



2023 Q3 Life Litigation Report

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

Alabama

Federal District Court

- ***Yellowhammer Fund v. Marshall*** (M.D. Ala. No. 2:23-cv-450) – Abortion case raising the issue of whether the attorney general can prosecute individuals for assisting women to receive out-of-state elective abortions. Complaint filed July 31, 2023. Yellowhammer Fund filed a motion for summary judgment Aug. 28, 2023. State filed a motion to dismiss Aug. 28, 2023. Motion to dismiss hearing is set for Oct. 31, 2023.

Alaska

State Court

- ***Planned Parenthood Great Northwest, Hawaii, Alabama, Indiana, Kentucky v. State of Alaska*** (Alaska Super. Ct. No. 3AN-19-11710CI) – Chemical abortion (physician-only rule) case. The court issued a preliminary injunction. Trial is set for the week of Nov. 13, 2023.

Arizona

Federal Court of Appeals

- ***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. Oral argument held Sept. 11, 2023.

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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 the 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. Arizona Supreme Court granted the petition for review Aug. 22, 2023. Oral argument set for Dec. 12, 2023. [AUL’s amicus curiae brief on behalf of Center for Arizona Policy](#).

Arkansas

No cases reported.

California

U.S. Supreme Court

- ***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. Petition for a writ of certiorari filed in the Supreme Court May 17, 2023. Distributed for Sept. 26, 2023 conference.
- ***Merritt v. Planned Parenthood Federation of America, Inc.*** (No. 22-1147) – 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. Petition for a writ of certiorari filed in the Supreme Court May 23, 2023. Distributed for Sept. 26, 2023 conference.
- ***Newman v. Planned Parenthood Federation of America, Inc.*** (No. 22-1159) – 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. Petition for a writ of certiorari filed in the Supreme Court May 26, 2023. Distributed for Sept. 26, 2023 conference.

- ***Rhomberg v. Planned Parenthood Federation of America, Inc.*** (No. 22-1160) – 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. Petition for a writ of certiorari filed in the Supreme Court May 26, 2023. Distributed for Sept. 26, 2023 conference.
- ***Center for Medical Progress v. Planned Parenthood Federation of America*** (No. 22-1168) – 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. Petition for a writ of certiorari filed in the Supreme Court May 30, 2023. Distributed for Sept. 26, 2023 conference. [Amicus curiae brief on behalf of Americans United for Life.](#)

Federal Court of Appeals

- ***City & County of San Francisco v. Becerra*** (9th Cir. Nos. 20-16045 (lead case), 20-15398, 20-15399) – Conscience rights case regarding the HHS conscience protection rule. Status report filed Apr. 3, 2023. Held in abeyance pending HHS rulemaking.

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. District court granted Little Sisters of the Poor’s motion to intervene Jan. 19, 2023. Status report filed Aug. 1, 2023. District court extended the stay pending rulemaking.
- ***Footbill 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 the Free Exercise Clause claim but granted summary judgment in part for defendants on the 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. Per the parties’ stipulation, the district court ordered defendants to pay \$500,000 in attorneys’ fees and costs to the plaintiffs May 9, 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. District court is considering the motions to dismiss on submission of the briefs. Compassion & Choices filed a motion to intervene Sept. 21, 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. District court denied the motion for a preliminary injunction Apr. 28, 2023, indicating the defendants are not enforcing the law until rulemaking, as provided by the bill, occurs. Defendant Dougherty filed an answer May 30, 2023. Motions to dismiss filed May 30 and June 20, 2023. Colorado Medical Board filed a status report indicating non-enforcement through Oct. 23, 2023. District court denied defendants’ motion to stay as moot Sept. 14, 2023.

