

CAUSE NO. D-1-GN-25-010735

SAVE AUSTIN NOW PAC, AND ITS
TREASURER, LELAND BICKERS
Plaintiffs,

v.

CITY OF AUSTIN CITY MANAGER
T.C. BROADNAX,
IN HIS OFFICIAL CAPACITY,
Defendant.

§ IN THE DISTRICT COURT
§
§
§
§ TRAVIS COUNTY
§
§
§ 126TH, DISTRICT COURT
§
§ _____ JUDICIAL DISTRICT

**PLAINTIFFS' ORIGINAL PETITION FOR DECLARATORY
JUDGEMENT AND INJUNCTIVE RELIEF**

Plaintiffs, Save Austin Now PAC (“SAN-PAC”) and its Treasurer Leland Bickers, are currently engaged in a petition drive to amend the Austin City Charter to require that an independent efficiency audit of the City government be conducted on a regular basis. The Defendant, Austin City Manager T.C. Broadnax—who would likely be embarrassed by the results of such a thorough and independent audit—is attempting to interfere in Plaintiffs’ campaign and exercise of free speech by claiming SAN-PAC has infringed on a purported trademark of a new logo that City Manager Broadnax adopted, on his own, without legal authority, and without a public vote by the Austin City Council, *i.e.*, the “Broadnax Logo.” The threat made by the City is a threat to file a SLAPP suit

against Plaintiffs. Because of the City Manager's threat, Plaintiffs seek protection from the Court.

A. NATURE OF THE CASE AND DISCOVERY CONTROL PLAN

1. In November 2025, the City of Austin asked voters for a huge property tax increase under what was called "Prop Q." Austin voters rejected the tax increase with over 63% voting against it. During the Prop Q campaign, the Austin American-Statesman reported that City officials, including City Manager T.C. Broadnax spent tax funds to buy their lunches, made expenditures of tax funds for their personal benefit and for political purposes. The most spectacular report by the Statesman was that the City spent over \$1.1 million to create and vet a new seal for Austin in the form of a logo. This outraged many voters, including the Plaintiffs in this case, and the logo became the symbol of waste of taxes by City officials and the need for an outside independent audit. Because City Manager Broadnax lacks authority to adopt the logo as the City's official logo (only the City Council has such authority), this petition refers to the logo as the "Broadnax Logo."

2. Immediately after the election, SAN-PAC began a petition drive to amend the City Charter to require the independent audit on a

regular basis. As part of their campaign and exercise of free speech, they used a parody copy of the Broadnax Logo on their websites such as:

https://saveaustinnow.substack.com/p/save-austin-now-massive-day-1-response?utm_campaign=reaction&utm_medium=email&utm_source=substack&utm_content=post See Exhibit P-1.

Demand an External Affordability Audit!



Audit

Follow the Money!

www.ATXAudit.com

3. On December 3, 2025, SAN-PAC received a demand from an attorney, Dwayne K. Goetzel, with Kowert, Hood, Munyon, Rankin & Goetzel, P.C. that SAN-PAC cease its parody, free-speech use of the Broadnax Logo. *See* Exhibit P-2. Incredibly, the letter claimed people would be confused by the appearance of the Broadnax Logo on SAN-PAC's websites thinking the City was sponsoring the website. Even after SAN-PAC founder Matt Mackowiak (and informal counsel Adam Loewy) explained to Mr. Goetzel that the use of logo was parody free speech, Mr. Goetzel continued the threat, saying, "You are incorrect about your ability to use another's trademark in this manner." *See* Exhibit P-3. Mr. Goetzel claimed he was retained by "the City" but gave no further evidence of his authority. After the defeat of Prop Q in part because of the \$1.1 million-logo, it seems outrageous that the City would spend even more tax money on outside attorney fees for that logo and threatening those oppose such waste.

4. Discovery in this case will be conducted under Texas Civil Procedure Rule 190.3, Level 2.

B. CLAIM FOR RELIEF

5. Plaintiffs seek only equitable nonmonetary relief. TRCP

47(c)(2).

C. PARTIES

6. a. **Plaintiffs are:**

(1). Save Austin Now PAC (SAN-PAC), a political action committee engaged in activity to stop waste of Austin taxpayer funds, currently by a petition drive in which the parody copy of the Broadnax Logo is and will continue to be used. This Plaintiff may be served via its attorney of record in this case.

(2). Leland Bickers is a resident and taxpayer of Austin and is the Treasurer of SAN-PAC. The information required by Tex. Civ. Prac. & Rem. Code Sec. 30.014 is DL 088 and Soc. Sec. 774. This Plaintiff may be served via his attorney of record in this case.

b. **Defendant is:**

(1). Defendant T.C. Broadnax is the City Manager for the City of Austin. He is sued in his official capacity only and can be served at Austin City Hall, 301 W. 2nd Street, Second Floor,

D. JURISDICTION

7. This Court has jurisdiction to issue the requested writ of injunction under Article 5, § 8 of the Texas Constitution and Tex. Gov't

Code §§ 24.007 and 24.008 and Tex. Civ. Prac. & Rem. Code Chapter 65 under the procedures of the Uniform Declaratory Judgments Act, Tex. Civ. Prac. & Rem. Code Chapter 37. Venue is required in the Travis County District Court under Tex. Civ. Prac. & Rem. Code § 65.023 and § 15.002, because the City of Austin defendants resides in Travis County where the events giving rise to the claims occurred.

