

1 Brunn (Beau) W. Roysden III (028698)
2 Katlyn J. Divis (035583)
3 FUSION LAW, PLLC
4 7600 N. 15th Street, Suite 150
5 Phoenix, Arizona 85020
6 (602) 315-7545
7 beau@fusion.law

8 Michael C. Martinich-Sauter*
9 JAMES OTIS LAW GROUP, LLC
10 530 Maryville Centre Drive, Suite 230
11 St. Louis, Missouri 63141
12 (314) 949-3018
13 Michael.Martinich-Sauter@james-
14 otis.com.

15 *Pro hac vice application forthcoming

16 *Counsel for Intervenor-Defendants*

17 **IN THE SUPERIOR COURT OF THE STATE OF ARIZONA**
18 **IN AND FOR THE COUNTY OF MARICOPA**

19 GRETA GILL, *et al.*,

20 Plaintiffs,

21 v.

22 STATE OF ARIZONA,

23 Defendant,

24 and

25 WARREN PETERSEN, President of the
26 Arizona Senate; and STEVE
27 MONTENEGRO, Speaker of the Arizona
28 House of Representatives.

Intervenor-Defendants.

Case No. CV2026-005011

**INTERVENOR-DEFENDANTS’
ANSWER TO PLAINTIFFS’
VERIFIED COMPLAINT FOR
INJUNCTIVE AND DECLARATORY
RELIEF**

(Assigned to Hon. Dewain D. Fox)

1 Intervenor-Defendants Warren Petersen, in his official capacity as President of the
2 Arizona Senate, and Steve Montenegro, in his official capacity as Speaker of the Arizona
3 House of Representatives (together, “Intervenor-Defendants”), hereby state the following
4 for their Answer to Plaintiffs’ Verified Complaint for Injunctive and Declaratory Relief
5 (“Complaint”).

6 **ANSWER**

7 **PRELIMINARY STATEMENT¹**

8 1. Intervenor-Defendants admit that on November 5, 2024, Arizonans voted in
9 favor of adopting article II, section 8.1 of the Arizona Constitution. Intervenor-Defendants
10 deny all remaining allegations in Paragraph 1 of the Complaint.

11 2. Paragraph 2 of the Complaint asserts legal conclusions to which no response
12 is required.

13 3. Paragraph 3 of the Complaint asserts legal conclusions to which no response
14 is required.

15 4. To the extent that Paragraph 4 of the Complaint purports to characterize the
16 effect of certain unidentified Arizona statutes, it asserts legal conclusions to which no
17 response is required. To the extent that Paragraph 4 of the Complaint alleges that certain
18 unidentified “Advanced Practice Nurses” may have provided abortions within Arizona at
19 unspecified times, Intervenor-Defendants lack sufficient information to determine the truth
20 or falsity of those allegations and therefore deny the same. Intervenor-Defendants deny all
21 remaining allegations in Paragraph 4 of the Complaint.

22 5. To the extent that Paragraph 5 of the Complaint purports to characterize the
23 effect of certain unidentified Arizona statutes, it asserts legal conclusions to which no
24

25
26 ¹ Intervenor-Defendants understand the headings in the Complaint to serve an
27 organizational purpose rather than to make factual assertions. Intervenor-Defendants
28 include those headings in their Answer solely for ease of understanding. To the extent that
any heading in the Complaint purports to make any factual allegations, Intervenor-
Defendants deny those allegations. To the extent that any of the footnotes in the Complaint
purport to make factual allegations, Intervenor-Defendants deny those allegations.

1 response is required. To the extent that Paragraph 5 of the Complaint purports to make any
2 further allegations, Intervenor-Defendants deny those allegations.

3 6. Intervenor-Defendants deny the allegations in Paragraph 6 of the Complaint.

4 7. Intervenor-Defendants deny the allegations in Paragraph 7 of the Complaint.

5 8. To the extent that Paragraph 8 of the Complaint quotes a document issued by
6 the National Academies of Sciences, Engineering, and Medicine, Intervenor-Defendants
7 admit that the Complaint accurately quotes the excerpted text from the document.
8 Intervenor-Defendants deny all remaining allegations in Paragraph 8 of the Complaint.

9 9. To the extent that Paragraph 9 of the Complaint quotes a document issued by
10 the American College of Obstetricians and Gynecologists, Intervenor-Defendants admit
11 that the Complaint accurately quotes the excerpted text from the document. Intervenor-
12 Defendants deny all remaining allegations in Paragraph 9 of the Complaint.

