

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

Fund Texas Choice, et al.,

Plaintiffs,

v.

José Garza, et al.,

Defendants.

Case No. 1:22-cv-00859-RP

**DEFENDANT MISTIE SHARP'S FIRST SET OF WRITTEN
DISCOVERY TO PLAINTIFF LILITH FUND**

To: Plaintiff Lilith Fund for Reproductive Equity, through its attorney of record Jennifer R. Ecklund, Thompson Coburn LLP, 2100 Ross Avenue, Suite 3200, Dallas, Texas 75201, sent by e-mail to jecklund@thompsoncoburn.com

Defendant Mistie Sharp is serving her first set of written discovery upon plaintiff Lilith Fund for Reproductive Equity (Lilith Fund). This first set of written discovery includes interrogatories only.

I. INSTRUCTIONS FOR INTERROGATORIES

Please take notice that defendant Mistie Sharp is serving written interrogatories upon plaintiff Lilith Fund. The federal rules of civil procedure require Lilith Fund to submit its answers in writing and under oath, and to serve those answers on Ms. Sharp's attorney. The interrogatories must be: (i) answered separately and fully in writing under oath on the basis of all available information; (ii) signed by the person answering them; and (iii) served on Ms. Sharp's attorney within thirty (30) days after service of the interrogatories, unless the Court extends the time for answering. *See* Fed. R. Civ. P. 33(b). If there is insufficient space for a complete answer to any interrogatory, please identify and complete the answer on an additional page.

Each answer must be as complete and straightforward as the information reasonably available to you, including the information possessed by your attorneys or agents, permits. If an interrogatory cannot be answered completely, answer it to the extent possible. If you are asserting a privilege or making an objection to an interrogatory, you must specifically assert the privilege or state the objection in your written response. If you cannot answer the following interrogatory in full, after exercising due diligence to secure the information to do so, so state, and answer to the extent possible, specifying your inability to answer the remainder, and stating whatever information or knowledge you have concerning the unanswered portion.

Lilith Fund is required to supplement its responses consistent with Rule 26(e) of the federal rules of civil procedure.

II. DEFINITIONS FOR WRITTEN DISCOVERY

The following definitions apply to each of these discovery requests:

- The terms “**Lilith Fund**,” “**plaintiff**,” “**you**,” and “**your**” refers to plaintiff Lilith Fund for Reproductive Equity, and any agent or person acting or purporting to act for or on its behalf, whether authorized to do so or not.
- The term “**co-plaintiffs**” refers to each of the other named plaintiffs in this lawsuit, including Fund Texas Choice, the Frontera Fund, The Afiya Center, the West Fund, Jane’s Due Process, Buckle Bunnies Fund, the Clinic Access Support Network, and abortionist Ghazaleh Moayedi, as well as any agent or person acting or purporting to act for or on their behalf, whether authorized to do so or not.
- The term “**abortion**” includes any act of act of using, prescribing, administering, procuring, or selling any instrument, medicine, drug, or any other substance, device, or means with the purpose to terminate the pregnancy of a woman, with knowledge that the termination by any of those means will with reasonable likelihood cause the death of a living human being in the womb.
- The terms “**abortion-inducing drug**” and “**abortion-inducing drugs**” include mifepristone, misoprostol, and any drug or medication that is used to terminate the life of an unborn child.

- The term “**abortion fund**” includes any person, corporation, organization, government or governmental subdivision or agency, business trust, estate, trust, partnership, association, or any other legal entity that exists for the purpose of aiding or abetting elective abortions, and that pays for, reimburses, or subsidizes in any way the costs associated with obtaining an elective abortion.
- The terms “**communication**” and “**communicate**” refer to any method used to transmit or exchange information, concepts, or ideas (whether verbal or nonverbal) including oral, written, typed, or electronic transmittal of any type of information or data, by the use of words, silence, numbers, symbols, images, or depictions, from one person or entity to another person or entity.
- The term “**document**” refers to the act of noting, recording, or preserving any type of information, data, or communication, without regard to the method used to note, record, or preserve such information, data, or communication. The term includes any e-mail or text message.
- The term “**drug-induced abortion**” includes any abortion performed with mifepristone, misoprostol, or any other drug or medication that is intended to terminate the life of an unborn child.
- The term “**entity**” means any legal entity inquired about (other than a natural person) including a partnership, professional association, joint venture, corporation, governmental agency, or other form of legal entity.
- The term “**human being**” includes any individual member of the species homo sapiens at any stage of development beginning at fertilization.
- The terms “**identify**” and “**identity**,” when used in connection with a natural person, require disclosure of that person’s full name, present or last known address, present or last known telephone number, and present or last known e-mail address. When used in connection with a legal entity, the terms require disclosure of its legal name, its address, and telephone number.
- The terms “**implement**” and “**implementation**” refer to any method, process, or action used to put a decision or plan into effect or achieve a goal or obligation.

