IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

ALAN BRAID, M.D., *Plaintiff-in-Interpleader and Purported Stakeholder as to $10,000 ("res") Deposited into the Registry of the Court,* **vs.** **OSCAR STILLEY,** *Claimant as to Statutory Damages in the Amount of $100,000;* **FELIPE N. GOMEZ**, *Disclaimant;* **WOLFGANG P. HIRCZY DE MINO, PhD [TEXAS HEARTBEAT PROJECT],** *Claimant as to Statutory Damages in the amount of $10,000;* **ALAN BRAID, M.D.,** *Claimant for Order to Return Interpleaded $10,000 Amount.* ---------- **OSCAR STILLEY,** *Counter-Claimant against Alan Braid, MD, for Declaratory Relief* **vs.** **ALAN BRAID, M.D.,** *Counter-Defendant as to Oscar Stilley.*	Civil Action **No. 1:21-cv-5283** Judge: **Jorge Luis Alonso** Case type: **Federal Statutory Interpleader** Claim legal basis: **28 U.S.C. §1335, 28 U.S.C. §2201 (DJA)** Juris type: **$500+ AIC Diversity Jurisdiction** Applicable state law: **Texas** State Law Legal Claim Basis: **S.B.8, UDJA** Forum law: **Illinois**

FRCP 12 Motion to Eliminate Gomez as Claimant

[Subject to Pending Jurisdictional Challenges]

Comes now the undersigned Texas Defendant, Wolfgang P. Hirczy de Mino, PhD, ("WPHDM" or "Movant" herein), and urges the Court to eliminate Felipe Gomez as a putative claimant and/or party seeking affirmative relief in this action, but otherwise retain *in-personam* jurisdiction over Gomez. In support of this motion under FRCP 12, Movant submits the following:

A. Caveat Regarding Pending Jurisdictional Challenges

Challenges regarding this Court's jurisdiction, and the propriety of a statutory interpleader and venue in Chicago, remain pending and this motion is accordingly presented subject to them. *Assuming arguendo* that this civil action in the purported nature of a statutory interpleader is viable, or that Felipe N. Gomez might otherwise be properly joined to it, Gomez's live complaint – which is attached to Braid's Interpleader Complaint as **Exhibit B** -- should be dismissed for failure to present a justiciable controversy in federal court, or -- *in the alternative* - for failure to state a claim upon which a federal court can grant relief.

The reasons supporting such disposition are as follows:

B. Absence of Adversity

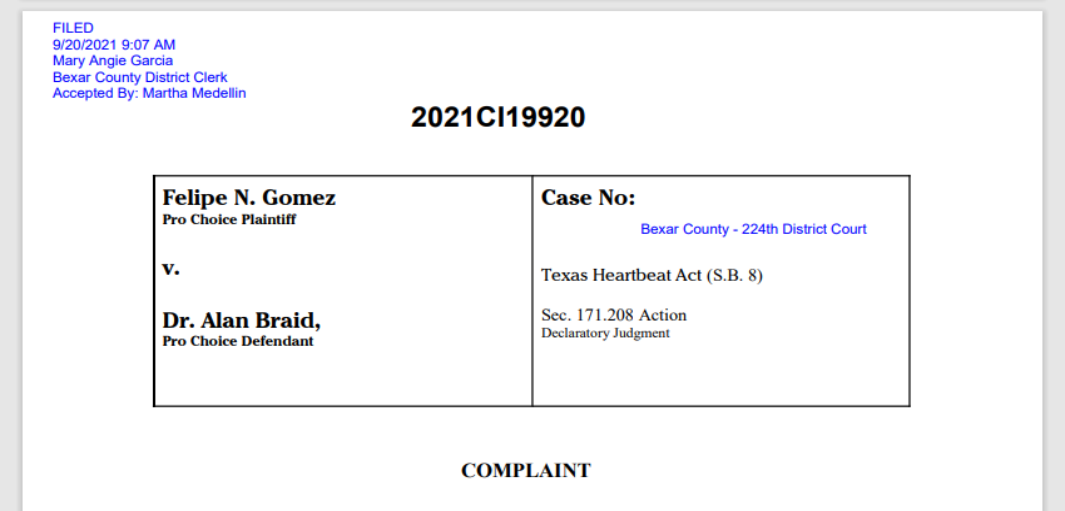
The existence of federal jurisdiction ordinarily depends on the facts as they exist when the complaint is filed. *See, e. g., Smith v. Sperling*, 354 U. S. 91, 93, n. 1 (1957). With respect to interpleader actions more specifically, jurisdiction is determined at the time the interpleader complaint is filed. *See Auto Parts Mfg. MS, Inc. v. King Constr. of Houston, L.L.C.*, 782 F.3d 186, 193-94 (5th Cir. 2015); *accord Walker v. Pritzker*, 705 F.2d 942, 944 (7th Cir. 1983).

