



severe chronic pulmonary hypertension. She has undergone several complex surgeries that, unfortunately, have not been able to significantly improve her condition. Tinslee has spent her entire life hospitalized in Cook Children's intensive care unit. Unfortunately, her condition will never improve.

More significantly, the doctors have concluded that Tinslee is suffering, with no hope of recovery and no possible surgical interventions that would improve her condition or ease her suffering. Tinslee was born prematurely with complex congenital heart disease as well as significant lung disease. She has required artificial life support for most of her life, and has continuously been on life support since July. She also requires significant sedation to help prevent pulmonary hypertension crises brought on by even minor agitation.

Cook Children's has been in constant communication with Tinslee's mother, Plaintiff herein, and has informed her of their physicians' conclusion that continuing to intervene medically is inflicting pain on Tinslee without any corresponding therapeutic benefit. Plaintiff has stated that she disagrees and believes that Tinslee is not in pain and will somehow recover. Cook Children's has contacted dozens of doctors and hospitals across the country, and none have disagreed with Cook Children's conclusion or been willing to accept Tinslee as a patient.

Pursuant to the Texas Advance Directives Act, Cook Children's submitted the issue to its ethics committee. After hearing all of the evidence and opinions of all parties, the committee concluded that there was no medical benefit to continuing treatment for Tinslee and, to alleviate her suffering, it is in her best interest to cease medical intervention and allow her to die naturally.

Plaintiff was informed of this decision on October 30, 2019, and Tinslee was scheduled to be removed from the ventilator on Sunday, November 10.

**B. The Unusual Mechanics of the Temporary Restraining Order.**

On Saturday, November 9, 2019, Texas Right to Life, an anti-abortion organization that operates a political action committee supporting politicians that vote for its agenda, became involved in Tinslee's case. Texas Right to Life offered to represent Tinslee's mother and it obtained counsel to seek injunctive relief to prevent the withdrawal of Tinslee's ventilator. *See* Exhibit 3.

Throughout the afternoon of November 9, there were extensive communications between Plaintiff's new counsel, Joe Nixon, and one of Cook Children's in-house attorneys, Laura Copeland, about efforts to locate another hospital that might be willing to treat Tinslee as well as requests that Cook Children's delay the withdrawal. *See* Exhibit 1, ¶ 3.

On Sunday, November 10 at 2:02 pm, Mr. Nixon sent Cook Children's in-house attorney a lawsuit and application for injunctive relief that he intended to file. *Id.* ¶ 4. The petition is facially deficient under Texas law in numerous ways and also does not comply with Tarrant County's local rules. At 2:35 pm, Plaintiff's counsel texted Cook Children's in-house attorney and asked her to be on standby for a call from Judge Alex Kim. At 2:45 pm, Judge Kim and Plaintiff's counsel called Cook Children's in-house attorney and the Court stated that he was granting the temporary restraining order. *Id.* ¶ 5. The Court did not hear argument on the motion. *Id.*

Unbeknownst to Cook Children's much of this had already been arranged by Texas Right to Life in advance. Upon information and belief, Texas Right to Life reached out to Texas state legislator Tony Tinderholt – who carries a 100% recommend score from Texas Right to Life<sup>1</sup> – and asked for help locating a judge to grant a restraining order regarding this matter on a Sunday.

<sup>1</sup> *See* Exhibit 4.

Tinderholt located Judge Kim, who was in Houston on personal business, and asked him to meet Plaintiff's counsel in Houston to sign the temporary restraining order.

Judge Kim – according to his writing on the order – signed the temporary restraining order several minutes BEFORE calling Cook Children's counsel and announcing his intention to do so. *See Exhibit 5.*

Within hours after the order was signed, representative Tinderholt, alongside Texas Right to Life, held a press conference stating that the Advanced Directives Act did not fit “with Texas values.” *See Exhibit 6.*

Thus, it seems that an organization seeking to invalidate a Texas statute arranged for a state representative who had announced his opposition to the statute to help select a judge to rule upon the application and constitutionality of that statute. This circumstances would lead a reasonable person to question Judge Kim's impartiality. *See TEX. R. CIV. P. 18b(b)(1).* Thus, recusal is mandatory.

**C. Judge Kim Improperly has this Case Assigned to Him.**

Judge Kim's actions after the grant of the temporary restraining order further call his impartiality into question. As the courthouse was closed on Sunday, Plaintiff was certainly within her right to independently seek a judge to hear her application for injunctive relief as allowed by the Tarrant County Local Rules. However, once the emergency had passed, the local rules and other procedural safeguards allowed by the Texas Rules of Civil Procedure should have kicked in. Instead, Judge Kim circumvented these procedures by designating himself to hear the application for temporary injunction in 12 days' time. Exhibit 5.

On Monday, November 11, the pleadings should have been submitted to the Tarrant County District Clerk. *See Tarrant County Local Rule of Court 1.03.* The Clerk should then have

created a new file and then randomly assigned the case to a Tarrant County district judge. *Id.* 1.03(a). The rules of random assignment of cases are specifically designed to prevent circumstances such as happened here, *i.e.*, a party and politician forum-shopping to select a specific judge favorable to their side to hear a case. That mandated procedure, however, did not happen.

Instead, somehow, the case was directly sent to Judge Kim's court without ever being randomly assigned by the clerk. Judge Kim apparently sought that result by ordering that the temporary injunction hearing would occur in his court on November 22, 2019. *See* Exhibit 5.

Critically, had this case been subject to random assignment as required, Judge Kim would not even have been eligible to receive the assignment. Judge Kim is the judge of the 323<sup>rd</sup> District Court of Tarrant County. The 323<sup>rd</sup> has been designated as the juvenile court for Tarrant County pursuant to TEX. FAM. CODE § 51.04(b). As the Court notes on its website, the 323<sup>rd</sup> hears Child Welfare and Juvenile Delinquency cases. Pursuant to Local Rule 1.03, the only cases that are eligible to be assigned to Judge Kim are specific juvenile code issues as listed by statute.

How a juvenile court ended up with this suit – without it ever being subject to a random assignment – is troubling. Upon information and belief, Judge Kim contacted the Tarrant County District Clerk and asked for the case to be assigned to his court. After consulting with others, the clerk assigned the case to Judge Kim – who had earlier been handpicked by the Texas Right to Life to hear this case – without ever being subject to normal random assignment.

**D. Judge Kim Publicly Speaks About the Case and Updates Political Group Supporting Plaintiff.**

After bypassing the random case assignment process to obtain this case, Judge Kim then began to listen to – and speak to – the Plaintiff's supporters about the case.

On Monday afternoon, November 11, Empower Texans – a political action group best known for threatening incumbents it believes are not conservative enough with primary

challengers – held a Facebook Live event where it discussed Tinslee’s situation and this case. Texas Right to Life also spoke about its role. The individuals who logged in and listened to the webcast were listed on the stream. Judge Kim was listed as an attendee.

Moreover, as Plaintiff’s petition makes clear, Plaintiff’s main argument is that she believes that the Texas Advance Directives Act is unconstitutional. Besides Texas Right to Life, one of the key organizations that is seeking to have the Act legislatively revoked is the True Texas Project f/k/a NE Tarrant Tea Party, headed by its CEO, Julie McCarty. On Monday, November 11, True Texas hosted a presentation in North Richland Hills with featured speaker Wallace Henry. *See* Exhibit 7.

During the meeting, McCarty spoke to the crowd about the organization’s fight against the Advance Directives Act and their efforts to help Plaintiff here. In March of 2019, True Texas and Texas Right to Life jointly called for the passage of a new Texas bill to repeal the Advance Directives Act (that bill, not surprisingly, was supported by representative Tinderholt) and also called the statute “an affront to due process.” *See* Exhibit 8. McCarty told the crowd how they would continue to fight the law and noted their support for Plaintiff in this case. McCarty then called upon Judge Kim to come to the podium and speak to the group about this case. Judge Kim promptly complied.



