IN THE UTAH SUPREME COURT

PLANNED PARENTHOOD ASSOCIATION OF UTAH, on behalf of itself and its patients, physicians, and staff, *Plaintiff-Respondent*, v. STATE OF UTAH; SEAN D. REYES, in his official capacity as the Attorney General of the State of Utah; SPENCER COX, in his official capacity as the Governor of Utah; MARK B. STEINAGEL, in his official capacity as the Director of the Utah Division of Occupational and Professional Licensing, *Defendants-Petitioners*.	PUBLIC Case No. 20220696-SC

BRIEF OF *AMICUS CURIAE* UTAH EAGLE FORUM IN SUPPORT OF DEFENDANTS-PETITIONERS

On Appeal from the Third Judicial District Court, Salt Lake County
Honorable Andrew Stone
No. 220903886

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LIST OF PARTIES

The caption of the case contains the names of all the parties to the proceedings in the Third Judicial District Court, Salt Lake County, Salt Lake, Utah.

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IDENTITY AND INTEREST OF AMICUS CURIAE[1]

Utah Eagle Forum is a conservative advocacy organization that aims to "enable conservative and pro-family men and women to participate in the process of self-government and public policy-making so that America will continue to be a land of individual liberty, with respect for the nuclear family, public and private virtue, and private enterprise."[2] Members of Utah Eagle Forum "believe in the fundamental human right to life for the unborn, ourselves, and our posterity."[3] The organization "has been a leader in the pro-life, pro-family movement and is part of the National Eagle Forum founded by Phyllis Schlafly in 1972."[4]

Utah Eagle Forum helped draft and lobbied in favor of Utah Senate Bill 174, Gen. Sess. (2020) (codified at Utah Code Ann., tit. 76, ch. 7A) (the "trigger law"), which Planned Parenthood challenges in this lawsuit. The trigger law prohibits doctors from performing abortions from the outset of pregnancy with three exceptions: (1) to protect the life or prevent "serious risk of substantial and irreversible impairment of a major bodily function" of the mother, (2) in cases of lethal fetal anomaly, and (3) where the pregnancy was the result of rape or incest. Utah Code Ann. § 76-7a-201 (West 2022). Utah Eagle Forum

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[1] This brief is filed under Utah Rule of Appellate Procedure 25. No party or party's counsel authored this brief in whole or in part or financially supported this brief, and no one other than Amicus Curiae or its counsel contributed money intended to fund preparing or submitting this brief.

[2] Eagle Forum, https://eagleforum.org/about/brochure.html (last visited Dec. 8, 2022).

[3] Utah Eagle Forum, https://www.utaheagleforum.org/our-principles.html#/ (last visited Dec. 8, 2022).

[4] Utah Eagle Forum, https://www.utaheagleforum.org/eagle-eye-blog#/ (last visited Dec. 8, 2022).

has a strong interest in the enforceability of a law that it advocated for and in protecting both unborn life and the health and safety of Utah women. Thus, it urges this Court to reverse the preliminary injunction.

CONSENT OF PARTIES

Counsel for Amicus Curiae Utah Eagle Forum contacted parties via email on December 2, 2022, to provide timely notice of Amicus's intent to file a brief in this case. Plaintiff-Respondent indicated that it consents to the filing of this brief. Defendants-Petitioners indicated that they consent to the filing of this brief.

SUMMARY OF THE ARGUMENT

Planned Parenthood lacks standing to bring this lawsuit both on behalf of itself and its patients. Utah law provides three potential avenues for Planned Parenthood to establish standing: traditional standing, public interest standing, and third party standing. Because Planned Parenthood does not meet the requirements for any type of standing, this Court should reverse the preliminary injunction and remand with instructions to dismiss the case.

First, Planned Parenthood lacks traditional standing because it has alleged no legal interest of its own that is adversely affected by S.B. 174. The constitutional rights that Planned Parenthood alleges are infringed by the trigger law belong to abortion patients, not to abortion providers. Because Planned Parenthood has alleged no injury to its own constitutional rights, it cannot assert standing on its own behalf.

Second, Planned Parenthood cannot establish standing under Utah's public interest standing test. Planned Parenthood is not an appropriate party

for public interest standing because its patients are potential plaintiffs with a more direct interest in the question of whether the Utah Constitution protects a right to abortion. Moreover, the issue raised by Planned Parenthood's lawsuit would be more appropriately solved by the legislature because the Constitution is silent on abortion.

