

CAUSE NO. D-1-GN-23-003616

LAZARO LOE, et al.,	§	IN THE DISTRICT COURT OF
<i>Plaintiffs,</i>	§	
	§	
	§	
v.	§	TRAVIS COUNTY, TEXAS
	§	
	§	
STATE OF TEXAS, et al.,	§	
<i>Defendants.</i>	§	201st JUDICIAL DISTRICT

DEFENDANTS’ NOTICE OF ACCELERATED INTERLOCUTORY APPEAL

Defendants the State of Texas, Office of the Attorney General, Angela Colmenero, in her official capacity as Provisional Attorney General of Texas, the Texas Medical Board, and the Texas Health and Human Services Commission (collectively, “Defendants”) appeal the Court’s Orders granting Plaintiffs’ Application for Temporary Injunction and denying Defendants’ Plea to the Jurisdiction.

Defendants are entitled to an interlocutory appeal pursuant to Tex. Civ. Prac. & Rem. Code §§ 51.014(a)(4), (8), which allow for immediate appeals from orders granting temporary injunctions and denying pleas to the jurisdiction. Defendants appeal to the Texas Supreme Court pursuant to Tex. Gov’t Code § 22.001(c), which provides for direct appeals to the Texas Supreme Court when a trial court grants an interlocutory injunction on the ground of the constitutionality of a statute of this state. This is an accelerated appeal as provided by Tex. R. App. P. 28.1. This is not a parental termination or child protection case, as defined in Tex. R. App. P. 28.4.

Pursuant to Tex. Civ. Prac. & Rem. Code § 51.014(b), all further proceedings in this court are stayed pending resolution of Defendants’ appeal. Upon filing of this instrument, the August 25, 2023, Order Granting Plaintiffs’ Application for Temporary Injunction is superseded pursuant to Tex. Civ. Prac. & Rem. Code § 6.001(b) and Tex. R. App. P. 29.1(b). Pursuant to Tex. Civ. Prac. & Rem. Code § 6.001, as governmental officers and entities, Defendants are not required to file a

supersedeas bond for court costs. Defendants' appeal is therefore perfected upon the filing of the notice of appeal.

Respectfully submitted.

ANGELA COLMENERO
Provisional Attorney General

BRENT WEBSTER
First Assistant Attorney General

GRANT DORFMAN
Deputy First Assistant Attorney General

JAMES LLOYD
Acting Deputy Attorney General for Civil Litigation

KIMBERLY GDULA
Deputy Chief, General Litigation Division

RYAN KERCHER
Deputy Chief, General Litigation Division

/s/ Johnathan Stone

JOHNATHAN STONE
Assistant Attorney General
Texas State Bar No. 24071779

/s/ Heather Dyer

HEATHER L. DYER
Assistant Attorney General
Texas State Bar No. 24123044

/s/ Charles K. Eldred

CHARLES K. ELDRED
Chief, Legal Strategy Division
Texas State Bar No. 00793681

Office of the Attorney General
General Litigation Division
P.O. Box 12548, Capitol Station
Austin, Texas 78711-2548
Telephone: (512) 475-4196
Facsimile: (512) 320-0667
Johnathan.Stone@oag.texas.gov
Heather.Dyer@oag.texas.gov
Charles.Eldred@oag.texas.gov

COUNSEL FOR DEFENDANTS

CERTIFICATE OF SERVICE

I hereby certify that on August 25, 2023, a true and correct copy of the foregoing document was served via File and Serve Texas to all counsel of record.

/s/Johnathan Stone

JOHNATHAN STONE
Assistant Attorney General