Pleased with having had her group – which is fighting the Advance Directives Act – obtain a private briefing from the judge that had just recently arranged to rule on the constitutionality of the act, McCarty posted about the meeting on Facebook and tagged Judge Kim’s private Facebook account saying:



**Julie White McCarty** is attending TTP Nov. 2019 - Healthy Church, Healthy Nation Wallace Henley with Alex Kim at Grand Hall at NRH Centre.

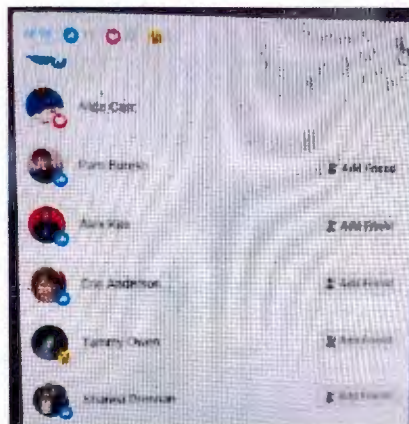
Monday at 7:07 PM · North Richland Hills ·

I put Judge Alex Kim on the spot to give us an update on Baby Tinslee tonight. You may not know, but Alex is the one who did the temporary restraining order against the hospital using the 10 day rule to euthanize the baby against the family's wishes. We tried to get the legislature to end the 10 day rule last session (and the session before), but they were too worried they might offend the Democrats. We will try again in 2021!

The baby is temporarily safe, but only temporarily. You can read the full story here:

<https://www.texasrighttolife.com/end-the-10-day-rule/>

Judge Kim not only “liked” the post, but actually replied to it and engaged in a dialogue with McCarty (noting his separate conversations with Fred McCarty about the CEO).



As soon as practicable after learning of these facts, Defendants obtained counsel to represent it and filed this motion for recusal, which is being made less than ten days before this case is set for hearing on Plaintiff’s request for a temporary injunction. As noted in Exhibit 2,



however, the undersigned neither knew nor reasonably should have known that grounds for recusal existed in time to file the motion ten days prior to the hearing. *See* TEX R. CIV. P. 18a(b)(1); *Hudson v. Tex. Children's Hosp.*, 177 S.W.3d 232, 235–36 (Tex. App.—Houston [1st Dist.] 2005, no pet.) (motion to recuse was timely filed based on remarks made by trial judge one week before hearing).

### III.

#### ARGUMENT AND AUTHORITIES

The right to a fair and impartial tribunal is guaranteed by both the Texas and United States Constitutions. *See Marshall v. Jerrico, Inc.*, 446 U.S. 238, 242 (1980); *Rymer v. Lewis*, 206 S.W.3d 732, 736 (Tex. App.—Dallas 2006, no pet.); *Metzger v. Sebek*, 892 S.W.2d 20, 37–38 (Tex. App.—Houston [1st Dist.] 1994, writ denied). This right is codified in Texas Rule of Civil Procedure 18b, which sets out the grounds for recusal. A judge *must* recuse himself when a valid motion is timely filed. *See* TEX. R. CIV. P. 18a(b)(1), 18b(b).

A judge must recuse himself if the judge's impartiality might reasonably be questioned. TEX. R. CIV. P. 18b(b)(1); *see In re Fifty-One Gambling Devices*, 298 S.W.3d 768, 775 (Tex. App.—Amarillo 2009, pet. denied); *Woodruff v. Wright*, 51 S.W.3d 727, 735–36 (Tex. App.—Texarkana 2001, pet. denied). The court considering the motion must ask whether a reasonable member of the public, knowing all the facts in the public domain, would have a reasonable doubt that the judge is actually impartial. *In re Fifty-One Gambling*, 298 S.W.3d at 775; *Ex parte Ellis*, 275 S.W.3d 109, 115-16 (Tex. App.—Austin 2008, no pet.); *Sears v. Olivarez*, 28 S.W.3d 611, 613 (Tex. App.—Corpus Christi 2000, no pet.); *see Woodruff*, 51 S.W.3d at 736 (reasonable-person standard). Rule 18b's recusal requirement is “essentially the same” as the judicial recusal standard under federal law. *Ludlow v. DeBerry*, 959 S.W.2d 265, 271 (Tex. App.—Houston [14th

Dist.] 1997, no writ); *see Gall v. State*, 332 S.W.3d 448, 453–54 (Tex. Crim. App. 2011) (applying federal recusal case law to construe Rule 18b standard); *cf.* 28 U.S.C. § 455(a) (requiring disqualification “in any proceeding in which [the judge’s] impartiality might reasonably be questioned”).

Judge Kim must recuse himself because his impartiality might reasonably be questioned based on (1) his extrajudicial public statements about this case, and (2) his procedurally irregular conduct in bypassing regular case-assignment procedures and causing the clerk to assign the case to himself.

**A. Judge Kim’s Public Statements Require Recusal.**

Judge Kim must recuse himself because his extrajudicial public statements about this case would cause a reasonable member of the public to have a reasonable doubt that Judge Kim is actually impartial. Both Texas and federal courts have required recusal where judges made similar extrajudicial public statements about pending cases. In *In re Slaughter*, a judge presiding over a high-profile criminal child abuse trial was required to recuse herself after posting comments and links to news articles about the case on her public Facebook page. 480 S.W.3d 842, 847 (Special Court of Review Appointed by the Supreme Court, Sept. 30, 2015). In *United States v. Cooley*, the Tenth Circuit held that a judge presiding over a criminal prosecution of anti-abortion protestors created an appearance of partiality that required recusal when he remarked in a nationally televised interview that “these people are breaking the law.” 1 F.3d 985, 990, 995 (10<sup>th</sup> Cir. 1993) (applying recusal standard under 28 U.S.C. § 455(a)). *See also United States v. Microsoft Corp.*, 253 F.3d 34, 109–12 (D.C. Cir. 2001) (disqualifying judge from high-profile antitrust case based on multiple interviews with reporters while proceedings were pending in which he criticized Microsoft’s conduct, expressed opinions on key legal issues, and discussed his thoughts on potential remedies

he might impose); *Ligon v. City of New York (In re Reassignment of Cases)*, 736 F.3d 118, 126–28 (2d Cir. 2013), *vacated in part on other grounds*, 743 F.3d 362 (2d Cir. 2014) (disqualifying judge from civil rights suit over police racial profiling based on multiple media interviews in which she criticized the NYPD’s “stop and frisk” practices and said “I know I’m not their favorite judge”); *In re Boston’s Children First*, 244 F.3d 164, 170–71 (1st Cir. 2001) (ordering judge to recuse herself from high-profile lawsuit over racial preferences in public school assignments after she responded to a critical newspaper article by giving an ex parte interview in which she defended her handling of the case and remarked that it was “more complex” than a prior case, which a reasonable person could have interpreted as a comment on the merits of pending motions).

The situation here similarly mandates recusal. Judge Kim appeared at a function hosted by True Texas, a group that is actively campaigning both to have the statute at issue in this case overturned and to prevent Cook Children’s from removing Tinslee from the ventilator. After the CEO of that group spoke about its support for Plaintiff and opposition to the law, she invited Judge Kim to brief the group on the case. Judge Kim was then photographed on stage in front of their banner giving that speech. There can be no doubt that this conduct would cause a reasonable member of the public to doubt Judge Kim’s impartiality. A reasonable member of the public would easily be concerned that Judge Kim’s appearance – and photograph before their banner – demonstrates an endorsement of their views.