13 10. Intervenor-Defendants deny the allegations in Paragraph 10 of the Complaint.

14 JURISDICTION AND VENUE

15 11. Paragraph 11 of the Complaint asserts legal conclusions to which no response
16 is required.

17 12. Paragraph 12 of the Complaint asserts legal conclusions to which no response
18 is required.

19 13. Paragraph 13 of the Complaint asserts legal conclusions to which no response
20 is required.

21 PARTIES

22 A. Plaintiffs

23 14. Intervenor-Defendants lack sufficient information to determine the truth or
24 falsity of the allegations in Paragraph 14 of the Complaint and therefore deny the same.

25 15. Intervenor-Defendants lack sufficient information to determine the truth or
26 falsity of the allegations in Paragraph 15 of the Complaint and therefore deny the same.

27 16. Intervenor-Defendants lack sufficient information to determine the truth or
28 falsity of the allegations in Paragraph 16 of the Complaint and therefore deny the same.

1 37. Intervenor-Defendants admit that “aspiration abortion” constitutes a method
2 of abortion. Intervenor-Defendants deny all remaining allegations in Paragraph 37 of the
3 Complaint.

4 38. Intervenor-Defendants deny the allegations in Paragraph 38 of the Complaint.

5 39. Intervenor-Defendants admit that “induction abortion” constitutes a method
6 of abortion. Intervenor-Defendants deny all remaining allegations in Paragraph 39 of the
7 Complaint.

8 40. To the extent that Paragraph 40 of the Complaint purports to characterize the
9 effect of certain unidentified Arizona statutes and/or regulations, it asserts legal conclusions
10 to which no response is required. With regard to the remainder of Paragraph 40, Intervenor-
11 Defendants lack sufficient information to determine the truth or falsity of the allegations in
12 Paragraph 40 and therefore deny the same.

13 41. Intervenor-Defendants admit that, in rare cases, pregnant women may face a
14 risk of health complications associated with pregnancy. Intervenor-Defendants deny all
15 remaining allegations in Paragraph 41 of the Complaint.

16 42. Intervenor-Defendants admit that certain complications may correlate with
17 increased risk for health complications associated with pregnancy. Intervenor-Defendants
18 deny all remaining allegations in Paragraph 42 of the Complaint.

19 43. Intervenor-Defendants lack sufficient information to determine the truth or
20 falsity of the allegations in Paragraph 43 of the Complaint and therefore deny the same.

21 44. Intervenor-Defendants deny the allegations in Paragraph 44 of the Complaint.

22 45. Intervenor-Defendants lack sufficient information to determine the truth or
23 falsity of the allegations in Paragraph 45 of the Complaint and therefore deny the same.

24 46. Intervenor-Defendants lack sufficient information to determine the truth or
25 falsity of the allegations in Paragraph 46 of the Complaint and therefore deny the same.

26
27
28

1 **B. Regulation of APCs**

2 47. Paragraph 47 of the Complaint asserts legal conclusions to which no response
3 is required. To the extent that Paragraph 47 makes any factual allegations, Intervenor-
4 Defendants deny the same.

5 48. Paragraph 48 of the Complaint asserts legal conclusions to which no response
6 is required. To the extent that Paragraph 48 makes any factual allegations, Intervenor-
7 Defendants deny the same.

8 49. Paragraph 49 of the Complaint asserts legal conclusions to which no response
9 is required.

10 50. Paragraph 50 of the Complaint asserts legal conclusions to which no response
11 is required.

12 51. Paragraph 51 of the Complaint asserts legal conclusions to which no response
13 is required. To the extent that Paragraph 51 makes any factual allegations, Intervenor-
14 Defendants deny the same.

15 52. Paragraph 52 of the Complaint asserts legal conclusions to which no response
16 is required. To the extent that Paragraph 52 makes any factual allegations, Intervenor-
17 Defendants deny the same.

18 53. Intervenor-Defendants lack sufficient information to ascertain whether
19 Exhibit B to the Complaint constitutes a true and accurate copy of the Board Meeting
20 Minutes of a May 14, 2008 meeting of the Arizona Board of Nursing and therefore deny
21 any allegations in Paragraph 53 of the Complaint regarding the authenticity of Exhibit B.
22 To the extent that Paragraph 53 purports to characterize any statutes or regulations, it asserts
23 legal conclusions to which no response is required. To the extent that Paragraph 53 makes
24 any further allegations, Intervenor-Defendants deny the same.

25 **C. APC Qualifications to Provide Abortion Care in Arizona**

26 54. Intervenor-Defendants lack sufficient information to determine the truth or
27 falsity of the allegations in Paragraph 54 of the Complaint and therefore deny the same.

