



# Americans United for Life

## 2022 Q4 Life Litigation Report

Carolyn McDonnell, M.A., J.D.\*

### Alabama

No cases reported.

### 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. Oral argument set for Dec. 12, 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. Court has taken Plaintiffs' motion for a preliminary injunction regarding prenatal nondiscrimination provisions under advisement.

#### State Court

- ***Isaacson v. State of Arizona*** (Ariz. Super. Ct. No. CV2022-013091) – Abortion case requesting a declaratory judgment to reconcile Arizona's abortion laws. Complaint filed Oct. 3, 2022. Proceedings stayed Oct. 26, 2022.
- ***Planned Parenthood Center of Tucson, Inc. v. Brnovich*** (Ariz. Ct. App. No. 2 CA-CV 2022-0116) – Abortion case challenging pre-*Roe* law. Permanent injunction issued Mar. 27, 1973. State moved for relief from judgment July 13, 2022. Trial court lifted permanent injunction Sept. 22, 2022. Court of appeals

---

\* Litigation Counsel, Americans United for Life. Email: [Carolyn.McDonnell@aul.org](mailto:Carolyn.McDonnell@aul.org).

granted emergency motion for stay pending appeal. Oral argument held Nov. 30, 2022.

## Arkansas

No cases reported.

## California

### Federal Court of Appeals

- ***A.B. v. Chart, Inc.*** (9th Cir. No. 21-17016) – In vitro fertilization case regarding loss of cryogenically stored eggs and embryos under an emotional distress theory. Judgment following jury verdict for plaintiffs against Chart Industries. Chart Industries appealed. Released from mediation program. Currently in briefing with Appellants’ reply brief due Jan. 9, 2023.
- ***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*** (9th Cir. 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. 9th Circuit affirmed. Center for Medical Progress filed petition for panel rehearing and petition for rehearing en banc Sept. 2, 2022. Currently in briefing.
- ***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 affirmed in part (most issues) and reversed and vacated in part (Federal Wiretap Act claim). Daleiden filed petition for panel rehearing and petition for rehearing en banc Dec. 5, 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 a motion to intervene Sept. 2, 2022. Motion hearing regarding intervention issue 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. Motion to intervene filed by Compassion & Choices. District court granted preliminary injunction in part on free speech grounds. Court denied State’s motion for reconsideration of the preliminary injunction Nov. 21, 2022. Awaiting ruling on motion to dismiss.

- ***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. Per court order, parties have filed supplemental briefs on the scope of the injunction.
- ***McCarthy v. Amazon.com, Inc.*** (N.D. Cal. No. 3:22-cv-5718) – Assisted suicide case regarding Amazon’s alleged sale of suicide kits to children. Case removed to federal court Oct. 4, 2022.
- ***Shavelson v. Bonta*** (N.D. Cal. No. 3:21-cv-6654) – Assisted suicide case urging, under federal disability rights laws, expansion of 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. Second amended complaint filed July 12, 2022. District court granted motions to dismiss Dec. 7, 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. 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. 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

No cases reported.

## District of Columbia

### Federal Court of Appeals

- ***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. Oral argument held 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. Oral argument held Sept. 28, 2022. [Amicus curiae brief on behalf of Americans United for Life.](#)

### Federal District Court

- ***Judicial Watch, Inc. v. U.S. Department of Health and Human Services*** (D.D.C. No. 1:22-cv-3152) – Freedom of Information Act (FOIA) lawsuit to obtain records regarding chemical abortion drug test results and manufacturing compliance. Complaint filed Oct. 17, 2022. Answer entered. Joint status report regarding Judicial Watch’s FOIA request due Dec. 12, 2022.
- ***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. State filed motion to transfer venue and consolidate related cases Oct. 13, 2022. Motions to dismiss filed Oct. 24, 26, Nov. 8, & 28, 2022. Plaintiff filed motion to consolidate cases Nov. 23, 2022. Case management conference set for Jan. 19, 2023.
- ***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. State filed motion to transfer venue and consolidate related cases Oct. 13, 2022. Motions to dismiss filed Oct. 24, 26, Nov. 8, & 28, 2022. Plaintiff filed motion to consolidate cases Nov. 23, 2022. Case management conference set for Jan. 19, 2023.
- ***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. State filed motion to transfer venue and consolidate related cases Oct. 13, 2022. Motions to dismiss filed Oct. 24, 26, Nov. 8 & 28. Plaintiff filed motion to consolidate cases Nov. 23, 2022. Case management conference set for Jan. 19, 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. Second amended complaint filed Oct. 7, 2022. Abortionists filed emergency motion for declaratory and injunctive relief, which trial court deemed non-emergency on Oct. 10, 2022. State filed motion for protective order preventing abortionists from deposing Governor DeSantis and to stay discovery pending the motion to dismiss Nov. 27, 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. State filed motion to transfer venue and consolidate related cases Oct. 13, 2022. Motions to dismiss filed Oct. 24, 26, Nov. 8 & 28. Plaintiff filed motion to consolidate cases Nov. 23, 2022. Case management conference set for Jan. 19, 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.” 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. The parties have briefed whether the court has jurisdiction for discretionary relief.
- ***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. State filed motion to transfer venue and consolidate related cases Oct. 13, 2022. Motions to dismiss filed Oct. 24, 26, Nov. 8 & 28. Plaintiff filed motion to consolidate cases Nov. 23, 2022. Case management conference set for Jan. 19, 2022.

