

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 RESTRAINING ORDER**

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 Restraining Order, 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 (collectively, “Defendants”).

From the facts set forth in Plaintiffs' Petition, and the declarations attached thereto, the Court finds Plaintiffs will suffer irreparable injury unless Defendants are immediately restrained from enforcing the Governor's letter and the DFPS statement, both issued February 22, 2022 and which make reference to and incorporate Attorney General Paxton's Opinion No. KP-0401. The Court finds Jane Doe has been placed on administrative leave at work and is at risk of losing her job and that Jane, John and Mary Doe face the imminent and ongoing deprivation of their constitutional rights, the potential loss of necessary medical care, and the stigma attached to being the subject of an unfounded child abuse investigation. The Court further finds that if placed on the Child Abuse Registry, Jane Doe could lose the ability to practice her profession and both Jane and John Doe could lose their ability to work with minors and volunteer in their community.

The Court further finds that Plaintiff 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 she complies with Defendants' orders and actions. If she does not comply with Defendants' orders, Dr. Mooney could face immediate criminal prosecution, as set forth in the Governor's letter.

The Court finds Defendants' wrongful actions cannot be remedied by any award of damages or other adequate remedy at law.

IT IS THEREFORE ORDERED that Defendants are immediately enjoined and restrained from taking any actions against Plaintiffs based solely on the Governor's letter and DFPS statement, both issued February 22, 2022, as well as Attorney General Paxton's Opinion No. KP-0401 which they reference and incorporate. IT IS FURTHER ORDERED that Defendants are enjoined from taking any employment action or investigating reports against these Plaintiffs based solely on facilitating or providing gender-affirming care to transgender minors 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 Plaintiffs' Application for Temporary Injunction be heard before the Honorable Judge Amy Clark Meachum of the 201st Judicial District Court of Travis County, Texas on Friday, March 11, 2022, at 10:00 a.m. o'clock. The hearing will be conducted using Zoom videoconference technology and a link will be provided by the Court in advance of the hearing.

The purpose of the hearing is to determine why a temporary injunction should not be issued as requested by Plaintiffs. The Clerk of the Court is hereby directed to issue a show cause notice to Defendants to appear at the temporary injunction hearing.

At issue for the Temporary Injunction hearing will be the Validity of and Enforcement of the Governor's letter and the DFPS statement, both issued February 22, 2022, as well as Attorney General Paxton's Opinion No. KP-0401, which they reference and incorporate, and whether they violate the constitutional rights of the Plaintiffs and other persons, the Texas Administrative Procedure Act, Texas Gov't Code § 2001.038, or any other applicable laws. The Temporary Injunction hearing will decide whether a statewide Temporary Injunction should be issued to enjoin Defendants from the following: (1) investigating reports of any persons facilitating or providing 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; (2) prosecuting or referring for prosecution such reports; and (3) imposing reporting requirements on persons 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.

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 restraining order in conformity with the laws and terms of this Order.

This Order shall not be affected unless and until Plaintiffs execute and file with the Clerk a bond in conformity with the law, in the amount of \$100.00 dollars.

Signed this 2nd day of March 2022, at 4:55 p.m. in Travis County, Texas.



AMY CLARK MEACHUM
JUDGE PRESIDING