

Filed in The District Court
of Travis County, Texas

MAR 11 2022

At 5:24 P.M.
Velva L. Price, District Clerk

CAUSE NO. D-1-GN-22-000977

JANE DOE, individually and as parent and
next friend of MARY DOE, a minor;
JOHN DOE, individually and as parent and
next friend of MARY DOE, a minor; and
DR. MEGAN MOONEY

Plaintiffs

v.

GREG ABBOTT, sued in his official
capacity as Governor of the State of
Texas; JAIME MASTERS, sued in her
official capacity as Commissioner of the
Texas Department of Family and Protective
Services; and the TEXAS DEPARTMENT
OF FAMILY AND PROTECTIVE SERVICES,

Defendants.

IN THE DISTRICT COURT OF
TRAVIS COUNTY, TEXAS
353RD JUDICIAL DISTRICT

**ORDER GRANTING PLAINTIFFS' APPLICATION
FOR TEMPORARY INJUNCTION**

On this day the Court considered the application by Plaintiffs John and Jane Doe, individually and as parents and next friends of Plaintiff Mary Doe, a minor, and Dr. Megan Mooney (collectively, "Plaintiffs") for a Temporary Injunction (the "Application"), as found in Plaintiffs' Petition and Application for Temporary Restraining Order, Temporary Injunction, and Permanent Injunction, and Request for Declaratory Relief ("Petition") filed against Defendants Greg Abbott, in his official capacity as Governor of the State of Texas, Jaime Masters, in her official capacity as Commissioner of the Texas Department of Family and Protective Services, and the Texas Department of Family and Protective Services ("DFPS") (collectively, "Defendants").

Based on the facts set forth in Plaintiffs' Application, the supporting declarations, the testimony, the evidence, and the arguments of counsel presented during the March 11, 2022, hearing on Plaintiffs' Application, this Court finds sufficient cause to enter a Temporary Injunction. Plaintiffs state a valid cause of action against each Defendant and have a probable right to the declaratory and permanent injunctive relief they seek. For the reasons detailed in Plaintiffs' Application and accompanying evidence, there is a substantial likelihood that Plaintiffs will prevail after a trial on the merits because the Governor's directive is *ultra vires*, beyond the scope of his authority, and unconstitutional. The improper rulemaking and implementation by Commissioner Masters and DFPS are similarly void.

The Court further finds that gender-affirming care was not investigated as child abuse by DFPS until after February 22, 2022. The series of directives and decisions by the Governor, the Executive Director, and other decision-makers at DFPS, changed the *status quo* for transgender children and their families, as well as professionals who offer treatment, throughout the State of Texas. The Governor's Directive was given the effect of a new law or new agency rule, despite no new legislation, regulation or even stated agency policy. Governor Abbott and Commissioner Masters' actions violate separation of powers by impermissibly encroaching into the legislative domain.

It clearly appears to the Court that unless Defendants are immediately enjoined from enforcing the Governor's directive and the DFPS rule enforcing that directive, both issued February 22, 2022, and which make reference to and incorporate Attorney General Paxton's Opinion No. KP-0401, Plaintiffs will suffer imminent and irreparable injury. For example, Jane Doe has already been placed on administrative leave at work and is at risk of losing her job, her livelihood, and the means of caring for her family. Jane, John and Mary Doe face the imminent


and ongoing deprivation of their constitutional rights and the stigma attached to being the subject of a child abuse investigation. Mary faces the potential loss of medically necessary care, which if abruptly discontinued can cause severe and irreparable physical and emotional harms, including anxiety, depression, and suicidality. If placed on the Child Abuse Registry, Jane Doe would lose the ability to practice her profession, and both Jane and John Doe would lose their ability to work with minors and volunteer in their community. Absent intervention by this court, Dr. Mooney could face civil suit by patients for failing to treat them in accordance with professional standards and loss of licensure for failing to follow her professional ethics if Defendants' directives are enforced. If Defendants' directives remain in effect, Dr. Mooney will be required to report her patients who are receiving medically necessary gender-affirming care, in contravention of the code of ethics governing her profession and the medical needs of her patients. If Dr. Mooney does not report her patients, she could face immediate criminal prosecution, as set forth in the Governor's letter. Defendants' wrongful actions cannot be remedied by any award of damages or other adequate remedy at law.


