

CAUSE NO. D-1-GN-21-004632

**PLANNED PARENTHOOD OF GREATER TEXAS SURGICAL HEALTH SERVICES, on behalf of itself, its staff, physicians, and patients; PLANNED PARENTHOOD SOUTH TEXAS SURGICAL CENTER, on behalf of itself, its staff, physicians, and patients; PLANNED PARENTHOOD CENTER FOR CHOICE, on behalf of itself, its staff, physicians, and patients; BHAVIK KUMAR, M.D., on behalf of himself and his patients,**

**In the District Court of  
Travis County, Texas**

**Judicial District 53RD**

*Plaintiffs,*

v.

**TEXAS RIGHT TO LIFE, an organization;  
JOHN SEAGO; and JANE/JOHN DOES 1–  
100,**

*Defendants.*

**TEMPORARY RESTRAINING ORDER**

On the 3rd day of September, 2021, the Court considered Plaintiff Planned Parenthood of Greater Texas Surgical Health Services, et al.'s ("Plaintiffs") *Application for Temporary Restraining Order* (the "Application") seeking to restrain an organization, Texas Right to Life, and individuals John Seago and Jane/John Does 1–100 (collectively, "Defendants") and all persons in active concert and participation with Defendants from instituting private-enforcement lawsuits against Plaintiffs, their physicians, and staff under S.B. 8 when it became effective on September 1, 2021. After consideration of the Plaintiffs' Application and the evidence attached thereto, and pursuant to Texas Rule of Civil Procedure 680, the Court hereby finds:

## **FINDINGS**

The Court finds that S.B. 8 creates a probable, irreparable, and imminent injury in the interim for which Plaintiffs and their physicians, staff, and patients throughout Texas have no adequate remedy at law if Plaintiffs, their physicians, and staff are subjected to private enforcement lawsuits against them under S.B. 8. Money damages are insufficient to undo the injury to Plaintiffs, their physicians, and staff if the Defendants are not enjoined from instituting private enforcement lawsuits against Plaintiff under SB8. Further, money damages would be less complete, less practical, and less efficient than injunctive relief. Conversely, the Defendants will not be harmed if the Court restrains them and anyone in active concert and participation with them from instituting private enforcement lawsuits under S.B. 8 against Plaintiffs, their physicians, and staff.

The Court further finds that granting this request preserves the status quo preceding this controversy and follows precedent from the Supreme Court of Texas. *See In re Newton*, 146 S.W.3d 648, 651 (Tex. 2004); *In re Greg Abbott*, No. 21-0720, in the Supreme Court of Texas (August 26, 2021) (granting a stay on a petition for mandamus from the Fourth Court of Appeals that reinstated a trial-court injunction and holding that the primary consideration for temporary emergency relief is preserving the status quo while courts consider whether plaintiffs have demonstrated a probable right to the relief sought).

The Defendants were given notice of the motion immediately upon its filing and were notified of the hearing by both the Plaintiffs and the Court. No Defendants or Counsel for Defendants appeared. The Court finds that there is not sufficient time to serve further notice of the Application on the Defendants before hearing because the provisions of SB8 that permit private enforcement lawsuits are currently in effect.

**IT IS HEREBY ORDERED, ADJUDGED AND DECREED that:**

A. A temporary restraining order is entered enjoining Defendants and any and all parties and persons in active concert and participation with them, from instituting any

private enforcement lawsuits against Plaintiffs, their physicians, or staff under S.B. 8.

B. Defendants shall provide notice of this temporary restraining order to their officers, agents, servants, employees, and attorneys, and those persons in active concert or participation with them.

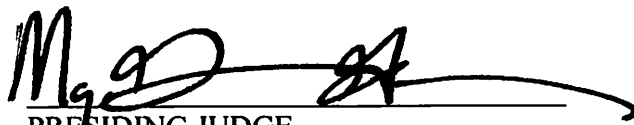
C. This matter is scheduled for a preliminary injunction hearing on the 13th day of September, 2021, at 9am. The hearing will be conducted using Zoom videoconference technology. Since several cases are scheduled 9:00 a.m., your case may be called later in the day on September 13, 2021, and you must be available when your case is called. When you receive the notice of this hearing, please contact the Court Administrator's Office, at [Travis.CivilCourts@traviscountytexas.gov](mailto:Travis.CivilCourts@traviscountytexas.gov) with your contact information so that you may receive information on how to access the Zoom teleconference for your particular hearing. Once your case is assigned to a specific court, information will be provided to the contact information that you submitted to the Court Administrator's Office with specific credentials to participate in this videoconference court proceeding.

D. Plaintiffs' bond is set at \$100.00. A law firm check is sufficient to post the bond. Upon the filing of the bond required herein, the Clerk of this Court shall issue a Temporary Restraining Order in conformity with the law and the terms of this Order Granting Plaintiffs' Application for Temporary Restraining Order.

E. All parties may be served with notice of this Temporary Restraining Order and of the hearing on the request for Preliminary Injunction in any manner provided under Rule 21a of the Texas Rules of Civil Procedure.

F. This temporary restraining order shall expire on September 17, 2021, at 5:00 p.m.

Dated this 3 day of September, 2021.

  
PRESIDING JUDGE  
MAYA GUERRA GAMBLE