28

1 55. To the extent that Paragraph 55 of the Complaint quotes a document issued
2 by the National Academies of Sciences, Engineering, and Medicine, Intervenor-Defendants
3 admit that the Complaint accurately quotes the document. Intervenor-Defendants deny all
4 remaining allegations in Paragraph 55 of the Complaint.

5 56. To the extent that Paragraph 56 of the Complaint quotes a document issued
6 by the American College of Obstetricians and Gynecologists, Intervenor-Defendants admit
7 that the Complaint accurately quotes the document. Intervenor-Defendants deny all
8 remaining allegations in Paragraph 56 of the Complaint.

9 57. Intervenor-Defendants lack sufficient information to determine the truth or
10 falsity of the allegations in Paragraph 57 of the Complaint and therefore deny the same.

11 58. To the extent that Paragraph 58 of the Complaint purports to characterize any
12 regulatory decisions of the Food and Drug Administration, it asserts legal conclusions to
13 which no response is required. Intervenor-Defendants deny all remaining allegations in
14 Paragraph 58 of the Complaint.

15 59. Intervenor-Defendants lack sufficient information to ascertain whether
16 Exhibit B to the Complaint constitutes a true and accurate copy of the Board Meeting
17 Minutes of a May 14, 2008 meeting of the Arizona Board of Nursing and therefore deny
18 any allegations in Paragraph 59 of the Complaint regarding the authenticity of Exhibit B.
19 To the extent that Paragraph 59 makes any further factual allegations, Intervenor-
20 Defendants deny the same.

21 60. To the extent that Paragraph 60 of the Complaint purports to characterize any
22 Arizona statutes, it asserts legal conclusions to which no response is required. Intervenor-
23 Defendants deny all remaining allegations in Paragraph 60.

24 61. Intervenor-Defendants lack sufficient information to determine the truth or
25 falsity of the allegation that “Plaintiffs regularly treat patients for miscarriage”; the
26 allegation that mifepristone and misoprostol “carry fewer risks than some of the controlled
27 substances that Plaintiffs are licensed to prescribe”; and allegations regarding Plaintiffs’
28

1 training. For that reason, Intervenor-Defendants deny those allegations. Intervenor-
2 Defendants deny all remaining allegations in Paragraph 61 of the Complaint.

3 62. Intervenor-Defendants lack sufficient information to determine the truth or
4 falsity of the allegations in Paragraph 62 of the Complaint regarding Plaintiffs' training,
5 experience, and procedures in which they may have been involved. For that reason,
6 Intervenor-Defendants deny those allegations. Intervenor-Defendants deny all remaining
7 allegations in Paragraph 62 of the Complaint.

8 63. Intervenor-Defendants lack sufficient information to determine the truth or
9 falsity of the allegations in Paragraph 63 of the Complaint regarding the procedures in
10 which Plaintiffs may have been involved. For that reason, Intervenor-Defendants deny those
11 allegations. Intervenor-Defendants deny all remaining allegations in Paragraph 63 of the
12 Complaint.

13 64. Intervenor-Defendants lack sufficient information to determine the truth or
14 falsity of the allegations in Paragraph 64 of the Complaint and therefore deny the same.

15 65. Intervenor-Defendants lack sufficient information to determine the truth or
16 falsity of the allegations in Paragraph 65 of the Complaint and therefore deny the same.

17 66. To the extent that Paragraph 66 of the Complaint purports to characterize
18 Arizona statutes and regulations, it asserts legal conclusions to which no response is
19 required. Intervenor-Defendants deny all remaining allegations in Paragraph 66.

20 **D. The APC Ban's Impact**

21 67. To the extent that Paragraph 67 of the Complaint purports to characterize
22 Arizona statutes and regulations, it asserts legal conclusions to which no response is
23 required. Intervenor-Defendants deny all remaining allegations in Paragraph 67.

24 68. Intervenor-Defendants deny the allegations in Paragraph 68 of the Complaint.

25 69. Intervenor-Defendants lack sufficient information to determine the truth or
26 falsity of the allegations in Paragraph 69 of the Complaint and therefore deny the same.

27 70. Intervenor-Defendants lack sufficient information to determine the truth or
28 falsity of the allegations in Paragraph 70 of the Complaint and therefore deny the same.

1 71. Intervenor-Defendants deny the allegations in Paragraph 71 of the Complaint.

