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21 *Attorneys for Proposed Defendant-Intervenor Choices Pregnancy Centers of Greater*
22 *Phoenix, Inc.*

23 *Motion for admission *pro hac vice* forthcoming

24 **IN THE UNITED STATES DISTRICT COURT**
25 **FOR THE DISTRICT OF ARIZONA**

26 Planned Parenthood Arizona, Inc., et
27 al.,

28 Plaintiffs,

v.

Mark Brnovich, Attorney General of
Arizona, in his official capacity, et al.,

Defendants.

Case No. 4:19-cv-00207-JGZ

**Declaration of Marc Burmich in
Support of Choices Pregnancy
Centers of Greater Phoenix's Motion
to Intervene**

1 MARC BURMICH declares the following:

2 1. I am over 18 years old and I have knowledge of the statements contained
3 herein.

4 2. I am the President and CEO of Choices Pregnancy Centers of Greater
5 Phoenix, Inc. (Choices) (previously known as “Crisis Pregnancy Centers of Greater
6 Phoenix, Inc.”). Choices has four care centers in Arizona, which are located in Glendale,
7 Tempe, Phoenix, and Mesa.

8 3. Choices is a pregnancy help center which was founded in 1983 to offer
9 assistance to pregnant mothers. It provides the vast majority of its services completely
10 free of charge, and most of its clients face difficult socioeconomic circumstances. Over
11 the past 36 years, Choices has served over 230,000 women, babies, and families.

12 4. Choices’ Medical Director is Dr. Eric Hazelrigg, a physician licensed to
13 practice medicine in the State of Arizona.

14 5. Choices has Registered Nurses and Physician Assistants on staff. There is
15 at least one Registered Nurse at each of the four Arizona offices. All of Choices’
16 medical professionals work under the direction and supervision of Dr. Hazelrigg.

17 6. A central mission of Choices is to help pregnant mothers facing
18 challenging circumstances give birth to their children. To advance this mission, Choices’
19 staff and volunteers provide women with support, information, and services so they can
20 understand that abortion is not their only option. Choices works to ensure that women
21 are fully aware of relevant details regarding their child developing within them and, if
22 they are considering an abortion, that they fully understand what that involves.

23 7. When a woman comes to Choices believing that she is or may be pregnant,
24 Choices offers her a pregnancy test. If the woman’s pregnancy test is positive, Choices
25 offers to perform an ultrasound. During the ultrasound, the woman will have the chance
26 to observe her baby’s heartbeat, if detectable, and learn about the child’s stage of
27 development and various physical attributes.

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1 8. When women considering abortion come to Choices, many of them have
2 little or no knowledge regarding how children develop in the womb, their unborn child's
3 current stage of development and physical attributes, abortion procedures, and abortion
4 risks. Many who believe they understand the details regarding their unborn child's
5 development base their beliefs on demonstrably false information they have heard or
6 read. Most are astounded when they learn just how developed their unborn child is.

7 9. When women planning to abort come to Choices and learn the details
8 about their unborn child's development and physical characteristics, see their child via
9 ultrasound, observe their child's heartbeat, and take time to consider that information,
10 they often decide to give birth instead. Choices has observed this transformation
11 countless times. And many women have expressed to Choices how important this
12 information was to their decision.

13 10. Choices will often meet with the same pregnant woman multiple times as
14 she evaluates whether to have an abortion or give birth. Choices has observed that
15 women benefit when they have time to investigate their options and contemplate the
16 information and services Choices provides before deciding whether to have an abortion.
17 Many women Choices serve indicate a plan to abort even after first learning the
18 information Choices provides but then eventually decide to give birth after taking time
19 to reflect on that information.

20 11. By providing information in person, Choices is able to ensure an optimal
21 level of communication with pregnant women that is unavailable using other mediums
22 of communication. The in-person communications allow the Choices staff to assess a
23 woman's understanding of the information and explain it in different ways if necessary.
24 It also allows women to ask follow-up questions, which are a frequent occurrence.

