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9 IN THE UNITED STATES DISTRICT COURT  
10 FOR THE DISTRICT OF ARIZONA

11 DR. DESHAWN L. TAYLOR, )

12 Movant, )

13 vs. )

14 KEN PAXTON, ATTORNEY GENERAL )  
15 OF TEXAS, )

16 Respondent. )

No. 2:17-mc-0051-GMS

REPLY IN SUPPORT OF  
EMERGENCY MOTION OF NON-  
PARTY DR. DESHAWN TAYLOR  
TO QUASH DEPOSITION  
SUBPOENA  
OR, IN THE ALTERNATIVE,  
FOR A PROTECTIVE ORDER



17 In his Response to Movant’s Motion to Quash, Respondent concedes that he  
18 “only seeks to authenticate the video and obtain Dr. Taylor’s medical opinion regarding  
19 the use and benefits of digoxin in the context of a D&E abortion.” [Resp. at 5.] But  
20 counsel for the respective parties conferred – twice – by phone before the Motion to  
21 Quash was filed. Counsel for respondent did not ever say that this was the purpose of  
22 Dr. Taylor’s deposition. In fact, when counsel for Movant brought up the video,  
23 counsel for Respondent adamantly denied ever having mentioned the video. The only  
24 thing that counsel for Respondent ever said about Dr. Taylor’s alleged statements was  
25 that counsel for Movant should “google” her to figure out what they were.  
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27 \_\_\_\_\_  
28 <sup>1</sup> Mr. Proksel will not be able to complete his *pro hac vice* admission application  
timely. He, therefore, will remove his name from these papers.

1           Furthermore, Dr. Taylor will not be able to authenticate the video. The video  
2 was recorded and released to the public by the Center for Medical Progress, an  
3 organization whose main purpose appears to be taking surreptitious – and illegal –  
4 videos of women’s healthcare providers, maliciously and selectively editing those  
5 videos, and releasing them in faux press releases like the one cited by Respondent.  
6 [Resp. at 4 n.1.]<sup>2</sup> The video is clearly not of any “public” statements. The video was  
7 taken illegally and without the consent of Dr. Taylor. Dr. Taylor will be unable to  
8 authenticate the video because she was not aware that it was being taken. She also  
9 cannot, for example, testify whether the video was edited or not; the taped conversation  
10 occurred years ago. If Respondent wishes to authenticate the video, he should subpoena  
11 the Center for Medical Progress.

12           Essentially, Respondent is attempting to force Dr. Taylor into being an unpaid  
13 expert witness in his case. He admits that Dr. Taylor has no knowledge of the facts of  
14 the case in Texas, and that the only purpose of the deposition is to ask her to  
15 authenticate the video and to provide unpaid expert testimony regarding D&E abortions.  
16 As previously discussed, Dr. Taylor cannot authenticate a video she knew nothing  
17 about. And if Respondent wants expert testimony in his case, he can retain a paid  
18 expert like any other civil litigant. The State of Texas seems more than happy to spend  
19 its citizens’ money on its quixotic fight against women’s healthcare.<sup>3</sup>

20           Lastly, Respondent does not respond at all to Movant’s argument that he can  
21 obtain all of the information sought, save for the video’s authentication, from actual  
22 parties to the Texas Litigation. Dr. Taylor’s “medical opinion regarding the use and  
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24           <sup>2</sup> See “Anti-Abortion Activists Charged in Planned Parenthood Video Case”,  
25 New York Times, March 29, 2017, [https://www.nytimes.com/2017/03/29/us/planned-  
26 parenthood-video-charges.html](https://www.nytimes.com/2017/03/29/us/planned-parenthood-video-charges.html). See also “Planned Parenthood Videos Were Altered,  
27 Analysis Finds,” New York Times, Aug. 27, 2015,  
28 <https://www.nytimes.com/2015/08/28/us/abortion-planned-parenthood-videos.html>.

<sup>3</sup> See “Texas May Owe Abortion Providers’ Lawyers \$4.5 Million,” Texas  
Tribune, Oct. 8, 2016, [https://www.texastribune.org/2016/10/08/texas-may-owe-  
abortion-providers-lawyers-3-million/](https://www.texastribune.org/2016/10/08/texas-may-owe-abortion-providers-lawyers-3-million/).

1 benefits of digoxin in the context of a D&E abortion” [Resp. at 5] is irrelevant to the  
2 Texas Litigation and can be obtained from any plaintiff in the case or any properly  
3 retained expert in Texas. This concession alone is grounds to quash the Subpoena. It is  
4 also a tacit admission that the primary—and perhaps only—purpose of the Subpoena is  
5 to harass Dr. Taylor over the alleged contents of the illegal video.

6 Movant respectfully requests that this Court grant its Motion to Quash.

7  
8 DATED this 2<sup>nd</sup> day of October, 2017.

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16 CERTIFICATE OF SERVICE

17 I hereby certify that on the 2<sup>nd</sup> day of October, 2017 the attached document was  
18 electronically transmitted to the Clerk of the Court using the CM/ECF System and that I  
19 served the attached document by Electronic Mail on the following, who are not  
20 registered participants of the CM/ECF System:

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/s/ Rosalin Sanhadja