Finally, Planned Parenthood also lacks third-party standing. Because abortion providers have no longstanding relationship with their patients and frequently meet patients on the day of the procedure, Planned Parenthood cannot establish a substantial relationship with its hypothetical future patients. Furthermore, nothing prevents those patients form asserting their rights themselves. And because no state constitutional right to abortion exists, it cannot be diluted by Planned Parenthood's failure to exercise third party standing.

For these reasons, Amicus Utah Eagle Forum urges this Court to hold that Planned Parenthood does not have standing to bring this suit and lift the trial court's preliminary injunction.

ARGUMENT

The trial court held that Planned Parenthood "has demonstrated an injury in its own right and to its patients, . . . and a decision by th[e] [trial] [c]ourt enjoining the Act would redress those injuries." Order Granting Pl.'s Mot. for Prelim. Inj. ¶ 8 ("Prelim. Inj. Order"). It further held that Planned Parenthood "has representative standing because it is an appropriate party to litigate this case of significant public import." *Id.*

The "standard of review for standing is 'generally ... considered a 'mixed question' because it involves the application of a legal standard to a particularized set of facts.'" *Alpine Homes, Inc. v. City of West Jordan*, 424 P.3d 95, 101 (Utah 2017) (citing *Utah Chapter of Sierra Club v. Utah Air Quality Bd.*, 148 P.3d 960 (Utah 2006)). However, "'the question of whether a given individual or association has standing to request a particular relief is primarily a question of law.'" *Id.* (citing *Kearns-Tribune Corp. v. Wilkinson*, 946 P.2d 372, 373 (Utah 1997)). The court reviews "the 'factual determinations made by a trial court with deference,'" but "afford[s] 'minimal discretion to the trial court' on a 'determination of whether a given set of facts fits the legal requirements for standing[,]'" *id.* (citing *Kearns-Tribune Corp.*, 946 P.2d at 373–74). Because standing "is a mixed question of law and fact that is primarily a question of law," the court should "review the district court's determination for correctness." *Salt Lake City Corp. v. Jordan River Restoration Network*, 435 P.3d 179, 184–85 (Utah 2018).

I. Planned Parenthood lacks traditional standing because it does not have a legal interest that will be adversely affected by SB 174.

In Utah, a party has traditional standing if "(1) it has a legally cognizable interest that has been or will be adversely affected by the challenged actions, (2) there is a causal relationship between the injury to the Party, the challenged actions and the relief requested, and (3) the relief requested is substantially likely to redress the injury claimed." *Living Rivers v. Exec. Dir. of Utah Div. of Env't Quality*, 417 P.3d 57, 63 (Utah 2017) (citations and quotations omitted). In other words, a party must show "injury, causation, and

redressability." *Id.* at 64 (citations omitted). The Utah Supreme Court has also noted that "[a]lthough 'not identical,' our standing test is similar to the one used in federal courts." *S. Utah Wilderness All. v. Kane Cnty. Comm'n*, 484 P.3d 1146, 1153 (Utah 2021) (citation omitted). Planned Parenthood lacks traditional standing because it has failed to demonstrate "a legally cognizable interest that has been or will be adversely affected" by S.B. 174. *Id.*

The trial court held that Planned Parenthood has standing to challenge the trigger law because Planned Parenthood "and its staff will . . . suffer harms, including the threat of criminal and licensing penalties, reputational harm, and harm to their livelihoods." Prelim. Inj. Order ¶ 3. But general allegations of harm are not enough for standing. Instead, a plaintiff's harm need be "legally cognizable." *Living Rivers*, 417 P.3d at 63. In other words, a "[p]laintiff must be able to show that he has suffered some distinct and palpable injury that gives him *a personal stake* in the outcome of the legal dispute." *Jenkins v. Swan*, 675 P.2d 1145, 1148 (Utah 1983) (emphasis added).