E. FACTS

8. The facts stated in Paragraphs 1-4 are incorporated here as well. Someone has applied for a trademark for stylized “A” logo and the logo with the word “Austin” under the “A”—the Broadnax Logo. *See* Exhibit P-4A and P-4B.

9. The logo is wildly unpopular and has been the subject of ridicule on platforms such as X, and the logo has become a political symbol of bad decision by Austin officials, such as failure to enforce the No-Camping Ban Ordinance. For just a few examples, *See*:

Exhibit P-5A: <https://x.com/lupulus1/status/1964343334551339272?s=20>

Exhibit P-5B:

<https://link.edgепilot.com/s/c4d03bfd/DEL97FIqSEaPLYNOcqTgrg?u=https://x.com/jeffasu/status/1963643905200562479>

Exhibit P-5C:

<https://link.edgepilot.com/s/4384d667/MKMe2EgOCECwfoNFXSDa2A?u=https://x.com/cruzctrl1/status/1973757156517376464?s=20>

Exhibit P-5D: <https://x.com/natemcguire/status/1962944886392459523>

Exhibit P-5E:

<https://x.com/AustinAdvocate/status/1963981021155610949?s=20>

10. On May 2, 2024, the City Council approved a contract to design and market-test a logo. *See* Exhibit P-6 (agenda and backup material). There was no action taken to delegate the adoption of a new City seal/logo to the City Manager, and there is no record that the Austin City Council has adopted the logo. The Minutes of the Council action on May 2, 2024 shows there was no discussion of the item, adopted on consent:

41. Authorize negotiation and execution of two contracts for City of Austin brand strategy and development with Pentagram Design Inc. and TKO Advertising Inc., each for a term of one year in amounts not to exceed \$564,000, divided between the contractors. [This solicitation was reviewed for subcontracting opportunities in accordance with City Code Chapter 2-9B (Minority-Owned and Women-Owned Business Enterprise Procurement Program). For the services required for this solicitation, there were no subcontracting opportunities: therefore, no subcontracting goals were established. However, one of the recommended contractors identified subcontracting opportunities]. **The motion authorizing the negotiation and execution of two contracts with Pentagram Design Inc. and TKO Advertising Inc. was approved on consent on Council**

Member Velasquez' motion, Council Member Qadri's second on an 11-0 vote.

11. Despite having a supposedly budget crisis, the City of Austin FY 2026 Proposed Budget at Page 220 included an item for: “Increase for AW brand transition cost.” for \$958,526. On September 4, 2025, the City Manager—with no members of the Austin City Council even present—unveiled his new logo:

<https://austintx.new.swagit.com/videos/354613>

12. The powers and duties of the Austin City Manager are found in the City Charter and they include no authority for the City Manager to adopt a new seal, logo, or other insignia for the City.

Austin City Charter Art. V

§ 2. - POWERS AND DUTIES OF THE CITY MANAGER.

The city manager shall be responsible to the council for the proper administration of all affairs of the city and to that end he or she shall have power and shall be required to:

(1) Appoint and remove any officer or employee of the city except those officers appointed by the council and except as otherwise provided by this Charter.

(2) Prepare the budget annually, submit it to the council, and be responsible for its administration after adoption.

(3) Prepare and submit to the council as of the end of the fiscal year a complete report on the finances and administrative

activities of the city for the preceding year.

(4) Keep the council advised of the financial condition and future needs of the city and make such recommendations as may seem desirable.

(5) Appoint, by letter filed with the city clerk, a qualified administrative officer of the city to perform his or her duties during his or her temporary absence or disability.

(6) Perform such other duties as may be prescribed by this Charter or required of him or her by the council, not inconsistent with the provisions of this Charter.

F. CLAIMS

COUNT 1: THERE IS NO AUTHORITY IN TEX. BUS. & COM. CODE CHAPTER 16 FOR THE CITY TO REGISTER ITS SEAL, LOGO, OR OTHER INSIGNIA FOR A TRADEMARK.

13. Plaintiffs seek a declaration and ancillary injunctive relief that the Broadnax Logo cannot be registered pursuant to Tex. Bus. & Com. Code § 16.051 which says:

REGISTRABLE MARKS. (a) A mark that distinguishes an applicant's goods or services from those of others is registrable *unless the mark*:

...(3) depicts, comprises, or simulates the flag, the coat of arms, the seal, the geographic outline, or other insignia of:

...(C) a municipality....

COUNT 2: THE AUSTIN CITY MANAGER'S ADOPTION OF THE BROADNAX LOGO AS THE OFFICIAL SEAL, LOGO, OR OTHER INSIGNIA OF AUSTIN WAS AN *ULTRA VIRES* ACT.

14. Plaintiffs seek a declaration and ancillary injunctive relief that the adoption of such a City seal, logo, or other insignia for the City of Austin is a *legislative* act that must be adopted by ordinance by the Austin City Council, and the City Manager has no authority to officially adopt the Broadnax Logo, let alone trademark it. Likewise, the City and the City Manager lack any legal basis to threaten trademark infringement against anyone since the adoption of the logo was done without authority and is *void abinitio*.

COUNT 3: THE PLAINTIFFS' USE OF THE LOGO IS PARODY FREE SPEECH PROTECTED UNDER THE TEXAS CONSTITUTION AND IS NOT AN INFRINGEMENT OF THE (UNLAWFUL) TRADEMARK UNDER TEX. BUS. & COM. CODE § 16.102.

