

Mavex Respondent Brief

(Mavex Shops of Flower Mound LP)

A Mom & Pop Explanation

What this brief asks the Supreme Court to do — and just as importantly, what it does not ask the Court to decide.

Plain-English anchor

A procedure is not meaningful if the only place you are allowed to go lacks power to fix the problem.

Why this brief matters

Mavex is a Respondent — but supports the Petition

Mavex was aligned with Petitioners below. Because it did not join the Petition when filed, it appears here as a Respondent — but it supports granting certiorari.

Plain English

“We were on the same side below, and we agree this case should be heard.”

What Mavex asks for

- **Grant the Petition**
- **Vacate the judgment below**
- **Remand for a court with equitable authority**

The two questions in plain English

1

Can a State make an incapable process exclusive?

The brief asks whether due process allows a State to say: “You must use this administrative process,” when that process cannot grant the forward-looking relief requested.

Mom & Pop version

“You can complain at the counter — but the counter has no authority to fix the broken rule.”

2

When does the federal due-process injury become complete?

The brief argues the federal issue became complete only when the last state court denied rehearing, leaving no court able to adjudicate the claim.

Mom & Pop version

“The problem became final only when the last door closed.”

The relief was forward-looking

Not just “change this year’s number”

Mavex states the relevant claim was prospective: an injunction requiring DCAD and its Chief Appraiser to follow governing standards in future mass appraisals.

Annual value protest
Corrects one year /
one appraisal cycle



Future compliance
Requires authority to
stop or require
future action



Injunction
A court order
governing future
conduct

Key distinction

A correction for last year does not decide whether the same method can be used again next year.

The core problem: remedy mismatch

The ARB can correct records. It cannot issue the requested injunction.

The brief accepts that appraisal review boards can handle ordinary valuation protests. The problem is using that process as the exclusive answer to a different kind of claim.

What the annual process can do

- Review a completed appraisal cycle
- Correct a value or appraisal record
 - Address parcel-specific annual complaints

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What the prospective claim needs

- Decide whether a continuing method is lawful
 - Order future compliance
 - Grant meaningful relief

Plain English

The assigned “remedy” does not match the actual injury.

The constitutional dead end

When every door points to the wrong room

Mavex argues Texas created a loop: the administrative process is declared exclusive, but the administrative body lacks authority to grant forward-looking relief; courts then dismiss because the process is exclusive.



Dead-end result

The right exists “in theory,” but no tribunal is allowed to adjudicate it “in practice.” Thus the termination of your Constitutional rights being both state and federal.

What Mavex is not asking the Supreme Court to do

This is narrow relief — not a merits trial in Washington

The ARB Cannot:

× Set property values

× Order tax refunds

× Decide appraisal
math

× Declare allegations
proven

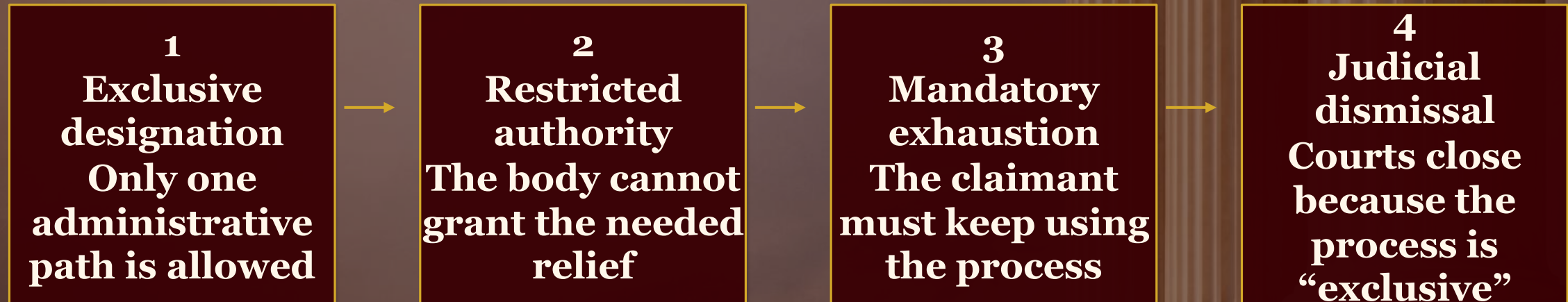
What Mavex does ask

Vacate and remand so a court with equitable authority can adjudicate the preserved prospective claims.

Why the issue goes beyond property taxation

The problem is a repeatable governmental architecture

The brief says the boundary is crossed when a State combines four features in a way that prevents adjudication of a prospective claim.



Potential fields mentioned

Licensing • public benefits • professional discipline • land use • education • election administration

Why Mavex says this is a focused vehicle

The Court can decide a legal boundary without deciding the facts

1

Legal issue

No need to resolve appraisal mathematics or decide if the method violated Texas law.

2

Modest remedy

Vacatur and remand — not valuation, refund, or final merits relief.

3

Clear preservation

The remedial mismatch was repeatedly presented through the state-court path.

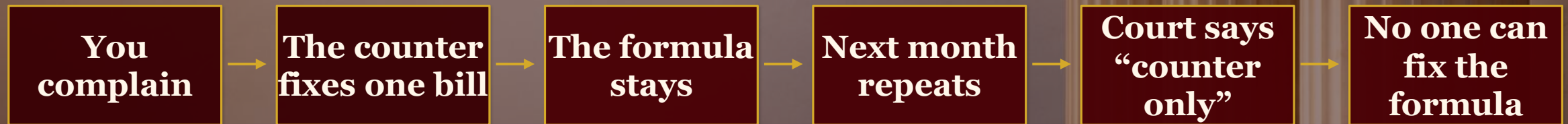
Bottom line

The Court can restore adjudication while leaving merits, defenses, and equitable prerequisites for the proper tribunal.

The “Mom & Pop” translation

A simple analogy

Imagine a town has a complaint counter that can correct this month’s water bill, but the counter has no authority to stop the town from using the broken billing formula next month.



Due-process problem

Procedure without adjudicative power.

What happens if the Court agrees

The requested path is grant → vacate → remand

Grant certiorari
The Court agrees
the question
deserves review.



Vacate judgment
The lower
judgment is set
aside.



Remand
A court with
equitable authority
adjudicates the
claim.

Important

This still does not decide the appraisal merits. It restores adjudication.

The one-sentence takeaway

Due process is not satisfied by sending people to a process that cannot decide the claim or grant the relief they are asking for.

That is why Mavex supports granting the Petition.

Close

The brief is about meaningful adjudication — preserving a real forum with power to decide the preserved claim.