Thank you very much Debbie. On time delivery to boot! Will review and give you a call.

Thanks again.

Vince

From: Deborah Kitz
Sent: Friday, June 06, 2014 3:21 PM
To: Vincent Rue
Subject: bullet point draft

Vince - attached please find a bullet point type draft of my report. Let me know your thoughts, concerns, etc. Of course, if you decide to move forward with this or a version thereof, I will provide the necessary reference materials. THanks.
Thanks Debbie for getting this to me and for the fine job you did. Really appreciate it. Attached please find my comments. After you review, let's discuss. I'll be working this weekend so feel free to call or on Monday.

Many thanks.

Vince

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----- Forwarded Message -----  
From: Deborah Kitz  
To: Vincent Rue  
Sent: Saturday, June 7, 2014 2:08 PM  
Subject: Next version  

Vince - here's another draft. I removed my original comments. The comments contained herein address the questions/suggestions you made. Thanks for the input.

Deborah S. Kitz, Ph.D.
Thanks Debbie. Attached please find some comments and suggested edits.

Vince

From: Deborah Kitz
Sent: Sunday, June 08, 2014 11:39 AM
To: Vincent Rue
Subject: Version 3

Vince - here is the next draft. I put a "waffly" statement back in about WWH's viability as a borrowing customer. Presuming Chet chimes in, I may be able to tighten this up. Again, feel free to let me know your thoughts, concerns, etc. THanks.
From: Vincent M. Rue  
Sent: Thursday, June 12, 2014 9:32 PM  
To: 'Deborah Kitz'  
Subject: RE: will it be lucky version 7

Thank you Debbie. Yes this version should do it. I accepted all changes and will incorporate references and draft into expert report format. When done, will send to you for review. Will you be around this weekend?

Thanks.

Vince

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From: Deborah Kitz  
Sent: Thursday, June 12, 2014 5:34 PM  
To: Vincent Rue  
Subject: will it be lucky version 7

Vince - see attached report incorporating your suggestions and some other minor revisions. I am also attaching the various references. Thanks.
From: Vincent M. Rue
Sent: Friday, June 20, 2014 4:31 PM
To: 'Deborah Kitz'
Subject: RE: question

Debbie—

Please understand I was just rushing to provide you with the basis for your rebuttal report, not a final draft by any means, and not submitted to anyone but you. I wanted you to look over Layne-Farrar for background mostly and neglected to send it in my rush to get stuff out to experts. I apologize. It is in two parts and I am attaching the first part here.

As to your signature, again, I simply changed the title of your expert report that you had already signed off on, and the date at the end, and the documents you reviewed to reflect these two new expert reports so as to provide you with a working document. Please be assured I would never submit any work product without your explicit authorization. Removing your signature from this draft is a simple right click if you are more comfortable with it not being placed onboard until the draft is finalized. It was simply part of your expert report and came along with my quick edits.

Thanks for your understanding.

Vince

From: Deborah Kitz
Sent: Friday, June 20, 2014 4:54 PM
To: Vincent Rue
Subject: question

Vince - I see that "my" report that you returned to me yesterday references my review of an expert report from a Dr. Layne-Farrar. I have not ever seen such a report. To what does that refer?

For the future, to protect all concerned, please do not attach my signature to any report until I send an email providing an "OK to sign". Thanks.

Deborah S. Kitz, Ph.D.
Thanks Debbie. Will review and get back to you.

Vince

From: Deborah Kitz
Sent: Thursday, June 26, 2014 12:38 PM
To: Vincent Rue
Subject: Report

Vince - here is my revised Report. Presuming no further changes, I am ok with this report being "signed" by me. Thanks.
Peter –

Attached are some ideas in a Word doc and four Excel files with the TX DSHS data. Please let me know what you think or if you need anything else. Our deadline for expert reports to be submitted is June 16.

Many thanks.

Vince

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Thanks very much for taking the time to review this data. Attached is a spreadsheet which identifies by year when abortion clinics opened between 2002-13 according to DSHS (all data from them). Of course, an individual abortion clinics must be checked against the closure data provided previously to see if it remains licensed and active.

I don’t know what to tell you re the Harlingen clinic closing date. DSHS data is the official source, but then what clinics do is often not what clinics say. Perhaps the clinic was operating illegally after 2008 or under the monthly number required to have licensure – I just don’t know at this point. I’ll check and see what DSHS thinks. A news item reported below suggests Dr. Minto just closed his clinic this year:


I have added the para you wrote – para#10 in the attached draft report deleting the final sentence as I don’t think it helps our argument sufficiently. The cite requested was inserted.

May I ask you to look over your WI report and see if there is anything from that or something else you might want to add to your TX report?

Thanks Peter.

Vince
I have looked at number of abortions in several counties where abortion clinics closed – the results are NOT helpful. Great care is needed in interpreting the reported closings (Harlingen case; abortion clinics that changed to ASCs no longer need abortion clinic license). I did not receive data on new abortion clinic licenses issued since 2002 – but number of licensed clinics has been declining.

I did find the info on recent closings interesting – many more than I had expected.

