



Americans United for Life

2023 Q1 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. Abortionists and State filed cross motions for summary judgment. Trial is set for the week of Nov. 13, 2023.

Arizona

Federal District Court

- ***Isaacson v. Mayes*** (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. District court denied Plaintiffs' renewed motion for a preliminary injunction Jan. 19, 2023. Appeal filed. Opening brief due April 20, 2023, and response brief due May 18, 2023.

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. Pro-life doctor and pregnancy resource center filed motion to intervene Oct. 10, 2022. Proceedings stayed Oct. 26, 2022. Proposed intervenors filed motion to temporarily lift the stay and rule on the pending motion to intervene Jan. 23, 2023, which is in briefing.
- ***Planned Parenthood Arizona, Inc. v. Mayes*** (Ariz. No. CV-23-0005-PR) – Abortion case challenging pre-*Roe* law. Permanent injunction issued Mar. 27,

* Litigation Counsel, Americans United for Life. Email: Carolyn.McDonnell@aul.org.

1973. State moved for relief from judgment July 13, 2022. Trial court lifted permanent injunction Sept. 22, 2022. Court of appeals affirmed in part (lifting the injunction) and reversed in part (holding doctors can't be prosecuted under the pre-Roe law if they comply with the 15-week limit) Dec. 30, 2022. Petition for reviewed filed in Arizona Supreme Court Mar. 1, 2023.

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. Case is briefed, with oral argument set for March 30, 2023.
- ***City & County of San Francisco v. Becerra*** (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. 9th Circuit denied Center for Medical Progress' petition for rehearing and petition for rehearing en banc Dec. 19, 2022. Finished briefing on NAF's motion for attorneys' fees.
- ***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). 9th Circuit denied Daleiden's petition for panel rehearing and petition for rehearing en banc Mar. 1, 2023. Daleiden filed motion to stay the mandate, indicating appellants would file a Supreme Court writ of certiorari Mar. 7, 2023. [Amicus curiae brief on behalf of Americans United for Life.](#)
- ***Shavelson v. Bonta*** (9th Cir. No. 23-15003) – Assisted suicide case urging, under federal disability rights laws, expansion of the End of Life Option Act to active euthanasia of persons with disabilities. District court granted motions to dismiss Dec. 7, 2022. Suicide activists appealed, with their opening brief due Apr. 10, 2023, and the State's brief due May 10, 2023.

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. District Court granted Little Sisters of the Poor's motion to intervene Jan. 19, 2023. Status report due May 1, 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 filed supplemental briefs on the scope of the injunction. District court issued a permanent injunction Feb. 3, 2023.
- ***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. District court granted the parties' joint stipulation of dismissal Jan. 12, 2023.

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. Dispositive motions and their responses due Feb. 15 and April 15, 2024, respectively. 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. D.C. Circuit affirmed Feb. 28, 2023.
- ***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 due Mar. 30, 2023.
- ***L. v. National Air & Space Museum*** (D.D.C. No. 1:23-cv-335) – Free speech, equal protection, and RFRA case in which museum staff targeted and discriminated against Plaintiffs for wearing hats with the inscription, “Rosary Pro-Life.” Complaint filed Feb. 6, 2023. Joint motion for consent preliminary injunction order filed Mar. 1, 2023.
- ***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.
- ***R. v. National Archives & Records Administration*** (D.D.C. No. 1:23-cv-365) – Free speech, equal protection, and RFRA case in which the National Archives’ security officers allegedly told Plaintiffs to remove or cover their attire because of their pro-life messages. Complaint filed Feb. 8, 2023. Consent preliminary injunction filed and case referred to mediation Feb. 16, 2023.
- ***United States of America v. Handy*** (D.D.C. No. 1:22-cr-96) – Freedom of Access to Clinic Entrances (FACE) Act criminal case. Defendant Handy filed motion to dismiss for lack of jurisdiction arguing that the FACE Act is predicated on a violation of a constitutional right, but *Dobbs* recognized there is no constitutional right to abortion Jan. 27, 2023. District court ordered briefing on whether any other constitutional provision confers a right to abortion Feb. 6, 2023. Trial set for Sept. 6, 2023.

