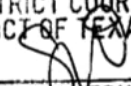


FILED

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

16 NOV 28 PM 4: 32

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY  DEPUTY CLERK

DR. MARY LOUISE SERAFINE, §
PLAINTIFF, §
§
V. §
§
TIM F. BRANAMAN, CHAIRMAN, §
TEXAS STATE BOARD OF §
EXAMINERS OF PSYCHOLOGISTS, §
IN HIS OFFICIAL CAPACITY, AND §
DARREL D. SPINKS, EXECUTIVE §
DIRECTOR, TEXAS STATE BOARD §
OF EXAMINERS OF §
PSYCHOLOGISTS, IN HIS OFFICIAL §
CAPACITY, §
DEFENDANTS. §

CAUSE NO. 1:11-CV-1018-LY

FINAL JUDGMENT AFTER REMAND

Before the court is Plaintiff’s Motion for Entry of Judgment filed July 6, 2016 (Clerk’s Doc. No. 127), Defendants’ Response to Plaintiff’s Motion For Entry Of Judgment filed July 27, 2016 (Clerk’s Doc. No. 130), and Plaintiff’s Reply in Support of Motion for Entry of Judgment filed August 3, 2016 (Clerk’s Doc. No. 131). By her motion, Plaintiff Mary Louise Serafine asks the court to enter the proposed judgment she provides with the motion. Defendants have also offered a proposed judgment. Having reviewed the motion, response, reply, each proposed judgment, and the applicable law, the court renders this Final Judgment.

This matter comes before the court on the judgment and opinion of the United States Court of Appeals for the Fifth Circuit in *Serafine v. Branaman*, 810 F.3d 354 (5th Cir. 2016). In accordance therewith,

IT IS ORDERED that the Texas Psychologists’ Licensing Act, to the extent it prohibits, without the State’s license or permission, engaging in the practice of psychology as defined by Texas Occupations Code section 501.003(b)(2) in conjunction with section 501.003(c), is

HEREBY DECLARED unconstitutionally overbroad, in violation of the freedom of speech under the First Amendment to the United States Constitution. Accordingly, the Texas State Board of Examiners of Psychologists, its agents, and any other state agency are **HEREBY ENJOINED** from enforcing against any person a prohibition or punishment of the unlicensed practice of psychology as defined by Texas Occupations Code § 501.003(b)(2) in conjunction with section 501.003(c), except in the context of commercial speech.

IT IS FURTHER ORDERED that the Texas Psychologists' Licensing Act, to the extent it prohibits, without the State's license or permission, engaging in the practice of psychology as defined by Texas Occupations Code Section 501.003(b)(1), that is, representing oneself "to the public by a title or description of services that includes the word 'psychological,' 'psychologist,' or 'psychology,'" is **HEREBY DECLARED** unconstitutional as applied to Plaintiff Mary Louise Serafine's political campaign speech, as a violation of her freedom of speech under the First Amendment to the United States Constitution. Accordingly, the Texas State Board of Examiners of Psychologists, its agents, and any other state agency are **HEREBY ENJOINED** from enforcing any prohibition or punishment of the unlicensed practice of psychology as defined by Texas Occupations Code § 501.003(b)(1) against Serafine for political speech.

IT IS FURTHER ORDERED that: Plaintiff Mary Louise Serafine **TAKE NOTHING** by her action against Defendants on her claims under 42 U.S.C. § 1983 for prior restraint and commercial free speech.

IT IS FURTHER ORDERED that the following attorney's fees are awarded to Plaintiff Mary Louise Serafine: \$21,000 for work performed by Mountain States Legal Foundation and \$12,862.50 for work performed by Bates PLLC.

IT IS FURTHER ORDERED that costs of court in the amount of \$14,229.75 are awarded to Plaintiff Mary Louise Serafine.

IT IS FURTHER ORDERED that any relief not expressly granted herein is **DENIED**.

IT IS FURTHER ORDERED that all pending motions are **DISMISSED**.

IT IS FINALLY ORDERED that this case is **CLOSED**.

SIGNED this 28th day of November, 2016.



LEE YEAKEL
UNITED STATES DISTRICT JUDGE