ACCEPTED
03-22-00126-CV
62784136
THIRD COURT OF APPEALS
AUSTIN, TEXAS
3/21/2022 11:47 AM
JEFFREY D. KYLE
CLERK

No. 03-22-00126-CV

In the Court of Appeals for the Third Judicial District Austin, Texas

Greg Abbott in his Official Capacity as Governor of the State of Texas; Jaime Masters in her Official Capacity of Commissioner of the Department of Family and Protective Services; and the Texas Department of Family and Protective Services,

Appellants,

v.

Jane Doe, individually and as parent and next friend of Mary Doe, a minor; John Doe, individually and as parent and next friend of Mary Doe, a minor; and Dr. Megan Mooney,

Appellees.

On Appeal from the
201st Judicial District Court, Travis County

RESPONSE TO APPELLEES' EMERGENCY MOTION FOR TEMPORARY INJUNCTIVE RELIEF

Ken Paxton
Attorney General of Texas

Brent Webster
First Assistant Attorney General

Office of the Attorney General
P.O. Box 12548 (MC 059)
Austin, Texas 78711-2548
Tel.: (512) 936-1700
Fax: (512) 474-2697

Judd E. Stone II
Solicitor General
State Bar No. 24076720
Judd.Stone@oag.texas.gov

Natalie D. Thompson
Assistant Solicitor General

Counsel for Appellants

Copy from re:SearchTX

To the Honorable Third Court of Appeals:

Parents have the primary duty to care for their children. *Interest of N.G.*, 577 S.W.3d 230, 235 (Tex. 2019). But if a parent shirks that duty by abusing or neglecting a child, the State intervenes as *parens patriae* to protect the child. *In re A.B.*, 437 S.W.3d 498, 503 (Tex. 2014).

The Doe Plaintiffs believe their treatment of Mary Doe is not medical abuse under the Texas Family Code. But most everyone investigated for child abuse believes their conduct is not abusive. If Plaintiffs are correct, then DFPS will not need to take any action to protect Mary Doe. But if a bare denial of wrongdoing warranted an injunction barring the State so much as investigating the allegations—here, based on Jane Doe's own self-report—every DFPS investigation could immediately be enjoined. That would make it impossible for the State to protect Texas's vulnerable children. So courts have long recognized that an investigation, standing alone, is not a judicially cognizable injury. And that is why courts refuse to enjoin investigations, the very point of which are to determine whether there has been any wrongdoing.

And the trial court's injunction went further than enjoining DFPS from investigating Ms. Doe's self-report—it issued a "statewide" injunction barring DFPS from investigating the challenged type of alleged child abuse against *anyone*. Plaintiffs-Appellees ask this Court to do the same. But courts' authority to issue injunctive relief is limited to the parties before it; the trial court—and this Court—cannot issue an injunction for the benefit of non-parties.

Copy from re:SearchTX

Background

The Attorney General received an official request to analyze "whether the performance of certain medical and chemical procedures on children—several of which have the effect of sterilization—constitute child abuse." Op. Tex. Att'y Gen. No. KP-0401, 2022 WL 579379, at *1 (Feb. 18, 2022); *see* Mot. App'x H (Excerpts of Reporter's Rec.) PX-01. In response, the Attorney General issued an opinion concluding that certain "'sex change' procedures and treatments . . . when performed on children, can legally constitute child abuse under" the Family Code. 2022 WL 579379, at *1, The opinion specified that it did "not address or apply to medically necessary procedures." *Id.*

Sending the opinion to the Department of Family Protective Services (DFPS), the Governor noted that the opinion "makes clear[] it is already against the law to subject Texas children to a wide variety of elective procedures for gender transitioning."[1] He directed DFPS "to conduct a prompt and thorough investigation of any reported instances of these abusive procedures in the State of Texas." In a statement responding to a press inquiry, a DFPS spokesman acknowledged that DFPS would follow Texas law as interpreted by the Attorney General.[2]

---

[1] PX-02, Letter from Gov. Greg Abbott to Commissioner Jaime Masters (Feb. 22, 2022), https://gov.texas.gov/uploads/files/press/O-MastersJaime202202221358.pdf.

[2] PX-03; *see* Mot. App'x A at 6 & nn.10-11 (citing Isaac Windes, *Texas AG says trans healthcare is child abuse. Will Fort Worth schools have to report?*, Fort Worth Star-Telegram (Feb. 23, 2022), https://www.star-telegram.com/news/local/crossroads-lab/article258692193.html).

Copy from re:SearchTX

Four plaintiffs filed this suit raising *ultra vires* and APA causes of action. Plaintiff-Appellee Jane Doe, a DFPS employee, told her supervisor that she was providing her child with hormone-altering medication and puberty blockers, RR.134:9-13, and that she believed she could be an "alleged perpetrator" under the child-abuse laws. RR.132:8-10, 134:15-16. As is DFPS's standard practice, after self-reporting, Ms. Doe was placed on paid administrative leave while her report was investigated. RR.86:7-12. Ms. Doe (joined by her husband and child) have filed suit to not only stop the DFPS investigation, but also to prevent *any* investigations of allegations of child abuse involving the medical procedures addressed in the Attorney General's opinion.

The last appellee, Dr. Mooney, is a psychologist. RR.17:24-25, 19:20-22. She fears having to report transgender youth clients seeking or engaging in certain therapies. RR.26:8-12. She does not allege DFPS is investigating her. *See* Mot. App'x A at 24-26.

Plaintiffs filed their Petition on March 1, 2022. *See* Mot. App'x A. The next day, Defendants-Appellants filed a plea to the jurisdiction, but the trial court declined to rule on that motion before granting a temporary restraining order (TRO) prohibiting DFPS from proceeding on any investigation into Ms. Doe's self-report of child abuse. Mot. App'x B. On March 11, 2022, the trial court held a hearing on Plaintiffs' motion for temporary injunction. At the close of arguments, the trial court, referencing a pre-written script, stated its findings on the record and granted Plaintiffs' motion. *See* Mot. App'x E (Order Granting Pls.' Appl. for TI). The trial court's order enjoined Governor Abbott, Commissioner Masters, and DFPS from

Copy from re:SearchTX

"[t]aking any action against Plaintiffs based on the Governor's directive and DFPS rule." Mot. App'x E at 4.