Alan Braid filed his interpleader complaint on October 5, 2021, and attached what was then Felipe Gomez's live petition in state court: his **First Amended Complaint** (FAC), which he had efiled in Texas on September 23, 2021. Certified copy at Tab A.

In state court the same rule applies analogously. *See Fort Worth Transp. Auth. v. Rodriguez*, 547 S.W.3d 830 (Tex. 2018)(following Fifth Circuit caselaw). Therefore for purposes of determining whether a bona-fide controversy was presented to the state court in the first instance, Gomez's original **Complaint** filed on September 20, 2021 controls. See image of case style and file stamp below. Certified copy of entire document at Tab A.[1]

[1] Generally, a court may not consider extrinsic evidence when reviewing a motion to dismiss without converting it to a motion for summary judgment. *Fryman v. Atlas Fin. Holdings, Inc.*, 462 F. Supp. 3d 888, 894 (N.D. Ill. 2020) (*citing Mueller v. Apple Leisure Corp.*, 880 F.3d 890, 895 (7th Cir. 2018)). Notwithstanding the general rule, "[c]ourts may take judicial notice of court filings and other matters of

In the case the Bexar County District Clerk docketed as Case No. 2021CI19920, Gomez identifies himself as "Pro Choice Plaintiff" and names Alan Braid, MD, an abortion provider, as the sole defendant. By doing this, Gomez placed himself on the same side of the abortion controversy as the person he had sued. Gomez thus did not present a genuine controversy for the court to adjudicate in an adversarial posture.



FILED
9/20/2021 9:07 AM
Mary Angie Garcia
Bexar County District Clerk
Accepted By: Martha Medellin

2021CI19920

Felipe N. Gomez **Pro Choice Plaintiff** **v.** **Dr. Alan Braid,** **Pro Choice Defendant**	**Case No:** Bexar County - 224th District Court Texas Heartbeat Act (S.B. 8) Sec. 171.208 Action Declaratory Judgment

COMPLAINT

[Embedded Image of Case Style and "FILED" stamp in Felipe N. Gomez v. Dr Alan Braid ("*Gomez I*")]

The caption of a pleading does not necessarily control, but the substance and the prayer for relief are here entirely consistent with the designation of both parties as "pro choice" in the original Complaint filed in Bexar County District Court on September 20, 2021.[2] Even if Gomez had refrained from using the "pro-choice" designations, the substance of the pleading and the nature of the relief prayed for establish beyond doubt that this was a "friendly lawsuit" rather than a private enforcement action.

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public record when the accuracy of those documents reasonably cannot be questioned." *Parungao v. Cmty. Health Sys., Inc.*, 858 F.3d 452, 457 (7th Cir. 2017). *See also Adkins v. VIM Recycling, Inc.*, 644 F.3d 483, 492-93, 494 (7th Cir. 2011).

[2] *See NuCal Foods, Inc. v. Quality Egg LLC*, 887 F. Supp. 2d 977, 984-85 (E.D. Cal. 2012) ("While the court cannot accept the veracity of the representations made in the documents [filed in a related state-court proceeding], it may properly take judicial notice of the existence of those documents and of the representations having been made therein." (internal quotation omitted)). Fed. R. Evid. 201(b).

