



2022 Q3 LIFE LITIGATION REPORT

Carolyn McDonnell, M.A., J.D.
Staff Counsel
Carolyn.McDonnell@aul.org

Alabama

Federal District Court

- ***Reproductive Health Services v. Bailey*** (M.D. Ala. Cir. No. 2:14-cv-1014) – Abortion parental consent case. The 11th Circuit panel affirmed the district court decision for Reproductive Health Services. The 11th Circuit granted the State’s petition for rehearing en banc Jan. 27, 2022 and held it pending *Dobbs*. Joint motion to voluntarily dismiss appeal filed July 7, 2022, with Reproductive Health Services indicating it intends to dismiss the case. Case dismissed per stipulated dismissal Aug. 8, 2022.
- ***Robinson v. Marshall*** (M.D. Ala. No. 2:19-cv-365) – Abortion gestational limits case limiting the practice throughout pregnancy with narrow exceptions. The district court granted a preliminary injunction. Parties briefed the district court’s order to clarify the remaining issues from July 6, 2020. District court granted State’s emergency motion to dissolve the preliminary injunction June 24, 2022. Voluntarily dismissed June 30, 2022.

Alaska

State Court

- ***Planned Parenthood Great Northwest, Hawaii, Alabama, Indiana, Kentucky v. State of Alaska*** (Alaska Super. Ct. No. 3AN-19-11710CI) – Chemical abortion (physician-only rule) case. The court issued a preliminary injunction. Trial reset for the week of Mar. 28, 2023. Abortionists and State filed cross motions for summary judgment Aug. 2, 2022.

Arizona

Federal District Court

- ***Isaacson v. Brnovich*** (D. Ariz. No. 2:21-cv-1417) – Abortion prenatal nondiscrimination (sex, race, and disability) and prenatal rights (personhood) case. Supreme Court granted, vacated, and remanded the case for further consideration in light of *Dobbs* July 1, 2022. District court granted abortionists’ motion for a preliminary injunction regarding the personhood provision July 11, 2022. Plaintiffs filed a renewed motion for a preliminary injunction regarding the prenatal nondiscrimination provisions Sept. 9, 2022.

State Court

- ***Planned Parenthood Center of Tucson, Inc. v. Brnovich*** (Ariz. Super. Ct. No. C127867) – Abortion case challenging pre-*Roe* law. Permanent injunction issued Mar. 27, 1973. State moved for relief from judgment July 13, 2022. Hearing held Aug. 19, 2022.

Arkansas

Federal District Court

- ***Little Rock Family Planning Services v. Jegley*** (E.D. Ark. 4:21-cv-453) – Abortion gestational limits case limiting the practice throughout pregnancy with narrow exceptions. Preliminary injunction issued July 20, 2021. Appealed to 8th Circuit and held in abeyance pending *Dobbs*. State filed emergency motion for stay of the injunction and for summary reversal July 24, 2022. 8th Circuit denied State’s motion for a stay of injunction on the ground that the State should seek a stay from the district court in the first instance but requested abortionists to respond to State’s request for summary reversal. Abortionists filed a motion to voluntarily dismiss the case in district court July 6, 2022. Voluntarily dismissed July 13, 2022.
- ***Planned Parenthood of Arkansas & Eastern Oklahoma, Inc. v. Gillespie*** (E.D. Ark. No. 4:15-cv-566) – Abortion funding (Medicaid) case. Preliminary injunction denied July 30, 2018. Proceedings currently stayed due to COVID-19 pandemic. Joint stipulation of voluntary dismissal filed. Voluntarily dismissed Aug. 1, 2022.
- ***Rutledge v. Little Rock Family Planning Services*** (E.D. Ark. No. 4:15-cv-784) – Abortion gestational limits (18-week), health and safety (physician-only rule), and prenatal nondiscrimination (Down syndrome) case. The 8th Circuit affirmed the preliminary injunction. State filed cert. petition on Down syndrome issue only. Supreme Court granted, vacated, and remanded for further consideration in light of *Dobbs*. Abortionists filed a notice of voluntary dismissal in district court. Trial court granted motion to dismiss without prejudice Aug. 2, 2022. [Amicus curiae brief filed on behalf of Americans United for Life.](#)

California

Federal Court of Appeals

- ***A.B. v. Chart, Inc.*** (9th Cir. No. 21-17016) – In vitro fertilization case. Judgment following jury verdict for plaintiffs against Chart Industries. Chart Industries appealed. Released from mediation program May 23, 2022. Currently in briefing. Case administratively closed until Nov. 15, 2022.
- ***California v. Azar*** (9th Cir. Nos. 20-16045 (lead case), 20-15398, 20-15399) – Conscience rights case regarding HHS conscience protection rule. Status report filed Apr. 1, 2022. Held in abeyance pending HHS rulemaking.
- ***National Abortion Federation v. Center for Medical Progress*** (Nos. 21-15953 (lead), 21-15955, 21-16983) – Free speech case regarding David Daleiden’s undercover videos. District court granted NAF’s motion for summary judgment and permanent injunction. CMP appealed to 9th Circuit. Currently in briefing. Oral argument held Aug. 9, 2022.
- ***Planned Parenthood Federation of America v. Center for Medical Progress*** (9th Cir. Nos. 20-16068, 20-16070, 20-16773, 20-16820) – Free speech case regarding David Daleiden’s undercover videos. District court issued permanent injunction. 9th Circuit heard oral argument on Apr. 21, 2022. [Amicus curiae brief on behalf of Americans United for Life.](#)

Federal District Court

- ***California v. U.S. Department of Health and Human Services*** (N.D. Cal. No. 4:17-cv-5783) – Conscience rights case regarding Affordable Care Act’s contraception mandate. Stayed pending rulemaking. Case management conference held May 17, 2022. Status report filed Aug. 1, 2022. Little Sisters of the Poor filed motion to intervene Sept. 2, 2022. Motion hearing regarding intervention set for Jan. 19, 2023.
- ***Christian Medical & Dental Associations v. Bonta*** (C.D. Cal. No. 5:22-cv-335) – Assisted suicide and rights of conscience case challenging the removal of conscience protections from the End of Life Option Act. Complaint filed Feb. 22, 2022. Motion to intervene filed by Compassion & Choices May 18, 2022. Hearing on motion for preliminary injunction reset for July 8, 2022. Hearing on motion to dismiss set for Sept. 16, 2022. District court granted preliminary injunction in part on free speech grounds Sept. 2, 2022.
- ***Foothill Church v. Watanabe*** (E.D. Cal. No. 2:15-cv-2165) – Conscience rights case regarding California’s abortion insurance mandate. District court granted summary judgment in part for plaintiffs on Free Exercise Clause claim but granted summary judgment in part for defendants on Equal Protection Clause claim Aug. 25, 2022.

- ***Shavelson v. California Department of Health*** (N.D. Cal. No. 3:21-cv-6654) – Assisted suicide case challenging, under federal disability rights laws, to expand the End of Life Option Act to active euthanasia of persons with disabilities. Amended complaint filed. District court granted motion to dismiss June 22, 2022 on the grounds that plaintiffs haven't stated an ADA claim because it would fundamentally alter the statute. 2nd amended complaint filed July 12, 2022. State filed motion to dismiss Aug. 9, 2022. Motion to dismiss hearing set for Nov. 17, 2022.
- ***Skyline Wesleyan Church v. California Department of Health*** (S.D. Cal. No. 3:16-cv-501) – Conscience rights case regarding California's abortion insurance mandate. 9th Circuit reversed in part, vacated in part, and remanded Aug. 19, 2020. Awaiting decision on cross-motions for summary judgment.

Colorado

No cases reported

Connecticut

Federal District Court

- ***Pregnancy Support Ctr., Inc. v. Tong*** (D. Conn. No. 3:21-cv-1346) – Free speech case regarding anti-pregnancy center law. Complaint filed Oct. 12, 2021. Answer entered Dec. 7, 2021. Dispositive motions due May 19, 2023 (plaintiffs) and June 16, 2023 (defendant). Trial ready date is June 12, 2023, or within 30 days of filing the joint trial memorandum (due by April 28, 2023, or 30 days after the Court rules on any dispositive motion).

