



Americans United for Life

2023 Q2 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*** (9th Cir. No. 23-15234) – 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. Currently in briefing.

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. Court denied the motion to lift the stay to rule on the motion to intervene.
- ***Planned Parenthood Arizona, Inc. v. Mayes*** (Ariz. No. CV-23-0005-PR) – 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 affirmed in part (lifting

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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 review filed in Arizona Supreme Court Mar. 1, 2023. Currently in briefing. [AUL's *amicus curiae* brief on behalf of Center for Arizona Policy.](#)

Arkansas

No cases reported.

California

U.S. Supreme Court

- ***Californiaa v. Vidal*** (No. 22-794) – Personhood case that urges constitutional protection of unborn children and reversal of *United States v. Vuitch*. Supreme Court denied petition for a writ of certiorari Mar. 27, 2023, and denied petition for rehearing May 15, 2023.
- ***National Abortion Federation v. Center for Medical Progress*** (No. 22-1135) – 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. Center for Medical Progress filed Supreme Court petition for a writ of certiorari May 17, 2023.

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. Parties settled. Appeal voluntarily dismissed Mar. 31, 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. 3, 2023. Held in abeyance pending HHS rulemaking.
- ***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. 9th Circuit granted Daleiden's motion to stay the mandate pending application for a Supreme Court writ of certiorari Mar. 9, 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. Assisted suicide activists appealed. 9th Circuit granted parties'

stipulated motion for voluntary dismissal after the sole remaining patient-plaintiff passed away May 22, 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 filed 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. Per parties’ stipulation, district court entered final judgment with a permanent injunction May 17, 2023.
- ***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. Per the parties’ stipulation, the court entered final judgment on the Free Exercise Clause claim May 11, 2023.
- ***United Spinal Association v. State of California*** (C.D. Cal. No. 2:23-cv-3107) – Assisted suicide case challenging California’s End of Life Option Act as unlawful for discriminating against persons with disabilities. Complaint filed Apr. 25, 2023.

State Court

- ***Bakersfield Crisis Pregnancy Center v. California Department of Managed Health Care*** (Cal. Super. App. No. BCV-22-102617) – Pro-life lawsuit challenging California’s Abortion Accessibility Act for funding abortion but not childbirth, alleging violations of state constitutional rights to privacy and equal protection. Court partially denied (regarding certain plaintiffs) and partially granted (regarding certain plaintiffs, but with leave to amend the complaint) the State’s demurrer and motion to strike the plaintiffs’ first amended complaint May 8, 2023.

Colorado

Federal District Court

- ***Bella Health and Wellness v. Weiser*** (D. Colo. No. 1:23-cv-939) – Chemical abortion pill reversal case challenging a Colorado law that prohibits abortion pill reversals. Complaint filed Apr. 14, 2023. District court denied motion for a preliminary injunction Apr. 28, 2023, indicating the defendants are not enforcing the law until rulemaking, as provided by the bill, occurs.

State Court

- ***Morris v. Centura Health Corporation*** (Colo. Ct. App. Nos. 21CA1855 & 21CA1896) – Employment termination case that implicates institutional (hospital) rights of conscience against assisted suicide. Colorado Court of Appeals reversed and remanded the district court’s grant of summary judgment in favor of the hospital Apr. 13, 2023.

Connecticut

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. Planned Parenthood filed a motion to strike second amended complaint Apr. 19, 2023. 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

- ***Advancing American Freedom v. U.S. Department of Justice*** (D.D.C. No. 23-cv-743) – Freedom of Information Act (FOIA) lawsuit to obtain records regarding DOJ’s actions regarding pregnancy resource centers and possible failure to prosecute attacks on the centers. Complaint filed Mar. 20, 2023. Answer filed May 2, 2023.
- ***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 stability and dissolution test results and manufacturing compliance. Complaint filed Oct. 17, 2022. Answer entered. Joint status report filed 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. District court granted joint motion for consent preliminary injunction and referred the case to mediation Mar. 13, 2023. Stayed pending mediation.
- ***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. No recent action.
- ***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 entered and case referred to mediation Feb. 16, 2023. Stayed pending mediation.
- ***United States of America v. Handy*** (D.D.C. No. 1:22-cr-96) – Freedom of Access to Clinic Entrances (FACE) Act criminal case charging pro-life advocates. 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. Defendant Idoni filed a motion to dismiss May 2, 2023, including an argument that the FACE Act is unconstitutional because it does not recognize the personhood of unborn children. Trial set for Sept. 6, 2023.

