

JANE DOE, <i>et al.</i> ,	§	IN THE DISTRICT COURT
<i>Plaintiffs,</i>	§	
	§	
v.	§	201st JUDICIAL DISTRICT
	§	
GOVERNOR ABBOTT, <i>et al.</i> ,	§	
	§	
<i>Defendants.</i>	§	TRAVIS COUNTY, TEXAS

DEFENDANTS’ NOTICE OF ACCELERATED INTERLOCUTORY APPEAL

Defendants Greg Abbott in his official capacity as Governor of the State of Texas (“Governor Abbott”), Jaime Masters in her official capacity of Commissioner of the Department of Family and Protective Services (“Commissioner Masters”), and the Texas Department of Family and Protective Services (“DFPS”) (collectively, “Defendants”) respectfully appeal the Court’s interlocutory order of March 2, 2022. Said Order implicitly denied Defendants’ plea to the jurisdiction and granted Plaintiffs’ request for a temporary restraining order. The Order enjoins Defendants from taking any actions against Plaintiffs based solely on the Governor’s February 22, 2022 letter and DFPS statement of the same date, as well as Attorney General Opinion No. KP-0401; the Order further enjoins Defendants from taking any employment action or investigating reports against 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.

Defendants are entitled to an interlocutory appeal pursuant to Civil Practice and Remedies Code section 51.014(a)(8), which allows for an immediate appeal from an order that denies a plea to the jurisdiction. Defendants appeal to the Third Court of Appeals. This is an accelerated appeal as provided by Texas Rule of Appellate Procedure 28.1. This is not a parental termination or child

protection case, as defined in Rule 28.4.

Pursuant to Texas Civil Practice and Remedies Code § 51.014(b), all further proceedings in this court are stayed pending resolution of Defendants' appeal. Upon filing of this instrument, the March 2, 2022 Order is superseded pursuant to Texas Civil Practice and Remedies Code section 6.001(b) and Texas Rule of Appellate Procedure 29.1(b). Pursuant to section 6.001, as governmental officers/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,

KEN PAXTON
Attorney General of Texas

BRENT WEBSTER
First Assistant Attorney General

GRANT DORFMAN
Deputy First Assistant Attorney General

SHAWN COWLES
Deputy Attorney General for Civil Litigation

THOMAS A. ALBRIGHT
Chief for General Litigation Division

/s/ Ryan G. Kercher
RYAN G. KERCHER
Texas Bar No. 24060998
Assistant Attorney General
Office of the Attorney General
P.O. Box 12548, Capitol Station
Austin, Texas 78711-2548
Phone: 512-463-2120
Fax: 512-320-0667
Ryan.Kercher@oag.texas.gov

Counsel for Defendants