

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

Juana Gomez *et al.*,

§

*Plaintiffs,*

§

§

v.

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Civil Action No. 15-cv-00446 RP

Commissioner of Texas Department of  
State Health Services Dr. John Hellerstedt,  
in his official capacity; Vital Statistics Unit  
Registrar Geraldine Harris, in her official  
capacity; and, Executive Commissioner of  
Texas Health and Human Services  
Commission, Charles Smith, in his official  
capacity,

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*Defendants.*

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**AGREED MOTION TO STAY**

Plaintiffs and Defendants jointly move the Court to stay this action as follows:

1. By order dated April 27, 2016, the Court referred this case for mediation to United States Magistrate Judge Andrew Austin (Doc. 144). Pursuant to notice from Judge Austin (Doc. 168), the parties mediated the case in person on July 11 and 12, and by telephone on July 14 and 15, 2016. On July 22, 2016, they reached an agreement.
2. The parties seek a stay in order to give effect to their agreement. The agreement is structured such that upon completion of a number of defined undertakings within prescribed periods of time (completion of which is to be confirmed by periodic certifications filed with the Court), the parties will submit to the Court an agreed order of dismissal with prejudice. The parties anticipate such submission will occur nine months after the date of the stay. If DSHS does not meet the deadlines set forth in the agreement, as determined by the Court or as modified by agreement of the parties, the parties will ask

the Court to lift the stay so that prosecution of the case may be resumed.

3. The parties have agreed that the stay they seek herein, if granted by the Court, would stay all discovery, pleadings, motions, and any other scheduled deadlines and settings. Further, any pending motions would be dismissed without prejudice to the refile of same in the event the stay is later lifted. The parties have agreed to the form and substance of the proposed order submitted herewith.
4. The parties make this motion in the interest of justice.

Respectfully Submitted,

KEN PAXTON  
Attorney General of Texas

JEFFREY C. MATEER  
First Assistant Attorney General

BRANTLEY STARR  
Deputy First Assistant Attorney General

JAMES E. DAVIS  
Deputy Attorney General for Civil Litigation

ANGELA V. COLMENERO  
Chief, General Litigation Division

/s/ Thomas A. Albright  
THOMAS A. ALBRIGHT  
Texas Bar No. 00974790  
Attorney-in-Charge  
Assistant Attorney General  
General Litigation Division  
P.O. Box 12548, Capitol Station  
Austin, Texas 78711-2548  
(512) 463-2120  
(512) 320-0667 (Fax)

*ATTORNEYS FOR DEFENDANTS*

and

/s/ Jennifer K. Harbury

Jennifer K. Harbury  
Texas Bar No. 08946500  
*Texas RioGrande Legal Aid, Inc.*  
300 S. Texas  
Weslaco, Texas 78596  
Telephone: (956) 447-4800  
Fax: (956) 968-8823

/s/ Marinda van Dalen

Marinda van Dalen  
Texas Bar No. 00789698  
*Texas RioGrande Legal Aid, Inc.*  
531 E. St. Francis  
Brownsville, Texas 78520  
Telephone: (956) 982-5543

/s/ Efrén C. Olivares

Efrén C. Olivares  
*Attorney at Law*  
Texas Bar No. 24065844  
**SOUTH TEXAS CIVIL RIGHTS PROJECT**  
1017 W. Hackberry Ave.  
Alamo, Texas 78516  
Tel 956-787-8171  
Fax: 956-787-634

**ATTORNEYS FOR PLAINTIFFS**

**CERTIFICATE OF SERVICE**

I hereby certify that on this, the 22nd day of July, 2016, a true and correct copy of the foregoing document has been filed with the court's CM/ECF electronic case management system, thus providing service to all CM/ECF participants, and that service has been made electronically via email to the following non CM/ECF participants:

Cheryl R. Drazin  
Anti-Defamation League  
12800 Hillcrest Road  
Suite 219  
Dallas, TX 75230

Lauren Jones  
605 Third Avenue  
New York, NY 10158

Steve Freeman  
605 Third Avenue  
New York, NY 10158

/s/ Thomas A. Albright  
THOMAS A. ALBRIGHT  
Assistant Attorney General