State Court

- ***Lafo v. Ward*** (Conn. Super. Ct. Nos. LLI-CV21-6029507-S, LLI-CV22-6029930-S) – Medical malpractice case against a certified nurse midwife for prescribing abortion inducing-drugs at 22 weeks gestation. Complaint filed Nov. 5, 2021. Ward filed a motion to dismiss Jan. 5, 2022. Planned Parenthood filed a motion to strike May 25, 2022. Scheduling order entered June 9, 2022: dispositive motions and their responses due Feb. 15 and April 15, 2024. Trial set for Sept. 10, 2024.

Delaware

State Court

- ***State of Delaware v. City of Seaford*** (Del. Ch. No. 2022-0030) – Fetal remains case concerning state preemption over a city ordinance. Complaint filed Jan. 11, 2022. Hearing held on cross-motions for summary judgment May 12, 2022. Court granted summary judgment for State, finding that the state law preempted the city's ordinance June 29, 2022.

District of Columbia

Federal Appeals Court

- ***State of Illinois v. Ferriero*** (D.C. Cir. No. 21-5096) – Equal Rights Amendment case with abortion policy implications. District court granted motion to dismiss Mar. 5, 2021. Briefed and set for oral argument on Sept. 28, 2022.
- ***Frederick Douglass Foundation, Inc. v. District of Columbia*** (D.C. Cir. No. 21-7108) – Free speech case alleging pro-life viewpoint discrimination. District court granted motion to dismiss Sept. 1, 2021. Appealed to the D.C. Circuit. Briefed and set for oral argument on Sept. 28, 2022. [Amicus curiae brief on behalf of Americans United for Life.](#)

Federal District Court

- ***North Texas Equal Access Fund v. America First Legal Foundation*** (D.D.C. No. 1:22-cv-728) – Abortion gestational limits case regarding the Texas Heartbeat Act (S.B. 8). Plaintiff filed motion for summary judgment April 15, 2022. Defendant filed motion to defer or summarily deny plaintiff's motion for summary judgment. Court permitted defendant not to respond further to motion for summary judgment until schedule is established. Defendant filed motion to dismiss for lack of jurisdiction April 22, 2022. Answer filed June 27, 2022.

Florida

State Court

- ***Capo v. State of Florida*** (Fla. Cir. Ct. No. 2022-014374-CA-01) – Abortion gestational limits (15-week) case alleging religious and free speech claims. Complaint filed Aug. 1, 2022. Motion for temporary injunction filed Sept. 1, 2022.
- ***Chotso v. State of Florida*** (Fla. Cir. Ct. No. 2022-014371-CA-01) – Abortion gestational limits (15-week) case alleging religious and free speech claims. Complaint filed Aug. 1, 2022. Motion for temporary injunction filed Sept. 1, 2022.
- ***Doe v. State of Florida*** (Fla. Cir. Ct. No. 2022-014372-CA-01) – Abortion gestational limits (15-week) case alleging religious and free speech claims. Complaint filed Aug. 1, 2022. Motion for temporary injunction filed Sept. 1, 2022.
- ***Generation to Generation, Inc. v. State of Florida*** (Fla. Cir. Ct. No. 2022-CA-980) – Abortion gestational limits (15-week) case, alleging infringement on free exercise of religion. Amended complaint filed June 16, 2022. Plaintiffs filed emergency motion for temporary injunctive relief and for declaratory judgment declaring H.B. 5 invalid, unconstitutional, and unenforceable June 16, 2022.

- ***Hafner v. State of Florida*** (Fla. Cir. Ct. No. 2022-014370-CA-01) – Abortion gestational limits (15-week) case alleging religious and free speech claims. Complaint filed Aug. 1, 2022. Motion for a temporary injunction filed Sept. 1, 2022.
- ***In re Doe*** (Fla. Dist. Ct. App. No. 1D22-2476) – Abortion judicial bypass case. Court of Appeal affirmed the denial of the judicial bypass Aug. 15, 2022.
- ***Planned Parenthood of Southwest and Central Florida v. State of Florida*** (Fla. No. SC22-1127) – Abortion gestational limits (15-week) case implicating the state constitutional abortion “right.” Complaint filed June 1, 2022. Trial court granted temporary injunction. Abortionists filed emergency motion to vacate automatic stay of temporary injunction. Appealed to Florida First District Court of Appeal. Court of Appeal denied motion to vacate automatic stay and rejected suggestion for certification. Court of Appeal reversed. Abortionists appealed to Florida Supreme Court. Petitioners filed emergency motion to stay the Court of Appeal’s decision pending review Aug. 31, 2022.
- ***Pomerantz v. State of Florida*** (Fla. Cir. Ct. No. 2022-014373-CA-01) – Abortion gestational limits (15-week) case alleging religious and free speech claims. Complaint filed Aug. 1, 2022. Motion for temporary injunction filed Sept. 1, 2022.

Georgia

Federal Appeals Court

- ***SisterSong Women of Color Reproductive Justice Collective v. Kemp*** (11th Cir. No. 20-13024) – Abortion gestational limits (heartbeat) and prenatal rights (personhood) case. District court issued permanent injunction. 11th Circuit oral argument held Sept. 24, 2021. Stayed pending *Dobbs*. 11th Circuit ordered supplemental briefing on *Dobbs*’ effect upon litigation, which was filed July 15, 2022. In briefing, abortionists urged the Court to affirm the permanent injunction against the personhood provision. 11th Circuit vacated the injunction, reversed the judgment in favor of the abortionists, and remanded with instructions to enter judgment in favor of the state officials July 20, 2022. 11th Circuit entered an order stating that a judge of the court withholds issuance of the mandate in the appeal Aug. 16, 2022.

State Court

- ***SisterSong Women of Color Reproductive Justice Collective v. State of Georgia*** (Ga. Super. Ct. No. 2022CV367796) – Abortion gestational limits (heartbeat) case, which also seeks to devise a state constitutional abortion “right.” Complaint filed July 26, 2022. Trial court denied a preliminary injunction Aug. 15, 2022.

Guam

Federal Court of Appeals

- ***Raidoo v. Camacho*** (9th Cir. No. 21-16559) – Chemical abortion (telemedicine) case. District court granted preliminary injunction Sept. 7, 2021. 9th Circuit denied State’s motion for summary reversal without prejudice Aug. 18, 2022. State’s opening brief due Sept. 14, 2022

Hawaii

Federal District Court

- ***Chelius v. Becerra*** (D. Haw. No. 1:17-cv-493) – Chemical abortion case challenging Mifeprex REMS. Stayed pending agency rulemaking. Status report filed Nov. 3, 2021. No recent major action.

Idaho

Federal District Court

- ***United States of America v. State of Idaho*** (D. Idaho No. 1:22-cv-329) – Anti-life lawsuit to enforce EMTALA abortion mandate. Complaint filed Aug. 2, 2022. Granted plaintiff’s motion for a preliminary injunction Aug. 24, 2022.

State Court

- ***Planned Parenthood Great Northwest, Hawaii, Alaska, Indiana, Kentucky v. State of Idaho*** (Idaho Nos. 49615-2022, 49817-2022, and 49899-2022) – Consolidated abortion case challenging the conditional law and gestational limits (heartbeat), which also seeks to devise a state constitutional abortion “right.” Idaho Supreme Court consolidated the cases, denied abortionists’ request to stay the conditional law, vacated the stay of S.B. 1309 (which amended the heartbeat law). Oral argument on the merits set for Sept. 29, 2022.

