

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
LUBBOCK DIVISION

STATE OF TEXAS; AMERICAN	§	
ASSOCIATION OF PRO-LIFE	§	
OBSTETRICIANS &	§	
GYNECOLOGISTS; and CHRISTIAN	§	
MEDICAL & DENTAL	§	
ASSOCIATIONS,	§	
<i>Plaintiffs,</i>	§	
	§	CIVIL ACTION NO. 5:22-CV-00185
v.	§	
	§	
XAVIER BECERRA, in his official	§	
capacity as Secretary of Health and Human	§	
Services; UNITED STATES	§	
DEPARTMENT OF HEALTH AND	§	
HUMAN SERVICES; CENTERS FOR	§	
MEDICARE & MEDICAID SERVICES	§	
(CMS); KAREN L. TRITZ, in her official	§	
capacity as Director of the Survey and	§	
Operations Group for CMS; DAVID R.	§	
WRIGHT, in his official capacity as	§	
Director of the Quality Safety and	§	
Oversight Group for CMS,	§	
<i>Defendants.</i>	§	

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PLAINTIFFS' MOTION FOR TEMPORARY RESTRAINING ORDER  
AND PRELIMINARY INJUNCTION

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Plaintiffs the State of Texas, American Association of Pro-Life Obstetricians & Gynecologists, and Christian Medical & Dental Associations move for a temporary restraining order and preliminary injunction pursuant to Rule 65 of the Federal Rules of Civil Procedure.

As set forth more fully in the brief filed in support of this motion, injunctive relief is warranted because Plaintiffs are likely to prevail on their claims that the Abortion Mandate is unlawful. Defendants lacked statutory authority to adopt it, failed to follow required procedures

for adopting a rule, acted arbitrarily and capriciously, and made other legal errors. Moreover, the Abortion Mandate will cause irreparable harm by requiring doctors and hospitals to either violate State law and risk their medical licenses or comply with State law and risk enormous penalties and loss of federal funding.

For the reasons discussed here and in Plaintiffs' brief in support, the Court should grant Plaintiffs' request for a temporary restraining order and preliminary injunction.

Respectfully submitted.

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GYNECOLOGISTS, AND CHRISTIAN  
MEDICAL AND DENTAL ASSOCIATIONS**

*\*Application for admission forthcoming*

**CERTIFICATE OF CONFERENCE**

We hereby certify that it was not possible to confer on this motion, because counsel has not appeared for Defendants. Under Local Rule 7.1(b)(3), this motion is presumed to be opposed.

/s/ Amy S. Hilton      /s/ Ryan Bangert  
Amy S. Hilton      Ryan Bangert

**CERTIFICATE OF SERVICE**

We certify that a true and accurate copy of the foregoing document was filed electronically via CM/ECF and is being sent via CMRRR to Defendants.

/s/ Amy S. Hilton      /s/ Ryan Bangert  
Amy S. Hilton      Ryan Bangert

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ORDER GRANTING TEMPORARY RESTRAINING ORDER  
AND PRELIMINARY INJUNCTION

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Before the Court is Plaintiffs' Motion for Temporary Restraining Order and Preliminary Injunction. After due consideration of the briefing, arguments, evidence presented, and applicable law, the Court finds Plaintiffs' Motion to be meritorious.

It is therefore ORDERED that Plaintiffs' Motion for Preliminary Injunction is GRANTED. It is hereby ORDERED that:

1. This temporary restraining order shall remain in effect until \_\_\_\_\_  
unless it is extended for good cause pursuant to Federal Rule of Civil Procedure 65.
2. A preliminary injunction hearing is set for \_\_\_\_\_.

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JAMES WESLEY HENDRIX  
UNITED STATES DISTRICT JUDGE