Florida

Federal District Court

- ***Heartbeat of Miami, Inc. v. Jane's Revenge*** (M.D. Fla. No. 8:23-cv-705) – Freedom of Access to Clinic Entrances (FACE) Act civil case seeking damages and injunctive relief for vandalization of pregnancy resource centers. Amended complaint filed Apr. 14, 2023.
- ***Moody v. Freestone*** (M.D. Fla. No. 8:23-cv-701) – Freedom of Access to Clinic Entrances (FACE) Act civil case seeking damages and injunctive relief for vandalization of pregnancy resource centers. Amended complaint filed Apr. 18, 2023. Defendants filed motions to stay proceedings pending the criminal action (M.D. Fla. No. 8:23-cr-25).
- ***United States of America v. Freestone*** (M.D. Fla. No. 8:23-cr-25) – Freedom of Access to Clinic Entrances (FACE) Act criminal case alleging vandalization of pregnancy resource centers. Jury trial set for July 2023 trial term.

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. Court granted State's motion to dismiss. Third amended complaint filed May 15, 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. Amended complaint filed Apr. 27, 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. Case is briefed and awaiting oral argument.

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.” 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 held 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 mifepristone REMS. Amended complaint filed Apr. 10, 2023. Defendants filed motion to stay proceedings pending *Alliance for Hippocratic Medicine v. U.S. Food & Drug Administration* (5th Cir. No. 23-10362).

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. Answering brief due July 12, 2023. District court denied motion to reconsider preliminary injunction May 4, 2023 (D. Idaho No. 1:22-cv-329).

Federal District Court

- ***Planned Parenthood Great Northwest, Hawaii, Alaska, Indiana, Kentucky v. Labrador*** (D. Idaho No. 1:23-cv-142) – Abortion case challenging the Idaho Attorney General’s guidance that Idaho law prohibits Idaho medical professionals from referring for abortion across state lines, alleging violations of Free Speech, Commerce, and Due Process Clauses. Complaint filed Apr. 5, 2023.
- ***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. Motion to dismiss filed Mar. 14, 2023.

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

- ***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. No recent major action.

Indiana

U.S. Supreme Court

- ***Doe v. Rokita*** (No. 22-951) – 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). Supreme Court denied petition for a writ of certiorari May 1, 2023.

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. District court granted State’s motion for judgment on the pleadings Mar. 31, 2023.
- ***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 May 15, 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. [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. Amended complaint filed Mar. 23, 2023. Motion to dismiss for failure to state a claim filed May 22, 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 held Apr. 4, 2023 (Ind. Sup. Ct. No. 49D01-2209-PL-031056). Indiana Court of Appeals oral argument set for Sept. 12, 2023.
- ***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 Apr. 21, 2023, the State withdrew its 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. Oral argument held Apr. 11, 2023.

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. Oral argument held 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. Oral argument held 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. District court granted abortionists' unopposed motion to stay proceedings Mar. 13, 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. Case is briefed.
- ***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. Case is briefed, with oral argument set for June 15, 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. Plaintiffs filed motions for summary judgment Mar. 16, 2023. Defendants filed motion to dismiss Mar. 16, 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

State Court

- ***June Medical Services, LLC v. Landry*** (La. Ct. App. No. 2022 CW 1077) – Abortion conditional law case. Preliminary injunction issued July 21, 2022. Court of Appeal lifted the preliminary injunction Aug. 1, 2022. Louisiana Supreme Court denied the abortionists’ emergency writ, allowing the conditional law to remain in effect Aug. 12, 2022. Case pending in the Court of Appeal.

Maine

No cases reported.