15. Plaintiffs seek a declaration and ancillary injunctive relief that their use of the Broadnax Logo is protected free speech under Tex. Const. Art. 1 § 8 affirmatively guaranteeing freedom of speech and their right of Remonstrance under Tex. Const. Art. 1 § 27.

16. Plaintiffs seek a declaration and ancillary injunctive relief that the Defendant cannot prove that Plaintiffs' use of the Broadnax Logo is a use that "is likely to deceive or cause confusion or mistake as to the source or origin of the goods or services" as would constitute a trademark

infringement under Tex. Bus. & Com. Code § 16.102.

G. EQUITABLE RELIEF

17. Plaintiffs seek a permanent injunction against the Defendant City Manager from interfering in Plaintiffs' exercise of their rights, including their right to criticize the Broadnax Logo and use it as parody free speech. Plaintiffs also seek an injunction against Defendant Broadnax taking any action to enforce the unlawful logo adopted by Defendant without authority to do so. Plaintiffs have a probable right to relief and a probable injury that is imminent and irreparable. Plaintiffs have no other adequate remedy at law but the relief pled for in this case.

H. CONDITIONS PRECEDENT

18. All conditions precedent to plaintiffs' claims for relief have been performed or have occurred.

PRAYER

For these reasons, Plaintiffs ask the Court to:

1. Declare that the Broadnax Logo is not a lawful trademark; that Defendant Broadnax lacks authority to adopt it or to enforce it as a trademark; and that Plaintiffs' use of the parody Logo is a valid exercise

of free speech under the Texas Constitution; and

2. Enter a permanent injunction against Defendant Broadnax as requested above; and

3. Award Plaintiffs costs and attorney fees pursuant to Tex. Civ. Prac. & Rem. Code §37.009 and grant Plaintiffs all other relief to which they may be entitled.

Respectfully submitted,



Bill Aleshire
Texas Bar No. 24031810
AleshireLAW, P.C.
3605 Shady Valley Dr.
Austin, Texas 78739
Cell: (512) 750-5854
Telephone: (512) 320-9155
Facsimile: (512) 320-9156
Bill@AleshireLaw.com

COUNSEL FOR PLAINTIFFS

EXHIBIT P-1

saveaustinnow.substack.com

**SAVE AUSTIN NOW: Massive Day 1
Response to Required External
External Audit Charter Amendment //
Press Coverage // City Responds //
Request a Petition by Mail //
Volunteers Needed // Support Us**

Save Austin Now

10–13 minutes



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[https://saveaustinnow.substack.com/p/save-austin-now-massive-day-1-response?
utm_campaign=reaction&utm_medium=email&utm_source=substack&utm_content=post](https://saveaustinnow.substack.com/p/save-austin-now-massive-day-1-response?utm_campaign=reaction&utm_medium=email&utm_source=substack&utm_content=post)

Good Friday morning --

We have ONE MAJOR ANNOUNCEMENT this morning.

Demand an External Affordability Audit!



Good Saturday morning -

We hope you have a wonderful weekend ahead of you.

Just a few things this weekend:

EXHIBIT P-1

- **DAY ONE LAUNCH:** The day 1 response to the launch of our petition effort to require regular outside performance audits of the entire city budget for affordability and efficiency has been MASSIVE.

- Media coverage
- [Austin American-Statesman](#)
- [KXAN](#)
- [KVUE](#)
- [CBS Austin](#)

- **CITY RESPONSE**

- We can find no on the record statement from any city council member or the Mayor yesterday. But in the KXAN story, the city's CFO did have a comment:

City of Austin Chief Financial Officer Ed Van Eennoo said the city has “numerous efforts underway” to strengthen accountability and transparency.

“The City shares the community’s interest in strengthening accountability, transparency, and efficiency of government operations. A [Nov. 5 memo](#) from the City Manager details numerous efforts currently underway across the organization to accomplish these goals. As written, the petition appears to require duplicative work by staff and consultants that would result in an unnecessary additional expense,” Van Eennoo said in a statement to KXAN.

- It's important to understand the city is proposing an audit THEY OVERSEE which will not restore trust, and they are proposing it

EXHIBIT P-1

happen once.

- What we are proposing is an ENTIRELY EXTERNAL audit of the entire city budget, and all utilities (including the Austin Transit Partnership), with the outside contractor selected within 120 days, it completed within one year, and occurring AT LEAST every five years or AT LEAST one year before ANY FUTURE TAX RATE ELECTION.
- It is also important to note that the charter amendment MUST BE 'net zero' cost to taxpayers, as the contractor is REQUIRED to find savings of AT LEAST the cost of the audit.
- In Houston, the external audit they did this year cost \$500,000 and the contractor proposed \$120M in savings.

[DONATE HERE TO OUR AUDIT CAMPAIGN](#)

- **REQUEST A PETITION BY MAIL**

- 32,000 petitions are being mailed Monday. We can add you to the list [here](#).

- **VOLUNTEER TO HELP US**

- Here's the [volunteer form](#), with options to help collect, help pick up, and help validate — on your own schedule.

- **SUPPORT US**

- Given that we have VERY limited time to do this (ten weeks), we are relying on mail as our primary collection method.
- We are mailing a cover letter, the petition (2 pages, 11x17, and an envelope with return postage paid). This costs roughly \$1.50/each. The more we mail, the faster we hit the 25,000 we need. We then must self-validate, which we do by recruiting volunteers and

EXHIBIT P-1

paying workers to do this.

- We will have sign up locations around Austin as well, which we will announce this week.

