

Exhibit N

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

WHOLE WOMAN’S HEALTH, et al.,

Plaintiffs,

v.

AUSTIN REEVE JACKSON, *et al.*,

Defendants.

Civil Action No. _____

**DECLARATION OF ANNA RUPANI IN SUPPORT OF PLAINTIFFS’ MOTION FOR
SUMMARY JUDGMENT**

I, Anna Rupani, declare as follows:

1. I am Co-Executive Director of Fund Texas Choice (“FTC”), a nonprofit corporation incorporated in Texas that arranges and pays for transportation, lodging, and childcare for people seeking abortion care in Texas.

2. Our mission is to help Texans equitably access abortion through safe, confidential, and comprehensive practical support. FTC was founded in response to HB 2, a Texas statute that shuttered over half of the state’s abortion clinics, imposing long wait-times on abortion patients and forcing them to travel long distances for care.

3. As Co-Executive Director, my primary responsibility is overseeing the implementation of strategies to fulfill the organization’s mission. This includes serving as a liaison between our staff and Board of Directors, monitoring and building our budget, supervising staff in the administration of our programmatic work, and developing client-centered policies.

4. I bring to this position considerable experience as an attorney and licensed social worker who has provided direct services to survivors of intimate partner violence (“IPV”) and human trafficking and unaccompanied minors seeking healthcare, including abortion care. This

experience inspired me to dedicate much of my time and energy to getting the many resources needed to obtain an abortion in Texas to the most vulnerable residents of the state.

5. I provide the following testimony based on personal knowledge acquired through my service at FTC, including consultation with staff and Board members, and review of the organization's business records.

FTC Services

6. FTC currently employs three full-time staff members and one part-time staff member, and we serve people throughout Texas. A program coordinator fields texts and calls from Texans seeking abortion care who cannot afford to travel to an abortion provider. They then work with individuals who have abortion appointments to help plan and support their trip. This includes booking and directly paying vendors for bus tickets, ride shares, and lodging—and air fare for those forced out of Texas for abortion care. FTC also books and directly pays for the transportation and lodging of companions for minor clients or clients who have a fetal anomaly.

7. We reimburse clients for gasoline and food costs incurred during their journey. Most abortion providers do not allow patients to bring their children to their appointments, particularly during the COVID-19 pandemic. So, when clients are unable to find affordable childcare, we reimburse them for the services they can secure. FTC connects callers unable to pay for the abortion itself to nonprofit organizations that provide cash subsidies to defray the cost of abortion services. These organizations are generally known as “abortion funds.” Occasionally, we help callers identify the closest abortion provider that is appropriate for them and try to secure an abortion appointment for them despite long wait times.

8. We accept intakes until we have exhausted our budget. On average, we spend over \$15,000 a month on practical support for clients. Our policy is to follow up with them twice after

their abortion appointment—first a few days after the appointment when they have returned home, and then again weeks afterwards.

9. In addition to providing practical support to access abortion care, FTC helps interested clients tell the stories of how they obtained abortion care, including by connecting them to the media. We regard this as a way to combat abortion stigma, which furthers our mission.

FTC Clients

10. In 2020, 404 individuals reached out to FTC for help accessing an abortion, and we provided practical support to 330 clients. Almost all of our callers have pregnancies past six weeks gestational age for a variety of reasons. Many are unaware they are pregnant before that point. Others exceed six weeks trying to cobble together resources to travel to an abortion provider, making a second, State-mandated trip to the abortion provider, or petitioning for a judicial bypass of Texas’s parental consent requirement for adolescents.

11. These factors also push clients past 22 weeks of pregnancy, the gestational age cut-off for terminating a pregnancy in Texas, subject only to narrow circumstances. As a result, about 35% of our clients obtain their abortion out of state, as far away as Colorado, Illinois, Louisiana, New Mexico, Oklahoma, Oregon, Virginia, and Washington, D.C.. Virtually every expense associated with long-distance travel of any kind, whether it be childcare, transportation, or lodging, is magnified when our clients leave the state due to the greater length of the journey and higher cost of living in some states. Having to navigate a new environment exacerbates the stress and anxiety that some clients experience in connection with their pregnancy.

12. Almost all of our clients have little to no capacity to absorb an unforeseen medical expense—not to mention the costs of traveling to one of the abortion providers left in Texas. This includes lost wages from time off from work, for which we are unable to reimburse clients. Thus,

many of our clients must stitch together resources from multiple organizations to ultimately obtain an abortion in Texas.

