

# CENTER *for* REPRODUCTIVE RIGHTS

FILED  
22-0527  
10/5/2022 4:23 PM  
tex-68940882  
SUPREME COURT OF TEXAS  
BLAKE A. HAWTHORNE, CLERK

WASHINGTON, DC  
1634 Eye Street, NW,  
Suite 600  
Washington, DC 20006  
TEL. (202) 629-2681

[reproductiverights.org](https://reproductiverights.org)

October 5, 2022

Hon. Blake A. Hawthorne  
Clerk of the Court  
Supreme Court of Texas  
201 W. 14th Street, Room 104  
Austin, Texas 78701

Re: In re Ken Paxton, et al. No. 22-0527

Dear Mr. Hawthorne,

I write on behalf of Real Parties in Interest (plaintiffs below) in the above-captioned case. Real Parties in Interest today filed the attached Nonsuit Without Prejudice in the district court. Accordingly, the mandamus petition is now moot.

Respectfully submitted,



Marc Hearn  
Counsel for Real Parties in Interest  
Texas Bar No. 24050739

cc: Judd Edward Stone II

CAUSE NO. 2022-38397

WHOLE WOMAN'S HEALTH, on behalf of  
itself, its staff, physicians, nurses, pharmacists,  
and patients; WHOLE WOMAN'S HEALTH  
ALLIANCE, on behalf of itself, its staff,  
physicians, nurses, pharmacists, and patients;  
ALAMO CITY SURGERY CENTER PLLC  
d/b/a ALAMO WOMEN'S REPRODUCTIVE  
SERVICES, on behalf of itself, its staff,  
physicians, nurses, pharmacists, and patients;  
BROOKSIDE WOMEN'S MEDICAL CENTER  
PA d/b/a BROOKSIDE WOMEN'S HEALTH  
CENTER AND AUSTIN WOMEN'S HEALTH  
CENTER, on behalf of itself, its staff,  
physicians, nurses, pharmacists, and patients;  
HOUSTON WOMEN'S CLINIC, on behalf of  
itself, its staff, physicians, nurses, pharmacists,  
and patients; HOUSTON WOMEN'S  
REPRODUCTIVE SERVICES, on behalf of  
itself, its staff, physicians, nurses, pharmacists,  
and patients; and SOUTHWESTERN  
WOMEN'S SURGERY CENTER, on behalf of  
itself, its staff, physicians, nurses, pharmacists,  
and patients,

Plaintiffs,

V.

KEN PAXTON, in his official capacity as  
Attorney General of Texas; TEXAS MEDICAL  
BOARD; STEPHEN BRINT CARLTON, in his  
official capacity as Executive Director of the  
Texas Medical Board; TEXAS BOARD OF  
NURSING; KATHERINE A. THOMAS, in her  
official capacity as Executive Director of the  
Texas Board of Nursing; TEXAS HEALTH  
AND SERVICES COMMISSION; CECILE  
ERWIN YOUNG, in her official capacity as  
Executive Commissioner of the Texas Health  
and Human Services Commission; TEXAS  
BOARD OF PHARMACY; TIM TUCKER in  
his official capacity as Executive Director of the  
Texas Board of Pharmacy; JOSÉ GARZA in his  
capacity as District Attorney for Travis County,  
TX; JOE GONZALES, in his official capacity as

IN THE DISTRICT COURT OF

HARRIS COUNTY, TEXAS

269<sup>th</sup> JUDICIAL DISTRICT

District Attorney for Bexar County, TX; KIM OGG, in her official capacity as District Attorney for Harris County, TX; JOHN CREUZOT, in his official capacity as District Attorney for Dallas County, TX; SHARON WILSON, in her official capacity as District Attorney for Tarrant County, TX; RICARDO RODRIGUEZ, JR., in his official capacity as District Attorney for Hidalgo County, TX; and GREG WILSON, in his official capacity as District Attorney for Collin County, TX;

Defendants.

---

**PLAINTIFFS' VOLUNTARY NONSUIT WITHOUT PREJUDICE**

---

Plaintiffs, Whole Woman's Health, on behalf of itself, its staff, physicians, nurses, pharmacists, and patients; Whole Woman's Health Alliance, on behalf of itself, its staff, physicians, nurses, pharmacists, and patients; Alamo City Surgery Center PLLC d/b/a Alamo Women's Reproductive Services, on behalf of itself, its staff, physicians, nurses, pharmacists, and patients; Brookside Women's Medical Center PA d/b/a Brookside Women's Health Center and Austin Women's Health Center, on behalf of itself, its staff, physicians, nurses, pharmacists, and patients; Houston Women's Clinic, on behalf of itself, its staff, physician, nurses, and patients; Houston Women's Reproductive Services, on behalf of itself, its staff, physicians, nurses, pharmacists, and patients; and Southwestern Women's Surgery Center, on behalf of itself, its staff, physicians, nurses, pharmacists, and patients, file this Plaintiffs' Voluntary Nonsuit voluntarily dismissing without prejudice the Plaintiffs' Original Petition filed in the captioned action.