The trial court also issued the "statewide relief" Plaintiffs sought, enjoining Defendants from:

> (2) Investigating reports in the State of Texas against *any and all persons* based solely on alleged child abuse by persons, providers, or organizations in facilitating or providing gender-affirming care to transgender minors where the only grounds for the purported abuse or neglect are either the facilitation or provision of gender-affirming medical treatment or the fact that the minors are transgender, gender transitioning, or receiving or being prescribed gender-affirming medical treatment;
>
> (3) prosecuting or referring for prosecution such reports; and
>
> (4) imposing reporting requirements *on persons in the State of Texas* who are aware of others who facilitate or provide gender-affirming care to transgender minors solely based on the fact that the minors are transgender, gender transitioning, or receiving or being prescribed gender-affirming medical treatment.

Mot. App'x E at 4 (emphases added). The trial court denied Defendants' plea to the jurisdiction without making any findings. Mot. App'x F.

Defendants immediately filed a notice of appeal. Mot. App'x G. Acknowledging the automatic stay resulting from the appeal, Plaintiffs-Appellees have now filed an "emergency motion" asking for "reinstatement" of the temporary injunction ("Mot."). As directed, Defendants-Appellants file this Response.

Copy from re:SearchTX

Summary of the Argument

I. Plaintiffs have asked this Court to issue an order imposing on Defendants the same prohibitions as the trial court's superseded temporary injunction. Such an order would be an injunction in its own right. But although this Court's appellate jurisdiction has been invoked, its original jurisdiction has not. And issuing injunctive relief is an exercise of original, not appellate, jurisdiction. Accordingly, the Court lacks jurisdiction to issue the requested order.

II. Even if this Court had jurisdiction to issue the requested order, it should decline to do so. Such an order would upset, rather than preserve, the status quo. And no temporary order is needed to preserve this Court's jurisdiction.

III. The Court should also reject Plaintiffs' invitation to copy and paste an injunction that the trial court abused its discretion in issuing. The trial court lacked jurisdiction over Defendants, so it could not enjoin them. And even if the court did have jurisdiction, its injunction was still an abuse of discretion because Plaintiffs did not satisfy any of the three required elements for temporary-injunctive relief.

Accordingly, the Court should deny Plaintiffs' motion.

Argument

I. This Court Lacks Jurisdiction to Issue an Injunction Pending Appeal.

"[T]he need for courts to mind their jurisdictional bounds is perhaps at its greatest in cases" like this, "involving questions of public importance, where the potential for undue interference with the other two branches of government is most acute." *Morath v. Lewis*, 601 S.W.3d 785, 789 (Tex. 2020). The Texas Constitution confers on courts of appeals two species of jurisdiction, appellate and original.

Copy from re:SearchTX

Article V, section 6 of the Texas Constitution establishes that the courts of appeals have general "appellate jurisdiction" over all cases "of which the District Courts or County Courts have original or appellate jurisdiction, under such restrictions and regulations as may be prescribed by law" and "such other jurisdiction, original and appellate, as may be prescribed by law." *See also* Tex. Gov't Code §§ 22.220-.221. Defendants, upon their notice of appeal, invoked this Court's general appellate jurisdiction. *See* Tex. R. App. P. 25.1. Plaintiffs ask this Court to issue an order under Rule 29.3 constraining Defendants while this appeal is pending. But that relief—an injunction—is outside this Court's appellate jurisdiction, and thus not available under Rule 29.3.

"Although Rule 29.3 does not say so explicitly, the authority it grants to issue 'any temporary order' naturally includes only the authority to issue orders that are consistent with the law." *In re Geomet Recycling LLC*, 578 S.W.3d 82, 88 (Tex. 2019) (orig. proceeding). The most fundamental limit on the reach of Rule 29.3 is the issuing court's jurisdiction, as jurisdiction delimits a court's "power to act." *City of DeSoto v. White*, 288 S.W.3d 389, 393 (Tex. 2009). The relief requested by Plaintiffs is outside this Court's jurisdiction, so Rule 29.3 cannot authorize it. *Cf. Order Adopting Rules of Civil Procedure*, 47 Tex. Bar J. 155, Special Pull-Out Section at 32 (1984) ("Advisory Note") (advisory note to what is now Rule 29, noting that the rule is designed to allow relief in "areas within which each court may properly act") (emphasis added). The same is true for this Court's inherent powers, which necessarily cannot go beyond the Court's power to act. Because the Court lacks jurisdiction, granting the temporary-injunctive relief requested by Plaintiffs would

Copy from re:SearchTX

be an abuse of discretion subject to mandamus review by the Texas Supreme Court. *See Geomet*, 578 S.W.3d at 88, 92 (holding that Rule 29.3 did not authorize the court of appeals' temporary order and granting mandamus relief).

A. The order Plaintiffs seek is an injunction.

Plaintiffs are forthright about the type of order they seek—the title of their motion expressly asks for "temporary injunctive relief." And the Supreme Court has held that, whatever title used, an order restraining motion and enforcing inaction is injunctive relief. *See Qwest Commc'ns Corp. v. AT&T Corp.*, 24 S.W.3d 334, 336 (Tex. 2000); *Del Valle ISD v. Lopez*, 845 S.W.2d 808, 809 (Tex. 1992). And the order Plaintiffs would prevent Defendants from so much as investigate allegations of child abuse that arise from "gender-affirming medical treatment" on pain of contempt. Mot. App'x E at 4. Such an order by this Court would be, in character and function, an injunction. *See In re Alamo Defs. Descendants Ass'n*, 619 S.W.3d 363, 367 (Tex. App.—San Antonio 2021, orig. proceeding) ("[A] writ of injunction's purpose is to restrain action or threatened action.").

Plaintiffs ask this Court to "reinstat[e] a temporary injunction on the terms set forth by the trial court in this case." Mot. 27. But the term "reinstatement" is meaningless here because the trial court's injunction is still in place. Defendants' notice of appeal superseded the trial court's injunction, Tex. R. App. P. 24.2(a)(3), meaning only that Defendants "are not required to observe it[], and cannot be punished in contempt for disobedience thereof." *Ex parte Kimbrough*, 146 S.W.2d 371, 372 (Tex. 1941). But supersedeas does not displace or dissolve a trial court's injunction; it merely makes the injunction ineffective against the appellants pending

Copy from re:SearchTX

their appeal. *See id.*; *see also In re Tex. Educ. Agency*, 619 S.W.3d 679, 688 (Tex. 2021) (orig. proceeding) ("Supersedeas and counter-supersedeas are terms of art that refer to a particular process for suspending enforcement of a trial court's judgment or order."). Under Rule 29.3 it would be the "appellate court's temporary orders"—not the trial court's injunction—that the parties are "subject to." *Texas Educ. Agency*, 619 S.W.3d at 688. So Plaintiffs necessarily ask this Court to issue its own injunction. That, it cannot do.