Illinois

Federal District Court

- ***Braid v. Stille*** (N.D. Ill. No. 1:21-cv-5283) – Abortion gestational limits case regarding Texas S.B. 8 heartbeat law. Complaint for interpleader and declaratory judgment filed. Granted interpleader. Certified constitutional challenge. Defendant Gomez appealed. Denied petition for a writ of mandamus, motion to stay appeal, and motion to voluntarily dismiss without prejudice Feb. 28, 2022. Appeal voluntarily dismissed. Currently in briefing before district court regarding Braid’s motion for summary judgment. District court granted Braid’s motion for a preliminary injunction and plaintiff’s motion

for temporary restraining order on June 08, 2022. Motion hearing held June 22, 2022. Amended motion to dismiss filed June 24, 2022.

- ***National Institute of Family and Life Advocates v. Rauner*** (N.D. Ill. No. 3:16-cv-50310) – Free speech case regarding anti-pregnancy center law. Denied plaintiffs’ motions to amend and to certify for interlocutory appeal the court’s order denying plaintiffs’ motion for summary judgment. Hearing on State’s motion for summary judgment held Mar. 18, 2022. Parties filed cross-motions to strike expert testimony July 11, 2022.
- ***North Texas Equal Access Fund v. Thomas More Society*** (N.D. Ill. No. 1:22-cv-1399) – Abortion gestational limits case regarding the Texas Heartbeat Act (S.B. 8). Complaint filed Mar. 16, 2022. Defendant filed motion to dismiss for lack of jurisdiction April 28, 2022. Answer filed June 27, 2022.

Indiana

Federal Court of Appeals

- ***Box v. Planned Parenthood of Indiana & Kentucky*** (7th Cir. No. 17-2428) – Abortion parental notice case regarding the application of the *Hellerstedt* standard. Supreme Court granted, vacated, and remanded the case for further consideration in light of *Dobbs*. 7th Circuit vacated preliminary injunction barring enforcement of parental notice provision and remanded the case for further proceedings. In the district court (S.D. Ind. No. 1:17-cv-1636), the State filed a motion to vacate the preliminary injunction June 27, 2022. [Amicus curiae brief on behalf of Americans United for Life](#).

Federal District Court

- ***All-Options, Inc. v. Attorney General of Indiana*** (S.D. Ind. No. 1:21-cv-1231) – Abortion health and safety (clinic licensing) case. Granted preliminary injunction June 30, 2021. Denied motion to stay proceedings pending *Dobbs* and *Whole Woman’s Health Alliance*, but essentially granted in part to the extent that the court *sua sponte* rescheduled discovery deadlines. The court granted in part and denied in part plaintiffs’ motion for a protective order Apr. 20, 2022. Status conference held Aug. 31, 2022.
- ***Bernard v. Individual Members of the Indiana Medical Licensing Board*** (S.D. Ind. 1:19-cv-1660) – Abortion gestational limits (dismemberment) case. Granted plaintiffs’ motion to continue trial, denied plaintiffs’ motion to stay all proceedings Sept. 15, 2021. District court vacated preliminary injunction July 7, 2022. State filed motion for judgment on the pleadings July 8, 2022.
- ***Irish 4 Reproductive Health v. U.S. Department of Health and Human Services*** (N.D. Ind. No. 3:18-cv-491) – Conscience rights case regarding pro-choice challenge to Notre Dame’s exception to contraception mandate. Stayed pending rulemaking. Status report filed Aug. 15, 2022.

- ***Planned Parenthood Great Northwest, Hawaii, Alaska, Indiana, Kentucky, Inc. v. Marion County Prosecutor*** (S.D. Ind. No. 1:18-cv-1219) – Abortion reporting case. Per parties’ joint stipulation, the district court dismissed the case without prejudice and denied plaintiff’s pending motion for a preliminary injunction as moot Aug. 29, 2022.
- ***Whole Woman’s Health Alliance v. Rokita*** (S.D. Ind. No. 1:18-cv-1904) – Omnibus abortion case regarding chemical abortion, hospital-only, telemedicine, facility health and safety, and informed consent provisions. District court permanently enjoined certain provisions. 7th Circuit vacated and remanded July 11, 2022. Upon parties’ request, the district court stayed proceedings until the conclusion of the Indiana General Assembly’s special session.

State Court

- ***Planned Parenthood Great Northwest, Hawai’i, Alaska, Indiana, Kentucky, Inc. v. Members of the Medical Licensing Board of Indiana*** (Ind. Sup. Ct. No. ___) – Abortion gestational limits (throughout pregnancy) case, which also seeks to devise a state constitutional abortion “right.” Complaint filed Aug. 30, 2022.

Iowa

State Court

- ***Planned Parenthood of the Heartland, Inc. v. Reynolds*** (Iowa Dist. Ct. No. EQCE083074) – Abortion gestational limits (heartbeat) case. Permanent injunction issued Jan. 22, 2019. State filed a motion to dissolve injunction Aug. 11, 2022. Motion hearing set for Oct. 28, 2022.
- ***Planned Parenthood of the Heartland, Inc. v. Reynolds*** (Iowa Dist. Ct. No. EQCV081855) – Abortion informed consent (24-hour reflection period) case. Trial court granted Planned Parenthood’s motion for summary judgment and permanently enjoined the law. Appealed to Iowa Supreme Court. Iowa Supreme Court held abortion is not a fundamental right under the state constitution. State’s application for rehearing regarding litigation standard denied. Voluntarily dismissed without prejudice Aug. 19, 2022.

Kansas

State Court

- ***Hodes & Nauser v. Schmidt*** (Kan. No. 124130) – Abortion gestational limits (dismemberment) case. Granted plaintiffs’ motion for summary judgment to permanently enjoin the law Apr. 7, 2021. Appealed to Kansas Supreme Court. Briefed and awaiting oral argument schedule.

- ***Hodes & Nauser v. Stanek*** (Kan. No. 125051) – Health and safety (licensing) and chemical abortion (telemedicine) case. Trial court granted plaintiff's motion for summary judgment. State appealed. State filed brief Aug. 31, 2022. Abortionists' brief due Sept. 30, 2022.
- ***Trust Women Foundation Inc. v. Bennett*** (Kan. Ct. App. No. 121693) – Chemical abortion (telemedicine) case. State court of appeals reversed denial of temporary injunction and held that Trust Women had standing to sue the Board of Healing Arts. Kansas Court of Appeals denied abortionists' motion for an injunction. Kansas Court of Appeals denied state officials' petition for review of opinion Sept. 2, 2022.

Kentucky

Federal Court of Appeals

- ***Sisters for Life, Inc. v. Louisville-Jefferson County, KY Metro Government*** (6th Circuit Nos. 22-5150 (lead), 22-5151) – Sidewalk counselors case challenging buffer zone law. Second amended complaint filed. Denied motion for preliminary injunction Feb. 25, 2022. Appealed to Sixth Circuit. Briefed and awaiting oral argument schedule.

Federal District Court

- ***Clark v. Bendapudi*** (W.D. Ky. No. 3:21-cv-480) – Free speech case regarding pro-life viewpoint discrimination. Amended complaint filed. Motion to dismiss filed and parties briefed the motion. Matter referred to a magistrate judge April 01, 2022.
- ***EMW Women's Surgical Center, P.S.C. v. Friedlander*** (W.D. Ky. No. 3:18-cv-224) – Abortion gestational limits (dismemberment) case. Sixth Circuit affirmed permanent injunction. SCOTUS granted cert. and held the Sixth Circuit erred in denying the Kentucky Attorney General's motion to intervene on the commonwealth's behalf in litigation. 6th Circuit granted the Attorney's General's petition for panel rehearing and vacated and remanded the case to district court to reconsider the permanent injunction in light of *Dobbs* July 21, 2022. District court granted parties' joint motion to vacate the permanent injunction and dismiss the case with prejudice Aug. 17, 2022.
- ***EMW Women's Surgical Center v. Friedlander*** (W.D. Ky. No. 3:17-cv-189) – Abortion health and safety (transfer agreement) case. Intervenor defendant's motion for summary judgment filed July 30, 2021. Plaintiffs' response brief held in abeyance pending court review of parties' post-trial briefs. Intervenor-defendant's motion for summary judgment administratively remanded, to be reinstated by subsequent order, on March 18, 2022.

