responded by filing a complaint with the EEOC, which was dismissed because I was not a PTK employee.

11. PTK allegedly started an internal investigation into Mr. Risley's behavior. However, it went nowhere. While Mr. Risley's misconduct was covered by the media and garnered negative publicity for PTK and Mr. Risley, Mr. Risley was permitted to retire with no blemishes on his record.

12. A true and correct copy of Smith, Ashley, "Honor Society Director Faces Allegations," *InsideHigherEd* (March 30, 2015)¹, a true and correct copy of which is attached hereto as **Exhibit A**.

13. Disillusioned by the experience, in 2015, I began working on my book.

14. That book is entitled *Saving PTK: The Whistleblower's Fight for Truth and Change*, and I have completed writing it. I intended to release it for free on Amazon on April 3, 2025.

15. I will *never* provide the transcript for my book to PTK nor anyone else for approval and will not grant PTK editorial power over what I am and am not permitted to say.

16. In writing my book, I investigated issues with PTK and its internal governance.

17. Most of the information about PTK that I have gathered has been the result of interviewing with former PTK employees and members and through public records requests.

18. Former PTK employees and members voluntarily provided me with information.

¹ Located at: <insidehighered.com/news/2015/03/31/students-accuse-director-community-college-honor-society-sexual-harassment>.

19. PTK alleges that some of its former employees are bound by non-disclosure agreements (“NDAs”). If this is true, I am not a party to the NDAs, if they even exist. I never discussed these NDAs with those former employees and never asked the former employees to breach them.

20. The public records requests that I issued were to colleges where PTK operates.

21. PTK alleges that I received PTK’s confidential and privileged information in response to these requests.

22. I never requested confidential information about PTK from anyone.

23. Given that my issues with PTK are public and not at all secret, HonorSociety.org contacted me and asked me to provide a declaration and supporting documentation in the lawsuit that PTK filed against it.

24. I received nothing from HonorSociety.org for this and was not compensated for providing information to the company.

25. Despite PTK’s fanciful speculation, neither HonorSociety.org nor anyone affiliated with it paid for or provided any funding for my book about PTK.

26. In January 2025, I started a Change.org petition regarding PTK entitled “Stand Up for Students! Stop Misleading Students & Toxic Bullying by Phi Theta Kappa HQ.” *See* Change.org Petition, a true and correct copy of which is attached hereto as **Exhibit B**.

27. The petition was started to demand that PTK abide by its primary directive, to serve students honestly and transparently, and as of the date of this filing, it has been signed over 17,200 times.

28. I understand that PTK has attempted to subpoena me in the action against HonorSociety.org and claims that I have avoided service of that subpoena. I dispute that I avoided service.

29. The process server never identified himself.

30. He was a stranger running after my moving truck and throwing paper at me. I drove away from him because I had no idea who he was, what he was doing, or what was going on. From my perspective, I was a woman fleeing from a lunatic.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: 04 / 03 / 2025