25 12. Choices assists some women who would like to parent their child but plan
26 to have an abortion because they feel they have no alternatives. There is a common
27 theme of hopelessness among these women. Some feel they lack the support structures
28 they need to be successful mothers. Others fear that they will not be able to afford basic

1 necessities for their child. Some of these women even come to Choices with an accurate
2 understanding of their unborn child's development and a personal moral conviction that
3 abortion is wrong, yet believe abortion is simply unavoidable.

4 13. Choices works to provide pregnant women with the resources they feel
5 they need to be successful mothers. For some, it is social support. For others, it is
6 training. And for many, it is material resources, like diapers, wipes, baby clothes, and
7 gift cards. Choices provides all of these resources and more, including referrals for
8 housing and other information about resources offered by other public and private
9 entities.

10 14. Once Choices shows pregnant women the resources available to them,
11 their attitude and opinion about procuring an abortion often shifts. Many women choose
12 to give birth instead of have an abortion after they discover the resources available to
13 them and take time to consider their options. Women repeatedly tell Choices how
14 important this information and time was in allowing them to make an informed decision.

15 15. Choices provides full prenatal care services through delivery. It continues
16 to offer certain services up to two years following the birth of the child. Its services
17 include, but are not limited to, prenatal nutrition classes, free prenatal vitamins, labor
18 and delivery classes, breastfeeding classes, classes (in partnership with Phoenix
19 Children's Hospital) about ensuring safe sleep for infants, postpartum care, and a one-
20 on-one mentoring program for new parents.

21 16. In addition to helping pregnant women and those parenting infants and
22 toddlers, Choices also assists women who regret their decision to have an abortion. In
23 doing so, Choices has gained extensive insights about the devastating psychological and
24 physical effects some women experience after an abortion.

25 17. Choices has found that when women are not fully informed of their child's
26 development, the abortion process, and the resources available to them, they often regret
27 their decision to have an abortion. Many women suffering from abortion regret have
28 expressed to Choices that they were operating under false assumptions about their

1 unborn child's development, the details of abortion, and the resources available to them
2 at the time they had an abortion. Moreover, many of these women feel they did not have
3 enough time to fully understand, investigate, and weigh all relevant facts before having
4 an abortion. Choices has worked with many women who believe that they would have
5 chosen to give birth instead of having an abortion had they understood the details about
6 their unborn child's development, the abortion process, and the options available to
7 them, and been provided with sufficient time to contemplate those details.

8 18. Some of the women Choices has assisted in their struggles with post-
9 abortion regret obtained an abortion prior to Arizona's enactment of the 24-hour waiting
10 period challenged in the above-captioned case.

11 19. By working with pregnant women considering abortion and other women
12 suffering from post-abortion regret, Choices is uniquely situated to provide information
13 about the importance of providing women with critical information about the
14 development of children within the womb, abortion, and alternatives, and at least 24
15 hours to contemplate that information and perform their own investigations.

16 20. In addition to possessing extensive information regarding the importance
17 and effect of providing pregnant women considering abortion with ultrasounds, an
18 opportunity to observe their unborn child's heartbeat, education regarding development
19 of children within the womb and their unborn child's physical characteristics and
20 development, an accurate understanding of abortion, information about the resources
21 available to them, and time for reflection and investigation, Choices can also consult
22 with its current or former clients to seek to procure firsthand evidence on these topics
23 from women who gave birth after originally planning to have an abortion.

24 21. Because of the unique relationship of trust Choices develops with its
25 clients, Choices can also consult with its current or former clients who suffer from post-
26 abortion regret to seek to procedure firsthand evidence about how a lack of relevant
27 information about how children develop in the womb, their unborn child's stage of
28 development and physical attributes, abortion, and available resources—and time for

1 reflection on all these matters—resulted in them deciding to have an abortion. Choices
2 can also provide details regarding these topics and the harms many women have suffered
3 from making an uninformed decision to have an abortion.

