

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION

COMPREHENSIVE HEALTH OF PLANNED)
PARENTHOOD GREAT PLAINS, et al.)
)
Plaintiffs,)
)
v.) Case No. 2:16-cv-04313-HFS
)
PETER LYSKOWSKI, in his official capacity) **ORAL ARGUMENT REQUESTED**
as Director of the Missouri Department of)
Health and Senior Services, et al.)
)
Defendants.)

PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION

1. Plaintiffs hereby move this Court pursuant to Rule 65 of the Federal Rules of Civil Procedure for a preliminary injunction restraining Defendants, their employees, agents, and successors in office from enforcing (1) Missouri's ambulatory surgical center licensing requirement ("ASC Restriction"), Mo. Ann. Stat. § 197.200; Mo. Code Regs. Ann. tit. 19, §§ 30-30.010, 050-070, as applied to health centers providing abortion services, and (2) Missouri's requirements that physicians who provide abortion must have local hospital privileges and/or facilities must have hospital transfer agreements ("Hospital Relationship Restriction"), Mo. Ann. Stat. § 197.215, Mo. Code Regs. Ann. tit. 19, § 30-30.060(1)(C)(4), Mo. Ann. Stat. § 188.080, and Mo. Ann. Stat. § 188.027(1)(1)(e), as applied to health centers and physicians providing abortion services.

2. As is more fully explained in the accompanying suggestions in support of this motion, a preliminary injunction is warranted here because (1) Plaintiffs are likely to succeed on their claims that the ASC and Hospital Relationship Restrictions impose an undue burden on their patients' right to choose to have an abortion, in violation of the Fourteenth Amendment to

the U.S. Constitution; (2) Plaintiffs and their patients are suffering ongoing irreparable harm as a result of the Restrictions; (3) the balance of the harms tips in favor of Plaintiffs; and (4) the public interest will be served by an injunction.

3. Plaintiffs further request that, given the nature of the relief sought, bond be waived should the Court grant preliminary injunctive relief.

4. Plaintiffs make this Motion based on the Complaint in this action; the accompanying suggestions in support; the declarations of Laura McQuade, Mary M. Kogut, David L. Eisenberg, M.D., George Johannes, AIA, and Sheila Katz, Ph.D.; and the exhibits to each of these documents.

Respectfully submitted,

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PLANNED PARENTHOOD FEDERATION OF
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s/ Melissa A. Cohen

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CERTIFICATE OF SERVICE

I hereby certify that on December 12, 2016 a copy of the foregoing has been served upon all counsel of record in this action by electronic service through the Court's CM/ECF system. In addition, while Defendants Dankelson, Knight, Patterson, and Baker have not entered an appearance or waived service as of yet, I hereby certify that the foregoing document was emailed on December 12, 2016 to:

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