

**IN THE COURT OF COMMON PLEAS
HAMILTON COUNTY, OHIO**

WOMEN’S MEDICAL GROUP
PROFESSIONAL CORPORATION, *et al.*,

Plaintiffs,

v.

VANDERHOFF, *et al.*,

Defendants.

Case No. A 2200704

Judge Alison Hatheway

**MOTION FOR CONTEMPT OR IN
THE ALTERNATIVE TO MODIFY
THE SECOND PRELIMINARY
INJUNCTION;
REQUEST FOR HEARING**

**PLAINTIFFS’ MOTION FOR CONTEMPT OR IN THE ALTERNATIVE TO MODIFY
THE SECOND PRELIMINARY INJUNCTION**

The Ohio Department of Health (“ODH”) continues to flout its licensing obligations, notwithstanding this Court’s prior orders. Defendants are well aware that this Court has issued a preliminary injunction preventing ODH from revoking or refusing to renew Plaintiffs’ ambulatory surgical facility (“ASF”) licenses based on requirements outlined in SB 157. *See* Entry Granting Plaintiffs’ Mot. for Prelim. Inj. (June 17, 2022) (“Second PI”). Yet, Defendants have refused for 18 months to act on Plaintiff Planned Parenthood of Southwest Ohio’s (“PPSWO”) licensing request submitted in connection with its purchase of the medical practice (the “Kettering Practice”) formerly operated by Plaintiff Women’s Medical Group Professional Corporation (“Women’s Med”). By doing so, Defendants have constructively denied and effectively refused to renew the license for the Kettering Practice in PPSWO’s name.

On December 13, 2024, PPSWO purchased the Kettering Practice formerly operated by Women’s Med, along with its assets. It then submitted a Health Care Facility Change of Ownership Application (“Change of Ownership Application”) to ODH, by which it applied to take over

Women's Med's ASF license. In accordance with ODH's prescribed change of ownership process, the license has in the meantime continued to be held and maintained by Women's Med and its 80-year-old sole owner, who is otherwise retired. PPSWO's Change of Ownership Application contains a licensing request that is materially identical to the prior requests of its predecessor entity Women's Med—it asks for the same variance from the statutory written transfer agreement (“WTA”) requirements that Women's Med currently and traditionally has relied upon, including by contracting with the same four backup doctors. In other words, PPSWO is effectively asking to renew the current Women's Med license in its name as the current owner, in accordance with ODH's standard process. Defendants presumably recognize that they cannot outright deny PPSWO's Change of Ownership Application, as they would be doing so based on SB 157, a blatant violation of the Second PI. So instead, for the last year and a half, in an effort to mask their disregard of this Court's order, Defendants have simply refused to rule on it altogether. But Defendants fool no one. Defendants' refusal to rule on PPSWO's Change of Ownership Application and related licensing request clearly violates this Court's order.

Accordingly, Plaintiffs request that the Court issue an order (1) finding Defendants in contempt of the Second PI for constructively denying PPSWO's Change of Ownership Application, and therefore its license, for the Kettering Practice, based on PPSWO's non-compliance with SB 157, and (2) ordering them to comply with the Second PI, including by ceasing their practice of denying the license based on SB 157 whether through inaction or otherwise and issuing a decision on PPSWO's Change of Ownership Application within 30 days.

In the alternative, should the Court determine that the Second PI does not cover a Change of Ownership Application, Plaintiffs alternatively request that the Court exercise its well-settled inherent authority to modify its own injunctive decree and modify the Second PI to explicitly state

that Defendants are preliminarily enjoined from unreasonably delaying, deferring, or refusing to grant Plaintiffs' Change of Ownership Application for reasons related to non-compliance with SB 157. Plaintiffs request a hearing on this motion.

STATEMENT OF FACTS

I. Statutory Background¹

In Ohio, clinics that provide procedural abortions must be registered as ASFs. Among the various requirements to obtain an ASF license, clinics must have a WTA with a local, non-public hospital that “specifies an effective procedure for the safe and immediate transfer of patients from the facility to the hospital when medical care beyond the care that can be provided at the ambulatory surgical facility is necessary, including when emergency situations occur or medical complications arise.” R.C. 3702.303(A); R.C. 3727.60.

