

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

PLANNED PARENTHOOD	:	
SOUTHWEST OHIO REGION, <i>et al.</i>,	:	Case No. A 2101148
	:	
Plaintiffs,	:	Judge Alison Hatheway
	:	
v.	:	
	:	
OHIO DEPARTMENT OF HEALTH,	:	
<i>et al.</i>,	:	
	:	
Defendants.	:	

**ANSWER OF DEFENDANTS OHIO DEPARTMENT OF HEALTH, BRUCE
VANDERHOFF, KIM ROTHERMEL, HARISH KAKALARA, ERIN KEELS, AND
CANDY SUE REINHART TO PLAINTIFFS' SECOND AMENDED COMPLAINT**

By and through counsel, Defendants Ohio Department of Health, Bruce Vanderhoff, Kim Rothermel, Harish Kakalara, Erin Keels, and Candy Sue Reinhart (together, the “State”) answer the Plaintiffs’ Second Amended Complaint (the “Complaint”) in conformity with the State’s Answer to the prior Amended Complaint except as to its responses to the additional facts pleaded in paragraphs 4 and 10. The State so answers as follows:

1. In response to paragraph 1 of the Complaint, the State admits the first sentence of this paragraph. The State also admits that the quoted material appears in the document referenced, *Issue 1 on the November 2023 Ballot: A Legal Analysis by the Ohio Attorney General*, but otherwise asserts legal conclusions to which no response is required at this stage in the litigation. *Issue 1 on the November 2023 Ballot: A Legal Analysis by the Ohio Attorney General* speaks for itself. To the extent that further response is required, the State denies any remaining allegations or

characterizations of the same in this paragraph.

2. Paragraph 2 of the Complaint states a legal conclusion and/or assertions to which no response is required at this stage of the litigation. To the extent that further response is required, the State denies any remaining allegations or characterizations of the same in this paragraph.

3. Paragraph 3 of the Complaint states a legal conclusion and/or assertions to which no response is required at this stage of the litigation. To the extent that further response is required, the State denies any remaining allegations or characterizations of the same in this paragraph.

4. In response to paragraph 4 of the Complaint, the Court's Entry Granting Plaintiffs' Motion for Preliminary Injunction, April 19, 2021, and Decision and Order Granting Plaintiffs' Second Motion for Preliminary Injunction, Aug. 29, 2024, speak for themselves. To the extent that further response is required, the State denies any remaining allegations or characterizations of the same in this paragraph.

5. Paragraph 5 of the Complaint states a legal conclusion and/or assertions to which no response is required at this stage of the litigation. By way of further response, Senate Bill 260 and this Court's Entry Granting Pls.' Motion for Preliminary Injunction speak for themselves. To the extent that further response is required, the State denies any remaining allegations or characterizations of the same in this paragraph.

6. Paragraph 6 of the Complaint states a legal conclusion and/or assertions to which no response is required at this stage of the litigation. By way of further response, R.C. 2317.56(B), 2919.11, 2919.123, 4723.44(B)(6), 4723.50(B)(1), 4723.151(C), 4730.02(E), 4730.03(F), 4730.39(B)(2), 4730.42(A)(1) and Ohio Adm.Code 4723-9-10(K) and 4730-2-07(E) speak for themselves. To the extent that further response is required, the State denies any remaining

allegations or characterizations of the same in this paragraph.

7. Paragraph 7 of the Complaint states a legal conclusion and/or assertions to which no response is required at this stage of the litigation. By way of further response, R.C. 2919.123 speaks for itself. To the extent that further response is required, the State denies any remaining allegations or characterizations of the same in this paragraph.

8. No response to paragraph 8 is necessary because it explains Plaintiffs' request for relief and does not contain any allegations. To the extent that a further response is required, the State denies any allegation in this paragraph.

PARTIES

A. Plaintiffs

9. In response to paragraph 9 of the Complaint, the State admits that Plaintiff Planned Parenthood Southwest Ohio Region ("PPSWO") is a nonprofit corporation organized under the laws of the State of Ohio and that PPSWO that provides abortions and operates an Ambulatory Surgical Facility in Cincinnati. The State further admits that PPSWO now operates Women's Med Dayton ("WMD"), now called the Dayton Surgical Center of Dayton ("DSC"), and PPSWO has submitted a Health Care Facility Change of Ownership Application to the Ohio Department of Health. Any allegation asserting any description, summary, or characterization of challenged statutes beyond their express language is a legal conclusion to which no response is required at this stage in the litigation. The State denies for lack of knowledge the remainder of the allegations in this paragraph.

10. In response to paragraph 10 of the Complaint, the State admits that Plaintiff Women's Med Group Professional Corporation ("WMGPC") has historically owned and operated WMD, an Ambulatory Surgical Facility in Kettering, Ohio, but PPSWO purchased WMD and

renamed it as the Dayton Surgical Center of Dayton (“DSC”). The State further admits that PPSWO has submitted a Health Care Facility Change of Ownership Application to the Ohio Department of Health. Any allegation asserting any description, summary, or characterization of challenged statutes beyond their express language is a legal conclusion to which no response is required at this stage in the litigation. The State denies for lack of knowledge the remainder of the allegations in this paragraph.

11. In response to paragraph 11 of the Complaint, the State admits that Plaintiff Sharon Liner, M.D., is a physician licensed to practice medicine in Ohio. Any allegation asserting any description, summary, or characterization of challenged statutes beyond their express language is a legal conclusion to which no response is required at this stage in the litigation. The State denies for lack of knowledge the remainder of the allegations in this paragraph.

