

FILED

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

2013 OCT 28 PM 1:34

CLERK US DISTRICT COURT
WESTERN DISTRICT OF TEXAS

BY KKC
DEPUTY

PLANNED PARENTHOOD OF GREATER §
TEXAS SURGICAL HEALTH SERVICES, §
PLANNED PARENTHOOD CENTER FOR §
CHOICE, PLANNED PARENTHOOD SEXUAL §
HEALTHCARE SERVICES, PLANNED §
PARENTHOOD WOMEN’S HEALTH CENTER, §
WHOLE WOMAN’S HEALTH, AUSTIN §
WOMEN’S HEALTH CENTER KILLEEN §
HEALTH CENTER, SOUTHWESTERN §
WOMEN’S SURGERY CENTER, WEST SIDE §
CLINIC, INC., ROUTH STREET WOMEN’S §
CLINIC, HOUSTON WOMEN’S CLINIC, §
EACH ON BEHALF OF ITSELF, ITS PATIENTS §
AND PHYSICIANS, ALAN BRAID, M.D., §
LAMAR ROBINSON, M.D., PAMELA J. §
RICHTER, D.O., EACH ON BEHALF OF §
THEMSELVES AND THEIR PATIENTS, §
PLAINTIFFS, §

V. §

CAUSE NO. 1:13-CV-862-LY

GREGORY ABBOTT, ATTORNEY GENERAL §
OF TEXAS; DAVID LAKEY, M.D., §
COMMISSIONER OF THE TEXAS §
DEPARTMENT OF STATE HEALTH §
SERVICES; AND MARI ROBINSON, §
EXECUTIVE DIRECTOR OF §
THE TEXAS MEDICAL BOARD, §
DEFENDANTS. §

FINAL JUDGMENT

Before the court is the above styled and numbered cause. On October 18, 2013, upon stipulation of the parties, the court dismissed from this action Defendants David Escamilla, County Attorney for Travis County, Craig Watkins, Criminal District Attorney for Dallas County, Devon Anderson, District Attorney for Harris County, Matthew Powell, Director of the Lubbock County Criminal District Attorney’s Office, James E. Nichols, County Attorney for Bell County, Joe

Shannon, Jr., Criminal District Attorney for Tarrant County, René Guerra, Criminal District Attorney for Hidalgo County, Susan D. Reed, Criminal District Attorney for Bexar County, Abelino Reyna, Criminal District Attorney for El Paso County, and Jaime Esparza, District Attorney for El Paso County, each in their official capacities, as well as their employees, agents, and successors. On this date by Memorandum Opinion Incorporating Findings of Fact and Conclusions of Law the court has made certain findings and conclusions in this case. Based on the findings and conclusions the court renders this final judgment.

THE COURT DECLARES that the following portions of Act of July 12, 2013, 83rd Leg., 2d C.S., ch. 1, §§ 1-12, 2013 Tex. Sess. Law Serv. 4795-4802 (“act”) are unconstitutional:

1. The proposed amendment to the Health and Safety Code of the State of Texas adding Section 171.0031(a)(1) found in Section 2 of the act at page 2, lines 18 through 25.

2. The proposed amendment to the Health and Safety Code of the State of Texas adding section 171.063(a)(2), (b), (c), (e), and (f) found in Section 3 of the act at page 10, lines 1 through 27 and page 11 lines 1 through 24, to the extent those provisions prohibit a medication abortion where a physician determines in appropriate medical judgment, such a procedure is necessary for the preservation of the life or health of the mother.

IT IS ORDERED that the State of Texas, its agents, employees, and any other persons or entities acting on its behalf are enjoined from enforcing those sections of the act to the extent stated herein, including enforcing the criminal and administrative penalties provided by the act against any person accused of violating any provision of the act declared unconstitutional by this final judgment.

Any claim for attorney's fees incurred in this action will be determined post judgment and pursuant to Rule CV-7(j), of the Local Rules of the United States District Court for the Western District of Texas.

IT IS FURTHER ORDERED that Plaintiffs recover their costs of court.

IT IS FURTHER ORDERED, except as expressly provided herein, all other relief requested by any party is **DENIED**.

SIGNED this 28th day of October, 2013.



LEE YEAKEL
UNITED STATES DISTRICT JUDGE