

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

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|-------------------------------|---|--------------------------------|
| PLANNED PARENTHOOD SOUTH |) | |
| ATLANTIC, <i>et al.</i> , |) | |
| |) | |
| Plaintiffs, |) | |
| |) | Case No. 1:23-cv-00480-CCE-LPA |
| v. |) | |
| |) | |
| JOSHUA STEIN, <i>et al.</i> , |) | |
| |) | |
| Defendants. |) | |

**PLAINTIFFS’ MOTION FOR A TEMPORARY RESTRAINING ORDER AND
PRELIMINARY INJUNCTION**

Plaintiffs Planned Parenthood South Atlantic and Beverly Gray, M.D., hereby move, pursuant to Federal Rule of Civil Procedure 65 and Local Rule 65.1, for a temporary restraining order and preliminary injunction enjoining enforcement of the entirety of Part I and the hospitalization requirement (to be codified at N.C. Gen. Stat. § 90-21.82A) of Part II¹ of North Carolina Session Law 2023-14 (“S.B. 20” or “the Act”), the relevant provisions of which, without the relief requested in this motion, will take effect on July 1, 2023.

A temporary restraining order and a preliminary injunction are justified and supported by the facts and authorities set forth in the accompanying Memorandum of Law and the Declaration of Katherine Farris, M.D., in support of this Motion, which show that Plaintiffs meet all of the elements required for preliminary injunctive relief: (1) Plaintiffs

¹ It is unclear whether section 90-21.82A takes effect on July 1, 2023, or October 1, 2023. If this provision does not take effect until October 1, 2023, Plaintiffs move only for a preliminary injunction and not a temporary restraining order on this provision.

are likely to prevail on the merits of their Due Process, Equal Protection, and First Amendment claims as set out in their complaint; (2) Plaintiffs and their patients will suffer irreparable injury without the injunction; (3) the injury to Plaintiffs and their patients outweighs any injury the injunction will cause the Defendants; and (4) an injunction furthers the public interest. A temporary restraining order is particularly warranted to preserve the status quo while the Court reviews the issues raised in this case and is necessary to prevent health risks for North Carolinians in need of abortion care as well as to minimize confusion for patients, providers, and people who wish to assist others in obtaining abortions.

Plaintiffs respectfully request that this Court immediately grant the temporary restraining order requested and grant them the opportunity to present oral argument in support of a preliminary injunction. Oral argument is warranted due to the important constitutional concerns raised by the motion and the imminent irreparable harm faced by the Plaintiffs and their patients seeking abortions if injunctive relief is not granted.

Pursuant to Fed. R. Civ. P. 65(b), counsel certify that they emailed counsel for Defendants at approximately 9:45 a.m. today, June 21, 2023, to notify them of Plaintiffs' intent to file this Motion today. Promptly upon filing, they will also send, via email to the same counsel, copies of this motion and accompanying filings.

Dated: June 21, 2023

Respectfully submitted,

s/ Peter Im

Peter Im*
Helene T. Krasnoff*
Planned Parenthood Fed. of America
1110 Vermont Avenue NW, Suite 300
Washington, DC 20005
Tel.: (202) 973-4800
peter.im@ppfa.org
helene.krasnoff@ppfa.org

COUNSEL FOR PLANNED
PARENTHOOD SOUTH ATLANTIC

Kristi Graunke
NC Bar # 51216
Jaclyn Maffetore
NC Bar # 50849
American Civil Liberties Union
of North Carolina Legal Foundation
P.O. Box 28004
Raleigh, NC 27611
Tel.: (919) 834-3466
kgraunke@acluofnc.org
jmaffetore@acluofnc.org

COUNSEL FOR ALL PLAINTIFFS

Brigitte Amiri*
Lindsey Kaley*
Ryan Mendias*
American Civil Liberties Union
Foundation
125 Broad Street, 18th Fl.
New York, NY 10004
Tel: 212-549-2633
bamiri@aclu.org
lkaley@aclu.org
rmendias@aclu.org

COUNSEL FOR BEVERLY GRAY, M.D.

**Special appearance filed*

CERTIFICATE OF SERVICE

I hereby certify that, on June 21, 2023, I electronically filed the foregoing with the clerk of the court by using the CM/ECF system, which will send a notice of electronic filing, and will also serve this motion on counsel for Defendants via email, as well as via certified U.S. mail at the addresses listed below if Defendants' counsel has not agreed to email-only service:

Stephanie Brennan
sbrennan@ncdoj.gov
Counsel for Defendant Stein

Joshua Stein
Attorney General of North Carolina
NORTH CAROLINA DEPARTMENT OF JUSTICE
114 West Edenton Street
Raleigh, NC 27603

Michael Wood
mwood@ncdoj.gov
Counsel for Defendant Kinsley

Kody H. Kinsley, M.P.P.
c/o Julie Cronin, General Counsel
DEPARTMENT OF HEALTH & HUMAN SERVICES
Office of Legal Affairs
Adams Building
2001 Mail Service Center

Michael Bulleri
mbulleri@ncdoj.gov
Counsel for Defendants Kilpatrick and Ingram

Michaux R. Kilpatrick, M.D., PhD.
President, NORTH CAROLINA MEDICAL BOARD

c/o R. David Henderseon, Executive Director
1203 Front Street
Raleigh, NC 27609

Racquel Ingram, PhD., R.N.
Chair, NORTH CAROLINA BOARD OF NURSING
c/o Amy G. Fitzhugh, Chief Legal Officer
4516 Lake Boone Trail
Raleigh, NC 27607

Elizabeth O'Brien
eobrien@ncdoj.gov
*Counsel for Defendants Crump, David, Freeman, Williams, West, Nieman, O'Neill,
Deberry, and Merriweather*

Avery Crump
DISTRICT ATTORNEY'S OFFICE
PROSECUTORIAL DISTRICT 24
201 S. Eugene Street
Greensboro, NC 27401

Benjamin R. David
DISTRICT ATTORNEY'S OFFICE
PROSECUTORIAL DISTRICT 6
316 Princess St., Suite 543
Wilmington, NC 28401

Jeff Nieman
DISTRICT ATTORNEY'S OFFICE
PROSECUTORIAL DISTRICT 18
Orange County Courthouse
144 East Margaret Lane
Hillsborough, NC 27278

Jim O'Neill
DISTRICT ATTORNEY'S OFFICE
31ST PROSECUTORIAL DISTRICT
Forsyth County Hall of Justice
200 North Main St.
Winston-Salem, NC 27101

Lorrin Freeman

DISTRICT ATTORNEY'S OFFICE
PROSECUTORIAL DISTRICT 10
300 S. Salisbury Street
Raleigh, NC 27601

Satana Deberry
DISTRICT ATTORNEY'S OFFICE
16TH PROSECUTORIAL DISTRICT
Durham County Courthouse
510 South Dillard Street, 8th Floor
Durham, NC 27701

Spencer B. Merriweather III
DISTRICT ATTORNEY'S OFFICE
PROSECUTORIAL DISTRICT 26
700 East Trade Street
Charlotte, NC 28202

Todd M. Williams
OFFICE OF THE DISTRICT ATTORNEY
40TH PROSECUTORIAL DISTRICT
60 Court Plaza
Asheville, NC 28801

William West
DISTRICT ATTORNEY'S OFFICE
PROSECUTORIAL DISTRICT 14
117 Dick Street, Suite 427
Fayetteville, NC 28301

s/ Peter Im

Peter Im
Planned Parenthood Fed. of America
1110 Vermont Avenue NW, Suite 300
Washington, DC 20005
Tel.: (202) 973-4800
peter.im@ppfa.org