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A LIMITED LIABILITY LAW PARTNERSHIP LLP

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Attorneys for Nonparty

JANE DOE, M.D.

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII

WHOLE WOMAN'S HEALTH;  
PLANNED PARENTHOOD CENTER  
FOR CHOICE; PLANNED  
PARENTHOOD OF GREATER TEXAS  
SURGICAL HEALTH SERVICES;  
PLANNED PARENTHOOD SOUTH  
TEXAS SURGICAL CENTER;  
ALAMO CITY SURGERY CENTER  
PLLC d/b/a ALAMO WOMEN'S  
REPRODUCTIVE SERVICES;  
SOUTHWESTERN WOMEN'S  
SURGERY CENTER; and NOVA  
HEALTH SYSTEMS, INC. d/b/a  
REPRODUCTIVE SERVICES, each on  
behalf of itself, its staff, physicians and  
patients; and CURTIS BOYD, M.D.;  
ROBIN WALLACE, M.D.; BHAVIK  
KUMAR, M.D.; and ALAN BRAID,  
M.D., each on behalf of himself and his  
patients,

Plaintiffs,

MC CASE NO. 1:17-mc-00303

[Case No. 1:17-CV-00690-LY  
Pending in the Western District of  
Texas Austin Division]

***EX PARTE APPLICATION TO  
SHORTEN TIME FOR HEARING  
ON NONPARTY JANE DOE, M.D.'S  
MOTION TO QUASH DEPOSITION  
SUBPOENA ISSUED BY  
DEFENDANTS PAXTON, ET AL;  
DECLARATION OF NICOLE Y.  
ALTMAN; [PROPOSED] ORDER  
GRANTING EX PARTE  
APPLICATION TO SHORTEN  
TIME FOR HEARING ON  
NONPARTY JANE DOE, M.D.'S  
MOTION TO QUASH DEPOSITION  
SUBPOENA ISSUED BY  
DEFENDANTS PAXTON, ET AL;  
CERTIFICATE OF SERVICE***

vs.

KEN PAXTON, Attorney General of Texas; MARGARET MOORE, District Attorney for Travis County; NICHOLAS LAHOOD, Criminal District Attorney for Bexar County; JAIME ESPARZA, District Attorney for El Paso County; FAITH JOHNSON, District Attorney for Dallas County; SHAREN WILSON, Criminal District Attorney for Tarrant County; RICARDO RODRIGUEZ, JR., Criminal District Attorney for Hidalgo County; ABELINO REYNA, Criminal District Attorney for McLennan County; and KIM OGG, Criminal District Attorney for Harris County, each in their official capacities, as well as their employees, agents, and successors,

Defendants.

TRIAL DATE: None Set

***EX PARTE APPLICATION TO SHORTEN TIME  
FOR HEARING ON NONPARTY JANE DOE, M.D.’S  
MOTION TO QUASH DEPOSITION SUBPOENA ISSUED  
BY DEFENDANTS PAXTON, ET AL***

Nonparty Jane Doe, M.D. (“Dr. Doe”), by and through her attorneys, Goodsill Anderson Quinn & Stifel, LLP, a Limited Liability Law Partnership, respectfully applies to this Court *ex parte* to shorten time for the hearing on Nonparty Doe’s Motion to Quash Deposition Subpoena Issued by Defendants Paxton, et al (the “Motion to Quash”) filed concurrently herewith.

Dr. Doe’s Motion to Quash asks the Court to quash the Subpoena to Testify at a Deposition in a Civil Action commanding Dr. Doe to appear for deposition on October 26, 2017 (the “Subpoena”). The Subpoena was issued in connection with litigation pending in the United States District Court for the Western District of Texas in *Whole Woman’s Health, et al. vs. Ken Paxton, et al.* – Civil Action No. 1:17-CV-000690-LY. The Subpoena is dated Thursday, October 19, 2017. To date, the Subpoena has not been served on non-party Dr. Doe, but Dr. Doe has agreed to accept service through counsel. Accordingly, Dr. Doe brings this Motion to Quash now to ensure that the Court has adequate time to consider the motion, given that Defendants seek to have her appear for deposition within a few days’ time. (Altman Decl. ¶ 5.)