Maryland

Federal District Court

- ***GenBioPro, Inc. v. U.S. Food & Drug Administration*** (D. Md. No. 8:23-cv-1057) – Drug manufacturer seeking to keep its generic chemical abortion drug on the market. Complaint filed Apr. 19, 2023.

Massachusetts

No cases reported.

Michigan

Federal District Court

- ***United States of America v. Zastrow*** (E.D. Mich. No. 2:23-cr-20100) – Freedom of Access to Clinic Entrances (FACE) Act criminal case charging pro-life advocates. Motions due by June 16, 2023. Pleas due by June 30, 2023. Final pretrial conference set for July 17, 2023. Jury trial set for Aug. 1, 2023.

State Court

- ***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. State supreme court denied the application for leave to appeal May 10, 2023, with a concurrence agreeing the case is moot, but highlighting justiciability concerns with the Court of Claims’ decision.

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 June 16, 2023, or until further order of the Court.
- ***Pro-Life Action Ministries v. City of Minneapolis*** (D. Minn. No. 0:23-cv-853) – Sidewalk counseling case challenging buffer zone ordinance. Amended complaint filed May 15, 2023.

State Court

- ***Anderson v. Aitkin Pharmacy Services, LLC*** (Minn. Ct. App. Nos. A23-0374 (lead) & A23-0484) – 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 and currently in briefing before the Minnesota Court of Appeals.
- ***Doe v. State of Minnesota*** (Minn. No. A22-1265) – Omnibus abortion case regarding health and safety, reporting, informed consent, fetal remains, and parental notification provisions. Trial court granted in part and denied in part abortionists’ motion for summary judgment, permanently enjoining most challenged provisions. Trial court denied motion to intervene by Traverse County Attorney. Traverse County Attorney appealed. Abortionists appealed, seeking conditional review of the interlocutory order granting partial summary judgment to the State, but their appeal is stayed pending resolution of the intervention issue. Trial court denied Mothers Offering Maternal Support’s (“MOMS”) motion

to intervene Mar. 14, 2023. MOMS appealed (Minn. Ct. App. No. A23-0620). Minnesota Court of Appeals affirmed denial of Traverse County Attorney’s motion to intervene. Traverse County Attorney appealed to Minnesota Supreme Court.

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

U.S. Supreme Court

- ***Chapman v. Doe*** (E.D. Mo. No. 2:19-cv-25) – Abortion parental involvement case, which alleged a minor’s constitutional right to obtain an abortion. The Supreme Court granted, vacated, and remanded the case Mar. 20, 2023. As directed by the Eighth Circuit, the district court dismissed the case as moot May 4, 2023.

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. Cross-motions for summary judgment filed Apr. 21, 2023 (abortionists) and May 12, 2023 (State).
- ***Planned Parenthood of Montana v. Montana*** (Mont. Dist. Ct. No. DV-25-2023-231) – Abortion gestational limits (dismemberment) case. Amended complaint filed May 3, 2023. State filed renewed motion to dismiss May 4, 2023. Temporary restraining order issued May 18, 2023. Preliminary injunction hearing held May 23, 2023.
- ***Planned Parenthood of Montana v. Montana*** (Mont. Dist. Ct. No. DV-25-2023-299) – Abortion funding restriction case challenging state “Hyde Amendment.” Amended complaint filed May 18, 2023.
- ***Planned Parenthood of Montana v. Montana*** (Mont. DA 23-0272) – 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. Appealed to Montana Supreme Court.

- ***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. Montana Supreme Court affirmed, holding the State has not provided “a clear demonstration of a medically acknowledged, bona fide health risk” of APRNs providing abortions May 12, 2023. Briefed and oral argument held Dec. 14, 2022.

Nebraska

State Court

- ***Planned Parenthood of the Heartland, Inc. v. Hilgers*** (Neb. Dist. Ct. No. CI 23-1820) – Abortion gestational limits (12 weeks) case challenging Nebraska L.B. 574. Complaint filed May 30, 2023. Motion for a temporary restraining order and temporary injunction filed May 30, 2023.