B. This Court lacks jurisdiction to issue an injunction.

This Court lacks jurisdiction to enjoin Defendants because appellate jurisdiction does not include the power to issue an injunction. This Court's power under original jurisdiction is necessarily broader, to be sure, but Plaintiffs never invoked, and could not invoke, this Court's original jurisdiction.

1. Appellate jurisdiction does not include the power to issue injunctions.

Appellate jurisdiction is the power to "correct[] by appellate review . . . errors of inferior courts." *Love v. Wilcox*, 28 S.W.2d 515, 519 (Tex. 1930) (orig. proceeding). Appellate jurisdiction does not encompass the power to issue injunctions, which springs from a court's original jurisdiction.

More than 140 years ago, the City of Laredo made perhaps the first request in a Texas appellate court for an injunction pending appeal, asking the Supreme Court to halt the operation of a ferry on land claimed by the city while the city's appeal proceeded. *City of Laredo v. Martin*, 52 Tex. 548, 553-54 (1880). The Supreme Court rejected the city's request out of hand because the relief it requested was outside the

Copy from re:SearchTX

Court's appellate jurisdiction: "Its jurisdiction being appellate only, the court is not invested by the Constitution and laws with such general powers as would enable it to protect the parties from damage during the pendency of the appeal." *Id.* at 554. "The issuing [of] an injunction for such a purpose," the Court explained, "would be the exercise of original, and not of appellate, jurisdiction in the case." *Id.*; *see also In re Gamble*, 71 S.W.3d 313, 317 (Tex. 2002) (orig. proceeding) ("A request for injunctive relief invokes a court's equity jurisdiction."). *City of Laredo* is directly on point and bars the relief Plaintiffs request.

City of Laredo is good law today. Indeed, later courts have recognized that the limit *City of Laredo* announced naturally applies to courts of appeals as well. In 1941, the Dallas Court of Civil Appeals explained that a "Court of Civil Appeals" lacks the power "to issue . . . any writ other than as authorized by the statutes conferring original jurisdiction." *Tex. Emp. Ins. Ass'n v. Kirby*, 150 S.W.2d 123, 125 (Tex. App.—Dallas 1941, orig. proceeding). The Supreme Court subsequently adopted the Dallas court's opinion as its own. *Tex. Emp. Ins. Ass'n v. Kirby*, 152 S.W.2d 1073, 1073 (Tex. 1941). Indeed, courts as far away as New Hampshire have agreed with *City of Laredo* that "[t]he issuance of an injunction is an exercise of original, not appellate, jurisdiction." *Garand v. Town of Exeter*, 977 A.2d 540, 545 (N.H. 2009).

Two recent decisions by the Supreme Court have addressed Rule 29.3; neither supports this Court's jurisdiction to issue an injunction or undermines *City of Laredo*'s well-established rule. *See Nazari v. State*, 561 S.W.3d 495, 506 (Tex. 2018) (noting that the Supreme Court does not overrule precedent *sub silentio*). *First*, in *Geomet*, the Supreme Court held that the parties' briefing, which did not cite *City of*

Copy from re:SearchTX

Laredo, gave it "no reason to doubt that the court of appeals had the authority to make orders protecting [parties] against irreparable harm using Rule 29.3." 578 S.W.3d at 90. But, at the same time, the Court recognized that not all relief was available under Rule 29.3, because "the authority it grants to issue 'any temporary order' naturally includes only the authority to issue orders that are consistent with the law." *Id.* at 88. The Court was not asked to consider whether Rule 29.3 authorizes injunctions specifically and never said expressly that Rule 29.3 does so, let alone that appellate jurisdiction now includes the power to issue injunctions. In fact, the Court recognized that courts have long held that "issu[ing] injunctive relief" is a matter of "original jurisdiction." *Id.* at 90.

Second, in *Texas Education Agency*, the Supreme Court considered only whether a statute guaranteeing the State's right to supersedeas bars a form of temporary relief designed to prevent the defendant from mooting the case. *See* 619 S.W.3d at 687-90. The Court never considered the precise nature of such relief or whether courts of appeals possess jurisdiction to issue such orders.

The courts of appeals have recognized the continued vitality of *City of Laredo*. For example, after *Kirby*, the San Antonio Court of Civil Appeals compiled the voluminous precedent establishing that "any writ, be it mandamus, prohibition, *injunction*, or some other type, when originally issued by [a court], is an exercise of *original jurisdiction*," not appellate. *Wolf v. Young*, 275 S.W.2d 741, 743 (Tex. App.—San Antonio 1955, orig. proceeding) (emphases added). "This peculiarity in our appellate system," the court observed, "if such it may be called, is well ingrained and antedates the establishment of the Courts of Civil Appeals." *Id.* (citing *City of*

Copy from re:SearchTX

Laredo). This Court later cited *City of Laredo* and *Wolf* approvingly. *See R.R. Comm'n of Tex. v. Roberts*, 332 S.W.2d 745, 750-53 (Tex. App.—Austin 1960, orig. proceeding).

2. Plaintiffs did not invoke, and had no basis to invoke, this Court's original jurisdiction.

To be sure, once a party has properly invoked a court of appeals' *original* jurisdiction with a petition for a writ delineated in Texas Government Code section 22.221, the relief available via temporary orders, *see* Tex. R. App. P. 52.10, is necessarily more expansive. An appellate court exercising original jurisdiction has broader remedial powers, which include authority to issue an injunction pending consideration of a petition. *See, e.g.*, Order, *In re Texas*, No. 20-0715 (Tex. Sept. 15, 2020) (ordering a county clerk not to take certain actions pending further order of the Court upon a petition for writ of mandamus and injunction pending appeal); *see also In re Allcat Claims Serv., L.P.*, 356 S.W.3d 455, 462 (Tex. 2011) (explaining that, when mandamus jurisdiction is properly invoked, the Supreme Court "necessarily ha[s] the correlative authority to provide declaratory and injunctive relief as appropriate"); *Riggins v. Thompson*, 71 S.W. 14, 15-16 (Tex. 1902) (explaining that the term "injunction" includes a temporary order restraining a party pending the hearing on an application for an injunction of longer duration). That makes sense, because section 22.221 defines and limits the courts of appeals' original jurisdiction. *See City of Houston v. City of Palestine*, 267 S.W. 663, 666 (Tex. 1924) (discussing prior version); *Dunn v. St. Louis Sw. Ry. of Texas*, 88 S.W. 532, 533 (Tex. App. 1905, orig. proceeding) (same).