- ***EMW Women’s Surgical Center v. Friedlander*** (W.D. Ky. No. 3:19-cv-178) – Abortion gestational limits (heartbeat), prenatal nondiscrimination (sex, race, color, national origin, disability) case, and omnibus challenge to comprehensive abortion bill (H.B. 3). Temporary injunction issued. Proceedings partially stayed pending *Dobbs*. District court granted State’s motion to dissolve temporary restraining orders, and abortionists’ voluntary motion to dismiss June 30, 2022.
- ***Planned Parenthood Great Northwest, Hawaii, Alaska, Indiana, and Kentucky v. Cameron*** (W.D. Ky. No. 3:22-cv-198) – Omnibus abortion lawsuit challenging comprehensive abortion bill, Ky. H.B. 3. Court granted preliminary injunction in part, enjoining defendants from enforcing H.B. 3 until the Cabinet creates a means for compliance and stayed litigation of the 15-week gestational limit pending *Dobbs*. District court denied Cameron’s motion to stay pending appeal May 26, 2022. Cameron appealed. 6th Circuit remanded to district court for further proceedings consistent with *Dobbs*. District court partially dissolved preliminary injunction on July 14, 2022, and again on Aug. 30, 2022.

State Court

- ***EMW Women’s Surgical Center, P.S.C. v. Cameron*** (Ky. No. 2022-SC-0329) – Abortion conditional law and gestational limits (6-week) case, which also seeks to devise a state constitutional abortion “right.” Complaint filed June 27, 2022. Preliminary injunction issued, finding that abortion is protected under state constitutional provisions for privacy, equal protection, and religious freedom. Court of appeals granted emergency relief. Petition for writ submitted to Kentucky Supreme Court Kentucky Supreme Court denied abortionists’ motion for emergency interlocutory relief Aug. 18, 2022. Kentucky Supreme Court oral argument set for Nov. 15, 2022.

Louisiana

Federal Court of Appeals

- ***June Medical Services v. Phillips*** (5th Cir. No. 22-30425) – Abortion health and safety (admitting privileges) case. State filed emergency Rule 60(b) motion to vacate the permanent injunction June 27, 2022. District court denied in part (expedited relief) and denied without prejudice in part (motion) June 29, 2022. District court denied motion for reconsideration of emergency motion to vacate judgment July 5, 2022. Appealed. 5th Circuit will carry with the case the abortionists’ motion to dismiss the appeal for lack of jurisdiction Aug. 9, 2022. Case is briefed and the 5th Circuit will consider it on submission of the briefs.

Federal Court of Appeals

- ***Planned Parenthood Gulf Coast v. Phillips*** (M.D. La. No. 3:18-cv-176) – Abortion health and safety (clinic licensing) case. 5th Circuit panel affirmed in part, reversed in part, and remanded regarding the district court’s denial of State’s motion to dismiss. 5th Circuit granted Planned Parenthood’s petition for rehearing en banc, denied plaintiffs’ motion to dismiss the interlocutory appeal, and remanded for further proceedings Jan. 20, 2022. District court stayed proceedings pending *Dobbs*, and it has not reopened yet.
- ***Planned Parenthood Gulf Coast v. Phillips*** (M.D. La. No. 3:15-cv-565) – Abortion funding (Medicaid) case. Stayed pending outcome of 5th Circuit rehearing en banc of *Planned Parenthood of Greater Texas Family Planning & Preventative Health Services, Inc. v. Smith* and the 5th Circuit appeal in *Planned Parenthood Gulf Coast, Inc. v. Gee*. Denied motion to vacate the preliminary injunction Apr. 7, 2021. No recent major action.

State Court

- ***June Medical Services, LLC v. Landry*** (La. Dist. Ct. No. 22-5633) – Abortion conditional law case. Complaint filed June 27, 2022. Temporary restraining order issued June 27, 2022. Hearing set for July 8, 2022. State filed a request for priority consideration and stay of temporary restraining order in Louisiana Supreme Court July 2, 2022. Permitted to go into effect July 8, 2022. Second temporary restraining order issued July 11, 2022. Preliminary injunction issued July 21, 2022.

Maine

No cases reported

Maryland

No cases reported

Massachusetts

State Court

- ***Kligler v. Healey*** (Mass. No. SJC-13194) – Assisted suicide case regarding decriminalization for physicians. Trial court partially granted (free speech) and partially denied (equal protection) plaintiffs’ motion for summary judgment and partially granted (involuntary manslaughter) and partially denied (free speech) defendants’ motion for summary judgment. Supreme Judicial Court *sua sponte* accepted plaintiffs’ appeal. Oral argument held Mar. 9, 2022. Per court order, parties filed supplemental briefing of *Dobbs*’ effect upon the Massachusetts Supreme Judicial Court’s substantive due process analysis Aug. 29, 2022. [AUL’s amicus curiae brief on behalf of Christian Medical & Dental Associations.](#)

Michigan

State Court

- ***In re Executive Message of the Governor Requesting the Authorization of a Certified Question*** (Mich. No. 164256) – Governor Whitmer asking for authorization for the trial court in *Whitmer v. Linderman* to certify three constitutional questions to the state supreme court. Filed Apr. 7, 2022. Right to Life of Michigan filed motion to intervene Apr. 21, 2022. Court directed further briefing May 20, 2022. Governor filed motion to authorize certification of the questions in the Governor’s executive message and set an expedited briefing schedule June 23, 2022.
- ***In re Jarzynka*** (Mich. Nos. 164753) – Complaint for an order of superintending control over *Planned Parenthood of Mich. v. Att’y Gen. of the State of Mich.* after a judge who supports Planned Parenthood issued a preliminary injunction against Michigan’s pre-*Roe* law and the attorney general openly applauded the order. Parties briefed whether Michigan Court of Appeals has jurisdiction. Michigan Court of Appeals dismissed complaint for lack of standing to seek superintending control Aug. 1, 2022. Abortionists filed application for leave and motion to stay in state supreme court Aug. 2, 2022. State officials filed application for leave to state supreme court Aug. 31, 2022.
- ***Planned Parenthood of Michigan v. Attorney General of the State of Michigan*** (Mich. Ct. Cl. No. 22-000044-MM) – Abortion case challenging pre-*Roe* law, which also seeks to devise a state constitutional abortion “right.” Complaint filed Apr. 7, 2022. Preliminary injunction issued regarding Mich. Comp. Laws § 750.14 on May 17, 2022. Granted state legislators’ motion to intervene June 15, 2022. Court granted in part and denied in part abortionists’ motion for summary disposition, granted in part and denied in part intervening defendants’ motion for summary disposition, and permanently enjoined the statute Sept. 7, 2022.
- ***Whitmer v. Linderman*** (Mich. Cir. Ct. No. 2022-193498-CZ) – Abortion case challenging pre-*Roe* law, which also seeks to devise a state constitutional abortion “right.” Complaint filed Apr. 7, 2022. Michigan Right to Life filed a motion to intervene May 4, 2022. Motion for summary disposition filed May 6, 2022. Trial set for Feb. 23, 2023. Trial court issued preliminary injunction Aug. 19, 2022.

Minnesota

Federal District Court

- ***Final Exit Network, Inc. v. Stuart*** (D. Minn. No. 0:21-cv-01235) – Assisted suicide case regarding free speech. Granted in part (void for vagueness and § 1983), denied in part (as-applied challenge) State’s motion to dismiss Feb. 3, 2022. Case stayed through Oct. 7, 2022, or until further order of the Court.

State Court

- ***Doe v. State of Minnesota*** (Minn. Dist. Ct. No. 62-CV-19-3868) – Omnibus abortion case regarding health and safety, reporting, informed consent, fetal remains, and parental notification provisions. Partially granted (dismissal of State and church’s challenge to advertising law) and partially denied (remaining motion) State officials’ motion for summary judgment. Trial court granted in part and denied in part abortionists’ motion for summary judgment, permanently enjoining the physician-only rule, hospitalization law, felony penalties, two-parent notification, informed consent disclosures, physician disclosures, and reflection period provisions. Trial court denied motion to intervene by Traverse County Attorney Sept. 6, 2022.