Under Texas law, adversity between parties is a jurisdictional prerequisite, as without such adversity there is no justiciable controversy. *See Williams v. Lara*, 52 S.W.3d 171, 184 (Tex. 2001); *Davis v. First Nat. Bank of Waco*, 161 S.W.2d 467, 472 (Tex. [Comm'n Op.] 1942); *see also Tex. Ass'n of Bus. v. Tex. Air Control Bd*., 852 S.W.2d 440, 446 (Tex. 1993) (noting courts lack jurisdiction absent "a real controversy between the parties" (*quoting Bd. of Water Eng'rs v. City of San Antonio*, 283 S.W.2d 722, 724 (Tex. 1955))); *also see In re Abbott*, 628 S.W.3d 288, 298 (Tex. 2021) (stating that "our legal system depends" on "the adversarial process").

Under federal law the jurisdictional analysis is no different. To present a proper case or controversy, the parties must be adverse to each other; they cannot desire the same result. The U.S. Supreme Court has expressly disapproved of so-called "friendly lawsuits" and collusive litigation. The leading case for dismissal on such basis is *United States v. Johnson*, 319 U.S. 302, 305, 63 S.Ct. 1075, 1077, 87 L.Ed. 1413 (1943).

C. The 2021 Suit by Gomez Is Collusive and Thus Fails to Satisfy Article III

Gomez appears to rely on "any person" status under S.B.8 to sue in a Texas court as a nonresident, but he does not seek substantive relief under it. Instead, he resorted to the Uniform Declaratory Judgments Acts (UDJA) as his cause of action and as his statutory basis for judicial relief. TEX. CIV. PRAC. & REM. CODE Chapter 37. And the relief he sought was limited to declaratory and injunctive relief for the named defendant's benefit, rather than the defendant's detriment. Gomez did not plead for money damages of any kind.

As for the specific nature of declaratory relief, Gomez requested that the court declare S.B.8 unconstitutional under *Roe*; as for injunctive relief, Gomez proposed that the TRO signed by state district court Judge Gamble in a case brought by Planned Parenthood against Texas Right to Life be extended to cover his own and all similar suits. A certified copy of the TRO referenced by Gomez is attached at **Tab B**.[3]

[3] See Fed. R. Evid. 201(b) (judicial notice).

Because of the "case or controversy" requirement in Article III, "federal courts will not entertain friendly suits, or those which are feigned or collusive in nature." *Flast v. Cohen*, 392 U.S. 83, 100 (1953). The Constitution demands a "honest and actual antagonistic assertion of rights." *United States v. Johnson*, 319 U.S. 302 (1943) (*quoting Chicago & Grand Trunk R. Co. v. Wellman*, 143 U.S. 339, 345 (1892)).

When, as is the scenario here, two litigants initiate litigation with the same goals in mind, no controversy exists to give the district court jurisdiction. *Pennsylvania Ass'n for Retarded Children v. Pennsylvania*, 343 F. Supp. 279, 290 (E.D.Pa.1972); *see also Moore v. Charlotte-Mecklenburg Bd. of Educ.*, 402 U.S. 47 (1971) (both parties to the lawsuit jointly sought a judicial determination that an anti-busing statute was unconstitutional); *Wellman*, 143 U.S. at 344 (Court condemned "a friendly suit between the plaintiff and the defendant to test the constitutionality of [a particular piece of] legislation").

Gomez did not plead a claim for statutory damages under S.B.8 in any amount; nor for attorney's fees, whether under the Texas Heartbeat Act or the UDJA. Even assuming *arguendo* that Gomez was nevertheless properly joined as a party to the interpleader action here, his complaint must be dismissed because it utterly fails to present a justiciable controversy as between Gomez and Braid and vice versa. If successful, the declaratory judgment action pursued by Gomez would relieve Defendant Braid from having to comply with S.B.8. and would entail no monetary liability. Toward that end, Gomez sought invalidation of S.B.8 through his constitutional challenge both facially and/or as applied in state court. Dr. Braid, for his part, likewise sought the invalidation of S.B.8 in its entirety in the declaratory-judgment component of his interpleader action in the Northern District of Illinois. Their interests and litigation objectives are unmistakably aligned as evidenced by their respective pleadings and the judicial relief sought therein, and the effect of *Dobbs* on their original litigation positions is now likewise the same.

