



AlaFile E-Notice

03-CV-2023-901109.00

Judge: GREG GRIFFIN

To: MOLLMAN ALISON NICOLE
amollman@aclualabama.org

NOTICE OF ELECTRONIC FILING

IN THE CIRCUIT COURT OF MONTGOMERY COUNTY, ALABAMA

OASIS FAMILY BIRTHING CENTER, LLC, ON BEHALF OF ITSELF AND ITS PATIENTS
03-CV-2023-901109.00

The following matter was FILED on 9/30/2023 7:44:11 AM

Notice Date: 9/30/2023 7:44:11 AM

GINA J. ISHMAN
CIRCUIT COURT CLERK
MONTGOMERY COUNTY, ALABAMA
251 S. LAWRENCE STREET
MONTGOMERY, AL, 36104

334-832-1260



IN THE CIRCUIT COURT OF MONTGOMERY COUNTY, ALABAMA

OASIS FAMILY BIRTHING
CENTER,LLC, ON BEHALF OF ITS,)
M.D., ON BEHALF OF HERSELF AND)
HER PATIENTS HEATHE,)
ALABAMA BIRTH CENTER,)
M.D., ON BEHALF OF HERSELF AND)
HER PATIENTS YASHIC ET AL,)
Plaintiffs,)

V.)

Case No.: CV-2023-901109.00

ALABAMA DEPARTMENT OF PUBLIC)
HEALTH,)
IN HIS OFFICIAL CAPACITY AS STATE)
HEALTH OFFICER S,)
Defendants.)

ORDER GRANTING PLAINTIFFS’ MOTION FOR PRELIMINARY INJUNCTION

The Court, having reviewed Plaintiffs’ Motion for Preliminary Injunction and having considered evidence supporting that motion, including live testimony, finds that Plaintiffs have demonstrated (1) “immediate and irreparable injury” absent an injunction; (2) that there is “no adequate remedy at law”; (3) “a reasonable chance of success on the ultimate merits of [the] case”; and (4) that any hardship on the defendant from an injunction “would not unreasonably outweigh the benefit accruing to the plaintiff.” *Baldwin Cnty. Elec. Membership Corp. v. Catrett*, 942 So. 2d 337, 344 (Ala. 2006).

This Court **GRANTS** Plaintiffs’ Motion for Preliminary Injunction and **ORDERS** that Defendants are **ENJOINED** from refusing to timely license (including but not limited to refusing to timely issue temporary or interim licenses to) freestanding birth centers

operating in the midwifery model of care (including Plaintiffs Oasis Family Birthing Center, Alabama Birth Center, Birth Sanctuary, and/or any birth centers owned or operated by members of Plaintiff Alabama Affiliate of the American College of Nurse-Midwives) that can demonstrate substantial compliance with the standards set out by the American Association of Birth Centers and can satisfy the remaining statutory requirements, §§ 22-21-23, -24, -29(a), -31, pursuant to the Alabama Department of Public Health's statutory authority under Alabama Code Section 22- 21-25(a). This order remains in effect until final judgment or further order from this Court.

IT IS SO ORDERED.

DONE this 30th day of September, 2023.

/s/ GREG GRIFFIN

CIRCUIT JUDGE