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

- ***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. D.C. Circuit reversed the dismissal of the equal protection claim Aug. 15, 2023. [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. 1:23-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. Joint status report filed Aug. 4, 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 filed Nov. 28, 2022. Joint status report filed Sept. 15, 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 the joint motion for a consent preliminary injunction and referred the case to mediation Mar. 13, 2023. Stayed pending mediation. Status report filed July 31, 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 a motion for summary judgment April 15, 2022. Defendant filed a motion to defer or summarily deny plaintiff's motion for summary judgment. Court permitted defendant not to respond further to the motion for summary judgment until a schedule is established. Defendant filed a motion to dismiss for lack of jurisdiction April 22, 2022. Answer filed June 27, 2022. Hearing set for Sept. 20, 2023.
- ***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. District court denied Defendant Idoni's motion to dismiss July 22, 2023, including the argument that the FACE Act is unconstitutional because it does not recognize the

personhood of unborn children. District court denied Defendant Handy's motion to dismiss July 25, 2023, including the argument that the FACE Act is predicated on a violation of a constitutional right, but *Dobbs* recognized there is no constitutional right to abortion. District court rejected jury instruction related to the Born-Alive Infants Protection Act Aug. 23, 2023. Jury verdict of guilty for certain defendants Aug. 29, 2023. Jury verdict of guilty for certain defendants Sept. 15, 2023. Jury trial for Defendant Harlow set for Oct. 23, 2023.

Florida

Federal District Court

- ***Florida Preborn Rescue v. City of Clearwater*** (M.D. Fla. No. 8:23-cv-1173) – Sidewalk counseling case challenging buffer zone ordinance. Amended complaint filed June 7, 2023. Amended motion for preliminary injunction filed June 22, 2023.
- ***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. Unopposed joint motion to stay the proceedings pending the outcome of the criminal action filed July 12, 2023 (M.D. Fla. No. 8:23-cr-25).
- ***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. District court extended the stay through Dec. 4, 2023, or until the completion of the trial or earlier resolution of 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 Dec. 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. Motion to dismiss filed June 26, 2023. Motion for declaratory and injunctive relief filed Aug. 24, 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. Motions to dismiss filed May 30 & 31, 2023. Plaintiffs filed a motion for summary judgment July 21, 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. Oral argument held Sept. 8, 2023.

Georgia

State Court

- ***State of Georgia v. SisterSong Women of Color Reproductive Justice Collective v.*** (Ga. No. S23A0421) – Abortion gestational limits (heartbeat) case, which also seeks to devise a state constitutional abortion “right.” Trial court issued a 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 a preliminary injunction Sept. 7, 2021. 9th Circuit denied Guam’s motion for summary reversal without prejudice Aug. 18, 2022. 9th Circuit vacated the preliminary injunction Aug. 1, 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. District court denied the motion to stay proceedings pending *Alliance for Hippocratic Medicine v. U.S. Food & Drug Administration* (5th Cir. No. 23-10362), but is requiring a joint status report by Nov. 1, 2023, after which it will decide whether to resume summary judgment briefing.

Idaho

Federal Court of Appeals

- ***Planned Parenthood Great Northwest, Hawaii, Alaska, Indiana, Kentucky v. Labrador*** (9th Cir. No. 23-35518) – 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. District court granted the motion for a preliminary injunction in part (regarding the attorney general), denied it in part (regarding the state boards of medicine and nursing), and deferred it in part (regarding individual county prosecuting attorneys) July 31,

2023. District court denied the motion to dismiss regarding the attorney general July 31, 2023. Appealed and currently in briefing before the 9th Circuit.

- ***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). Currently in briefing before the 9th Circuit.

Federal District Court

- ***Idaho Federation of Teachers v. Labrador*** (D. Idaho No. 1:23-cv-353) – Abortion funding restriction case challenged under free speech principles. Complaint and motion for a preliminary injunction filed Aug. 8, 2023.
- ***Matsumoto v. Labrador*** (D. Idaho No. 1:23-cv-323) – Abortion parental involvement case regarding interstate abortion trafficking law. Complaint filed July 11, 2023. Motion for a temporary restraining order or, in the alternative, a preliminary injunction filed July 24, 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

- ***Adkins v. State of Idaho*** (Idaho Dist. Ct. No. CV01-23-14744) – Abortion case seeking clarification of abortion medical exceptions. Complaint filed Sept. 11, 2023.

Illinois

Federal Court of Appeals

- ***Coalition for Life St. Louis v. City of Carbondale, Illinois*** (7th Cir. No. 23-2367) – Sidewalk counselors’ case challenging bubble zone ordinance. District Court granted the motion to dismiss because *Hill v. Colorado* is precedential. Currently in briefing before the 7th Circuit.

Federal District Court

- ***National Institute of Family and Life Advocates v. Raoul*** (N.D. Ill. No. 3:23-cv-50279) – Free speech case challenging a law that criminalizes the “deceptive practices” of pregnancy centers. Complaint filed July 27, 2023.

