

No. 13A452

In the Supreme Court of the United States

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PLANNED PARENTHOOD OF GREATER TEXAS SURGICAL HEALTH SERVICES,  
ET AL.,

*Petitioners,*

v.

GREGORY ABBOTT, Attorney General of Texas; ET AL.,

*Respondents.*

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On Appeal from the United States District Court for the  
Western District of Texas, Austin Division  
Case No. 1:13-cv-862

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Injunction Stayed Pending Appeal by Fifth Circuit Court of Appeals  
Case No. 13-51008

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**MOTION FOR LEAVE TO FILE AMICUS BRIEF OF *AMICI CURIAE*  
TEXAS ALLIANCE FOR LIFE TRUST FUND AND TEXAS CENTER FOR  
DEFENSE OF LIFE IN OPPOSITION TO EMERGENCY APPLICATION  
TO VACATE FIFTH CIRCUIT’S STAY PENDING APPEAL, MOTION TO  
FILE IN 8.5” X 11” FORMANT AND ATTACHED BRIEF OF AMICI**

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**MOTION FOR LEAVE TO FILE BRIEF OF  
AMICI CURIAE AND FOR LEAVE TO FILE  
IN 8.5" X 11" FORMAT**

*Amici Curiae* move this Court for leave to file the following brief and to file it in 8.5" x 11" format. *Amici Curiae* obtained the information just yesterday. Permission has been obtained from Respondents to file. No permission has been obtained from Petitioner. Due to the short nature of the timeline and the nature of Petitioners' case, it would not be practical to obtain such permission.

*Amici Curiae* pray that to permit filing of the brief in a timely manner, and due to its short length, *Amici Curiae* pray this Court grant leave to file the following brief.

Respectfully submitted,

/s/ Stephen Casey  
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## INTEREST OF AMICI CURIAE

*Amici curiae* Texas Alliance for Life Trust Fund and Texas Center for Defense of Life are nonprofit entities in the State of Texas.

*Amicus curiae* Texas Alliance for Life Trust Fund, the 501(c)(3) component of Texas Alliance for Life, Inc., a 501(c)(4) organization, is committed to the preservation and protection of unborn human life through litigation, public education and promoting compassionate alternatives to abortion. *Amicus* Texas Alliance for Life Trust Fund was one of the principal organizations advocating for the passage of House Bill 2.

*Amicus curiae* Texas Center for Defense of Life (TCDL) is a 501(c)(3) organization. Formed in 2011, it operates to defend life in both state and federal court from conception to natural death.

Plaintiffs have not consented to the filing of the brief; Defendants have consented.<sup>1</sup>

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<sup>1</sup> No counsel for a party authored this brief in whole or in part, and no counsel or party made a monetary contribution intended to fund the preparation or submission of this brief. No person other than *amici curiae*, its members, or its counsel made a monetary contribution to its preparation or submission.

## SUMMARY OF ARGUMENT

Petitioners' Application for Emergency Stay claims that Texas abortion facilities will lack the "capacity" to provide services to women seeking abortions if HB 2's hospital admitting-privileges requirement is allowed to take effect. But the admitting-privileges requirement has now been in effect for 12 days, and phone calls placed to abortion facilities on Monday, November 11, 2013, demonstrate that facilities throughout Texas remain able to schedule patients promptly for abortions. The plaintiffs' predictions of backlog and delay have not materialized.

## ARGUMENT

Petitioners contend that HB 2's hospital-admitting privileges requirement will reduce the supply of abortion to the point that "approximately 20,000" women each year in Texas will not even be able to schedule appointments for the procedure. *See* Emergency Application at 8–9. Now that the admitting-privileges requirement is in effect, it is possible to test these claims.

Phone calls that were placed to abortion facilities on Monday, November 11, 2013, show that there is no system-wide backlog or delay at Texas abortion facilities. *See* "Calls to 14 Texas Abortion Facilities on Nov. 11, 2013," available at <http://www.youtube.com/watch?v=UpdWTv8Jn9E&feature=youtu.be>. Fourteen different facilities throughout the State were called, and each facility had appointments available. Most of

those facilities were able to schedule the initial visit the very next day, and all but three of those facilities were able to schedule *both* the initial visit and the abortion within a week of the phone call. Not a single facility reported that it was unable to schedule an abortion appointment on account of insufficient “capacity.”

