

CAUSE NO. 2015-69681

EVELYN KELLY, INDIVIDUALLY,
AND ON BEHALF OF THE ESTATE
OF DAVID CHRISTOPHER DUNN

v.

HOUSTON METHODIST HOSPITAL

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IN THE DISTRICT COURT OF

HARRIS COUNTY, TEXAS

189th JUDICIAL DISTRICT

CLERK'S RECORD REQUEST

Plaintiff Evelyn Kelly, individually and on behalf of the Estate of David Christopher Dunn files this Request for Preparation and Filing of the Clerk's Record in the appeal from the above-captioned matter, pursuant to Rule 34.5 of the Texas Rules of Appellate Procedure, and would respectfully show as follows:

BACKGROUND

1. Plaintiff is appealing the Court's Order, signed October 13, 2017.
2. Plaintiffs' Notice of Appeal was filed on November 7, 2017. The appeal will be assigned to the First Court of Appeals at Houston.

REQUEST FOR CLERK'S RECORD

3. Pursuant to Rule 34.5, Plaintiff Evelyn Kelly requests that all of the following documents from the above-captioned matter, in addition to those required to be included by Rule 34.5, be included in the Clerk's Record that is being prepared and timely filed with the First Court of Appeals. Whenever a document is requested that was filed with exhibits, please include all exhibits. TEX. R. APP. P. 34.5.

Document	Date Filed
Docket Sheet	
Notice of Appeal	11/07/2017

Document	Date Filed
Exhibit A	11/07/2017
Final Summary Judgment signed no costs allocated	10/13/2017
Notice of Intention to take Deposition by Written Questions	10/05/2017
Letter Judge Mootness Order	09/26/2017
Filing Letter	09/25/2017
Letter to Judge Burke	09/25/2017
Proposed Order	09/25/2017
Defendant Houston Methodist's Reply to Plaintiff's Response to Defendant Motion to Dismiss and Traditional Motion for Summary Judgment	09/21/2017
Exhibit A	09/21/2017
Defendant Houston Methodist's 2 nd Supplemental Objection to Plaintiff's Summary Judgment and Motion to Strike Plaintiff's Summary Judgment Evidence	09/21/2017
Exhibit A	09/21/2017
Exhibit B	09/21/2017
Proposed Order	09/21/2017
Notice of Appearance	09/21/2017
Plaintiffs Response to Defendants First Supplemental Objection to Plaintiffs Summary Evidence	09/20/2017
Exhibit A	09/20/2017
Trial Setting	09/20/2017
Defendant Houston Methodist Hospital f/k/a the Methodist Hospitals Response to Plaintiffs Amended Motion for Summary Judgment	09/15/2017
Proposed Order	09/15/2017
Defendant Houston Methodist Hospital's First Supplemental Objections to Plaintiff's Summary Judgment Evidence and Motion to Strike Plaintiff's Summary Judgment Evidence	09/15/2017

Document	Date Filed
Exhibit A	09/15/2017
Exhibit B	09/15/2017
Proposed Order	09/15/2017
Plaintiffs Response to Defendant Motion to Dismiss	09/15/2017
Exhibit A	09/15/2017
Exhibit B	09/15/2017
Exhibit C	09/15/2017
Plaintiffs Objection to Defendants Final	09/15/2017
Exhibit A	09/15/2017
Notice of Intention to take Deposition	09/07/2017
Proposed Order on Defendant Houston Methodist Hospitals Traditional and No-Evidence Motion for Summary Judgment	08/22/2017
Notice of Delivery	08/22/2017
Plaintiffs Amended Motion for Summary Judgment	08/21/2017
Exhibit A	08/21/2017
Exhibit B	08/21/2017
Exhibit C	08/21/2017
Exhibit D	08/21/2017
Defendant Houston Methodist Hospitals Final Supplemental Motion to Dismiss Plaintiffs Cause of Action for violation of Due Process and Civil Rights as moot, and Chapter 74 Motion to Dismiss	08/21/2017
Exhibit A	08/21/2017
Exhibit B	08/21/2017
Exhibit C	08/21/2017
Exhibit D	08/21/2017
Exhibit E	08/21/2017

