

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

WHOLE WOMEN'S HEALTH, et al.,

Plaintiffs,

v.

JUDGE AUSTIN REEVE JACKSON, et. al.,

Defendants.

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1:21-CV-616-RP

ORDER

Before the Court are the Plaintiffs' advisory to the court filed regarding testimony at the preliminary injunction hearing, (Dkt. 72), and Defendants' opposed motion for an in-person preliminary injunction hearing, (Dkt. 73). The preliminary injunction hearing is set for August 30, 2021 at 9:00 a.m. (Order, Dkt. 61).

With regard to their motion, Defendants argue that they will be prejudiced if they must present evidence by video at the preliminary injunction hearing. (Dkt. 73, at 2). Defendants fail to specify how they "cannot fully and fairly present their evidence and testimony by video" or how they would be "prejudiced in their defense if required to do so." (*Id.* at 2). Defendants only imply that a video hearing would not be as efficient and that there could be technological issues. (*Id.*). While technical issues can disrupt video proceedings and in-person proceedings, this Court has extensive experience with video proceedings and will provide all parties with adequate time to present their arguments and evidence. Over the past year and a half, the Court has regularly conducted hearings and trials by video, including in high-profile and fact-intensive cases, and has found this format to be a sufficient means of hearing argument and taking testimony from witnesses, while protecting the health and safety of all parties given the COVID-19 pandemic. The Court thus rejects Defendants' conclusory argument that they will be prejudiced by presenting their case by video. As such, **IT IS ORDERED** that Defendants' opposed motion for an in-person preliminary injunction hearing, (Dkt. 73), is **DENIED**.

In response to both Plaintiffs' advisory to the court filed regarding testimony at the preliminary injunction hearing, (Dkt. 72), and Defendants' opposed motion for an in-person preliminary injunction hearing, (Dkt. 73), **IT IS FURTHER ORDERED** that each side shall each have **three (3) hours** to present evidence and one **(1) hour** to present legal arguments to the Court at the preliminary injunction hearing. The Court finds this division of time to be fair in light of the substantial overlap in arguments between the parties on each side of this litigation. The parties on either side may divide this time between them as they see fit.

SIGNED on August 20 2021.



ROBERT PITMAN
UNITED STATES DISTRICT JUDGE