

1 **KRISTIN K. MAYES**
2 **ATTORNEY GENERAL**
(Firm State Bar No. 14000)

3
4 Alexander W. Samuels (No. 028926)
5 Hayleigh S. Crawford (No. 032326)
6 Luci D. Davis (No. 035347)
7 Jaylia Yan (No. 041148)
8 2005 North Central Ave.
9 Phoenix, Arizona 85004
10 Telephone: (602) 542-8323
11 Fax: (602) 542-4385
12 Alexander.Samuels@azag.gov
13 Hayleigh.Crawford@azag.gov
14 Luci.Davis@azag.gov
15 Jaylia.Yan@azag.gov
16 acl@azag.gov

17 *Attorneys for State of Arizona*

18 **SUPERIOR COURT OF ARIZONA**
19 **MARICOPA COUNTY**

20 GRETA GILL *et al.*,

21 Plaintiffs,

22 v.

23 STATE OF ARIZONA,

24 Defendant,

25 and

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

Intervenor-Defendants.

Case No. CV2026-005011

**STATE OF ARIZONA'S
ANSWER TO FIRST
AMENDED COMPLAINT**

(Assigned to Hon. John L.
Blanchard)

1 For its answer to Plaintiffs' First Amended Complaint for Injunctive and
2 Declaratory Judgment, Defendant the State of Arizona admits, denies, and alleges as
3 follows:

4 **PRELIMINARY STATEMENT**

5 1. Admit.
6 2. Admit.
7 3. Admit.
8 4. Admit that any laws enacted by the State which deny, restrict, or interfere
9 with access to abortion care and that fail the test set forth in Arizona's Constitution, article
10 2, § 8.1, are unlawful. The State denies that the following challenged statutes are
11 unconstitutional under the Amendment: A.R.S. § 36-449.03(H)(2), § 36-2152(A)-(B),
12 (H), (M), and A.A.C. R-9-10-1509(J). As to all other challenged laws, the State concedes
13 unconstitutionality under the Amendment.

14 5. Admit.
15 6. Admit, consistent with paragraph 4.
16 7. On information and belief, admit, consistent with paragraph 4.
17 8. Admit that the cited sources speak for themselves. Admit the remaining
18 allegations on information and belief, consistent with paragraph 4.
19 9. Admit that the cited source speaks for itself. Admit the remaining
20 allegations on information and belief, consistent with paragraph 4.

21 10. Admit, consistent with paragraph 4.

22 **JURISDICTION AND VENUE**

23 11. Admit.
24 12. Admit.
25 13. Paragraph 13 asserts a legal conclusion to which no response is required.

26 **PARTIES**

27 **A. Plaintiffs**

28 14. Admit.

- 1 34. Admit that the cited sources speak for themselves.
- 2 35. Admit the cited source speaks for itself. On information and belief, admit
3 the remaining allegations.
- 4 36. On information and belief, admit.
- 5 37. On information and belief, admit that the allegation describes some
6 abortions.
- 7 38. Admit the cited sources speak for themselves. On information and belief,
8 admit the remaining allegations.
- 9 39. On information and belief, admit that the allegation describes some
10 abortions.
- 11 40. Admit that Arizona law speaks for itself. On information and belief, admit
12 the remaining allegations.
- 13 41. Admit that carrying a pregnancy to term and childbirth can present serious
14 health risks and that abortion may be a far safer alternative for some women.
- 15 42. Admit that pregnancy can affect women’s physical and mental health in
16 various ways and can exacerbate certain medical conditions, leading to an increased risk
17 of complications for some women.
- 18 43. Admit that the cited sources speak for themselves.
- 19 44. On information and belief, admit.
- 20 45. Admit that the cited sources speak for themselves.
- 21 46. On information and belief, admit.
- 22 **B. Regulation of APCs**
- 23 47. Admit that Arizona law speaks for itself.
- 24 48. Admit that Arizona law speaks for itself.
- 25 49. Admit that Arizona law speaks for itself.
- 26 50. Admit that Arizona law speaks for itself.
- 27 51. Admit that Arizona law speaks for itself.
- 28 52. Admit that Arizona law speaks for itself.

1 53. Admit that the cited sources speak for themselves.

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

3 54. Admit that the cited source speaks for itself.

4 55. Admit that the cited source speaks for itself. On information and belief,
5 admit the remaining allegations, consistent with paragraph 4.

6 56. Admit that the cited sources speak for themselves.

7 57. Admit that the cited sources speak for themselves.

8 58. Admit that the cited source speaks for itself.

9 59. Admit that the cited source speaks for itself.

10 60. On information and belief, admit.

11 61. On information and belief, admit.

12 62. On information and belief, admit.

13 63. On information and belief, admit.

14 64. On information and belief, admit, consistent with paragraph 4.

15 65. On information and belief, admit.

16 66. Admit that Arizona law speaks for itself. On information and belief, admit
17 the remaining allegations, consistent with paragraph 4.

18 **D. The APC Ban’s Impact**

19 67. On information and belief, admit, consistent with paragraph 4.

20 68. Admit, consistent with paragraph 4.

21 69. On information and belief, admit that the allegations describe the
22 experiences of some Arizonans.