Document	Date Filed
Exhibit F	08/21/2017
Proposed Order on Defendant's Motion to Dismiss Plaintiff's Cause of Action	08/21/2017
Defendant Houston Methodist Hospital's Traditional and No Evidence Motion for Summary Judgment	08/21/2017
Notice of Oral Hearing	08/11/2017
Defendant Houston Methodist Hospital f/k/a the Methodist Hospital's Reply in Support of Motion for Continuance and Extension of Deadlines, Response to Plaintiffs' Motion to Quash and for Protection and Response to Plaintiffs' Second Motion to Quash	08/09/2017
Exhibit A	08/09/2017
Proposed Order Denying Motions for Production	08/09/2017
Defendant Houston Methodist Hospital's Motion for Protection from Trial Subpoena of Aditya Uppalapati, M.D.	08/08/2017
Exhibit A	08/08/2017
Exhibit B	08/08/2017
Exhibit C	08/08/2017
Proposed Order	08/08/2017
Notice of Submission	08/08/2017
Defendant Houston Methodist Hospital's Objections to Plaintiffs Summary Judgment Evidence Motion to Strike Plaintiff's Summary Judgment Evidence, and Motion to Continue Hearing on Plaintiff's Summary Judgment	08/08/2017
Exhibit A	08/08/2017
Exhibit B	08/08/2017
Exhibit C	08/08/2017
Proposed Order	08/08/2017
Notice of Intention to Take Deposition by Written Questions	08/01/2017
Brief of Amici Curiae Texas Alliance of Life, Texas Catholic	07/31/2017

Document	Date Filed
Conference of Bishops, Texas Baptist Christian Life Commission, Texans for Life Coalition, Coalition of Texans with disabilities, Texas Alliance for Patient Access, Texas Medical Association	
DCA Generic Letter	07/28/2017
Plaintiff's Second Motion to Quash and for Protection	07/20/2017
Exhibit A	07/20/2017
Exhibit B	07/20/2017
Notice of Hearing	07/18/2017
Notice of Oral Hearing	07/17/2017
Correspondence regarding affidavits	07/14/2017
Affidavit of Evelyn Kelly	07/14/2017
Affidavit of Joseph M. Nixon	07/14/2017
Plaintiffs Motion for Leave to Set a Hearing for Motion Summary Judgment	07/14/2017
Plaintiffs Motion to Quash and for Protection	07/14/2017
Exhibit A	07/14/2017
Exhibit B	07/14/2017
Defendant Houston Methodist Hospital f/k/a the Methodist Hospital's Motion for Continuance and Extension of Deadlines	07/13/2017
Exhibit A	07/13/2017
Exhibit B	07/13/2017
Proposed Order Granting Motion for Continuance and Extension of Deadlines	07/13/2017
Jury Demand	07/07/2017
Notice of Oral Hearing	06/23/2017
Amended Certificate of Conference on Defendant the Methodist Hospital's Motion for Leave to set Hearing on Dispositive Motions, and Brief in Support of previously filed	06/23/2017

Document	Date Filed
Motion to Dismiss Plaintiffs' Cause of Action for Violation of Due Process	
Defendant The Methodist Hospital's Motion for Leave to Set a Hearing on Dismiss Plaintiffs' causes of action or Violation of Due Process and Civil Rights as Moot, and Chapter 74 Motion	06/22/2017
Exhibit A	06/22/2017
Exhibit B	06/22/2017
Exhibit C	06/22/2017
Exhibit D	06/22/2017
Exhibit E	06/22/2017
Exhibit F	06/22/2017
Exhibit G	06/22/2017
Exhibit H	06/22/2017
Proposed Order	06/22/2017
Trial Setting	06/09/2017
Docket Control Order	01/10/2017
Order Signed Granting Extending Discovery Deadline / Order Signed Granting Trial Continuance	01/03/2017
Unopposed Motion for Continuance and Extension of Deadlines	12/19/2016
Proposed Order	12/19/2016
Notice of Submission	12/19/2016
DCA Generic Letter	12/15/2016
Amicus Brief of the State of Texas	10/24/2016
Defendant Houston Methodist f/k/a the Methodist Hospital's Response to Plaintiffs Motion for Summary Judgment	10/21/2016
Exhibit A	10/21/2016
Exhibit B	10/21/2016