- ***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. Consolidated with *Schroeder v. Treto* (N.D. Ill. No. 1:17-cv-4663) for trial. Bench trial set for Sept. 20, 2023.
- ***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 a motion to dismiss for lack of jurisdiction April 28, 2022. Answer filed June 27, 2022. No recent major action.

Indiana

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 a preliminary injunction June 30, 2021. Parties entered a stipulation of settlement Aug. 23, 2023. District court dissolved the preliminary injunction and dismissed the case Aug. 24, 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 the preliminary injunction July 7, 2022. District court granted the State’s motion for judgment on the pleadings Mar. 31, 2023. Plaintiff indicated she would not file an amended complaint Apr. 24, 2023. District court entered final judgment Sept. 8, 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 a pro-choice challenge to Notre Dame’s exception to contraceptive mandate. Stayed pending rulemaking. Status report filed Aug. 14, 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 the preliminary injunction barring enforcement of the parental notice provision and remanded the case for further proceedings. District court approved parties’ briefing schedule regarding remaining issues of life, rape, and incest exceptions, and provision prohibiting aiding an unemancipated minor to obtain an abortion. Abortionists and state filed cross-motions for summary judgment, Dec. 16, 2022 & Jan. 18, 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. District court ordered supplemental briefing on the Supreme Court's recent standing guidance July 26, 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 the motion for a preliminary injunction Dec. 2, 2022. Appealed and currently in briefing before the Indiana Court of Appeals. Trial court held a hearing on class certification Apr. 4, 2023 (Ind. Sup. Ct. No. 49D01-2209-PL-031056). Indiana Court of Appeals oral argument set for Dec. 6, 2023.
- ***Members of the Medical Licensing Board of Indiana v. Planned Parenthood Great Northwest, Hawaii, Alaska, Indiana, Kentucky, Inc. v.*** (Ind. No. 22S-PL-338) – Challenge to abortion abolition law, which also seeks to devise a state constitutional abortion “right.” On June 30, 2023, the Indiana Supreme Court held the state constitution provides a right to an abortion to protect the mother’s life or prevent “a serious health risk,” but the legislature otherwise has broad authority to regulate abortion. Petition for rehearing denied Aug. 21, 2023.

Iowa

State Court

- ***Planned Parenthood of the Heartland, Inc. v. Reynolds*** (Iowa Dist. Ct. No. 05771 EQCE089066) – Abortion gestational limits (heartbeat) case. Petition for declaratory judgment and injunctive relief filed July 12, 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. Kobach*** (Kan. Dist. Ct. No. 2023-cv-03140) – Abortion informed consent (abortion pill reversal disclosure) case. Complaint filed June 6, 2023. Motion to dismiss filed Aug. 25, 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 the denial of the temporary injunction and held that Trust Women had standing to sue the Board of Healing Arts. Kansas Supreme Court denied the state officials’

petition for review. Trial court granted a temporary injunction Nov. 23, 2022. District court granted the 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 the motion to dismiss Sept. 30, 2022. 6th Circuit affirmed July 25, 2023.
- ***Planned Parenthood Great Northwest, Hawaii, Alaska, Indiana, and Kentucky v. Cameron*** (6th Cir. No. 22-5832) – Omnibus abortion lawsuit challenging the comprehensive abortion bill, Ky. H.B. 3. District court granted a 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 an interlocutory appeal. 6th Circuit denied abortionists' motion to dismiss appeal for lack of jurisdiction Feb. 22, 2023. 6th Circuit vacated and remanded the case May 24, 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. Plaintiffs filed a motion to dismiss without prejudice July 13, 2023.
- ***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 the buffer zone law. District court issued a preliminary injunction Jan. 3, 2023. Plaintiffs filed motions for summary judgment Mar. 16, 2023. Defendants filed a motion to dismiss Mar. 16, 2023.

State Court

- ***EMW Women's Surgical Center, P.S.C. v. Cameron*** (Ky. Cir. Ct. No. 22-CI-003225) – 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 the 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 the abortionists lacked third-party standing Feb. 16, 2023. Trial court entered the agreed order of dismissal June 27, 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 CA 1042) – 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. Court of Appeal reversed and remanded Aug. 16, 2023.