Clinics that cannot comply with the WTA requirement may obtain a variance from that requirement. R.C. 3702.304(A). Because no local hospitals are willing or able to sign WTAs with Plaintiffs' clinics, Plaintiffs must apply for variances to support their ASF licenses. *See* Suppl. Compl. for Declaratory & Injunctive Relief (“SAC”) ¶ 76. To be granted a variance, according to the statute, an ASF must contract with at least one doctor who formally agrees to provide backup coverage to the clinic. R.C. 3702.304(B)(2). To obtain a variance, a clinic submits an application to the director of ODH who makes the final determination as to whether the facility is “capable of achieving the purpose of a written transfer agreement in the absence of one.” *Id.* at (A)(1). The

¹ The history of the challenged laws is set forth at length in Plaintiffs' Supplemental Complaint and its Motion for Preliminary Injunction dated May 26, 2022, as well as its Supplemental Complaint dated October 22, 2025, which are hereby incorporated. Plaintiffs thus only briefly summarize the legislative backdrop here for the Court's ease of reference.

director is required to grant or deny the variance application within 60 days, and a variance application that has not been approved within those 60 days is considered denied. *Id.* at (A)(2).²

In December 2021, the Ohio Legislature passed S.B. 157, 134th Gen. Assemb. (Ohio 2021) (“SB 157”), which added additional requirements to obtain a variance from the WTA requirement. SB 157 forbids doctors who “teach or provide instruction, directly or indirectly at” or are “employed by or compensated pursuant to a contract with” a medical school affiliated with a state university, college, or public institution from serving as a backup doctor. R.C. 3702.305(A). SB 157 impacts Women’s Med and PPSWO directly, as the only backup doctors with whom they are able to contract would no longer qualify. *Aff. of Nan Whaley in Supp. of Pls.’ Mot. for Contempt or in the Alternative to Modify the Second Prelim. Inj.* (“Whaley Aff.”) ¶ 9; *Aff. of W.M. Martin Haskell, M.D. in Supp. of Pls.’ Mot. for Contempt or in the Alternative to Modify the Second Prelim. Inj.* (“Haskell Aff.”); SAC ¶ 104.

II. Procedural History

In February 2022, Plaintiffs brought this case challenging SB 157 on the basis that it violates the Substantive and Procedural Due Process protections of the Ohio Constitution. *Compl. for Declaratory & Injunctive Relief*. Prior to filing, both Plaintiffs had been granted variances prior to the passage of SB 157 based on applications including four backup doctor agreements. Following SB 157’s passage, but before its effective date, ODH notified Plaintiffs that the backup doctors listed in their previously-approved variance applications would no longer be able to serve as backup doctors since they were associated with public medical schools/universities.

² The provision of R.C. 3702.309(A) that states that upon a variance denial “the license of such an ambulatory surgical facility is automatically suspended” was preliminarily enjoined in 2015 and is not in effect. *Planned Parenthood Southwest Ohio Region v. Hodges*, 138 F.Supp.3d 948, 961 (S.D.Ohio 2015).

On May 26, 2022, Plaintiffs filed a Motion for a Second Preliminary Injunction³ seeking to enjoin the enforcement of SB 157. On June 17, this Court granted that motion, recognizing that Plaintiffs were likely to succeed on their constitutional claims, would suffer irreparable harm in the absence of an injunction, and that the injunction was in the public interest, holding that:

Defendants and their officers, agents, servants, employees, attorneys and those persons in active concert or participation with them are PRELIMINARILY ENJOINED from revoking or refusing to renew Plaintiffs' ambulatory surgical facility license or otherwise preventing WMD from providing procedural abortion services for reasons related to non-compliance with SB 157 until final judgment is entered in this case.

Second PI at 5.

Plaintiffs later amended their complaint to challenge the entirety of the WTA and variance scheme, and to include claims under the Reproductive Freedom Amendment, which was adopted in November 2023. *See generally* SAC. Particularly relevant for this motion, Plaintiffs assert that SB 157 is unconstitutional because it limits the pool of qualifying doctors who can serve as backup doctors on Plaintiffs' variance applications based on factors entirely unrelated to patient health or safety, and thus would restrict Plaintiffs' ability to obtain a variance and operate a licensed ASF.