The purpose of Plaintiffs' Original Petition was to seek declaratory and injunctive relief permitting Plaintiffs to provide abortion care and reproductive health services to patients in Texas

until the operative provisions in TEX. HEALTH & SAFETY CODE §§ 170A.001 – 170A.007 (the “Trigger Ban”) were in effect. *See* Pls.’ Am. Pet. ¶ 8. On August 24, 2022, the Trigger Ban took effect. Plaintiffs therefore voluntarily dismiss the Original Petition without prejudice.

Respectfully submitted,

/s/ Melissa Hayward

Melissa Hayward  
(Texas Bar No. 24044908)  
John P. Lewis, Jr.  
(Texas Bar No. 12294400)  
Hayward PLLC  
10501 North Central Expressway, Suite 106  
Dallas, TX 75231  
jplewis@haywardfirm.com  
mhayward@haywardfirm.com

*Attorney for Plaintiffs*

Marc Hearron  
(Texas Bar No. 24050739)  
Center for Reproductive Rights  
1634 Eye St., NW, Suite 600  
Washington, DC 20006 (202) 524-5539  
mhearron@reprorights.org

Astrid Ackerman\*  
Nicolas Kabat\*  
Center for Reproductive Rights  
199 Water Street, 22<sup>nd</sup> Floor  
New York, NY 10038  
(917) 637-3631  
aackerman@reprorights.org  
nkabat@reprorights.org

Jamie A. Levitt\*  
J. Alexander Lawrence\*  
Claire N. Abrahamson\*  
Carleigh E. Zeman\*  
Morrison & Foerster LLP  
250 W. 55th Street

Julia Kaye\*  
American Civil Liberties Union Foundation  
125 Broad Street, 18th Floor  
New York, NY 10004  
(212) 549-2633  
jkaye@aclu.org

David Donatti (Texas Bar No. 24097612)  
Adriana Pinon (Texas Bar No. 24089768)  
ACLU Foundation of Texas, Inc.  
5225 Katy Freeway, Suite 350  
Houston, TX 7700  
Tel. (713) 942-8146 Fax: (713) 942-8966  
ddonatti@aclutx.org  
apinon@aclutx.org

*Attorneys for Houston Women’s Clinic*

New York, NY 10019  
(212) 468-8000  
jlevitt@mofo.com  
alawrence@mofo.com  
cabrahamson@mofo.com  
czeman@mofo.com

*Attorneys for Whole Woman's Health, Whole Woman's Health Alliance, Southwestern Women's Surgery Center, Brookside Women's Medical Center PA d/b/a Brookside Women's Health Center and Austin Women's Health Center, Alamo City Surgery Center PLLC d/b/a Alamo Women's Reproductive Services, Houston Women's Reproductive Services*

\*Pro hac vice applications submitted

## 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.

Melissa Hayward

Bar No. 24044908

mhayward@franklinhayward.com

Envelope ID: 68932619

Status as of 10/5/2022 3:22 PM CST

### Case Contacts

| Name                    | BarNumber | Email                                     | TimestampSubmitted   | Status |
|-------------------------|-----------|---|----------------------|--------|
| Victor M. Garza         |           | victor.garza@da.co.hidalgo.tx.us          | 10/5/2022 2:45:36 PM | SENT   |
| Josephine Ramirez-Solis |           | josephine.ramirez@da.co.hidalgo.tx.us     | 10/5/2022 2:45:36 PM | SENT   |
| MICHAEL JGARZA          |           | MICHAELJ.GARZA@DA.CO.HIDALGO.TX.US        | 10/5/2022 2:45:36 PM | SENT   |
| Jacqueline Villarreal   |           | jacqueline.villarreal@da.co.hidalgo.tx.us | 10/5/2022 2:45:36 PM | SENT   |
| Leigh Tognetti          |           | leigh.tognetti@da.co.hidalgo.tx.us        | 10/5/2022 2:45:36 PM | SENT   |
| Marc Hearron            | 24050739  | MHearron@reprorights.org                  | 10/5/2022 2:45:36 PM | SENT   |
| Tamera Martinez         |           | tamera.martinez@oag.texas.gov             | 10/5/2022 2:45:36 PM | SENT   |
| Amy SnowHilton          |           | amy.hilton@oag.texas.gov                  | 10/5/2022 2:45:36 PM | SENT   |
| Melissa Hayward         |           | mhayward@haywardfirm.com                  | 10/5/2022 2:45:36 PM | SENT   |
| John P.Lewis Jr.        |           | jplewis@haywardfirm.com                   | 10/5/2022 2:45:36 PM | SENT   |
| Julia Kaye              |           | jkaye@aclu.org                            | 10/5/2022 2:45:36 PM | SENT   |
| David Donatti           |           | ddonatti@aclutx.org                       | 10/5/2022 2:45:36 PM | SENT   |
| Adriana Pinon           |           | apinon@aclutx.org                         | 10/5/2022 2:45:36 PM | SENT   |
| Nicolas Kabat           |           | nkabat@reprorights.org                    | 10/5/2022 2:45:36 PM | SENT   |
| William D.Wassdorf      |           | will.wassdorf@oag.texas.gov               | 10/5/2022 2:45:36 PM | SENT   |
| Astrid Ackerman         |           | aackerman@reprorights.org                 | 10/5/2022 2:45:36 PM | SENT   |
| Jamie A.Levitt          |           | jlevitt@mofo.com                          | 10/5/2022 2:45:36 PM | SENT   |
| J. AlexanderLawrence    |           | alawrence@mofo.com                        | 10/5/2022 2:45:36 PM | SENT   |
| Claire Abrahamson       |           | cabrahamson@mofo.com                      | 10/5/2022 2:45:36 PM | SENT   |
| Carleigh Zeman          |           | czeman@mofo.com                           | 10/5/2022 2:45:36 PM | SENT   |
| Charles KEldred         |           | charles.eldred@oag.texas.gov              | 10/5/2022 2:45:36 PM | SENT   |

