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IN THE SUPERIOR COURT OF THE STATE OF ARIZONA
IN AND FOR THE COUNTY OF MARICOPA

PLANNED PARENTHOOD ARIZONA,
INC., an Arizona non-profit corporation,

Plaintiff,

v.

TOM HORNE, Attorney General of
Arizona, in his official capacity, et al.,

Defendants.

No. CV 2009-029110

ORDER

The Court, being fully informed in the premises, pursuant to the Stipulation of the parties hereby enters the following orders:

1. Pursuant to the September 23, 2011 Mandate of the Arizona Court of Appeals in Case Nos. 1 CA-CV 09-0748 and 1 CA-CV 10-0274 (consolidated), and the August 11, 2011 Opinion pertaining thereto (the "Mandate and Opinion"), it is hereby

1 ordered that the following portions of Plaintiff’s First Amended Complaint are dismissed,
2 with prejudice:

- 3 a. Plaintiff’s facial challenge (pursuant to the equal protection and privacy
4 provisions of the Arizona Constitution) to A.R.S. §§ 36-2153(A)(1) and
5 (A)(2), to the extent that they require certain information to be given to a
6 woman “orally and in person,” as opposed to by telephone or other means;
- 7 b. Plaintiff’s facial challenge (pursuant to the equal protection and privacy
8 provisions of the Arizona Constitution) to A.R.S. § 36-2153(A)(1), to the
9 extent that it requires certain information to be given to a woman by “the
10 physician who is to perform the abortion or the referring physician,” as
11 opposed to by a qualified staff member;
- 12 c. Plaintiff’s facial challenge (pursuant to the equal protection and privacy
13 provisions of the Arizona Constitution) to A.R.S. § 36-2153(A)(1), to the
14 extent that it requires certain information to be given to a woman “by the
15 physician who is to perform the abortion or the referring physician,” even
16 when the abortion is a “nonsurgical abortion” and it is performed by a
17 registered nurse practitioner or physician assistant, as permitted by law;
- 18 d. Plaintiff’s facial challenge (pursuant to the equal protection and privacy
19 provisions of the Arizona Constitution) to A.R.S. § 36-2153(C) and
20 § 36-2155 (nonphysicians may not perform surgical abortions);
- 21 e. Plaintiff’s facial challenge (pursuant to the equal protection and privacy
22 provisions of the Arizona Constitution) to A.R.S. § 36-2154, to the extent it
23 amends existing law; and
- 24 f. Plaintiff’s facial challenge (pursuant to the equal protection and privacy
25 provisions of the Arizona Constitution) to A.R.S. § 36-2152(A), to the
26 extent that it requires a “notarized statement” of parental consent, unless and

1 until the Arizona Secretary of State gives adequate and ongoing notice to all
2 Notaries Public in the State of their confidentiality obligations with respect
3 to notarial acts involving parental consent to abortion, and establishes
4 penalties for violation.

5 2. Pursuant to the Mandate and Opinion, the preliminary injunction entered by
6 the trial court with respect to the statutory provisions set forth in Paragraph 1(a)-(f) above
7 is vacated.

8 3. Pursuant to the Mandate and Opinion, the motions for intervention of the
9 Speaker of the House, Ave Maria Pharmacy, Christian Medical and Dental Associations,
10 Christian Pharmacists Fellowship International, American Association of Pro-Life
11 Obstetricians and Gynecologists, and Catholic Medical Association, are granted.

12 4. Pursuant to the Stipulation of the parties, it is hereby ordered, with respect
13 to A.R.S. § 36-2153(D) (which prohibits requiring or obtaining payment for “a service
14 provided to a patient who has inquired about an abortion or scheduled an abortion until
15 the expiration of the twenty-four hour reflection period required by [A.R.S. § 36-
16 2153(A)]),” that this provision applies only to payments for abortion-related services.
17 “Abortion-related services” include informed consent counseling, as prescribed by A.R.S.
18 § 36-2151(A), and an abortion, as defined in A.R.S. § 36-2151(1), but does not include
19 services unrelated to an abortion, including contraceptive counseling and services, testing
20 and treatment of sexually transmitted infections, and cancer screenings.

21 5. With respect to all claims set forth in Plaintiff’s First Amended Complaint,
22 other than the claims specifically addressed in this Order, the parties have filed a
23 stipulation for voluntary dismissal without prejudice, pursuant to Rule 41(a)(1)(B),
24 Ariz.R.Civ.Pro. Accordingly, it is hereby ordered dismissing without prejudice all
25 unadjudicated claims set forth in Plaintiff’s First Amended Complaint.

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6. As, by this Order, all claims asserted in the first Amended Complaint have been herein addressed, it is ordered that this matter is now closed. Each party shall bear its own attorneys' fees and costs.

DATED this ____ day of _____, 2011.

Honorable Mark H. Brain
Maricopa County Superior Court

Granted

Signed on this day, November 14, 2011



/S/ Mark Brain

Judicial Officer of Superior Court