

CAUSE NO. 2022-44525

DR. MARY TALLEY BOWDEN,

Plaintiff,

v.

THE METHODIST HOSPITAL d/b/a  
Houston Methodist Hospital  
-and-

MARC L. BOOM,

Defendants.

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IN THE DISTRICT COURT OF

HARRIS COUNTY, TEXAS

151ST JUDICIAL DISTRICT

**ORDER GRANTING DEFENDANTS' MOTION TO DISMISS  
UNDER TEX. CIV. PRAC. & REM. CODE CHAP. 27**

Before the Court is Defendants' Motion to Dismiss Under Tex. Civ. Prac. & Rem. Code Chap. 27 ("the Motion"). Having considered the Motion, pleadings, affidavits, declarations, evidence, any responses and replies, all other relevant papers, and arguments of counsel, the Court rules as follows:

as well as having ruled on  
the objections  
to Plaintiff's  
evidence and  
on  
Defendants'  
Motion to  
Strike,

Defendants' Motion is hereby **GRANTED**. It is therefore **ORDERED** that all of Plaintiff's claims in her Original Petition are hereby **DIMISSMED WITH PREJUDICE**. Plaintiff shall take nothing on those claims.

Further, to be clear, the Court finds this dismissal is warranted under the TCPA whether Plaintiff is considered a limited purpose public figure or not.

Defendants are awarded their court costs and reasonable attorney's fees incurred in defending against the challenged claims. Defendants will promptly submit evidence in support of their reasonable attorney's fees and costs, ~~within 30 days of this order.~~

and set a Motion to be awarded those on the Court's submission docket, or on the Court's oral hearing docket after conferring with opposing counsel and the Court's Clerk about a hearing date and time.

SIGNED this \_\_\_\_\_ day of \_\_\_\_\_, ~~2022~~.

JUDGE PRESIDING

Signed:  
1/31/2023



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IN THE DISTRICT COURT OF

HARRIS COUNTY, TEXAS

151ST JUDICIAL DISTRICT

~~PROPOSED~~ ORDER

Having considered Defendants' Motion to Strike Bowden Affidavit and Motion for Expedited Consideration (the "Motion"), ~~any responses and replies~~, other pleadings, papers, evidence on file, and the arguments of counsel, ~~if any~~, the Court is of the opinion that the Motion should be GRANTED, *in part*.

It is therefore ORDERED that Defendants' Motion to Strike Bowden Affidavit and Motion for Expedited Consideration is GRANTED, *as follows*: \*\*

SIGNED on \_\_\_\_\_, 2023.

Signed:  
1/31/2023



\_\_\_\_\_  
JUDGE PRESIDING

\*\* First, the Court hereby GRANTS Defendants' request for expedited consideration of the Motion. Second, the Court agrees that the Declaration is defective pursuant to Tex. Civ. Prac. & Rem. Code section 132.001(d) and is hereby struck in its entirety. Further, or alternatively, the Court sustains Defendants' relevance, hearsay and foundation objections contained on pages 2 and 3 of their Motion and hereby strikes paragraphs 5, 6, 7, 11, 14, 15, 16, and 17 (c) - 17 (j). Further, the Court hereby strikes Exhibit 2 to the Declaration, based upon Defendants' hearsay and relevance objections because it is an out of court statement offered for its truth, and it is dated January 2023, while the events underlying this suit occurred in 2021.

Finally, the Court notes that Plaintiff filed no response to this Motion to Strike either before or after the Monday, January 30, 2023 oral hearing.