Since the Second PI went into effect, the case has proceeded through discovery. The case is currently stayed pending the interlocutory appeal of a discovery order.⁴

III. Defendants' Reliance on SB 157 as Basis for Refusing to Address Variance Applications and the Change of Ownership Request Despite Injunction

Since the Second PI was issued, Women's Med has continued to submit requests for a variance from the WTA requirement for the Kettering facility every 60 days. In response, Women's Med has received a letter every 60 days from Defendant Vanderhoff indicating that

³ The first preliminary injunction prevented ODH from enforcing SB 157 prior to its effective date. *See* Entry Granting Pls.' Mot. for Prelim. Inj. (April 15, 2022).

⁴ Plaintiffs' motion to lift the stay of the proceedings for the purpose of considering the instant motion is filed contemporaneously herewith.

ODH is refusing to either approve or deny the variance request. Defendant Vanderhoff always provides the same response. *See Haskell Aff. Ex. A*. He states that since at least one of the backup doctors is associated with a public institution, the variance is not in compliance with SB 157. He then explains:

As you know, despite this statutory requirement, the Department of Health is currently enjoined by a June 17, 2022 order of the Hamilton County Court of Common Pleas from preventing the “provi[sion of] procedural abortion services for reasons related to non-compliance with [O.R.C. 3702.305].” As a result, Women’s Med’s variance request cannot be denied at present. But for this order, I would be statutorily required to deny the request. Please be aware that action necessary to enforce Ohio law will be taken when the injunction is lifted - assuming Women’s Med is still in violation of the provisions of O.R.C. 3702.305, or if other factors support a lawful denial at that time.

Id.

Importantly, the letter neither grants nor denies the variance, but by operation of law, this means that the variance is denied. R.C. 3702.304(A)(2) (“A variance application that has not been approved within sixty days is considered denied.”). However, ODH has taken no action against Women’s Med’s license. Instead, ODH has continued to accept license renewal applications annually and has conducted licensing inspections and other oversight in the ordinary course, and the Kettering Practice has continued to operate and provide procedural abortions. *Whaley Aff.* ¶¶ 11–13.

On December 13, 2024, a year and a half after this Court issued the Second PI, PPSWO purchased the Kettering Practice from Women’s Med. *Whaley Aff.* ¶ 3; *Aff. of Lisa Pierce Reisz Esq. in Supp. of Pls.’ Mot. for Contempt or in the Alternative to Modify the Second Prelim. Inj. (“Reisz Aff.”)* ¶ 3; *Haskell Aff.* ¶ 14. After the execution of the purchase agreement on December 13, 2024, PPSWO assumed daily operations of the Kettering Practice. *Whaley Aff.* ¶ 5.

On December 19, 2024, PPSWO and Women's Med timely notified ODH of the change of ownership and submitted a Change of Ownership Application as required by law. Adm.Code 3701-83-04. *See* Whaley Aff. Ex. B. The Change of Ownership Application requested that ODH transfer the Kettering Practice's license to PPSWO and included a variance application that was materially identical to Women's Med's prior variance applications, including that it relied upon the same four backup doctors who satisfied the variance requirement prior to SB 157 (but who would be prohibited from serving as backup doctors under the terms of SB 157).⁵ *Id.* Ex. D. Pursuant to ODH's ordinary process, the Change of Ownership Application also included a Change of Operator/Owner Consent Form signed by Dr. W.M. Martin Haskell, in which he agreed to preserve the validity of Women's Med's license until final action is taken on the Change of Ownership Application. Whaley Aff. ¶ 7.

On February 5, 2025, ODH sent PPSWO a letter requesting additional information including the asset purchase agreement; the name and titles of the people on PPSWO's board; and updated backup doctor service agreements. PPSWO submitted the requested additional information on March 4, 2025.⁶

Following submission of the Change of Ownership Application, PPSWO has continued to submit its own variance application every 60 days to support the Change of Ownership Application. PPSWO receives an email from ODH acknowledging receipt but providing no substantive response to these variance applications. Whaley Aff. ¶ 10. And Women's Med has

⁵ The Change of Ownership Application also included: the Change of Ownership Application form; the Bill of Sale; a copy of the certificate of occupancy permit; a floor plan of the facility clearly showing the two operating rooms; the current state fire marshal inspection report; and a \$300 check. Whaley Aff. ¶ 6.