- **WAYS TO SUPPORT US**

- You can securely contribute [here](#).
- You can make a check to “Save Austin Now PAC” and mail it to:

807 Brazos Street

Suite 306

Austin, TX 78701
- If you wish to send a wire, please [email Matt](#).

- **ICYMI: YESTERDAY’S ANNOUNCEMENT**

FOR IMMEDIATE RELEASE

Friday, November 21, 2025

**Save Austin Now Organizes Coalition to Require an External
Affordability and Efficiency Initiative Charter Amendment**

***Aims to Collect 25,000 Signed Petitions by Feb. 1 to Require
First External Performance Audit of Entire City Budget in
Austin History***

AUSTIN, TX — With a broad coalition of city leaders with them, nonpartisan [Save Austin Now PAC](#) today announced it is launching a petition effort to put a Charter amendment on the May 2026 ballot that will require an external and performance-based affordability and efficiency initiative, which must be completed within one year of the contract engagement (with the independent contractor selected within 120 days) and which must be conducted

EXHIBIT P-1

every five years or no less than one year before any future tax rate election. The Charter amendment explicitly requires that the Independent Contractor commit to identify annual or multi-year cost savings that exceed the cost of the initiative.

This effort is modeled after a successful external audit conducted by the City of Houston this year which identified more than \$120M in suggested savings and helped Houston avoid a tax rate election, unlike Austin.

We can find no example of an external performance audit of the entire city budget ever being conducted in city history. Internal audits, overseen by city officials, have been conducted for individual city departments at times in recent years. However, they have not adequately measured performance or outcomes, tracked spending and contract performance by contractors and subcontractors, or included our utilities.

This Charter amendment is being launched 17 days after Prop Q, supported by Mayor **Kirk Watson** and nine of ten council members (Council Member **Marc Duchen** was the only exception), for a 20.2% city property tax hike to produce \$110M in revenue annually to close a \$33M budget deficit for the 2025-2026 budget year. Prop Q failed 63%-37%, with more than 109,000 Austin voters opposing the tax increase.

“It is not enough that the Mayor and Council just try to restore trust they’ve lost from voters; the City government must be affordable, effective, and efficient,” said **Bill Aleshire**, a local attorney and former Travis County Judge who drafted the Charter amendment language. “This Charter amendment will help achieve that.”

[DONATE TO FORCE THE AUDIT](#)

EXHIBIT P-1

“Prop Q was the people’s referendum—a clear, common-sense call from Austinites who are tired of rising costs and unclear spending,” said Save Austin Now co-chair **Steven Brown**, a lifelong East Austin resident and local Democrat. “This isn’t about politics; it’s about accountability. We simply want the City of Austin and our City Council to embrace an independent audit so we can finally see where we can be more efficient and make our city more affordable for the hard-working taxpayers who keep it running.”

“The lesson of the Prop Q defeat is that taxpayers do not currently trust our city leaders when it comes to the city budget and city spending,” said Save Austin Now co-chair **Matt Mackowiak**. “For trust to be restored, now and in the future, we need an external performance audit to improve affordability and efficiency, before the next budget year and then regularly afterwards. We are confident a majority of Austinites will support this common-sense approach and we hope the City Council chooses to enact this Charter amendment, but if they do not, we will pass it in May 2026.”

“It is long past time the citizens of Austin are allowed to look under the hood at City Hall and see where all this money is going,” said local attorney and prominent Prop Q opponent **Adam Leowy**. It is the only way to make sure our taxpayers dollars are being stewarded correctly.”

“This external and performance-based affordability and efficiency initiative is an opportunity to analyze performance standards, legal compliance, systems, internal controls, and transparency that can result in taxpayers getting improved services at the least possible costs,” said former Travis County Auditor **Susan Spataro**. “This initiative not only can provide assurances to Austin taxpayers, but

EXHIBIT P-1

also can be an asset for City Council and City Management to get new and improved insight and guidance in the performance of their duties in serving the people of Austin.”

“I support Save Austin Now’s plan to require an independent, external audit of the City’s spending, with the results available to the public,” said local Democrat, East Austin resident and former two-term City Council Member **Ora Houston**. “I am keenly aware of the need to have periodic external audits to ensure that the taxes citizens pay to the City are used efficiently and effectively. My council experience and my family history – my father had a degree in Business Administration – convince me that periodic, independent, public audits will also assure basic City services are the highest priority, the City’s other priorities are clear, and the public can see that expenses match those priorities.”

“Surely the Austin City Councilmember’s realize that with Prop Q going down 63% to 37% that it truly was a vote of NO confidence from the City of Austin taxpayers in how the City Council understands its ability to produce a budget that the citizens are willing to accept,” said former Travis County Commissioner (Precinct 3) **Gerald Daugherty**. “Therefore, this City Council must support an outside audit to simply show that they are serious about trying to gain back any confidence of legitimate fiscal management for this city and if they are really serious, they’ll adopt a 5 year “Sunset Provision” from this point forward!”

“This is a common-sense Charter Amendment,” said former Austin City Council Member **Brewster McCracken**. “It will ensure that city leaders have the best information to be good stewards of taxpayer funds. It will also ensure that the people of Austin have access to independent information on how their money is being

EXHIBIT P-1

spent. I was pretty surprised when the Council put Proposition Q on the ballot. I was even more surprised by the revelations that a majority of the council was extensively using one-time funds to pay for ongoing expenses and masking that from the public. These all represented big departures from how Austin city government had handled funding gaps in the past. That's why I voted no on Proposition Q. I want the Austin City Council to be successful. This Charter amendment is a necessary corrective to restore fiscal best practices and accountability. That's why I'm supporting it."