Planned Parenthood has not met that requirement here because the rights it asserts are not its own. Planned Parenthood purports to "sue[] on its own behalf, on behalf of its patients seeking abortions, and on behalf of its physicians and staff who provide abortions." Compl. ¶ 13. But its legal claims all center around alleged deprivations of the rights of women seeking abortions, not the rights of abortion providers. *See id.* ¶ 62 (alleging that the trigger law "eliminates wholesale the fundamental right to determine one's family composition"), ¶ 66 (alleging violation of "equality between the sexes"), ¶ 73 (alleging "three unconstitutional classifications": (1) "women as opposed

to men," (2) "those who seek to terminate their pregnancy, versus those who seek to continue their pregnancy to childbirth," and (3) "women . . . seeking abortion . . . for reasons deemed sympathetic from those with no less need for abortion"), ¶ 79 (alleging that "[f]orcing Utahns to remain pregnant against their wishes . . . violates their right to bodily integrity"), ¶ 84 (alleging that "forcing pregnant Utahns to carry pregnancies to term against their will" violates the prohibition on involuntary servitude), ¶ 89 (alleging that the trigger law "deprive[s] Utahns of the ability to approach their family-planning decisions in accordance with their own religious and moral beliefs"), ¶ 92 (alleging that depriving women of the decision whether to have an abortion and requiring reporting of rape or incest to the police violates those women's right to privacy). While Planned Parenthood alleges that the trigger law "eliminates [its] ability to offer abortion services" and "threatens [its] staff with criminal and licensing penalties, reputational harm, and harm to their livelihoods," *id.* ¶¶ 58, 59, it does not allege any state constitutional right to *perform* abortions (nor would there be any constitutional basis for such a right).

Under federal law before *Dobbs*, the purported right to abortion protected "the right of the *individual*, married or single to be free from unwarranted governmental intrusion into matters so fundamentally affecting a person as the decision whether to bear or beget a child." *Planned Parenthood of Se. Pa. v. Casey*, 505 U.S. 833, 851 (1992) (citing *Eisenstadt v. Baird*, 405 U.S. 438, 453 (1972)) (emphasis in original), *overruled by Dobbs v. Jackson Women's Health Org.*, 142 S. Ct. 2228 (2022). Justice Thomas addressed this situation directly in his dissent to *June Medical Services, L.L.C. v. Russo*, 140

S. Ct. 2103 (2020), *overruled by Dobbs v. Jackson Women's Health Org.*, 142 S. Ct. 2228 (2022). He explained that because the "purported substantive due process right to abort an unborn child . . . belongs to the woman making that choice, not to those who provide abortions, [abortion providers] cannot establish a personal legal injury by asserting that this right has been violated." *Id.* at 2148 (Thomas, J., dissenting). He further explained that "[t]he only injury asserted by plaintiffs in this suit is the possibility of facing criminal sanctions if the abortionists conduct abortions without admitting privileges in violation of the law," but because "plaintiffs do not claim any right to provide abortions[,] . . . [t]hey have therefore demonstrated only real-world damages . . . , but no legal injury." *Id.* at 2149.

Because Planned Parenthood has not asserted any legally cognizable interest of its own, it lacks traditional standing.

II. Planned Parenthood does not have public interest standing because it is not an appropriate party and its lawsuit does not raise an issue appropriate for judicial decision.

The district court held that Planned Parenthood "has representative standing because it is an appropriate party to litigate this case of significant public import." Prelim. Inj. Order ¶ 8.[5] In a case of significant public importance, the Utah Supreme Court has held that "a failure to satisfy the

[5] The district court appears to conflate the test for public interest standing with the test for associational standing, under which "[a]n association . . . has standing if its individual members have standing and the participation of the individual members is not necessary to the resolution of the case." *Utah Chapter of Sierra Club v. Utah Air Quality Bd.*, 148 P.3d 960, 967 (Utah 2006). But Planned Parenthood is not a membership association, so associational standing does not apply.

traditional [standing] test is not necessarily fatal to a party's ability to assert an interest before the courts of this state." *Utah Chapter of Sierra Club*, 148 P.3d at 972. Under the public interest standing doctrine, a plaintiff must show that "it is an appropriate party to raise the issue in the dispute before the court" and that "the issues it seeks to raise 'are of sufficient public importance in and of themselves' to warrant granting the party standing." *Id.* at 972–73. However, "[a]ny invocation of the public standing doctrine should come with a warning label that two members of th[e] [Utah Supreme] [C]ourt have expressed serious doubt about the intellectual underpinnings of the doctrine and have invited further discussion of its continued viability." *Haik v. Jones*, 427 P.3d 1155, 1160 n.5 (Utah 2018).