⁶ On March 18, 2025, Plaintiffs informed counsel for Defendants of the sale. Pls.' Mot. for Leave to Suppl. Compl. at 3. On October 3, 2025, Plaintiffs moved to supplement the Complaint to reflect the sale and the Change of Ownership Application, which the Court granted on October 22, 2025. *See* Entry Granting Pls. Mot. to Suppl. Compl. (October 22, 2025).

continued to submit a materially similar application every 60 days in order to preserve the validity of its license. Haskell Aff. ¶ 13. ODH continues to send the same response letter to Women's Med every 60 days stating that it is neither granting nor denying the variance. *Id.*

Following PPSWO's purchase of the practice, ODH has visited the Kettering Practice twice, in January 2025 and December 2025, to conduct licensing inspections. Whaley Aff. ¶¶ 11, 13. On both occasions, the inspectors stated that the inspections were the usual annual inspections associated with the Women's Med license and did not mention the Change of Ownership Application. *Id.* ODH never sent PPSWO or Women's Med written results from the inspections, but informed PPSWO staff in person following both inspections that there were no findings or deficiencies. *Id.*

Although it has been more than a year and a half since Plaintiffs submitted the Change of Ownership Application, and there have been two facility inspections of the Kettering Practice under PPSWO's operation that PPSWO has passed with flying colors, there has been no further action from ODH on the Change of Ownership Application. Whaley Aff. ¶¶ 11–14. Instead, the only communications from ODH have been the letters it sends every 60 days to Women's Med stating that it is not ruling on the variance applications for the Kettering Practice, despite this Court's ongoing injunction of SB 157.

In February 2026, PPSWO's attorney Lisa Reisz reached out to James Hodge, Chief of ODH's Bureau of Regulatory Operations, to ask for a phone call to discuss the Change of Ownership Application. Reisz Aff. ¶ 5. Ms. Reisz and Mr. Hodge spoke by phone on February 25. *Id.* Ms. Reisz expressed concern that ODH had not taken any action on the Change of Ownership Application, and Mr. Hodge indicated that he did not have any information but would look into the matter. *Id.* Ms. Reisz emailed Mr. Hodge on March 12 and asked for an update. *Id.* ¶ 6. Mr.

Hodge responded on March 23 that he had been out of the office, but that he would respond as soon as possible or have someone else respond. *Id.* On April 1, Brianne Brown, ODH's Chief Legal Counsel, left a voicemail for Ms. Reisz, and the two spoke by phone on April 6. *Id.* ¶ 7. On that call, Ms. Brown indicated that she did not have any information about the status of the Change of Ownership Application either but would look into the matter. *Id.* On May 11, Ms. Reisz emailed Ms. Brown to ask for another follow-up call. *Id.* ¶ 8. Ms. Brown responded, "I am more than happy to chat but I'm afraid I don't have any update on the status, unfortunately." *Id.* On May 13, Ms. Reisz spoke with Ms. Brown who again confirmed that she had no additional information about the Change of Ownership Application. *Id.* Ms. Reisz informed Ms. Brown that PPSWO was planning on seeking resolution from the Court. *Id.*

Since ODH has not taken action on the Change of Ownership Application, Women's Med has continued to maintain the license so that PPSWO can operate the facility, which it is obligated to do pursuant to the sale agreement and the Change of Operator/Owner Consent Form. Whaley Aff. ¶ 7; Haskell Aff. ¶ 16. Women's Med is solely owned by Dr. Haskell, who is 80 years old and would like to fully retire. Haskell Aff. ¶ 15. Instead, Dr. Haskell must submit Women's Med's annual license renewal packet and variance application every 60 days, and he is concerned about potential liability associated with holding the license for a clinic he no longer operates. *Id.* ¶ 18. Even though Dr. Haskell maintains the license, PPSWO is in complete control of daily operations. Whaley Aff. ¶ 5; Haskell Aff. ¶ 14. ODH's refusal to act on the Change of Ownership Application is also causing harm to PPSWO, which is reliant upon another party to maintain the license it needs to run its business, putting it in a precarious situation. Both parties therefore seek relief from this Court to ensure that ODH treats them like any other ASF in Ohio and so that they can complete the transaction they commenced in December 2024.