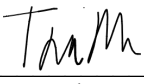
By: 
Toni Marek

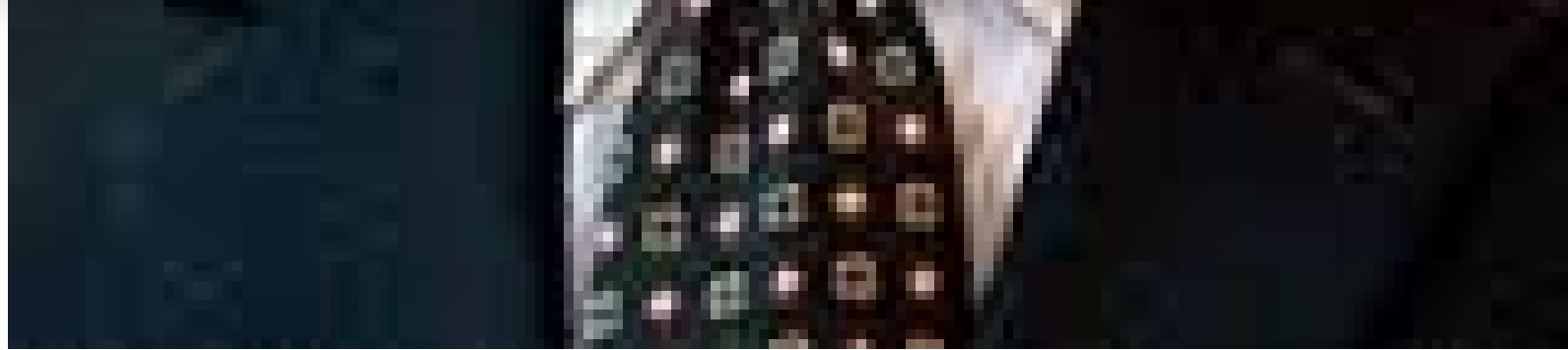
Exhibit A

Honor Society Director Faces Allegations

Former Phi Theta Kappa members accuse the community college honors society's leader of discrimination and sexual harassment, provoking an investigation and concerned letters from two college presidents.

By [Ashley A. Smith](#)





Rod Risley, executive director of Phi Theta Kappa

Phi Theta Kappa

Phi Theta Kappa Honor Society is investigating allegations by two female students that the community college honors group's longtime leader sexually harassed them.

The allegations against Rod Risley, the group's executive director and C.E.O., have provoked letters of concern from presidents of the two community colleges the students attended, as well as court filings and Equal Employment Opportunity Commission complaints.

Rachel Reeck, 23, and Toni Marek, 36, served as P.T.K. student international officers in the 2013-14 school year. They say that during that time they experienced sexual harassment, intimidation, inappropriate touching and unprofessional behavior by Risley.

Risley denies the allegations and claims Marek is retaliating because she was asked to resign from the student-elected position after she failed to meet the guidelines and responsibilities of being an international officer. He alleges that Reeck is helping her good friend and is seeking a financial settlement.

Besides his March 13 statement, Risley said he was advised by the P.T.K. board not to comment further on the allegations and asked questions to be directed to the board.

P.T.K., which is based in Jackson, Miss., has more than 2.5 million members and 1,250 international chapters. The organization promotes scholarship and leadership among two-year college students. International officers are student representatives and are expected to attend events and seminars and to visit the P.T.K. headquarters. Risley was elected P.T.K. national president as a student in 1974 and joined the organization as an employee in 1977, as the alumni

affairs director. In 1985, he was named executive director. According to 2013 tax documents, Risley made approximately \$743,000 in annual compensation.

Support for Students From Presidents

Marek, a military veteran and mother of two, attended Victoria College in Texas at the time of the allegations. Reeck is a nursing student at Western Technical College in Wisconsin.

In September, Victoria College President Tom Butler sent a letter to P.T.K. Board Chairman Everett Johnson explaining that the college “recognizes the serious nature of the allegations and the importance of protecting other P.T.K. members at future meetings and functions under any circumstance.”

Butler said he wanted to make sure the college was supporting its students and so he launched its own investigation. However, he said the results were “inconclusive” because the college doesn’t have access to documents or personnel interviews for an outside organization like P.T.K.

His letter continued to state: “To this end we respectfully request that P.T.K. consider the following actions as a good faith response to our concerns regarding the complaint raised by Ms. Marek: sexual harassment training for Dr. Risley and P.T.K. staff who may have interactions with students... distribution of notices to students in attendance at P.T.K. conferences and conventions regarding P.T.K.’s commitment to nondiscrimination and its prohibition of sexual harassment and retaliation for complaints of harassment.”

Western Technical President Lee Rasch also sent Johnson a letter in January stating that he was “deeply troubled” by the allegations, especially because he witnessed the commitment and respect students, including Reeck, hold for Risley. Rasch called for the organization to investigate the allegation and take action.