The petition can be found [here](#). Only City of Austin residents can sign the petition and be counted.

DONATE NOW

More information, opportunities to donate, and a volunteer sign up page are available at ATXaudit.com.

###

• **HOW YOU CAN HELP REQUIRE REGULAR EXTERNAL FINANCIAL AUDITS OF THE ENTIRE CITY OF AUSTIN BUDGET**

- Go to SaveAustinNow.com and you can:
- Learn more
- Watch our Launch video
- Request the petition be mailed to you
- Donate to our effort [here](#) securely online
- You can also make a check to "Save Austin Now PAC" and mail it to 807 Brazos Street, Suite 306, Austin, TX 78701
- Sign up to volunteer [here](#)

EXHIBIT P-1

We are watching the City Council VERY closely. Our city needs a REGULAR outside affordability and efficiency review of the city budget to rebuild trust. We need an annual budget within the limits of state law, that's balanced, that fully funds public safety, and that efficiently delivers essential services.

We will accept nothing less.

As we have said before, **WE HAVE ONLY BEGUN TO FIGHT!**

THANK YOU.

-Matt & Steven

*Pol. ad. paid for by Save Austin Now PAC. Leland Bickers,
Treasurer. [SaveAustinNowPAC.com](https://saveaustinnow.substack.com)*

Save Austin Now substack is a reader-supported publication. To receive new posts and support my work, consider becoming a free or paid subscriber.



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DWAYNE K. GOETZEL
(512) 853-8860
dgoetzel@intprop.com

FILE: 6557-01500

December 3, 2025

*Sent Via Email to matt@saveaustinnow.com
and vote@saveaustinnowpac.com*

Save Austin Now

Re: Unauthorized Use of City of Austin's Trademark

Dear Mr. Mackowiak:

I am contacting you regarding your use of the City of Austin's (the "City") "A" trademark in connection with the following sites:

<https://secure.anedot.com/save-austin-now-pac/externalauditnow?exitIntent=true>

<https://www.saveaustinnow.com/>

<https://www.atxaudit.com>

As you may know, the City was the first to use the stylized "A" mark, which is the subject of trademark application serial nos. 99366739 and 99366743. You are using the stylized "A" mark on the foregoing sites, which is an infringement of the City's trademark rights. Your unauthorized use of the "A" mark will confuse consumers who may believe that your use is sponsored or approved by the City. In order to prevent confusion and avoid harming the goodwill in the City's trademark, we request that you immediately discontinue all use of the stylized "A" mark, or anything confusingly similar to it.

Please note, we are not objecting to your First Amendment rights to discuss city government matters, only to the use of the City's trademark in connection with your websites, social media pages, and other business materials. I look forward to hearing from you.

Very truly yours,

Dwayne K. Goetzel

EXHIBIT P-3

From: [Adam Loewy](#)
To: [Bill Aleshire](#); [Matt Mackowiak](#)
Subject: Fwd: unauthorized use of City of Austin "A" trademark
Date: Wednesday, December 3, 2025 7:16:29 PM
Attachments: [image001.jpg](#)

Adam Loewy
Loewy Law Firm
(512) 779-3547

----- Forwarded message -----

From: Dwayne Goetzel <dgoetzel@intprop.com>
Date: Wed, Dec 3, 2025 at 7:15 PM
Subject: RE: unauthorized use of City of Austin "A" trademark
To: Adam Loewy <adam@loewyfirm.com>
CC: Matt Mackowiak <matt@potomacstrategygroup.com>

Adam,

I was retained by the city of Austin to file the trademark applications and asked to follow up on this unauthorized use of it.

Dwayne

From: Adam Loewy <adam@loewyfirm.com>
Sent: Wednesday, December 3, 2025 6:42 PM
To: Dwayne Goetzel <dgoetzel@intprop.com>
Cc: Matt Mackowiak <matt@potomacstrategygroup.com>
Subject: Re: unauthorized use of City of Austin "A" trademark

Dwayne:

EXHIBIT P-3

Who exactly do you represent here? You were retained by City Council to send this letter ?

Adam Loewy
Loewy Law Firm
(512) 779-3547

On Wed, Dec 3, 2025 at 6:22 PM Dwayne Goetzel <dgoetzel@intprop.com> wrote:

Matt,

I'm happy to speak with Adam about this (who I know from other matters). You are incorrect about your ability to use another's trademark in this manner.

Dwayne

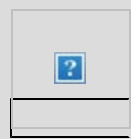
From: Matt Mackowiak <matt@potomacstrategygroup.com>

Sent: Wednesday, December 3, 2025 4:41 PM

To: Dwayne Goetzel <dgoetzel@intprop.com>

Cc: Adam Loewy <adam@loewyfirm.com>

Subject: Re: unauthorized use of City of Austin "A" trademark



IRONSCALES couldn't recognize this email as this is the first time you received an email from this sender matt@potomacstrategygroup.com

Adding in Adam

EXHIBIT P-3

Matt Mackowiak
President
Potomac Strategy Group, LLC

AUSTIN: [807 Brazos St, Ste. 701, Austin, TX, 78701](#) | office: [\(512\) 469-9090](#) | fax: [\(512\) 532-0999](#)

WASHINGTON: [1238 Wisconsin Ave, Ste. 401, Washington, DC 20007](#) | office: [\(703\) 829-0014](#) | fax: [\(202\) 318-8590](#) ** NEW ADDRESS

@MattMackowiak

[https://link.edgepilot.com/s/58cef453/iyb93RSqv0GEBVLFLv7k8g?
u=http://www.potomacstrategygroup.com/](https://link.edgepilot.com/s/58cef453/iyb93RSqv0GEBVLFLv7k8g?u=http://www.potomacstrategygroup.com/)

Sent from my iPhone

On Dec 3, 2025, at 4:39 PM, Matt Mackowiak
<matt@potomacstrategygroup.com> wrote:

Hi Dwayne -

We have a First Amendment right to use the COA logo and obviously the government cannot stop us.