Independent of the change in the controlling Supreme Court precedents, which has since ostensibly vitiated all constitutional challenges premised on a federal constitutional right to an abortion, a legal action in which both sides seek the same thing does not make for a

genuine case or controversy as a fundamental principle of American jurisprudence. It is, much rather, a sham that the federal judiciary does not countenance. The Constitution demands an "honest and actual antagonistic assertion of rights." *United States v. Johnson*, 319 U.S. 302, 305 (1943) (citation omitted). When two parties commence a suit with the same goal, as Gomez and Braid did through their respective complaints in state and federal court (albeit with the party designations before and after the *versus* flipped), no controversy exists to give the district court jurisdiction. *See Carlough v. Amchem Products, Inc.*, 834 F. Supp. 1437, 1462 (E.D. Pa. 1993).

Alan Braid cannot re-characterize the nature of the Gomez pleading to transform it into something more suitable for an interpleader action in federal court. *See Emland Builders, Inc. v. Shea*, 359 F.2d 927, 929 (10th Cir. 1966) (claims must be "asserted by [the plaintiff] in good faith, as jurisdiction cannot be conferred or established by colorable or feigned allegations solely for such purpose"). And because Braid's lawyers attached the predicate state-court pleading to his complaint and incorporated it by reference, there is not even a fact issue as to the precise nature of Gomez's legal claims. The **First Amended Complaint** speaks for itself. Because Braid's own suit is founded (in part, but in *critical* part)[4] on Gomez's Bexar County complaint in Case No. 2021CI19920, its content trumps Braid's subsequent paraphrasing of the nature of Gomez's lawsuit in his lengthy interpleader complaint filed October 5, 2021.[5]

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[4] Forum and venue in the Northern District of Illinois is based on Gomez being a resident there.

[5] In general, a court addressing a motion under Rule 12(b)(6) "must limit itself to the contents of the pleadings, including attachments thereto." *Brand Coupon Network, L.L.C. v. Catalina Mktg. Corp*., 748 F.3d 631, 635 (5th Cir. 2014) (citation omitted). For this limitation, pleadings include counterclaims. *Pylant v. Cuba*, No. 3:14-CV-0745-P, 2015 WL 12753669, at *2 (N.D. Tex. Mar. 6, 2015). Furthermore, whether the pleading is a complaint or a counterclaim, "courts accept all well-pleaded facts as true and view them in the light most favorable to the party asserting the claim." *Id*. at *3 (citing cases). In a challenge under Rule 12(b)(1), the court may consider evidence beyond the pleadings to determine whether, in fact, subject matter jurisdiction exists. *See Apex Digital, Inc. v. Sears, Roebuck & Co.*, 572 F.3d 440, 444 (7th Cir. 2009). That may not even be necessary here, however, because Gomez's **First Amended Complaint** is attached to Braid's interpleader complaint as an exhibit and constitutes his operative pleading. As for Gomez's original **Complaint**, which he filed a few days earlier in Bexar County district court, it is subject to judicial notice as a public judicial record whose authenticity cannot reasonably be questioned. *See Adkins v. VIM Recycling, Inc*., 644 F.3d 483, 492-93 (7th Cir. 2011); *Gen. Elec. Capital Corp. v. Lease Resolution Corp*., 128 F.3d 1074, 1080-81 (7th Cir. 1997).