“Rachel, a very ethical young woman from rural western Wisconsin, held this same trusting admiration as she entered the 2013-14 year of service. As stated, when someone is in a position of significant influence and authority, they bear the responsibility of this role in maintaining the trust of students and representing the organization with integrity,” Rasch said. “Clearly, Rod Risley failed in this regard. Our college is taking steps to form our own honor society as a result of this incident.”

The P.T.K. board has launched its own investigation into the allegations through a Mississippi-based law firm, Watkins & Eager.

"In fairness and out of respect for the rights of all the involved parties, we won't comment on the specific allegations," Johnson said in a statement to *Inside Higher Ed*. "I can confirm that the board is aware that allegations have been made and has asked for a thorough and independent review. Dr. Risley denies all of the allegations and is cooperating fully with the ongoing investigation."

The Allegations

In April 2013, Reeck and Marek were two of five P.T.K. members elected by students to serve as international officers. The position meant representing the honor society at regional meetings and education conferences, and communicating with chapters and members. P.T.K. describes the position as "the highest pinnacle of leadership."

A little more than a month after she became an international officer, in May 2013, Marek told *Inside Higher Ed*, Risley inappropriately touched her as the team of five international officers posed for a photo.

"He came up behind me and grabbed my rear, buttocks. He grabbed me and squeezed me and I gave him a shocked look," and backed away, Marek said. "I told him, 'no,' in a very low, but very firm voice. I'm 36... I felt as an older woman, I could get across to him that that was completely unacceptable. But he smirked at me and walked away."

Reeck said she saw Risley's actions.

At the time, Marek said she was scared about how to handle the situation and decided to dismiss it and hope nothing similar would happen again.

"We were afraid to come forward because there was a fear of what would happen to us," Marek said. "As officers, we were constantly being told if we were doing something right or wrong. We were just afraid. We were walking on eggshells."

Marek said she wanted to work in higher education and feared that dream wouldn't be possible if she made the wrong move in her position with the honor society.

Marek's court filings against P.T.K. and Risley stated that in January 2014, during a P.T.K. dinner in Mississippi, Risley "rubbed and touched" her on the inner left thigh, right shoulder and back. She attempted to leave the dinner table three to four times to avoid his behavior, and she made comments about it to another employee. The day after the dinner, Risley suspended her and she was forced to resign, she alleged in an E.E.O.C. complaint.

"As old as I am, I was scared. I was there on their dime... I was terrified and they told me not to choose suspension because I could be suspended from my college," Marek said in a phone interview. "As soon as I signed [my resignation], they walked me out and I was on a plane in under an hour."

Marek said she was told never to communicate with the other team members. Reeck said the team initially was informed that Marek was fine, but then later told she resigned and they should end all communication with her. Johnson and Risley would not comment on the allegations.

Meanwhile, Reeck said she received text messages from Risley detailing his feelings for her that made her uncomfortable, according to her E.E.O.C. complaint. In an interview, Reeck said the communication included Facebook.

One message from March 2014, in a screenshot sent to *Inside Higher Ed*, shows Risley encouraging Reeck to attend a college event in Minneapolis. He offers to personally pay for her travel but asks her not to reveal his invitation and where the money was from.

"I was scared to be at an event he was at, but he was so adamant. I don't want to say he forced me, but I thought, if I don't make this man happy, I will be fired," Reeck said. "I was so close to my year being done. I just wanted to finish."

During that trip to Minneapolis, Reeck said, Risley asked her to drive him back to his hotel. When they arrived, he requested a hug. As both of them got out of the car, Reeck said Risley forcibly kissed her and she could smell alcohol on his breath. After the incident, Risley de-friended and blocked her on Facebook, she said.

"On the surface, despite a significant age difference, this might be seen as behavior between two adults. However, in his role as executive director, Rod Risley bears a substantial responsibility for

the influence and authority of his position with regard to students,” Western Technical President Rasch wrote in his letter to P.T.K.