Copy from re:SearchTX

But Plaintiffs have no basis to invoke this Court's original jurisdiction. *See* Tex. R. App. P. 52. Because only this Court's appellate jurisdiction has been invoked, and appellate jurisdiction does not encompass issuing injunctive relief, the Court should deny Plaintiffs' motion.

II. Rule 29.3 Does Not Authorize Relief Here.

Even if the Court had jurisdiction to issue the requested order, it should not do so. Under Rule 29.3, "[w]hen an appeal from an interlocutory order is perfected, the appellate court may make any temporary orders necessary to preserve the parties' rights until disposition of the appeal." Tex. R. App. P. 29.3. The Supreme Court has explained that Rule 29.3 allows the court to "preserv[e] the status quo based on the unique facts and circumstances presented." *Geomet*, 578 S.W.3d at 89. Plaintiffs do not seek to preserve the status quo by preventing *any* investigation into whether a broad category of conduct *might* constitute child abuse.

A. Plaintiffs' requested order would upend, not preserve, the status quo.

The status quo is "the last, actual, peaceable, non-contested status which preceded the pending controversy." *Clint ISD v. Marquez*, 487 S.W.3d 538, 556 (Tex. 2016). Here, the status quo is that DFPS is permitted—indeed, obligated—to investigate allegations of child abuse and neglect and if investigation reveals probable abuse or neglect, taking action to protect the child. Ordering DFPS to cease an ongoing investigation is far from maintaining the status quo—let alone universally enjoining DFPS from investigating reports of potential child abuse involving nonparties.

Copy from re:SearchTX

At bottom, Plaintiffs' claims are premised on a misunderstanding of what the Governor and the Commissioner have done. Appellees attempt to characterize the Governor's letter as "redefining child abuse," Mot. App'x A (Pet. & Appl. for TI) at 35, but it does no such thing. Both the Governor's letter and the DFPS statement to the press refer directly to the Attorney General's opinion, which interprets existing law, including the definition of child abuse in the Family Code. *See* 2022 WL 579379, at *7 ("Section 261.001 defines abuse through a broad and nonexclusive list of acts and omissions."). It does not purport to replace the statutory definition with a new one, as Plaintiffs erroneously assume.

B. Temporary relief is not necessary to preserve this Court's jurisdiction.

Plaintiffs rely (at 21-22) on *Texas Education Agency*, 619 S.W.3d 679, for the proposition that Rule 29.3 provides appellate courts with discretion to issue temporary orders. But *Texas Education Agency* merely recognized that appellate courts may issue orders necessary to preserve their own jurisdiction. *Id.* at 688-89. There, the Court considered whether a court of appeals had authority to issue temporary orders to prevent the installation of a board of managers in the Houston Independent School District. *Id.* at 681-82. Because the entire dispute was about whether the District could institute a board of managers, absent temporary relief, the courts may have lost jurisdiction to resolve the underlying dispute. *Id.* at 688-89.

By contrast, Plaintiffs do not need this Court to issue a temporary order to maintain a live case or controversy. Denying the Rule 29.3 motion will not prevent this Court from addressing the merits of the trial court's temporary injunction, and

Copy from re:SearchTX

Plaintiffs do not even attempt to show otherwise. Supersedeas simply allows DFPS to fulfill its duty to protect Texas children by investigating alleged child abuse during the (potentially lengthy) pendency of this appeal. Supersedeas allows DFPS to respond to Jane Doe's self-report under its ordinary procedures; that may or may not result in DFPS taking any legal action in response. But—unlike in *Texas Education Agency*, where the executive action, once taken, was unreviewable—DFPS cannot intervene without a court order (or the consent of the child's guardians). *See* ch. 262, Tex. Fam. Code. Because the involvement of a court is baked into the process, *Texas Education Agency* does not support Plaintiffs' assertion that emergency temporary relief is warranted.

C. Rule 29.3 does not allow temporary orders to protect non-parties.

Plaintiffs' request is particularly inappropriate as it asks this Court to issue "statewide relief," extending far beyond the parties. *See* Mot. 8. The trial court's temporary injunction enjoined Defendants from "investigating reports [of alleged child abuse] to the State of Texas against *any and all persons*," "prosecuting or referring for prosecution such reports," or "imposing reporting requirements on *persons* who are aware of others who" engage in the conduct at issue. Mot. App'x E at 4. Plaintiffs ask this Court to "reinstat[e] the terms of th[at] temporary injunction." Mot. 20. But Rule 29.3 permits "the appellate court [to] make any temporary orders necessary to preserve *the parties' rights* until disposition of the appeal and may require appropriate security." *See* Tex. R. App. P. 29.3. Rule 29.3 allows relief for parties; it does not authorize relief in favor of *non*-parties.

Copy from re:SearchTX

Indeed, Plaintiffs ask for a universal injunction that is beyond the power of any court. Court lack power to "grant[] a remedy beyond what [i]s necessary to provide relief to [the plaintiffs]," *Lewis v. Casey*, 518 U.S. 343, 360 (1996), or to "enjoin enforcement of [a challenged law] as to anyone other than the named plaintiffs," *In re Abbott*, 954 F.3d 772, 786 n.19 (5th Cir. 2020), *vacated as moot*, 141 S. Ct. 1261 (2021); *accord McKenzie v. City of Chicago*, 118 F.3d 552, 555 (7th Cir. 1997) ("[P]laintiffs lack standing to seek—and the district court therefore lacks authority to grant—relief that benefits third parties."). And courts cannot issue an injunction protecting someone who has not shown likely injury. *See Operation Rescue-Nat'l v. Planned Parenthood of Houston & Se. Tex., Inc.*, 975 S.W.2d 546, 568 (Tex. 1998). Yet Plaintiffs seek a universal injunction barring investigation or enforcement against *anyone*, not just themselves.