An active case or controversy simply does not exist on the face of Gomez's pleadings even after he amended the original rather sketchy 2-page version. As such, it does not satisfy the "minimal threshold level of substantiality" criterion either. *See Indianapolis Colts v. Mayor and City Council of Baltimore*, 741 F.2d 954, 958 (7th Cir.1984). And since Gomez's suit was not hostile, Dr. Braid couldn't have had a reasonable fear warranting inclusion of Felipe Gomez as an interpleader defendant even if such fear might be warranted as to bone-fide S.B.8 claimants, i.e., civil enforcers. If Gomez were to prevail in spite of the jurisdictional defect, Braid would stand to receive a favorable ruling on S.B.8 constitutionality, rather than having to pay damages or having to take his abortion business across the border.

D. The Invocation of the Declaratory Judgment(s) Act Cures Nothing

Given the Dr. Braid endeavored to invoke diversity jurisdiction in federal court to litigate over S.B.8 (rather than defending the litigation he had invited in Texas, his own home state), it is unclear whether Gomez's claim should be analyzed under the Texas Uniform Declaratory Judgments Act (UDJA) or its federal counterpart. For purposes of determining justiciability, however, it does not appear to matter much.

Under the Texas version of the UDJA, a person whose rights, status, or other legal relations are affected by a statute may have determined any question of construction or validity arising under the statute and obtain a declaration of rights, status or other legal relations thereunder. TEX. CIV. PRAC. & REM. CODE § 37.004(a). The Act is not a grant of jurisdiction, but merely a procedural device for deciding cases already within a court's jurisdiction. *Chenault v. Phillips*, 914 S.W.2d 140, 141 (Tex. 1996) (*quoting State v. Morales*, 869 S.W.2d 941, 947 (Tex. 1994)).

Gomez is a person, and therefore not precluded from bringing suit under the UDJA. But he did not present a justiciable controversy when he commenced Felipe Gomez vs. Alan Braid, M.D. (Gomez I), as explained *supra*. "A declaratory judgment is appropriate only if a justiciable controversy exists as to the rights and status of the parties and the controversy will be resolved by the declaration sought." *Bonham State Bank*, 907 S.W.2d at 467 (*citing Tex. Ass'n of Bus.*, 852 S.W.2d at 446). Gomez cannot rely on the UDJA to create a case or controversy where none

exists because he had aligned himself with the party he has named as the defendant. Nor can he litigate on the defendant's behalf.

Additionally, Gomez could not use the UDJA to get a determination on the validity of S.B.8 in anticipation of the Supreme Court's decision in *Dobbs*, which was pending at the time. That's because the Act gives the court no power to pass upon hypothetical or contingent situations, or determine questions not then essential to the decision of an actual controversy. *Firemen's Ins. Co. of Newark, N.J. v. Burch*, 442 S.W.2d 331, 333 (Tex. 1968), superseded by constitutional amendment on other grounds as stated in *Farmers Tex. Cty. Mut. Ins. Co. v. Griffin*, 955 S.W.2d 81 (Tex. 1997). A declaratory judgment action cannot resolve issues not yet mature and still subject to change. *See Lane v. Baxter Healthcare Corp*., 905 S.W.2d 39, 41-42 (Tex. App.-Houston [1st Dist.] 1995, no writ). And unlike Planned Parenthood and other plaintiffs in the consolidated MDL cases concerning the Texas Heartbeat Act, who also invoked the Texas UDJA, Gomez could not assert standing to challenge the validity S.B.8 on the ground that it prevented him from performing abortions or exposed him to potential liability for doing so.[6] Even if he had alleged that S.B.8 somehow adversely affected him as a resident of Illinois, he has not shown that Alan Braid would be a proper defendant against whom to assert such a grievance. [7]

At the federal level, the Declaratory Judgment Act, 28 U.S.C. § 2201(a), does not provide the Court with an independent basis of jurisdiction either. *Manley v. Law*, 889 F.3d 885, 893 (7th Cir. 2018). Nor does it excuse compliance with the Article III case or controversy requirement. *Nationwide Ins. v. Zavalis*, 52 F.3d 689, 691-92 (7th Cir. 1995). The "actual controversy" requirement is a distinct and separate jurisdictional question of constitutional