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. Case stayed pending *Alliance for Hippocratic Medicine v. U.S. Food & Drug Administration*. Status report filed Aug. 30, 2023.

Massachusetts

State Court

- ***Doe v. Clearway Clinic, Inc.*** (Mass. Super. Ct. No. ___) – Class action against a pregnancy resource center for allegedly deceptive practices. Complaint filed June 22, 2023.

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. Guilty plea entered for Defendant Davis Aug. 9, 2023. Motion hearing set for Sept. 28, 2023 for the motion to dismiss and other motions.

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. Stay extended through Oct. 16, 2023.
- ***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. Motion to dismiss filed June 5, 2023. Hearing set for Oct. 16, 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. Trial court denied Plaintiff’s motion for a new trial. Case is briefed before the Minnesota Court of Appeals and awaiting oral argument.
- ***Doe v. State of Minnesota*** (Minn. No. A23-0620) – 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. Minnesota Court of Appeals affirmed the denial of Traverse County Attorney’s motion to intervene (Minn. Ct. App. No. A22-1265). Trial court denied Mothers Offering Maternal Support’s (“MOMS”) motion to intervene Mar. 14, 2023. MOMS’ appeal is briefed and awaiting oral argument.

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. Hearing held on motions to dismiss and motion for judgment on the pleadings Aug. 2023.

Missouri

State Court

- ***Bailey v. Fitzpatrick*** (Mo. No. SC100132) – Petition for a writ of mandamus to compel the attorney general to approve the fiscal note summaries for the proposed abortion ballot initiatives. Missouri Supreme Court affirmed the circuit court’s decision to issue a writ of mandamus July 20, 2023.
- ***Blackmon v. State of Missouri*** (Mo. Cir. Ct. No. 2322-CC00120) – Abortion conditional law case alleging state religious claims. Amended complaint filed Mar. 27, 2023. Trial court granted the motion to dismiss in part (gestational limits, prenatal non-discrimination, reflection period, and same physician requirement), and denied in part (remaining claims) June 30, 2023. Hearing held Sept. 6, 2023 on the motion to dismiss the cross claim petition.

Montana

Federal District Court

- ***Wells v. BNSF Railway Company*** (D. Mont. No. 4:21-cv-97) – Lawsuit alleging state law claims for an individual’s death from asbestos exposure caused mesothelioma, which raises the issue of a decedent’s cause of death under an assisted suicide law. Although assisted suicide laws direct the death certificate to list the cause of death from the underlying disease, the district court ruled to exclude evidence of a decedent’s assisted suicide because it was outside the scope of issues for the jury Aug. 18, 2023.

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 a renewed motion to dismiss May 4, 2023. Temporary restraining order issued May 18, 2023. Trial court granted plaintiffs’ motions for a preliminary injunction July 11, 2023.
- ***Planned Parenthood of Montana v. Montana*** (Mont. No. DA 23-0287) – Abortion funding restriction case challenging state “Hyde Amendment.” Amended complaint filed May 18, 2023. Trial court issued preliminary injunction May 22, 2023. Appealed to the Montana Supreme Court and is currently in briefing.

- ***Planned Parenthood of Montana v. Montana*** (Mont. No. DA 23-0272) – Abortion challenge to the parental consent law. District court permanently enjoined the parental consent law but ordered a trial on the notification law Feb. 21, 2023. Appealed to Montana Supreme Court and currently in briefing.
- ***All Families Healthcare v. State of Montana*** (Mont. Dist. Ct. No. DV-23-592) – Abortion health and safety (clinic licensing) case. Complaint filed Sept. 1, 2023. Currently in briefing over plaintiffs’ motion for a preliminary injunction.
- ***Weems v. Montana*** (Mont. No. DA 22-0207) – Abortion challenge to expand the 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. Montana Supreme Court affirmed May 12, 2023.

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. District court granted the motion to dismiss and denied the plaintiffs’ motions for a temporary injunction and summary judgment Aug. 11, 2023. Planned Parenthood appealed Aug. 18, 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. The Nevada Supreme Court affirmed the respondent received ineffective assistance of counsel but declined to decide the constitutionality of the statute Aug. 10, 2023.

New Hampshire

No cases reported.

New Jersey

Federal Court of Appeals

- ***Turco v. City of Englewood, New Jersey*** (3d Cir. No. 22-2647) – Sidewalk counseling case challenging a buffer zone ordinance. District court entered judgment in favor of the city Aug. 12, 2022. Oral argument held before the 3d Circuit on May 19, 2023.