Further, please go ahead and sue us over a \$1,200,000 logo that everyone hates and made our city an international laughingstock, bringing this back in the news. We'd love to talk about that again so please proceed.

-Matt

EXHIBIT P-3

Matt Mackowiak
President
Potomac Strategy Group, LLC

AUSTIN: [807 Brazos St, Ste. 701, Austin, TX, 78701](#) | office: (512) 469-9090 |
fax: (512) 532-0999

WASHINGTON: [1238 Wisconsin Ave, Ste. 401, Washington, DC 20007](#) |
office: (703) 829-0014 | fax: (202) 318-8590 ** NEW ADDRESS

@MattMackowiak

[https://link.edgepilot.com/s/58cef453/jyb93RSqv0GEBVLFLv7k8g?
u=http://www.potomacstrategygroup.com/](https://link.edgepilot.com/s/58cef453/jyb93RSqv0GEBVLFLv7k8g?u=http://www.potomacstrategygroup.com/)

Sent from my iPhone

On Dec 3, 2025, at 4:23 PM, Matt Mackowiak
<matt.mackowiak@gmail.com> wrote:

----- Forwarded message -----

From: **Dwayne Goetzel** <dgoetzel@intprop.com>
Date: Wed, Dec 3, 2025 at 4:21 PM
Subject: unauthorized use of City of Austin "A" trademark
To: matt@saveaustinnow.com <matt@saveaustinnow.com>
Cc: vote@saveaustinnowpac.com <vote@saveaustinnowpac.com>

Please see the attached letter regarding your use of the City of Austin's
"A" mark on your website and social media pages. I look forward to
hearing from you.

[Dwayne K. Goetzel](#)

Kowert, Hood, Munyon, Rankin & Goetzel, P.C.

[1120 S. Capital of Texas Hwy.](#)

[Building 2, Suite 300](#)

Austin, Texas 78746

EXHIBIT P-3

Direct Dial: [\(512\) 853-8860](tel:(512)853-8860)

Facsimile: [\(512\) 853-8801](tel:(512)853-8801)

Email: dgoetzel@intprop.com

Website: [https://link.edgepilot.com/s/3933c84e/UPOfEdG44U_z7reX44sTeA?
u=http://www.intprop.com/](https://link.edgepilot.com/s/3933c84e/UPOfEdG44U_z7reX44sTeA?u=http://www.intprop.com/)

NOTICE: KHM RG is a full-service intellectual property law firm specializing in patents, trademarks, copyrights, unfair competition, and litigation matters relating to these areas.

This email and any attachments are intended only for the personal and confidential use of the designated recipients, and may constitute an attorney-client communication. If you have received this message in error, please notify me immediately by telephone [\(512.853-8800\)](tel:(512)853-8800) and electronic mail at dgoetzel@intprop.com. Thank you.

--

Matt Mackowiak

Cell: (512) 423-6116

Email: matt.mackowiak@gmail.com

Blog:

[https://link.edgepilot.com/s/3251e44e/lydTWy4DyE65z9jXpKhsU
A?u=http://www.potomacflacks.com/](https://link.edgepilot.com/s/3251e44e/lydTWy4DyE65z9jXpKhsUA?u=http://www.potomacflacks.com/)

Twitter: [@MattMackowiak](https://twitter.com/MattMackowiak)

Company website:

[https://link.edgepilot.com/s/58cef453/iyb93RSqv0GEBVLFLv7k8
g?u=http://www.potomacstrategygroup.com/](https://link.edgepilot.com/s/58cef453/iyb93RSqv0GEBVLFLv7k8g?u=http://www.potomacstrategygroup.com/)

Links contained in this email have been replaced. If you click on a link in the email above, the link will be analyzed for known threats. If a known threat is found, you will not be able to proceed to the destination. If suspicious content is detected, you will see a warning.

EXHIBIT P-4A



A AUSTIN - Trademark Details

Status: 630 - New Application - Record Initialized Not Assigned To Examiner

Serial Number

99366743

Word Mark

A AUSTIN

Status

630 - New Application - Record Initialized Not Assigned To Examiner

Status Date

2025-08-30

Filing Date

2025-08-30

Mark Drawing

3 - Illustration: Drawing or design which also includes word(s)/ letter(s)/number(s)

Attorney Name

Dwayne K. Goetzel

Statements

Indication of Colors claimed

Color is not claimed as a feature of the mark.

Description of Mark

The mark consists of a set of three broken and curved lines that form an abstract letter "A" with the word "Austin" below.

EXHIBIT P-4A**Goods and Services**

Clothing, namely, caps, jackets, coats, shirts, belts, footwear, T-shirts, sweaters, raincoats, ponchos, hat bands, sweat bands, sweatshirts, sweatpants, bandanas, running and athletic shorts, scarves, tank tops, hats, wind suits, jerseys, tights, biker shorts, swim wear, socks, boxer shorts, and ties

Goods and Services

Information in the field of government affairs; Providing information in the field of the municipal services and economic development industry; Promoting economic development in the counties of central Texas

Goods and Services

Providing information on government financial assistance programs

Classification Information**International Class**

025 - Clothing, footwear, headgear. - Clothing, footwear, headgear.

