

SUPREME COURT OF TEXAS

Sadie Weldon v. The Lilith Fund for Reproductive Equity

Weldon · No. No. 24-0250 · Decided May 15, 2026

SUMMARY

The Supreme Court of Texas holds that the Texas Citizens Participation Act applies to the Lilith Fund’s declaratory and injunctive action because the action was based on or in response to Sadie Weldon’s Rule 202 petition. The Court rejects the court of appeals’ approach of considering the legality or merits of the protected activity at the TCPA’s first step. It reverses and remands for consideration of the TCPA’s second and third steps.

CASE DETAILS

COURT	Supreme Court of Texas
WRITING FOR THE COURT	Justice Brett Busby
JURISDICTION	Supreme Court of Texas
DECIDED	May 15, 2026
DOCKET	No. 24-0250
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	Interlocutory appeal from the denial by operation of law of Sadie Weldon's motion to dismiss under the Texas Citizens Participation Act. The court of appeals affirmed, and the Supreme Court of Texas granted review.
STANDARD OF REVIEW	The court determined whether the TCPA applied at the first step of the statutory dismissal procedure by examining whether the Fund's legal action was based on or in response to Weldon's exercise of the right to petition.
PRECEDENTIAL VALUE	published
PARTIES	Sadie Weldon v. The Lilith Fund for Reproductive Equity

TOPICS

- motions to dismiss
- civil procedure
- interlocutory appeal
- statutory interpretation
- appellate procedure

PRACTICE AREAS

QUESTIONS PRESENTED

1. Whether the Fund's declaratory and injunctive action was based on or in response to Weldon's Rule 202 petition, which constituted an exercise of the right to petition under the TCPA.
2. Whether the court of appeals improperly considered the merits or lawfulness of the parties' conduct at the first step of the TCPA analysis.

HOLDINGS

1. The TCPA applies because the Fund's legal action was based on or in response to Weldon's exercise of the right to petition through her Rule 202 petition.
2. The merits of the plaintiff's claims and whether the defendant's conduct was lawful are generally not relevant at the first TCPA step; those matters are addressed at the second and third steps.

KEY QUOTATIONS

"We conclude that it is for the following reasons. Most obviously, the Fund's petition for declaratory judgment requested an anti-suit injunction seeking to prevent Weldon from continuing with her Rule 202 petition." (5)

"Instead, when the defendant shows that the plaintiff's suit is based on or in response to one of the defendant's protected rights as defined by the statute (step one), the plaintiff may proceed by making a prima facie showing that its suit is meritorious and the defendant may respond that it is not or that it fails for other reasons (steps two and three)." (9)

"Because the first step has been met for the reasons given above, the TCPA applies." (10)

"We hold that the Fund's legal action is based on or in response to Weldon's exercise of her right to petition, so the TCPA applies." (11)

FACTUAL BACKGROUND

The Fund's deputy director declared that the Fund had paid for abortions in circumstances potentially implicating Senate Bill 8, the Texas Heartbeat Act. Weldon filed a Rule 202 petition seeking pre-suit discovery concerning potential violations of that statute. Forty-eight days later, while the petition was pending, the Fund sued Weldon for a declaration that Senate Bill 8 was unconstitutional and for injunctive relief, including an anti-suit injunction against the Rule 202 petition.

PROCEDURAL HISTORY

Weldon filed a Texas Rule of Civil Procedure 202 petition seeking to depose the Fund's deputy director concerning potential violations of Senate Bill 8. While that petition was pending, the Fund sued Weldon for declaratory and injunctive relief, including an anti-suit injunction against the Rule 202 petition. Weldon's TCPA motion to dismiss was denied by operation of law when the trial court failed to rule timely. The court of appeals affirmed on the ground that the TCPA did not apply. The Supreme Court of Texas reversed and remanded for consideration of the TCPA's second and third steps.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The court of appeals must consider the TCPA's second and third steps, which it did not reach. On remand, the lower courts must also examine whether jurisdiction continues to exist and should avoid unnecessary constitutional issues.

CASES CITED

- Dobbs v. Jackson Women’s Health Organization, 597 U.S. 215 (2022)
- Roe v. Wade, 410 U.S. 113 (1973)
- Planned Parenthood of Southeastern Pennsylvania v. Casey, 505 U.S. 833 (1992)
- Whole Woman’s Health v. Jackson, 642 S.W.3d 569, 573, 576 (Tex. 2022)
- State ex rel. Best v. Harper, 562 S.W.3d 1, 7 (Tex. 2018)
- Allstate Ins. Co. v. Hallman, 159 S.W.3d 640, 643 (Tex. 2005)
- In re Lipsky, 460 S.W.3d 579, 584, 586-87 (Tex. 2015)
- Creative Oil & Gas, LLC v. Lona Hills Ranch, LLC, 591 S.W.3d 127, 132 (Tex. 2019)
- Montelongo v. Abrea, 622 S.W.3d 290, 296 (Tex. 2021)
- ExxonMobil Pipeline Co. v. Coleman, 512 S.W.3d 895, 899 (Tex. 2017)
- Walgreens v. McKenzie, 713 S.W.3d 394, 399-400 (Tex. 2025)
- TGS-NOPEC Geophysical Co. v. Combs, 340 S.W.3d 432, 439 (Tex. 2011)
- Texas Right to Life v. Van Stean, 704 S.W.3d 6 (Tex. App.—Austin 2023)
- Texas Right to Life v. Van Stean, 702 S.W.3d 348 (Tex. 2024)
- Texas Right to Life v. Van Stean, 729 S.W.3d 896, 917-921 (Tex. App.—Austin 2026)
- McLane Champions, LLC v. Houston Baseball Partners LLC, 671 S.W.3d 907, 917 (Tex. 2023)
- Ekstam v. Wells, No. 12-25-00071-CV, 2025 WL 3170992, at *7 (Tex. App.—Tyler Nov. 12, 2025)
- Grant v. Finecy, No. 02-23-00310-CV, 2023 WL 8940395, at *7-8 (Tex. App.—Fort Worth Dec. 28, 2023)
- Sanchez v. Striever, 614 S.W.3d 233, 245-46 (Tex. App.—Houston [14th Dist.] 2020)
- Elliott v. City of College Station, 717 S.W.3d 888, 898 (Tex. 2025)
- In re Turner, 627 S.W.3d 654, 656 (Tex. 2021)
- Sadie Weldon v. The Lilith Fund for Reproductive Equity, 722 S.W.3d 40, 47-50 (Tex. App.—Fort Worth 2024)