Such an injunction could have grave consequences. Plaintiffs' quarrel with the Governor's letter and the DFPS policy is that Plaintiffs believe "gender-affirming medical treatment," when medically necessary, is not child abuse as defined by the Family Code. But Plaintiffs do not dispute that medical treatment is not always necessary or that the same medical interventions could be used in a way that harms children because they cannot.[3] To the contrary, they acknowledge that "[n]o medical treatment is recommended or necessary" for a child prior to puberty, they agree such treatments are not universally necessary for transgender individuals, and

[3] *Factitious Disorder Imposed on Another (FDIA)*, Cleveland Clinic, https://tinyurl.com/mr2znbm8 (last visited Mar. 21, 2022) (discussing condition formally known as Munchausen syndrome by proxy).

Copy from re:SearchTX

they do not claim the same medical interventions would be appropriate for a child not suffering from gender dysphoria. *See* Mot. Ex. A. at 14, 18; PX-08. For example, Plaintiffs would thus seem to concede that performing a medically unnecessary operation on a prepubescent child to permanently alter his or her genitals could sterilize the child, and therefore could constitute "child abuse" under the Family Code. But they ask for an injunction that would prohibit DFPS from so much as investigating a report that a parent is seeking such care over the objection of, for example, the child's other parent. The Court should not grant that request.

III. Plaintiffs Have Not Demonstrated They Are Entitled to Relief.

Finally, the Court should not enjoin Defendants "even temporarily" as the trial court lacked subject-matter jurisdiction over Plaintiffs' claims. *In re Abbott*, 601 S.W.3d 802, 805 (Tex. 2020) (orig. proceeding) (per curiam). And, even if the trial court did have jurisdiction, its temporary injunction was an abuse of discretion because Plaintiffs have not satisfied any of the three elements required for temporary injunctive relief. This Court should not replicate "the terms of the temporary injunction," Mot. 20, that the trial court could not, and should not, have issued.

A. Plaintiffs have not established jurisdiction to enjoin Defendants.

Plaintiffs cannot obtain an order from this Court because their claims suffer from three independent jurisdictional maladies, any one of which makes the trial court's temporary injunction improper.

Copy from re:SearchTX

1. Plaintiffs lack standing.

"The Texas standing requirements parallel the federal test for Article III standing, which provides that a plaintiff must allege personal injury fairly traceable to the defendant's allegedly unlawful conduct and likely to be redressed by the requested relief." *Tex. Propane Gas Ass'n v. City of Houston*, 622 S.W.3d 791, 799 (Tex. 2021). Claimants must satisfy these requirements in order to obtain temporary injunctive relief. *See Abbott v. Anti-Defamation League Austin, Sw., & Texoma Regions*, 610 S.W.3d 911, 917 (Tex. 2020).

Plaintiffs failed to show an actual or imminent injury. Plaintiff Dr. Mooney made no showing that any Defendant will imminently take disciplinary action against her. As to the remaining plaintiffs, the bare existence of an investigation is not a legally cognizable injury. *See Laird v. Tatum*, 408 U.S. 1 (1972). To be sure, there might be aspects of an investigation that could give rise to an injury-in-fact—for example, the subject of an investigation might be subpoenaed or searched. But such an injury can be addressed if and when it occurs—for example, by moving to quash a subpoena or suppress evidence. The possibility such a thing might occur in the future is not enough to establish standing now. *Clapper v. Amnesty Intern'l USA*, 568 U.S. 398, 409 (2013); *In re Gee*, 941 F.3d 153, 164 (5th Cir. 2019) (per curiam) (a "theoretical possib[ility]" does not suffice).

As to the Governor, Plaintiffs do not identify anything he has or is likely to do that would cause them injury. They do not claim he has or will take any enforcement action against them. Without a causal connection between the Governor's conduct and their alleged injury, they lack standing to sue him. *See Collins v. Yellen*, 141 S. Ct.

Copy from re:SearchTX

1761, 1779 (2021) ("[T]he relevant inquiry is whether the plaintiffs' injury can be traced to 'allegedly unlawful conduct' of the defendant, not to the provision of law that is challenged." (quoting *Allen v. Wright*, 468 U.S. 737, 751 (1984)).

2. Plaintiffs' claims are not ripe.

The court also lacks subject-matter jurisdiction because Plaintiffs' claims are not ripe. The ripeness inquiry "asks whether the facts have developed sufficiently so that an injury has occurred or is likely to occur, rather than being contingent or remote." *Patterson v. Planned Parenthood of Houston & Se. Tex., Inc.*, 971 S.W.2d 439, 442 (Tex. 1998). And "[c]laims based on an allegedly improper investigation typically are not ripe because 'after reviewing information submitted by [the plaintiff], the agency might agree" that there has been no wrongdoing. *Winter v. Cal. Med. Rev., Inc.*, 900 F.2d 1322, 1325 (9th Cir. 1989); *see also Rhode Island v. Narragansett Indian Tribe*, 19 F.3d 685, 692 (1st Cir. 1994). The claim may ripen if the agency finds wrongdoing and takes action against the subject, but until it has done so there is nothing for a court to adjudicate. *See Rea v. State*, 297 S.W.3d 379, 383-84 (Tex. App.—Austin 2009, no pet.) (noting that ripeness and finality examine whether the "initial decision-maker has arrived at a definitive position on the issue that inflicts an actual, concrete injury" (internal citations omitted)); *accord Sw. Ins. Managers, Inc. v. Tex. Dep't of Ins.*, No. 03-10-00073-CV, 2010 WL 4053726, at *4-5 (Tex. App.—Austin Oct. 15, 2010, no pet.).[4]

---

[4] As to Dr. Mooney, any claim would be even less ripe because Dr. Mooney does not allege that DFPS is even investigating whether she violated any mandatory reporting duty—let alone taking action against her.

Copy from re:SearchTX

Beyond the constitutional minimum, courts must consider the "prudential part of ripeness," which looks to whether, even assuming the constitutional ripeness threshold is met, the issues are "fit . . . for judicial decision." *Twitter, Inc. v. Paxton*, 26 F.4th 1119, 2022 WL 610352, at *3 (9th Cir. 2022). Prudential ripeness balances the relative harm to the parties if the case goes forward, including harm to the government by being unable to investigate possible wrongdoing. *See id.* This case is not prudentially ripe: the issue in their claims is whether their actions with regard to Mary Doe's medical treatment constitute child abuse or neglect, but that "is the very thing [DFPS] is trying to investigate." *Id.* at *4. DFPS has not yet determined whether it believes there has been abuse, and DFPS cannot be required to "litigate the merits in a defensive posture . . . without being able to investigate its own claims." *Id.* Plaintiffs will have the opportunity to raise their arguments in defense if DFPS ever does allege wrongdoing and seek court-ordered intervention. *See id.* at *3-4.