12. In response to paragraph 12 of the Complaint, the State admits that Plaintiff Julia Quinn, WHNP-BC, is a board-certified nurse practitioner, which is a type of APRN. Any allegation asserting any description, summary, or characterization of challenged statutes beyond their express language is a legal conclusion to which no response is required at this stage in the litigation. The State denies for lack of knowledge the remainder of the allegations in this paragraph.

13. In response to paragraph 13 of the Complaint, the State admits that Plaintiff Planned Parenthood of Greater Ohio (“PPGOH”) is a nonprofit corporation organized under the laws of the State of Ohio that provides abortion and operates Ambulatory Surgical Facilities in East Columbus and Bedford Heights. Any allegation asserting any description, summary, or characterization of challenged statutes beyond their express language is a legal conclusion to which no response is required at this stage in the litigation. The State denies for lack of knowledge the

remainder of the allegations in this paragraph.

14. In response to paragraph 14 of the Complaint, the State admits that Plaintiff Preterm-Cleveland (“Preterm”) is a nonprofit corporation organized under the laws of the State of Ohio that provides abortions and operates an Ambulatory Surgical Facility in Cleveland. Any allegation asserting any description, summary, or characterization of challenged statutes beyond their express language is a legal conclusion to which no response is required at this stage in the litigation. The State denies for lack of knowledge the remainder of the allegations in this paragraph.

B. Defendants

15. In response to paragraph 15 of the Complaint, that State admits that the Ohio Department of Health is a state agency. By way of further response, the administrative code provisions cited in paragraph 14 speak for themselves. The remainder of the paragraph asserts legal conclusions to which no response is required at this stage in the litigation.

16. In response to paragraph 16 of the Complaint, the State admits that Bruce T. Vanderhoff, M.D., M.B.A., is the director of the Ohio Department of Health and is sued in his official capacity. The remainder of the paragraph asserts legal conclusions to which no response is required at this stage in the litigation.

17. In response to paragraph 17 of the Complaint, the State admits that Kim G. Roth-ermel, M.D., is the Secretary of the State Medical Board of Ohio and is sued here in her official capacity. The remainder of the paragraph asserts legal conclusions to which no response is required at this stage in the litigation.

18. In response to paragraph 18 of the Complaint, the State admits that Harish Kakarala, M.D., is the Supervising Member of the State Medical Board of Ohio and is sued here in

his official capacity. The remainder of the paragraph asserts legal conclusions to which no response is required at this stage in the litigation.

19. In response to paragraph 19 of the Complaint, the State admits that Erin Keels, DNP, APRN-CNP is the President of the Ohio Board of Nursing and sued here in her official capacity. The remainder of the paragraph asserts legal conclusions to which no response is required at this stage in the litigation.

20. In response to paragraph 20 of the Complaint, the State admits that Candy Sue Reinhart, DNP, APRN-CNP is the Supervising Member for Disciplinary Matters of the Ohio Board of Nursing and is sued here in her official capacity. The remainder of the paragraph asserts legal conclusions to which no response is required at this stage in the litigation

21. In response to paragraph 21 of the Complaint, the State admits that Connie Pillich is the Hamilton County Prosecutor and is sued in her official capacity and that PPSWO's Cincinnati surgery center is located in Hamilton County. The remainder of the paragraph asserts legal conclusions to which no response is required at this stage in the litigation.

22. In response to paragraph 21 of the Complaint, the State admits that Shayla D. Favor is the Franklin County Prosecutor and is sued in his official capacity. The remainder of the paragraph asserts legal conclusions to which no response is required at this stage in the litigation.

23. In response to paragraph 23 of the Complaint, the State admits that Michael C. O'Malley is the Cuyahoga County Prosecutor and is sued in his official capacity. The remainder of the paragraph asserts legal conclusions to which no response is required at this stage in the litigation.

24. In response to paragraph 24 of the Complaint, the State admits that Mathias H.

Heck Jr. is the Montgomery County Prosecutor and is sued in his official capacity and that WMGPC's facility is located in Montgomery County. The remainder of the paragraph asserts legal conclusions to which no response is required at this stage in the litigation.

25. In response to paragraph 25 of the Complaint, the State admits that Elliot Kolkovich is the Summit County Prosecutor and is sued in his official capacity. The remainder of the paragraph asserts legal conclusions to which no response is required at this stage in the litigation.

26. In response to paragraph 26 of the Complaint, the State admits that Keller J. Blackburn is the Athens County Prosecutor and is sued in his official capacity. The remainder of the paragraph asserts legal conclusions to which no response is required at this stage in the litigation.

27. In response to paragraph 27 of the Complaint, the State admits that Kyle L. Stone is the Stark County Prosecutor and is sued in his official capacity. The remainder of the paragraph asserts legal conclusions to which no response is required at this stage in the litigation.

28. In response to paragraph 28 of the Complaint, the State admits that Connie J. Lewandowski is the Portage County Prosecutor and is sued in his official capacity. The remainder of the paragraph asserts legal conclusions to which no response is required at this stage in the litigation.

29. In response to paragraph 29 of the Complaint, the State admits that Jodie M. Schumacher is the Richland County Prosecutor and is sued in his official capacity. The remainder of the paragraph asserts legal conclusions to which no response is required at this stage in the litigation.

30. In response to paragraph 30 of the Complaint, the State admits that Julia R. Bates is

the Lucas County Prosecutor and is sued in her official capacity. The remainder of the paragraph asserts legal conclusions to which no response is required at this stage in the litigation.

31. In response to paragraph 31 of the Complaint, the State admits that Lynn Maro is the Mahoning County Prosecutor and is sued in his official capacity. The remainder of the paragraph asserts legal conclusions to which no response is required at this stage in the litigation.