I can add something like this in my report:

"Many abortion clinics in Texas have closed in the past without a drop in number of abortions. In 2002 the number of Texas residents having abortions was 76,278. Between 2003 and 2006, the state reports that 24 abortion clinics closed [I need a reference for the data you sent]. Nevertheless, the number of abortions was greater in 2007 (77,811) than it was in 2002. A reasonable explanation is that when abortion clinics close (for whatever reason), existing abortion clinics expand or new ones open to meet the demand." ?add "Between 2008 and 2011 the number of abortions declined sharply (from 78,330 to 70,013), but only 4 clinics closed in 2009-2011. As the demand for abortions declines, one might expect an increase in abortion clinic closings, regardless of new regulations of abortion clinics."

I need your critical suggestions related to this paragraph.

Peter

On 6/6/2014 11:36 PM, Vincent M. Rue wrote:

Peter –

Attached are some ideas in a Word doc and four Excel files with the TX DSHS data. Please let me know what you think or if you need anything else. Our deadline for expert reports to be submitted is June 16.

Many thanks.

Vince
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From: Vincent M. Rue
Sent: Friday, June 27, 2014 1:55 PM
To: Peter Uhlenberg
Subject: RE: REBUTTAL REPORT

Peter -

Well done! I like your additions Peter. Is there anything you can say about how the number of abortions in ASCs have increased long in advance of the passage of HB2 in 2013? I realize the percent provided in 2012 is down by 1.4% from 2011, but the trend (minus whatever happened in 2009) is pretty clear across 7 years. Also, perhaps you could avoid using 2012 data as it has not been uploaded yet to the DSHS website? What do you think?

Vince

-----Original Message-----
From: Peter Uhlenberg
Sent: Friday, June 27, 2014 12:59 PM
To: Vincent M. Rue
Subject: Re: REBUTTAL REPORT

Vince,

Here is my revised report. Your edits were helpful, and I added two new paragraphs (7 and 14), following your suggestions. I did not add comments on poor women obtaining abortions because I don't think that we have info on whether poor women are less likely to abort if cost increases (which is the question). Also I did not comment on the increasing share of abortions occurring in ASCs, because the share dropped in 2012. I think that could be used against us.

I am, of course, happy to make changes that the AG might want, or if you have further ideas.

Best,

Peter

On 6/26/2014 5:21 PM, Vincent M. Rue wrote:
> Peter -
> > Thank you very much for your expedited review of Plaintiffs' reports and assembling this excellent rebuttal report so quickly. Greatly appreciate it.
> > I made some small edits, and suggested a few paras you might consider adding/rewriting. The articles I referred to are attached as well as the rebuttal report with my tracked changes. Para 2 is fine.
> > Thank you again Peter. I only give you the toughest assignments!
> > Vince
> > ----Original Message-----
From: Peter Uhlenberg
Sent: Thursday, June 26, 2014 12:32 PM
To: Vince
Subject: REBUTTAL REPORT

Vince,

Here is a draft. (You sent me two tough expert reports to criticize). Could you make any editorial changes using track changes?
You will see in paragraph 2 my questions about what how to indicate the complaint I am responding to.
If you think there is something more that I should cover, let me know.

Best,

Peter
From: Vincent M. Rue
Sent: Thursday, June 26, 2014 4:21 PM
To: 'Peter Uhlenberg'
Subject: RE: REBUTTAL REPORT

Peter -

Thank you very much for your expedited review of Plaintiffs’ reports and assembling this excellent rebuttal report so quickly. Greatly appreciate it.

I made some small edits, and suggested a few paras you might consider adding/rewriting. The articles I referred to are attached as well as the rebuttal report with my tracked changes. Para 2 is fine.

Thank you again Peter. I only give you the toughest assignments!

Vince

-----Original Message-----
From: Peter Uhlenberg
Sent: Thursday, June 26, 2014 12:32 PM
To: Vince
Subject: REBUTTAL REPORT

Vince,

Here is a draft. (You sent me two tough expert reports to criticize). Could you make any editorial changes using track changes? You will see in paragraph 2 my questions about what how to indicate the complaint I am responding to. If you think there is something more that I should cover, let me know.

Best,

Peter
John –

Hope your meeting with Harold went well today.

Just thought I would give you an update on the TX case. After getting all the expert reports ready to roll yesterday, the TX AG elected strategically to not submit them and instead to use revised versions of them as rebuttal reports. I was more than surprised. There are advantages for us in not producing these expert reports as this allows us to let plaintiffs’ experts be identified first, and then find out what they are opining. Drs. Fine and Raymond continue as experts for Plaintiffs. They added Grossman as well. I am attaching their expert reports for your review. The deadline for submission of our rebuttal reports is June 30.

So may I ask you to please review the attached and see if there is anything you would like to add / subtract from your previously “finished” report?

One other last question. I am concerned we are asking you to shoulder too big of the medical load here. Who else do you know that we could perhaps impose on them to assist in testifying along with you? I wondered about Dr. John Seeds, Dr. Kathryn Hartman or anyone else you might suggest. Your thoughts?

Thanks John.

Vince

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