Florida

State Court

- ***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. State filed motion for protective order preventing abortionists from deposing Governor DeSantis and to stay discovery pending the motion to dismiss Nov. 27, 2022. Defendants filed a motion to dismiss Nov. 30, 2022. Court denied emergency or expedited treatment of abortionists' emergency motion for temporary injunctive relief and for declaratory judgment Dec. 12, 2022. Motion hearing set for Apr. 4, 2023.

- ***Hafner v. State of Florida*** (Fla. Cir. Ct. Nos. 2022-014370-CA-01 (lead), 2022-014371-CA-01, 2022-014372-CA-01, 2022-014373-CA-01, & 2022-014374-CA-01) – Abortion gestational limits (15-week) case alleging religious and free speech claims. Court granted Plaintiffs' motion to consolidate cases and Attorney General's motion to intervene Jan. 22, 2023. Court denied Plaintiffs' motions for a temporary injunction because Plaintiffs lack standing and a credible threat of prosecution Mar. 3, 2023.
- ***Planned Parenthood of Southwest and Central Florida v. State of Florida*** (Fla. Nos. SC22-1050 (lead), SC22-1127) – Abortion gestational limits (15-week) case implicating the state constitutional abortion "right." Trial court granted temporary injunction. Court of Appeal reversed. Florida Supreme Court accepted jurisdiction. Petitioners' opening brief filed Feb. 27, 2023.

Georgia

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. Oral argument set for Mar. 28, 2023.

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. Oral argument held 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 Feb. 27, 2023. Court granted Plaintiffs' request to reopen the case to move to supplement and/or amend the complaint Feb. 27, 2023.

Idaho

Federal Court of Appeals

- ***United States of America v. State of Idaho*** (9th Cir. No. 23-35153) – 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. District court denied state legislators' motion to intervene Feb. 3, 2023. State legislators appealed Mar. 3, 2023. Opening brief due June 12, 2023.

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. Amended complaint filed Dec. 13, 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 held there is no state constitutional right to abortion and upheld the state's abortion laws Jan. 5, 2023.

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. 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. 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). On Jan. 17, 2023, the district court indicated the case will proceed to trial.

- ***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. 7th Circuit denied abortionists' petition for rehearing and petition for rehearing en banc Dec. 28, 2022. District court vacated the permanent injunction and dismissed the case with prejudice Jan. 6, 2023 (S.D. Ind. No. 1:20-cv-3247).

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 contraceptive mandate. Stayed pending rulemaking. Status report filed Feb. 13, 2023.
- ***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. State and abortionists filed cross-motions for summary judgment, Jan. 18 & Feb. 21, 2023, respectively. Currently in briefing. [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. Motion to dismiss for failure to state a claim filed Mar. 2, 2023.

State Court

- ***Anonymous Plaintiffs 1-5 v. The Individual Members of the Medical Licensing Board of Indiana*** (Ind. Ct. App. No. 22A-PL-02938) – Challenge to abortion abolition law alleging a state RFRA claim. Trial court granted motion for preliminary injunction Dec. 2, 2022. Appealed and currently in briefing before the Indiana Court of Appeals. Trial court hearing on class certification set for Apr. 4, 2023 (Ind. Sup. Ct. No. 49D01-2209-PL-031056).
- ***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. Court denied abortionist’s motion for preliminary injunction Dec. 2, 2022. Abortionist filed notice of voluntary dismissal Dec. 8, 2022. On Jan. 9, 2023, the State filed motion to strike abortionists’ notice of voluntary dismissal and to reconsider and correct the error in the court’s Dec. 2, 2022 order.
- ***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. Oral argument held Jan. 19, 2023.

Iowa

State Court

- ***Planned Parenthood of the Heartland, Inc. v. Reynolds*** (Iowa No. 22-2036) – Abortion gestational limits (heartbeat) case. Permanent injunction issued Jan. 22, 2019. Trial court denied State’s motion to dissolve the permanent injunction Dec. 12, 2022. State appealed to Iowa Supreme Court. Abortionists filed a motion to dismiss the appeal as untimely or to proceed through a writ of certiorari Dec. 27, 2022. Currently in briefing.

Kansas

State Court

- ***Hodes & Nauser v. Kobach*** (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, with oral argument set for March 27, 2023.
- ***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, with oral argument set for March 27, 2023.