3. Plaintiffs' claims are barred by sovereign immunity.

a. And even if there were a justiciable controversy, sovereign immunity bars Plaintiffs' claims. They insist that the DFPS Commissioner's "statement" is a "rule" that can be challenged under the APA's waiver of sovereign immunity. *See* Mot. App'x A 27-34. But the purported "rule" is a statement the agency's spokesman gave to a reporter. Mot. App'x A at 6 & nn.10-11; *see* PX-03. Press statements are not rules subject to APA review.

"Not every statement by an administrative agency is a rule for which the APA prescribes procedures for adoption and for judicial review." *Tex. Educ. Agency v.*

Copy from re:SearchTX

Leeper, 893 S.W.2d 432, 443 (Tex. 1994). The APA defines "rule" as "a state agency statement of general applicability that: (i) implements, interprets, or prescribes law or policy; or (ii) describes the procedure or practice requirements of a state agency." Tex. Gov't Code § 2001.003(6)(A). Statements to the press do not "implement[], interpret[], or prescribe[] law or policy." *Id.* § 2001.003(6)(A)(i). Nor do they "describe[] the procedure or practice requirements of a state agency." *Id.* § 2001.003(6)(A)(ii). Agency spokesmen may be authorized to speak to the press, but they are not authorized to formally set agency policy. *See* Tex. Hum. Res. Code § 40.027(c)(3) (authorizing "[t]he commissioner" to "oversee the development of rules"); *cf. Brinkley v. Tex. Lottery Comm'n*, 986 S.W.2d 764, 769 (Tex. App.—Austin 1999, no pet.) (explaining that an agency must be able to "practically express its views to an informal conference").

And the APA's definition includes an express exception. Even if the press statement could otherwise constitute a rule, it would be excluded from the APA's scope because it is a "statement regarding only the internal management or organization of a state agency and not affecting private rights or procedures." Tex. Gov't Code § 2001.003(6)(C); *see Brinkley*, 986 S.W.2d at 770. "[S]uch statements have no legal effect on private persons absent a statute that so provides or some attempt by the agency to enforce its statement against a private person," neither of which applies here. *Brinkley*, 986 S.W.2d at 770. "Although the distinction between a 'rule' and an agency statement that concerns only 'internal management or organization . . . and not affecting private rights' may sometimes be elusive, the core

Copy from re:SearchTX

concept is that the agency statement must in itself have a binding effect on private parties." *Slay*, 351 S.W.3d at 546 (footnote omitted).

At most, this statement directs DFPS's employees to apply the law as explained in the Attorney General's opinion when investigating potential child abuse. That would not "itself have a binding effect on private parties." *Id.* Even if the press statement itself caused investigations—and there is no reason to think it has or will—as discussed above, investigations do not themselves alter private rights. Investigations are how DFPS determines whether to affect private rights by, for example, removing a child from a dangerous situation or seeking criminal enforcement. The press statement does no such thing: plaintiffs have not alleged, much less shown, that the press statement binds the judges who will ultimately decide whether a child is in danger. And that an individual would prefer not to be investigated for child abuse does not mean that private rights have been determined. *See Tex. Dep't of Pub. Safety v. Salazar*, 304 S.W.3d 896, 905 (Tex. App.—Austin 2009, no pet.) (holding that providing special formatting for drivers licenses issued to non-citizens does not "have any legal effect on private persons" because the licenses "remain valid").

b. Plaintiffs also insist the Governor acted *ultra vires* in directing DFPS to follow the Attorney General's legal analysis and that the DFPS Commissioner likewise acted *ultra vires* by allegedly "implementing" that directive. *Id.* at 34-42. "*An ultra vires* action requires a plaintiff to 'allege, and ultimately prove, that the officer acted without legal authority or failed to perform a purely ministerial act.'" *Hall v. McRaven*, 508 S.W.3d 232, 238 (Tex. 2017). Even Plaintiffs do not claim that

Copy from re:SearchTX

the Governor or the Commissioner have failed to perform a purely ministerial act. Instead, they rely on the "without legal authority" theory, *see* Mot. App'x A at 35, but both the Governor and the Commissioner have acted within their authority.

The Governor has a duty and corresponding power to "cause the laws to be faithfully executed," Tex. Const. art. IV, § 10, as Plaintiffs themselves concede, *see* Mot. App'x A at 36. Plaintiffs seemingly assume "that any legal mistake is an *ultra vires* act," but that is "[n]ot so." *Hall*, 508 S.W.3d at 241. Even if the Governor's letter were wrong about DFPS's legal obligations (it is not), that would not make it *ultra vires* because Appellees do not argue that the Governor (a) has misinterpreted "his enabling law" or "his organic authority," or (b) used an improper method of coming to or expressing that conclusion *Id.* at 241-42. On the contrary, they argue that he misinterpreted "collateral" law, the Family Code. *Id.* at 242. But the Governor's organic authority does not impose any "explicit constraints" on his interpretation of the Family Code. *Id.* Because, in this instance, "the ultimate and unrestrained objective of [the Governor's] duty is to interpret collateral law, a misinterpretation is not overstepping such authority; it is a compliant action even if ultimately erroneous." *Id.*

Nor has the Commissioner acted *ultra vires*. According to the newspaper article on which Appellees rely, DFPS issued "a statement that it would 'follow Texas law as explained in (the) Attorney General opinion'" and noted that "[i]f any such allegations are reported to us, they will be investigated under existing policies of Child Protective Investigations." *See supra* n.2. DFPS is statutorily obligated to "make a prompt and thorough investigation of a report of child abuse or neglect

Copy from re:SearchTX

allegedly committed by a person responsible for a child's care, custody, or welfare." Tex. Family Code § 261.301(a). To meet that obligation, DFPS must have some understanding of what constitutes child abuse. DFPS uses the statutory definition in the Family Code, of course. *See* Tex. Hum. Res. Code § 40.042(b) (citing Tex. Family Code § 261.001). But DFPS still needs "standardized policies" for interpreting and applying that definition. Tex. Hum. Res. Code § 40.042(c). And the Commissioner is the one charged with "oversee[ing] the development and implementation of policies and guidelines needed for the administration of [DFPS's] functions." *Id.* § 40.027(c)(2). Thus, to the extent the Commissioner decided that DFPS should follow the Attorney General's explanation of the Family Code, she acted within her statutory authority.