US Class Codes

022, 039

Class Status Code

6 - Active

Class Status Date

2025-08-30

Primary Code

025

International Class

035 - Advertising; business management; business administration; office functions. - Advertising; business management; business administration; office functions.

US Class Codes

100, 101, 102

EXHIBIT P-4A**Class Status Code**

6 - Active

Class Status Date

2025-08-30

Primary Code

035

International Class

036 - Insurance; financial affairs; monetary affairs; real estate affairs. - Insurance; financial affairs; monetary affairs; real estate affairs.

US Class Codes

100, 101, 102

Class Status Code

6 - Active

Class Status Date

2025-08-30

Primary Code

036

Current Trademark Owners**Party Name**

City of Austin

Party Type

10 - Original Applicant

Legal Entity Type

51

Address

Please log in with your Justia account to see this address.

EXHIBIT P-4A

Correspondences

Name

Dwayne K. Goetzel Kowert, Hood, Munyon, Rankin & Goetzel, P.C.

Address

Please log in with your Justia account to see this address.

Trademark Events

| Event Date | Event Description |
|------------|-----------------------------------|
| 2025-08-30 | NEW APPLICATION ENTERED |
| 2025-08-30 | APPLICATION FILING RECEIPT MAILED |

EXHIBIT P-4B



A - Trademark Details

Status: 630 - New Application - Record Initialized Not Assigned To Examiner

Serial Number

99366739

Word Mark

A

Status

630 - New Application - Record Initialized Not Assigned To Examiner

Status Date

2025-08-30

Filing Date

2025-08-30

Mark Drawing

3 - Illustration: Drawing or design which also includes word(s)/ letter(s)/number(s)

Attorney Name

Dwayne K. Goetzel

Statements

Indication of Colors claimed

Color is not claimed as a feature of the mark.

Description of Mark

The mark consists of a set of three broken and curved lines that form an abstract letter "A".

EXHIBIT P-4B**Goods and Services**

Clothing, namely, caps, jackets, coats, shirts, belts, footwear, T-shirts, sweaters, raincoats, ponchos, hat bands, sweat bands, sweatshirts, sweatpants, bandanas, running and athletic shorts, scarves, tank tops, hats, wind suits, jerseys, tights, biker shorts, swim wear, socks, boxer shorts, and ties

Goods and Services

Information in the field of government affairs; Providing information in the field of the municipal services and economic development industry; Promoting economic development in the in the counties of central Texas

Goods and Services

Providing information on government financial assistance programs

Classification Information**International Class**

025 - Clothing, footwear, headgear. - Clothing, footwear, headgear.

US Class Codes

022, 039

Class Status Code

6 - Active

Class Status Date

2025-08-30

Primary Code

025

International Class

035 - Advertising; business management; business administration; office functions. - Advertising; business management; business administration; office functions.

US Class Codes

100, 101, 102

Class Status Code

EXHIBIT P-4B

6 - Active

Class Status Date

2025-08-30

Primary Code

035

International Class

036 - Insurance; financial affairs; monetary affairs; real estate affairs. - Insurance; financial affairs; monetary affairs; real estate affairs.

US Class Codes

100, 101, 102

Class Status Code

6 - Active

Class Status Date

2025-08-30

Primary Code

036

Current Trademark Owners

Party Name

City of Austin

Party Type

10 - Original Applicant

Legal Entity Type

51

Address

Please log in with your Justia account to see this address.

EXHIBIT P-4B

Correspondences

Name

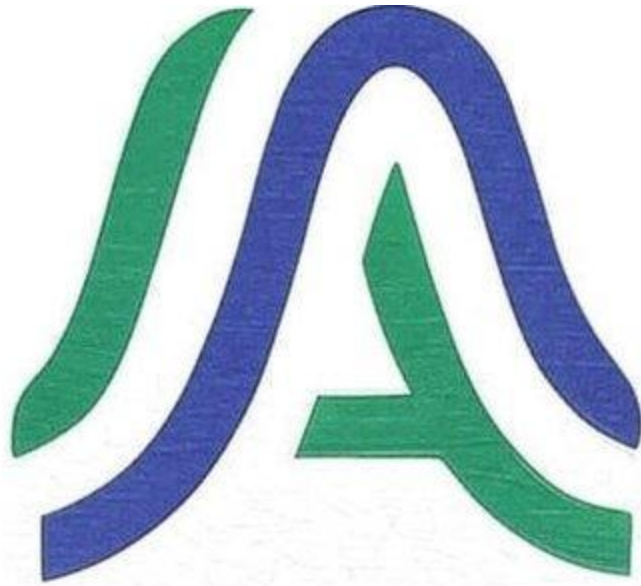
Dwayne K. Goetzel Kowert, Hood, Munyon, Rankin & Goetzel, P.C.

Address

Please log in with your Justia account to see this address.