Mississippi

Federal District Court

- ***GenBioPro, Inc. v. Dobbs*** (S.D. Miss. No. 3:20-cv-652) – Chemical abortion case regarding a generic Mifepristone manufacturer alleging preemption and Commerce Clause violations. Hearing on motion to dismiss for lack of jurisdiction June 8, 2022. State filed response to court’s inquiry regarding *Dobbs*’ effect June 30, 2022. GenBioPro filed notice of voluntary dismissal Aug. 18, 2022.

Jackson Women’s Health Organization v. Dobbs (S.D. Miss. No. 3:18-cv-171) – Abortion omnibus challenge regarding gestational limits, informed consent, and health and safety provisions. Granted preliminary injunction. Supreme Court overturned *Roe v. Wade*, upheld Mississippi’s Gestational Age Act, and returned the abortion issue to the democratic process June 24, 2022. District court vacated injunction and noted what remains of the legal challenge is likely moot because abortionists no longer operate in the state Sept. 2, 2022. [Amicus curiae brief on behalf of Americans United for Life](#). [AUL’s amicus curiae brief on behalf of 228 members of Congress](#).

State Court

- ***Jackson Women’s Health Organization v. Dobbs*** (Miss. Ch. Ct. No. 25CH1:22-cv-00739) – Abortion conditional law and gestational limits (6-week) case, which also seeks to devise a state constitutional abortion “right.” Complaint filed June 27, 2022. Chancery court denied abortionists’ motion for a preliminary injunction and held that *Pro-Choice Mississippi v. Fordice*, 716 So. 2d 645 (Miss. 1998), is no longer good law July 5, 2022. Abortionists filed notice of voluntary dismissal July 19, 2022.

Missouri

Federal Court of Appeals

- ***Reproductive Health Services of Planned Parenthood of the St. Louis Region, Inc. v. Parson*** (8th Cir. Nos. 19-2882, 19-3134) – Gestational limits (8-week, 14-week, 18-week, 20-week) and prenatal nondiscrimination (Down syndrome, sex, race) case. District court partially granted [gestational limits] and partially denied [prenatal nondiscrimination provisions] preliminary injunction for Reproductive Health Services. District court granted motion for reconsideration and modified preliminary injunction to include Down syndrome provision. 8th Cir. en banc oral argument held Sept. 21, 2021. 8th Circuit vacated preliminary injunction and remanded for further proceedings July 8, 2022. District court granted abortionists’ request to dismiss the case without prejudice July 13, 2022. [Amicus curiae brief on behalf of Americans United for Life](#).

Montana

State Court

- ***Planned Parenthood of Montana v. Montana*** (Mont. No. DA 21-0521) – Abortion “minibus” case regarding 20-week limit, chemical abortion, ultrasound viewing, and fetal heart tone provisions. Trial court granted preliminary injunction Oct. 7, 2021. Montana Supreme Court affirmed on Aug. 15, 2022, refusing to reconsider *Armstrong* at the preliminary injunction stage of litigation. Montana Supreme Court affirmed the preliminary injunction, refusing to reconsider *Armstrong* at this stage of litigation on Aug. 9, 2022.
- ***Weems v. Montana*** (Mont. No. DA 22-0207) – Abortion challenge to expand health and safety law to include APRNs as abortion providers. Trial court issued a permanent injunction, permitting APRNs to provide abortions Feb. 25, 2022. State appealed to Montana Supreme Court Apr. 25, 2022. Abortionists’ brief due Sept. 16, 2022.
- ***Planned Parenthood of Montana v. Montana*** (Mont. Dist. Ct. No. DDV-2013-407) – Abortion challenge to parental consent law. Trial court preliminarily enjoined law June 28, 2013. Case stalled with little action. Attorney General issued an advisory clarifying state of parental involvement laws Jan. 28, 2022. Trial court issued an order denying to lift the preliminary injunction Apr. 28, 2022

Nebraska

No cases reported

Nevada

State Court

- ***Howell v. Frazier*** (Nev. No. 83224) – Raising the issue of the constitutionality of a pre-*Roe* abortion statute that criminalizes self-induced abortion following 24-weeks gestation. A judge granted relief in finding that the woman’s guilty plea was entered in violation of her Sixth and Fourteenth Amendment rights. Nevada Supreme Court accepted case and permitted constitutional challenge. Case is briefed and submitted for decision.

New Hampshire

No cases reported

New Jersey

State Court

- ***Petro v. Platkin*** (N.J. Superior Ct. App. Div. No. A-003837-19) – Assisted suicide case regarding pro-life challenge to N.J. Medical Aid in Dying Law for the Terminally Ill Act. Trial court granted State’s motion to dismiss for lack of standing and failure to state a claim upon which relief may be granted Apr. 1, 2020. New Jersey Superior Court, Appellate Division affirmed June 10, 2022.

New Mexico

No cases reported

New York

Federal Court of Appeals

- ***CompassCare, First Bible Baptist Church and NIFLA v. Cuomo*** (2d Cir. Nos. 22-951 [lead], 22-1076) – Conscience rights case regarding the abortion-related “Boss Bill.” Cross-motions for summary judgment filed May 21, 2021. Briefed cross-motions. Granted plaintiffs’ motion for summary judgment, denied defendants’ motion for summary judgment, and permanently enjoined defendants from enforcing N.Y. Labor Law § 203-e(6) against any employer Apr. 1, 2022. Appeal and cross-appeal filed. 2d Circuit held in abeyance pending *Slattery v. Cuomo* (2d Cir. No. 21-911).
- ***New York v. U.S. Department of Health & Human Services*** (2d Cir. Nos. 19-4254 [lead], 20-31, 20-32, 20-41) – Conscience rights case regarding HHS conscience protection rule. Preliminary injunction issued. Appealed to 2d Circuit. Held in abeyance pending rulemaking. Status report filed Sept. 7, 2022.

- ***Slattery v. Hochul*** (2d Cir. No. 21-911) – Conscience rights case regarding the abortion-related “Boss Bill.” District court granted motion to dismiss. Oral argument held Nov. 29, 2021. State officials filed FRAP 28(j) letter regarding canon of constitutional avoidance statutory construction June 6, 2022, and *Dobbs* decision on June 28, 2022.
- ***The Center for Medical Progress v. Planned Parenthood Federation of America*** (2d Cir. No. 21-2068) – Free speech case regarding David Daleiden’s undercover videos. District court granted Planned Parenthood’s motion to dismiss Daleiden’s defamation suit for failure to state a claim. CMP appealed. 2d Circuit panel affirmed. Denied petition for panel rehearing, or, in the alternative, for rehearing en banc May 10, 2022.

Federal District Court

- ***Smith v. Hochul*** (N.D. N.Y. No. 5:21-cv-35) – Prenatal rights case regarding rights of viable unborn children and domestic violence under Reproductive Health Act. Granted in part and denied in part motion to dismiss and ordered that the case be closed Oct. 26, 2021. Appealed to 2d Circuit. Appeal stayed pending district court’s decision on plaintiffs’ motions to alter, amend or vacate the final judgment. District court denied plaintiffs’ motion to amend original complaint, reopen the judgment, or reinstate certain counts in the complaint, but ordered state officials to respond to plaintiffs’ renewed motion to reopen the judgment Sept. 6, 2022.

State Court

- ***Roman Catholic Diocese of Albany v. Vullo*** (N.Y. App. Div. No. 529350) – Conscience rights case regarding mandatory insurance coverage of “medically necessary abortions.” Supreme Court granted, vacated, and remanded in light of *Fulton v. Philadelphia*, 141 S. Ct. 1868 (2020), on Nov. 1, 2021. A New York Supreme Court affirmed the grant of the State’s motion for summary judgment June 2, 2022.

North Carolina

Federal District Court

- ***Bryant v. Woodall*** (M.D.N.C. No. 1:16-cv-1368) – Abortion gestational limits (20-week) case. District court vacated permanent injunction Aug. 17, 2022.