### **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:

Melissa Hayward

Bar No. 24044908

mhayward@franklinhayward.com

Envelope ID: 68940882

Status as of 10/5/2022 4:30 PM CST

Associated Case Party: Ken Paxton

| Name             | BarNumber | Email                          | TimestampSubmitted   | Status |
|------------------|-----------|--------------------------------|----------------------|--------|
| Natalie Thompson | 24088529  | natalie.thompson@oag.texas.gov | 10/5/2022 4:23:56 PM | SENT   |

### **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:

Melissa Hayward

Bar No. 24044908

mhayward@franklinhayward.com

Envelope ID: 68940882

Status as of 10/5/2022 4:30 PM CST

Associated Case Party: WHOLE WOMAN'S HEALTH

| Name            | BarNumber | Email                    | TimestampSubmitted   | Status |
|-----------------|-----------|--------------------------|----------------------|--------|
| Marc Hearn      | 24050739  | MHearn@reprorights.org   | 10/5/2022 4:23:56 PM | SENT   |
| Melissa Hayward | 24044908  | MHayward@HaywardFirm.com | 10/5/2022 4:23:56 PM | SENT   |

### **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:

Melissa Hayward

Bar No. 24044908

mhayward@franklinhayward.com

Envelope ID: 68940882

Status as of 10/5/2022 4:30 PM CST

Associated Case Party: WHOLE WOMAN'S HEALTH ALLIANCE

| Name            | BarNumber | Email                    | TimestampSubmitted   | Status |
|-----------------|-----------|--------------------------|----------------------|--------|
| Marc Hearn      | 24050739  | MHearn@reprorights.org   | 10/5/2022 4:23:56 PM | SENT   |
| Melissa Hayward | 24044908  | MHayward@HaywardFirm.com | 10/5/2022 4:23:56 PM | SENT   |

### **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:

Melissa Hayward

Bar No. 24044908

mhayward@franklinhayward.com

Envelope ID: 68940882

Status as of 10/5/2022 4:30 PM CST

Associated Case Party: ALAMO CITY SURGERY CENTER PLLC d/b/a ALAMO WOMEN'S REPRODUCTIVE SERVICES

| Name            | BarNumber | Email                    | TimestampSubmitted   | Status |
|-----------------|-----------|--------------------------|----------------------|--------|
| Marc Hearn      | 24050739  | MHearn@reprorights.org   | 10/5/2022 4:23:56 PM | SENT   |
| Melissa Hayward | 24044908  | MHayward@HaywardFirm.com | 10/5/2022 4:23:56 PM | SENT   |

### **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:

Melissa Hayward

Bar No. 24044908

mhayward@franklinhayward.com

Envelope ID: 68940882

Status as of 10/5/2022 4:30 PM CST

Associated Case Party: BROOKSIDE WOMEN'S MEDICAL CENTER PA d/b/a BROOKSIDE WOMEN'S HEALTH CENTER AND AUSTIN WOMEN'S HEALTH CENTER,

| Name            | BarNumber | Email                    | TimestampSubmitted   | Status |
|-----------------|-----------|--------------------------|----------------------|--------|
| Marc Hearron    | 24050739  | MHearron@reprorights.org | 10/5/2022 4:23:56 PM | SENT   |
| Melissa Hayward | 24044908  | MHayward@HaywardFirm.com | 10/5/2022 4:23:56 PM | SENT   |

