

CAUSE NO. 2009-07079

FILED
LOREN JACKSON
DISTRICT CLERK
HARRIS COUNTY, TEXAS
2009 FEB -4 AM 10:00
BY _____
DEPUTY

MAURICE DAVIS, ELLA JEAN DAVIS,
AND KELLY DAVIS

IN THE DISTRICT COURT OF

Plaintiffs,

V.

HARRIS COUNTY, TEXAS

MEMORIAL HERMANN HOSPITAL
SYSTEM D/B/A MEMORIAL
HERMANN MEMORIAL CITY
HOSPITAL AND ADEEBA AKHTAR,
M.D.

Defendants.

113 JUDICIAL DISTRICT

**TEMPORARY RESTRAINING ORDER AND ORDER SETTING HEARING FOR
TEMPORARY INJUNCTION**

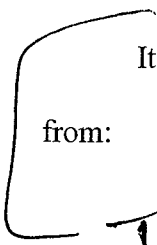
BE IT REMEMBERED that on this day came on to be considered Plaintiffs' Motion for Temporary Restraining Order. The Court, having considered the motion, pleadings, affidavits, exhibits, and arguments of counsel, finds that there is evidence that harm is imminent to Plaintiff Maurice Davis, and if the Court does not issue the temporary restraining order, Plaintiff Maurice Davis will be irreparably injured because Defendants will withhold life-saving health care and treatment on February 4, 2009, at 5:30 p.m.

Memorial Hospital

Attorney for defendant appeared at hearing.
An ex parte order, without notice to Defendants, is necessary because there was not

enough time to give notice to Defendants, hold a hearing, and issue a restraining order before the irreparable injury occurs. Specifically, Defendants will withhold life-saving health care and treatment on February 4, 2009, at 5:30 p.m.

It is, therefore, ORDERED that the Court restrains and orders Defendants to refrain from:



There is a reasonable likelihood of success that the plaintiff will be moved to an alternate facility so that an extension is warranted.
(1)

The court finds that there is a reasonable expectation that a physician or health care facility will honor the patient's directive if a time extension is granted, pursuant to Health & Safety Code § 166.046 (g)

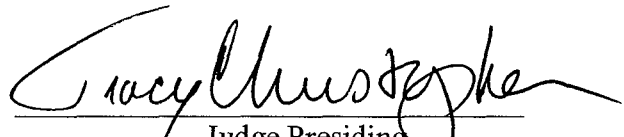
- (1) Ordering any hospital, nurse, or caregiver to withdraw or withhold life-sustaining treatment, including ventilation, medication, or nourishment, from Plaintiff Maurice Davis;
- (2) Implementing any order to withdraw or withhold life-sustaining treatment, including ventilation, medication, or nourishment from Plaintiff Maurice Davis; and
- (3) Failing to take any and all actions necessary to preserve Plaintiff Maurice Davis's life.

It is, further, ORDERED that the Clerk issue notice to Defendants that the hearing on Plaintiffs' Motion for Temporary Injunction is set for Feb. 10, 2009, at 9:00 a.m./p.m. The purpose of this hearing shall be to determine whether this temporary restraining order should be made a temporary injunction pending a full trial on the merits.

It is, further, ORDERED that bond is set at \$ 100⁰⁰.

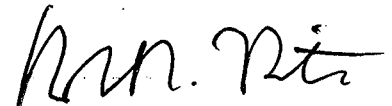
This order expires on February 18th, 2009, at 10:55 a.m./~~p.m.~~

SIGNED this 4th day of Feb., 2008.9 at 10:55 ~~p.m.~~ am


Judge Presiding

APPROVED AND ENTRY REQUESTED:

PAINTER LAW FIRM PLLC

By: 

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**ATTORNEYS FOR PLAINTIFFS,
MAURICE DAVIS, ELLA JEAN DAVIS,
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