- ***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. Abortionists filed unopposed motion to stay proceedings Mar. 1, 2023.

Kentucky

Federal Court of Appeals

- ***Clark v. Bendapudi*** (6th Cir. No. 22-5983) – Free speech case regarding pro-life viewpoint discrimination. Amended complaint filed. District court granted motion to dismiss Sept. 30, 2022. Appealed to 6th Circuit. Currently in briefing, with Appellee’s brief due Apr. 5, 2023.
- ***Planned Parenthood Great Northwest, Hawaii, Alaska, Indiana, and Kentucky v. Cameron*** (6th Cir. No. 22-5832) – 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. 6th Circuit denied abortionists’ motion to dismiss appeal for lack of jurisdiction Feb. 22, 2023.

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.
- ***Sisters for Life, Inc. v. Louisville-Jefferson County, KY Metro Government*** (W.D. Ky. Nos. 3:21-cv-367(lead), 3:21-cv-691) – Sidewalk counselors’ case challenging buffer zone law. Second amended complaint filed. District court denied the motion for a preliminary injunction Feb. 25, 2022. Sixth Circuit reversed and remanded Dec. 21, 2022. District court issued a preliminary injunction Jan. 3, 2023.

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, thus dissolving the preliminary injunction. Kentucky Supreme

Court affirmed and remanded, holding abortionists lacked third-party standing Feb. 16, 2023.

- ***Sobel v. Cameron*** (Ky. Cir. Ct. No. 22-CI-005189) – Abortion conditional law case, alleging a free exercise claim. Complaint filed Oct. 6, 2022. Removed to federal court. District court granted Plaintiffs’ motion to remand to state court Dec. 14, 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.

State Court

- ***June Medical Services, LLC v. Landry*** (La. Dist. Ct. No. 22-5633) – Abortion conditional law case. Preliminary injunction issued July 21, 2022.

Maine

No cases reported.

Maryland

No cases reported.

Massachusetts

No cases reported.

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. Case closed because underlying lawsuit was dismissed Jan. 20, 2023.
- ***In re Jarzynka*** (Mich. No. 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, which is briefed.

- ***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. Stipulation to dismiss filed. Court closed case Jan. 31, 2023.
- ***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. Dismissed per stipulation Jan. 6, 2023.

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 Apr. 17, 2023, or until further order of the Court.

State Court

- ***Anderson v. Aitkin Pharmacy Services, LLC*** (Minn. Dist. Ct. No. 01-CV-19-1198) – Conscience case alleging sex discrimination when a pharmacist conscientiously objected to filling an emergency contraception prescription. Jury found no sex discrimination occurred, but Plaintiff was entitled to damages for emotional harm. Court denied Plaintiff’s motion for a new trial. Appealed Mar. 13, 2023.
- ***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 held Jan. 5, 2023. Minnesota Court of Appeals oral argument held Jan. 25, 2023.

Mississippi

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. Dist. Ct. No. DV 21-0999) – 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. Jury trial set for Sept. 11, 2023.
- ***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 held Dec. 14, 2022.
- ***Planned Parenthood of Montana v. Montana*** (Mont. Dist. Ct. No. DV-2013-407) – Abortion challenge to parental consent law. Trial court preliminarily enjoined law June 28, 2013. District court permanently enjoined the parental consent law but ordered a trial on the notification law Feb. 21, 2023.

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

No cases reported.

New Mexico

Federal District Court

- ***Lacy v. Torrez*** (D.N.M. No. 1:22-cv-953) – Assisted suicide and rights of conscience case challenging the Elizabeth Whitefield End-of-Life Options Act’s provisions that require a physician to tell patients of the availability of suicide assistance and refer for the practice. Defendant Torrez filed a motion to dismiss Mar. 10, 2023. Remaining Defendants filed an answer Mar. 10, 2023.

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. Trial court granted the motion to dismiss Feb. 20, 2023.
- ***State of New Mexico ex rel. Raul Torrez v. Board of County Commissioners for Lea County*** (N.M. No. S-1-SC-39742) – Mandamus action, which seeks to devise a state constitutional abortion “right.” Attorney General filed writ of mandamus with New Mexico Supreme Court Jan. 23, 2023.

