

**From:** [Michael L. Rodgers](#)  
**To:** [Rep. Ron Hood](#); [rep65@ohiohouse.gov](mailto:rep65@ohiohouse.gov); [rep74@ohiohouse.gov](mailto:rep74@ohiohouse.gov); [rep53@ohiohouse.gov](mailto:rep53@ohiohouse.gov); [rep80@ohiohouse.gov](mailto:rep80@ohiohouse.gov); [rep85@ohiohouse.gov](mailto:rep85@ohiohouse.gov); [rep54@ohiohouse.gov](mailto:rep54@ohiohouse.gov); [rep82@ohiohouse.gov](mailto:rep82@ohiohouse.gov)  
**Cc:** [Dave Yost](#); [Corey M. Jordan](#); [dan.mccarthy@governor.ohio.gov](mailto:dan.mccarthy@governor.ohio.gov)  
**Subject:** RE: Urgent Request from Ohio Legislators  
**Date:** Tuesday, April 14, 2020 7:11:32 PM  
**Attachments:** [image003.png](#)

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Thank you for your recent correspondence regarding litigation with the Preterm clinic. I appreciate the opportunity to respond to your collective inquiry.

The Sixth Circuit's decision does not allow abortion clinics to perform elective or non-essential surgeries. Rather, the Sixth Circuit declined to accept jurisdiction over our appeal because it interpreted the District Court's temporary restraining order (TRO) as enjoining the Department of Health's order *only* in its application to surgical abortions that cannot be delayed. Because the Department of Health's order does not apply to such abortions, the TRO essentially enjoins the enforcement of the order for procedures to which it does not apply. As such, the TRO actually confirms our position that elective, non-essential surgical procedures performed by Preterm cannot continue under the existing Department of Health order.

If the District Court issues a preliminary injunction or otherwise rules that the order does not apply to elective or non-essential surgeries, we stand ready to appeal immediately.

We will continue to defend the orders issued by the Ohio Department of Health and the Governor, and to do everything in our office's power to protect the health and safety of Ohioans.

Sincerely,



Michael L. Rodgers  
Director – Policy and Legislation Section  
Office of Ohio Attorney General Dave Yost  
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*\* Please note that, in adherence to best practices brought about in response to COVID-19, the Ohio Attorney General's Policy and Legislation Section moved to a "remote work" status effective March 18, 2020. All members of the section remain available remotely during normal business hours. Thank you for your patience.*

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**From:** Rep. Ron Hood <Rep78@ohiohouse.gov>  
**Sent:** Tuesday, April 14, 2020 4:08 PM  
**To:** Dave Yost <Dave.Yost@ohioattorneygeneral.gov>  
**Cc:** Brenda L. Rinehart <Brenda.Rinehart@ohioattorneygeneral.gov>; Jonathan D. Blanton <Jonathan.Blanton@ohioattorneygeneral.gov>; Michael L. Rodgers <Michael.Rodgers@ohioattorneygeneral.gov>; Corey M. Jordan <Corey.Jordan@ohioattorneygeneral.gov>; Katherine J. Bloom

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**Subject:** Urgent Request from Ohio Legislators

Attorney General Yost,

Please see the attached letter from legislators in the Ohio House of Representatives about an urgent request regarding the Sixth Circuit decision.

The Representatives anxiously await your response. Thank you.

Sincerely,

*Robert Knisley*

Legislative Aide

State Representative Ron Hood

78<sup>th</sup> Ohio House District

(614) 466-1464

[Robert.Knisley@ohiohouse.gov](mailto:Robert.Knisley@ohiohouse.gov)