Even more troubling, however, is the fact that Judge Kim spoke and a photo of his speech was posted on social media by the group’s CEO noting that the group “tried to get the legislature to end the 10-day rule last session” and “will try again in 2021.” The CEO further noted, next to the photo of the judge to rule on the case speaking to the group, that the “baby is temporarily safe.” Judge Kim then publicly announced his support for this post by “liking” the post and then

commenting on it where the public could see. A reasonable member of the public could see this as a clear endorsement of True Texas's position that the statute must be overturned. Indeed, Judge Kim's conduct is significantly more egregious than that faced in *Slaughter*, where the judge was ordered to recuse herself even after posting only objective facts on Facebook: that a high profile case was in front of her court and providing a link to a new article about the case. *Slaughter*, 480 S.W.3d at 847.

Judge Kim's extrajudicial public statements indicating favoritism toward Plaintiff's position require recusal because they would cause a reasonable member of the public to doubt that Judge Kim is actually impartial.

**B. Judge Kim's Procedurally Irregular Conduct Also Requires Recusal.**

Separate and apart from the extrajudicial public statements discussed above, recusal is also required because Judge Kim's procedurally irregular conduct in bypassing regular case-assignment procedures and causing the clerk to assign the case to himself indicates a lack of impartiality.

This "substantial deviation" from regular case-assignment procedures will "result in a fundamentally unfair proceeding." See *In the Interest of L.S.*, No. 02-17-00132-CV, 2017 Tex. App. LEXIS 8963, at \*52 (Tex. App.—Fort Worth Sept. 21, 2017, no pet.). In *L.S.*, the Fort Worth Court of Appeals held that a judge violated the right to a fair trial when he "accelerate[d]" proceedings to terminate a father's parental rights. *Id.* at \*51–\*53 ("In short, the record indicates that the trial judge badgered DFPS into seeking termination before it was deemed necessary because the judge, who was sitting as the fact-finder, had already determined that Father was noncompliant and would never be compliant based on his knowledge of the prior proceeding and his personal "expectations."").

Judge Kim's conduct in causing this case to be assigned to himself is similar to the conduct that led to recusal in *Ligon*. In that case, the district judge urged the plaintiffs to file a new lawsuit under a different legal theory, suggested that such a claim would be viable and would likely allow the plaintiffs to obtain documents they were seeking, and advised the plaintiffs to designate the new action as a related case in order to ensure that it would be assigned to her. 736 F.3d at 125–26. As in *Ligon*, this improper conduct – especially when considered in the context of Judge Kim's extrajudicial public statements about the case – creates an appearance of partiality that requires recusal. *See id.* at 125.

The circumstances of the temporary restraining order also indicate that Judge Kim is not impartial. Judge Kim was located and contacted by a legislator that is not only actively supported and endorsed by both Texas Right to Life and True Texas, but one that is also campaigning against the statute that is at issue in this case. Then, Judge Kim signed the order prior to hearing argument (or contacting Cook Children's), allowed an injunction to be entered on a defective pleading, issued a restraining order that is also facially defective, and only required a \$75 bond to cover all of the medical costs. Judge Kim's partiality is clearly in doubt.

#### **CONCLUSION AND PRAYER FOR RELIEF**

For these reasons, Defendant respectfully asks Judge Kim to recuse himself and for the presiding judge of this administrative judicial district to assign another judge to this case. In the alternative, Defendant asks Judge Kim to refer this motion to the presiding judge of this administrative judicial district for a hearing on the motion.

Dated: November 15, 2019

Respectfully submitted,

By: 

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Facsimile: (214) 453-6400

ATTORNEYS FOR DEFENDANT

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the above and foregoing document has been served on Plaintiff's counsels via their emails as noted below on November 15, 2019.

Joseph M. Nixon, [joe@nixonlawtx.com](mailto:joe@nixonlawtx.com)

Emily Cook, [emily@emilycook.org](mailto:emily@emilycook.org)

By: 

Geoffrey S. Harper

# **EXHIBIT 1**

|  |   |   |
|--|---|---|
| <p>TINSLEE BREAUN LEWIS, A MINOR<br/>AND MOTHER, TRINITY LEWIS, ON<br/>HER BEHALF,</p> <p style="text-align: center;">Plaintiffs,</p> <p>v.</p> <p>COOK CHILDREN'S MEDICAL<br/>CENTER,</p> <p style="text-align: center;">Defendant.</p> | <p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p> <p>§</p> | <p>IN THE DISTRICT COURT</p> <p style="text-align: center;">TARRANT COUNTY, TEXAS</p> <p style="text-align: center;">323<sup>RD</sup> JUDICIAL DISTRICT</p> |
|--|---|---|

**DECLARATION OF LAURA E. COPELAND**

I, Laura E. Copeland, declare as follows:

1. My name is Laura E. Copeland. I am over the age of 21, have never been convicted of a felony or crime of moral turpitude, and am fully competent to make this declaration. I have personal knowledge of the facts and statements contained in this declaration and I declare under penalty of perjury that the following is true and correct.

2. I am the Assistant General Counsel – Hospital Operations at Cook Children’s Health Care System (“Cook Children’s”). I have been employed with Cook Children’s since August of 2015. It is in that capacity that I learned the facts that are contained below.

3. On Saturday, November 9, 2019, I was put in contact with Joe Nixon, counsel for Plaintiff in this action. We had numerous communications throughout the day about efforts to



locate another hospital that might be willing to treat Tinslee Lewis as well as requests that Cook Children's delay its decision to withdraw the ventilator from Tinslee.

4. On Sunday, November 10 at 2:02 pm, Mr. Nixon sent me a lawsuit and application for injunctive relief that he intended to file. At 2:35 pm, he sent me a text message to be on standby for a call from Judge Alex Kim.

5. At 2:45 pm, I received a call from Judge Kim and counsel for Plaintiff, Mr. Nixon. Judge Kim stated that he had read the Plaintiff's petition and as it appeared to him that a transfer of Tinslee was close, he was going to sign the temporary restraining order. The judge did not consider any evidence or hear arguments on the request for the restraining order. The call lasted less than three minutes.

6. When I received a copy of the signed temporary restraining order, I saw that – according to the times written on the order – the judge had signed the order before I was called.

My name is Laura E. Copeland, my date of birth is May 26, 1977, and my work address is 801 Seventh Avenue, Fort Worth, Texas 76104. I declare under penalty of perjury that the foregoing is true and correct.

Executed in Tarrant County, State of Texas, on the 15<sup>th</sup> day of November, 2019.

  
\_\_\_\_\_  
Laura E. Copeland

# **EXHIBIT 2**

|  |   |   |
|--|---|---|
| TINSLEE BREAUN LEWIS, A MINOR<br>AND MOTHER, TRINITY LEWIS, ON<br>HER BEHALF,<br><br>Plaintiffs,<br><br>v.<br><br>COOK CHILDREN'S MEDICAL<br>CENTER,<br><br>Defendant. | §<br>§<br>§<br>§<br>§<br>§<br>§<br>§<br>§<br>§<br>§ | IN THE DISTRICT COURT<br><br><br><br><br>TARRANT COUNTY, TEXAS<br><br><br><br><br>323 <sup>RD</sup> JUDICIAL DISTRICT |
|--|---|---|

**DECLARATION OF GEOFFREY S. HARPER**

I, Geoffrey S. Harper, declare as follows:

1. I am over the age of 21 and fully competent to make this declaration. I have personal knowledge of the facts and statements contained in this declaration and I declare under penalty of perjury that the following is true and correct.
2. I am a partner at Winston & Strawn, LLP. I and my firm are counsel for Cook Children's Medical Center in this action. It is in that capacity that I have obtained the knowledge of the facts I testify to below.
3. This Motion to Recuse was made and filed as soon as practicable, and within one-business day of discovering facts showing that grounds to recuse Judge Kim existed.
4. Attached as Exhibit 3 to this Motion to Recuse is a true and correct copy of an article posted by Texas Right to Life on their web site regarding this lawsuit.
5. Attached as Exhibit 4 to this Motion to Recuse is a true and correct copy of the Pro-Life Scorecard for Tony Tinderholt as published by the Texas Right to Life.
6. Attached as Exhibit 5 to this Motion to Recuse is a true and correct copy of the Original Temporary Restraining Order that was sent to Defendant in this litigation.