Patients seeking abortions on Monday, November 11, 2013, could have scheduled appointments at any of the following locations (time stamp on linked audio file):

#### Austin

- Austin Womens Health Center (0:00 – 4:15)  
1902 South IH 35  
Austin, TX 78704  
(512) 443-9595  
Initial visit on Nov. 14  
Abortion on Nov. 15
- Whole Womans Health of Austin LLC (4:16 – 6:59)  
8401 North IH 35 Suite 200,  
Austin, TX 78753  
(512) 250-1005  
Initial visit on Nov. 13  
Abortion on Nov. 14

#### Beaumont

- Whole Womans Health of Beaumont (7:00 – 9:52)  
440 18th Street Suite A  
Beaumont, TX 77707  
(409) 833-9207  
Initial visit on Nov. 12  
Abortion on Nov. 13

## Corpus Christi

- Coastal Birth Control Center (9:53 – 11:28)  
1901 Morgan  
Corpus Christi, TX 78404  
(361) 888-7972  
Initial visit on Nov. 18  
Abortion on Nov. 19

## Dallas

- Routh Street Womens Clinic (11:29 – 12:54)  
4321 North Central Expressway  
Dallas, TX 75205  
(214) 748-8611  
Initial visit on Nov. 13  
Abortion on Nov. 14
- Southwestern Womens Surgery Center LP (12:55 – 14:03)  
8616 Greenville Avenue Suite 101  
Dallas, TX 75243  
(214) 742-9310  
Initial visit on Nov. 20  
Abortion on Nov. 21

## El Paso

- Hill Top Womens Reproductive Clinic (14:04 – 16:04)  
500 East Schuster Building B  
El Paso, TX 79902  
(915) 542-2811  
Initial visit on Nov. 13  
Abortion on Nov. 14

## Houston

- AAA Concerned Womens Center Inc. (16:05 – 17:52)

7324 Southwest Freeway Suite 978  
Houston, TX 77074  
(713) 988-2200  
Initial visit on Nov. 12  
Abortion on Nov. 13

- Aaron Women's Center/ Women's Pavilion (17:53 – 19:43)  
5607 Schumacher Lane  
Houston, TX 77057  
(713) 774-9706  
Initial visit Nov. 12  
Abortion on Nov. 13

- Houston Women's Clinic (19:44 – 21:32)  
4820 San Jacinto Street  
Houston, TX 77004  
(713) 868-4483  
Initial visit on Nov. 12  
Abortion on Nov. 13

- Planned Parenthood Center for Choice ASC (21:33 – 26:25)  
4600 Gulf Freeway, Suite 300  
Houston, TX 77023  
(713) 535-2400  
Initial visit on Nov. 12  
Abortion on Nov. 14

- Suburban Women's Clinic (26:26 – 29:00)  
3101 Richmond Avenue #250  
Houston, TX 77098  
(713) 526-6500  
Initial visit Nov. 12  
Abortion on Nov. 13

San Antonio

- Alamo Women's Reproductive Services Clinic, PLLC (29:01 – 32:01)



8600 Wurzbach Rd. Suite 900E  
San Antonio, TX 78240  
(210) 614-4742  
Initial visit on Nov. 12  
Abortion on Nov. 13

- Planned Parenthood Babcock Sexual Healthcare (32:02 – 34:46)  
104 Babcock Road  
San Antonio, TX 78201  
(210) 736-2262  
Initial visit Nov. 21  
Abortion on Nov. 23

The admitting-privileges requirement has been in effect for twelve days, yet the abortion providers whose physicians hold hospital admitting-privileges are not turning away patients on account of insufficient “capacity.” Petitioners’ predictions of inadequate “capacity” are not credible and do not support vacatur of the stay granted by the Fifth Circuit.

## CONCLUSION

The emergency application to vacate the stay should be denied.

Respectfully submitted,

/s/ Stephen Casey  
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## CERTIFICATE OF SERVICE

I certify that a copy of this amici curiae brief has been sent via electronic mail and Federal Express on November 12, 2013, to:

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