



**IN THE CIRCUIT COURT OF MONTGOMERY COUNTY, ALABAMA
FIFTEENTH JUDICIAL CIRCUIT – CIVIL DIVISION**

OASIS FAMILY BIRTHING CENTER, LLC, on behalf of itself and its patients; HEATHER SKANES, M.D., on behalf of herself and her patients; ALABAMA BIRTH CENTER; YASHICA ROBINSON, M.D., on behalf of herself and her patients; ALABAMA AFFILIATE OF THE AMERICAN COLLEGE OF NURSE-MIDWIVES, on behalf of its members; JO CRAWFORD, CPM, on behalf of herself and her patients; TRACIE STONE, CPM, on behalf of herself and her patients,

Plaintiffs,

v.

ALABAMA DEPARTMENT OF PUBLIC HEALTH; SCOTT HARRIS, in his official capacity as the State Health Officer at the Alabama Department of Public Health,

Defendants.

Civil Action No.

03-CV-2023-901109.00 - GOG

PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT ON CLAIM ONE

Plaintiffs Oasis Family Birthing Center, LLC; Heather Skanes, M.D.; Alabama Birth Center; Yashica Robinson, M.D.; the Alabama Affiliate of the American College of Nurse-Midwives; Jo Crawford, CPM; and Tracie Stone, CPM, on behalf of themselves, their patients, and their members, hereby respectfully move this Court for summary judgment on Claim One of Plaintiffs' First Amended Complaint, Doc. 144, pursuant to Rule 56 of the Alabama Rules of Civil Procedure. Plaintiffs further respectfully move this Court for entry of:

1. a declaratory judgment pursuant to the Alabama Declaratory Judgment Act, Ala. Code § 6-6-222, and the Alabama Administrative Procedures Act ("AAPA"), Ala. Code § 41-22-10, that freestanding birth centers operating in the midwifery model

of care are not “hospitals” under section 22-21-20(1) of the Alabama Code and, therefore, the Alabama Department of Public Health (“ADPH”) and Scott Harris, in his official capacity as the State Health Officer for ADPH (collectively “Defendants”), have no authority to require such freestanding birth centers to obtain a license under section 22-21-22 of the Alabama Code or to otherwise regulate such freestanding birth centers, and that any such attempts to do so exceed the Defendants’ statutory authority in violation of the AAPA; and

2. a permanent injunction enjoining Defendants from requiring freestanding birth centers operating in the midwifery model of care to seek and obtain a “hospital” license under section 22-21-22 of the Alabama Code, and further from taking any adverse action against such entities, their owners, founders, or staff (including Plaintiffs and their members) for failing to seek or obtain such a license, including but not limited to threatening or seeking criminal or civil penalties under section 22-21-33 of the Alabama Code.

As grounds therefor, Plaintiffs assert that there are no disputed issues as to any material facts and Plaintiffs are entitled to judgment as a matter of law as to Claim One. Ala. R. Civ. P. 56(c)(3). In support of this motion, Plaintiffs submit their Memorandum in Support of Plaintiffs’ Motion for Summary Judgment on Claim One and in Opposition to Defendants’ Motion for Summary Judgment on Claim One, attached hereto as Exhibit 1, and rely on the parties’ Joint Stipulations of Fact (Jan. 14, 2025), Doc. 239, in addition to sworn affidavits and exhibits, attached hereto as Exhibits 2 through 7.

DATE: February 5, 2025

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been served upon counsel of record by electronic filing with the Clerk of Court through Alafile, by e-mail, and/or by placing the same in the U.S. mail on this 5th day of February 2025.

/s/ Robert D. Segall

Robert D. Segall