

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF ARKANSAS
WESTERN DIVISION

LITTLE ROCK FAMILY PLANNING SERVICES,
PLANNED PARENTHOOD OF ARKANSAS &
EASTERN OKLAHOMA, D/B/A PLANNED
PARENTHOOD GREAT PLAINS, STEPHANIE HO,
M.D., and THOMAS TVEDTEN, M.D., on behalf
of themselves and their patients,

Plaintiffs,

v.

LESLIE RUTLEDGE, in her official capacity as
Attorney General of the State of Arkansas;
LARRY JEGLEY, in his official capacity as
Prosecuting Attorney of Pulaski County; MATT
DURRETT, in his official capacity as Prosecuting
Attorney of Washington County; SYLVIA D.
SIMON, M.D., in her official capacity as
Chairman of Arkansas State Medical Board;
ROBERT BREVING JR., M.D., VERYL D. HODGES,
D.O., JOHN H. SCRIBNER, M.D., OMAR T. ATIQ,
M.D., RHYS L. BRANMAN, M.D., RODNEY
GRIFFIN, M.D., MRS. MARIE HOLDER, BRIAN T.
HYATT, M.D., MR. LARRY D. "BUDDY" LOVELL,
TIMOTHY C. PADEN, M.D., DON R. PHILLIPS,
M.D., WILLIAM L. RUTLEDGE, and M.D., DAVID
L. STAGGS, M.D., in their official capacities as
officers and members of the Arkansas State
Medical Board, and NATHANIEL SMITH, M.D.,
M.P.H., in his official capacity as Director and
State Health Officer of the Arkansas Department
of Health,

Defendants.

FILED
U.S. DISTRICT COURT
EASTERN DISTRICT ARKANSAS

JUN 26 2019

JAMES W. McCORMACK, CLERK
By: _____
DEP CLERK

CIVIL ACTION

Case No.

4:19cv 449-BRW

**PLAINTIFFS' MOTION FOR A
TEMPORARY RESTRAINING ORDER
AND/OR PRELIMINARY INJUNCTION**

Plaintiffs Little Rock Family Planning Services (“LRFP”), Planned Parenthood of Arkansas & Eastern Oklahoma, d/b/a Planned Parenthood Great Plains (“PPAEO”), Stephanie Ho, M.D., and Thomas Tvedten, M.D., on behalf of themselves and their patients, hereby move the Court under Rule 65 of the Federal Rules of Civil Procedure for a temporary restraining order and/or preliminary injunction restraining Defendants from enforcing (i) Arkansas Act 493 of 2019, to be codified at Ark. Code. Ann. §§ 20-16-2003(9), -2004(b); (ii) Act 619 of 2019, to be codified at Ark. Code. Ann. § 20-16-2003; and (iii) Act 700 of 2019, to be codified at Ark. Code. Ann. § 20-26-605 (the “Acts”). The Acts take effect on July 24, 2019, and Plaintiffs respectfully request the Court to grant their Motion before that date.

As more fully explained in the accompanying brief, a temporary restraining order and/or preliminary injunction is warranted because (i) Plaintiffs are likely to succeed on the merits of their claims that the Acts violate the constitutional rights of Plaintiffs and their patients; (ii) Plaintiffs and their patients will suffer irreparable harm if the Acts take effect; (iii) the balance of equities tips strongly in favor of Plaintiffs and their patients; and (iv) the public interest will be served by a temporary restraining order and/or an injunction. Plaintiffs further request that, given the nature of the relief sought, bond be waived should the Court grant temporary and preliminary injunctive relief.

This Motion is based upon the Complaint filed in this case, the brief filed herewith, and the following documents:

The Challenged Restrictions

1. Attached as **Exhibit 1** is a true and accurate copy of the Arkansas Act 493 of 2019, to be codified at Ark. Code. Ann. §§ 20-16-2003(9), -2004(b).
2. Attached as **Exhibit 2** is a true and accurate copy of the Arkansas Act 619 of 2019,

to be codified at Ark. Code. Ann. § 20-16-2003.

3. Attached as **Exhibit 3** is a true and accurate copy of the Arkansas Act 700 of 2019, to be codified at Ark. Code. Ann. § 20-26-605.