2 72. Intervenor-Defendants deny the allegations in the first two sentences of
3 Paragraph 72 of the Complaint. With regard to the remaining allegations in Paragraph 72,
4 Intervenor-Defendants lack sufficient information to determine the truth or falsity of those
5 allegations and therefore deny the same.

6 73. Intervenor-Defendants deny the allegations in Paragraph 73 of the Complaint.

7 74. Intervenor-Defendants lack sufficient information to determine the truth or
8 falsity of the allegations in Paragraph 74 of the Complaint and therefore deny the same.

9 75. Intervenor-Defendants lack sufficient information to determine the truth or
10 falsity of the allegations in Paragraph 75 of the Complaint and therefore deny the same.

11 76. To the extent that Paragraph 76 of the Complaint purports to characterize
12 Arizona statutes and legislation, it asserts legal conclusions to which no response is required.
13 To the extent that Paragraph 76 purports to make any factual allegations, Intervenor-
14 Defendants deny the same.

15 77. Intervenor-Defendants lack sufficient information to determine the truth or
16 falsity of the allegations in Paragraph 77 of the Complaint and therefore deny the same.

17 78. Intervenor-Defendants deny the allegations in Paragraph 78 of the Complaint.

18 79. Intervenor-Defendants deny the allegations in Paragraph 79 of the Complaint.

19 80. Intervenor-Defendants admit that some women may prefer undergoing a
20 “medication abortion over a procedural abortion.” With regard to allegations relating to the
21 reasons why some women may have this preference, Intervenor-Defendants lack sufficient
22 information to determine the truth or falsity of the allegations and therefore deny the same.
23 Intervenor-Defendants deny the remaining allegations in Paragraph 80 of the Complaint.

24 81. Intervenor-Defendants lack sufficient information to determine the truth or
25 falsity of the allegations in Paragraph 81 of the Complaint and therefore deny the same

26 82. Intervenor-Defendants deny the allegations in Paragraph 82 of the Complaint.

27 83. Intervenor-Defendants deny the allegations in Paragraph 83 of the Complaint.

28 84. Intervenor-Defendants deny the allegations in Paragraph 84 of the Complaint.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

RESPECTFULLY SUBMITTED this 6th day of March, 2026.

By: /s/ Brunn (Beau) W. Roysden III

Brunn (Beau) W. Roysden III (028698)
Katlyn J. Divis (035583)
FUSION LAW, PLLC
7600 N. 15th Street, Suite 150
Phoenix, Arizona 85020
(602) 315-7545
beau@fusion.law

Michael C. Martinich-Sauter*
JAMES OTIS LAW GROUP, LLC
530 Maryville Centre Drive, Suite 230
St. Louis, Missouri 63141
(314) 949-3018
michael.martinich-sauter@james-otis.com

**Pro hac vice application forthcoming*
Counsel for Intervenor-Defendants

1 **CERTIFICATE OF SERVICE**

2 I hereby certify that on March 6, 2026, I electronically transmitted the attached
3 document to the Clerk's Office using the AZTurboCourt System for filing and transmittal
4 of a Notice of Electronic Filing to the following AZTurboCourt registrants:

5 Lindsey Huang
6 Jon Weiss
7 PAPETTI SAMUELS WEISS MCKIRGAN LLP
8 16430 North Scottsdale Road, Suite 290
9 Scottsdale, Arizona 85254
lhuang@PSWMLaw.com
jweiss@PSWMLaw.com

10 Lauren Beall
11 AMERICAN CIVIL LIBERTIES UNION
12 FOUNDATION OF ARIZONA
13 P. O. Box 17148
14 Phoenix, Arizona 85011
lbeall@acluaz.org

15 Alice Clapman
16 AMERICAN CIVIL LIBERTIES UNION FOUNDATION
17 915 15th Street NW
Washington, DC 20005

18 Lindsey Kaley
19 Nora Ellmann
20 AMERICAN CIVIL LIBERTIES UNION FOUNDATION
21 125 Broad Street, 18th Floor
22 New York, New York 10004
lkaley@aclu.org
nellmann@aclu.org

23 *Attorneys for Plaintiffs*

24 Alexander W. Samuels
25 Hayleigh S. Crawford
26 Luci D. Davis
27 ARIZONA ATTORNEY GENERAL'S OFFICE
28 2005 N Central Ave.
Phoenix, Arizona 85004
alexander.samuels@azag.gov

1 hayleigh.crawford@azag.gov
2 luci.davis@azag.gov
3 ACL@azag.gov

4 *Attorneys for Defendant*

8 By: /s/ Brunn (Beau) W. Roysden III

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28