Federal District Court

- ***Govatos v. Murphy*** (D.N.J. No. 1:23-cv-12601) – Assisted suicide case challenging New Jersey’s residency requirements. Complaint filed Aug. 29, 2023.

New Mexico

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. Proceedings stayed June 2, 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, with oral argument set for Dec. 13, 2023.

New York

U.S. Supreme Court

- ***Vitagliano v. County of Westchester, New York*** (No. 23-74) – Sidewalk counseling case challenging bubble zone law. District court held the plaintiff lacked Article III standing and the claims failed as a matter of law. 2nd Circuit vacated in part (standing) and affirmed in part (failing as a matter of law). Petition for a writ of certiorari filed in the Supreme Court July 21, 2023. [Amicus curiae brief on behalf of Americans United for Life.](#)

Federal Court of Appeals

- ***40 Days for Life v. County of Westchester*** (2d Cir. No. 23-804) – Sidewalk counselors’ case challenging a buffer zone law on free speech, free assembly, due process, and free exercise of religion grounds. District court denied the motion for a preliminary injunction Apr. 24, 2023. Appeal is currently in briefing before the 2d Circuit.
- ***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. Case is briefed, with oral argument set for the week of Dec. 11, 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. Currently in discovery.
- ***People of the State of New York, by Letitia James v. Red Rose Rescue*** (S.D.N.Y. No. 7:23-cv-4832) – Freedom of Access to Clinic Entrances (FACE) Act civil case seeking damages and injunctive relief against Red Rose Rescue. Complaint filed June 8, 2023.
- ***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.

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. Amended complaint filed Aug. 7, 2023. Motion to dismiss filed Aug. 14, 2023.
- ***Planned Parenthood South Atlantic v. Stein*** (M.D.N.C. No. 1:23-cv-480) – Abortion gestational limits (twelve weeks) case, alleging due process violations for vagueness and impossibility of compliance among other federal claims for relief. District court extended the temporary restraining order, which will remain in effect until the court rules on the preliminary injunction. Amended complaint filed July 17, 2023. Amended motion for a preliminary injunction filed July 24, 2023. Motion hearing set for Sept. 21, 2023.

North Dakota

Federal District Court

- ***American Medical Association v. Stenehjem*** (D.N.D. No. 1:19-cv-125) – Chemical abortion (pill reversal) case. Granted preliminary injunction. Joint status report filed July 25, 2022. No recent major action.
- ***Mayo Pharmacy, Inc. v. Becerra*** (D.N.D. No. 1:23-cv-130) – 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. The Western District of Texas (No. 7:23-cv-22) transferred venue for Mayo Pharmacy’s RFRA claim July 13, 2023. District court stayed the case pending the outcome of *State of Texas v. Becerra* (W.D. Tex. No. 7:23-cv-22).

State Court

- ***Wrigley v. Romanick*** (N.D. Dist. Ct. No. 08-2022-CV-01608) – 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.” Amended complaint filed Aug. 15, 2023, challenging the heartbeat law.

Ohio

Federal Court of Appeals

- ***State of Ohio v. Becerra*** (6th Cir. No. 21-4235) – 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 a motion for judgment on the pleadings May 27, 2021. Preterm filed a cross-motion for judgment on the pleadings and motion to stay June 17, 2021. No recent action.

State Court

- ***Giroux v. Brinkman*** (Ohio No. 2023-0946) – Abortion case challenging the initiative petition seeking to propose an abortion state constitutional amendment. Verified challenge filed July 28, 2023. Ohio Supreme Court denied the challenge because the relators failed to show that state law requires invalidation of the petition Aug. 11, 2023.
- ***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. 2023-0004).
- ***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. 2023-0004).

- ***Preterm-Cleveland v. Yost*** (Ohio No. 2023-0004) – 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. Briefed, with oral argument set for Sept. 27, 2023.
- ***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. Ohio Supreme Court denied the writ of mandamus June 1, 2023.
- ***State of Ohio ex rel. Ohioans United for Reproductive Rights v. Ohio Ballot Board*** (Ohio No. 2023-1088) – Abortion ballot initiative case challenging ballot language. Verified complaint filed Aug. 28, 2023.
- ***Women’s Medical Group Professional 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. 2023-0004).