7. Attached as Exhibits 6 to this Motion to Recuse is a true and correct copy of a November 10, 2019 article in The Texan regarding this lawsuit.

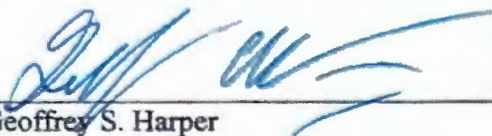
8. Attached as Exhibit 7 to this Motion to Recuse is a true and correct copy of the Facebook page set up by True Texas Project regarding its November 11, 2019 event attended by Judge Kim.

9. Attached as Exhibit 8 to this Motion to Recuse is a true and correct copy of a letter sent to Texas Legislators by a group of organizations, including Texas Right to Life and True Texas project (then known as NE Tarrant Tea Party) on March 13, 2019 and a true and correct copy of an article from the Texas Right to Life website about the letter.

10. Incorporated within the Motion to Recuse in Section II(D) are true and correct copies of (a) a Facebook post made by Julie McCarty, the president of True Texas Project, on November 11, 2019, (b) a photograph of Judge Alex Kim speaking about this litigation to the True Texas Project (which was posted on McCarty's Facebook page), (c) comments to McCarty's Facebook post by various individuals, including Judge Kim, and (d) portions of the public notifications of "likes" made on McCarty's post, including a "like" of McCarty's post about the need to overrule the Texas Advance Directives Act made by Judge Kim.

My name is Geoffrey Scott Harper, my date of birth is September 22, 1968, and my work address is 2121 N. Pearl St., Ste. 900, Dallas, Texas 75201. I declare under penalty of perjury that the foregoing is true and correct.

Executed in Dallas County, State of Texas, on the 13<sup>th</sup> day of September, 2019.

  
Geoffrey S. Harper

# **EXHIBIT 3**

TRENDING Four-year-old killed by 10-Day Rule

Search...



- NEWS ▾
- LEGISLATION ▾
- EVENTS ▾
- RESOURCES ▾
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- GET INVOLVED ▾
- ABOUT ▾

YOU ARE AT: Home > News > BREAKING: Baby Tinslee Lewis wins more time through court action



### BREAKING: Baby Tinslee Lewis wins more time through court action

BY TEXAS RIGHT TO LIFE ON NOVEMBER 16, 2019

NEWS

Reading Time: 1 minute

A court temporarily granted more time for Tinslee Lewis before her hospital could legally pull the plug on the 9-month-old against her mother's will. Lawyers provided by Texas Right to Life filed a temporary restraining order on Sunday, which will allow our patient advocacy team to work with the hospital and family until a court hearing on November 22.

Thank you to everyone who called, emailed, and prayed for Tinslee! Her mother, Trinity, is grateful for this reprieve, but the countdown under the Texas 10-Day Rule still forces everyday Texans like the Lewis family to race against the clock to save their loved ones.

Now, Pro-Life Texans must call on Governor Greg Abbott and the Texas Legislature to convene a special session to end the deadly 10-Day Rule. Use the below form to contact your legislators.

### Find Your Legislator

Address:

City:

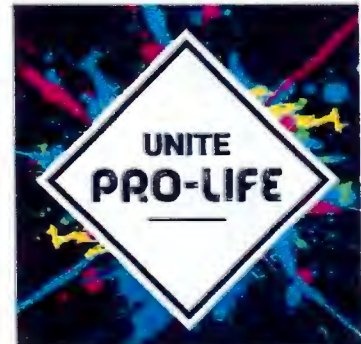
State:

Sorry, our database only includes Texas.

ZIP Code:



### EVENTS



Pro-Life Conference January 25th - 26th

### DONATE

- Donate
- Why Give
- What Your Money Supports
- Ways to Give

- NEWS
- LEGISLATION
- EDUCATION



NOVEMBER 14, 2019  
**Four-year-old killed by 10-Day Rule**



NOVEMBER 11, 2019  
**Catholic hospital tries to coerce woman into an abortion, bans caregiver**



NOVEMBER 16, 2019  
**BREAKING: Baby Tinslee Lewis wins more time through court action**

# **EXHIBIT 4**



# PRO-LIFE SCORECARD

FOR THE  
86TH TEXAS LEGISLATURE (2019)

**TONY TINDERHOLT**  
TEXAS HOUSE DISTRICT 94  
(R-ARLINGTON)

✓ Voted Pro-Life    ✗ Voted Anti-Life

Total Pro-Life  
Score:

**100%**

■ Anti-Life  
■ Pro-Life



Key: EA = Excused Absence; UA = Unexcused Absence; PNV = Present, Not Voting; and Chair = Presiding at the Chair during the vote

The Regular Session of the 86th Legislature was abysmal for the Pro-Life cause. Although Texas Right to Life, grassroots leaders, and voters prioritized only four Pro-Life bills, just one bill (Senate Bill 22, which should have been significantly strengthened) passed and was signed into law. Speaker of the House Dennis Bonnen, who announced his retirement under a cloud of corruption, and his leadership team actively thwarted Pro-Life issues from reaching the House floor for debate and passage—a shocking show of political malfeasance in light of the Pro-Life record achieved by Bonnen and the majority of House Republicans prior to 2019.

Two priority Pro-Life bills passed the State Senate and then died in the committee process in the State House. Because of Speaker Bonnen's blatant betrayal of the Pro-Life movement, the only way to confirm whether individual representatives supported these is to score co-authorship of these two Pro-Life bills: HB 2434, companion of SB 1033, and HB 3158, companion of SB 2089. House members were repeatedly urged by constituents and by Texas Right to Life to co-author these bills and thereby signal their support. Consequently, members who failed to co-author these bills received a six-point penalty on their final score for each Pro-Life priority bill they failed to co-author.

## House Bill 1 by Representative John Zerwas (R-Richmond)

The state's budget for Fiscal Years 2020-2021.

House Bill 1 passed both chambers and was signed by Governor Abbott.

Points  
Earned    Potential  
Points

| Motion                             | Description of Motion  | Points Earned | Potential Points |
|------------------------------------|--|---------------|------------------|
| ✓ Amendment 52 by Rep. Matt Krause | Increases the Pro-Life Alternatives to Abortion program budget by \$52 million over the 2020-21 biennium. (Supported by Texas Right to Life) | 3             | 3                |

For more information, please contact Texas Right to Life at 713.792.LIFE or ProLife@TexasRightToLife.com.

TXRTL.com

Page 1 of 4



|  |   |   |    |
|--|---|---|----|
| ✓ Amendment 53 by Reps. Krause, Klick, Patterson, Stickland, and Oliverson | Amendment to perfect and clarify the \$52 million budget increase for the Pro-Life Alternatives to Abortion program. (Supported by Texas Right to Life)   | 1 | 1  |
| ✓ Amendment 54 by Rep. Chris Turner  | Removes the increase in funding to the Pro-Life Alternatives to Abortion program and takes an additional \$20 million from the original program budget. (Opposed by Texas Right to Life)  | 1 | 1  |
| Amendment 287 by Rep. Valoree Swanson                                      | Prohibits state funding for hospitals that provide elective abortions. No vote was taken on this amendment, but members could make their opposition known by entering a statement in the official Journal of the House. Representatives who registered their opposition to the Swanson Amendment earned a 3-point penalty. (Supported by Texas Right to Life) | 0 | -3 |

**House Bill 16 by Representative Jeff Leach (R-Plano):  
The Born-Alive Infant Protection Act**

Ensures medical intervention and legal protection for children born alive after an attempted abortion.