13. In following up with clients after their scheduled abortion appointments, we find that, each year, some fall short of the resources needed to reach the abortion provider—despite wanting an abortion. Because the cost of an abortion increases with the gestational age of the pregnancy, the time it takes to gather resources delays some clients to a point at which they can no longer afford their abortion, triggering another cycle of having to gather resources and further delaying their care. Some of our clients are IPV survivors who are prevented from accessing abortion when their abusers learn of their intentions, despite their best efforts to conceal their pregnancies from their abusers. Others have no option but to travel out of state for abortion care, but are unable to do so because they cannot spend the necessary time away from work, school, or home. This includes IPV survivors who cannot leave home for an extended period without arousing the suspicions of their abuser.

Impact of SB 8 on FTC and its Clients

14. I understand that Texas Senate Bill 8 (“SB 8”), which is scheduled to take effect on September 1, 2021, would ban the provision of abortions at approximately six weeks of pregnancy, prohibit aiding or abetting such abortions, and prohibit intending to aid or abet such abortions. I also understand SB 8 to enable private parties to sue individuals and entities who engage in such activities for a minimum of \$10,000 per abortion performed in violation of the ban.

15. If SB 8 prevents Texas abortion providers from offering abortion care after six weeks gestational age, nearly all our clients would need to travel out of state. Out-of-state travel is generally more expensive than in-state travel because it typically takes more time and sometimes involves costlier destinations than Texas. Thus, out-of-state travel is generally harder for FTC to

fund. We already spend over \$4,500 in flights and bus travel each month for approximately 33% of clients leaving the state. Consequently, SB 8 would require us to both dramatically expand our budget and to redirect organizational resources to out-of-state travel. Even then, there is no question that we would be able to provide support to far fewer Texans in need of it than we do now, and SB 8 would in fact cause the number of Texans who need assistance to grow dramatically. Separately, the information we routinely gather through our intake process indicates that at least some of our clients would be unable to leave Texas for abortion care because of the time away involved and the difficulty of maintaining confidentiality in an abusive situation. Both groups of clients would be forced to carry to term or take matters into their own hands. Those who can travel out of state would still have to overcome substantial obstacles to accessing abortion services, such as the heightened expense; additional time away from home and work; and added stress and anxiety from having to navigate an entirely different environment. These obstacles can be immensely burdensome even when they are not prohibitive.

16. These are the very outcomes that FTC managed when Texas sharply curtailed abortion at the start of the COVID-19 pandemic last year. Patients throughout Texas were delayed in accessing abortion and had to travel much longer distances to reach a provider legally authorized to provide abortion services. As a result, even after increasing our weekly budget from \$1500 to \$2500, we had to suspend our intake process twice because the demand for practical support services far exceeded our resources.

17. I believe that SB 8 is unconstitutional and therefore invalid. Nevertheless, if SB 8 takes effect, I expect individuals or organizations opposed to abortion access to sue FTC for providing practical and financial support for Texans seeking abortion care after six weeks. FTC has already been targeted for its efforts to ensure abortion access for all Texans regardless of

circumstance. Last year, a former Austin City Council member sued the City of Austin for indirectly allocating funds to FTC to carry out its mission.

18. Lawsuits filed pursuant to SB 8 against FTC would hobble our ability to serve our clients because we lack the resources to defend against the suits. This is true even if we were to divert our limited staff time and organizational funds to doing so. I understand that lawyers typically charge hundreds of dollars per hour for their services, and to date, FTC has not been able to secure commitments from attorneys to represent us on a pro bono basis if we are sued under SB8. It is my understanding that attorneys who represent us in an SB 8 lawsuit cannot recover their costs or fees from the plaintiffs or the state even if successful, but SB 8 states they could be held liable for the plaintiffs' costs and attorney's fees in some circumstances.

19. FTC is currently serving as a plaintiff in a federal lawsuit in the Western District of Texas to challenge the constitutionality of certain restrictive abortion laws. That case is captioned *Whole Woman's Health Alliance v. Paxton*, No. 1:18-cv-500-LY. In that case, as in this one, our attorneys are representing us on a pro bono basis because they have the opportunity to recover their fees from the state under 42 U.S.C. § 1988 if FTC is a prevailing party.

20. In preventing us from helping vulnerable Texans obtain abortion care in their state, and forcing us to shift our support to out-of-state travel, which is either impracticable or extremely burdensome for our clients, SB 8 would frustrate our mission.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

Dated: July 9, 2021



Anna Rupani