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August 27, 2021

Lyle W. Cayce, Clerk
United States Court of Appeals for the Fifth Circuit
600 S. Maestri Place
New Orleans, LA 70130-3408

Via ECF

Re: *Whole Woman's Health v. Jackson*, No. 21-50792

Dear Mr. Cayce,

Defendant-Appellants write to notify the Court that the district court entered an order shortly before 4:00 PM this afternoon ordering Mark Lee Dickson, the private defendant, to respond to Plaintiff-Appellees' motion for summary judgment by September 3, 2021.

Now that the district court is forcing Mr. Dickson to litigate a final judgment in a few short days, the danger that the district court may make factual findings that will negatively impact the Government Defendants' defense of the same law in their absence, and therefore prejudice Government Defendants, is even greater.

CONCLUSION

In light of the district court's order, Government Defendants still respectfully urge the Court to stay proceedings as to Mr. Dickson as well to avoid prejudice and piecemeal litigation.

Sincerely,

/s/Heather Gebelin Hacker

Heather Gebelin Hacker
Counsel for Defendant-Appellant Penny
Clarkston

/s/Natalie D. Thompson

Natalie D. Thompson
Counsel for Defendant-Appellants Jackson,
Carlton, Thomas, Young, Benz, and Paxton

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

SCHEDULING ORDER

In light of the Court’s denial of Defendants’ motion to stay as to Defendant Mark Lee Dickson (“Dickson”), (Dkt. 88), the Court issues the following amended briefing schedule with regard to Plaintiffs’ pending motion for summary judgment, (Dkt. 19), that was filed on July 13, 2021:

1. Dickson shall respond to Plaintiffs’ motion for summary judgment, (Dkt. 19), on or before **September 3, 2021**. Any replies shall be filed on or before **September 7, 2021**.

SIGNED on August 27, 2021.



ROBERT PITMAN
UNITED STATES DISTRICT JUDGE