By April, Marek said, she had spoken to other members of P.T.K.’s leadership about her allegations, but nothing happened. She did receive a cease and desist letter in February 2014 from Watkins & Eager from making “false and defamatory statements” about the organization and Risley.

E.E.O.C. Complaints and Lawsuit

In April, after the cease and desist letter, Marek decided to file an E.E.O.C. complaint and asked P.T.K.’s board of directors to conduct an investigation into Risley’s behavior. Marek’s complaint stated that while working as an international officer, she had “been retaliated against based on my sex, female, in violation of Title VII...” The commission dismissed the claim in June. It found that Marek was not a P.T.K. employee and therefore not entitled to file a workplace discrimination complaint.

In September, she filed a federal lawsuit in the Southern District of Texas for employment discrimination. However the court dismissed her lawsuit in February, also because of her nonemployee status.

Marek said she doesn’t currently have a lawyer and can’t afford one, especially since she isn’t seeking financial compensation. She did briefly consult with an attorney, who attempted to contact P.T.K on her behalf following the cease and desist letter.

Reeck also says she isn’t seeking a financial settlement. However, she consulted with an attorney who contacted P.T.K. in December, on her behalf, and stated Reeck was seeking \$25,000 for emotional damage. She has since rescinded that demand.

In January, Reeck also filed an E.E.O.C. complaint for sexual harassment by Risley. Last month, an E.E.O.C. representative advised her that she could seek mediation.

Reeck said she contacted the representative two weeks ago to say that she would consider mediation if Risley were suspended from his duties as P.T.K. executive director. The E.E.O.C. recently contacted Reeck to say the case would be handled in Mississippi. But because the incidents occurred in Minnesota, she is trying to have it moved

Investigation

In a phone interview on March 13 with *Inside Higher Ed*, Risley called the allegations false and said the P.T.K. board is aware of them and that the complaints made by Reeck and Marek have been dismissed.

“International officers... after being elected, sign an honors code and also agree to the guidelines of serving as an international officer. In the case of Marek, there were certain responsibilities and behaviors that over a period of time had been counseled by our staff,” Risley said in a phone interview. “In January, it all came to a head, in terms of the behavior [that] was so inconsistent with what was expected and it was in violation of the honors code and the guidelines. Staff recommended to me that she be given the opportunity to resign or be suspended. [The infractions were] fully explained to her and her tenure as an international officer concluded. Now, understand Reeck and Marek are best friends and there’s a lot of cooperation going on there.”

Marek said she doesn’t know their reasoning for removing her from the position, besides her reaction to Risley.

“I was never given anything in writing and I’ve asked multiple times,” she said, adding that she contacted Johnson to start an appeals process, but he informed her that he wasn’t aware of the situation and she would have to speak with Risley.

Marek also has a performance evaluation from P.T.K. and emails from an associate director, which she shared with *Inside Higher Ed*, that applaud her performance as an international officer and rate her as "excellent." Her lowest mark was "needs some improvement" in "presentation skills."

Risley told *Inside Higher Ed* that beyond his statement, he couldn’t speak to the allegations. He referred further questions to Board Chair Johnson and Walter Bumphus, who serves as a board member and is the president and chief executive officer of the American Association of Community Colleges.

Bumphus said the board is aware of the allegations and has been informed that Marek's legal complaints were dismissed.

"We take sexual harassment in any form seriously and would never condone anything like that, especially with students," he said. "It's a serious allegation and as a college leader and association leader, I have great confidence in Rod individually and as a board member. I've known him for 20 or so years and this is so out of character of the Rod I know."

Bumphus said the board is obligated to do its due diligence and that there has been an ongoing investigation by Watkins & Eager.

"I have the utmost confidence in Dr. Risley and certainly it would be a total shock and surprise to me if any of these allegations were proven true," he said.