New York

Federal Court of Appeals

- ***CompassCare v. Hochul*** (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. Stay lifted. CompassCare’s brief due Apr. 7, 2023.

- ***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. Stipulated withdrawal of appeals entered Dec. 8, 2022.
- ***Slattery v. Hochul*** (2d Cir. No. 21-911) – Conscience rights case regarding the abortion-related “Boss Bill.” District court granted motion to dismiss. 2nd Circuit reversed Evergreen Association’s expressive association claim, affirmed the judgment in all other respects, and remanded for further proceedings Feb. 27, 2023.

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. Answer filed Dec. 20, 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.

North Carolina

Federal District Court

- ***Bryant v. Stein*** (M.D.N.C. No. 1:23-cv-77) – Chemical abortion case alleging preemption of pro-life state laws. Complaint filed Jan. 25, 2023. District court granted state legislators’ motion to intervene Mar. 10, 2023. Intervenors-Defendants answer due Mar. 24, 2023.
- ***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. Abortionists filed notice of voluntary dismissal Dec. 22, 2022.

North Dakota

Federal District Court

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

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 pending appeal of the preliminary injunction in *Preterm-Cleveland v. Yost* (Ohio No. A2023-0004).
- ***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 case pending proceedings in *Preterm-Cleveland v. Yost* (Ohio No. A2023-0004).
- ***Preterm-Cleveland v. Yost*** (Ohio No. A2023-0004) – Abortion gestational limits (heartbeat) case, also seeking to devise a state constitutional abortion “right.”

Preliminary injunction issued Oct. 12, 2022. Parties have briefed the jurisdiction issue.

- ***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 pending *Preterm-Cleveland v. Yost* (Ohio No. A2023-0004). Status conference set for Mar. 22, 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. Case has been briefed and assigned to the Oklahoma Supreme Court.
- ***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. No recent major action.
- ***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

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 is briefed and awaiting a decision.

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. Apparently being held pending *Health and Hospital Corporation of Marion County, Indiana v. Talevski* (No. 21-806). [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.” South Carolina Supreme Court devised a right to abortion under the state constitution’s privacy clause and held unconstitutional South Carolina’s heartbeat law Jan. 5, 2023. South Carolina Supreme Court denied State’s petition for rehearing.

South Dakota

No cases reported.

Tennessee

No cases reported.

Texas

Federal Court of Appeals

- ***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. Case is briefed and awaiting oral argument.

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. Danco Laboratories filed motion to intervene Jan. 13, 2023. Preliminary injunction motion is briefed, with a hearing set for Mar. 15, 2023. [AUL’s amicus curiae brief on behalf of 67 members of the United States Congress.](#)
- ***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. Preliminary injunction motion is briefed. District court granted VA’s motion to stay deadlines pending resolution of the preliminary injunction motion Feb. 10, 2023.
- ***Davis v. Sharp*** (W.D. Tex. No. 1:22-cv-373) – Abortion gestational limits case regarding the Texas Heartbeat Act (S.B. 8). District court granted the motion to dismiss and entered final judgment Feb. 16, 2023.
- ***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. District court granted Deanda’s motion for summary judgment and denied Becerra’s

cross-motion. District court entered final judgment Dec. 20, 2022. Becerra appealed to 5th Circuit. Opening brief due Mar. 24, 2023.

- ***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 entered a permanent injunction against the abortion mandate Jan. 13, 2023. Appeal of the preliminary injunction was dismissed as moot. HHS appealed the permanent injunction Mar. 10, 2023.
- ***State of Texas v. Becerra*** (W.D. Tex. No. 7:23-cv-22) – Pro-life challenge to HHS’ guidance that requires pharmacies to dispense chemical abortion drugs in violation of State law purportedly as a condition of accepting certain federal funds. Amended complaint filed Feb. 28, 2023.
- ***Strader v. CVS Health Corporation*** (N.D. Tex. No. 4:23-cv-38) – Conscience rights case alleging CVS revoked a nurse practitioner’s religious accommodation to conscientiously object to prescribing contraception and abortifacient drugs. Complaint filed Jan. 11, 2023.
- ***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. No recent major action.
- ***Whole Woman’s Health v. Young*** (W.D. Tex. No. 1:14-CV-284) – Abortion health and safety (admitting privileges) case. District court granted State’s Rule 60(b) motion to vacate permanent injunction Feb. 16, 2023.