State Court

- ***Planned Parenthood South Atlantic v. Moore*** (N.C. Super. Ct. No. 20-cvs-500147) – Abortion omnibus challenge regarding 72-hour reflection period, clinic licensing, physician-only, telehealth, and informed consent provisions. Partially denied (subject matter jurisdiction and standing) and partially declined to rule on (failure to state a claim) motion to dismiss May 28, 2021. Case assigned to three-judge panel. Motion hearing set for Apr. 28, 2022. Trial court lifted injunction Aug. 17, 2022.

North Dakota

Federal District Court

- ***American Medical Association v. Stenehjem*** (D.N.D. No. 1:19-cv-125) – Chemical abortion (pill reversal) case. Granted preliminary injunction. Stayed pending *Dobbs*. Joint status report filed July 25, 2022.

State Court

- ***Access Independent Health Services, Inc. v. Wrigley*** (N.D. No. 20220260) – Abortion conditional law case, which also seeks to devise a state constitutional abortion “right.” Complaint and motion for temporary restraining order and preliminary injunction filed July 7, 2022. Trial court granted preliminary injunction Aug. 25, 2022. Appealed to North Dakota Supreme Court Sept. 7, 2022. State officials filed motion for stay of order pending appeal in the trial court Sept. 8, 2022.

Ohio

Federal Court of Appeals

- ***State of Ohio v. Becerra*** (6th Cir. No. 21-4235) – Abortion funding case regarding pro-life challenge that HHS’ 2021 final rule violates abortion funding restrictions. District court denied plaintiffs’ motion for a preliminary injunction. Plaintiffs appealed. 6th Circuit denied plaintiffs’ motion for a temporary injunction pending appeal Feb. 8, 2022. Briefed and oral argument set for Oct. 27, 2022. [Amicus curiae brief on behalf of Americans United for Life](#).

Federal District Court

- ***Planned Parenthood Southwest Ohio Region v. Yost*** (S.D. Ohio No. 1:19-cv-118) – Gestational limits (15-week) case. Preliminary injunction granted in part Apr. 18, 2019. Stayed pending *Cameron v. EMW Women’s Surgical Center*. District court granted State’s emergency motion to vacate preliminary injunction June 24, 2022. State filed motion for judgment on the pleadings June 30, 2022. District court dismissed without prejudice Aug. 3, 2022.

- ***Preterm-Cleveland v. Attorney General of Ohio*** (S.D. Ohio No. 1:19-cv-360) – Gestational limits (heartbeat) case. Stayed pending final disposition of all appeals and petitions for cert. in *Preterm-Cleveland v. Himes* (6th Cir. No. 18-3329), and *Memphis Center for Reproductive Health v. Slatery* (6th Cir. No. 20-5969). District court granted State’s emergency motion to vacate preliminary injunction June 24, 2022. District court granted abortionists’ unopposed motion to voluntarily dismiss July 7, 2022.
- ***Preterm-Cleveland v. Himes*** (S.D. Ohio No. 1:18-cv-109) – Prenatal nondiscrimination (Down syndrome) case. 6th Circuit en banc reversed the preliminary injunction. State filed motion for judgment on the pleadings May 27, 2021. Preterm filed cross-motion for judgment on the pleadings and motion to stay June 17, 2021. No recent action.

State Court

- ***Planned Parenthood Southwest Ohio Region v. Ohio Department of Health*** (Ohio Ct. C.P. No. A2100870) – Fetal remains case. Amended complaint filed. Granted preliminary injunction. Answer filed Feb. 28, 2022. Court granted abortionists’ motion to stay proceedings July 6, 2022.
- ***Planned Parenthood Southwest Ohio Region v. Ohio Department of Health*** (Ohio Ct. C.P. No. A2101148) – Chemical abortion (telemedicine) case. Preliminary injunction issued. Denied motion to dismiss. Answer filed Dec. 1, 2021. Court granted abortionists’ motion to stay proceedings July 13, 2022.
- ***State ex rel. Preterm-Cleveland v. Yost*** (Ohio No. 2022-0803) – Abortion gestational limits (heartbeat) case, also seeking to devise a state constitutional abortion “right”. Complaint filed June 29, 2022. Ohio Supreme Court denied motion for emergency stay July 1, 2022. Abortionists filed application for dismissal since they are filing a separate lawsuit in the Ohio Court of Common Pleas Sept. 2, 2022. State officials filed motion to dismiss July 20, 2022.
- ***Women’s Med. Grp. Pro. Corp. v. Vanderhoff*** (Ohio Ct. C.P. No. A2200704) – Abortion health and safety case challenging licensing requirements in S.B. 157. Defendants filed motion to dismiss, or in the alternative, for summary judgment. Trial court granted preliminary injunction effective until June 21, 2022. Plaintiffs filed second motion for preliminary injunction. Denied State’s motion to dismiss, or in the alternative, for summary judgment June 13, 2022. Granted plaintiffs’ motion for preliminary injunction June 17, 2022. Granted abortionists’ motion to stay proceedings Aug. 10, 2022.

Oklahoma

State Court

- ***Oklahoma Call for Reproductive Justice v. O'Connor*** (Okla. No. 119918) – Abortion “minibus” case regarding heartbeat, licensing, physician-only, and chemical abortion provisions, and gestational limits (throughout pregnancy) case. Temporary injunction granted in part and denied in part. Abortion clinic appealed. Okla. Supreme Court granted abortion clinic’s emergency motion for a temporary injunction pending appeal Oct. 15, 2021. Briefed and awaiting oral argument schedule. Parties are litigating the gestational limits issue (Okla. S.B. 612) in the affiliated trial court case (Okla. Dist. Ct. No. CV-2021-2072).
- ***Oklahoma Call for Reproductive Justice v. O'Connor*** (Okla. Dist. Ct. No. CV-2021-2072) – Abortion “minibus” case regarding heartbeat, licensing, physician-only, chemical abortion provisions, and gestational limits (throughout pregnancy) case. The case is on appeal to the Oklahoma Supreme Court (Okla. No. 119918), except for the gestational limits (Okla. S.B. 612) issue. At plaintiffs’ request, court struck plaintiffs’ motion to supplement petition and for a stay of proceedings along with a supplemental petition and a motion for a temporary injunction barring S.B. 612.
- ***Oklahoma Call for Reproductive Justice v. State of Oklahoma*** (Okla. No. 120376) – Gestational limits (heartbeat) case involving a Texas S.B. 8-style law (Okla. H.B. 1503) and seeking to devise a state constitutional abortion “right.” Application for original jurisdiction and petition for declaratory and injunctive relief and/or a writ of prohibition filed Apr. 28, 2022. Oral argument held May 5, 2022. Supplemental application filed to add a challenge to Okla. S.B. 4327, a Texas S.B. 8-style law limiting abortion throughout pregnancy. Oklahoma Supreme Court denied abortionists’ supplemental emergency motion for an immediate temporary restraining order and/or temporary injunction June 27, 2022. Briefed and awaiting oral argument schedule.
- ***Oklahoma Call for Reproductive Justice v. O'Connor*** (Okla. No. 120543) – Abortion gestational limits case challenging 2022 complete gestational protection and 1910 pre-*Roe* law, also seeking to devise a state constitutional abortion “right.” Application for original jurisdiction and petition for declaratory and injunctive relief and/or a writ of prohibition filed July 1, 2022. Abortionists filed brief Sept. 2, 2022.
- ***Tulsa Women’s Reproductive Clinic v. Hunter*** (Okla. Dist. Ct. No. CV-2019-2176) – Chemical abortion (pill reversal) case. District court granted unopposed motion to expand temporary injunction Oct. 1, 2021. Currently in discovery.

- ***Tulsa Women’s Reproductive Clinic v. Hunter*** (Okla. No. 118292) – Abortion gestational limits (dismemberment) and informed consent (72-hour reflection period) case. District court upheld House Bills 1721 & 1409. Oklahoma Supreme Court granted temporary injunction pending appeal Nov. 4, 2019. Completed briefing and awaiting oral argument schedule. No recent action.

