

CAUSE NO. 2025-25681

DR. SONIA MELO, M.D.,
Plaintiff,

v.

**UNIVERSITY OF TEXAS MD
ANDERSON CANCER CENTER,**
Defendant.

§
§
§
§
§
§
§
§
§

**IN THE DISTRICT OF

HARRIS COUNTY, TEXAS

61ST JUDICIAL DISTRICT**

**DEFENDANT'S RESPONSE TO PLAINTIFF'S
MOTION FOR DEFAULT JUDGMENT**

Defendant, The University of Texas MD Anderson Cancer Center ("UT MDACC") files this response to Plaintiff's Motion for Default Judgment:

I.

Plaintiff filed an Amended Petition against Defendant on July 16, 2025. She claims to have served Defendant on the same day. Defendants' deadline to answer was August 11, 2025. Defendant, however, did not answer by that date and Plaintiff filed a Motion for Default Judgment, which is currently set for submission to the Court on September 8, 2025.

Defendant recently learned of the Motion for Default Judgment and immediately filed an answer on August 21, 2025. Texas Rule of Civil Procedure 239 allows the Court to enter a default judgment only if the defendant has not answered. The Court, therefore, should deny Plaintiff's Motion for Default Judgment. Tex. R. Civ. P. 239.

II.

In conclusion, Defendant, UT MDACC, has answered Plaintiff's Amended Petition. The Court, therefore, should deny Plaintiff's Motion for Default Judgment in accordance with Texas Rule of Civil Procedure 239.

Respectfully submitted,

KEN PAXTON
Attorney General of Texas

BRENT WEBSTER
First Assistant Attorney General

RALPH MOLINA
Deputy First Assistant Attorney General

AUSTIN KINGHORN
Deputy Attorney General for Civil Litigation

KIMBERLY GDULA
Chief, General Litigation Division

/s/ C. Lee Winkelman
C. LEE WINKELMAN
State Bar No. 24042176
General Litigation Division
Office of the Attorney General
P.O. Box 12548, Capitol Station
Austin, Texas 78711-2548
Phone (737) 231-7737/Fax (512) 320-0667
lee.winkelman@oag.texas.gov

**Counsel for Defendant, The University of Texas
MD Anderson Medical Center**

CERTIFICATE OF SERVICE

I certify that on August 21, 2025, a true and correct copy of this document was served via the court's e-service system on the following counsel of record:

William X. King
McDowell Hetherington LLP
1001 Fannin St., Suite 2400
Houston, Texas 77002
William.King@mhllp.com

Anthony R. Faraco, Jr.
Lipsitz Green Scime Cambria LLP
42 Delaware Ave., Suite 120
Buffalo, NY 14202
afaraco@lglaw.com

Counsel for Plaintiff

/s/ C. Lee Winkelman

C. LEE WINKELMAN

Assistant Attorney General

Unofficial Copy Office of Melvin Burgess District Clerk

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Laura Hendrix on behalf of Lee Winkelman

Bar No. 24042176

Laura.Hendrix@oag.texas.gov

Envelope ID: 104697336

Filing Code Description: No Fee Documents

Filing Description: 20250821_Ds Resp to Pls MDJ_FINAL

Status as of 8/21/2025 4:26 PM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Laura Hendrix		laura.hendrix@oag.texas.gov	8/21/2025 4:21:08 PM	SENT
William XKing		william.king@mhlp.com	8/21/2025 4:21:08 PM	SENT
Lee Winkelman		lee.winkelman@oag.texas.gov	8/21/2025 4:21:08 PM	SENT
Anthony Faraco		afaraco@lglaw.com	8/21/2025 4:21:08 PM	SENT