

CLOSED

**U.S. District Court
SOUTHERN DISTRICT OF TEXAS (Houston)
CIVIL DOCKET FOR CASE #: 4:20-cv-02104**

Hotze v. Abbott
Assigned to: Judge Lynn N Hughes
Cause: 28:2201 Declaratory Judgment

Date Filed: 06/15/2020
Date Terminated: 07/22/2020
Jury Demand: None
Nature of Suit: 950 Constitutional – State
Statute
Jurisdiction: Federal Question

Plaintiff

Steven F. Hotze, M.D.

represented by **Jared Ryker Woodfill**
Woodfill Law Firm PC
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ATTORNEY TO BE NOTICED

Plaintiff

Republican Party of Texas

represented by **Republican Party of Texas**
PRO SE

Plaintiff

James D Dickey

represented by **James D Dickey**
PRO SE

V.

Defendant

Greg Abbott
*in his official capacity as Governor of
Texas*

represented by **Todd Alan Dickerson**
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

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ATTORNEY TO BE NOTICED

Defendant

Mayor Sylvester Turner
Mayor of the City of Houston, Texas

represented by **Brian Anthony Amis**
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ATTORNEY TO BE NOTICED

Defendant

Houston First Corporation

represented by **Gregory Arthur Holloway**
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ATTORNEY TO BE NOTICED

Defendant

State Of Texas

represented by **Todd Alan Dickerson**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Emily Laura Ardolino
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

Texas Health And Human Services

represented by **Todd Alan Dickerson**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Emily Laura Ardolino
(See above for address)

ATTORNEY TO BE NOTICED

Defendant**Texas Department of State Health Services**represented by **Todd Alan Dickerson**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED**Emily Laura Ardolino**
(See above for address)
ATTORNEY TO BE NOTICED**Defendant****Phil Wilson**
*Executive Director of the Texas
Department of State Health Services*represented by **Todd Alan Dickerson**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED**Emily Laura Ardolino**
(See above for address)
ATTORNEY TO BE NOTICED**Defendant****John William Hellerstedt, MD**
*Commissioner of the Texas Department
of State Health Services*represented by **Todd Alan Dickerson**
(See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED**Emily Laura Ardolino**
(See above for address)
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
06/15/2020	<u>1</u>	COMPLAINT against Greg Abbott, in his official capacity as Governor of Texas (Filing fee \$ 400 receipt number 0541-24801784) filed by Steven F Hotze. (Attachments: # <u>1</u> Exhibit A)(Woodfill, Jared) (Entered: 06/15/2020)
06/16/2020	<u>2</u>	ORDER FOR CONFERENCE. Initial Conference set for 9/14/2020 at 10:30 AM in Room 11122 before Judge Lynn N Hughes (Signed by Judge Lynn N Hughes) Parties notified.(ChristopherSarratadi, 4) (Entered: 06/16/2020)
06/25/2020	<u>3</u>	MOTION for Todd A. Dickerson to Appear Pro Hac Vice by Greg Abbott, filed. Motion Docket Date 7/16/2020. (Dickerson, Todd) (Entered: 06/25/2020)
06/29/2020	<u>4</u>	ORDER granting <u>3</u> Motion for Todd A. Dickerson to Appear Pro Hac Vice for Greg Abbott. (Signed by Judge Lynn N Hughes) Parties notified.(sanderson, 4) (Entered: 06/29/2020)
07/13/2020	<u>5</u>	First AMENDED COMPLAINT against All Defendants filed by Steven F Hotze. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit, # <u>3</u> Exhibit, # <u>4</u> Exhibit, # <u>5</u> Exhibit, # <u>6</u> Exhibit, # <u>7</u> Exhibit, # <u>8</u> Exhibit, # <u>9</u> Exhibit, # <u>10</u> Exhibit)(Woodfill, Jared) (Entered: 07/13/2020)
07/13/2020	<u>6</u>	MOTION for Temporary Restraining Order by Steven F Hotze, filed. Motion Docket Date 8/3/2020. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit, # <u>3</u> Exhibit, # <u>4</u> Exhibit)(Woodfill, Jared) (Entered: 07/13/2020)
07/13/2020	<u>7</u>	BRIEF in Support re: <u>6</u> MOTION for Temporary Restraining Order by Steven F Hotze, filed. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit, # <u>3</u> Exhibit)(Woodfill, Jared) (Entered: 07/13/2020)
07/14/2020	<u>8</u>	Order: Hearing on the motion for temporary restraining order set for 7/15/2020 at 10:30 AM in Courtroom 11C before Judge Lynn N Hughes. (Signed by Judge Lynn N