- The term “**information**” refers to and includes documents, records, communications, facts, ideas, data, observations, opinions, photographs, slides, video recordings, audio recordings, and tangible and intangible items and evidence of any kind or sort.
- The terms “**killing**” and “**murder**” include abortion, as well as any act that intentionally terminates the life of a human zygote, embryo, fetus, or unborn child.
- The terms “**person**” and “**persons**” mean any legal entity inquired about, whether a natural person, partnership, sole proprietorship, professional association, joint venture, corporation, governmental agency, or other form of legal entity.
- The term “**record**” means letters, words, sounds, or numbers, or the equivalent of letters, words, sounds, or numbers, that have been written, recorded, documented, or received by:
 - (A) handwriting;
 - (B) typewriting;
 - (C) printing;
 - (D) photostat;
 - (E) photograph;
 - (F) magnetic impulse;
 - (G) mechanical or electronic recording;
 - (H) digitized optical image; or
 - (I) another form of data compilation.
- The term “**record**” also includes any communication, including an e-mail or text-message communication.
- The term “**reproduction**” means an accurate and complete counterpart of an original document or record produced by:
 - (A) production from the same impression or the same matrix as the original;
 - (B) photograph, including an enlargement or miniature;
 - (C) mechanical or electronic re-recording;
 - (D) chemical reproduction;
 - (E) digitized optical image; or
 - (F) another technique that accurately reproduces the original.

- The term “**third party**” means any person, persons, or entity other than the plaintiffs or the attorneys of record for the plaintiffs.
- The term “**unborn child**” includes an individual organism of the species homo sapiens in any stage of gestation from fertilization until live birth.
- The terms “**woman**” and “**women**” include any person whose biological sex is female, including any person with XX chromosomes and any person with a uterus, regardless of any gender identity that the person attempts to assert or claim.
- The terms “**and**” and “**or**,” when used in these definitions and in the discovery requests, include the conjunction “and/or.”

Respectfully submitted.

/s/ Jonathan F. Mitchell
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Dated: September 28, 2023

Counsel for Defendant Mistie Sharp

CERTIFICATE OF SERVICE

I certify that on September 28, 2023, defendant Mistie Sharp's first set of written discovery to plaintiff Lilith Fund (which includes interrogatories only) was served by e-mail upon:

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/s/ Jonathan F. Mitchell
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Counsel for Defendant Mistie Sharp

INTERROGATORIES

Interrogatory No. 1: Identify all persons who you believe have knowledge of relevant facts, including facts relevant to any of the plaintiffs' Article III standing to sue any of the defendants, as well as facts relevant to the subject-matter jurisdiction of the court, and identify the issues upon which you believe they have knowledge.

Interrogatory No. 2: Identify all persons who you believe have knowledge of any past violation of the Texas Heartbeat Act (also known as Senate Bill 8), and identify the issues upon which you believe they have knowledge.

Interrogatory No. 3: Identify all persons who you believe have knowledge of any person that intends to violate the Texas Heartbeat Act (also known as Senate Bill 8) at any point in the future, and identify the issues upon which you believe they have knowledge.

Interrogatory No. 4: Identify all persons of whom you are aware, as well as those whom you can identify after undertaking a reasonable inquiry with the exercise of due diligence, that dispense abortion-inducing drugs to pregnant women residing in Texas and allow or instruct any one of those pregnant women to complete any part of the abortion process in Texas, either by ingesting either of the two abortion-inducing drugs in Texas or by expelling the unborn child in Texas.

Interrogatory No. 5: Identify all persons of whom you are aware, as well as those whom you can identify after undertaking a reasonable inquiry with the exercise of due diligence, that aid or abet, or assist in any way, the activities described in Interrogatory No. 4 and identify the manner in which they aid or abet or assist those activities.

Interrogatory No. 6: Identify all persons who you believe have knowledge of the activities described in Interrogatory No. 4 and Interrogatory No. 5 and identify the issues upon which you believe they have knowledge.

Interrogatory No. 7: Identify all persons who you believe have knowledge of relevant facts and identify the issues upon which you believe they have knowledge.