

CAUSE NO. 096-270080-14

ERICK MUNOZ, AN INDIVIDUAL  
AND HUSBAND, NEXT FRIEND,  
OF MARLISE MUNOZ,  
DECEASED

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IN THE DISTRICT COURT

v.

96TH JUDICIAL DISTRICT

JOHN PETER SMITH HOSPITAL,  
AND DOES 1 THROUGH 10,  
INCLUSIVE

TARRANT COUNTY, TEXAS

**STIPULATION OF FACTS**

The Parties stipulate to the following facts and agree that no live testimony will be presented at the hearing on the Motion To Compel unless otherwise requested by the Court:

1. On November 26, 2013, Mrs. Munoz collapsed at her home and was found not breathing by Mr. Munoz.
2. Mr. Munoz resuscitated Mrs. Munoz and called 911.
3. Mrs. Munoz arrived at John Peter Smith Hospital (JPS) alive, in cardiac arrest and with respiratory failure, and was placed on life sustaining treatment.
4. Mrs. Munoz was 14 weeks pregnant at the time she arrived at JPS on November 26, 2013.
5. Mrs. Munoz is now 22 weeks pregnant.
6. Mrs. Munoz has met the clinical criteria for brain death since November 28, 2013.

7. Mr. Munoz requested, and continues to request, withdrawal of life sustaining treatment, but JPS refused, and still refuses, based on Texas Health & Safety Code §166.049.
8. All entries in the medical records of Marlise Munoz related to Ms. Munoz’s diagnosis and medical condition produced by JPS to attorneys for Mr. Munoz shall be admissible in the hearing on January 24, 2014, to the extent either or both parties seek such admission.
9. The affidavit of Erick Munoz attached to the Plaintiff’s First Amended Motion to Compel Defendants to Remove Marlise Munoz from “Life Sustaining” Measures and Application for Unopposed Expedited Relief shall be admissible in the hearing on January 24, 2014, to the extent either or both parties seek such admission.
10. At the time of this hearing, the fetus gestating inside Mrs. Munoz is not viable.

Stipulated and Agreed on this 24<sup>th</sup> day of January, 2014.

KOONSFULLER, P.C.

JOE SHANNON, JR.  
CRIMINAL DISTRICT ATTORNEY  
TARRANT COUNTY, TEXAS



**JESSICA HALL JANICEK**  
State Bar No. 24069862  
181 Grand Avenue, Suite 225  
Southlake, Texas 76092  
817-481-2710  
817-481-2637 fax  
[jjanicek@koonfuller.com](mailto:jjanicek@koonfuller.com)  
ATTORNEY FOR PLAINTIFF

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**LARRY M. THOMPSON**  
Assistant District Attorney  
State Bar No. 19929300  
1350 S. Main Street, Suite 2300  
Fort Worth, Texas 76104  
817-321-4841; 817-850-2327  
[lmthompson@tarrantcountytexas.gov](mailto:lmthompson@tarrantcountytexas.gov)  
ATTORNEY FOR TARRANT  
COUNTY HOSPITAL DISTRICT