ARGUMENT

As explained below, Defendants are in contempt of Court for violating the Second PI by constructively denying PPSWO's Change in Ownership Application for reasons related to non-compliance with SB 157. But even assuming *arguendo* that the Court were to have concerns with issuing such a finding based on the current language of the Second PI—which it should not because Defendants' actions clearly violate the Court's order in its current form—the Court should alternatively use its inherent authority to modify the Second PI to enjoin Defendants from unreasonably delaying, deferring, or denying a Change of Ownership Application based on SB 157.

I. By Constructively Denying PPSWO's Change in Ownership Application, Defendants Violate the Second PI and Are in Contempt of Court

“[C]ontempt is a disregard of, or disobedience to, the orders or commands of a public authority, legislative or judicial.” *Roberts v. Farrell*, 2023-Ohio-1109, ¶ 12 (3d Dist.), quoting *Scherer v. Scherer*, 72 Ohio App.3d 211, 213 (3d Dist. 1991); *see also* R.C. 2705(A) (person may be found in contempt for “[d]isobedience of, or resistance to, a lawful writ, process, order, rule, judgment, or command of a court or officer”). “It is conduct which brings the administration of justice into disrespect, or which tends to embarrass, impede or obstruct a court in the performance of its functions.” *Roberts* at ¶ 12, quoting *Windham Bank v. Tomaszczyk*, 27 Ohio St.2d 55 (1971), paragraph one of the syllabus. Indirect civil contempt consists of actions taken outside of the courthouse “against the party for whose benefit the order was made,” demonstrating “a lack of respect for the court or its lawful orders.” *Roberts* at ¶¶ 14–17, quoting *Scarnecchia v. Rebhan*, 2006-Ohio-7053, ¶ 34.

“To establish a *prima facie* case of contempt of court, the moving party must establish, by clear and convincing evidence, the existence of a court order, the nonmoving party's knowledge

of that order, and that the nonmoving party violated it.” *In re Contempt of S.R.*, 2023-Ohio-531, ¶ 15 (8th Dist.). Once the prima facie case has been established by clear and convincing evidence, “the burden shifts to the nonmoving party to either rebut the initial showing of contempt or establish an affirmative defense by a preponderance of the evidence.” *Id.* at ¶ 18.

Sanctions for civil contempt serve to “coerce compliance with the underlying order or to compensate the complainant for loss sustained by the contemnor’s disobedience.” *ConTex, Inc. v. Consol. Technologies, Inc.*, 40 Ohio App.3d 94, 96 (1st Dist. 1988). Thus, “[a]ny sanction for civil contempt must allow the party who is in contempt an opportunity to purge the contempt.” *Roberts* at ¶ 19, quoting *Frey v. Frey*, 2011-Ohio-6012, ¶ 31 (3d Dist.). Punishment for contempt can be monetary or “coercive and prospective, *i.e.*, designed to aid the complainant by bringing the defendant into compliance with the order, and conditional.” *ConTex, Inc.*, 40 Ohio App.3d at 96. “Once the contemnor complies with the court’s order, the purpose of the contempt sanction has been achieved and the sanction is discontinued.” *Roberts* at ¶ 19, quoting *In re E.A.*, 2022-Ohio-2625, at ¶ 14 (3d Dist.).

Defendants’ actions meet all three requirements for civil contempt. As an initial matter, there can be no doubt that the Court issued and Defendants are aware of the Second PI, since Defendants have explicitly stated just that. *See Haskell Aff. Ex. A*. Yet, even though the Second PI enjoins Defendants from “refusing to renew” Plaintiffs’ ASF licenses based on SB 157, Defendants continue to do just that by constructively denying Plaintiffs’ Change of Ownership Application, which is a request to effectively renew Women’s Med’s ASF license in PPSWO’s name.