A. Planned Parenthood is not an appropriate party.

To establish that a party is "appropriate," the party must demonstrate "that it has 'the interest necessary to effectively assist the court in developing and reviewing all relevant legal and factual questions' and that the issues are 'unlikely to be raised' if the party is denied standing." *Utah Chapter of Sierra Club*, 148 P.3d at 972 (citing *Jenkins*, 675 P.2d at 1150). While a party does not have to show it is "the most appropriate party in comparison to any other potential party[,] . . . [p]arties hoping to intervene must still show a *real and personal interest* in the dispute." *Id.* at 973 (citing *Jenkins*, 675 P.2d at 1150) (emphasis added). Moreover, when "potential plaintiffs with a more direct interest in this particular question" are identified, the court will find the parties are not appropriate and will not grant standing. *Id.* at 973 (citing *Jenkins*, 675 P.2d at 1151); *see also Zen Healing Arts LLC v. Dep't of Com.,*

Div. of Occupational & Pro. Licensing, 417 P.3d 629, 634 (Utah App. 2018) (finding that appellants were not appropriate parties because they identified "potential plaintiffs with a more direct interest in challenging the Rule who are likely to provide better, more concrete facts for the district court to make its determination about the constitutionality of the Rule rather than basing its determination on mere hypothetical situations[.]").

Here, Planned Parenthood has failed to demonstrate that it is an appropriate party because its patients are "potential plaintiffs with a more direct interest in this particular question." *See Utah Chapter of Sierra Club*, 148 P.3d at 973. Even under public interest standing, Utah courts "will not readily relieve a plaintiff of the salutory [*sic*] requirement of showing a real and personal interest in the dispute." *Jenkins*, 675 P.2d at 1150. As explained above, *see supra* Part I, Planned Parenthood asserts only the constitutional rights of its patients. Yet it has failed to join any patient as a plaintiff in its suit. This alone is sufficient to defeat public interest standing. *See ACLU of Utah v. State*, 467 P.3d 832 (Utah 2020) (*per curiam*) (holding parties lacked alternative standing when the ACLU and other groups sought relief on behalf of inmates throughout the state at risk of contracting COVID-19 [and] "[n]o individual inmate [was] named as a petitioner").

Moreover, if Planned Parenthood is denied standing, nothing prevents its patients from raising its claims themselves. *See Utah Chapter of Sierra Club*, 148 P.3d at 972 (requiring a party asserting public interest standing to demonstrate "that the issues are 'unlikely to be raised' if the party is denied standing" (citing *Jenkins*, 675 P.2d at 1150)). Even *Singleton v. Wulff*, which

approved federal Article III standing for abortion providers, recognized that "obstacles" to women asserting their own rights "are not insurmountable." 428 U.S. 106, 117 (1976). The Court there explained that "suit may be brought under a pseudonym" and that "[a] woman who is no longer pregnant may nonetheless retain the right to litigate the point because it is 'capable of repetition yet evading review.'" *Id.* Justice Alito also addressed this concern in his *June Medical* dissent, pointing out that "a woman who challenges an abortion restriction can sue under a pseudonym." 140 S. Ct. at 2168 & n.15 (Alito, J., dissenting) (collecting cases where women have done just that). And "if a woman seeking an abortion brings suit, her claim will survive the end of her pregnancy under the capable-of-repetition-yet-evading-review exception to mootness." *Id.* at 2169 (citing *Roe v. Wade*, 410 U.S. 113, 125 (1973)).

Because Planned Parenthood is not an appropriate party to bring this suit, this Court should hold that it does not have public interest standing.

B. Regardless, Planned Parenthood's lawsuit does not raise an issue appropriate for judicial decision.

In addition to the fact that Planned Parenthood is unable to "establish[] that it is an appropriate party to the litigation, it must also demonstrate that the issues it seeks to raise 'are of sufficient public importance in and of themselves' to warrant granting the party standing." *Utah Chapter of Sierra Club*, 148 P.3d at 973. Critically, "[t]his requires the court to determine not only that the issues are of a sufficient weight but also that they are not more appropriately addressed by another branch of government pursuant to the political process." *Id.*

Here, while the issue of whether Utah women may abort their unborn children is undoubtedly of public importance, it is not an appropriate issue for public interest standing. Planned Parenthood asks this Court to hold that the Utah Constitution protects a right to abortion found nowhere in the Constitution's text. But when "the Constitution[] of the state" is "silent" "as to any subject within the jurisdiction of the state," "the Legislature may speak." *Block v. Schwartz*, 76 P. 22, 23 (Utah 1904). In other words, Planned Parenthood raises issues "more appropriately addressed" by the legislative "branch of government pursuant to the political process." *Utah Chapter of Sierra Club*, 148 P.3d at 973.