Plaintiffs seemingly have two responses, but neither is meritorious. *First*, they allege the Commissioner acted *ultra vires* by issuing a rule without following the APA's procedures, *see* Mot. App'x A (Pet'n) ¶ 145. That argument fails because for the reasons explained above, the Commissioner did not issue a rule. *See supra* at 19-21.

Second, Plaintiffs argue that the Commissioner's decision violated DFPS's general statutory duty to protect children and support families, *see* Mot. App'x A at 37-38. But disagreements about the best way to help children are not *ultra vires*. The discretionary nature of deciding how best to protect children is both why that task is given to an agency with expertise in child protection and why courts cannot superintend the process through ultra vires suits. *See City of El Paso v. Heinrich*, 284

Copy from re:SearchTX

S.W.3d 366, 372 (Tex. 2009) ("To fall within this *ultra vires* exception, a suit must not complain of a government officer's exercise of discretion . . . .").

c. Finally, Plaintiffs seek relief under the UDJA, *see* Mot. App'x A at 34, but the UDJA does not enlarge the court's jurisdiction. *See Tex. Dep't of Transp. v. Sefzik*, 355 S.W.3d 618, 621-22 (Tex. 2011); *Tex. Educ. Agency v. Am. YouthWorks, Inc.*, 496 S.W.3d 244, 258-59 (Tex. App.—Austin 2016), *aff'd sub nom. Honors Acad., Inc. v. Tex. Educ. Agency*, 555 S.W.3d 54 (Tex. 2018). "The UDJA's sole feature that can impact trial-court jurisdiction to entertain a substantive claim is the statute's implied limited waiver of sovereign or governmental immunity that permits claims challenging the validity of *ordinances or statutes*." *Ex parte Springsteen*, 506 S.W.3d 789, 799 (Tex. App.—Austin 2016, pet. denied) (emphasis added); *see* Tex. Civ. Prac. & Rem. Code § 37.006(b). Plaintiffs do not challenge the constitutional validity of an ordinance or a statute—their claim is that Defendants have misinterpreted the statute defining "child abuse," not that that statute is itself unconstitutional. *See* Mot. App'x A at 36-37, 38-39. And to the extent Plaintiffs ask the court to declare that "child abuse" as defined by statute does not include these medical procedures, the UDJA's limited waiver of sovereign immunity does not extend to a "bare statutory construction claim" like that. *McLane Co., Inc. v. Tex. Alcoholic Beverage Comm'n*, 514 S.W.3d 871, 876 (Tex. App.—Austin 2017, pet. denied); *see Sefzik*, 355 S.W.3d at 622. The UDJA does not waive sovereign immunity, so it does not permit Plaintiffs to pursue their claims against DFPS.[5]

---

[5] And to the extent Plaintiffs mean to invoke the UDJA in support of *ultra vires* claims against the Governor or Commissioner, *see* Mot. Ex. A at 34-35, that theory

Copy from re:SearchTX

B. Plaintiffs failed to satisfy the requirements for a temporary injunction.

Finally, even if Plaintiffs could overcome these threshold hurdles, the requested injunction is improper on the merits. Assuming this Court applies the same standad as the trial court, "[t]o obtain a temporary injunction, the applicant must plead and prove three specific elements: (1) a cause of action against the defendant; (2) a probable right to the relief sought; and (3) a probable, imminent, and irreparable injury in the interim." *Butnaru v. Ford Motor Co.*, 84 S.W.3d 198, 204 (Tex. 2002). Plaintiffs have failed to satisfy any of these elements.

First, Plaintiffs have not pled a cause of action against Defendants. The APA allows an injured party to challenge a "rule" and waives sovereign immunity for that purpose, but as discussed above, the Governor's letter and DFPS's press statement are not "rules" subject to APA review. The UDJA does not independently create jurisdiction; it is solely a remedial device allowing declaratory judgments in cases already before the court. And, although claimants may bring an *ultra vires* claim to prevent government officials from acting outside their lawful authority, such a claim cannot be premised on the official's exercise of discretion.

Second, Plaintiffs have not shown a probable right to the relief they seek. Again, as discussed above, Plaintiffs lack standing, their claims are not ripe, and sovereign immunity bars them, so the court lacks jurisdiction and cannot issue injunctive relief. Their APA and *ultra vires* claims likewise fail on the merits. *See supra* at 16-23.

---

fails because the UDJA authorizes suit against governmental entities, not *ultra vires* claims against government officials. *See Patel v. Tex. Dep't of Licensing & Regulation*, 469 S.W.3d 69, 77 (Tex. 2015).

Copy from re:SearchTX

Third, Plaintiffs have failed to show that they would probably suffer an imminent injury that could be remedied by temporary injunctive relief. For the same reasons the injuries Plaintiffs allege do not give rise to subject-matter jurisdiction—the possibility or even initiation of an investigation, without more, is not legally cognizable injury—these injuries cannot support a temporary injunction. "[F]ear and apprehension of injury are not sufficient to support a temporary injunction." *Frequent Flyer Depot, Inc. v. Am. Airlines, Inc.*, 281 S.W.3d 215, 227 (Tex. App.—Fort Worth 2009, pet. denied).

And even if this Court issued an injunction pending appeal, Plaintiffs' injuries would remain. An injunction temporarily prohibiting enforcement ceases to be binding if "it is reversed by orderly and proper proceedings." *United States v. United Mine Workers of Am.*, 330 U.S. 258, 293 (1947). In that event, the temporary injunction would not be a defense to a subsequent enforcement action. *See Edgar v. MITE Corp.*, 457 U.S. 624, 649 (1982) (Stevens, J., concurring in part and concurring in the judgment); *Am. Postal Workers Union, AFL-CIO v. U.S. Postal Serv.*, 766 F.2d 715 (2d Cir. 1985); *cf. Ohio v. Yellen*, No. 1:21-cv-181, 2021 WL 1903908, at *14 (S.D. Ohio May 12, 2021). So a temporary injunction could not alleviate Plaintiffs' fears that their actions might be addressed as child abuse (or failure to report child abuse) in the future. *See* Mot. 12. Indeed, Plaintiff Jane Doe testified she understands that temporarily enjoining DFPS's investigation will not stop the injury she claims. *See id.* Because Plaintiffs' alleged injury arises from the very possibility of future investigation or enforcement, *see id.* at 5-6, 12, and that possibility remains even if a

Copy from re:SearchTX

temporary injunction is in place, a temporary injunction cannot remedy it. This Court lacks authority to issue an order that will not remedy the injury claimed.

