

XIMENA LOPEZ, M.D.,

Plaintiff,

IN THE COUNTY COURT AT LAW

v.

No. 2

CHILDREN'S MEDICAL CENTER AT
DALLAS,

DALLAS COUNTY, TEXAS

Defendant.

TEMPORARY RESTRAINING ORDER AND
ORDER GRANTING EXPEDITED DISCOVERY

On May 11, 2022, the Court heard Plaintiff Ximena Lopez, M.D.'s Application for Temporary Restraining Order. After reviewing the pleading, evidence, and the arguments of counsel, the Court makes the following findings and GRANTS the Application as follows:

1. The Court has jurisdiction to hear the Application and issue appropriate injunctive relief pursuant to it.
2. Plaintiff has substantially complied with Local Rule 2.02.
3. Pursuant to TEXAS RULE OF CIVIL PROCEDURE 683, the Court has the authority and discretion to enjoin Children's Medical Center at Dallas and its officers, agents, servants, employees, attorneys, as well as any individuals and entities in active concert or participation with them (together "CMC").
4. The Court finds that Plaintiff has carried her burden at this stage by proving temporary injunctive relief is appropriate for the following reason(s):
 - a. CMC is violating the law by interfering with, controlling, or otherwise directing any physician's professional judgment, in violation of the prohibition against the corporate practice of medicine, and by attempting to restrict Dr. Lopez's exercise of her clinical privileges without taking any formal action to limit her clinical privileges or provide her due process rights.
 - b. CMC is violating the law by discriminating against patients on the basis of the patient's gender identity and directing Plaintiff to violate the law by discriminating against patients on the basis of a patient's gender identity.

who receive actual notice of the order by personal service or otherwise.

Plaintiff demonstrated a probable right to relief on her claims that:

- c. There is an imminent and irreparable harm to Plaintiff if a temporary restraining order is not issued as requested.
5. The Court finds the *status quo* to be preserved during the pendency of this temporary restraining order—that is, the last, actual, peaceable time before the instant controversy as reflected in the historical practices and operations at CMC—was the situation prior to CMC’s restriction on providing gender-affirming endocrinology care to new patients at CMC. The *status quo* to be maintained therefore permits providers at CMC to provide gender-affirming endocrinology care to both new and existing patients.
6. Based on these findings, and to maintain the status quo, the Court grants the Application for Temporary Restraining Order and orders injunctive relief as follows:
- a. Children’s Medical Center at Dallas and its officers, agents, servants, employees, attorneys, as well as any individuals and entities in active concert or participation with them are restrained during the pendency of this Order from enforcing any policy or limitation that restricts or prohibits gender-affirming endocrinology care, including specifically pubertal suppression or hormone therapy, to new or established patients due the patient’s gender identity or gender dysphoria; *no*
who receive actual notice of the order by personal service or otherwise
- b. Children’s Medical Center at Dallas and its officers, agents, servants, employees, attorneys, as well as any individuals and entities in active concert or participation with them are restrained during the pendency of this Order from discriminating against patients seeking gender-affirming endocrinology care by restricting or prohibiting care because of the patient’s gender identity; *no*
who receive actual notice of the order by personal service or otherwise
- c. Children’s Medical Center at Dallas and its officers, agents, servants, employees, attorneys, as well as any individuals and entities in active concert or participation with them are restrained from interfering with, controlling, or otherwise directing any physician’s professional judgment with respect to the provision of gender-affirming endocrinology care at CMC; and *no*
who receive actual notice of the order by personal service or otherwise
- d. Children’s Medical Center at Dallas and its officers, agents, servants, employees, attorneys, as well as any individuals and entities in active concert or participation with them are restrained from imposing any limitation on Dr. Lopez’s exercise of her clinical privileges to provide pediatric endocrinology care, including, but not limited to, prohibiting her from providing gender-affirming endocrinology care, in the absence of any formal due process under CMC’s by-laws by the appropriate parties to restrict Dr. Lopez’s clinical privileges. *no*
who receive personal notice of the order by personal service or otherwise

The temporary restraining order expires without further action from the parties at midnight on 5/26/2022

The Court further finds that there is good cause to permit expedited discovery by Plaintiff in advance of the temporary injunction hearing and therefore orders that Defendant Children's Medical Center at Dallas shall produce to Plaintiff, within 10 days of the date of this Temporary Restraining Order, the following categories of documents:

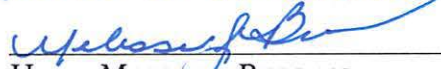
1. Dr. Lopez's privileges file.
2. CMC's by-laws and medical staff rules and regulations in effect in 2021.
3. Documentation reflecting any formal corporate action by CMC or any Board of CMC:
 - a. against the privileges of Dr. Lopez;
 - b. to restrict the provision of gender-affirming endocrine care at CMC.
4. CMC's written policies and procedures in effect in June of 2021 related to
 - a. gender-affirming endocrine care;
 - b. the GENECIS program;
 - c. anti-discrimination; and
 - d. patients' rights.
5. Any contract or agreement in effect in 2021 between CMC and UT Southwestern that would apply or relate to either Dr. Lopez's provision of care at CMC or the GENECIS program.
6. All written communication, including email and text messages, from January 2021 to the present sent between executives at CMC and either UT Southwestern or the Executive Branch of the State of Texas related to GENECIS program or gender-affirming endocrine care. *except those that are covered by a recognized legal privilege.*
7. Any written notice to physicians at CMC regarding any limitation on providing gender-affirming endocrine care.

In support of this Temporary Restraining Order, the Court finds that a bond in the amount of \$ 100.00 must be paid by the Plaintiff to secure the order.

The hearing on Plaintiff's request for a Temporary Injunction shall take place before this Court on 5/26 2022 at 1:30 am/pm.

It is so Ordered.

Signed May 12, 2022 at 11:58 am



HON. MELISSA BELLAN,
Presiding Judge of County Court at Law No. 2
Dallas County, Texas