Expert and Fact Witness Declarations

4. Attached as **Exhibit 4** is a true and accurate copy of the June 21, 2019 Declaration of Charlie Browne, M.D.

5. Attached as **Exhibit 5** is a true and accurate copy of the June 24, 2019 Declaration of Janet Cathey, M.D.

6. Attached as **Exhibit 6** is a true and accurate copy of the June 21, 2019 Expert Declaration of Lori Freedman, Ph.D.

7. Attached as **Exhibit 7** is a true and accurate copy of the June 24, 2019 Declaration of Stephanie A. Ho, M.D.

8. Attached as **Exhibit 8** is a true and accurate copy of the June 21, 2019 Expert Declaration of Frederick W. Hopkins, M.D., M.P.H.

9. Attached as **Exhibit 9** is a true and accurate copy of the June 20, 2019 Declaration of Thomas Russell Horton, Jr., M.D.

10. Attached as **Exhibit 10** is a true and accurate copy of the June 23, 2019 Expert Declaration of Sheila M. Katz, Ph.D.

11. Attached as **Exhibit 11** is a true and accurate copy of the June 22, 2019 Expert Declaration of Jason Lindo, Ph.D.

12. Attached as **Exhibit 12** is a true and accurate copy of the May 22, 2019 Declaration of Kathleen Paulson, M.D.

13. Attached as **Exhibit 13** is a true and accurate copy of the June 21, 2019 Expert

Declaration of Linda W. Prine, M.D.

14. Attached as **Exhibit 14** is a true and accurate copy of the June 21, 2019 Expert

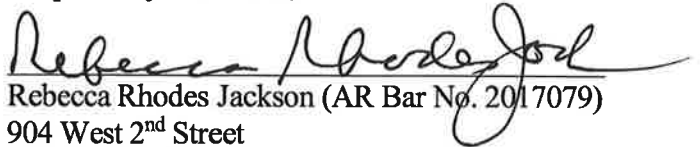
Declaration of Alison Stuebe, M.D., M.Sc., F.A.C.O.G.

15. Attached as **Exhibit 15** is a true and accurate copy of the June 21, 2019 Declaration of Thomas Tvedten, M.D.

16. Attached as **Exhibit 16** is a true and accurate copy of the June 21, 2019 Declaration of Lori Williams, M.S.N., A.P.R.N.

Dated: June 26, 2019

Respectfully submitted,



Rebecca Rhodes Jackson (AR Bar No. 2017079)

904 West 2nd Street

Little Rock, AR 72201

(314) 440-6265 – Telephone

E-Mail: beckywesth@gmail.com

ATTORNEY FOR PLAINTIFFS LITTLE ROCK
FAMILY PLANNING SERVICES AND
THOMAS TVEDTEN, M.D.

*On Behalf of the Arkansas Civil Liberties Union
Foundation, Inc.*

Bettina Brownstein (AR Bar No. 85019)
Bettina E. Brownstein Law Firm
904 West 2nd Street, Suite 2
Little Rock, AR 72201
(501) 920-1764 – Telephone
E-Mail: bettinabrownstein@gmail.com

*On Behalf of the Arkansas Civil Liberties
Union Foundation, Inc.*

Leah Godesky*
Kelly Scavone*
O'Melveny & Myers LLP
7 Times Square
New York, NY 10036
(212) 326-2000 - Telephone
E-Mail: lgodesky@omm.com
E-Mail: kscavone@omm.com

Kendall Turner*
O'Melveny & Myers LLP
1625 Eye St. NW
Washington, DC 20006
(202) 383-5300 – Telephone
E-Mail: kendallturner@omm.com

Taylor Simeone*
O'Melveny & Myers LLP
1999 Avenue of the Stars, 8th Floor
Los Angeles, CA 90067
(310) 553-6700 – Telephone
E-Mail: tsimeone@omm.com

Attorneys for Plaintiffs

** Motion for admission pro hac vice forthcoming.*

Meagan Burrows*
Susan Talcott Camp*
American Civil Liberties Union Foundation
125 Broad St, 18th Floor
New York, NY 10001
(212) 549-2633 – Telephone
E-Mail: mburrows@aclu.org
E-Mail: tcamp@aclu.org

*Attorneys for Plaintiffs LRFPA and Dr.
Thomas Tvedten*

Maithreyi Ratakonda*
Planned Parenthood Federation of America
Public Policy & Law Department
123 William Street, 9th Fl.
New York, NY 10038
(212) 261-4405 – Telephone
E-Mail: mai.ratakonda@ppfa.org

Attorneys for Plaintiffs PPAEO and Dr. Stephanie Ho