

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION

Vita Nuova Inc., on behalf of itself and
others similarly situated,

Plaintiff,

v.

Alex M. Azar II, et al.,

Defendants.

Case No. 4:19-cv-00532-O

AFFIDAVIT OF STEVEN F. HOTZE, M.D.

I, Steven F. Hotze, being duly sworn, state as follows:

1. I am over 21 years old and fully competent to make this affidavit. I submit this affidavit in support of the plaintiff's response to the defendants' motion to dismiss for lack of subject-matter jurisdiction.

2. I have given substantial amounts of money to pro-life causes and pro-life political candidates over the years, including Foundation for Life and Texas Right to Life.

3. I am interested in giving money to Vita Nuova, because I believe that it is crucially important to have Christian, pro-life entities participate in the Title X program. I want to provide resources that will enable Vita Nuova to become a major participant in Title X, and to provide an alternative to the secular, pro-abortion entities that currently participate in the program.

4. I am pleased to see that the Trump Administration has issued a final agency rule that makes entities such as Vita Nuova eligible for Title X. *See* Compliance with Statutory Program Integrity Requirements, 84 Fed. Reg. 7,714 (March 4, 2019).

5. I am also pleased that the Department of Health and Human Services has revoked the features of its 2000 rule that allowed abortion-referring entities such as Planned Parenthood to receive Title X funding. *See id.*

6. I am concerned, however, that Vita Nuova will become ineligible for Title X funding by time that the Department issues the new Title X grants in March of 2021. Two courts have already issued nationwide injunctions against the enforcement of the Department's 2019 rule, and it remains possible that these nationwide injunctions could be reinstated on appeal. It also remains possible that another district court or appellate court could issue a new nationwide injunction against the enforcement of the 2019 final rule. Finally, the Department's 2019 rule is certain to be revoked if the Democratic presidential nominee win the White House in 2020.

7. Because of this uncertainty, I am unwilling to contribute financially to Vita Nuova until it receives judicial assurance that it will remain eligible for Title X funding in 2021, regardless of which political party controls the White House, and regardless of whether a future court enjoins the enforcement of the Department's 2019 rule.

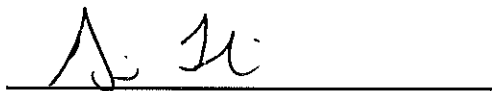
8. I will, however, give generously to Vita Nuova if it is able to obtain judicial relief that prohibits the Department from enforcing or reinstating the requirements of its 2000 rule.

This concludes my sworn statement. I swear under penalty of perjury that, to the best of my knowledge, the facts stated in this affidavit are true and complete.



STEVEN F. HOTZE, M.D.

Subscribed and sworn to me
this 25 day of October, 2019



NOTARY