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 the case and permitted the 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. Voluntarily dismissed Apr. 5, 2023 after the state amended the assisted suicide statute to expand conscience protections.

State Court

- ***City of Eunice v. Torrez*** (N.M. Dist. Ct. No. D-506-CV-202300407) – Pro-life lawsuit seeking to enforce city ordinance, which requires compliance with federal restrictions on the mailing of chemical abortion drugs. Complaint filed Apr. 17, 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. Case is briefed.

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.” 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 filed Apr. 7, 2023. State’s brief due July 6, 2023.
- ***Vitagliano v. County of Westchester*** (2d Cir. No. 23-30) – Sidewalk counseling case challenging buffer zone law. District court held plaintiff lacked Article III standing and failed as a matter of law. 2nd Circuit oral argument held May 9, 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.
- ***Slattery v. Hochul*** (N.D.N.Y. No. 1:20-cv-112) – 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. Answer filed May 5, 2023.
- ***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. District court denied Plaintiffs’ post-*Dobbs* motions seeking to reopen the judgment and file an amended complaint Mar. 22, 2023.

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 filed Apr. 28, 2023.

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. Romanick*** (N.D. No. 20220260) – Abortion conditional law case, which also seeks to devise a state constitutional abortion “right.” Trial court granted preliminary injunction. North Dakota Supreme Court denied relief on Mar. 16, 2023, holding the abortionists “demonstrated likely success on the merits that there is a fundamental right to an abortion in the limited instances of life-saving and health-preserving circumstances, and the statute is not narrowly tailored to satisfy strict scrutiny.”

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. Ohio Supreme Court accepted jurisdiction on the standing issue and whether a preliminary injunction can immediately be appealed, but declined to hear the issue of whether the Ohio Constitution creates a right to abortion. Currently in briefing.
- ***State of Ohio ex rel. DeBlase v. Ohio Ballot Board*** (Ohio No. 2023-0388) – Abortion ballot initiative case seeking to break the initiative into multiple measures because abortion is unique from other reproductive decisions. Complaint for writ of mandamus filed Mar. 20, 2023. Case is briefed.
- ***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).

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. Oklahoma Supreme Court held unconstitutional both acts under *Drummond's* right to terminate a pregnancy when necessary to preserve the mother's life May 31, 2023.

- ***Oklahoma Call for Reproductive Justice v. Drummond*** (Okla. No. 120543) – Abortion gestational limits case challenging 2022 abortion abolition law 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. On Mar. 21, 2023, the Oklahoma Supreme Court determined “the Oklahoma Constitution creates an inherent right of a pregnant woman to terminate a pregnancy when necessary to preserve her life,” holding unconstitutional the 2022 law, but upholding the 1910 pre-*Roe* law.
- ***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. Neronha*** (D.R.I. No. 1:22-cv-245) – Equal Rights Amendment case with abortion policy implications. Complaint filed in state court May 18, 2022. Removed to federal court June 23, 2022. Motion to dismiss is briefed and hearing is set for June 15, 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. 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. Cir. Ct. No. 2023CP4002745) – Abortion gestational limits (heartbeat) case. Complaint filed May 25, 2023. State legislators filed motion to intervene May 25, 2023. Temporary restraining order issued May 26, 2023.

South Dakota

No cases reported.

Tennessee

No cases reported.

Texas

Federal Court of Appeals

- ***Alliance for Hippocratic Medicine v. U.S. Food & Drug Administration*** (5th Cir. No. 23-10362) – Pro-life challenge to FDA approval and deregulation of chemical abortion drugs. District court issued Section 705 stay of FDA’s 2000 approval of mifepristone. 5th Circuit stayed the district court’s ruling in part. Supreme Court stayed the district court’s ruling pending resolution of appeals. 5th Circuit held oral argument May 17, 2023. [AUL’s amicus curiae brief on behalf of 94 Members of the United States Congress](#).
- ***Deanda v. Becerra*** (5th Cir. No. 23-10159) – 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. Currently in briefing.
- ***State of Texas v. Becerra*** (5th Cir. No. 23-10246) – Pro-life challenge to EMTALA abortion mandate. District court entered a permanent injunction against the

abortion mandate Jan. 13, 2023. HHS appealed the permanent injunction Mar. 10, 2023. Currently in briefing.