*House Bill 16 passed both chambers and was signed by Governor Abbott.*

|                       |  | Points Earned | Potential Points |
|-----------------------|--|---------------|------------------|
| Motion                | Description of Motion  |               |                  |
| ✓ Second Reading Vote | Vote to pass House Bill 16 to next step in passage. (Supported by Texas Right to Life) | 1             | 1                |
| ✓ Third Reading Vote  | Vote for final passage of House Bill 16. (Supported by Texas Right to Life)            | 1             | 1                |

For further information, please contact Texas Right to Life at 713.782.LIFE or ProLife@TexasRightToLife.com.

TXRTL.com

Page 2 of 4

**Senate Bill 22 by Senator Donna Campbell (R-New Braunfels):  
The No Taxpayer Funding for Abortion Act**

Prohibits state and local tax dollars from funding or benefitting the abortion industry

*This bill passed both chambers and was signed by Governor Abbott.*

Points Earned | Potential Points

| Motion                                    | Description of Motion  | Points Earned | Potential Points |
|---|--|---------------|------------------|
| ✓ Amendments 1, 3, & 5-21                 | A series of 19 loopholes for taxpayer-funded contracts with abortion clinics or certain services. (Opposed by Texas Right to Life)   | 6             | 6                |
| ✓ Amendment 23 by Rep. Jonathan Stickland | Clarifies that Senate Bill 22 does not restrict cities or counties from prohibiting abortion. (Supported by Texas Right to Life)   | 1             | 1                |
| ✓ Second Reading Vote                     | Vote to pass Senate Bill 22 to the next step in passage. (Supported by Texas Right to Life)  | 3             | 3                |
| Third Reading Vote                        | Members could record their opposition by entering a statement in the Official Journal of the House. Representatives who registered their opposition to Pro-Life SB 22 earned a 3-point penalty. (Statement opposed by Texas Right to Life) | 0             | -3               |

**Additional Votes**

Points Earned | Potential Points

| Motion   | Description of Motion  | Points Earned | Potential Points |
|--|--|---------------|------------------|
| ✓ Floor Amendment 4 to House Bill 1504 by Rep. Steve Toth                                      | Subjects physicians to disciplinary measures and possible loss of license if the physician does not make reasonable efforts to transfer a patient. This amendment applies when the 10-Day Rule has been initiated and patients have a limited number of days to transfer to a new physician or facility before their life-sustaining treatment is withdrawn against their will. (Supported by Texas Right to Life) | 1             | 1                |
| ✓ Coauthored top Pro-Life priority House Bill 2434, the Preborn NonDiscrimination Act (PreNDA) | While the bill to prohibit the remaining late-term and discriminatory abortions in Texas did not receive a vote on the House floor, members were asked numerous times by activists, their voters, and Texas Right to Life to show their public support by coauthoring the bill at any time during the session. (Supported by Texas Right to Life)  | 6             | 6                |

For further information, please contact Texas Right to Life at 713.782.LIFE or [ProLife@TexasRightToLife.com](mailto:ProLife@TexasRightToLife.com).

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Page 3 of 4

|  |   |   |    |
|--|---|---|----|
| ✓ Coauthored Pro-Life priority House Bill 3158 to repeal the anti-Life 10-Day Rule | While the pro-patient's rights Pro-Life priority did not receive a vote on the House floor, members were asked numerous times by activists, their voters, and Texas Right to Life to show their public support by coauthoring the bill at any time during the session. (Supported by Texas Right to Life) | 6 | 6  |
| Anti-Life legislation or amendments  | Penalties for anti-Life amendments to Pro-Life bills on the House floor, or authorship of anti-Life bills. (Opposed by Texas Right to Life)   | 0 | -5 |
| Anti-Life speech   | Penalties for anti-Life speeches on the House floor. (Opposed by Texas Right to Life)   | 0 | -5 |

|                     |             |
|---------------------|-------------|
| Total Points Earned | 30          |
| Potential Points    | 30          |
| <b>Total Score</b>  | <b>100%</b> |

For further information, please contact Texas Right to Life at 713.782.LIFE or [ProLife@TexasRightToLife.com](mailto:ProLife@TexasRightToLife.com)

[TXRTL.com](http://TXRTL.com)

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# **EXHIBIT 5**

Filed with the  
Court on  
Nov 10, 2009 @  
2:44 p.m.  
(62)

Cause No.

Cause No.

TINSLEE BREAU LEWIS, A MINOR  
AND MOTHER, TRINITY LEWIS, ON  
HER BEHALF

PLAINTIFFS,

v.

COOK CHILDREN'S MEDICAL  
CENTER,

DEFENDANT.

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§

IN THE DISTRICT  
COURT OF

§ TARRANT  
COUNTY, TEXAS

323<sup>RD</sup> JUDICIAL DISTRICT

**ORDER GRANTING PLAINTIFF'S TEMPORARY RESTRAINING ORDER**

On this day came to be considered Plaintiffs' Verified Motion and Application for Temporary Restraining Order and Injunctive Relief (the "Motion"). After examining the verified pleadings and holding a hearing of which Defendant had notice, the Court finds that the requirements for the issuance of an extension of time under Chapter 166.046(g), as shown.

More specifically, the Court finds evidence that Plaintiff is entitled to the issuance of a Temporary Restraining Order to protect and preserve the status quo. Plaintiff is suffering and will continue to suffer irreparable harm if Defendant is permitted to remove life sustaining treatment from Trinity Lewis. Plaintiff will be irreparably injured, and suffer loss and damage by likely death if life sustaining treatment is removed.

Such harm is imminent because if an injunction is not entered, Defendant may remove life sustaining treatment on November 10, 2019, which will kill Trinity Lewis. Plaintiff has demonstrated a likelihood of success on the merits of this case and a balance of the equities strongly favors the granting of injunctive relief in order to preserve the *status quo ante*.

IT IS THEREFORE ORDERED that the Clerk of the Court issue a Temporary Restraining Order that Defendant and all of their respective agents, servants, employees, representatives, attorneys, and all persons, firms, corporations or other entities acting or purporting to act or acting in concert or in participation with them who gets actual notice of this Order by service or otherwise, are hereby ORDERED and ENJOINED to cease and desist all actions of any nature to pursue the removal of Trinity Lewis through

Nov. 23<sup>rd</sup>, 2019 @ 11:59 p.m.

Once this Order becomes effective, it shall remain in effect for a term of fourteen (14) days or until further order of this Court.

**BOND**

IT IS FURTHER ORDERED that the Court clerk, upon the filing of a bond in the amount of \$ 75<sup>00</sup> (or cash deposit in lieu thereof) and on approving the same according to law, shall issue a Temporary Restraining Order in conformity with the law and the terms of this Order.

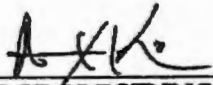
**TEMPORARY INJUNCTION HEARING AND TRIAL SETTING**

IT IS FURTHER ORDERED that a hearing on Plaintiffs' request for a Temporary Injunction is set before the 323<sup>rd</sup> Judicial District Court, Tarrant County, Texas on the 22<sup>nd</sup> day of May 2019, at 2<sup>00</sup> a.m. ~~10:00~~ in the 323<sup>rd</sup> District Court's courtroom located in the Tarrant County Courthouse, 2701 Kinross Rd. Fort Worth, TX 76111.