*   *   *

Plaintiffs disagree with the Attorney General's assessment of the Texas Family Code's definition of child abuse. But Texas courts lack jurisdiction to issue advisory opinions, so disagreement about the meaning of the law does not allow Plaintiffs' suit. If DFPS determines Plaintiffs have violated the law, it will have to seek a court order before it can intervene—and if that happens, Plaintiffs will have every opportunity to show that their actions are not child abuse. The same is true of anyone else.

Texas courts cannot enjoin DFPS from investigating possible self-reported child abuse by parties that *are* before the court, much less issue injunctions applicable to the world at large. Plaintiffs' request for a universal injunction, or "statewide relief," Mot. 8, is doubly improper.

Copy from re:SearchTX

Prayer

The Court should deny Plaintiffs' motion.

Respectfully submitted.

Ken Paxton
Attorney General of Texas

Brent Webster
First Assistant Attorney General

Office of the Attorney General
P.O. Box 12548 (MC 059)
Austin, Texas 78711-2548
Tel.: (512) 936-1700
Fax: (512) 474-2697

/s/ Judd E. Stone II
Judd E. Stone II
Solicitor General
State Bar No. 24076720
Judd.Stone@oag.texas.gov

Natalie D. Thompson
Assistant Solicitor General

Counsel for Appellants

Certificate of Service

On March 21, 2022, this document was served on Shelly L. Skeen, lead counsel for Appellees, via sskeen@lambdalegal.org.

/s/ Judd E. Stone II
Judd E. Stone II

Certificate of Compliance

Microsoft Word reports that this document contains 7,165 words, excluding exempted text.

/s/ Judd E. Stone II
Judd E. Stone II

Copy from re:SearchTX

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.

Hollis Duncan on behalf of Judd Stone
Bar No. 24076720
hollis.duncan@oag.texas.gov
Envelope ID: 62784136
Status as of 3/21/2022 11:50 AM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Paul Castillo	24049461	pcastillo@lambdalegal.org	3/21/2022 11:47:45 AM	SENT
Madeleine Dwertman	24092371	maddy.dwertman@bakerbotts.com	3/21/2022 11:47:45 AM	SENT
Derek Raymond McDonald	786101	derek.mcdonald@bakerbotts.com	3/21/2022 11:47:45 AM	SENT
Shelly L. Skeen	24010511	slskeen@gmail.com	3/21/2022 11:47:45 AM	SENT
David Goode	24106014	david.goode@bakerbotts.com	3/21/2022 11:47:45 AM	SENT
Andre Segura	24107112	asegura@aclutx.org	3/21/2022 11:47:45 AM	SENT
Brian Klosterboer	24107833	bklosterboer@aclutx.org	3/21/2022 11:47:45 AM	SENT
Savannah Kumar	24120098	skumar@aclutx.org	3/21/2022 11:47:45 AM	SENT
Brandt Roessler	24127923	brandt.roessler@bakerbotts.com	3/21/2022 11:47:45 AM	SENT
Currey Cook		ccook@lambdalegal.org	3/21/2022 11:47:45 AM	SENT
Camilla Taylor		ctaylor@lambdalegal.org	3/21/2022 11:47:45 AM	SENT
Chase Strangio		cstrangio@aclu.org	3/21/2022 11:47:45 AM	SENT
James Esseks		jesseks@aclu.org	3/21/2022 11:47:45 AM	SENT
Kath Xu		kxu@aclu.org	3/21/2022 11:47:45 AM	SENT
Ryan Kercher		ryan.kercher@oag.texas.gov	3/21/2022 11:47:45 AM	SENT
Shelly Skeen		sskeen@lambdalegal.org	3/21/2022 11:47:45 AM	SENT
Natalie Thompson	24088529	natalie.thompson@oag.texas.gov	3/21/2022 11:47:45 AM	SENT
Judd Stone	24076720	judd.stone@oag.texas.gov	3/21/2022 11:47:45 AM	SENT
Karen Loewy		kloewy@lambdalegal.org	3/21/2022 11:47:45 AM	SENT

Associated Case Party: Ronald Beal

Name	BarNumber	Email	TimestampSubmitted	Status
Ronald Beal		ron_beal@baylor.edu	3/21/2022 11:47:45 AM	SENT

Copy from re:SearchTX

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.

Hollis Duncan on behalf of Judd Stone
Bar No. 24076720
hollis.duncan@oag.texas.gov
Envelope ID: 62784136
Status as of 3/21/2022 11:50 AM CST

Associated Case Party: Jane Doe

Name
Michele Clanton-Lockhart
Paul Castillo
Shelly L.Skeen
Anjana Samant
Brian Klosterboer
Maddy Dwertman
Omar Gonzalez-Pagan
Sharon McGowen
Stephen Paul
Nicholas Guillory
Kath Xu
Savannah Kumar
Andre Segura
Brandt Roessler
David Goode
Derek McDonald
Currey Cook
Camilla Taylor
Chase Strangio
James Esseks
Christine Choi
Carolina Caicedo
Parul Aggarwal
Maia Zelkind

Copy from re:SearchTX

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.

Hollis Duncan on behalf of Judd Stone
Bar No. 24076720
hollis.duncan@oag.texas.gov
Envelope ID: 62784136
Status as of 3/21/2022 11:50 AM CST

Associated Case Party: Jane Doe

Raylynn Howell		Raylynn.Howell@bakerbotts.com	3/21/2022 11:47:45 AM	SENT
Stacy Benson		Stacey.Benson@bakerbotts.com	3/21/2022 11:47:45 AM	SENT

Associated Case Party: Texas Medical Association

Name	BarNumber	Email	TimestampSubmitted	Status
Donald Wilcox		rocky.wilcox@texmed.org	3/21/2022 11:47:45 AM	SENT
Kelly Walla		kelly.walla@texmed.org	3/21/2022 11:47:45 AM	SENT
Eamon Reilly		eamon.reilly@texmed.org	3/21/2022 11:47:45 AM	SENT

Associated Case Party: Greg Abbott

Name	BarNumber	Email	TimestampSubmitted	Status
Ryan Kercher		ryan.kercher@oag.texas.gov	3/21/2022 11:47:45 AM	SENT
Courtney Corbello		courtney.corbello@oag.texas.gov	3/21/2022 11:47:45 AM	SENT
Kath Xu		kxu@aclu.org	3/21/2022 11:47:45 AM	SENT

Copy from re:SearchTX