

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

WHOLE WOMAN’S HEALTH, et al.,	§	
	§	
Plaintiffs,	§	CIVIL ACTION
v.	§	
	§	CASE NO. 1:17-cv-690
KEN PAXTON, et al.,	§	
	§	
Defendants.	§	

**AGREED STIPULATION FOR NON-ENFORCEMENT PENDING FINAL
RESOLUTION, ATTORNEYS FEES AND COSTS**

Plaintiffs and the below-listed Five Prosecutor Defendants in the above-styled and numbered cause stipulate as follows:¹

Stipulations by Plaintiffs

1. Plaintiffs stipulate and agree not to seek attorney’s fees, penalties, damages, expert fees, court costs, or other costs or expenses of any kind, from the following Defendants: Margaret Moore, District Attorney for Travis County; Nicholas LaHood, Criminal District Attorney for Bexar County; Jaime Esparza, District Attorney for El Paso County; Ricardo Rodriquez, Jr., Criminal District Attorney for Hidalgo County; Kim Ogg, Criminal District Attorney for Harris County each in their official capacities as well as their employees, agents, and successors. (**Hereafter “Five Prosecutor Defendants”**).

Stipulations by Five Prosecutor Defendants

2. Five Prosecutor Defendants stipulate and agree not to enforce the portions of SB 8 challenged in the above-styled and numbered cause until such time as a final non-appealable decision has been issued in this matter.
3. In light of the fact that the Texas Attorney General intends to defend the constitutionality of S.B. 8 on a statewide basis on behalf of the legislature, Five Prosecutor Defendants agree not to participate in litigating the above-styled and numbered cause unless required to do so. Further, by entering into this stipulation, Five Prosecutor Defendants are

¹ **Dallas County, Tarrant County and McLennan County have not joined in this stipulation.**

conserving prosecutorial resources until such time as the constitutionality of SB 8 is resolved.

Stipulation on Filing of Answers by Five Prosecutor Defendants

4. Plaintiffs and Five Prosecutor Defendants agree that Five Prosecutor Defendants shall not file answers, unless ordered to do so by the Court, and that no default judgment shall be taken against them.
5. These stipulations are made without prejudice to any claim or defense that Plaintiff or Five Prosecutor Defendants may assert subsequent to this litigation.
6. This document may be executed in counterparts.

Respectfully submitted,

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TRAVIS COUNTY ATTORNEY

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The following attorneys have given Ms. Laurie R. Eiserloh permission to sign on their behalf:

Respectfully submitted,

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Criminal District Attorney
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Respectfully submitted,

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Respectfully submitted,

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CERTIFICATE OF SERVICE

I certify that on August 7, 2017, I electronically filed the foregoing with this Court using the CM/ECF system, which will send notification of such filing to all counsel of record who have appeared in this matter.

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*Agreed Stipulation for Non-Enforcement Pending Final
Resolution, Attorneys Fees and Costs*
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