The trial on the merits is set for the 1<sup>st</sup> day of June, 2020

It is FINALLY ORDERED that the Clerk of the Court shall issue all necessary writs.

Signed this 10<sup>th</sup> day of November, 2019 at 14:41 a.m. (p.m.)

  
\_\_\_\_\_  
JUDGE PRESIDING

# **EXHIBIT 6**



athcareLocal NewsStatewide News

# Judge Issues Order Preventing 9-Month-Old Tinslee Lewis from Being Taken Off Life Support

Arrant County Judge Alex Kim signed a temporary restraining order preventing 9-month-old Tinslee Lewis from being taken off life support at Cook Children's Hospital in Fort Worth.

.RAH MCCONNELLNOVEMBER 10, 2019



9-month-old Tinslee Lewis, mother of baby Tinslee, speaks at a press conference Sunday evening as Rep. Tony Tinderholt (R-Arlington) looks on. (The Texas/Bobby Rodriguez)

POSTS REMAINING

9-month-old Tinslee Lewis was scheduled to be taken off of life support against her family's wishes at Cooks Children's Hospital in Fort Worth, Arrant County Judge Alex Kim signed a temporary restraining order effective through November 23 preventing the hospital from withdrawing treatment.

<https://thetexan.com/news/judge-issues-order-preventing-9-month-old-tinslee-lewis-from-being-taken-off-life-support/> 11/15/20

born prematurely, baby Tinslee suffers from Ebstein anomaly, a rare heart defect causing her heart to press against her lungs, requiring the assistance of a ventilator to breathe.

A team of Cook Children's doctors, nurses and staff have given their all to help Tinslee. While we believe every child's life is sacred, we also believe that no child should be sentenced to a life of pain. Removing this beautiful child from mechanical ventilation is a gut-wrenching decision for Cook Children's physicians and staff, however we feel it is in her best interest to free her from artificial, medical intervention and suffering," Cook Children's said in an official statement.

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A photo of baby Tinslee Lewis. (Photo from Texas Right to Life)

In accordance with the Texas Advance Directives Act, the Texas 10-Day Rule authorizes hospitals to provide ten days of advance notice to the families of patients for whom they determine there to be no path to recovery before they stop providing care.

These ten days are meant to allow families time to find a different healthcare provider or seek a court injunction.

Importantly, however, hospitals can choose to delay or continue treatment at any time.

This provision has been criticized by organizations and lawmakers alike for being outdated in nature and not providing sufficient time for the families of patients to find alternative healthcare and/or seek legal assistance.

The Carolyn Jones case earlier this year highlighted the difficulties that the law's timeframe can place on families seeking to find additional treatment options for their loved ones.

At a press conference following the announcement of the restraining order, state Reps. Tan Parker (R-Flower Mound) and Tony Tinderholt (R-Arlington), alongside representatives from Texas Right to Life, described the Texas rule as not fitting "with Texas values."

Texas Right to Life, a non-profit advocacy organization that championed ending the Texas 10-Day Rule earlier this year during the legislative session, is currently working on behalf of the Lewis family to provide legal assistance.

Prior to today's restraining order, the organization urged the public to contact the administration at Cook Children's in an effort to convince the hospital not to move baby Tinslee from life support.

Hours before baby Tinslee was scheduled to be taken off life support, Kimberlyn Schwartz, a representative of Texas Right to Life working closely with the Lewis family, described the family and organization as "racing against the clock ... praying these are not Tinslee's last moments."

The case continued by discussing the hostility with which the Lewis family has been treated throughout Tinslee's time there, attributing the "disdain toward the family" to the public attention the case has drawn.

POSTS REMAINING

In a statement for *The Texas*, Rep. Tinderholt echoed similar sentiments describing the treatment of Tinslee's mother in particular as "despicable."

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According to Rep. Tinderholt, Tinslee's mother told him she was forbidden from taking pictures of Tinslee by the charge nurse at Cook Children's who cited hospital policy and the attention garnered by the case as the basis for her decision.

In spite of this, however, a family member of baby Tinslee's still expressed gratitude towards the staff at Cook Children's and to both Reps. Tinderholt and Parker who have given their support to the Lewis family.

"My prayer today was to thank God for you guys and for all the people around and the nurses in the hospital. I can only imagine how worked up they have been to see such a little person suffering at no fault of her own," she said.

Both Reps. Tinderholt and Parker also complimented the staff at Cook Children's for the care and treatment they have provided, despite the invocation of the Texas 10-Day Rule.

A cousin of Tinslee's also expressed gratitude to Texas Right to Life and Medically Fragile Kids Texas, describing them as "the two advocates who really stepped up and helped us advocate."

Cook Children's says they have reached out to nearly 20 facilities throughout the country to find a different healthcare facility for Tinslee. However, "all have declined our assessment is correct and they feel there is nothing more they can provide to help improve this precious child's life."

The temporary restraining order is effective through November 23 with a hearing scheduled for November 22.

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- Tan Parker
- Tarrant County
- Texas 10-Day Rule
- Texas Right to Life
- Tinslee Lewis
- Tony Tinderholt
- Trinity Lewis



Sarah McConnell

Sarah McConnell is a reporter for The Texan. Previously, she worked as a Cyber Security Consultant after serving as a Pathways Intern at the Department of Homeland Security - Citizenship and Immigration Services. She received her Bachelor's degree in Political Science from Texas A&M as well as her Master of Public Service and Administration degree from the Bush School of Government and Public Service at Texas A&M. In her free time, Sarah is an avid runner, jazz enthusiast, and lover of all things culinary.

Previous POSTS REMAINING

President Trump's Unprecedented Turnover Rate at Homeland Security Highlights Importance, Complications of Securing Border

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# **EXHIBIT 7**

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NOV 11  
**TTP Nov. 2019 - Healthy Church, Healthy Nation Wallace Henley**

Public - Hosted by True Texas Project

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Monday, November 11, 2019 at 5:30 PM – 8:30 PM  
3 days ago

Grand Hall at NRH Centre  
6000 Hawk Ave, North Richland Hills, Texas 76180

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What a bio our speaker for November has! Wallace Henley is the perfect example of how faith and politics SHOULD intertwine! With his history in the Nixon White House, as well as in church leadership, he has keen insight and fascinating stories to share with us. Haven't we all often said in various terms that America needs spiritual healing if it is to have cultural healing? That's the passion of Wallace Henley. Join us to learn a little... and be inspired!

