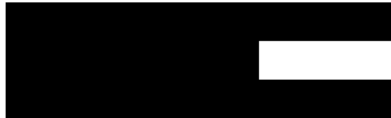




October 17, 2023

Elizabeth Myers
Thompson Coburn LLP



Re: Notice of Obligation to Preserve Documents and Communications

Dear Ms. Myers:

Earlier today, my clients sued the city of San Antonio and its officials over their decision to allocate \$500,000 of taxpayer money to a so-called “Reproductive Justice Fund,” which will provide grants to organizations that pay the travel costs of pregnant women who leave the state to abort their unborn children. The organizations that lobbied for the creation of this fund and hope to obtain this taxpayer money include Jane’s Due Process, Avow, the Buckle Bunnies Fund, Sueños Sin Fronteras, and the Lilith Fund for Reproductive Equity. At least three of these organizations (Jane’s Due Process, Buckle Bunnies, and the Lilith Fund) are clients of yours.

Our clients will be seeking discovery from abortion funds and abortion-assistance organizations in Texas that are eligible to receive taxpayer money from San Antonio’s “Reproductive Justice Fund.” We intend to prove that these abortion funds are violating the abortion laws of Texas, and that any grant of taxpayer money to these organizations should be enjoined as an *ultra vires* act because it aids and abets their unlawful activities. That remains the case even if the city’s grants are earmarked for non-abortion purposes. *See Holder v. Humanitarian Law Project*, 561 U.S. 1, 30 (2010). We will seek discovery related to every abortion that your clients have assisted or facilitated in any way since September 1, 2021, including future abortions that your clients might assist or facilitate between now and the conclusion of this litigation.

In light of this pending litigation, as well as any additional litigation that might ensue, you and your colleagues at Thompson Coburn, along with your clients and each of their employees, officers, board members, and donors, must preserve and retain all documents, data, and electronically stored information relating in any way to: (1) Every abortion that your clients have assisted or facilitated in any way since September 1, 2021; and (2) Every future abortion that your clients assist or facilitate between now and the conclusion of this litigation. This includes every abortion that your clients pay for in whole or in part,

subsidize in any way, or reimburse or defray the costs of, including payments, subsidies, or reimbursements for travel costs, lodging, child care, or any other cost or expense associated with an abortion or a person's efforts to obtain an abortion. This also includes abortions for which your clients provide any type of practical, logistical, and emotional support. You must also preserve all attorney-client communications related to these abortions, as we intend to seek those communications under the crime-fraud exception to the attorney-client privilege.

You and your clients and co-counsel must preserve these items regardless of the medium, format, or device on which they are stored or hosted, and regardless of whether they appear in documents, drafts, notes, calendar entries, emails, text messages, voicemails, social-media posts, or any other form. Failure to preserve these documents could subject you and your clients to significant penalties. This letter is not a full recitation of my clients' rights, which they expressly reserve.

This obligation extends to every abortion fund that you are representing or providing legal services to, including The Afiya Center, the Bridge Collective, the Buckle Bunnies Fund, the Clinic Access Support Network, The Frontera Fund, Fund Texas Choice, Jane's Due Process, the Lilith Fund for Reproductive Equity, the North Texas Equal Access Fund, and the West Fund. If you are no longer representing these clients, please let me know and I will serve this letter on them directly. It is also my understanding that you do not have an attorney-client relationship with Avow or Sueños Sin Fronteras. If that is not the case, please let us know and we will send you a similar hold letter for those organizations.

Sincerely,

A handwritten signature in black ink that reads "Jonathan F. Mitchell". The signature is written in a cursive style with a horizontal line underneath the name.

JONATHAN F. MITCHELL
Mitchell Law PLLC