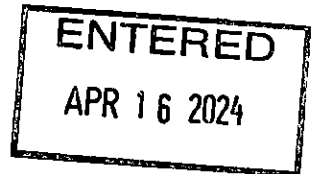


IN THE COURT OF COMMON PLEAS  
HAMILTON COUNTY, OHIO



PLANNED PARENTHOOD  
SOUTHWEST OHIO REGION, *et al.*,

*Plaintiffs,*

v.

OHIO DEPARTMENT OF HEALTH, *et al.*,

*Defendants.*

Case No. A 2100870

Judge Alison Hatheway



**ENTRY GRANTING PLAINTIFFS' UNOPPOSED SECOND MOTION  
FOR LEAVE TO AMEND COMPLAINT**

This matter comes before the Court on Plaintiffs' Unopposed Second Motion for Leave to Amend Complaint. This case involves a challenge to Am.S.B. No. 27, 2020 Ohio Laws File 77 ("SB27"), which requires embryonic and fetal tissue after a procedural abortion to be cremated or interred. This Court first preliminarily enjoined SB27 on April 5, 2021, "until 30 days after implementing rules and forms have been adopted and have become effective pursuant to the notice-and-comment rulemaking process set forth in R.C. 119.03(A)-(F)." Entry Granting Plaintiffs' Motion for Preliminary Injunction at 8. On January 7, 2022, after SB27's implementing rules were finalized, Plaintiffs filed a Motion for Leave to Amend Complaint to include claims challenging SB27's requirements, including those in its implementing rules, and moved for a second preliminary injunction. Plaintiffs' Motion for Leave to Amend Complaint; Plaintiffs' Second Motion for Preliminary Injunction. The Court granted Plaintiffs' Motion for Leave to Amend Complaint, as well as Plaintiffs' Second Motion for Preliminary Injunction, finding that Plaintiffs were likely to succeed on their claims that SB27 violated their equal protection and substantive due process rights and that it was unconstitutionally vague. Entry Granting Plaintiffs' Motion for Leave to Amend Complaint; Entry Granting Plaintiffs' Second Motion for Preliminary Injunction.


The case was stayed on July 6, 2022, following the U.S. Supreme Court's decision in *Dobbs v. Jackson Women's Health Organization*, 597 U.S. 215, 142 S.Ct. 2228, 213 L.Ed.2d 545 (2022) and subsequent litigation in Ohio that would have materially affected Plaintiffs' claims. Entry Granting Plaintiffs' Motion to Stay Proceedings; Entry Granting Plaintiffs' Motion to Extend Stay.

Meanwhile, on November 7, 2023, Ohio voters amended the Ohio Constitution to enshrine a right to reproductive freedom, including a right to abortion. Ohio Const. Article I, Section 22 ("The Right to Reproductive Freedom with Protections for Health and Safety"). At a status conference on February 13, 2024, Plaintiffs indicated that they would be moving to amend their complaint to add claims under the new constitutional amendment. This Motion timely followed.

The Court finds that Plaintiffs' Proposed Second Amended Complaint for Declaratory and Injunctive Relief contains factual allegations supporting the new matters and that Plaintiffs have not acted in bad faith. The Court further finds that the filing of the Second Amended Complaint will not result in undue delay or undue prejudice to Defendants. Accordingly, having considered Plaintiffs' Motion, the Court hereby **GRANTS** Plaintiffs' Unopposed Second Motion for Leave to Amend Complaint pursuant to Civ.R. 15(A).

**IT IS SO ORDERED.**

Dated: APR 16 2024

  
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Judge Alison Hatheway  
Court of Common Pleas  
Hamilton County, Ohio