

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

FILED  
SEP 11 2017  
CLERK, U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
BY [Signature] DEPUTY CLERK

WHOLE WOMAN'S HEALTH, §  
PLANNED PARENTHOOD CENTER §  
FOR CHOICE, PLANNED §  
PARENTHOOD OF GREATER TEXAS §  
SURGICAL HEALTH SERVICES, §  
PLANNED PARENTHOOD SOUTH §  
TEXAS SURGICAL CENTER, ALAMO §  
CITY SURGERY CENTER PLLC, D/B/A §  
ALAMO WOMEN'S REPRODUCTIVE §  
SERVICES, SOUTHWESTERN §  
WOMEN'S SURGERY CENTER, NOVA §  
HEALTH SYSTEMS, INC. D/B/A §  
REPRODUCTIVE SERVICES, EACH §  
ON BEHALF OF ITSELF, ITS STAFF, §  
PHYSICIANS, AND PATIENTS, §  
CURTIS BOYD, M.D., ROBIN §  
WALLACE, M.D., BHAVIK KUMAR, §  
M.D., M.P.H., ALAN BRAID, M.D., §  
EACH ON THEIR OWN BEHALF AND §  
ON THEIR PATIENTS' BEHALF, §  
PLAINTIFFS, §

V. §

CAUSE NO. A-17-CV-690-LY

KEN PAXTON, ATTORNEY GENERAL §  
OF TEXAS, IN HIS OFFICIAL §  
CAPACITY, AND MARGARET §  
MOORE, DISTRICT ATTORNEY FOR §  
TRAVIS COUNTY, NICHOLAS §  
LAHOOD, CRIMINAL DISTRICT §  
ATTORNEY FOR BEXAR COUNTY, §  
JAIME ESPARZA, DISTRICT §  
ATTORNEY FOR EL PASO COUNTY, §  
FAITH JOHNSON, DISTRICT §  
ATTORNEY FOR DALLAS COUNTY, §  
SHAREN WILSON, CRIMINAL §  
DISTRICT ATTORNEY TARRANT §  
COUNTY, RICARDO RODRIGUEZ, JR., §  
CRIMINAL DISTRICT ATTORNEY §  
FOR HIDALGO COUNTY, ABELINO §  
REYNA, CRIMINAL DISTRICT §

ATTORNEY FOR MCLENNAN §  
COUNTY, AND KIM OGG, CRIMINAL §  
DISTRICT ATTORNEY FOR HARRIS §  
COUNTY, EACH IN THEIR OFFICIAL §  
CAPACITY, §  
DEFENDANTS. §  
§

**ORDER**

Before the court in the above styled and numbered cause is the parties' Joint Motion to Set Trial filed September 7, 2017 (Clerk's Document No. 67). Plaintiffs commenced this action on July 20, 2017, challenging the constitutionality of recently enacted Texas abortion laws. *See* 42 U.S.C. § 1983. The laws at issue are included in Texas Senate Bill 8, Section 6, which, *inter alia*, creates a new Subchapter G in the Texas Health and Safety Code. *See* Act of May 26, 2017, 85th Leg., R.S., ch. 441, § 6, 2017 Tex. Sess. Law Serv. 1167-68 (West) (to be codified at Tex. Health & Safety Code Ch. 171, Subchapter G, §§ 171.151-.154) (the "act"). The act was to become effective September 1, 2017. *Id.* at ch. 441, § 22. Following a hearing at which all parties were represented by counsel, the court rendered a Temporary Restraining Order ("Temporary Order") on August 31, 2017 (Clerk's Document No. 59). The Temporary Order enjoins Defendants as well as their employees, agents, and successors in office from enforcing provisions of ch. 441, § 6, 2017 Tex. Sess. Law Serv. 1167-68 that create Tex. Health & Safety Code Ch. 171, Subchapter G, §§ 171.151-.154. Additionally, the Temporary Order sets Plaintiffs' request for a preliminary injunction for hearing on September 14, 2017. Finally, the Temporary Order expires on September 14, 2017.

On September 5, 2017, the court held a telephone conference at which all parties were represented by counsel. During the conference the parties represented to the court that they were in agreement about several matters: (1) that the Temporary Order may be extended to November 22,

2017; (2) the hearing on Plaintiffs' request for a preliminary injunction may be canceled; and (3) the cause may proceed to a trial on the merits. Additionally, the parties agreed discovery would be completed and the cause may be set for bench trial beginning November 2, 2017.

The parties' joint motion reflects the agreed representations discussed during the September 5 telephone conference. Having considered the joint motion, the case file, and the applicable law,

**IT IS ORDERED** that the parties' Joint Motion to Set Trial filed September 7, 2017 (Clerk's Document No. 67) is **GRANTED**.

In light of the agreement of the parties,

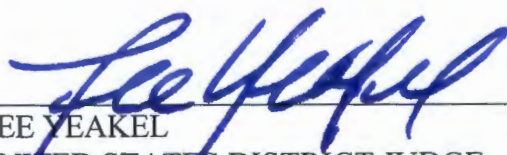
**IT IS FURTHER ORDERED** that the Temporary Restraining Order signed August 31, 2017 (Clerk's Document No. 59) is **EXTENDED through November 22, 2017, at 5:00 p.m.** Austin, Texas, time and pursuant to Rule 65 of the Federal Rules of Civil Procedure, Defendants Ken Paxton, Attorney General of Texas as well as his employees, agents, and successors in office, Defendants Travis County District Attorney Margaret Moore, Bexar County Criminal District Attorney Nicholas LaHood, El Paso District Attorney Jaime Esparza, Dallas County District Attorney Faith Johnson, Tarrant County Criminal District Attorney Sharen Wilson, Hidalgo County Criminal District Attorney Ricardo Rodriguez, Jr., McLennan County Criminal District Attorney Abelino Reyna, and Harris County Criminal District Attorney Kim Ogg as well as their employees, agents, and successors in office are **HEREBY ENJOINED** from enforcing those provisions of Senate Bill 8, Section 6, Ch. 441, § 6, 2017 Tex. Sess. Law. Serv. 1167-68, creating Texas Health and Safety Code sections 171.151 through 171.154.

**IT IS FURTHER ORDERED** that no bond is required. The clerk of court shall issue a temporary restraining order in conformity with the law and the terms of this order.

**IT IS FURTHER ORDERED** that this case is set for trial to the bench on **Thursday, November 2, 2017, at 9:00 a.m.** in Courtroom 7, Seventh Floor of the United States Courthouse, 501 West 5th Street, Austin, Texas.

**IT IS FURTHER ORDERED** that the hearing set for Plaintiffs' request for a preliminary injunction at 9:00 a.m. on September 14, 2017, is **CANCELED**.

SIGNED this 11th day of September, 2017, at 9:31 a.m.

  
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LEE YEAKEL  
UNITED STATES DISTRICT JUDGE