Oregon

No cases reported

Pennsylvania

State Court

- ***Allegheny Reproductive Health Center v. Pennsylvania Department of Human Services*** (Penn. No. 26 MAP 2021) – Abortion funding (Medicaid) case regarding a state “Hyde Amendment.” Trial court ruled for State. Commonwealth Court affirmed. Briefed and set for oral argument on Oct. 26, 2022. [Amicus curiae brief on behalf of Americans United for Life.](#)

Rhode Island

Supreme Court

- ***Doe v. McKee*** (No. 22-201) – Pro-life challenge to the Reproductive Privacy Act, seeking court recognition of the federal constitutional rights of unborn human beings. Rhode Island Supreme Court affirmed the grant of motion to dismiss. Petition for a writ of certiorari filed Sept. 1, 2022.

Federal District Court

- ***Elizabeth Cady Stanton Trust v. Neronha*** (D.R.I. No. 1:22-cv-245) – Equal Rights Amendment case with abortion policy implications. Complaint filed in state court May 18, 2022. Removed to federal court June 23, 2022. Motion to dismiss filed Aug. 25, 2022.

South Carolina

U.S. Supreme Court

- ***Kerr v. Planned Parenthood South Atlantic*** (No. 21-1431) – Abortion funding case regarding South Carolina’s exclusion of abortion businesses as “qualified” Medicaid providers. District court issued declaratory judgment and permanent injunction. 4th Circuit affirmed. State filed a petition for a writ of certiorari in the Supreme Court May 6, 2022. Supreme Court denied motion to expedite consideration of the petition. Distributed for Sept. 28, 2022 conference. [Amicus curiae brief on behalf of Americans United for Life.](#)

Federal Court of Appeals

- ***Planned Parenthood South Atlantic v. Wilson*** (4th Cir. No. 21-1369) – Abortion gestational limits (heartbeat) case. District court issued preliminary injunction. 4th Circuit issued amended opinion affirming district court. State filed petition for rehearing en banc Mar. 8, 2022. State filed motion to vacate preliminary injunction in 4th Circuit June 24, 2022. Abortionists filed voluntary motion to dismiss in district court June 24, 2022 (D. S.C. No. 3:21-cv-508). District court granted motion to stay preliminary injunction. State filed motion for summary judgment in district court June 27, 2022. 4th Circuit vacated and remanded July 21, 2022. District court vacated the preliminary injunction and granted the motion to dismiss without prejudice July 22, 2022.

State Court

- ***Planned Parenthood South Atlantic v. State of South Carolina*** (S.C. Cir. Ct. No. 2022CP4003569) – Abortion gestational limits (heartbeat) case, which also seeks to devise a state constitutional abortion “right.” Complaint filed July 13, 2022. Trial court denied preliminary injunction but granted State’s motion to move the case to the South Carolina Supreme Court July 26, 2022. South Carolina Supreme Court issued temporary injunction Aug. 17, 2022.

South Dakota

Federal Court of Appeals

- ***Planned Parenthood Minnesota, North Dakota, South Dakota v. Noem*** (8th Cir. Nos. 21-2913, 21-2922) – Abortion informed consent case. Granted preliminary injunction June 30, 2011. Partially dissolved preliminary injunction June 11, 2013. 6th amended complaint filed July 1, 2021. Denied State’s motion to dissolve what remains of preliminary injunction Aug. 20, 2021. State appealed. 8th Circuit denied motions for initial hearing en banc. Briefed and awaiting oral argument. [Amicus curiae brief on behalf of Americans United for Life](#). [AUL’s amicus curiae brief on behalf of Heartbeat International, Inc.](#)
- ***Planned Parenthood Minnesota, North Dakota, South Dakota v. Noem*** (8th Cir. No. 22-1362) – Chemical abortion case regarding state health department’s in-person dispensing rule. Complaint filed Jan. 19, 2022. Granted motion for preliminary injunction. State appealed. Denied State’s motion to stay preliminary injunction Mar. 14, 2022. Abortionists filed motion to dismiss appeal as moot and vacate the district court’s preliminary injunction order June 29, 2022. Abortionists filed notice of voluntary dismissal in district court June 29, 2022. 8th Circuit granted abortionists’ motion to voluntarily dismiss the appeal as moot and vacated the preliminary injunction July 21, 2022.

Tennessee

Federal District Court

- ***Memphis Center for Reproductive Health v. Slatery*** (M.D. Tenn. No. 3:20-cv-501) – Abortion gestational limits (heartbeat, cascading bans) and prenatal nondiscrimination (sex, race, Down syndrome) case. 6th Circuit panel affirmed preliminary injunction. State’s petition for rehearing en banc granted with the briefing schedule to be set at a later time. Granted State’s motion for partial stay of injunction [prenatal non-discrimination] pending appeal Feb. 2, 2022. Abortionists filed opposed, voluntary motion to dismiss in district court June 27, 2022. 6th Circuit vacated and remanded for further proceedings in light of *Dobbs* July 6, 2022. Case dismissed without prejudice July 28, 2022.
- ***Planned Parenthood of Tennessee and Northern Mississippi v. Slatery*** (M.D. Tenn. No. 3:20-cv-00740) – Chemical abortion (pill reversal) case. Preliminary injunction granted Feb. 26, 2021. Stayed pending *Dobbs*. Abortionists filed a joint motion to reopen the case and lift stay Aug. 23, 2022.

Texas

Federal Court of Appeals

- ***The Satanic Temple, Inc. v. Hellerstedt*** (S.D. Tex. 4:21-CV-00387) – Abortion informed consent (ultrasound) law, alleging infringement on free exercise of religion. Amended complaint and motion for temporary restraining order filed Aug. 22, 2022. District court denied temporary restraining order and preliminary injunction Sept. 7, 2022. Appeal docketed Sept. 8, 2022.
- ***United States of America v. Texas*** (5th Cir. No. 21-50949) – Abortion gestational limits case regarding the Texas Heartbeat Act (S.B. 8). District court granted preliminary injunction. 5th Circuit granted Texas’s motion to stay preliminary injunction pending appeal. SCOTUS dismissed writ of cert. as improvidently granted. 5th Circuit ordered the State’s motion for voluntary remand or abeyance is to be carried with the case Jan. 21, 2022. DOJ’s brief due Sept. 27, 2022.

Federal District Court

- ***Davis v. Sharp*** (W.D. Tex. No. 1:22-cv-373) – Abortion gestational limits case regarding the Texas Heartbeat Act (S.B. 8). First amended complaint filed Aug. 25, 2022. Motion to dismiss filed Sept. 8, 2022.
- ***Deanda v. Becerra*** (N.D. Tex. No. 2:20-cv-92) – Abortion parental involvement case alleging Title X funds violate Texas Family Code and parental rights. Denied without prejudice plaintiffs’ motion to certify class and held moot the cross-motions for summary judgment Feb. 15, 2022. Plaintiff filed motion for summary judgment July 25, 2022. Defendants filed cross-motions for summary judgment Aug. 19, 2022.