If the Motion to Quash is heard in the ordinary course, it will not be heard until November 27, 2017 at the earliest—well after the October 26, 2017 return date for the Subpoena. *Ex parte* relief is warranted for all of the reasons discussed in Dr. Doe’s Motion to Quash and because the return date of the improper Subpoena is fast approaching.

Counsel for Dr. Doe has over the past month had several telephonic conferences with counsel for Defendants with the goal of reaching an agreement that would allow Defendants to depose Dr. Doe subject to protective measures sufficient to protect Dr. Doe from undue burden and from the safety risk inherent

in her public involvement in the underlying litigation. (Altman Decl. ¶ 3.) Although counsel have conferred, Defendants would not agree to the necessary protective measures, and instead, issued a new Subpoena seeking Dr. Doe's deposition testimony. (Altman Decl. ¶ 4.)

This *ex parte* application is made pursuant to Rules 6 and 7 of the Federal Rules of Civil Procedure and Rule 6.2 of the Local Rules of Practice for the United States District Court for the District of Hawaii, and is based upon the Declaration of Nicole Y. Altman, the facts and arguments contained in Dr. Doe's Motion to Quash, all papers, pleadings, records and files, those matters of which the Court can properly take judicial notice, and on other such evidence and argument as may be presented.

DATED: Honolulu, Hawai'i, October 23, 2017.

/s/ Nicole Y. Altman

LISA WOODS MUNGER  
NICOLE Y. ALTMAN

Attorneys for Nonparty JANE DOE, M.D.

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII

WHOLE WOMAN'S HEALTH;  
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REPRODUCTIVE SERVICES, each on  
behalf of itself, its staff, physicians and  
patients; and CURTIS BOYD, M.D.;  
ROBIN WALLACE, M.D.; BHAVIK  
KUMAR, M.D.; and ALAN BRAID,  
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Plaintiffs,

vs.

KEN PAXTON, Attorney General of  
Texas; MARGARET MOORE, District  
Attorney for Travis County; NICHOLAS  
LAHOOD, Criminal District Attorney  
for Bexar County; JAIME ESPARZA,  
District Attorney for El Paso County;  
FAITH JOHNSON, District Attorney for  
Dallas County; SHAREN WILSON,  
Criminal District Attorney for Tarrant  
County; RICARDO RODRIGUEZ, JR.,  
Criminal District Attorney for Hidalgo  
County; ABELINO REYNA, Criminal

MC CASE NO. 1:17-mc-00303

[Case No. 1:17-CV-00690-LY  
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Texas Austin Division]

**DECLARATION OF NICOLE Y.  
ALTMAN**

District Attorney for McLennan County;  
and KIM OGG, Criminal District  
Attorney for Harris County, each in their  
official capacities, as well as their  
employees, agents, and successors,

Defendants.

**DECLARATION OF NICOLE Y. ALTMAN**

I, NICOLE Y. ALTMAN, declare as follows:

1. I am an attorney with the law firm of Goodsill Anderson Quinn & Stifel LLP, duly licensed to practice law in the State of Hawaii and in the United States District Court for the District of Hawaii, representing Nonparty Jane Doe, M.D. (“Dr. Doe”) in *Whole Woman’s Health, et al. vs. Ken Paxton, et al.*, Case No. 1:17-cv-00690-LY, which is pending in the Western District of Texas Austin Division. I make this declaration based upon information gained in that capacity and am competent to testify as to the matters herein.

2. All of the facts stated herein are true and correct and within my personal knowledge, except for matters stated to be true on information and belief, and as to those matters, I believe them to be true. If called and sworn I could and would testify to the truth thereof.

3. Dr. Doe files this *Ex Parte* application because the return date on the Subpoena to Testify at a Deposition in a Civil Action commanding Dr. Doe to appear for deposition on October 26, 2017 (the “Subpoena”) is fast approaching,

and because Dr. Doe, through her counsel, has over the past month had several telephonic conferences with counsel for Defendants with the goal of reaching agreement with Defendants to allow Defendants to depose Dr. Doe subject to protective measures sufficient to protect Dr. Doe from undue burden and from the safety risk inherent in her public involvement in the Texas litigation as detailed in the Declaration of Michael D. Bopp filed concurrently herewith in support of Dr. Doe's Motion to Quash.