## Georgia

### Federal Court of Appeals

- ***SisterSong Women of Color Reproductive Justice Collective v. Kemp*** (11th Cir. No. 20-13024) – Abortion gestational limits (heartbeat) and prenatal rights (personhood) case. Following *Dobbs*, the 11th Circuit vacated the permanent injunction, reversed the judgment in favor of the abortionists, and remanded with instructions to enter judgment in favor of the state officials. District court denied abortionists’ motion for summary judgment and granted the State’s motion for summary judgment. Judgment entered in favor of State Oct. 24, 2022.

### State Court

- ***SisterSong Women of Color Reproductive Justice Collective v. State of Georgia*** (Ga. No. S23M0358) – 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 on procedural grounds. Trial court issued permanent injunction Nov. 15, 2022, finding the LIFE Act was void *ab initio*. Georgia Supreme Court granted State’s emergency petition for supersedeas of the permanent injunction Nov. 23, 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 Guam’s motion for summary reversal without prejudice Aug. 18, 2022. Case is briefed and oral argument is set for Feb. 16, 2023.

## 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

- ***The Satanic Temple v. Little*** (D. Idaho No. 1:22-cv-411) – Abortion case challenging the conditional law and gestational limits (heartbeat), under the Takings Clause, Involuntary Servitude Clause, Equal Protection Clause, and Idaho Religious Freedom Act. Complaint filed Sept. 30, 2022. Motion to dismiss filed Nov. 22, 2022.
- ***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. Motion for reconsideration filed Sept. 7, 2022. State legislators filed motion to intervene Oct. 4, 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 held Oct. 6, 2022.

## Illinois

### Federal District Court

- ***Braid v. Stilley*** (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. District court denied motion to dismiss but exercised its discretion to decline to exercise jurisdiction over the interpleader case, which is dismissed without prejudice Sept. 16, 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. Court asked for briefing on effect, if any, of *Doe v. Rokita*, No. 22-2748 (7th Cir. Nov. 28, 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

- ***Doe v. Rokita*** (7th Cir. No. 22-2748) – Fetal remains case. District court preliminarily enjoined law on free speech and free exercise grounds. 7th Circuit reversed and remanded, with instructions to dismiss the suit with prejudice Nov. 28, 2022.

### 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. Parties filed joint motion to stay deadlines and proceedings, indicating the parties would settle the case Nov. 29, 2022. District court granted motion in part, staying the case until Aug. 31, 2023.

- ***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. Parties have briefed the State’s motion for judgment on the pleadings.
- ***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 Nov. 14, 2022.
- ***Planned Parenthood of Indiana & Kentucky v. Commissioner, Indiana State Department of Health*** (S.D. Ind. No. 1:17-cv-1636) – Abortion parental notice case. 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. Court approved parties’ briefing schedule regarding remaining issues of life, rape, and incest exceptions, and provision prohibiting aiding an unemancipated minor to obtain an abortion. Abortionists’ summary judgment motion due Dec. 19, 2022. [Amicus curiae brief on behalf of Americans United for Life](#).
- ***The Satanic Temple v. Holcomb*** (S.D. Ind. No. 1:22-cv-1859) – Abortion case challenging the abortion abolition law under the Takings Clause, Involuntary Servitude Clause, Equal Protection Clause, and Indiana Religious Freedom Restoration Act. Complaint filed Sept. 21, 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. Parties settled, and the district court dismissed without prejudice Oct. 21, 2022.

