

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

FILED

20 APR -8 PM 3:29

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS

BY DM
CLERK

PLANNED PARENTHOOD CENTER §
FOR CHOICE, PLANNED §
PARENTHOOD OF GREATER TEXAS §
SURGICAL HEALTH SERVICES, §
PLANNED PARENTHOOD SOUTH §
TEXAS SURGICAL CENTER, WHOLE §
WOMAN'S HEALTH, WHOLE §
WOMAN'S HEALTH ALLIANCE, §
SOUTHWESTERN WOMEN'S §
SURGERY CENTER, BROOKSIDE §
WOMEN'S MEDICAL CENTER PA §
D/BA BROOKSIDE WOMEN'S §
HEALTH CENTER AND AUSTIN'S §
WOMEN'S HEALTH CENTER, AND §
ROBIN WALLACE, M.D., M.A.S., §
PLAINTIFFS, §

V. §

CAUSE NO. A-20-CV-323-LY

GREG ABBOTT, GOVERNOR OF §
TEXAS, KEN PAXTON, ATTORNEY §
GENERAL OF TEXAS, PHIL WILSON §
ACTING EXECUTIVE §
COMMISSIONER OF THE TEXAS §
HEALTH AND HUMAN SERVICES §
COMMISSION, STEPHEN BRINT §
CARLTON, EXECUTIVE DIRECTOR §
OF THE TEXAS MEDICAL BOARD, §
KATHERINE A. THOMAS, §
EXECUTIVE DIRECTOR OF THE §
TEXAS BOARD OF NURSING, EACH §
IN THEIR OFFICIAL CAPACITY, AND §
MARGARET MOORE, DISTRICT §
ATTORNEY FOR TRAVIS COUNTY, §
JOE GONZALES, CRIMINAL §
DISTRICT ATTORNEY FOR BEXAR §
COUNTY, JAIME ESPARZA, DISTRICT §
ATTORNEY FOR EL PASO COUNTY, §
JOHN CREUZOT, DISTRICT §
ATTORNEY FOR DALLAS COUNTY, §
SHAREN WILSON, CRIMINAL §

DISTRICT ATTORNEY TARRANT §
COUNTY, RICARDO RODRIGUEZ, JR., §
CRIMINAL DISTRICT ATTORNEY §
FOR HIDALGO COUNTY, BARRY §
JOHNSON, CRIMINAL DISTRICT §
ATTORNEY FOR MCLENNAN §
COUNTY, KIM OGG, CRIMINAL §
DISTRICT ATTORNEY FOR HARRIS §
COUNTY, AND BRIAN MIDDLETON §
CRIMINAL DISTRICT ATTORNEY §
FOR FORT BEND COUNTY, EACH IN §
THEIR OFFICIAL CAPACITY, §
DEFENDANTS. §

ORDER

BEFORE THE COURT is Plaintiffs' request for a preliminary injunction. The United States Courthouse, Austin, Texas is for all practical purposes closed for trials and hearings through April 30, 2020. The court anticipates that this condition will continue through the end of May. This creates problems in the orderly conduct of the court's business. The court intends that parties to litigation recognize this and cooperate fully to lessen the inconvenience caused by the COVID-19 pandemic. Simply, it is not "business as usual" in this court, and the parties shall recognize this.

The court, therefore, **ORDERS AS FOLLOWS:**

(1) The parties shall at once meet, confer, and agree upon a schedule for going forward in this case through a hearing on Plaintiffs' request for a preliminary injunction, recognizing that the hearing will be conducted telephonically.

(2) On or before April 15, 2020, the parties shall provide the court with a written joint status report setting forth their agreement on the following:

(a) How the parties will present evidence. The court suggests that live testimony is unnecessary and would be cumbersome under the restraints currently burdening hearings. The court suggests that evidence could be presented by stipulations, declarations, and exhibits. Exhibits need

not be lengthy and should not contain superfluous material. Exhibits should be limited to only what the party in good faith believes the court needs to view to rule on the issue to which the exhibit is directed. The parties are instructed to stipulate to as many facts as possible.

(b) Whether discovery is necessary and how much time the parties agree is reasonably necessary to complete discovery.

(c) A briefing schedule. Briefs shall be limited to 25 pages for the Plaintiffs' initial brief, 25 pages for Defendants' response, and 10 pages for the Plaintiffs' reply. No increase in these page limits will be granted. The parties should keep argument in their brief to a minimum. They will be given an opportunity to argue orally,

(d) The parties' agreed estimate of the reasonable amount of time required for the hearing. Each side shall advise the court how the parties on that side wish to divide their time.

(e) A date range within which the parties are available for the hearing. The court anticipates that the governor will extend or amend and extend his March 22, 2020 Executive Order to a date past April 21, 2020. It makes no sense to take up the request for preliminary injunction until the parties and the court have the benefit of any subsequent order. The parties should bear that in mind when suggesting a hearing date.

(f) A date in advance of the hearing date for filing evidence, exhibits, stipulations, and proposed findings of fact and conclusions of law. The parties shall file detailed and thorough proposed findings and conclusions and should not presume that the court will allow amendments or supplements.

(3) If the parties cannot agree on any matter, they shall at once advise the court in writing, without argument, of their respective positions.

In light of this order,

IT IS FURTHER ORDERED that State Defendants' Motion for Briefing Schedule filed April 8, 2020 (Clerk's Dkt. #53) is **DISMISSED**.

SIGNED this 8th day of April, 2020.



LEE YEAKEL
UNITED STATES DISTRICT JUDGE