

Challenge to Constitutionality of a State Statute**Print**

This form must be completed by a party filing a petition, motion or other pleading **challenging the constitutionality of a state statute**. The completed form must be filed with the court in which the cause is pending as required by Section 402.010 (a-1), Texas Government Code.

Cause Number *(If Known)*: 3:25-cv-00225 **Court** *(If Known)*: U.S. Dist. Ct., S.D. Tex., Galveston Div.

Styled: Jerry Rodriguez v. Remy Coeytaux

(e.g., John Smith v. All American Insurance Co.; in re Mary Ann Jones; In the Matter of the Estate of George Jackson)

Contact information for party* challenging the constitutionality of a state statute. (*If party is not a person, provide contact information for party, party's representative or attorney.)

Name: Christopher M. Odell Telephone: (713) 576-2400
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Person completing this form is: ☒ Attorney for Party ☐ Unrepresented Party ☐ Other:

Identify the type of pleading you have filed challenging the constitutionality of a state statute.

☐ Petition ☐ Answer ☒ Motion (Specify type): Motion to Dismiss
☐ Other:

Is the Attorney General of the State of Texas a party to or counsel in this cause?

☐ Yes ☒ No

List the state statute(s) being challenged in your pleading and provide a summary of the basis for your challenge. (Additional pages may be attached if necessary.)

Defendant Remy Coeytaux contends that House Bill 7, 89th Reg. Sess., 2nd Called Sess. (Tex. 2025) ("HB7"), codified at Texas Health & Safety Code chapter 171A, violates the Texas Constitution and the U.S. Constitution.

HB7 violates the Texas Constitution by purporting to delegate enforcement authority to the general public and by divesting the Attorney General and District and County Attorneys of their constitutional authority to represent the State. See Tex. Const. art. II, § 1, art. IV, § 22, art. V, § 21.

HB7 violates the dormant commerce clause of the U.S. Constitution. It facially discriminates against interstate commerce by prohibiting out-of-state physicians from shipping medication abortion to Texas, while exempting shipments of medication abortion to Texas by Texas-licensed physicians in Texas.

These arguments are developed further in the attached Motion to Dismiss.