32. In response to paragraph 32 of the Complaint, the State admits that Michael T. Gmoser is the Butler County Prosecutor and is sued in his official capacity. The remainder of the paragraph asserts legal conclusions to which no response is required at this stage in the litigation.

33. In response to paragraph 33 of the Complaint, the State admits that Daniel P. Driscoll is the Clark County Prosecutor and is sued in his official capacity. The remainder of the paragraph asserts legal conclusions to which no response is required at this stage in the litigation.

PROCEDURAL BACKGROUND

34. In response to paragraph 34 of the Complaint, the State responds that Plaintiffs' filings in this litigation speak for themselves.

35. In response to paragraph 35 of the Complaint, the State admits that the Court issued a temporary restraining order and a preliminary injunction in this case. The State admits that the preliminary injunction is still in effect. The Court's orders speak for themselves.

36. Admit.

37. In response to paragraph 37, the State admits that Ohioans, through ballot initiative, amended the Ohio Constitution by adding Article 1, Section 22. The State admits that Article I, Section 22 took effect on December 7, 2023.

38. Admit.

39. In response to paragraph 39, the State admits that the Court issued a second

preliminary injunction order. The Court's order speaks for itself.

JURISDICTION AND VENUE

40. Paragraph 40 asserts legal conclusions to which no response is required at this stage in the litigation.

41. In response to paragraph 41 of the Complaint, the State admits that venue is proper in Hamilton County. To the extent that paragraph 39 contains legal conclusions, no response is required at this stage in the litigation.

42. In response to paragraph 42 of the Complaint, the State admits that venue is proper in Hamilton County. To the extent that paragraph 40 contains legal conclusions, no response is required at this stage in the litigation

43. In response to paragraph 43 of the Complaint, the State admits that venue is proper in Hamilton County. To the extent that paragraph 41 contains legal conclusions, no response is required at this stage in the litigation

ALLEGATIONS

44. In response to paragraph 44 of the Complaint, the State lacks first-hand knowledge at this stage of the litigation to admit the factual allegations therein, which contain vague and undefined assertions related to the nature, quantity, and prevalence of abortion and generalizations, characterizations, or conclusions unsupported by more specific allegations.

45. In response to paragraph 45 of the Complaint, the State admits that it is aware of two types of abortions: medication abortion and surgical abortion. To the extent that further response is required, the State denies for lack of knowledge any remaining factual allegations or characterizations of the same in this paragraph.

46. In response to paragraph 46 of the Complaint, the State admits that mifepristone

and misoprostol are used to induce abortion. The State lacks first-hand knowledge at this stage of the litigation to admit the remaining factual allegations in this paragraph.

47. In response to paragraph 47 of the Complaint, the State lacks first-hand knowledge at this stage of the litigation to admit the factual allegations therein.

48. In response to paragraph 48 of the Complaint, the State lacks first-hand knowledge at this stage of the litigation to admit the factual allegations therein.

49. In response to paragraph 49 of the Complaint, the State lacks first-hand knowledge at this stage of the litigation to admit the factual allegations therein.

50. In response to paragraph 50 of the Complaint, the State lacks first-hand knowledge at this stage of the litigation to admit the factual allegations therein.

51. In response to paragraph 51 of the Complaint, the State lacks first-hand knowledge at this stage of the litigation to admit the factual allegations therein.

52. In response to paragraph 52 of the Complaint, the State lacks first-hand knowledge at this stage of the litigation to admit the factual allegations therein.

53. In response to paragraph 53 of the Complaint, the State lacks first-hand knowledge at this stage of the litigation to admit the factual allegations therein.

54. In response to paragraph 54 of the Complaint, the State lacks first-hand knowledge at this stage of the litigation to admit the factual allegations therein.

55. In response to paragraph 55 of the Complaint, the State lacks first-hand knowledge at this stage of the litigation to admit the factual allegations therein.

56. In response to paragraph 56 of the Complaint, the State lacks first-hand knowledge at this stage of the litigation to admit the factual allegations therein.

57. In response to paragraph 57 of the Complaint, the State lacks first-hand knowledge at this stage of the litigation to admit the factual allegations therein.

58. Paragraph 58 asserts legal conclusions to which no response is required at this stage in the litigation. Further responding, R.C. 2919.123 speaks for itself.

59. In response to paragraph 59 of the Complaint, the State lacks first-hand knowledge at this stage of the litigation to admit the factual allegations therein.

60. In response to paragraph 60 of the Complaint, the State lacks first-hand knowledge at this stage of the litigation to admit the factual allegations therein.

61. In response to paragraph 61 of the Complaint, the State lacks first-hand knowledge at this stage of the litigation to admit the factual allegations therein. Further responding, the reports cited in footnote 4 speak for themselves,

62. In response to paragraph 62 of the Complaint, the State lacks first-hand knowledge at this stage of the litigation to admit the factual allegations therein.

63. In response to paragraph 63 of the Complaint, the State lacks first-hand knowledge at this stage of the litigation to admit the factual allegations therein.

64. In response to paragraph 64 of the Complaint, the State lacks first-hand knowledge at this stage of the litigation to admit the factual allegations therein.

65. In response to paragraph 65 of the Complaint, the State lacks first-hand knowledge at this stage of the litigation to admit the factual allegations therein.

66. In response to paragraph 66 of the Complaint, the State lacks first-hand knowledge at this stage of the litigation to admit the factual allegations therein.

67. In response to paragraph 67 of the Complaint, the State lacks first-hand knowledge

at this stage of the litigation to admit the factual allegations therein.