### State Court

- ***Anonymous Plaintiffs 1-5 v. The Individual Members of the Medical Licensing Board of Indiana*** (Ind. Sup. Ct. No. 49D01-2209-PL-031056) – Challenge to abortion abolition law alleging a state RFRA claim. Complaint and motion for a preliminary injunction filed Sept. 8, 2022. Trial court granted motion for preliminary injunction Dec. 2, 2022.
- ***Bernard v. Rokita*** (Ind. Sup. Ct. No. 49D13-2211-MI-038101) – Lawsuit seeking declaratory judgment and permanent injunction against attorney general’s abortion consumer complaint investigations. Complaint filed Nov. 3, 2022. Court denied abortionist’s motion for preliminary injunction Dec. 2, 2022. Abortionist filed notice of voluntary dismissal Dec. 8, 2022.
- ***Planned Parenthood Great Northwest, Hawai’i, Alaska, Indiana, Kentucky, Inc. v. Members of the Medical Licensing Board of Indiana*** (Ind. Sup. Ct. No. 22S-PL-338) – Challenge to abortion abolition law, which also seeks to devise a state constitutional abortion “right.” Complaint filed Aug. 30, 2022. Preliminary injunction issued Sept. 22, 2022, finding it was likely the state



constitution protected abortion. Case transferred to state supreme court. Currently in briefing, with oral argument set for Jan. 12, 2023.

## 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 held Oct. 28, 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. Briefed and awaiting oral argument schedule.
- ***Trust Women Foundation Inc. v. Bennett*** (Kan. Dist. Ct. No. 2019-cv-60) – Chemical abortion (telemedicine) case. Kansas Court of Appeals reversed denial of temporary injunction and held that Trust Women had standing to sue the Board of Healing Arts. Kansas Supreme Court denied state officials’ petition for review of opinion. Trial court granted temporary injunction Nov. 23, 2022.

## Kentucky

### Federal Court of Appeals

- ***Clark v. Bendapudi*** (6th Cir. No. 3:21-cv-480) – Free speech case regarding pro-life viewpoint discrimination. Amended complaint filed. District court granted motion to dismiss Sept. 30, 2022. Appealed to 6th Circuit. Appellants’ brief due Dec. 19, 2022.
- ***Sisters for Life, Inc. v. Louisville-Jefferson County, KY Metro Government*** (6th Cir. 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. Oral argument held Dec. 8, 2022.

### Federal District Court

- ***EMW Women’s Surgical Center v. Friedlander*** (W.D. Ky. No. 3:17-cv-189) – Abortion health and safety (transfer agreement) case. Per court order, parties filed briefing on status of claims post-*Dobbs* Nov. 1, 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*. 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. Cameron filed interlocutory appeal. Currently in briefing, with abortionists’ brief due Dec. 21, 2022.
- ***Sobel v. Cameron*** (W.D. Ky. No. 3:22-cv-570) – Abortion conditional law case, alleging a free exercise claim. Complaint filed Oct. 6, 2022. Removed to federal court. Plaintiffs filed motion to remand Nov. 7, 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.” 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. Kentucky Supreme Court oral argument held Nov. 15, 2022.

## Louisiana

### Federal District Court

- ***June Medical Services v. Phillips*** (M.D. La. No. 3:14-cv-525) – Abortion health and safety (admitting privileges) case. District Court granted the State’s renewed emergency rule 60(b) motion to vacate the permanent injunction Nov. 14, 2022.
- ***Planned Parenthood Gulf Coast v. Phillips*** (M.D. La. No. 3:18-cv-176) – Abortion health and safety (clinic licensing) case. District court approved abortionists’ notice of voluntary dismissal Nov. 14, 2022.
- ***Planned Parenthood Gulf Coast v. Phillips*** (M.D. La. No. 3:15-cv-565) – Abortion funding (Medicaid) case. District court vacated preliminary injunction and entered abortionists’ voluntary dismissal Nov. 10, 2022.

### 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

### U.S. Supreme Court

- ***Kruithoff v. Catholic Charities of West Michigan*** (No. 22-281) – Parental rights case regarding Michigan’s safe haven law. Supreme Court denied the petition for a writ of certiorari Dec. 5, 2022.

### 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. App. No. 363125) – Abortion case challenging pre-*Roe* law, which also seeks to devise a state constitutional abortion “right.” 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. Appealed to court of appeals. Right to Life of Michigan filed motion to intervene Sept. 25, 2022. Currently in briefing.
- ***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 Feb. 16, 2023, or until further order of the Court.