Because Planned Parenthood's lawsuit does not raise an issue appropriate for judicial determination, it does not have public interest standing.

III. Planned Parenthood lacks third-party standing because it does not have a substantial relationship with its potential patients, its patients could assert their own constitutional rights, and its patients' rights will not be diluted if it is unable to assert third-party standing.

In Utah, there is a "general presumption that a person or entity has a right to sue only in its own name[,]" *Wilson v. Educators Mut. Ins. Ass'n*, 416 P.3d 355, 358 (Utah 2017) (citing *Shelledy v. Lore*, 836 P.2d 786, 789 (Utah 1992)), and "that a litigant 'must assert his own legal rights and interests, and cannot rest his claim to relief on the legal rights or interests of third parties,'" *id.* (citing *Warth v. Seldin*, 422 U.S. 490, 499 (1975)). However, a party may assert the rights of a third-party if it establishes certain factors: "first, the presence of some substantial relationship between the claimant and the third

parties; second, the impossibility of the rightholders asserting their own constitutional rights; and third, the need to avoid a dilution of third parties' constitutional rights that would result were the assertion of jus tertii not permitted." *Shelledy*, 836 P.2d at 789 (citation omitted); *see also Zen Healing Arts LLC*, 417 P.3d at 634 (citing *Shelledy*, 836 P.2d at 789) (finding that appellants could not assert the rights of third-parties because they "have not asserted 'the presence of some substantial relationship . . . with the third parties'; they have not shown that it would be impossible for those third parties to assert 'their own constitutional rights'; and they have not shown 'the need to avoid a dilution of [the] third parties' constitutional rights' if standing were not extended"). Planned Parenthood has not met that high bar here.

1. First, Planned Parenthood does not have a "substantial relationship" with its potential patients. *See Shelledy*, 836 P.2d at 789. As Justice Alito explained in his *June Medical* dissent, "a woman who obtains an abortion typically does not develop a close relationship with the doctor who performs the procedure. On the contrary, their relationship is generally brief and very limited." 140 S. Ct. at 2168 (Alito. J. dissenting). In that case, Justice Alito described the typical interaction between an abortion doctor and patient: "[A] woman may make her first visit to an abortion clinic the day before the procedure and . . . she is likely to have a short meeting with a counselor, not the doctor who will actually perform the procedure." *Id.* Consequently, "[s]he will typically meet the abortion doctor for the first time just before the procedure, and . . . their relationship consists of the doctor's telling the woman what he will do, offering to answer questions, informing her of his progress as

the abortion is performed, and asking her to remain calm." *Id.* (citations omitted). The entire interaction may last no more than ten minutes. *Id.* While some abortion doctors schedule follow-up appointments, "the great majority of women never return to the clinic." *Id.*

Furthermore, Planned Parenthood does not seek relief as to specific current patients who wish to obtain an abortion but as to all hypothetical future patients who might someday want an abortion. But courts have held that a plaintiff may not assert third party standing on behalf of a hypothetical person because no close relationship exists between the two. *See Kowalski v. Tesmer*, 543 U.S. 125, 131 (2004) (holding that attorneys could not assert third party standing on behalf of "a future attorney-client relationship with as yet unascertained Michigan criminal defendants"); *see also Collins v. Daniels*, 916 F.3d 1302, 1313 (10th Cir. 2019) (citing *Kowalski*, 543 U.S. at 131) (explaining that Bail Bond Association did not have standing on behalf of potential customers because it had "'no relationship at all,' with 'potential customers denied bail'"). As Justice Gorsuch noted in his *June Medical* dissent, "[n]ormally, the fact that the plaintiffs do not even know who those women are would be enough to preclude third-party standing." *June Med. Servs.*, 140 S. Ct. at 2174 (Gorsuch, J. dissenting) (citing *Kowalski*, 543 U.S. at 131).