68. In response to paragraph 68 of the Complaint, the State admits that PPSWO operates an Ambulatory Surgical Facility in Cincinnati, PPGOH operates Ambulatory Surgical Facilities in East Columbus and Bedford Heights, WMD operates an Ambulatory Surgical Facility in Kettering. The State denies for lack of knowledge the remainder of the allegations in this paragraph.

69. In response to paragraph 69 of the Complaint, the State admits only that surgical abortion can be provided in licensed ASFs in Ohio. The State further admits that PPSWO operates an Ambulatory Surgical Facility in Cincinnati, PPGOH operates Ambulatory Surgical Facilities in East Columbus and Bedford Heights, WMD operates an Ambulatory Surgical Facility in Kettering. The State denies for lack of knowledge the remainder of the allegations in this paragraph. To the extent that paragraph 67 contains legal conclusions, no response is required.

70. In response to paragraph 70 of the Complaint, the State lacks first-hand knowledge at this stage of the litigation to admit the factual allegations therein.

71. In response to paragraph 71 of the Complaint, the State admits only that surgical abortion can be provided in licensed ASFs in Ohio. By way of further response, R.C. 2317.56(B)(1) and R.C. 2919.192, R.C. 2919.192, and R.C. 2919.192 speak for themselves. Further answering, the State denies for lack of knowledge any remaining factual allegations in this paragraph. To the extent that paragraph 69 contains legal conclusions, no response is required.

72. In response to paragraph 72 of the Complaint, the State lacks first-hand knowledge at this stage of the litigation to admit the factual allegations therein. To the extent that paragraph 70 contains legal conclusions, no response is required.

73. Paragraph 73 of the Complaint states legal conclusions and/or assertions to which no response is required at this stage of the litigation. To the extent that further response is required, the State denies any remaining allegations or characterizations of the same in this paragraph.

74. The State admits that R.C. 2919.124 was passed by the General Assembly on December 17, 2020, signed by Governor DeWine on January 9, 2021, and became law on April 12, 2021. The State further admits that this Court issued a temporary restraining order and a preliminary injunction preventing the enforcement of R.C. 2919.124.

75. Paragraph 75 of the Complaint states legal conclusions and/or assertions to which no response is required at this stage of the litigation. Answering further, R.C. 2919.124(A)(1) & (B) and S.B. 260 § 1 speak for themselves. To the extent that further response is required, the State denies any remaining allegations or characterizations of the same in this paragraph.

76. Paragraph 76 of the Complaint states legal conclusions and/or assertions to which no response is required at this stage of the litigation. Answering further, R.C. 2919.124(C) and S.B. 260 § 1 speak for themselves. To the extent that further response is required, the State denies any remaining allegations or characterizations of the same in this paragraph.

77. Paragraph 77 of the Complaint states legal conclusions and/or assertions to which no response is required at this stage of the litigation. Answering further, R.C. 2919.124(A)(1) and S.B. 260 § 1 speak for themselves. To the extent that further response is required, the State denies any remaining allegations or characterizations of the same in this paragraph.

78. Paragraph 78 of the Complaint states legal conclusions and/or assertions to which no response is required at this stage of the litigation. Answering further, R.C. 2919.124(E), R.C. 2929.14(A)(4), R.C. 4731.22, R.C. 2925.01(W)(17), and S.B. 260 § 1 speak for themselves.

79. Paragraph 79 of the Complaint states legal conclusions and/or assertions to which no response is required at this stage of the litigation. Answering further, R.C. 4731.22(I) & (I)(1) and S.B. 260 § 1 speak for themselves.

80. In response to paragraph 80 of the Complaint, the State lacks first-hand knowledge at this stage of the litigation to admit the factual allegations therein.

81. In response to paragraph 81 of the Complaint, the State lacks first-hand knowledge at this stage of the litigation to admit the factual allegations therein.

82. In response to paragraph 82 of the Complaint, the State lacks first-hand knowledge at this stage of the litigation to admit the factual allegations therein.

83. In response to paragraph 83 of the Complaint, the State lacks first-hand knowledge at this stage of the litigation to admit the factual allegations therein. Further answering, the press releases cited in paragraph 81 speak for themselves.

84. In response to paragraph 84 of the Complaint, the State lacks first-hand knowledge at this stage of the litigation to admit the factual allegations therein. Further answering, the online articles cited in paragraph 84 speak for themselves.

85. Paragraph 85 of the Complaint states legal conclusions and/or assertions to which no response is required at this stage of the litigation. Answering further, Ohio Adm.Code 4731-11-09(C)-(F), and R.C. 4731.74(B), (B)(1), & (B)(2) speak for themselves. To the extent that further response is required, the State denies any remaining allegations or characterizations of the same in this paragraph.

86. In response to paragraph 86 of the Complaint, the State lacks first-hand knowledge at this stage of the litigation to admit the factual allegations therein.

87. Paragraph 87 of the Complaint states legal conclusions and/or assertions to which no response is required at this stage of the litigation. Answering further, R.C. 3702.30(A)(1) & (E)(1) speak for themselves. To the extent that further response is required, the State denies any remaining allegations or characterizations of the same in this paragraph.

88. In response to paragraph 88 of the Complaint, the State lacks first-hand knowledge at this stage of the litigation to admit the factual allegations therein.

89. Paragraph 89 of the Complaint states legal conclusions to which no response is required at this stage of the litigation. By way of further response, House Bill 59 speaks for itself.

90. Paragraph 90 of the Complaint states legal conclusions and/or assertions to which no response is required at this stage of the litigation. To the extent that further response is required, the State denies any remaining allegations or characterizations of the same in this paragraph.