[6] "'When a party without standing purports to commence an action, the trial court acquires no subject-matter jurisdiction. *Barshop v. Medina County Underground Water Conservation District*, 925 S.W.2d 618, 626 (Tex.1996) ("Standing is a necessary component of subject matter jurisdiction"). *See also Raines v. Byrd*, 521 U.S. 811 (1997); *Lewis v. Casey*, 518 U.S. 343 (1996); *United States v. Hays*, 515 U.S. 737, 742 (1995) ("'standing' is perhaps the most important of [the jurisdictional] doctrines"); *National Organization for Women, Inc. v. Scheidler*, 510 U.S. 249, 255 (1994) ("Standing represents a jurisdictional requirement which remains open to review at all stages of the litigation.").

[7] A proper party is demanded so that federal courts will not be asked to decide "ill-defined controversies over constitutional issues," *United Public Workers v. Mitchell*, 330 U. S. 75, 90 (1947), or a case which is of "a hypothetical or abstract character," *Aetna Life Insurance Co. v. Haworth*, 300 U. S. 227, 240 (1937).

dimension. *GNB Battery Techs., Inc. v. Gould, Inc*., 65 F.3d 615, 620 (7th Cir. 1995); *Republic Techs. (NA), LLC v. BBK Tobacco & Foods, LLC*, No. 16 C 3401, 2016 WL 3633338, at *3 (N.D. Ill. July 7, 2016) (noting that the plaintiff had the burden of establishing subject-matter jurisdiction by alleging facts sufficient to show its dispute with the defendant was of "sufficient immediacy and reality to warrant the issuance of a declaratory judgment") (internal quotation marks omitted).

In this **First Amended Complaint**, Gomez does not present an actual controversy between the parties as is necessary for declaratory relief. *See MedImmune, Inc. v. Genentech, Inc*., 549 U.S. 118, 127 (2007) ("Basically, the question in each case is whether the facts alleged, under all the circumstances, show that there is a substantial controversy, between parties have adverse legal interest, of sufficient immediacy and reality to warrant the issuance of a declaratory judgment.'") (*quoting Maryland Cas. Co. v. Pacific Coal & Oil Co.*, 312 U.S. 270, 273 (1941)).

In sum, irrespective of whether the Texas UDJA or the federal Declaratory Judgment Act controls, Gomez has not presented a justiciable controversy that could be resolved through a declaratory judgment, and his **First Amended Complaint** must accordingly be dismissed even if the interpleader action itself is not found to be jurisdictionally nonviable.[8] And because there is no bona-fide claim under the UDJA over which this court can exercise jurisdiction, Gomez cannot have a viable claim for ancillary injunctive relief either.

E. Neither the Court Nor Opposing Counsel Can Replead for Gomez and Cure His Failure to Invoke Trial Court Jurisdiction

Under federal law "[d]efective allegations of jurisdiction may be amended, upon terms, in the trial or appellate courts." 28 U.S.C. § 1653 (1994). However, § 1653 does not "empower federal courts to amend a complaint so as to produce jurisdiction where none actually existed." *Newman-Green, Inc. v. Alfonzo-Larrain*, 490 U.S. 826, 831 (1989). Accordingly, the Court cannot permit Braid or any of his many attorneys to impute upon pleader Gomez a new claim to generate adversity that was previously lacking, or try to satisfy the amount in

[8] WPHDM addresses those arguments in his Plea to the Jurisdiction and Special Appearance.

controversy for a statutory interpleader, low as it is, by claiming in additional filings of their own that Gomez asserted a claim for monetary relief under S.B.8. Gomez did not. Much rather, the actively sought to help Dr. Braid strike S.B.8 from the law books in Texas, or at least render the Heartbeat Act unenforceable, and thereby dissipate any concerns about being held liable for statutory violations and the associated damages.