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, as well as the abortion abolition law. Temporary injunction granted in part and denied in part. Abortion clinic appealed. Oklahoma Supreme Court granted the 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.
- ***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 the State. Commonwealth Court affirmed. Pennsylvania Supreme Court 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. District court granted the motion to dismiss Sept. 8, 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 granted, vacated, and remanded for further consideration in light of *Health and Hospital Corporation of Marion County, Indiana v. Talevski*. [Amicus curiae brief on behalf of Americans United for Life.](#)

State Court

- ***Planned Parenthood South Atlantic v. State of South Carolina*** (S.C. No. 2023-856) – Abortion gestational limits (heartbeat) case. South Carolina Supreme Court upheld the heartbeat law, finding the state legislature properly balanced its interest in protecting unborn life against privacy interests Aug. 23, 2023. South Carolina Supreme Court denied the petition for rehearing Aug. 29, 2023.

- ***Planned Parenthood South Atlantic v. State of South Carolina*** (S.C. No. ___)
– Abortion gestational limits (heartbeat) case, seeking to clarify the question of when the heartbeat law bans abortion. Complaint for declaratory and injunctive relief filed in the South Carolina Supreme Court Sept. 14, 2023.

South Dakota

No cases reported.

Tennessee

State Court

- ***Blackmon v. State of Tennessee*** (Tenn. Ch. Ct. No. 23-1196-I) – Abortion challenge to the abortion law’s medical exceptions. Complaint filed Sept. 11, 2023.

Texas

U.S. Supreme Court

- ***U.S. Food & Drug Administration v. Alliance for Hippocratic Medicine*** (No. 23-235) – Pro-life challenge to the FDA’s approval and deregulation of chemical abortion drugs. District court issued a Section 705 stay of the 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 affirmed in part (2016 amendments and 2021 non-enforcement decision) and vacated in part (2000 approval and 2019 generic drug approval). Petition for a writ of certiorari filed in the Supreme Court Sept. 8, 2023. [AUL’s amicus curiae brief on behalf of 94 Members of the United States Congress](#).
- ***Danco Laboratories, L.L.C. v. Alliance for Hippocratic Medicine*** (No. 23-236) – Pro-life challenge to the FDA’s approval and deregulation of chemical abortion drugs. District court issued a Section 705 stay of the 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 affirmed in part (2016 amendments and 2021 non-enforcement decision) and vacated in part (2000 approval and 2019 generic drug approval). Petition for a writ of certiorari filed in the Supreme Court Sept. 8, 2023.

Federal Court of Appeals

- ***Deanda v. Becerra*** (5th Cir. No. 23-10159) – Contraceptive case alleging Title X funds violate the 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 the 5th Circuit. Case is briefed, with oral argument tentatively calendared for the week of Nov. 6, 2023.

- ***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 to the 5th Circuit. Case is briefed, with oral argument tentatively calendared for the week of Nov. 6, 2023. [Amicus curiae brief filed on behalf of Americans United for Life.](#)
- ***The Satanic Temple, Inc. v. Texas Health and Human Service Commission*** (5th Cir. No. 23-20329) – Abortion informed consent (ultrasound) law, alleging infringement on free exercise of religion. District court granted the motion to dismiss July 3, 2023. Appealed, but then the appellants dismissed the appeal indicating they would replead.

Federal District Court

- ***Carter v. McDonough*** (W.D. Tex. No. 6:22-cv-1275) – Pro-life challenge to the Veterans Affairs interim final rule that permits abortions at VA clinics, alleging RFRA and Free Exercise claims. Carter filed a notice of voluntary dismissal July 21, 2023 after the VA instituted a national policy to protect the religious liberty rights of VA employees.
- ***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. District court granted the motion to dismiss in part (transferring venue for the RFRA claim) and denied in part (remaining arguments) July 12, 2023. Plaintiffs filed a motion for summary judgment Sept. 15, 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.
- ***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). Case voluntarily dismissed July 5, 2023.

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). Trial court granted the motion to dismiss. Appealed to the Texas Court of Appeals. Court of Appeals denied the 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). The case is briefed, and the court is deciding it on submission of the briefs.
- ***Silva v. Noyola*** (Tex. Dist. Ct. No. 23-CV-0375) – Abortion case alleging the wrongful death of an 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. Motion to dismiss filed May 22, 2023. Hearing set for Sept. 28, 2023. Jury trial set for May 13, 2024.