### State Court

- ***Doe v. State of Minnesota*** (Minn. Ct. App. No. A22-1265) – 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. Traverse County Attorney appealed. Mothers Offering Maternal Support (“MOMS”) filed notice of intervention in trial court Sept. 12, 2022 (Dist. Ct. No. 62-CV-19-3868). Abortionists appealed, seeking conditional review of the interlocutory order granting partial summary judgment to the State Sept. 23, 2022. Trial court hearing on MOMS’ motion to intervene set for Jan. 5, 2023.

## 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. 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 entered judgment for the State on the 15-week and 6-week gestational limits and dismissed the remaining challenges as moot Sept. 21, 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

- ***American Association of Pro-life Obstetricians and Gynecologists v. Mississippi State Board of Medical Licensure*** (Miss. Ch. Ct. No. 25CH1:22-cv-01371) – Pro-life lawsuit seeking a declaratory judgment that Mississippi’s abortion abolition law is lawful under the state constitution. Complaint filed Nov. 14, 2022.

## Missouri

No cases reported.

## 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.
- ***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. Briefed and oral argument set for Dec. 14, 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

### State Court

- **Marker v. Grisham** (N.M. Dist. Ct. No. D-504-CV-202200310) – Pro-life lawsuit seeking a declaratory judgment that there is no statutory authority that allows for or legalizes abortion procedures within New Mexico. Motion to dismiss filed Aug. 4, 2022.

## 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 Nov. 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.

### Federal District Court

- ***Moore v. Planned Parenthood Federation of America, Inc.*** (S.D. N.Y. No. 1:22-cv-8899) – Racial discrimination lawsuit against Planned Parenthood. Complaint filed Oct. 19, 2022.
- ***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. Trial court lifted injunction Aug. 17, 2022. Abortionists filed motion for a partial preliminary injunction to block the physician-only rule Oct. 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

- ***Wrigley v. Access Independent Health Services, Inc.*** (N.D. No. 20220260) – Abortion conditional law case, which also seeks to devise a state constitutional abortion “right.” Trial court granted preliminary injunction. Appealed to North Dakota Supreme Court. Oral argument held Nov. 29, 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. Oral argument held Oct. 27, 2022. [Amicus curiae brief on behalf of Americans United for Life.](#)

### Federal District Court

- ***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. Status conference set for Jan. 17, 2023.

- ***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. Status conference set for Jan. 25, 2023.
- ***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. Ohio Supreme Court granted the application for dismissal Sept. 12, 2022.
- ***Preterm Cleveland v. Yost*** (Ohio Ct. C.P. No. A2203203) – Abortion gestational limits (heartbeat) case, also seeking to devise a state constitutional abortion “right.” Granted temporary restraining order and concocted a constitutional abortion right under state due process and equal protection clauses Sept. 14, 2022. Temporary restraining order extended Sept. 27, 2022. Preliminary injunction issued Oct. 12, 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. Status conference set for Jan. 24, 2023.

## 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 abortion abolition 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 abortion abolition 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 abolishing abortion. 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. Case has been briefed and assigned to the Oklahoma Supreme Court.
- ***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. Oral argument held Oct. 26, 2022. [Amicus curiae brief on behalf of Americans United for Life.](#)

## Rhode Island

### U.S. 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 denied Oct. 11, 2022.

### Federal District Court

- ***Elizabeth Cady Stanton Trust v. Neronba*** (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. Response brief due Jan. 6, 2023.

## 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.](#)

### State Court

- ***Planned Parenthood South Atlantic v. State of South Carolina*** (S.C. No. 2022-1062) – 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 Carolina Supreme Court granted petition for original jurisdiction. Oral argument held Oct. 19, 2022.

## South Dakota

### Federal District Court

- ***Planned Parenthood Minnesota, North Dakota, South Dakota v. Noem*** (D.S.D. No. 4:11-cv-4071) – 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. 8th Circuit dismissed the appeal and vacated the preliminary injunction Oct. 6, 2022. District court dismissed the case per parties’ joint motion to dismiss Oct. 21, 2022. [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

- ***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. Per parties' stipulation of dismissal, the district court dismissed the case Sept. 22, 2022.