Because Gomez pleaded himself out of court by challenging the constitutionality of S.B.8 for the defendant abortion provider's benefit, subject-matter jurisdiction never actually existed over Gomez's original action for declaratory and injunctive relief in state court, and could not therefore derivatively exist in federal court either; nor could this fundamental defect be cured by creative reframing. *Cf. Brennan v. University of Kan*., 451 F.2d 1287, 1289 (10th Cir.1971) (§ 1653 "concerns defects of form, not substance," and therefore does not authorize court to add a federal claim to preserve jurisdiction); *Flast v. Cohen*, 392 U.S. 83, 100 (1968) (cases are nonjusticiable when they are "feigned or collusive in nature"). Indeed, federal courts are more restrictive than state courts of general jurisdiction, and the burden is on the party seeking relief from a federal court to demonstrate jurisdiction. *Ramming v. United States*, 281 F.3d 158, 161 (5th Cir. 2001) (Plaintiff constantly bears the burden of proof that jurisdiction actually exists).

To the extent the Court is willing to allow Braid to replead as Plaintiff, the purpose and effect of the amendment would have to be the deletion of Felipe N. Gomez as one of the S.B.8 claimants named as interpleader defendants.

CONCLUSION AND PRAYER

The pleadings of Felipe N. Gomez's in state and federal court do not present a justiciable controversy due to absence of adversity of interests and the presence of consonant litigation objectives. The pleadings in *Gomez I* constitute a paradigmatic example of a “friendly lawsuit” where the plaintiff and the defendant are aligned and seek a court ruling they both desire. As such, it is collusive in design irrespective of whether there was a prior agreement or some joint action plan between Gomez and Braid to manipulate the judicial process. Gomez cannot even be said to have acted deceptively, given that he laid it all out in the open. But that merely

obviates any need for extrinsic evidence of motive and intent to establish the sham nature of his lawsuit "against" Alan Braid, MD.

Gomez amended his state-court pleading at least once before the commencement of the federal interpleader action on October 5, 2021, and did not cure the fatal defect. This Court should accordingly dismiss Gomez's **First Amended Complaint** from the live pleadings in Civil Action No. 1:21-cv-5283 without granting further leave to amend.

As for Gomez's re-filed case against Alan Braid, MD, which he initiated May 4, 2022,[9] this Court cannot consider it in resolving this motion because the presence or absence of jurisdiction in the Northern District of Illinois is pegged to the date the interpleader Complaint was filed.[10] That date again is October 5, 2021.

This Court should however retain *in personam* jurisdiction over Felipe Nery Gomez for other purposes, including a forthcoming application by the undersigned for injunctive relief and sanctions against Gomez for reprehensible litigation-adjacent conduct and for submitting documents to the Court without serving a copy on the target of his reprehensible conduct, such as his affidavit "disclaiming" his death threats against De Mino.

Draft completion date: August 15, 2022

Respectfully submitted,

/s/ *Wolfgang P. Hirczy de Miño*

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Wolfgang P. Hirczy de Mino, Ph.D.
P.O. Box 521
Bellaire, Texas 77402-0521
Email: wphdmphd@gmail.com

Defendant

[9] Case No. 2022CI08302 in the 43rd District Court, Bexar County, Texas.

[10] *See Walker v. Pritzker*, 705 F.2d 942, 944 (7th Cir. 1983) ("[I]nterpleader jurisdiction is determined at the time suit is filed and subsequent events do not divest the court of jurisdiction once properly acquired."); *Smith v. Widman Trucking & Excavating, Inc*., 627 F.2d 792, 799 (7th Cir. 1980) (holding that, in a statutory interpleader action, "[i]f jurisdiction exists at the outset of a suit, subsequent events will not divest the court of jurisdiction").

INDEX TO THE APPENDIX

Tab A: Gomez pleadings in state court (case file).

Tab B: TRO signed by state district judge Maya Guerra Gamble on September 3, 2021, in Planned Parenthood v. Texas Right to Life, Cause No. D-1-GN-21-004632 in the 53rd District Court, Travis County, Texas.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this the _16th_ day of August 2022 he is submitting this document to the Temporary efiling clerk of the Northern District of Illinois for filing and electronic service through the docket management system on all parties and/or their attorneys.

/s/ Wolfgang P. Hirczy de Miño

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Wolfgang P. Hirczy de Mino, Ph.D.