91. Paragraph 91 of the Complaint states legal conclusions and/or assertions to which no response is required at this stage of the litigation. To the extent that further response is required, the State denies any remaining allegations or characterizations of the same in this paragraph.

92. Paragraph 92 of the Complaint states legal conclusions and/or assertions to which no response is required at this stage of the litigation. Further answering, the articles cited in paragraph 90 speak for themselves. To the extent that further response is required, the State denies any remaining allegations or characterizations of the same in this paragraph.

93. In response to paragraph 93 of the Complaint, the State lacks first-hand knowledge at this stage of the litigation to admit the factual allegations therein.

94. Paragraph 94 of the Complaint states legal conclusions and/or assertions to which no response is required at this stage of the litigation. To the extent that further response is required,

the State denies for lack of knowledge any remaining factual allegations and/or characterizations of the same in this paragraph.

95. Paragraph 95 of the Complaint states legal conclusions and/or assertions to which no response is required at this stage of the litigation. To the extent that further response is required, the State denies for lack of knowledge any remaining factual allegations and/or characterizations of the same in this paragraph.

96. In response to paragraph 96 of the Complaint, the State lacks first-hand knowledge at this stage of the litigation to admit the factual allegations therein.

97. Paragraph 97 of the Complaint states legal conclusions and/or assertions to which no response is required at this stage of the litigation. To the extent that further response is required, the State denies any remaining allegations or characterizations of the same in this paragraph.

98. Paragraph 98 of the Complaint states legal conclusions and/or assertions to which no response is required at this stage of the litigation. To the extent that further response is required, the State denies for lack of knowledge any remaining factual allegations and/or characterizations of the same in this paragraph.

99. Paragraph 99 of the Complaint states legal conclusions and/or assertions to which no response is required at this stage of the litigation. To the extent that further response is required, the State denies any remaining allegations or characterizations of the same in this paragraph.

100. Paragraph 100 of the Complaint states legal conclusions and/or assertions to which no response is required at this stage of the litigation. To the extent that further response is required, the State denies any remaining allegations or characterizations of the same in this paragraph.

101. Paragraph 101 of the Complaint states legal conclusions and/or assertions to which

no response is required at this stage of the litigation. Answering further, R.C. 2317.56(B), 2919.11, 2919.123, 4723.44(B)(6), 4723.50(B)(1), 4723.151(C), 4730.02(E), 4730.03(F), 4730.39(B)(2), 4730.42(A)(1); 4723.44(B)(6); 4730.02(E); 4623.28(B)(30); 4730.25(B)(24); 2919.123(A) and Ohio Adm.Code 4723-9-10(K), 4730-2-07(E), 4723-9-10(K); 4730-2-07(E) speak for themselves. To the extent that further response is required, the State denies any remaining allegations or characterizations of the same in this paragraph.

102. Paragraph 102 of the Complaint states legal conclusions and/or assertions to which no response is required at this stage of the litigation. Answering further, R.C. 2919.11 and R.C. 4731.41(A) speak for themselves.

103. Paragraph 103 of the Complaint states legal conclusions and/or assertions to which no response is required at this stage of the litigation. Answering further, R.C. 2317.56(B)(1) speaks for itself. To the extent that further response is required, the State denies any remaining allegations or characterizations of the same in this paragraph.

104. Paragraph 104 of the Complaint states legal conclusions and/or assertions to which no response is required at this stage of the litigation. To the extent that further response is required, the State denies for lack of knowledge any remaining factual allegations and/or characterizations of the same in this paragraph.

105. Paragraph 105 of the Complaint states legal conclusions and/or assertions to which no response is required at this stage of the litigation. To the extent that further response is required, the State denies for lack of knowledge any remaining factual allegations and/or characterizations of the same in this paragraph.

106. In response to paragraph 106 of the Complaint, the State lacks first-hand knowledge

at this stage of the litigation to admit the factual allegations therein.

107. In response to paragraph 107 of the Complaint, the State lacks first-hand knowledge at this stage of the litigation to admit the factual allegations therein.

108. In response to paragraph 108 of the Complaint, the State lacks first-hand knowledge at this stage of the litigation to admit the factual allegations therein.

109. Paragraph 109 of the Complaint states legal conclusions and/or assertions to which no response is required at this stage of the litigation. Answering further, R.C. 4730.25, 4730.252, and 4723.28 speak for themselves.

110. Paragraph 110 of the Complaint states legal conclusions and/or assertions to which no response is required at this stage of litigation. Answering further, R.C. 2919.123(E), 4723.99(A), and 4730.99 speak for themselves.

111. Paragraph 111 of the Complaint states legal conclusions and/or assertions to which no response is required at this stage of the litigation. Answering further, R.C. 4723.41, 4723.482(A)–(B), and 4723.24(A)(1)(c), (C)(2)(c) speak for themselves.

112. Paragraph 112 of the Complaint states legal conclusions and/or assertions to which no response is required at this stage of the litigation. Answering further, R.C. 4723.43, 4723.431, 4723.431(A)(1) and Ohio Adm.Code 4723-8-04 and 4723-8-01(B)(1) speak for themselves.

113. Paragraph 113 of the Complaint states legal conclusions and/or assertions to which no response is required at this stage of the litigation. Answering further, R.C. 4723.43(C) speaks for itself. To the extent that further response is required, the State denies for lack of knowledge any remaining factual allegations or characterizations of the same in this paragraph.

114. Paragraph 114 of the Complaint states legal conclusions and/or assertions to which

no response is required at this stage of the litigation. Answering further, R.C. 4723.41(A) and 4723.24(A)(1)(c), (C)(2)(c) speak for themselves.