In a phone interview, Victoria College President Butler said he did receive a reply to his letter from P.T.K. stating that it had not been able to determine if the allegations were true and that it hadn't been able to reach Marek. Marek said she briefly attempted to contact P.T.K. through a lawyer, because she felt uncomfortable speaking with the group's lawyers. Her lawyer was unsuccessful making contact, she said.

"The college has from the beginning of this process been watching to see how things have developed and making sure we're supporting our students," Butler said. "But this is continuing. It's not finished and so we continue to watch and are hopeful for a good outcome for Ms. Marek and for Phi Theta Kappa."

Julie Lemon, the communications coordinator for Western Technical College, said that while P.T.K. continues to operate on campus, the college is considering starting a new honor society depending on the outcome of the Reeck allegations.

Rasch, the college's president, received a response to his January letter on Monday from Johnson. In the letter, Johnson states: "Ms. Reeck has communicated her allegations through an attorney directly to Phi Theta Kappa, coupled with a significant monetary demand. In these circumstances, Phi Theta Kappa has had no alternative but to tender Ms. Reeck's allegations to its attorneys for appropriate review and evaluation. For that reason and respect for the privacy of all involved, I trust you will understand that we are unable to comment further on Ms. Reeck's allegations. Having said that, I can tell you that we have engaged independent counsel to review the allegations and report to our board its findings. Our review will be independent, neutral and thorough."

Written By

Ashley A. Smith

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Exhibit B



Stand Up for Students! Stop Misleading Students & Toxic Bullying by Phi Theta Kappa HQ

Sign petition

17,305

Verified signatures

Bev Franklin • 23 hours ago

darrens dale dollisin • 1 day ago

Alyana Jane Ignacio • 1 day ago

Jana Trono • 1 day ago

Megan Lynch • 1 day ago

Harvey C...

[Decision Makers: Brenna Bird +29](#)

[10 Supporter Voices](#)

[3 Updates](#)

[1 Media Mention](#)

The Issue

URGENT UPDATE - MARCH 30, 2025 PTK Got a Court Order to Stop My Free Book

Over 17,000 of you signed this petition — and now, **Phi Theta Kappa has gone to court to block me from publishing my free book, *Saving PTK: The Whistleblower's Fight for Truth and Change*, before** it's even been released.

Without notifying me, PTK obtained a temporary restraining order (TRO) from a judge in my hometown. That order now prohibits me from publishing the book — which includes:

- My personal story as a survivor — a story I've spoken publicly about for over a decade
- Doc ID: 2a2f131ceb1acfa398ce7ae19255ea9323c9bc9f

- o Public records and lawfully obtained FOIA documents
- o Whistleblower accounts from former employees

⚠ This is called prior restraint — one of the most serious forms of censorship under the First Amendment. And it's being used to silence a survivor. PTK did not challenge the truth of what I wrote — in fact, their CEO described it in court as merely “unflattering.”

But they still got a court to silence me.

🌟 **This fight is about:**

- o **Free speech**
- o **Student rights**
- o **Whistleblower protections**
- o **And stopping powerful organizations from hiding the truth.**

👉 **If you support this cause, please help me fight back in court.**
Even \$5 or \$25 makes a difference.

🔗 <https://www.givesendgo.com/savephithetakappa>

Please continue to share this petition and speak out.
They have the lawyers.
We have the truth.
With gratitude,
Toni Marek
U.S. Army Veteran • Whistleblower • Survivor

Phi Theta Kappa (PTK), under CEO Lynn Tincher-Ladner, faces **serious allegations of deceptive marketing, misleading scholarship benefits, and a toxic workplace**. Multiple former employees describe bullying, broken promises, and a culture that—at least in their view—favors revenue and personal gain over student welfare.

👉 Support now

Sign petition

core mission of truly serving students.

