

CAUSE NO. 2020-61396

MARIO TORRES and ANA PATRICIA TORRES, individually and A/N/F of N.T., a minor, Plaintiffs,	§	
	§	
	§	IN THE DISTRICT COURT
	§	
v.	§	
	§	HARRIS COUNTY, TEXASA
TEXAS CHILDREN’S HOSPITAL, and DR. JOHN DOE and DR. JANE DOE,	§	
	§	234th JUDICIAL DISTRICT
	§	
Defendants.	§	

URGENT MOTION TO EXTEND “STAY”
OF ORDER DENYING TEMPORARY INJUNCTION
FOR 24 ADDITIONAL HOURS UNTIL OCTOBER 6, 2020 AT 12:00 P.M.

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COME the Plaintiffs, MARIO TORRES and ANA PATRICIA TORRES, individually and A/N/F of N.T., (“Plaintiffs”), and file this URGENT Moton to Extend Stay of Order Denying Temporary Injunction For 24 Additional Hours Until October 6, 2020 at 12:00 P.M., and would show as follows:

1. On Friday, October 2, 2020, at approximately 4:00pm this Honorable Court, in open court, verbally announced its determination that it was refusing a petition for temporary injunction made by the Plaintiffs. An Order was thereafter signed and entered same date, denying their petition for temporary injunction (“the Order”).
2. This Court however wisely issued a temporary stay of its interlocutory order until Monday, October 5, 2020, at 12:00pm. At that time, the Defendant will no longer be enjoined or prohibited from taking any action it deems lawful or medically necessary concerning Baby Nick.

3. The Plaintiffs are filing a Notice of Accelerated Interlocutory Appeal in this District Court, together with an urgent plea to the Texas Court of Appeals seeking emergency relief from the interlocutory order issued by this Court on Friday.

4. The Texas Civil Practice and Remedies Code provides that a person may appeal from an interlocutory order of a district court that grants or refuses a temporary injunction. Tex. Civ. Prac. & Rem. Code § 51.014(a)(4). A filing of a notice of appeal under Section 51(a)(4) does not stay the proceedings in the District Court or divest it of jurisdiction. § 51.014(b)(rule establishes automatic stay, except in cases of interlocutory appeals regarding temporary injunctions "under Subsection (a)(4)").

5. Therefore, this Court has jurisdiction to consider and grant this Urgent Motion to extend the temporary stay of the Order by an additional 24 hours. This extra 24 hours is needed for the following reasons:

6. First and foremost, the time is of the essence and it is necessary for the Court of Appeals to urgently consider our emergency plea, and because that Court opens at 8:00am, Plaintiffs respectfully believe that four (4) hours will simply not be enough time for it to assume jurisdiction over the case and take any action, if necessary under its discretion, concerning the Order issued late Friday afternoon.

7. Second, the undersigned believe they need a bit more time to review the record documents, including the transcript which we are obtaining, and prepare a proper appeal addressing the merits of the issues before this Court. The undersigned have obviously begun this process already, but have not concluded.

8. The undersigned also have other matters pending in other district courts in Harris County, including docket calls and jury trials scheduled for Monday, and also a federal court

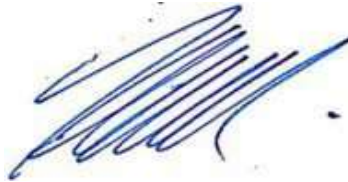
hearing in another case set for 1:30pm before the Chief Judge of the U.S. District Court for the Southern District of Texas, the Honorable Lee Rosenthal. It will be extremely difficult to cover all of our responsibilities properly while also working on this very urgent and important matter.

9. The granting of this short, 24-hour extension of the temporary stay shall in no way cause prejudice to the parties, and would be in the best interest of the child and its parents, who are desperately seeking aid from the court system. However, the undersigned attorney has conferred with lead counsel for Defendant, Kevin Yankowsky, who has informed us that he is OPPOSED to this motion.

WHEREFORE, premises considered, the Plaintiffs hereby request a short, 24-hour extension of the temporary stay of the Order issued on Friday, which stay is currently set to expire Monday, October 5, 2020 at 12:00pm.

Respectfully submitted,

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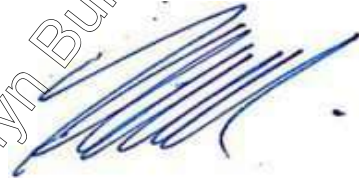
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ATTORNEYS FOR PLAINTIFFS

CERTIFICATE OF SERVICE

I, Kevin Acevedo, hereby certify that today, October 4, 2020, a copy of the foregoing was served via email upon the following:

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Unofficial Copy Office of Marilyn Burgess District Clerk