Document	Date Filed
Exhibit C	10/21/2016
Exhibit D	10/21/2016
Exhibit E	10/21/2016
Exhibit F	10/21/2016
Exhibit G	10/21/2016
Exhibit H	10/21/2016
Proposed Order	10/21/2016
Plaintiff's Motion for Summary Judgement	10/07/2016
Plaintiffs Notice of Hearing	10/07/2016
Amended Notice of Oral Hearing	09/06/2016
Second Amended Notice of Oral Hearing	09/06/2016
Defendant's Motion to Dismiss Pursuant to Chapter 74 of the Civil Practice and Remedies Code	08/30/2016
Exhibit A	08/30/2016
Exhibit B	08/30/2016
Exhibit C	08/30/2016
Exhibit D	08/30/2016
Exhibit E	08/30/2016
Exhibit F	08/30/2016
Exhibit G	08/30/2016
Exhibit H	08/30/2016
Exhibit I	08/30/2016
Exhibit J	08/30/2016
Notice of Oral Hearing	08/30/2016
Proposed Order	08/30/2016

Document	Date Filed
Plaintiff's Response in Opposition to Houston Methodist Hospital's Second Motion to Dismiss	05/06/2016
Exhibit 1	05/06/2016
Proposed Order	05/06/2016
Notice of Submission	04/27/2016
Request for Oral Hearing	04/27/2016
Defendant The Methodist Hospital's Chapter 74 Motion to Dismiss and Brief in Support of Defendant's Previous Motion to Dismiss	04/22/2016
Exhibit A	04/22/2016
Exhibit B	04/22/2016
Exhibit C	04/22/2016
Exhibit D	04/22/2016
Exhibit E	04/22/2016
Exhibit F	04/22/2016
Proposed Order of Dismissal	04/22/2016
Notice of Oral Hearing	04/22/2016
Docket Control Order	03/18/2016
Plaintiffs First Amended Petition	02/02/2016
Order Lifting Stay Signed, Order Signed Granting Agreement per Rule 11, Order Substituting Parties Signed	01/29/2016
Letter to the Judge	01/28/2016
Proposed Order	01/28/2016
Defendant's Reply to Plaintiff's Response in Opposition to Houston Methodist's Special Exceptions and Motion to Dismiss	01/22/2016
Proposed Order	01/22/2016
Plaintiff's Response in Opposition to Defendants Special Exceptions and Motion to Dismiss	01/21/2016

Document	Date Filed
Proposed Order	01/21/2016
Amended Motion to Lift Stay and Substitute	01/21/2016
Exhibit A	01/21/2016
Proposed Order	01/21/2016
Plaintiff's Notice of Hearing on its Amended Motion to Lift Stay and Substitute Parties	01/21/2016
Defendant Houston Methodist Hospitals Special Exceptions to Plaintiffs First Amended Petition and Motion to Dismiss	01/15/2016
Exhibit A	01/15/2016
Exhibit B	01/15/2016
Exhibit C	01/15/2016
Exhibit D	01/15/2016
Proposed Order	01/15/2016
Notice of Submission	01/15/2016
Notice of Submission on Motion to Lift Stay and Substitute Parties	01/13/2016
Motion to Lift Stay and Substitute	01/08/2016
Exhibit A	01/08/2016
Proposed Order	01/08/2016
Filing Letter	12/04/2015
Proposed Order	12/04/2015
Order Signed Granting Plea in Abatement	12/04/2015
Notice of Compliance	12/03/2015
Defendant Houston Methodist Hospital f/k/a the Methodist Hospital's Verified Plea in Abatement, Special Exceptions and Original Answer	12/02/2015
Exhibit A	12/02/2015

Document	Date Filed
Notice of Emergency Telephonic Status Conference	12/02/2015
Filing Letter	12/02/2015
Agreed Order on Plaintiffs Original Verified Petition and Application for Temporary Restraining Order and Injunctive Relief	11/23/2015
Civil Process Pick-up Form	11/23/2015
Plaintiff's Original Verified Petition and Application for Restraining Order and Injunctive Relief	11/20/2015
Exhibit A	11/20/2015
Proposed Order on Plaintiff's Original Verified Petition and Application for Temporary Restraining Order and Injunctive Relief	11/20/2015
Order Setting Bond Signed, Order Signed Granting Temporary Restraining Order, Order Signed Setting Hearing	11/20/2015
Filing Letter	11/20/2015
Exhibit A	11/20/2015

PAYMENT OF FEES

4. Plaintiff Evelyn Kelly will pay the fees for preparation of the Clerk's Record as requested herein. Please send any invoices for your services to the undersigned counsel.

Respectfully submitted,

AKERMAN LLP

/s/ Joseph M. Nixon

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ATTORNEYS FOR PLAINTIFF

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been forwarded to all counsel of record listed below in accordance with Texas Rules of Civil Procedure 21a on November 10, 2017, via E-Filing and Serve system:

Dwight W. Scott, Jr.
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/s/ Joseph M. Nixon
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