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 decision. Texas Supreme Court held the challenged statements are protected opinion made in pursuit of changing abortion law, which is protected speech under the United States and Texas Constitutions, and lawsuit is entitled to dismissal under the Texas Citizens Participation Act.
- ***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). Case is briefed, and court is deciding it on submission of briefs.

- ***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 decision. Texas Supreme Court held the challenged statements are protected opinion made in pursuit of changing abortion law, which is protected speech under the United States and Texas Constitutions, and lawsuit is entitled to dismissal under the Texas Citizens Participation Act.
- ***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). Case is briefed, and court is deciding it on submission of briefs.
- ***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.
- ***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 jurisdiction. Court of Appeals affirmed. Texas Supreme Court vacated and remanded the case for further proceedings. [Amicus curiae brief filed on behalf of Americans United for Life.](#)
- ***Zurawski v. State of Texas*** (Tex. Dist. Ct. No. D-1-GN-23-000968) – Pro-abortion challenge to the exceptions of Texas’ abortion abolition laws. Original petition for declaratory judgment and application for permanent injunction filed Mar. 6, 2023.

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. Case is briefed and awaiting oral argument.

Vermont

Federal District Court

- ***Bluestein v. Scott*** (D. Vt. No. 2:22-cv-160) – Assisted suicide case challenging residency requirements. Discovery due by June 23, 2023. Motions due by Aug. 23, 2023. Trial ready date by Oct. 23, 2023.

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. District court granted consent motion to withdraw Defendants’ motion to compel and motion to dismiss Jan. 6, 2023. Answer filed Jan. 19, 2023. Initial pretrial conference set for Mar. 22, 2023. Discovery due by June 16, 2023. Final pretrial conference set for June 21, 2023.

State Court

- ***Kilo Delta, LLC v. Bristol Women’s Health, PLLC*** (Va. Cir. Ct. No. CL22000747-00) – Landlords allege fraud, concealment, and misrepresentation by abortionists-tenants for use of the property as abortion facilities. Complaint filed Dec. 7, 2022. Demurrer filed Jan. 6, 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 Jan. 5, 2023. 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. Cross-motions for summary judgment filed Mar. 9, 2023.
- ***Ferguson v. State of Washington*** (E.D. Wash. No. 1:23-cv-3026) – Chemical abortion case challenging 2023 REMS. Complaint filed Feb. 23, 2023. Parties are

currently briefing the motion for a preliminary injunction, with a motion hearing set for Mar. 28, 2023. Amended complaint filed Mar. 9, 2023.

- ***McCarthy v. Amazon.com, Inc.*** (W.D. Wash. No. 2:23-cv-263) – Assisted suicide case regarding Amazon’s alleged sale of suicide kits to children. Case removed to federal court Oct. 4, 2022. Amazon filed motion to dismiss for lack of jurisdiction Jan 24, 2023. Case transferred to the Western District of Washington Feb. 17, 2023.

West Virginia

Federal District Court

- ***GenBioPro, Inc. v. Sorsaia*** (S.D. W. Va. No. 3:23-cv-58) – Chemical abortion case alleging preemption of state abortion abolition statute. Motions to dismiss filed Feb. 16 & 21 2023, which are in briefing.
- ***Women’s Health Center of West Virginia v. Sheth*** (S.D. W. Va. No. 2:23-cv-79) – Health and safety (hospital only rule & admitting privileges) challenge under a rational basis theory. Complaint and motion for a preliminary injunction filed Feb. 1, 2023. District court granted State of West Virginia’s motion to intervene Feb. 21, 2023. Motion to dismiss filed Feb. 22, 2023.

State Court

- ***Morrisey v. Women’s Health Center of West Virginia*** (W. Va. Nos. 22-576) – Abortion case challenging pre-*Roe* law. Complaint filed June 29, 2022. Court granted temporary injunction July 18, 2022. Appealed to West Virginia Supreme Court.

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 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. Wyoming Supreme Court declined to answer certified questions
Dec. 20, 2022.