		Hughes) Parties notified. (ghassan, 4) (Entered: 07/14/2020)
07/14/2020	<u>9</u>	MOTION for Todd A. Dickerson to Appear as Telephonic Hearing by Greg Abbott, John William Hellerstedt, MD, State Of Texas, Texas Department of State Health Services, Texas Health And Human Services, Phil Wilson, filed. Motion Docket Date 8/4/2020. (Attachments: # <u>1</u> Proposed Order)(Dickerson, Todd) (Entered: 07/14/2020)
07/14/2020	<u>10</u>	ORDER on Appearance. The State of Texas defendants may appear telephonically for the 7/15/2020 hearing <u>9</u> . (Signed by Judge Lynn N Hughes) Parties notified. (ghassan, 4) (Entered: 07/14/2020)
07/15/2020	<u>11</u>	RESPONSE in Opposition to <u>6</u> MOTION for Temporary Restraining Order, filed by Sylvester Turner. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2, # <u>3</u> Exhibit 3, # <u>4</u> Exhibit 4, # <u>5</u> Exhibit 5, # <u>6</u> Exhibit 6)(Amis, Brian) (Entered: 07/15/2020)
07/15/2020	<u>12</u>	DECLARATION of David E. Persse, M.D. re: <u>11</u> Response in Opposition to Motion, filed.(Amis, Brian) (Entered: 07/15/2020)
07/15/2020	<u>13</u>	SUPPLEMENT to <u>11</u> Response in Opposition to Motion by Sylvester Turner, filed.(Amis, Brian) (Entered: 07/15/2020)
07/15/2020	<u>14</u>	Corrected SUPPLEMENT to <u>11</u> Response in Opposition to Motion by Sylvester Turner, filed.(Amis, Brian) (Entered: 07/15/2020)
07/15/2020	<u>15</u>	AO 435 TRANSCRIPT REQUEST by Brian Amis for Transcript of Motion Hearing on 7/15/20 before Judge Hughes. 3-Day turnaround requested. Court Reporter/Transcriber: Heather Alcaraz, filed. (Amis, Brian) (Entered: 07/15/2020)
07/15/2020	<u>16</u>	Minute Entry for HEARING held before Judge Lynn N Hughes on 7/15/2020. Evidence taken. Order to be entered. Rulings rendered orally on TRO. Appearances: Jared Woodfill, Greg Holloway, Brian Amis, Todd Dickerson. (Court Reporter: H. Alcaraz) (ghassan, 4) (Entered: 07/15/2020)
07/16/2020	<u>17</u>	AO 435 TRANSCRIPT REQUEST by Todd Dickerson for Transcript of Emergency TRO Hearing on 7/15/20 before Judge Hughes. Daily (24 hours) turnaround requested. Court Reporter/Transcriber: Heather Alcaraz, filed. (Dickerson, Todd) (Entered: 07/16/2020)