## Texas

### Federal Court of Appeals

- ***State of Texas v. Becerra*** (5th Cir. No. 22-11037) – 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. Appealed to 5th Circuit. Becerra's opening brief due Jan. 6, 2023.
- ***The Satanic Temple, Inc. v. Hellerstedt Texas Health and Human Service Commission*** (5th Cir. No. 22-20459) – 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. Appealed to 5th Circuit. Currently in briefing, with State's brief due Jan. 4, 2023.
- ***United States of America v. Texas*** (5th Cir. No. 21-50949) – Abortion gestational limits case regarding the Texas Heartbeat Act (S.B. 8). Preliminary injunction was dissolved upon the DOJ's 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. Stipulation of dismissal and DOJ's notice of voluntary dismissal against remaining Defendants filed Aug. 26, 2022. District court closed the case Aug. 29, 2022.

### Federal District Court

- ***Alliance for Hippocratic Medicine v. U.S. Food and Drug Administration*** (N.D. Tex. No. 2:22-cv-223) – Pro-life challenge to FDA approval and deregulation of chemical abortion drugs. Complaint and motion for a preliminary injunction filed Nov. 18, 2022.



- ***Carter v. McDonough*** (W.D. Tex. No. 6:22-cv-1275) – Pro-life challenge to Veterans Affairs interim final rule that permits abortions at VA clinics, alleging RFRA and Free Exercise claims. Complaint and motion for a preliminary injunction filed Dec. 13, 2022.
- ***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. Parties have briefed the motion to dismiss.
- ***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. District court granted Deanda’s motion for summary judgment and denied Becerra’s cross-motion Dec. 8, 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 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. Motion is briefed and awaiting a ruling.

### 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, which was held 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 to Texas Court of Appeals. Court of Appeals denied motion to set coordinated briefing schedule and consolidate appeals for oral argument with *Weldon v. The Lilith Fund for Reproductive Equity* (Tex. Ct. App. No. 02-22-00413-CV). Currently in briefing.
- ***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, which was held Oct. 26, 2022.

- ***Weldon v. The Lilith Fund for Reproductive Equity*** (Tex. Ct. App. No. 02-22-00413-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 Mar. 15, 2022. Weldon’s motion to dismiss was denied by operation law. Appealed to Texas Court of Appeals. Court of Appeals denied motion to set coordinated briefing schedule and consolidate appeals for oral argument with *North Texas Equal Access Fund v. Maxwell* (Tex. Ct. App. No. 02-22-00347). Currently in briefing.
- ***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 on merits. Texas Right to Life filed suggestion of mootness Sept. 9, 2022, which the parties have briefed.
- ***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). Parties briefed the petition for a writ of mandamus to Texas Supreme Court and are awaiting a ruling. Trial court issued order of non-suit Oct. 10, 2022 (Tex. Dist. Ct. No. 2022-38397).
- ***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 filed Oct. 3, 2022. [Amicus curiae brief filed on behalf of Americans United for Life.](#)

## Utah

### State Court

- ***Planned Parenthood Association of Utah v. State of Utah*** (Utah No. 20220696) – 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. Appealed to Utah Supreme Court. Currently in briefing, with Planned Parenthood’s response brief due Jan. 20, 2023.

## 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. Answer filed Oct. 24, 2022.

## Virginia

### Federal District Court

- ***Casey v. MinuteClinic Diagnostic of Virginia, LLC*** (E.D. Va. No. 1:22-cv-1127) – Conscience rights case regarding the termination of a nurse practitioner after she conscientiously objected to prescribing abortion-inducing drugs. Case removed to federal court. MinuteClinic filed motion to dismiss, or in the alternative, to stay and to compel arbitration. Motion hearing set for Jan. 12, 2023.

## 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

### State Court

- ***Kaul v. Kapenga*** (Wis. Cir. Ct. No. 2022-CV-1594) – Abortion case challenging pre-*Roe* law. Amended complaint filed Sept. 16, 2022, which added three District Attorney defendants. Trial court dismissed state legislators-defendants Oct. 3, 2022. Trial court granted physicians’ motion to intervene. Ozanne and Chisholm filed answers Nov. 30, 2022. Urmanski filed motions to dismiss the amended complaint and dismiss the intervenors’ complaint filed Nov. 30, 2022.

## Wyoming

### State Court

- ***Johnson v. State of Wyoming*** (Wyo. No. S-22-0294) – 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. Trial court denied Right to Life of Wyoming and pro-life legislators’ motion to intervene. Trial court certified questions of law to the Wyoming Supreme Court Dec. 9, 2022.