Join us in demanding transparency, accountability, and the reform PTK HQ needs. Sign the petition today!

~~~~ Further Explanation & Evidence ~~~~

📄 **Toxic Bullying Concerns by ex-PTK Employees and ex-Student Officers**

[Watch this news story](#) to learn more about me and my emotionally scarring experience with PTK.

*I am a victim of Phi Theta Kappa, and I need your help to make a lasting difference.*

Numerous whistleblowers and former PTK employees describe a culture of fear, broken promises, and leadership prioritizing money and status over PTK's actual mission to serve students. Here's what some report:

- o **Jessie (PTK Member & Former Employee):** Promised a scholarship that never came through; claims PTK leadership only cares about boosting numbers and revenue. Saw CEO's salary skyrocket, CEO's spouse hired, and believes in her opinion that both members and employees are mistreated by leadership's alleged greed.

- **Wendy (25-Year Employee):** Describes a toxic work environment with cursing, humiliation, and retaliation, ultimately leaving her with PTSD. Feels the mission is overshadowed by self-promotion and urges employees and others to speak out.
- **Rebekah (PTK Member & Former Employee):** Calls Tincher-Ladner a root cause of PTK's problems, in her opinion. She believes the "Top 10%" promise was deceptive, and staff promises (raises, remote work) were repeatedly broken. Believes fear and favoritism define the current culture.
- *Many others are afraid to put their name in public for fear of retaliation.*

We need to hold PTK leadership accountable for their actions to prevent more students and employees from experiencing what we have had to endure. By signing this petition, you support the stance that it's time to say no more to misleading practices and bullying in PTK and stand up for the rights of all students and employees. *Please, sign this petition.*

 **Here's why else you should care and demand accountability:**

## The "Top 10%" Lie Concerns

- PTK claims to recognize the "Top 10%" of students, but public records clearly suggest this isn't true—often over 30%, sometimes over 60+% of students on campus are invited. These misleading claims encourage students to pay for a distinction that doesn't exist, costing students and their families millions annually.
- See the evidence for yourself directly from the colleges: The "Top 10%" of students includes [62.5% at Miramar College](#), [39% Grayson College](#), [38.9% at Jackson College](#).

## Misleading Scholarship Claims

- PTK promises **"\$246 million in member-only scholarships"** and that **"the average member gets \$2,500 a year."** Many of these scholarships are publicly available to all students, and the true "average member" median exclusive PTK scholarship benefit is perhaps closer to zero, leaving students and families disappointed and misled.