07/17/2020	<u>18</u>	MOTION to Amend by Steven F. Hotze, MD, filed. Motion Docket Date 8/7/2020. (Attachments: # <u>1</u> Exhibit Second Amended Complaint, # <u>2</u> Exhibit Declaration of James Dickey, # <u>3</u> Exhibit, # <u>4</u> Exhibit, # <u>5</u> Exhibit, # <u>6</u> Exhibit, # <u>7</u> Exhibit, # <u>8</u> Exhibit, # <u>9</u> Exhibit, # <u>10</u> Exhibit, # <u>11</u> Exhibit, # <u>12</u> Exhibit)(Woodfill, Jared) (Entered: 07/17/2020)
07/17/2020	<u>19</u>	Second AMENDED COMPLAINT against All Defendants filed by Steven F. Hotze, MD. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit, # <u>3</u> Exhibit, # <u>4</u> Exhibit, # <u>5</u> Exhibit, # <u>6</u> Exhibit, # <u>7</u> Exhibit, # <u>8</u> Exhibit, # <u>9</u> Exhibit, # <u>10</u> Exhibit, # <u>11</u> Exhibit, # <u>12</u> Exhibit, # <u>13</u> Exhibit, # <u>14</u> Exhibit, # <u>15</u> Exhibit, # <u>16</u> Exhibit, # <u>17</u> Exhibit, # <u>18</u> Exhibit, # <u>19</u> Exhibit, # <u>20</u> Exhibit, # <u>21</u> Exhibit)(Woodfill, Jared) (Entered: 07/17/2020)
07/17/2020	<u>20</u>	MOTION for Reconsideration by Steven F. Hotze, MD, filed. Motion Docket Date 8/7/2020. (Attachments: # <u>1</u> Exhibit, # <u>2</u> Exhibit, # <u>3</u> Exhibit, # <u>4</u> Exhibit, # <u>5</u> Exhibit, # <u>6</u> Exhibit, # <u>7</u> Exhibit, # <u>8</u> Exhibit, # <u>9</u> Exhibit, # <u>10</u> Exhibit, # <u>11</u> Exhibit)(Woodfill, Jared) (Entered: 07/17/2020)
07/17/2020	<u>21</u>	Order: Hearing on plaintiffs' motion for reconsideration set for 7/17/2020 at 02:00 PM in Courtroom 11C before Judge Lynn N Hughes. (Signed by Judge Lynn N Hughes) Parties notified. (ghassan, 4) (Entered: 07/17/2020)
07/17/2020	<u>22</u>	MOTION for Todd A. Dickerson to Appear as Telephonic Hearing by Greg Abbott, John William Hellerstedt, MD, State Of Texas, Texas Department of State Health Services, Texas Health And Human Services, Phil Wilson, filed. Motion Docket Date 8/7/2020. (Attachments: # <u>1</u> Proposed Order)(Dickerson, Todd) (Entered: 07/17/2020)
07/17/2020		ORAL ORDER terminating <u>22</u> . Todd Dickerson may appear for the state defendants at the 7/17/2020 hearing by telephone. (Signed by Judge Lynn N Hughes) Parties notified. (ghassan, 4) (Entered: 07/17/2020)

