

NO. 22 CI 03225

JEFFERSON CIRCUIT COURT
DIVISION
JUDGE JEFFERSON CIRCUIT COURT
DIVISION THREE (3)

EMW WOMEN'S SURGICAL CENTER,
P.S.C., *et. al.*

PLAINTIFFS

MOTION – ORDER
v. **PLAINTIFFS' MOTION FOR RESTRAINING ORDER**
AND TEMPORARY INJUNCTION

DANIEL CAMERON, *et al.*

FILED IN CLERK'S OFFICE DEFENDANTS
DAVID L. NICHOLSON, CLERK
JUN 27 2022
BY _____
DEPUTY CLERK

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MOTION

Pursuant to Kentucky Rule of Civil Procedure 65, Plaintiffs EMW Women's Surgical Center, P.S.C. ("EMW"), on behalf of itself, its staff, and its patients; Ernest Marshall, M.D., on behalf of himself and his patients; and Planned Parenthood Great Northwest, Hawai'i, Alaska, Indiana, and Kentucky, Inc. ("Planned Parenthood"), on behalf of itself, its staff, and its patients, respectfully request that this Court immediately enter a Restraining Order and subsequently enter a Temporary Injunction against all Defendants to enjoin their enforcement of KRS 311.772 (the "Trigger Ban") and KRS 311.7701-11 (the "Six-Week Ban"), attached to Plaintiffs' Verified Complaint as Exhibits A & B. The Trigger Ban completely prohibits abortion following an overruling of the federal constitutional right to abortion recognized in *Roe v. Wade*, 410 U.S. 113 (1973), and the Six-Week Ban prohibits abortion starting at an early stage in pregnancy.

Plaintiffs EMW and Planned Parenthood are the only two outpatient healthcare centers that provide abortion in Kentucky. As a result of the threat of enforcement of the Trigger Ban's total prohibition on abortion following the U.S. Supreme Court's decision in *Dobbs v. Jackson Women's Health Organization*, No. 19-1392, 2022 WL 2276808 (U.S. June 24, 2022), Plaintiffs have been forced to stop providing abortions and abortion is no longer available at any point in

pregnancy in the Commonwealth. Plaintiffs also anticipate that, due to the changed federal law, a federal district court will imminently dissolve an injunction that currently prohibits enforcement of the Six-Week Ban. Plaintiffs and their patients are currently suffering immediate and irreparable injury. Because of these bans, Kentuckians are being forced to remain pregnant against their will—many of whom will be forced to carry their pregnancies to term and give birth—which threatens their health and lives given the risks associated with both pregnancy and childbirth. Indeed, every day that passes increases the health risks for pregnant Kentuckians unable to access a wanted abortion in the Commonwealth. Furthermore, Plaintiffs and their patients also experience an ongoing violation of their rights under the Kentucky Constitution. Plaintiffs and their patients will continue to suffer these irreparable injuries unless Defendants are immediately restrained and enjoined from enforcing the challenged laws. Plaintiffs and their patients have no adequate remedy at law or otherwise to address this injury, and the entry of a restraining order is in the public interest.

Pursuant to Kentucky Rule of Civil Procedure 65.03(1), Plaintiffs certify that Plaintiffs' attorneys have notified Defendants of this filing via email and provided them with copies of all papers thus far filed with the Court, including the Complaint and this request for emergency injunctive relief.

Accordingly, Plaintiffs seek entry of the attached Restraining Order, followed by an evidentiary hearing and entry of a Temporary Injunction, restraining and enjoining Defendants, and those acting in concert with them, from enforcing the Trigger Ban, KRS 311.772, and the Six-Week Ban, KRS 311.7701–11.

A Memorandum in Support and a tendered Restraining Order are submitted with this Motion.

DATE: June 27, 2022

Respectfully submitted,

/s/ Michele Henry

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**pro hac vice motions forthcoming*