## Gross Financial Mismanagement

- PTK's net income *plummeted by \$5.6 million* from 2021 to 2023, dropping from a \$4.7 million surplus to a \$900,000 deficit. 2024 was likely much worse. Financial instability like this can threaten the very programs students rely on. Who ultimately pays the price when finances are mismanaged?

## Ballooning CEO Salary and Nepotism Concerns

- During this financial decline, **CEO Lynn Tincher-Ladner's salary skyrocketed by 49% over two years**, from \$259,674 in 2021 to \$386,564 in

 Support now

Phi Theta Kappa board members hold a fiduciary responsibility not only to the public good but crucially also to the students attending the colleges that employ them. *Where is the PTK Board?*

### **See the Deceptive Advertising Issue for Yourself**

In our view, [social media videos like this one](#) illustrate the emotional manipulation caused by PTK's false narratives. Watch the video to see firsthand how PTK's misleading claims may exploit emotions and break trust.

#### *Public Records Expose the Truth*

Public records from Miramar College, where *PTK Board Member Michael Odu* works, reveal that **62.5% of students** at the campus were deemed eligible for PTK membership under the claim that they were in the "Top 10%."

#### *Quotes from a Misleading PTK Invitation to Join:*

- **"You're in the top 10% of students on your campus,"**
- **"\$246 million in member-only transfer scholarships,"**
- **"The average member gets \$2,500 a year"**

It's time for PTK to face the facts, overhaul the leadership immediately and restore integrity to its mission. *Current leadership must be held accountable for misleading millions of students over the past few years. Please...Sign this petition now.*

Doc ID: 2a2f131ceb1acfa398ce7ae19255ea9323c9bc9f

We encourage anyone who believes they have been misled by this company to contact [their state attorney general's office](#) or the [Better Business Bureau](#).

The evidence and findings here should be judged on their own merits, irrespective of PTK attempts to discredit those raising concerns.

Disclaimer: This petition reflects the good faith opinions of the petitioner and contributors, and is not endorsed by Phi Theta Kappa headquarters. The views and experiences shared are those of the petitioner and contributors, aimed at fostering transparency, accountability, and reform.

[Report a policy violation](#)



**Toni Marek**  
Petitioner Starter

[Media inquiries](#)

## The Decision Makers



**Brenna Bird**  
Iowa Attorney General

☹ No response (notified 22 days ago)

[Email decision maker](#)



**Todd Rokita**  
Indiana Attorney General

☹ No response (notified 22 days ago)

[Support now](#)



**Shad White**  
Mississippi Auditor

☹ No response (notified 30 days ago)

[Email decision maker](#)

[View 27 more](#)

## The Supporters

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3 months ago

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♡ 21 likes · 🚩 Report



