



January 3, 2020

**Via File & Serve Xpress**

Ms. Debra Spisak,  
Clerk of the Court  
Second Court of Appeals

Re: *T.L., a Minor and Mother, T.L., on her Behalf v. Cook Children's Medical Center*, No. 02-20-00002-CV

Dear Ms. Spisak:

Amici curiae the State of Texas, Attorney General Ken Paxton, and Governor Greg Abbott submit this letter brief in support of appellants T.L. and T.L.'s Motion for Emergency Relief (filed January 2, 2020). Please distribute this brief to the Justices of the panel assigned to this appeal.

TO THE HONORABLE SECOND COURT OF APPEALS:

We agree with the T.L. family that the Court should stay the trial court's order denying the application for a temporary injunction until this appeal is finally resolved. Indeed, it is difficult to imagine an appeal in which a stay would be more warranted.

In an interlocutory appeal, a court of appeals "may make any temporary orders necessary to preserve the parties' rights until disposition of the appeal." Tex. R. App. P. 29.3. The authority conferred by Rule 29.3 "broadly empower[s] the court of appeals to preserve parties' rights when necessary" and "gives an appellate court great flexibility in preserving the status quo based on the unique facts and circumstances presented." *In re Geomet Recycling LLC*, 578 S.W.3d 82, 89 (Tex. 2019) (orig. proceeding). That broad authority encompasses:

- stay orders, *id.* at 87;

- orders necessary to “prevent irreparable harm to parties that have properly invoked [a court of appeals’] appellate jurisdiction in an interlocutory appeal,” *id* at 90;
- orders “to prevent a portion of the appeal from becoming moot,” *H & R Block, Inc. v. Haese*, 992 S.W.2d 437, 439 (Tex. 1999) (per curiam); and
- other orders to protect the appellate court’s jurisdiction pending disposition of the appeal, *McAllen Med. Ctr., Inc. v. Cortez*, 66 S.W.3d 227, 238 (Tex. 2001); *Lavigne v. Holder*, 186 S.W.3d 625, 627 (Tex. App.—Fort Worth 2006, no pet.).

This appeal presents all the circumstances for which this Court’s broad authority under Rule 29.3 is designed. The trial court’s order denying the temporary injunction directs appellee Cook Children’s Medical Center to provide life-sustaining medical treatment to baby T.L. for only seven days following the order—that is, until January 9. If the Court does not stay that order and preserve the status quo, baby T.L. will suffer the ultimate—and jurisdiction-threatening—irreparable harm: She will die. Simply put, this case presents a life-or-death decision. This Court should ensure that it retains jurisdiction to resolve it.

The issues raised by baby T.L.’s appeal are of the utmost importance not only to her and her family, but also to all Texans: the right to life and due process guaranteed by the United States and Texas Constitutions. Those constitutional issues require judicial resolution, and the proper presentation and consideration of those issues on appeal cannot be achieved in the one week afforded by the trial court’s order before the status quo is upended. The Court should grant the T.L. family’s request for a stay of the trial court’s order so that the parties and the Court will have the benefit of a full appellate process to resolve this significant case.

/s/ Greg Abbott  
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Respectfully submitted.

/s/ Ken Paxton  
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