- ***The Satanic Temple, Inc. v. 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 is being decided on submission of the briefs.

Federal District Court

- ***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.
- ***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. Motion to dismiss filed May 8, 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. Amended answer filed Apr. 7, 2023.
- ***U.S. ex rel. Life Legal Defense Foundation v. ASD Specialty Healthcare, LLC*** (E.D. Tex. No. 4:21-cv-88) – *Qui tam* action under the False Claims Act alleging abortion drug manufacturer’s failure to pay certain customs duties. Lawsuit settled, with Danco Laboratories, LLC agreeing to pay \$765,000.
- ***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.

State Court

- ***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.

- ***Silva v. Noyola*** (Tex. Dist. Ct. No. 23-CV-0375) – Abortion case alleging the wrongful death of the aborted unborn child. Petition filed Mar. 10, 2023. Cross claim against state officials filed Mar. 13, 2023. Answer and counter claim filed May 1, 2023.
- ***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. Texas Right to Life filed suggestion of mootness Sept. 9, 2022, which the parties have briefed. Case is briefed, and court is deciding it on submission of briefs.
- ***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. Application for temporary injunction filed May 22, 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 preliminary injunction July 11, 2022. Appealed to Utah Supreme Court. Case is briefed. Abortionists filed amended complaint in the trial court (Utah Dist. Ct. No. 220903886), adding a challenge to H.B. 467, which institutes a hospital-only rule by prohibiting the licensing of new abortion clinics or relicensing of current abortion clinics. Trial court issued preliminary injunction May 2, 2023.

Vermont

No cases reported.

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. Amended complaint filed May 18, 2023. Discovery due Sept. 14, 2023. Final pretrial conference set for Sept. 20, 2023.
- ***Whole Woman’s Health Alliance v. United States Food & Drug Administration*** (W.D. Va. No. 3:23-cv-19) – Chemical abortion case challenging 2023 REMS. Complaint and motion for preliminary injunction filed May 8, 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

- ***State of Washington v. Food & Drug Administration*** (9th Cir. No. 23-35294) – Chemical abortion case challenging 2023 REMS. District court granted in part the motion for a preliminary injunction Apr. 7, 2023. District court denied pro-life States’ motion to intervene Apr. 21, 2023. Proposed intervenors-States appealed. Opening brief due Aug. 7, 2023. Appellees’ brief due Sept. 7, 2023.
- ***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, which are briefed.
- ***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. Motion to dismiss filed Mar. 30, 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. District court denied motions regarding the standing issue, but held in abeyance remaining issues May 2, 2023. Motion hearing held May 23, 2023.
- ***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. Voluntarily dismissed Apr. 17, 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. Dismissed as moot Oct. 6, 2022.

Wisconsin

Federal District Court

- ***United States of America v. Roychowdhury*** (W.D. Wis. No. 3:23-cr-31) – Freedom of Access to Clinic Entrances (FACE) Act criminal case alleging firebombing of Madison pregnancy resource center. Complaint filed Mar. 27, 2023.

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. Oral argument held May 4, 2023.

Wyoming

State Court

- ***Johnson v. State of Wyoming*** (Wyo. Dist. Ct. No. 18732) – Abortion conditional law case, which also seeks to devise a state constitutional abortion “right.” Complaint filed July 25, 2022. Trial court granted preliminary injunction Aug. 10, 2022. 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. Trial court granted stipulated motion to dismiss Apr. 26, 2023.
- ***Johnson v. State of Wyoming*** (Wyo. Dist. Ct. No. 18853) – Abortion case challenging the Life is a Human Right Act, Wyoming’s abortion abolition law. Amended complaint filed Mar. 21, 2023. State legislators filed motion to intervene Apr. 6, 2023. Trial court granted temporary restraining order. Hearing set for June 2, 2023 on motion to intervene. Hearing set for June 22, 2023 on motion for temporary restraining order against enforcement of the chemical abortion abolition law.