07/17/2020	<u>23</u>	MOTION for Gregory A. Holloway to Appear as Attorney by Houston First Corporation, filed. Motion Docket Date 8/7/2020. (Attachments: # <u>1</u> Proposed Order Granting Defendant Houston First Corporation's Motion to Appear Telephonically)(Holloway, Gregory) (Entered: 07/17/2020)
07/17/2020	<u>24</u>	MOTION Appear Telephonically by Steven F. Hotze, MD, filed. Motion Docket Date 8/7/2020. (Attachments: # <u>1</u> Proposed Order)(Woodfill, Jared) (Entered: 07/17/2020)
07/17/2020	<u>25</u>	Unopposed MOTION Appear Telephonically by Republican Party of Texas, James D Dickey, filed. Motion Docket Date 8/7/2020. (Attachments: # <u>1</u> Proposed Order)(Norred, Warren) (Entered: 07/17/2020)
07/17/2020	<u>26</u>	NOTICE of Appearance by Emily Ardolino by Greg Abbott, John William Hellerstedt, MD, State Of Texas, Texas Department of State Health Services, Texas Health And Human Services, Phil Wilson, filed. Motion Docket Date 8/7/2020. (Dickerson, Todd) Text modified on 7/17/2020 (ghassan, 4). (Entered: 07/17/2020)
07/17/2020	<u>27</u>	AO 435 TRANSCRIPT REQUEST by Brain A. Amis for Transcript of Motion Hearing on 7/17/20 before Judge Hughes. Hourly turnaround requested. Court Reporter/Transcriber: Kathleen Miller, filed. (Amis, Brian) (Entered: 07/17/2020)
07/17/2020	<u>28</u>	TRANSCRIPT re: Ruling of the Court held on July 17, 2020 before Judge Lynn N Hughes. Court Reporter/Transcriber Kathleen Miller. Ordering Party Brian Amis Release of Transcript Restriction set for 10/15/2020., filed. (kmiller,) (Entered: 07/17/2020)
07/17/2020	<u>29</u>	Courtesy Copy – Emergency Motion to Stay <i>and Petition for Writ of Mandamus</i> by Sylvester Turner, filed. (Attachments: # <u>1</u> Exhibit Petition for Writ of Mandamus, # <u>2</u> Exhibit Mandamus Record 1, # <u>3</u> Exhibit Mandamus Record 2, # <u>4</u> Exhibit Transcript of Court Ruling)(Amis, Brian) (Entered: 07/17/2020)
07/17/2020	<u>30</u>	Index of Mandamus Record by Sylvester Turner, filed.(Amis, Brian) (Entered: 07/17/2020)
07/17/2020	<u>31</u>	Joint Emergency Motion to Stay <i>Pending Resolution of Petition for Writ of Mandamus – CORRECTED</i> by Sylvester Turner, filed.(Amis, Brian) (Entered: 07/17/2020)
07/17/2020	<u>34</u>	Minute Entry for HEARING held before Judge Lynn N Hughes on 7/17/2020. Evidence taken. Order to be entered. Appearances: Jared Woodfill, Gregory Holloway, Brian Amis. (Court Reporter: K. Miller) (ghassan, 4) (Entered: 07/20/2020)
07/18/2020	<u>32</u>	TRANSCRIPT re: Hearing held on July 17, 2020 before Judge Lynn N Hughes. Court Reporter/Transcriber Kathleen Miller. Ordering Party Brian Amis Release of Transcript Restriction set for 10/16/2020., filed. (kmiller,) (Entered: 07/18/2020)
07/18/2020	<u>33</u>	Copy of PETITION/COMPLAINT for Writ of Mandamus filed with the Fifth Circuit (Filing fee \$ 400 receipt number 0541-24944864.) filed by Houston First Corporation.(Morris, Michael) Text modified on 7/20/2020 (ghassan, 4). (Entered: 07/18/2020)
07/19/2020	<u>35</u>	OPINION on Preliminary Injunction. (Signed by Judge Lynn N Hughes) Parties notified. (ghassan, 4) (Entered: 07/20/2020)
07/19/2020	<u>36</u>	ORDER on Preliminary Injunction terminating <u>6</u> , <u>20</u> . Houston First may not terminate its contract with the Republican Party of Texas to host its state convention at the George R. Brown Convention Center. The contract is adjusted. The Party is to host its state convention at the Center on 7/18/2020 – 7/19/2020. If necessary, the second-half of the convention may be held on 7/24/2020. No action against the governor is ordered and none is intended. (Signed by Judge Lynn N Hughes) Parties notified.(ghassan, 4) (Entered: 07/20/2020)
07/20/2020	<u>37</u>	Notice of Filing of Official Transcript as to <u>28</u> Transcript, <u>32</u> Transcript. Party notified, filed. (jdav, 4) (Entered: 07/20/2020)
07/20/2020	<u>38</u>	AO 435 TRANSCRIPT REQUEST by Todd Dickerson for Transcript of Ps Mtn for reconsideration Hearing on 7/17/20. Daily (24 hours) turnaround requested. Court Reporter/Transcriber: Kathleen Miller, filed. (Dickerson, Todd) (Entered: 07/20/2020)