The Temporary Injunction being entered by the Court today maintains the status quo prior to February 22, 2022, and should remain in effect while this Court, and potentially the Court of Appeals, and the Supreme Court of Texas, examine the parties' merits and jurisdictional arguments.

IT IS THEREFORE ORDERED that, until all issues in this lawsuit are finally and fully determined, Defendants are immediately enjoined and restrained from enforcing the Governor's directive and DFPS rule, both issued February 22, 2022, as well as Attorney General Paxton's Opinion No. KP-0401 which they reference and incorporate. This Temporary Injunction **RESTRAINS** the following actions by the Defendants: (1) taking any actions against Plaintiffs based on

the Governor's directive and DFPS rule, both issued February 22, 2022, as well as Attorney General Paxton's Opinion No. KP-0401 which they reference and incorporate; (2) investigating reports in the State of Texas against any and all persons based solely on alleged child abuse by persons, providers or organizations in facilitating or providing gender-affirming care to transgender minors where the only grounds for the purported abuse or neglect are either the facilitation or provision of gender-affirming medical treatment or the fact that the minors are transgender, gender transitioning, or receiving or being prescribed gender-affirming medical treatment; (3) prosecuting or referring for prosecution such reports; and (4) imposing reporting requirements on persons in the State of Texas who are aware of others who facilitate or provide gender-affirming care to transgender minors solely based on the fact that the minors are transgender, gender transitioning, or receiving or being prescribed gender-affirming medical treatment.

IT IS FURTHER ORDERED that a trial on the merits of this case is July 11, 2022. The Clerk of the Court is hereby directed to issue a show cause notice to Defendants to appear at the trial.

The Clerk of the Court shall forthwith, ~~on filing by Plaintiffs of the Bond hereinafter required, and on proving of the same according to law,~~ issue a temporary injunction in conformity with the laws and terms of this Order. 

Plaintiffs have previously executed ~~and filed~~  with the Clerk a bond in conformity with the law in the amount of \$100 dollars, and that bond amount will remain adequate and effective for this Temporary Injunction.

It is further ORDERED that this Order shall not expire until judgment in this case is entered or this Case is otherwise dismissed by the Court.

Signed this 11th day of March 2022, at 5:22 P.M o'clock in Travis County,

Texas.



JUDGE AMY CLARK MEACHUM

Filed In The District Court
of Travis County, Texas

MAR 11 2022

At 10:02 A.M.
Velva L. Price, District Clerk

CAUSE NO. D-1-GN-22-000977

JANE DOE, *et al.*,

Plaintiffs,

v.

GREG ABBOTT, *et. al.*,

Defendants.

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IN THE DISTRICT COURT OF

TRAVIS COUNTY, TEXAS

353RD JUDICIAL DISTRICT

**ORDER GRANTING APPLICANT OMAR GONZALEZ-PAGAN'S FIRST AMENDED
MOTION OF NON-RESIDENT ATTORNEY FOR ADMISSION *PRO HAC VICE***

After considering Applicant Omar Gonzalez-Pagan's First Amended Motion of Non-Resident Attorney for Admission *Pro Hac Vice* and Shelly L. Skeen's Motion in support, the Court GRANTS the motion and declares that Omar Gonzalez-Pagan is admitted to this Court *pro hac vice* with all of the rights and privileges of an attorney in the State of Texas in this proceeding.

SIGNED on the 11th day of March, 2022.