True Texas Project  
 Speaker: Wallace Henley  
 Monday, Nov 11, 2019  
 6000 Hawk Ave, NRH  
 5:30-8:00pm – prayer meeting (open to all)

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**True Texas Project** -- About Wallace Henley Wallace Henley was described by his pastor, Dr. Ed Young, as a man of "keen insight into popular culture coupled with biblical wisdom." The late Chuck Colson described Henley as someone who understood Washington well. University of Tennessee historian Larry Ingle, in a book on the Nixon White House, where Henley served, commented on Henley's book, *The White House Mystique*. Professor Ingle noted Henley's "riveting insights" regarding the presidency, the White House, and power. Henley's insight and wisdom have come through a career of more than 40 years that has included service in the Church, the

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 Charmaine Knaps Sc...  
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Martin Deham

Puinam for Texas Camp...  
 Thursday at SlackEyed O...  
 258 guests  
 Interested Going

Adrian Martinez

November TCYR Mem...  
 Monday at Fort Worth Ch...  
 42 guests  
 Interested Going

Birzin Pepper

Carolyn Marie Johnson

FWRW Christmas Lun...  
 Fri, Dec 6 at The Women's...  
 80 guests  
 Interested Going

Rod Lindsay 11h

David Bird 3h

With All Due Respect with...  
 Fri, Nov 22 at The Univers...  
 74 guests  
 Interested Going

Carl Gindberg 4h

Melissa Wolfe Harper 4h

2019 DCRP Volunteer Rec...  
 Thursday at Circle R Run...  
 124 guests  
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Anna Damah 3h

Kao Denise Bennett 3h

English (US) · Español · Português (Br...  
 Français (France) · Deutsch

Kristopher Long 23h

Rowan Valenzuela 3h

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Tatum Wolfe 11h

Victoria Harper 3h

GROUP CONVERSATIONS

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White House, the U.S. Congress, and Academia. Henley was born in Birmingham, Alabama, December 5, 1941, two days before the Pearl Harbor attack that brought the United States into the Second World War. His childhood and youth were saturated in the ethos of the War. He was raised in a single-parent home, and his mother, a devoted Christian and strong leader kept him in church where he could be under the influence of solid, godly men. Many of them were returning veterans, and Henley developed early a passion to try to understand the dynamics of nations and history. He holds a Bachelor of Arts Degree and the Master of Arts Degree (With High Distinction) focusing on leadership studies. Henley's formal education was through Samford University, Birmingham, Southwestern Baptist Theological Seminary, Fort Worth, Texas, and a joint MA program of Trinity Theological Seminary (USA) -Canterbury Christchurch University College (England). The Encourager Bible College, New Delhi (Noida), India, awarded Henley an honorary doctorate for "his contributions to the training and equipping of leaders for developing nations." Henley's work has encompassed the following areas: Church Wallace Henley currently is Senior Associate Pastor at Houston's Second Baptist Church. The 69,000-member congregation is led by Dr. Ed Young. Henley has already served as senior pastor for churches in Alabama and Texas, and briefly in Europe. From 1983-1985 he was President of the million-member Alabama Baptist Convention. Governance Wallace Henley was a White House aide from 1970-1973. He helped design and implement the most sweeping school desegregation in American history. Henley also assisted in presidential correspondence and statements. He was a surrogate speaker for the President throughout the nation, explaining White House policy, and coordinating with public organizations. Henley also served as District Director and Acting Chief of Staff for U.S. Representative John Culberson of Texas' 7th Congressional District. Through his own LLC Wallace Henley has served as a management-leadership consultant to local government agencies including a Harris County agency in which he guided implementation of an organizational restructuring. Journalism Wallace Henley is a columnist for The Christian Post. His column, "Critical Confluences," explores the confluence of current events, cultural trends, and the biblical worldview. It is read regularly by more than 400,000 people. Henley was a reporter and editor for The Birmingham News. There he covered the civil rights crisis of the 1960s, and wrote editorials and op-ed columns, as well as serving as religion editor. He has been cited in or written for Christianity Today, The Wall Street Journal, Leadership Journal, and numerous other publications. Academia Wallace Henley was Director of Public Relations at the University of Mobile, 1965-1968. He is now an adjunct professor of worldview studies at Belhaven University. He is a member of the Board for the Center for Christianity in Business at Houston Baptist University. He has spoken at several major universities, including Baylor, Samford, the University of Utah, and Marquette University in Milwaukee. Publishing Wallace Henley is a prolific author, having published more than 20 books. HarperCollins published Henley's *Globequake: Living in the Unshakeable Kingdom While the World Falls Apart* in 2012. This book explores global change and how the five sectors of Church, Family, Education, Governance, Business-Marketplace can remain stable through application of biblical principles. Henley is co-author with Jonathan Sandys, great-grandson of Winston Churchill, of *God and Churchill: How the Great Leader's Sense of Divine Destiny Changed His Troubled World and Offers Hope for Ours*. This book will be published in October 2015, and will be the first spiritual biography of Britain's wartime Prime Minister, Winston Churchill. Henley has served as a collaborative writer for Dr. Ed Young and other leaders on their books. Leadership development Wallace Henley's passion for developing infrastructure leadership for nations worldwide was inspired through his participation with Dr. John Haggai and Haggai Institute. Henley met Dr. Haggai in 1969, and in 1971, traveled with Dr. Haggai around the world, and taught at Haggai Institute leadership seminars in Singapore. Henley developed Headwaters Leadership Institute, through which he has conducted workshops in 22 nations. He has worked closely with the Chinese Christian Business Association, assisting the rapidly expanding business entrepreneurship in China. When Communism collapsed in the early 1990s Henley traveled throughout the old Soviet Bloc conducting leadership training. He has also worked extensively in Africa, Asia, and Central America. Awards In 1988 the Presbyterian Church in the US named Henley the nation's top religion writer in the daily newspaper category. In 1973 the Associated Press presented Henley its highest news-writing award in recognition of his coverage of the civil rights crisis in Birmingham. The Birmingham News twice honored Henley with its awards for "creative enterprise in journalism." Belhaven University in 2014

-  Chris Morris
-  Charmaine Knaps Sr.
-  Martin Deaton
-  BJ BJ
-  Adrian Martinez
-  Kristin Pepper
-  Carolyn Marie Johnson
-  Rod Lindsey 11h
-  David Bird 3h
-  Carl Ginsberg 4h
-  Melissa Wolfe Harper 4h
-  Anna Danish 3h
-  Keri Denise Bennett 3h
-  Christopher Long 23h
-  Rowen Valenzuela 3h
-  Tabun Wolfe 11h
-  Victoria Harper 3h

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gave Henley its Faculty Ambassador Award for "excellence in classroom teaching."  
October 21, 2019 at 10:45 AM

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True Texas Project

Political Organization · Grapevine, Texas

A group of citizens from Texas (and beyond) who believe in personal responsibility, fiscal responsibility, limited government, national sovereignty, rule of law and the traditional 20

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- Charmaine Knaps &c.
- Martin DeLeon
- BU BU
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- Carol Marie Johnson
- Bill Lindsey

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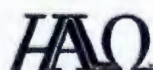
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# **EXHIBIT 8**





March 13, 2019

Dear Honorable Members of the Texas Legislature,

In the intervening two years since the 85<sup>th</sup> Texas Legislature, more Texans have fallen prey to the Texas Advance Directives Act (TADA) while a constitutional challenge awaits arguments in a Texas appellate court. Lack of action by the Legislature has left vulnerable hospitalized patients across Texas defenseless against this unjust, imbalanced, and unconstitutional law.

This law has been abused to speed the deaths of patients like Breanna, a 26-year-old with multiple sclerosis who was in the hospital following a stroke. Breanna's physician asked his own hospital committee for permission to remove her ventilator. When elaborating on his reason, he asked "[W]ho wants to live with multiple sclerosis?" After her family sought Texas Right to Life's help and intervention, Breanna was weaned from the ventilator within 48 hours and stable enough to return home to her family.

Currently, Section 166.046 of the Texas Health and Safety Code authorizes a physician to withdraw or withhold life-sustaining medical treatment from a patient against the patient's clear instruction through an advance directive, verbally expressed medical decisions, or direction of the patient's surrogate. The physician simply must obtain approval of the hospital's self-appointed and self-governed ethics committee to withdraw treatment (for any reason at all) and start a 10-day countdown. After the 10 days, the physician is legally permitted to forcibly withdraw basic life-sustaining treatment, despite the wishes or directive of the patient or surrogate. During the countdown period, the family bears the weight to transfer their loved one to another facility or physician willing to provide the necessary treatment. After 10 calendar days have passed, the physician and the facility have absolute legal immunity to withdraw and deny all life-sustaining and medical treatment, undeniably hastening or even causing the patient's death.