4. Although counsel have conferred, Defendants would not agree to the necessary protective measures, and instead, issued a new Subpoena seeking Dr. Doe's deposition testimony.

5. An Order Shortening Time for Hearing the Motion to Quash is respectfully requested so that the matter can be determined in advance of the October 26, 2017 return date of the Subpoena.

I declare under penalty of law that the foregoing is true and correct.

DATED: Honolulu, Hawai'i, October 23, 2017.

/s/ Nicole Y. Altman  
NICOLE Y. ALTMAN

IN THE UNITED STATES DISTRICT COURT  
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WHOLE WOMAN'S HEALTH;  
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REPRODUCTIVE SERVICES, each on  
behalf of itself, its staff, physicians and  
patients; and CURTIS BOYD, M.D.;  
ROBIN WALLACE, M.D.; BHAVIK  
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Plaintiffs,

vs.

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for Bexar County; JAIME ESPARZA,  
District Attorney for El Paso County;  
FAITH JOHNSON, District Attorney for  
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Criminal District Attorney for Tarrant  
County; RICARDO RODRIGUEZ, JR.,  
Criminal District Attorney for Hidalgo  
County; ABELINO REYNA, Criminal

MC CASE NO. 1:17-mc-00303

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**[PROPOSED] ORDER GRANTING  
EX PARTE APPLICATION TO  
SHORTEN TIME FOR HEARING  
ON NONPARTY JANE DOE, M.D.'S  
MOTION TO QUASH DEPOSITION  
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DEFENDANTS PAXTON, ET AL**



District Attorney for McLennan County;  
and KIM OGG, Criminal District  
Attorney for Harris County, each in their  
official capacities, as well as their  
employees, agents, and successors,

Defendants.

**[PROPOSED] ORDER GRANTING *EX PARTE* APPLICATION TO  
SHORTEN TIME FOR HEARING ON NONPARTY JANE DOE, M.D.’S  
MOTION TO QUASH DEPOSITION SUBPOENA ISSUED  
BY DEFENDANTS PAXTON, ET AL**

Nonparty JANE DOE, M.D.’s *Ex Parte* Application to Shorten Time  
for Hearing on Nonparty Jane Doe, M.D.’s Motion to Quash Deposition Subpoena  
Issued by Defendants Paxton, et al, filed concurrently herewith, having been  
presented to the Court *ex parte* (the “Application to Shorten Time”), the Court  
having been fully apprised on the premises, and good cause appearing therefor,

IT IS HEREBY ORDERED, ADJUDGED AND DECREED that the Application to Shorten Time is GRANTED as requested. The Motion to Quash shall be set for hearing on October \_\_, 2017, at \_\_\_\_ .m.

DATED: Honolulu, Hawai'i \_\_\_\_\_.

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*Whole Woman's Health, et al. vs. Ken Paxton, et al.* – 1:17-mc-00303 [Case No. 1:17-CV-00690-LY - Pending in the Western District of Texas Austin Division]

**[PROPOSED] ORDER GRANTING *EX PARTE* APPLICATION TO SHORTEN TIME FOR HEARING ON NONPARTY JANE DOE, M.D.'S MOTION TO QUASH DEPOSITION SUBPOENA ISSUED BY DEFENDANTS PAXTON, ET AL**

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REPRODUCTIVE SERVICES, each on  
behalf of itself, its staff, physicians and  
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**CERTIFICATE OF SERVICE**

and KIM OGG, Criminal District  
Attorney for Harris County, each in their  
official capacities, as well as their  
employees, agents, and successors,

Defendants.

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on the date set forth below  
service of a copy of the foregoing document was made upon the parties below via  
U.S. PRIORITY MAIL EXPRESS, postage prepaid, addressed as follows:

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DATED: Honolulu, Hawai'i, October 23, 2017.

/s/ Nicole Y. Altman

LISA WOODS MUNGER  
NICOLE Y. ALTMAN

Attorneys for Nonparty JANE DOE, M.D.