- ***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). Weldon’s motion to dismiss was denied by operation law. Appealed to the Texas Court of Appeals. Court of Appeals denied the 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). The case is briefed, and the court is deciding it on submission of the briefs.
- ***Van Stean v. Texas Right to Life*** (Tex. No. 23-0468) – Abortion gestational limits case regarding the Texas Heartbeat Act (S.B. 8). Trial court declared certain civil procedures unconstitutional and issued a declaratory judgment Dec. 9, 2021. Texas Court of Appeals affirmed the denial of the motion to dismiss May 26, 2023. Petition for review filed in the Texas Supreme Court June 21, 2023.
- ***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 the defendants’ plea to the jurisdiction. Court of Appeals affirmed. Texas Supreme Court vacated and remanded the case for further proceedings Dec. 30, 2022. [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 within Texas’ abortion abolition laws. Amended petition for declaratory judgment and application for temporary and permanent injunction filed May 22, 2023. District court issued a temporary injunction and denied the amended plea to the jurisdiction Aug. 4, 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 a preliminary injunction July 11, 2022. The case is briefed before the Utah Supreme Court. Abortionists filed an 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. Utah Supreme Court oral argument held Aug. 8, 2023.

Vermont

Federal District Court

- ***National Institute of Family and Life Advocates v. Clark*** (D. Vt. No. 2:23-cv-229) – Free speech case challenging a law that criminalizes the “deceptive practices” of pregnancy centers. Complaint filed July 25, 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. Amended complaint filed Aug. 9, 2023. Motion to dismiss filed Aug. 23, 2023. Motion hearing set for Sept. 28, 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. District court denied the motion for a preliminary injunction Aug. 21, 2023.

State Court

- ***Kilo Delta, LLC v. Bristol Women’s Health, PLLC*** (Va. Cir. Ct. No. CL22000747-00) – Case in which 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

- ***Cedar Park Assembly of God of Kirkland, Washington v. Kreidler*** (9th Cir. Nos. 23-35560 [lead], 23-35585) – Conscience rights case challenging Wash. S.B. 6219, which requires Washington employers to provide abortion and abortifacient coverage in employee health plans. District court denied the plaintiff’s motion for summary judgment and granted the defendants’ motion for summary judgment July 25, 2023. The appeal and cross-appeal are currently in briefing before the 9th Circuit.
- ***McCarthy v. Amazon.com, Inc.*** (9th Cir. No. 23-35584) – Assisted suicide case regarding Amazon’s alleged sale of suicide kits to children. District court granted the motion to dismiss June 27, 2023. Appealed Sept. 6, 2023.
- ***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. Currently in briefing.
- ***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.

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. District court denied the motions regarding the standing issue but held in abeyance remaining issues May 2, 2023. District court granted in part (telemedicine restriction) and denied in part (remaining claims) the motions to dismiss Aug. 24, 2023.

Wisconsin

Federal District Court

- ***United States of America v. Roychowdury*** (W.D. Wis. No. 3:23-cr-31) – Freedom of Access to Clinic Entrances (FACE) Act criminal case alleging the firebombing of a Madison pregnancy resource center. Complaint filed Mar. 27, 2023. District court denied the motion to dismiss Aug. 29, 2023.

State Court

- ***Kaul v. Urmanski*** (Wis. Cir. Ct. No. 2022-CV-1594) – Abortion case challenging the pre-*Roe* law. Urmanski filed motions to dismiss the amended complaint and dismiss the intervenors' complaint Nov. 30, 2022. Oral argument held May 4, 2023. Trial court denied the motions to dismiss July 7, 2023. Motions for judgment on the pleadings filed Aug. 7, 2023.

Wyoming

State Court

- ***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, which also seeks to devise a state constitutional abortion "right." Trial court granted a temporary restraining order against the Life is a Human Right Act Apr. 17, 2023. Trial court granted a temporary restraining order against the chemical abortion abolition law June 22, 2023. Trial court denied the state legislators' motion to intervene Aug. 4, 2023. State legislators filed an appeal, which is in briefing (Wyo. No. S-23-0196). Plaintiffs filed a motion for summary judgment in the trial court Sept. 18, 2023.