Defendants’ constructive denial of the Change of Ownership Application based on SB 157 is demonstrated by the following: (1) ODH has not ruled on PPSWO’s Change of Ownership

Application filed over 1.5 years ago, despite multiple attempts by PPSWO to follow up and without explanation for the delay, *see Hornung v. Hornung*, 1999 WL 236688, *7 (8th Dist. Apr. 22, 1999) (recognizing that failure to timely rule on motion constituted constructive denial); (2) every 60 days, Women's Med, which obtained the original license for the Kettering Practice and has agreed to maintain the license until the Change of Ownership Application is approved, applies for a variance on behalf of Women's Med and receives a letter back from ODH which purports not to grant or deny the variance, explicitly citing that the variance does not meet the standards of SB 157, thereby denying the variance by operation of law, Haskell Aff. Ex. A; and (3) as part of the Change of Ownership Application, PPSWO has filed substantively the same variance that Women's Med submits every sixty days, i.e., relying on the exact same backup doctors, and continues to resubmit that same request every 60 days, and receives a response from ODH merely acknowledging receipt, without further action, Whaley Aff. ¶ 10. These facts together demonstrate that ODH's basis for not ruling on PPSWO's variance or Change of Ownership Application (and thereby engaging in constructive denial) is that the variance is not consistent with SB 157, which clearly and directly violates the Second PI.

It is of no matter that the Second PI does not specifically name the Change of Ownership Application. The Second PI mandates that Defendants cannot "revoke or refuse to renew" Plaintiffs' licenses. For all intents and purposes, Plaintiff PPSWO is asking to "renew" Women's Med's license under its name; nothing in the licensing application is materially different from Women's Med's current license aside from the fact that PPSWO is doing the requesting. Indeed, PPSWO has been operating the Kettering Practice since December 2024 and has easily passed two inspections. Courts recognize that a defendant has fair notice of what conduct will be viewed as violating an injunction when the injunction's language is "not so ambiguous that [Defendants are]

unable to understand what was required of [them].” *Deitz v. Deitz*, 2017-Ohio-8354, ¶ 16 (3d Dist.). That is clearly the case here. The Second PI is clear in its intent to maintain the pre-SB 157 status quo by preventing Defendants from denying (by revoking or refusing to renew) a license for either Women’s Med or PPSWO based on the requirements of SB 157. Indeed, Defendants themselves concede as much by stating that they “would be” outright denying Plaintiffs’ variance requests “but for” the Second PI and that they will do so if the injunction is lifted. In like fashion, Defendants are violating the injunction by failing to act on and constructively denying PPSWO’s Change of Ownership Application. The Second PI clearly prohibits them from doing so.

ODH has had ample time to act on the Change of Ownership Application. After a year of waiting, PPSWO was contractually obligated to Dr. Haskell to prepare to raise the issue with this court. *See Whaley Aff. Ex. A* (explaining that if Change of Ownership Application is not approved within a year, PPSWO agrees to take “next steps” including filing litigation). In an effort to avoid court intervention, prior to filing this motion, PPSWO approached ODH to try to resolve this matter. *Reisz Aff. ¶¶ 5–8*. ODH refused to move on the Change of Ownership Application, or even to give any reason for the delay or a timeline for acting. *Id.* Indeed, the Chief Legal Counsel for ODH told PPSWO on more than one occasion that she had no update, even when PPSWO indicated that it would be seeking relief from the Court. *Id. ¶¶ 7–8*. PPSWO was therefore left with no other option than to file this motion for contempt.

Importantly, ODH’s constructive denial of the Change of Ownership Application is causing ongoing harm to both Dr. Haskell and PPSWO. As a result of ODH’s constructive denial of the Change of Ownership Application, 80-year-old Dr. Haskell has been forced to continue maintaining a license for a business he no longer operates. When Dr. Haskell sold his business to PPSWO, he intended to retire. Indeed, that was the purpose of no longer running his business.