**Wendy, Ocala**  
3 months ago

[Show full text](#)

♡ 17 likes · 🚩 Report



**Rebekah, Pearl**  
2 months ago

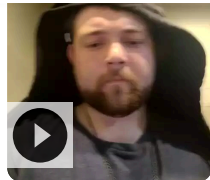
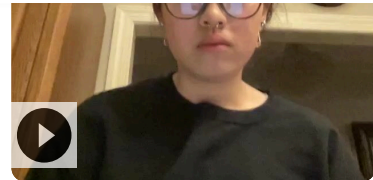
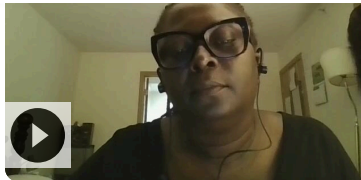
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## Petition updates

### URGENT - Phi Theta Kappa Got a Court Order to Block My Book - What Are They Hiding?

1 day ago

👉 If you support the cause, please help me fight this in court. Even \$5 or \$25 makes a difference: <https://www.givesendgo.com/savephithetakappa>  
Over 17,000 of you signed this petition. Now, Phi Theta Kappa (PTK) has obtained a temporary restraining order (TRO) from a Texas court preventing the release of my free book, Saving PTK: The Whistleblower's Fight for Truth and Change. The court issued this order without notifying me beforehand. The book includes my personal story and references public records, news coverage, and personal experiences I've shared publicly for over a decade....



### 17,000 Signed Then Phi Theta Kappa Got a Court Order to Stop My FREE Book BEFORE it is Published!

4 days ago

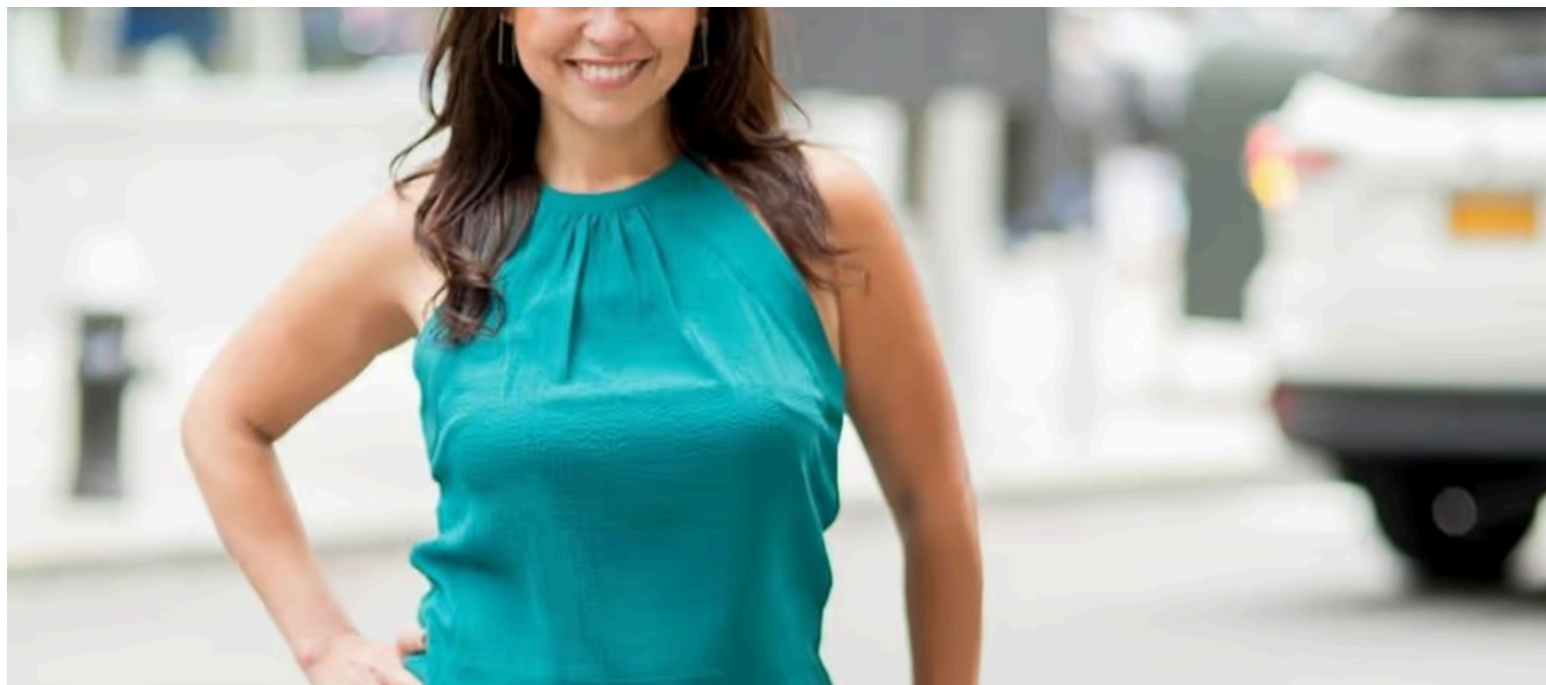
17,000 of you stood with me. You demanded the truth. You signed the petition. 👉 If you believe students and survivors deserve the truth — please help me fight back. [GiveSendGo.com/SavePhiThetaKappa](https://www.givesendgo.com/savephithetakappa) Now Phi Theta Kappa got a court order to block me from releasing my FREE book — a book built on public records, survivor voices, and my own story. They didn't dispute the facts. They just don't want you to see them. This is called prior restraint — and it's a direct attack on the First Amendment. 👉 If you believe students and survivors deserve the...

[More updates](#)

## Media Mentions

🔥 Detected by Change.org

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Petition created on January 9, 2025

[Change.org](#) > [fraud](#) > [Stand Up for Students! Stop Misleading Students & Toxic Bullying by Phi Theta Kappa HQ](#)

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English (United States) 

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This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Envelope ID: 99274971

Filing Code Description: Answer/Response/Waiver

Filing Description: Defendant's Opposition to Injunction

Status as of 4/4/2025 8:40 AM CST

#### Case Contacts

| Name           | BarNumber | Email                     | TimestampSubmitted  | Status |
|----------------|-----------|---------------------------|---------------------|--------|
| David Griffin  | 8456950   | dcg@lawmgk.com            | 4/4/2025 8:17:04 AM | SENT   |
| Kevin D.Cullen |           | kcullen@cullenlawfirm.com | 4/4/2025 8:17:04 AM | SENT   |
| Tracy Betz     |           | tbetz@taftlaw.com         | 4/4/2025 8:17:04 AM | SENT   |
| Toni Marek     |           | tonimarek@gmail.com       | 4/4/2025 8:17:04 AM | SENT   |