115. In response to paragraph 115 of the Complaint, the State lacks first-hand knowledge at this stage of the litigation to admit the factual allegations therein.

116. Paragraph 116 of the Complaint states legal conclusions and/or assertions to which no response is required at this stage of the litigation. Answering further, R.C. 4723.43(A) speaks for itself. To the extent that further response is required, the State denies for lack of knowledge any remaining factual allegations or characterizations of the same in this paragraph.

117. Paragraph 117 of the Complaint states legal conclusions and/or assertions to which no response is required at this stage of the litigation. Answering further, R.C. 4723.431(A)(1), Ohio Adm.Code 4723-8-04 and 4723-8-01(B)(2) speak for themselves. To the extent that further response is required, the State denies for lack of knowledge any remaining factual allegations or characterizations of the same in this paragraph.

118. Paragraph 118 of the Complaint states legal conclusions and/or assertions to which no response is required at this stage of the litigation. Answering further, R.C. 4730.11, 4730.14, and 4730.49(A)(1) speak for themselves.

119. Paragraph 119 of the Complaint states legal conclusions and/or assertions to which no response is required at this stage of the litigation. Answering further, R.C. 4730.20(A) speaks for itself.

120. Paragraph 120 of the Complaint states legal conclusions and/or assertions to which no response is required at this stage of the litigation. To the extent that further response is required, the State denies for lack of knowledge any remaining factual allegations or characterizations of the

same in this paragraph.

121. Paragraph 121 of the Complaint states legal conclusions and/or assertions to which no response is required at this stage of the litigation. Answering further, R.C. 4730.02, 4730.21(A)(1), and 4730.21(B) speak for themselves. To the extent that further response is required, the State denies for lack of knowledge any remaining factual allegations or characterizations of the same in this paragraph.

122. Paragraph 122 of the Complaint states legal conclusions and/or assertions to which no response is required at this stage of the litigation. Answering further, R.C. 4730.20(A)(7) and 4730.41 speak for themselves.

123. Paragraph 123 of the Complaint states legal conclusions and/or assertions to which no response is required at this stage of the litigation. To the extent that further response is required, the State denies any remaining allegations or characterizations of the same in this paragraph.

124. Paragraph 124 of the Complaint states legal conclusions and/or assertions to which no response is required at this stage of the litigation. To the extent that further response is required, the State denies any remaining allegations or characterizations of the same in this paragraph.

125. Paragraph 125 of the Complaint states legal conclusions and/or assertions to which no response is required at this stage of the litigation. To the extent that further response is required, the State denies any remaining allegations or characterizations of the same in this paragraph.

126. Paragraph 126 of the Complaint states legal conclusions and/or assertions to which no response is required at this stage of the litigation. Further answering, the article cited in paragraph 124 speaks for itself. To the extent that further response is required, the State denies any remaining allegations or characterizations of the same in this paragraph.

127. In response to paragraph 127 of the Complaint, the State lacks first-hand knowledge at this stage of the litigation to admit the factual allegations therein.

128. In response to paragraph 128 of the Complaint, the State lacks first-hand knowledge at this stage of the litigation to admit the factual allegations therein.

129. In response to paragraph 129 of the Complaint, the State lacks first-hand knowledge at this stage of the litigation to admit the factual allegations therein.

130. In response to paragraph 130 of the Complaint, the State lacks first-hand knowledge at this stage of the litigation to admit the factual allegations therein.

131. In response to paragraph 131 of the Complaint, the State lacks first-hand knowledge at this stage of the litigation to admit the factual allegations therein.

132. In response to paragraph 132 of the Complaint, the State lacks first-hand knowledge at this stage of the litigation to admit the factual allegations therein.

133. In response to paragraph 133 of the Complaint, the State lacks first-hand knowledge at this stage of the litigation to admit the factual allegations therein.

134. In response to paragraph 134 of the Complaint, the State lacks first-hand knowledge at this stage of the litigation to admit the factual allegations therein.

135. In response to paragraph 135 of the Complaint, the State lacks first-hand knowledge at this stage of the litigation to admit the factual allegations therein.

136. Paragraph 136 of the Complaint states legal conclusions and/or assertions to which no response is required at this stage of the litigation. To the extent that further response is required, the State denies any remaining allegations or characterizations of the same in this paragraph.

137. Paragraph 137 of the Complaint states legal conclusions and/or assertions to which

no response is required at this stage of the litigation. To the extent that further response is required, the State denies any remaining allegations or characterizations of the same in this paragraph.

138. Paragraph 138 of the Complaint states legal conclusions and/or assertions to which no response is required at this stage of the litigation. To the extent that further response is required, the State denies any remaining allegations or characterizations of the same in this paragraph.

139. Paragraph 139 of the Complaint states legal conclusions and/or assertions to which no response is required at this stage of the litigation. To the extent that further response is required, the State denies for lack of knowledge any remaining allegations or characterizations of the same in this paragraph.

140. In response to paragraph 140 of the Complaint, the State lacks first-hand knowledge at this stage of the litigation to admit the factual allegations therein.

141. Paragraph 141 of the Complaint states legal conclusions and/or assertions to which no response is required at this stage of the litigation. To the extent that further response is required, the State denies for lack of knowledge any remaining factual allegations or characterizations of the same in this paragraph.

142. Paragraph 142 of the Complaint states legal conclusions and/or assertions to which no response is required at this stage of the litigation. To the extent that further response is required, the State denies for lack of knowledge any remaining factual allegations or characterizations of the same in this paragraph.

