

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

WHOLE WOMAN'S HEALTH, et al.,	§	
	§	
<i>Plaintiffs,</i>	§	
v.	§	Cause No. 1:21-cv-00616-RP
	§	
AUSTIN REEVE JACKSON, et al.,	§	
	§	
<i>Defendants.</i>	§	

**DEFENDANTS' MOTION FOR IN-PERSON
PRELIMINARY INJUNCTION HEARING**

Defendants file this Motion for In-Person Preliminary Injunction Hearing and respectfully request the Court to set the August 30, 2021 preliminary injunction hearing for an in-person hearing at the United States District Court in Austin, Texas. In support of this motion, Defendants show as follows:

1. This Court set Plaintiffs' motion for temporary restraining order and preliminary injunction for hearing on August 30, 2021. (Dkt. 60, 61). The Court's order indicates that the hearing will be held by video. (Dkt. 61).
2. Defendants have served subpoenas and intend to contest Plaintiffs' evidence with witness testimony and evidence in opposition to the nineteen declarations offered by Plaintiffs that are cited repeatedly in Plaintiffs' motion for preliminary injunction, Dkt. 53, (which incorporates Plaintiffs' entire motion for summary judgment, Dkt. 19).

3. An in-person hearing will facilitate the examination of witnesses and the presentation of evidence, will allow the parties to proceed as efficiently as possible at the hearing under an expedited schedule, and will avoid any technological issues that may delay the hearing or the presentation of testimony and evidence.

4. Defendants further believe that they cannot fully and fairly present their evidence and testimony by video, especially given the expedited timeframe, and will be prejudiced in their defense if required to do so.

For the foregoing reasons, Defendants respectfully request that this Court set the August 30, 2021 preliminary injunction hearing as an in-person hearing to be held at the United States District Court in Austin, Texas.

Respectfully submitted.

/s/ Andrew B. Stephens

ANDREW B. STEPHENS

Texas Bar No. 24079396

andrew@hackerstephens.com

HEATHER GEBELIN HACKER

Texas Bar No. 24103325

heather@hackerstephens.com

HACKER STEPHENS LLP

108 Wild Basin Rd. South, Suite 250

Austin, Texas 78746

Tel: (512) 399-3022

Attorneys for Defendant Penny Clarkston

/s/ Jonathan F. Mitchell

JONATHAN F. MITCHELL

Texas Bar No. 24075463

MITCHELL LAW PLLC

111 Congress Avenue, Suite 400

Austin, Texas 78701

(512) 686-3940 (phone)

(512) 686-3941 (fax)

jonathan@mitchell.law

Attorney for Defendant Mark Lee Dickson

KEN PAXTON
Attorney General of Texas

BRENT WEBSTER
First Assistant Attorney General

GRANT DORFMAN
Deputy First Assistant Attorney General

SHAWN E. COWLES
Deputy Attorney General for Civil Litigation

THOMAS A. ALBRIGHT
Chief - General Litigation Division

/s/ Benjamin S. Walton
BENJAMIN S. WALTON
Texas Bar No. 24075241
Benjamin.Walton@oag.texas.gov
CHRISTOPHER D. HILTON
Texas Bar No. 24087727
Christopher.Hilton@oag.texas.gov

HALIE DANIELS
Texas Bar No. 24100169
Halie.Daniels@oag.texas.gov
Assistant Attorneys General
General Litigation Division

BETH KLUSMANN
Assistant Solicitor General
Texas Bar No. 24036918
Beth.Klusmann@oag.texas.gov

NATALIE THOMPSON
Assistant Solicitor General
Texas Bar No. 24088529
Natalie.Thompson@oag.texas.gov

OFFICE OF THE ATTORNEY GENERAL
P.O. Box 12548, Capitol Station
Austin, Texas 78711-2548
(512) 463-2120 – Phone
(512) 320-0667 – Fax

Counsel for State Defendants

CERTIFICATE OF CONFERENCE

On August 18, 2021, I conferred via email with Marc Hearn, counsel for Plaintiffs, regarding whether Plaintiffs to the relief requested in this motion. Mr. Hearn informed me that Plaintiffs do not agree.

/s/ Andrew B. Stephens

ANDREW B. STEPHENS

Counsel for Defendant Penny Clarkston

CERTIFICATE OF SERVICE

I certify that on August 18, 2021, this document was served through the Court's CM/ECF Document Filing System upon all counsel of record.

/s/ Andrew B. Stephens

ANDREW B. STEPHENS

Counsel for Defendant Penny Clarkston