- ***State of Texas v. Becerra*** (N.D. Tex. No. 5:22-cv-185) – Pro-life challenge to EMTALA abortion mandate. Complaint filed July 14, 2022. District court granted plaintiffs’ motion for a preliminary injunction and denied defendants’ motion to dismiss Aug. 23, 2022.
- ***Whole Woman’s Health v. Jackson*** (W.D. Tex. No. 1:21-cv-616) – Abortion gestational limits case regarding the Texas Heartbeat Act (S.B. 8). 5th Circuit denied motions for injunction pending appeal and to lift stays. SCOTUS denied application for injunctive relief. SCOTUS permitted lawsuit to proceed only against licensing officials. On certified questions, Supreme Court of Texas found the state licensing officials have no direct or indirect enforcement power. State filed letter indicating there is an outstanding issue regarding S.B. 8’s attorney’s fees mechanism. Remanded to district court Apr. 26, 2022. Defendants filed amended motion to dismiss in part for lack of subject-matter jurisdiction May 22, 2022. District court dismissed in part June 24, 2022.
- ***Whole Woman’s Health Alliance v. Paxton*** (W.D. Tex. No. 1:18-cv-500) – Omnibus abortion case regarding licensing, chemical abortion, informed consent, parental involvement, criminal penalties, and Medicaid funding. Motions to dismiss filed Aug 27 & Oct. 10, 2018. Stay pending *June Medical Services*. Stay lifted July 23, 2020. Currently awaiting decision on motions to dismiss. Abortionists filed a notice of voluntary dismissal. District court closed the case July 22, 2022.
- ***Whole Woman’s Health v. Young*** (W.D. Tex. No. 1:16-cv-1300) – Fetal remains case. District court issued permanent injunction. 5th Circuit oral argument held Sept. 5, 2019. Vacated and remanded for further proceedings consistent with *Dobbs* June 28, 2022. District court dismissed case without prejudice Aug. 23, 2022.
- ***Whole Woman’s Health v. Young*** (W.D. Tex. No. 1:14-CV-284) – Abortion health and safety (admitting privileges) case. State filed Rule 60(b) motion to vacate permanent injunction July 7, 2022.

State Court

- ***Dickson v. The Afiya Center*** (Tex. No. 21-1039) – Free speech case regarding Dickson’s alleged defamatory statements that referred to The Afiya Center as a “criminal organization.” Trial court denied Dickson’s motion to dismiss. Court of appeals affirmed. Consolidated with *The Lilith Fund v. Dickson* (Tex. No. 21-0978) for oral argument and set for Oct. 26, 2022.
- ***North Texas Equal Access Fund v. Maxwell*** (Tex. Ct. App. No. 02-22-00347-CV) – Abortion gestational limits case regarding the Texas Heartbeat Act (S.B. 8). Filed petition, request for declaratory judgment, application for temporary injunction, and anti-suit injunction. Trial court granted motion to dismiss. Appealed Aug. 31, 2022.

- ***The Lilith Fund for Reproductive Equity v. Dickson*** (Tex. No. 21-0978) – Free speech case regarding Dickson’s alleged defamatory statements that referred to the Lilith Fund as a “criminal organization.” Trial court denied motion to dismiss. Court of appeals reversed. Briefed before state supreme court. Consolidated with *Dickson* (Tex. No. 21-0978) for oral argument and set for Oct. 26, 2022.
- ***The Lilith Fund for Reproductive Equity v. Weldon*** (Tex. Dist. Ct. No. 22-03-032) – Abortion gestational limits case regarding the Texas Heartbeat Act (S.B. 8). Filed petition, request for declaratory judgment, application for temporary injunction, and anti-suit injunction Mar. 15, 2022.
- ***Van Stean v. Texas Right to Life*** (Tex. Ct. App. No. 03-21-00650-CV) – Abortion gestational limits case regarding the Texas Heartbeat Act (S.B. 8). Declared certain civil procedures unconstitutional and issued declaratory judgment Dec. 9, 2021. Defendants appealed. Briefed and awaiting oral argument schedule.
- ***In re Ken Paxton*** (Tex. No. 22-0527) – Abortion case challenging pre-*Roe* law. Complaint filed June 27, 2022. Trial court issued temporary restraining order June 28, 2022. State filed writ of mandamus in state intermediate court and state supreme court. Texas Supreme Court stayed temporary restraining order July 1, 2022 but allowed proceedings to continue in trial court and court of appeals. Trial court extended temporary restraining order July 11, 2022 (Tex. Dist. Ct. No. 2022-38397). Texas Court of Appeals denied petition for writ of mandamus July 12, 2022 (Tex. Ct. App. No. 01-22-00480-CV). Motion for rehearing filed in Texas Court of Appeals July 27, 2022. Parties briefed the petition for a writ of mandamus to Texas Supreme Court and are awaiting a ruling.
- ***Zimmerman v. City of Austin*** (Tex. No. 21-0262) – Abortion funding case regarding city budget allocations of taxpayer money to abortion-assistance organizations. District court granted Defendants’ plea to the. Court of Appeals affirmed. Texas Supreme Court requested additional briefing on *Dobbs*’ effect on this case, with briefs due Oct. 3, 2022. [Amicus curiae brief filed on behalf of Americans United for Life.](#)

Utah

Federal District Court

- ***Planned Parenthood Association of Utah v. Miner*** (D. Utah No. 2:19-cv-238) – Abortion gestational limits (18-week) case. Granted preliminary injunction May 13, 2019. Joint stipulation of dismissal entered June 27, 2022.

State Court

- ***Planned Parenthood Association of Utah v. State of Utah*** (Utah Dist. Ct. No. 220903886) – Abortion conditional law case, which also seeks to devise a state constitutional abortion “right.” Complaint filed June 25, 2022. Trial court granted temporary restraining order June 27, 2022. Trial court granted preliminary injunction July 11, 2022. State filed petition for permission to appeal an interlocutory order in Utah Supreme Court Aug. 11, 2022.

Vermont

Federal District Court

- ***Bluestein v. Scott*** (D. Vt. No. 2:22-cv-160) – Assisted suicide case challenging residency requirements. Complaint filed Aug. 25, 2022.

Virginia

State Court

- ***Casey v. MinuteClinic Diagnostic of Virginia, LLC*** (Va. Cir. Ct. No. ___)
– Conscience rights case regarding the termination of a nurse practitioner after she conscientiously objected to prescribing abortion-inducing drugs. Complaint filed Aug. 31, 2022.

Washington

Federal Court of Appeals

- ***Washington v. Azar*** (9th Cir. No. 20-35044) (consolidated with No. 20-16045 [listed under Cal. above]) – Conscience rights case regarding HHS conscience protection rule. Status report filed Apr. 1, 2022. Held in abeyance pending HHS rulemaking.

Federal District Court

- ***Cedar Park Assembly of God of Kirkland, Washington v. Kreidler*** (W.D. Wash. No. 3:19-cv-5181) – Conscience rights case challenging Wash. S.B. 6219, which requires Washington employers to provide abortion and abortifacient coverage in employee health plans. 9th Circuit reversed in part, holding Cedar Park has standing for the free exercise issue, but affirmed the dismissal of Cedar Park’s equal protection clause for lack of standing. District court clarified that the free exercise and religious autonomy claims are the only remaining claims Feb. 22, 2022. Currently in discovery.

West Virginia

State Court

- ***Morrisey v. Women’s Health Center of West Virginia*** (W. Va. Nos. 22-C-556, 22-C-557, 22-C-558, 22-C-559, 22-C-560) – Abortion case challenging pre-*Roe* law. Complaint filed June 29, 2022. Court granted temporary injunction July 18, 2022.

Wisconsin

Federal District Court

- ***Planned Parenthood of Wisconsin v. Kaul*** (W.D. Wis. No. 3:19-cv-38) – Chemical abortion case regarding physician-only, same-physician, and telemedicine provisions. Bench trial held Dec. 7-10, 2020. Plaintiffs filed letter notifying the court of FDA changes in mifepristone REMS Mar. 31, 2022. Granted abortionists’ motion to stay so that plaintiffs may assess the *Dobbs* decision but must file a status report on or before July 25, 2022. Parties jointly stipulated to case’s dismissal without prejudice. District court closed case Aug. 4, 2022.

State Court

- ***Kaul v. Kapenga*** (Wis. Cir. Ct. No. 2022-CV-1594) – Abortion case challenging pre-*Roe* law. Complaint filed June 28, 2022. Motion to dismiss filed Aug. 22, 2022. Currently in briefing on motion to dismiss.

Wyoming

State Court

- ***Johnson v. State of Wyoming*** (Wyo. Dist. Ct. No. 18732) – Abortion conditional law case, which also seeks to devise a state constitutional abortion “right.” Complaint filed July 25, 2022. Trial court granted preliminary injunction Aug. 10, 2022.