143. Paragraph 143 of the Complaint states legal conclusions and/or assertions to which no response is required at this stage of the litigation. To the extent that further response is required, the State denies any remaining allegations or characterizations of the same in this paragraph.

144. Paragraph 144 of the Complaint states legal conclusions and/or assertions to which no response is required at this stage of the litigation. To the extent that further response is required, the State denies for lack of knowledge any remaining factual allegations or characterizations of the same in this paragraph.

145. In response to paragraph 145 of the Complaint, the State admits only that the Ohio General Assembly enacted R.C. 2919.123, titled “Unlawful distribution of abortion-inducing drug.” The State denied for lack of knowledge any remaining factual allegations or characterizations of the same in this paragraph.

146. Paragraph 146 of the Complaint states legal conclusions and/or assertions to which no response is required at this stage of the litigation. Further answering, R.C. 2919.123(A), 2919.123(F)(1) speak for themselves.

147. Paragraph 147 of the Complaint states legal conclusions and/or assertions to which no response is required at this stage of the litigation. Further answering, *Cordray v. Planned Parenthood Cincinnati Region*, 122 Ohio St.3d 361, 2009-Ohio-2972, 911 N.E.2d 871, ¶ 35 (Ohio 2009) speaks for itself.

148. Paragraph 148 of the Complaint states legal conclusions and/or assertions to which no response is required at this stage of the litigation. To the extent that further response is required, the State denies for lack of knowledge any remaining factual allegations or characterizations of the same in this paragraph.

149. Paragraph 149 of the Complaint states legal conclusions and/or assertions to which no response is required at this stage of the litigation. Further answering, 21 U.S.C. § 355-1(a)(1) and 21 C.F.R. §§ 314.500–560 speak for themselves. To the extent that further response is required, the

State denies for lack of knowledge any remaining factual allegations or characterizations of the same in this paragraph.

150. In response to paragraph 150 of the Complaint, the State lacks first-hand knowledge at this stage of the litigation to admit the factual allegations therein.

151. Paragraph 151 of the Complaint states legal conclusions and/or assertions to which no response is required at this stage of the litigation. Further answering, R.C. 2919.123(E) speaks for itself. To the extent that further response is required, the State denies for lack of knowledge any remaining factual allegations or characterizations of the same in this paragraph.

152. In response to paragraph 152 of the Complaint, the State lacks first-hand knowledge at this stage of the litigation to admit the factual allegations therein.

153. In response to paragraph 153 of the Complaint, the State lacks first-hand knowledge at this stage of the litigation to admit the factual allegations therein. Further answering, the articles cited in paragraph 151 speak for themselves.

154. Paragraph 154 of the Complaint states legal conclusions and/or assertions to which no response is required at this stage of the litigation. Further answering, R.C. 3719.06(B) speaks for itself. To the extent that further response is required, the State denies for lack of knowledge any remaining factual allegations or characterizations of the same in this paragraph.

155. Paragraph 155 of the Complaint states legal conclusions and/or assertions to which no response is required at this stage of the litigation. Further answering, R.C. 1751.66(A) speaks for itself. To the extent that further response is required, the State denies for lack of knowledge any remaining factual allegations or characterizations of the same in this paragraph.

156. Paragraph 156 of the Complaint states legal conclusions and/or assertions to which

no response is required at this stage of the litigation. To the extent that further response is required, the State denies any remaining allegations or characterizations of the same in this paragraph.

157. In response to paragraph 157 of the Complaint, the State lacks first-hand knowledge at this stage of the litigation to admit the factual allegations therein.

158. In response to paragraph 158 of the Complaint, the State lacks first-hand knowledge at this stage of the litigation to admit the factual allegations therein.

159. In response to paragraph 159 of the Complaint, the State lacks first-hand knowledge at this stage of the litigation to admit the factual allegations therein.

160. In response to paragraph 160 of the Complaint, the State lacks first-hand knowledge at this stage of the litigation to admit the factual allegations therein.

161. In response to paragraph 161 of the Complaint, the State lacks first-hand knowledge at this stage of the litigation to admit the factual allegations therein.

162. In response to paragraph 162 of the Complaint, the State lacks first-hand knowledge at this stage of the litigation to admit the factual allegations therein. Further answering, the articles cited in paragraph 160 speak for themselves.

163. Paragraph 163 of the Complaint states legal conclusions and/or assertions to which no response is required at this stage of the litigation. To the extent that further response is required, the State denies for lack of knowledge any remaining factual allegations or characterizations of the same in this paragraph.

164. Paragraph 164 of the Complaint states legal conclusions and/or assertions to which no response is required at this stage of the litigation. To the extent that further response is required, the State denies any remaining allegations or characterizations of the same in this paragraph.

165. In response to paragraph 165 of the Complaint, the State lacks first-hand knowledge at this stage of the litigation to admit the factual allegations therein.

166. Paragraph 166 of the Complaint states legal conclusions and/or assertions to which no response is required at this stage of the litigation. To the extent that further response is required, the State denies for lack of knowledge any remaining factual allegations or characterizations of the same in this paragraph.

167. In response to paragraph 167 of the Complaint, the State lacks first-hand knowledge at this stage of the litigation to admit the factual allegations therein. To the extent paragraph 165 contains legal conclusions and/or assertions, no response is required at this stage of the litigation.

168. Paragraph 168 of the Complaint states legal conclusions and/or assertions to which no response is required at this stage of the litigation. To the extent that further response is required, the State denies for lack of knowledge any remaining factual allegations or characterizations of the same in this paragraph.