07/20/2020	<u>39</u>	TRANSCRIPT re: Motion Hearing held on 7/15/20 before Judge Lynn N Hughes. Court Reporter Heather Alcaraz. Ordering Party Mary Jo Dillon. Release of Transcript Restriction set for 10/19/2020, filed. (halcaraz,) (Entered: 07/20/2020)
07/20/2020	<u>40</u>	Joint EMERGENCY MOTION by Sylvester Turner, filed. Motion Docket Date 8/10/2020. (Amis, Brian) (Entered: 07/20/2020)
07/21/2020	<u>41</u>	Notice of Filing of Official Transcript as to <u>39</u> Transcript. Party notified, filed. (olindor, 4) (Entered: 07/21/2020)
07/21/2020	<u>42</u>	NOTICE Letter to Judge Hughes re: <u>36</u> Order,, <u>21</u> Order Setting Hearing by Sylvester Turner, filed. (Peddie, Collyn) (Entered: 07/21/2020)
07/21/2020	<u>43</u>	SUPPLEMENT to <u>40</u> Joint EMERGENCY MOTION by Houston First Corporation, filed. (Attachments: # <u>1</u> Exhibit Exhibit A, # <u>2</u> Proposed Order Proposed Order)(Morris, Michael) (Entered: 07/21/2020)
07/22/2020	<u>44</u>	Order: Hearing on the dismissal of this case set for 7/22/2020 at 04:00 PM at Courtroom 11C before Judge Lynn N Hughes. (Signed by Judge Lynn N Hughes) Parties notified. (ghassan, 4) (Entered: 07/22/2020)
07/22/2020	<u>45</u>	MOTION for Todd A. Dickerson & Emily Ardolino to Appear as Telephonic Hearing by Greg Abbott, John William Hellerstedt, MD, State Of Texas, Texas Department of State Health Services, Texas Health And Human Services, Phil Wilson, filed. Motion Docket Date 8/12/2020. (Attachments: # <u>1</u> Proposed Order)(Dickerson, Todd) (Entered: 07/22/2020)
07/22/2020	<u>46</u>	MOTION to Dismiss <i>Plaintiffs Steven F. Hotze, et al. and RPT's Complaint for Declaratory Judgment</i> by Houston First Corporation, filed. Motion Docket Date 8/12/2020. (Attachments: # <u>1</u> Exhibit Exhibit A, # <u>2</u> Exhibit Exhibit B)(Morris, Michael) (Entered: 07/22/2020)
07/22/2020		ORAL ORDER terminating <u>45</u> . Todd A. Dickerson & Emily Ardolino may appear by telephone at the 7/22/2020 hearing. (Signed by Judge Lynn N Hughes) Parties notified. (ghassan, 4) (Entered: 07/22/2020)
07/22/2020	<u>49</u>	Minute Entry for HEARING held before Judge Lynn N Hughes on 7/22/2020. Order to be entered. Appearances: Jared Woodfill, Gregory Holloway, Brian Amis. (ERO: R. Castro)(ghassan, 4) (Entered: 07/23/2020)
07/22/2020	<u>50</u>	ORDER OF DISMISSAL. On the agreement of the parties, both the TRO and the Preliminary Injunction are dissolved, and the case is dismissed. All claims against Governor Abbott, the State of Texas, the Texas Health and Human Services Commission, the Texas Department of State Health Services, Executive Director of the Texas DSHS – Phil Wilson, and Commissioner of the Texas DSHS – John William Hellerstedt, M.D., are dismissed without prejudice. Case terminated on 7/22/2020. (Signed by Judge Lynn N Hughes) Parties notified. (ghassan, 4) (Entered: 07/23/2020)
07/23/2020	<u>47</u>	AO 435 TRANSCRIPT REQUEST by Brian A. Amis for Transcript of Hearing re Case Dismissal on 7/22/20 before Judge Hughes. Daily (24 hours) turnaround requested. Court Reporter/Transcriber: Judicial Transcribers of Texas, filed. (Amis, Brian) Electronically forwarded to Judicial Transcribers of Texas on 7-23-2020. Estimated completion date: 7-24-2020. Modified on 7/23/2020 (MelissaMorgan, 4). (Entered: 07/23/2020)
07/23/2020	<u>48</u>	NOTICE of Dismissal as to All Defendants by Steven F. Hotze, MD, filed. (Woodfill, Jared) (Entered: 07/23/2020)
07/24/2020	<u>51</u>	TRANSCRIPT re: Status Conference held on July 22, 2020 before Judge Lynn N Hughes. Court Reporter/Transcriber Judicial Transcribers of Texas, LLC. Ordering Party Mary Jo Dillon Release of Transcript Restriction set for 10/22/2020., filed. (mahenry,) (Entered: 07/24/2020)
07/27/2020	<u>52</u>	Notice of Filing of Official Transcript as to <u>51</u> Transcript,. Party notified, filed. (jdav, 4) (Entered: 07/27/2020)
07/29/2020	<u>53</u>	USCA Order; (USCA No. 20-20379); IT IS ORDERED that the joint motion of Petitioners to withdraw the petitions for writ of mandamus as moot is GRANTED. IT IS FURTHER ORDERED that the joint motion of Petitioners to dismiss this case is

		GRANTED.(EdnitaPonce, 1) (Entered: 07/29/2020)
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