PRESIDING JUDGE

APPROVED AS TO FORM AND SUBSTANCE:

/s/ Shelly L. Skeen

Shelly L. Skeen

Movant, Resident Attorney

/s/ Omar Gonzalez-Pagan

Movant, Non-Resident Attorney Omar Gonzalez-Pagan

CAUSE NO. D-1-GN-22-000977

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IN THE DISTRICT COURT OF
TRAVIS COUNTY, TEXAS
353rd JUDICIAL DISTRICT

~~PROPOSED~~ AGREED PROTECTIVE ORDER

In order to preserve the anonymity of Plaintiffs Jane Doe, John Doe, and Mary Doe (hereinafter, "Doe Plaintiffs" or "the Does"), and to protect against the disclosure of any and all information that would divulge, either directly or indirectly, the true identities of the Doe Plaintiffs, the Court hereby finds and orders:

WHEREAS, Plaintiffs Jane Doe, John Doe, and Mary Doe brought this action under their respective pseudonyms to protect their identities from public disclosure;

WHEREAS, the Doe Plaintiffs request that this Court issue a protective order to protect their identities and highly intimate and personal information throughout this litigation;

WHEREAS, exposing the identities of Plaintiffs Jane Doe, John Doe, and their minor daughter Mary Doe would reveal information otherwise protected by law;

WHEREAS, this Court finds good cause exists for issuance of an appropriately tailored protective order governing this litigation;

IT IS HEREBY ORDERED that any person subject to this Order—including without limitation the Parties to this action, their representatives, agents, experts and consultants—will adhere to the following terms:

1. Plaintiffs Jane Doe, John Doe, and Mary Doe are permitted to bring this action pseudonymously to protect their identities from public disclosure;

2. In all publicly filed documents, Plaintiffs Jane Doe, John Doe, and Mary Doe shall be identified pseudonymously;

3. All documents filed with this Court that contain the true names of Doe Plaintiffs or contain information that identifies them, directly or indirectly, shall be filed under seal; *using the appropriate mechanisms under Rule 76a.*

4. Upon request, the Doe Plaintiffs will disclose their identity to counsel for Defendants. In that event, the Doe Plaintiffs need only disclose the minimum information necessary for Defendants to present their defense;

5. Counsel for Defendants may only disclose the Doe Plaintiffs' identity to the Defendants, their agents, and to any experts retained in this case, but only to the extent necessary to litigate this action;

6. Every individual to whom disclosure of the Doe Plaintiffs' identities is made shall read and be bound by this Order. Counsel for Defendants shall ensure that persons to whom disclosure is made under paragraphs 4 and 5 above are aware of this Order;

7. Under no other circumstances shall any party or any other person publicly disclose the Doe Plaintiffs' identities, either directly or indirectly, without their counsel's written consent; and

8. If any specific issues related to nondisclosure of the Doe Plaintiffs' identities arise during the course of this action, the parties shall seek to resolve those issues without court intervention.

If the parties cannot agree, they shall seek further clarification from the Court.

Signed this 1st day of March 2022, at 9:57 AM o'clock in
Travis County, Texas.



JUDGE PRESIDING

AGREED:

/s/ Brandt Thomas Roessler

Brandt Thomas Roessler

Texas State Bar No. 24127923

BAKER BOTTS L.L.P.

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Phone: (212) 408-2500

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Counsel for Plaintiffs



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Counsel for Defendants

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of Travis County, Texas

No. D-1-GN-22-000977

MAR 11 2022

At 5:24 P.M.
Velva L. Price, District Clerk

JANE DOE, ET AL.,
Plaintiff,

v.

GOVERNOR ABBOTT, ET AL.,
Defendants.

IN THE DISTRICT COURT OF

TRAVIS COUNTY, TEXAS

201st JUDICIAL DISTRICT

~~DENYING~~
ORDER GRANTING PLEA TO THE JURISDICTION


On this day, the Court considered Defendants' Plea to the Jurisdiction. After due consideration, the Court finds said plea meritorious. ~~Not FOUNDED and without merit.~~ DENIED.

IT IS THEREFORE ORDERED that Defendants' Plea to the Jurisdiction is GRANTED.

~~IT IS FURTHER ORDERED that all of Plaintiffs' claims against Defendants are hereby~~ ~~DISMISSED WITHOUT PREJUDICE in their entirety~~ ~~_____~~ ~~_____~~

~~This is a FINAL JUDGMENT, and all relief not specifically granted is denied~~ ~~_____~~

SIGNED this 11th day of MARCH, 2022.


HON. AMY CLARK MEACHUM
201st DISTRICT COURT JUDGE