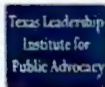
Instead of fostering an atmosphere of trust, communication, and resolution to treatment disagreements between providers, patients, and their families, the 10-day countdown fosters tension and discord between them--always with the patient on the losing side. This law violates the Pro-Life principles of respecting the worth and dignity of each individual human. The state undermines respect for the dignity of vulnerable patients when the authority to arbitrarily and unilaterally override the life and death medical decisions of patients and their families is given to doctors and hospital committees. Consequently, numerous Pro-Life, medical, and bioethical experts have condemned TADA for the inclusion of the 10-day provision.

Therefore, we, the undersigned, respectfully urge the Texas Legislature to repeal the unethical "10-day countdown" clause in Section 166.046 of the Texas Health and Safety Code during this 86th Session of the Texas Legislature.

Senator Bryan Hughes and Representative Richard Raymond have filed SB 2089 and HB 3158 which would leave intact the process of allowing physicians to raise ethical concerns about treatment decisions while still protecting the Right to Life of



Texas Katie Parron



sbtc



patients. The bill would allow physicians and hospital committees to transfer a patient while respecting the decision to maintain life-sustaining treatment until the patient can be safely transferred to another facility.

No other state has a medical ethics law as egregious as Texas's that violates the patient's Right to Life and constitutional right to due process. In fact, 12 other states explicitly reject the framework effectuated by TADA (AL, FL, KS, ID, MD, MA, MN, NH, NY, OK, OH, and WY).

We respectfully request that you and your office become involved in the passage of this vital measure.

Thank you for your consideration.

James J. Graham, President  
Texas Right to Life

James Dickey, Chairman  
Republican Party of Texas

Bobby Schindler, President  
Terry Schiavo Life and Hope Network

Rick Scarborough, Founder  
Vision America

Carol Tobias, President  
National Right to Life

Julie McCarty, President  
Fran Rhodes, VP, Citizen Advocate Coordinator  
NE Tarrant Tea Party

Mark S. Ramsey, P.E.  
Chair, 2018 Republican Party of Texas Platform and Resolutions Committee

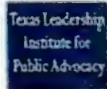
Tim Lambert, President  
Texas Home School Coalition

Saurabh Sharma, Chairman  
Young Conservatives of Texas

Hannah Mehta, Executive Director  
Protect TX Fragile Kids



Texas Eagle Forum



Trayce Bradford, President  
Texas Eagle Forum

JoAnn Fleming, Executive Director  
Grassroots America - We the People PAC

Richard and Yvette DeOtte, Founders  
Life Education and Action

Ann Hettinger, State Director  
Concerned Women for America

Kassi Dee Patrick Marks, JD  
Attorney and Pro-Life Advocate

The Most Reverend Rene Henry Gracida,  
Bishop Emeritus of Corpus Christi

Fr. Joseph C. Howard, Jr.  
Moral Theologian and Bioethicist  
John Paul the Great Bioethics Commission  
Professor of Bioethics  
Louisiana State University in Shreveport

Dr. David Hargroder, M.D., Bariatric and Trauma Surgeon  
John Paul the Great Bioethics Commission

Dr. Elizabeth D. Wickham  
Executive Director, LifeTree.org

Julie Grimstad, President  
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Matt Long, President  
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# UNITED to END the 10-DAY RULE



EVENTS



## | State and national leaders call for Texas bill to protect patients' rights

BY TEXAS RIGHT TO LIFE ON MARCH 16, 2019

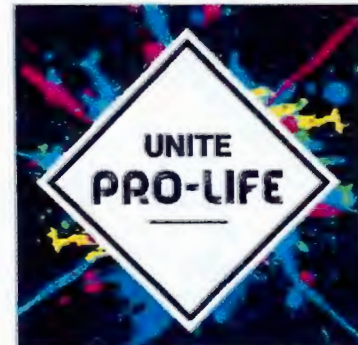
86TH SESSION, EUTHANASIA, ISSUES, LEGISLATION, NEWS

Reading Time: 3 minutes

Dozens of state and national leaders and organizations calling for the passage of a Texas bill to repeal the anti-Life 10-Day Rule. The Respecting Texas Patients' Right to Life Act was filed in the Texas State Legislature as HB 3158 by Representative Richard Raymond (D-Laredo) and SB 2089 by Senator Bryen Hughes (R-Mineola). The act will implement a desperately needed reform to the anti-Life and anti-patient's rights Texas Advance Directives Act.

Current Texas law provides a statutory process by which a physician or hospital is permitted to withdraw basic life-sustaining treatment against the expressed wishes of a patient or her legal surrogate. Under the statute, a physician must merely receive permission from the hospital's own committee to withdraw or withhold the requested life-sustaining treatment. Current law awards the physician and hospital unilateral authority over the patient's life. After judgement is handed down by the committee, a 10-day countdown begins and the patient and her family have no ability to appeal the decision. The law unreasonably assumes the patient or the patient's family has the ability to locate, authorize, and facilitate a medical transfer. As written, the law is a grievous affront to due process and is undoubtedly biased against vulnerable patients, creating an incentive for hospitals to work contrary to the well-being of those in their care and to make deadly judgments about their "quality of life."

The letter released today features a diverse coalition of leaders and organizations who agree the unprecedented Texas 10-Day Rule should be repealed. The letter includes prestigious national groups like National Right to Life and the Terry Schiavo Life and Hope Network as well as Texas-focused entities like the Republican Party of Texas and Concerned Women for America of Texas. Numerous local grassroots organizations also joined the letter including the Northeast Tarrant Tea Party and Fredericksburg Tea Party. Grassroots leaders like Richard and Yvette DeOtto of Life Education and Action and JoAnn Fleming of Grassroots America - We The People PAC have signed on alongside medical experts such as Dr. David Hargroder, M.D. of the John Paul the Great Bioethics Commission and Julie Grimstad of the Healthcare Advocacy and Leadership Organization.



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Legal experts, grassroots leaders, medical professionals, and political leaders alike have all chosen to join their voices and speak out against this unjust rule:

"The state undermines respect for the dignity of vulnerable patients when the authority to arbitrarily and unilaterally override the life and death medical decisions of patients and their families is given to doctors and hospital committees... Therefore, we, the undersigned, respectfully urge the Texas Legislature to repeal the unethical 10-day countdown clause in Section 166.046 of the Texas Health and Safety Code during this 86th Session of the Texas Legislature."

Texas Right to Life strongly believes that each individual life has immeasurable dignity and worth, and this conviction has prompted us to serve as patient advocates for those victimized by this anti-Life measure. Not only do we work tirelessly in the Capitol each legislative session to reform this unjust law, we also fight personally for those patients and families who contact us in their most desperate time of need.

For the sake of the countless Texans victimized each year, the "10-Day Rule" must not survive another legislative session. [Click here to read the letter in support of Repealing the Ten-Day Rule.](#)

Experts, Pro-Life, or grassroots leaders can add your signature to this letter and call on the Legislature to repeal the anti-Life 10-Day Rule in the Texas Advance Directives Act by emailing [EHorne@TexasRightToLife.com](mailto:EHorne@TexasRightToLife.com).



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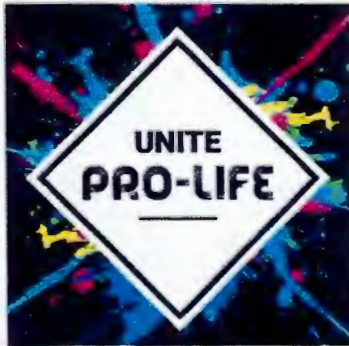


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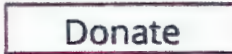


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