Haskell Aff. ¶ 15. He reasonably expected that Defendants would rule on the Change of Ownership Application in a timely manner (pursuant to the long-existing statutory scheme) and he would no longer have to maintain the license. *Id.* ¶¶ 16–18. Yet, because ODH refuses to act on the Change of Ownership Application, he cannot retire. He must continue to submit variance applications every 60 days and, significantly, retains the risk and any liability associated with holding the license. *Id.* On the flip side, PPSWO is a small business that has followed all of the statutory requirements to purchase another small business; yet, due to ODH’s refusal to act on the Change of Ownership Application based on SB 157, it has been deprived of its ability to fully complete the sale. And, like Dr. Haskell, it continues to hold unwarranted risk since it does not have control over the license that permits the Kettering Practice to operate. Whaley Aff. ¶ 15.

Given these circumstances and that Defendants have outwardly violated the Second PI, the Court should grant Plaintiffs’ motion for contempt and order immediate relief.

II. In the Alternative, the Court Should Modify the Second PI to Reflect the Change in Circumstances

If the Court determines that ODH’s constructive denial of PPSWO’s Change of Ownership Application and related license are not covered by the terms of the Second PI, which they are, the Court should alternatively modify the Second PI to account for the change of circumstances caused by PPSWO’s purchase of WMD by enjoining Defendants from unreasonably delaying, deferring, or denying a Change of Ownership Application based on SB 157. “A court issuing [an] injunction has inherent authority to modify or vacate its own injunctive decree.” *Lykins Oil Co. v. Corbin*, 2021-Ohio-1126, ¶ 27 (12th Dist.), quoting *Cleveland v. Ohio Dept. of Mental Health*, 84 Ohio App.3d 769, 773 (10th Dist. 1992). “A court must never ignore significant changes in the law or circumstances underlying an injunction lest it becomes inequitable that the injunction should have prospective application.” *Id.* Ohio courts have modified injunctive relief based upon a change in

circumstances on many occasions. *Id.* at ¶ 28, citing *Ormet Aluminum Mill Prods. Corp. v. United Steelworkers of Am., AFL-CIO, Local 5760*, 2006-Ohio-3782, ¶ 7 (7th Dist.); *Bd. of Trustees of Chester Twp. v. Baumgardner*, 2007-Ohio-1783, ¶ 38 (11th Dist.) (noting a change in circumstances may warrant a modification of injunctive relief); *State ex rel. Yost v. Combs*, 2023-Ohio-3295, ¶ 9 (12th Dist.) (same); *see also State ex rel. Bosch v. Denny's Place*, 98 Ohio App. 351, 357 (1st Dist. 1954) (“It is also a familiar principle of equity that the court granting a permanent injunction has power to vacate or modify it at any time on proof of a change of conditions.”).

The Court should use its authority to modify the Second PI because there has been a significant change in circumstances that impacts the initial grant of relief but still falls within the Second PI’s substantive scope: After the Second PI was issued, PPSWO purchased the Kettering Practice and is now operating the practice. This change in circumstances is material as it impacts Women’s Med’s and PPSWO’s licenses—PPSWO, not Women’s Med, needs to hold the license for the operation of the facility. While PPSWO is essentially requesting to “renew” Women’s Med’s license under its own name, and Plaintiffs contend that the Change of Ownership Application is covered by the Second PI already, to the extent that the Court finds that this technicality is material, it should modify the Second PI to reflect this change in circumstances in order to avoid ongoing harm to Women’s Med, its sole proprietor Dr. Haskell, and PPSWO, and to maintain access to care for the practice’s patients. *See supra* at 13–14 (describing harm). Specifically, the Court should modify the Second PI to enjoin Defendants from unreasonably delaying, deferring, or denying a Change of Ownership Application based on SB 157.

CONCLUSION

For these reasons, the Court should find Defendants in contempt for violating the Second PI and order Defendants to comply with the Second PI, including by ceasing their practice of denying the license based on SB 157 whether through inaction or otherwise and issuing a decision on PPSWO's Change of Ownership Application within 30 days. In the alternative, the Court should modify the Second PI to enjoin Defendants from unreasonably delaying, deferring, or denying a Change of Ownership Application based on SB 157.

Dated: July 8, 2026

Respectfully submitted,

/s/ B. Jessie Hill

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CERTIFICATE OF SERVICE

I hereby certify that on July 8, 2026, the foregoing was electronically filed via the Court's e-filing system and will be served on counsel for all Defendants.

/s/ B. Jessie Hill
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