

2020-61396 / Court: 234

CAUSE NO. _____

MARIO TORRES and ANA PATRICIA
TORRES, individually and A/N/F of
N.T., a minor,
Plaintiffs,

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v.

CIVIL ACTION NO. _____

TEXAS CHILDREN’S HOSPITAL, and
DR. JOHN DOE and DR. JANE DOE,

JURY DEMANDED

Defendants.

ORDER GRANTING PLAINTIFFS’ TEMPORARY RESTRAINING ORDER

The application of Petitioners, MARIO TORRES and ANA PATRICIA TORRES, for temporary restraining order against the TEXAS CHILDREN’S HOSPITAL and the medical staff, including JOHN DOE and JANE DOE (hereinafter “Defendants”), was filed with the Court through Plaintiffs’ Original Petition on September 30, 2020.

The Court examined the pleadings of Petitioner and finds that Petitioner is entitled to a temporary restraining order. ^{and heard argument from Plaintiffs' and Defendant's counsel **}
^{and also heard the direct and cross examination of a TCH physician who has observed the minor N.T. and reviewed the minor's records.}

IT IS THEREFORE ORDERED that the Clerk of this Court issue a Temporary Restraining Order restraining Defendants, and that Defendants TEXAS CHILDREN’S HOSPITAL, and the medical doctors JOHN DOE and JANE DOE, are immediately restrained,

from: 1. Causing the ventilator to be removed from the minor N.T.

~~1. Not deprive the Plaintiffs, MARIO TORRES and ANA PATRICIA TORRES, of their right to decide whether their minor child, N.T., should be tested or treated in any way that they do not agree with;~~

2. ^{Failing to} Give the Plaintiffs, MARIO TORRES and ANA PATRICIA TORRES, due notice of who are the decision-makers concerning their child, including medical staff at the

hospital;

3. Withhold from making any final decision to discontinue medically appropriate life-sustaining treatment to the minor, N.T. (DOB 11/15/2019) who is located at 6651 Main Street room 913, Houston, TX 77030;
4. Continue to provide the minor, N.T., ^{any medically appropriate} pain management medication, medical procedures necessary to provide comfort, or any other health care provided to alleviate a patient's pain, unless such care would be medically contraindicated or contrary to the patient's or surrogate's clearly documented desire not to receive artificially administered nutrition or hydration.
5. ~~And withhold any additional medical testing or treatment to the minor if the patient's parents, the Plaintiffs, do not desire any such testing or treatment.~~

This restraining order is effective immediately and shall continue in force and effect until further order of this Court or until it expires by operation of law, ^{whichever occurs first.} This order shall be binding on Defendants; on Defendants' agents, servants, and employees; and on those persons in active concert or participation with them who receive actual notice of this order by personal service or otherwise. The requirement of a bond is waived.

TEMPORARY INJUNCTION HEARING

IT IS FURTHER ORDERED that the clerk shall issue notice to Defendants to appear, and Defendants are ORDERED to appear in person, before this Court in the courthouse at 201

Caroline, Houston, Texas 77002, Texas, on Friday, October 2, 2020 at 1:00 P. M.

The purpose of the hearing is to determine whether, while this case is pending:

The preceding temporary restraining order should be made a temporary injunction pending final hearing.

Further, the Court hereby dispenses with the necessity of a bond.

The additional temporary injunction prayed for should be granted.

The Court should order the parties to participate in an alternative dispute resolution process before trial of this matter.

During this 48 hours between the TRO hearing and the TI hearing, Plaintiffs may consider looking into the possibility of transferring the minor N.T. to another facility willing to accept him, and the parties should be prepared to address the applicability, if any of Texas Health & Safety Code section 166.046, and obtaining additional expert medical opinion(s)

SIGNED on _____ at _____ . M.

about the minor N.T.'s condition. Finally, the Court expresses its sincere best wishes to the family during this very difficult time.

Signed: 
9/30/2020

JUDGE PRESIDING

~~APPROVED AS TO FORM ONLY:~~

~~The Gonzalez Law Group, PLLC
7151 Office City Dr., Suite 200
Houston, Texas 77017
Tel: (832) 530-4070
Fax: (832) 530-4090~~

~~By: /s/ Kevin Acevedo
Kevin Acevedo
Attorney for Petitioner
State Bar No. 24086848
kevin@gonzalezlawgroup.net~~



I, Marilyn Burgess, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date.

Witness my official hand and seal of office this October 1, 2020

Certified Document Number: 92406695 Total Pages: 3

Marilyn Burgess, DISTRICT CLERK
HARRIS COUNTY, TEXAS

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