### **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:

Melissa Hayward

Bar No. 24044908

mhayward@franklinhayward.com

Envelope ID: 68940882

Status as of 10/5/2022 4:30 PM CST

Associated Case Party: HOUSTON WOMEN'S CLINIC

| Name            | BarNumber | Email                    | TimestampSubmitted   | Status |
|-----------------|-----------|--------------------------|----------------------|--------|
| Marc Hearn      | 24050739  | MHearn@reprorights.org   | 10/5/2022 4:23:56 PM | SENT   |
| Melissa Hayward | 24044908  | MHayward@HaywardFirm.com | 10/5/2022 4:23:56 PM | SENT   |

### **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:

Melissa Hayward

Bar No. 24044908

mhayward@franklinhayward.com

Envelope ID: 68940882

Status as of 10/5/2022 4:30 PM CST

Associated Case Party: HOUSTON WOMEN'S REPRODUCTIVE SERVICES

| Name            | BarNumber | Email                    | TimestampSubmitted   | Status |
|-----------------|-----------|--------------------------|----------------------|--------|
| Marc Hearn      | 24050739  | MHearn@reprorights.org   | 10/5/2022 4:23:56 PM | SENT   |
| Melissa Hayward | 24044908  | MHayward@HaywardFirm.com | 10/5/2022 4:23:56 PM | SENT   |

### **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:

Melissa Hayward

Bar No. 24044908

mhayward@franklinhayward.com

Envelope ID: 68940882

Status as of 10/5/2022 4:30 PM CST

Associated Case Party: SOUTHWESTERN WOMEN'S SURGERY CENTER

| Name            | BarNumber | Email                    | TimestampSubmitted   | Status |
|-----------------|-----------|--------------------------|----------------------|--------|
| Marc Hearn      | 24050739  | MHearn@reprorights.org   | 10/5/2022 4:23:56 PM | SENT   |
| Melissa Hayward | 24044908  | MHayward@HaywardFirm.com | 10/5/2022 4:23:56 PM | SENT   |

### 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:

Melissa Hayward

Bar No. 24044908

mhayward@franklinhayward.com

Envelope ID: 68940882

Status as of 10/5/2022 4:30 PM CST

#### Case Contacts

| Name                    | BarNumber | Email                          | TimestampSubmitted   | Status |
|-------------------------|-----------|--------------------------------|----------------------|--------|
| Maria Williamson        |           | maria.williamson@oag.texas.gov | 10/5/2022 4:23:56 PM | SENT   |
| John Coleman Creuzot    | 5069200   | john.creuzot@dallascounty.org  | 10/5/2022 4:23:56 PM | SENT   |
| Beth Klusmann           |           | beth.klusmann@oag.texas.gov    | 10/5/2022 4:23:56 PM | SENT   |
| Wolfgang Hirczy de Mino |           | wphdmphd@gmail.com             | 10/5/2022 4:23:56 PM | SENT   |
| David Donatti           |           | ddonatti@aclutx.org            | 10/5/2022 4:23:56 PM | SENT   |
| Julia Kaye              |           | jkaye@aclu.org                 | 10/5/2022 4:23:56 PM | SENT   |
| J. AlexanderLawrence    |           | alawrence@mofo.com             | 10/5/2022 4:23:56 PM | SENT   |
| Nicolas Kabat           |           | nkabat@reprorights.org         | 10/5/2022 4:23:56 PM | SENT   |
| Astrid Ackerman         |           | aackerman@reprorights.org      | 10/5/2022 4:23:56 PM | SENT   |
| Claire Abrahamson       |           | cabrahamson@mofo.com           | 10/5/2022 4:23:56 PM | SENT   |
| Jamie Levitt            |           | jlevitt@mofo.com               | 10/5/2022 4:23:56 PM | SENT   |
| Carleigh Zeman          |           | czeman@mofo.com                | 10/5/2022 4:23:56 PM | SENT   |
| Adriana Pinon           |           | apinon@aclutx.org              | 10/5/2022 4:23:56 PM | SENT   |
| John P.Lewis Jr.        |           | jplewis@haywardfirm.com        | 10/5/2022 4:23:56 PM | SENT   |
| Miranda Willborg        |           | mwillborg@txrtl.com            | 10/5/2022 4:23:56 PM | SENT   |

### **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:

Melissa Hayward

Bar No. 24044908

mhayward@franklinhayward.com

Envelope ID: 68940882

Status as of 10/5/2022 4:30 PM CST

Associated Case Party: Texas Values

| Name           | BarNumber | Email               | TimestampSubmitted   | Status |
|----------------|-----------|---------------------|----------------------|--------|
| Jonathan Saenz |           | jsaenz@txvalues.org | 10/5/2022 4:23:56 PM | SENT   |