

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
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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

269th 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

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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

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Associated Case Party: Ken Paxton

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Associated Case Party: WHOLE WOMAN'S HEALTH

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Melissa Hayward	24044908	MHayward@HaywardFirm.com	10/5/2022 4:23:56 PM	SENT

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Associated Case Party: WHOLE WOMAN'S HEALTH ALLIANCE

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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

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

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

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Associated Case Party: HOUSTON WOMEN'S CLINIC

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Associated Case Party: SOUTHWESTERN WOMEN'S SURGERY CENTER

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Associated Case Party: Texas Values

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