169. Paragraph 169 of the Complaint states legal conclusions and/or assertions to which no response is required at this stage of the litigation. To the extent that further response is required, the State denies any remaining allegations or characterizations of the same in this paragraph.

170. Paragraph 170 of the Complaint states legal conclusions and/or assertions to which no response is required at this stage of the litigation. To the extent that further response is required, the State denies any remaining allegations or characterizations of the same in this paragraph.

171. In response to paragraph 171 of the Complaint, the State lacks first-hand knowledge at this stage of the litigation to admit the factual allegations therein.

172. Paragraph 172 of the Complaint states legal conclusions and/or assertions to which

no response is required at this stage of the litigation. To the extent that further response is required, the State denies any remaining allegations or characterizations of the same in this paragraph.

173. Paragraph 173 of the Complaint states legal conclusions and/or assertions to which no response is required at this stage of the litigation. To the extent that further response is required, the State denies any remaining allegations or characterizations of the same in this paragraph.

CLAIMS FOR RELIEF

COUNT I—Right to Reproductive Freedom

174. The State realleges and incorporates by reference all answers to preceding paragraphs as if fully written here.

175. Paragraph 175 of the Complaint states legal conclusions to which no response is required at this stage of the litigation. By way of further response, the Amendment speaks for itself.

176. Paragraph 176 of the Complaint states legal conclusions to which no response is required at this stage of the litigation.

177. Paragraph 177 of the Complaint states legal conclusions to which no response is required at this stage of the litigation.

178. Paragraph 178 of the Complaint states legal conclusions to which no response is required at this stage of the litigation. By way of further response, the Amendment speaks for itself.

179. Paragraph 179 of the Complaint states legal conclusions to which no response is required at this stage of the litigation.

COUNT II—Substantive Due Process

180. The State realleges and incorporates by reference all answers to preceding paragraphs as if fully written here.

181. Paragraph 181 of the Complaint states legal conclusions to which no response is required at this stage of the litigation. By way of further response, Article I, Sections 1, 2, 16, and 20 of the Ohio Constitution speak for themselves.

182. Paragraph 182 of the Complaint states legal conclusions to which no response is required at this stage of the litigation.

COUNT III—Patients’ Equal Protection

183. The State realleges and incorporates by reference all answers to preceding paragraphs as if fully written here.

184. Paragraph 184 of the Complaint states legal conclusions to which no response is required at this stage of the litigation. By way of further response, Article I, Section 2 of the Ohio Constitution speaks for itself.

185. Paragraph 185 of the Complaint states legal conclusions to which no response is required at this stage of the litigation.

COUNT IV—Abortion Providers’ Equal Protection

186. The State realleges and incorporates by reference all answers to preceding paragraphs as if fully written here.

187. Paragraph 187 of the Complaint states legal conclusions to which no response is required at this stage of the litigation. By way of further response, Article I, Section 2 of the Ohio Constitution speaks for itself.

188. Paragraph 188 of the Complaint states legal conclusions to which no response is required at this stage of the litigation.

COUNT V—Declaratory Judgment

189. The State realleges and incorporates by reference all answers to preceding paragraphs as if fully written here.

190. Paragraph 190 of the Complaint states legal conclusions to which no response is required at this stage of the litigation.

191. Paragraph 191 of the Complaint states legal conclusions to which no response is required at this stage of the litigation.

192. In response to paragraph 192 of the Complaint, the State denies that Plaintiffs are entitled to the declaratory relief specified therein.

193. In response to the Prayer for Relief in the Complaint, the State denies that Plaintiffs are entitled to the declaratory relief specified therein.

194. The State denies any allegations in the Complaint not expressly admitted herein.

FIRST DEFENSE

Plaintiffs fail to state any claim upon which relief can be granted, because the various challenged provisions of Ohio statutory law do not violate the Ohio or U.S. Constitutions, and/or because Plaintiffs seek relief broader than any relief to which Plaintiffs would be entitled even if narrower relief were warranted by any of their claims.

SECOND DEFENSE

Plaintiffs lack standing.

THIRD DEFENSE

Plaintiffs cannot assert the standing or claims of others.

FOURTH DEFENSE

Plaintiffs have failed to join necessary parties.

FIFTH DEFENSE

Neither Plaintiffs nor the persons they claim to represent have been deprived of any state or federal constitutional or statutory right.

SIXTH DEFENSE

The challenged law does not violate any provision of the Ohio Constitution or the United States Constitution.

SEVENTH DEFENSE

Plaintiffs do not allege a cognizable injury.

EIGHTH DEFENSE

The challenged law is supported by sufficient state interests.

NINTH DEFENSE

The challenged law is sufficiently tailored to meet constitutional scrutiny.

TENTH DEFENSE

Plaintiffs are unable to establish the elements required for injunctive relief.

ELEVENTH DEFENSE

To the extent that Plaintiffs' claims for relief could be construed as claims for legal relief (money damages), those must be dismissed because such claims cannot be asserted against the State of Ohio outside of the Ohio Court of Claims.

RESERVATION OF ADDITIONAL DEFENSES

The State Defendants reserve the right to supplement their Answer with additional defenses, including affirmative defenses, as litigation in this matter proceeds.

Thus, having fully answered Plaintiffs' First Amended Complaint, the State requests that the Court dismiss Plaintiffs' Complaint, with prejudice, and that the State receive reasonable costs and fees in defending this suit, and all other relief the Court deems just and equitable.

Respectfully submitted,

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CERTIFICATE OF SERVICE

Pursuant to Civ.R. 5(B)(2)(f), I certify that, on August 18, 2025, a copy of this Answer was electronically filed and served via email upon the following:

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