In addition, a "substantial relationship" requires "an identity of interests between the parties such that the plaintiff will act as an effective advocate of the third party's interests." *Lepelletier v. F.D.I.C.*, 164 F.3d 37, 44 (D.C. Cir. 1999). In other words, "the litigant and the person whose rights he asserts have interests which are aligned." *Canfield Aviation, Inc. v. Nat'l Transp. Safety*

Bd., 854 F.2d 745, 748 (5th Cir. 1988). But Planned Parenthood's interests are not aligned with those of its patients. Planned Parenthood is a business that profits from providing as many abortions as possible, whereas its patients are women making perhaps the most difficult decision of their lives. As the U.S. Supreme Court has observed, "it seems unexceptionable to conclude some women come to regret their choice to abort the infant life they once created and sustained." *Gonzales v. Carhart*, 550 U.S. 124, 159 (2007). Utah's trigger law protects women from that remorse. Where individual women have not come forward and asserted a right to abortion, "courts should not adjudicate such rights unnecessarily, and it may be that in fact the holders of those rights . . . do not wish to assert them[.]" *Singleton*, 428 U.S. at 113–14. Therefore, Planned Parenthood's relationship with its hypothetical future patients is not sufficient to establish third party standing.

2. Second, Planned Parenthood's patients could assert their "own constitutional rights." *See Shelledy*, 836 P.2d at 789. Critically, third party standing is available only if plaintiffs have shown "that it would be *impossible* for those third parties to assert 'their own constitutional rights." *Zen Healing Arts LLC*, 417 P.3d at 634 (emphasis added). For instance, in *Freilich v. Upper Chesapeake Health, Inc.*, the Fourth Circuit held that a doctor could not assert a claim on behalf of disabled patients because she "did not sufficiently allege a hindrance to her patients' ability to protect their own interests." 313 F.3d 205, 215 (4th Cir. 2002). Similarly, Planned Parenthood has failed to show that its patients could not assert their own rights here. Indeed, abortion patients have sued to enforce their own rights in the past. *See, e.g.*, *Roe v. Wade*, 410 U.S.

113 (1973). Because "a woman who challenges an abortion restriction can sue under a pseudonym," she need not fear for her privacy. *June Med. Servs.*, 140 S. Ct. at 2168 (Alito, J. dissenting). Nor would financial concerns prevent an abortion patient from bringing suit: "there is little reason to think that a woman who challenges an abortion restriction will have to pay for counsel." *Id.* at 2168–69 (Alito, J. dissenting). And "if a woman seeking an abortion brings suit, her claim will survive the end of her pregnancy under the capable-of-repetition-yet-evading-review exception to mootness." *Id.* at 2168–69 (Alito, J. dissenting). Because Planned Parenthood's patients could assert their own rights, third party standing is not necessary here.

3. Third, abortion patients' rights will not be diluted if Planned Parenthood is unable to assert third-party standing. *See Shelledy*, 836 P.2d at 789. Planned Parenthood asserts a constitutional right that does not exist: a right to abortion. This supposed right is found nowhere in the text of the Utah Constitution and is unsupported by Utah history and tradition. *See* Defs.' Pet. for Permission to Appeal 12–17. As the Sixth Circuit has recognized, the absence of an abortion right casts federal precedents allowing abortion providers to sue on behalf of patients "into grave doubt." *EMW Woman's Surgical Ctr. v. Friedlander*, No. 19-5516, 2022 WL 2866607, at *2 (6th Cir. July 21, 2022) (Bush, J., concurring in part and dissenting in part). And the U.S. Supreme Court in *Dobbs* criticized federal abortion precedents for "ignor[ing] the Court's third-party standing doctrine." 142 S. Ct. at 2275. The same is true under Utah law: without an established constitutional right on abortion, there is nothing for Planned Parenthood to assert. And, nothing

prevents Utah women from asserting it for themselves. *See supra* Part III.A.2. Consequently, there is no risk of dilution if this Court denies standing to Planned Parenthood.

Because Planned Parenthood fails all three requirements of third-party standing, it cannot assert the interests of its hypothetical future patients.

CONCLUSION

For the foregoing reasons, the Court should hold that Planned Parenthood lacks standing and grant the 12(b)(1) motion to dismiss the case.

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CERTIFICATE OF COMPLIANCE

I hereby certify that this brief does not exceed 7,000 words, excluding any tables or addenda, in compliance with Utah Rule of Appellate Procedure 25. This petition has been prepared in a proportionally spaced typeface using Microsoft Word in 13-point Century Schoolbook font, double spaced, in compliance with the typeface and type size requirements of Utah Rule of Appellate Procedure 27(a). This brief contains no non-public information and complies with Utah Rule of Appellate Procedure 21(g).

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CERTIFICATE OF SERVICE

I hereby certify that on December 9, 2022, a true and correct copy of the foregoing Amicus Brief of Utah Eagle Forum in Support of Defendants-Petitioners was filed with the Court and served via electronic mail on the following:

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