4 22. Over the years, Choices has worked with thousands of women and is
5 honored to provide information and assistance that helps them realize that they can give
6 birth and have a meaningful, loving relationship with their child.

7 23. Choices’ interests in the above-captioned litigation cannot be adequately
8 protected by anyone other than Choices itself. Only Choices fully understands its work,
9 the value it has for the lives of the women its helps, the challenges faced by the women
10 who seek its services. And Choices has a unique understanding of what many women
11 feel, believe, and fear when they learn that they are unexpectedly pregnant.

12 24. On July 1, 2019, I learned that Planned Parenthood Arizona filed a
13 complaint in the above-captioned litigation attacking the constitutionality of numerous
14 Arizona laws. Choices’ full Board of Directors did not learn the lawsuit’s details until its
15 August 14, 2019 meeting. After learning of the lawsuit, Choices had to evaluate what
16 impact an adverse ruling would have on Choices’ interests, what unique contributions
17 Choices could provide if it became involved in the lawsuit, and what litigation would
18 entail. Choices also consulted with legal counsel and retained counsel willing to provide
19 its services *pro bono* (an important consideration for a non-profit like Choices that relies
20 on donations). All of this took time. Choices could not just immediately file papers with
21 the Court. Under the circumstances, Choices acted judiciously and promptly in seeking
22 to intervene.

23 25. The challenged laws require abortion providers to inform each woman
24 seeking an abortion—at least 24 hours prior to the abortion—that public and private
25 entities are available to assist her during pregnancy and after the birth of her child if she
26 decides not to have an abortion. Choices is one of those entities and it provides free
27 services to women during and after pregnancy.
28

1 26. The challenged laws also require abortion providers to explain to each
2 woman seeking an abortion—at least 24 hours prior to the abortion—that Arizona
3 maintains a website that lists agencies that offer alternatives to abortion and that a
4 printed copy of those materials will be provided to her for free if she desires. Choices is
5 listed (under its former name of “Crisis Pregnancy Centers of Greater Phoenix”), along
6 with its contact information, on that website. *See* <https://bit.ly/2poWp4W>.

7 27. Eliminating the challenged provisions would harm Choices’ interests by
8 making it less likely that pregnant women considering abortion will learn of Choices and
9 have an opportunity to contact Choices and obtain its services. Choices operates to
10 ensure that pregnant women considering abortion are fully informed about their unborn
11 child’s development, the details of abortion, and their options. These interests would be
12 hampered if the challenged provisions were removed.

13 28. Eliminating the challenged provisions would also harm Choices by
14 requiring it to redirect some of its limited resources to assist additional women who will
15 suffer from post-abortion regret after deciding to have an abortion with inadequate
16 information and time for consideration. This will create additional financial burdens for
17 Choices and impair its ability to expand other programs, such as its outreach to pregnant
18 women considering abortion.

19 29. Choices exists with a core goal of helping pregnant women and giving
20 them the information and resources they need to make a fully-informed decision about
21 abortion. Choices provides its various services to protect and further these women’s
22 interests. Choices is well positioned to assert these interests and explain how important it
23 is for women considering abortion to receive adequate time and information to be able to
24 provide truly informed consent before proceeding with an abortion. Choices has a
25 significant interest in protecting the rights and interests of current and future pregnant
26 women, and Choices’ interests are intertwined with theirs.


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Declaration under penalty of perjury

I, Marc Burmich, a citizen of the United States and a resident of the State of Arizona, hereby declare under penalty of perjury pursuant to 28 U.S.C. § 1746 that the foregoing is true and correct.

Executed this 21 day of October, 2019, at Glendale, Arizona.



Marc Burmich

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CERTIFICATE OF SERVICE

I hereby certify that on October 21, 2019, I electronically filed the foregoing paper with the Clerk of Court using the ECF system which will send notification of such filing to all counsel of record.

s/ Kevin H. Theriot
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