Trademark Events

| Event Date | Event Description |
|------------|-----------------------------------|
| 2025-08-30 | NEW APPLICATION ENTERED |
| 2025-08-30 | APPLICATION FILING RECEIPT MAILED |



They have NO clue
Vote NO on Q

<https://x.com/lupulus1/status/1964343334551339272?s=20>



<https://link.edgepilot.com/s/c4d03bfd/DEL97FIqSEaPLYNOcqTgrg?u=https://x.com/jeffasu/status/1963643905200562479>



https://link.edgepilot.com/s/4384d667/MKMe2EgOCECwfoNFXSDa2A?u=https://x.com/_cruzctrl1/status/1973757156517376464?s=20



<https://x.com/natemcguire/status/1962944886392459523>

“The logo is a tombstone for Austin.”



https://x.com/_AustinAdvocate/status/1963981021155610949?s=20



City of Austin

Recommendation for Action

File #: 24-4541, Agenda Item #: 41.

5/2/2024

Posting Language

Authorize negotiation and execution of two contracts for City of Austin brand strategy and development with Pentagram Design Inc. and TKO Advertising Inc., each for a term of one year in amounts not to exceed \$564,000, divided between the contractors.

[This solicitation was reviewed for subcontracting opportunities in accordance with City Code Chapter 2-9B (Minority-Owned and Women-Owned Business Enterprise Procurement Program). For the services required for this solicitation, there were no subcontracting opportunities; therefore, no subcontracting goals were established. However, one of the recommended contractors identified subcontracting opportunities].

Lead Department

Financial Services Department.

Client Department(s)

Communications and Public Information.

Fiscal Note

Funding in the amount of \$350,000 is available in the Fiscal Year 2023-2024 Operating Budget of Communications and Public Information.

Funding for the remaining contract term is contingent upon available funding in future budgets.

Purchasing Language:

The Financial Services Department issued a Request for Qualifications Statements (RFQS) 5900 AVB4006 for these services. The solicitation was issued on September 25, 2023, and closed on November 8, 2023. Of the 17 offers received, the recommended contractors submitted the best evaluated responsive offers. A complete solicitation package, including a log of offers received, is available for viewing on the City's Financial Services website, Austin Finance Online. This information can currently be found at https://financeonline.austintexas.gov/afo/account_services/solicitation/solicitation_details.cfm?sid=139273.

For More Information:

Direct questions regarding this Recommendation for Council Action to the Financial Services Department - Central Procurement at: FSDCentralProcurementRCAs@austintexas.gov or 512-974-2500. Respondents to the solicitation and their Agents should direct all questions to the Authorized Contact Person identified in the solicitation.

Additional Backup Information:

This contract will establish a consistent and clear City of Austin brand to improve communication, engagement, participation, and pride with residents, businesses, visitors, and employees. A cohesive City brand is an adopted Council strategic priority. Rigorous research, including internal assessments, executive interviews, market studies, community surveys, and focus groups, has underscored the need for a compelling and

File #: 24-4541, Agenda Item #: 41.

5/2/2024

consistent brand. By fostering civic pride and improving recognition of City services, this branding effort could lead to cost savings through more effective and widespread marketing strategies.

This is a new contract. The requested authorization for this contract is based on departmental need. TKO Advertising Inc. is an MBE certified contractor.

An evaluation team with expertise in this area evaluated the offers and scored Pentagram Design, Inc., and TKO Advertising Inc., as the best contractors to provide these services based on vendor qualifications and experience developing brand strategies; sample work product that demonstrates previous experience with large and matrixed government, public sector, or enterprise clients; vendor qualifications and experience developing brand strategies and systems for large and matrixed clients; local presence and understanding of the City of Austin; vendor experience in brand discovery, training and implementation; vendor qualifications and experience for government or public sector clients; and expertise of individual staff members assigned to the project and their experience with the development of brand strategies and systems for large and matrixed clients and large government or enterprise clients.

A delay in contract approval will impact the Communication and Public Information Office's ability to develop and implement a cohesive City brand prolonging a pattern of inefficiency and lack of clear brand standards.

M/WBE Summary

The Small and Minority Business Resources Department (SMBR) determined that no goals are appropriate for this solicitation. Although no goals have been established for this solicitation, the contractor(s) was/were required to comply with the City's MBE/WBE Procurement Program if areas of subcontracting were identified. The following recommended contractors have complied with the City's MBE/WBE Procurement Program in subcontracting areas identified and were approved by SMBR.

Utilization of subcontractors is dependent on projects. At this time, the vendor cannot estimate how much work will go toward the subcontractor.

| | |
|---|-------------------|
| <u>NON - MBE/WBE TOTAL - PRIME</u> | <u>TBD</u> |
| TKO Advertising, Inc, Austin, TX | |

| | |
|--|-------------------|
| <u>NON-MBE/WBE – SUBCONTRACTOR(S)</u> | <u>TBD</u> |
| Sarver Strategies, Austin, TX | TBD |
| Initial brand testing and consensus building | |
| Frank and Victore Design, Inc., Austin, TX | TBD |
| Creation and revision of visual identity | |

Automated Certificate of eService

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.

William Aleshire on behalf of Bill Aleshire

Bar No. 24031810

Bill@AleshireLaw.com

Envelope ID: 108851518

Filing Code Description: ORIGINAL PETITION/APPLICATION - (OCA)

Filing Description: PLAINTIFFS' ORIGINAL PETITION FOR
DECLARATORY JUDGEMENT AND INJUNCTIVE RELIEF

Status as of 12/9/2025 11:33 AM CST

Case Contacts

| Name | BarNumber | Email | TimestampSubmitted | Status |
|---------------|-----------|----------------------|----------------------|--------|
| Bill Aleshire | | Bill@AleshireLaw.com | 12/8/2025 4:03:30 PM | SENT |