23 70. Admit that Arizona law speaks for itself. On information and belief, admit
24 the remaining allegations, consistent with paragraph 4.

25 71. On information and belief, admit, consistent with paragraph 4.

26 72. Admit that the cited sources speak for themselves. On information and
27 belief, admit the remaining allegations, consistent with paragraph 4.

28 73. Admit that the cited sources speak for themselves.

1 74. Admit that the cited sources speak for themselves.
2 75. Admit that the cited sources speak for themselves.
3 76. Admit that Arizona law speaks for itself.
4 77. Admit that the cited report speaks for itself. On information and belief,
5 admit the remaining allegations, consistent with paragraph 4.

6 78. Admit that Arizona law speaks for itself, consistent with paragraph 4.
7 Admit that abortion is a safe medical intervention in the United States and that the cited
8 source speaks for itself.

9 79. Admit.

10 80. Admit.

11 81. Admit.

12 82. Admit.

13 83. Admit.

14 84. Admit that the cited sources speak for themselves.

15 **E. The APC Ban Violates the Amendment**

16 85. Admit that the Amendment speaks for itself.

17 86. Admit that the Amendment speaks for itself.

18 87. Admit, consistent with paragraph 4.

19 1. The APC Ban Denies, Restricts, and Interferes with Access to
20 Abortion (Section 8.1(A)(1))

21 88. Admit, consistent with paragraph 4.

22 89. Admit, consistent with paragraph 4.

23 2. The APC Ban Is Not the Least Restrictive Means of Advancing a
24 Compelling State Interest

25 90. Admit that the Amendment speaks for itself.

26 91. Admit, consistent with paragraph 4.

27 a) *The APC Ban Does Not Improve or Maintain the Health of*
28 *the Person Seeking Abortion Care*

1 92. Admit, consistent with paragraph 4.

2 93. Admit, consistent with paragraph 4.

3 b) *The APC Ban Infringes on Arizonans' Autonomous Decision*
4 *Making*

5 94. Admit, consistent with paragraph 4.

6 3. The APC Ban Violates the Prohibition on Penalizing Providers for
7 Helping Others Access Abortion

8 95. Admit, consistent with paragraph 4.

9 **CLAIMS FOR RELIEF**

10 **COUNT I**

11 **(Declaratory Judgment – Fundamental Right to Abortion)**

12 96. The State incorporates all previous answers.

13 97. Admit, consistent with paragraph 4.

14 98. Admit, consistent with paragraph 4.

15 99. Admit, consistent with paragraph 4.

16 **COUNT II**

17 **(Declaratory Judgment –Prohibition on Penalizing an Individual for Assisting a**
18 **Pregnant Individual in Exercising Their Right to Abortion)**

19 100. The State incorporates all previous answers.

20 101. Admit, consistent with paragraph 4.

21 102. Admit, consistent with paragraph 4.

22 103. Admit, consistent with paragraph 4.

23 **PRAYER FOR RELIEF**

24 A. Admit that A.R.S. § 32-1606(B)(12) is unconstitutional;

25 B. Admit that A.R.S. §§ 36-2160(A); 36-2155; and 36-2153(E) are
26 unconstitutional;

27 C. Admit, consistent with paragraph 4 and all prior answers, that A.R.S. §§
28

1 36-449.03(C)(3), (D)(5), (G)(4), (G)(5), (G)(8); 36-2153(A), (C); 36-2156(A), 36-
2 2158(A); 36-2161(A)(16)-(17), (20)-(21), (D); 36-2162.01(A), (C); A.A.C. R9-10-
3 1507(B)(2), (3); A.A.C. R9-10-1509(A)(2), (B)(1), (5), (C), (D)(3)(a); A.A.C. R9-10-
4 1510(B)(1); and A.A.C. R9-10-1512(A)(6), (12), and (D)(3)(d) are unconstitutional.
5 Deny that A.R.S. § 36-449.03(H)(2), § 36-2152(A)-(B), (H), (M), and A.A.C. R-9-10-
6 1509(J) are unconstitutional;

7 D. Admit, consistent with paragraph 4 and all prior answers, that A.R.S. §§
8 36-449.03(C)(3), (D)(5), (G)(4), (G)(5), (G)(8); 36-2153(A), (C); 36-2156(A), 36-
9 2158(A); 36-2161(A)(16)-(17), (20)-(21), (D); 36-2162.01(A), (C); A.A.C. R9-10-
10 1507(B)(2), (3); A.A.C. R9-10-1509(A)(2), (B)(1), (5), (C), (D)(3)(a); A.A.C. R9-10-
11 1510(B)(1); and A.A.C. R9-10-1512(A)(6), (12), and (D)(3)(d) are unconstitutional.
12 Deny that A.R.S. § 36-449.03(H)(2), § 36-2152(A)-(B), (H), (M), and A.A.C. R-9-10-
13 1509(J) are unconstitutional;

14 E. Deny that an award of Plaintiffs' attorneys' fees is appropriate under the
15 equitable private attorney general doctrine because the State concedes the
16 unconstitutionality of nearly all of the challenged laws and has admitted the material
17 allegations necessary for Plaintiffs to receive nearly all relief sought, and therefore the
18 Court in its discretion should decline to award fees, *see Defs. of Wildlife v. Hull*, 199 Ariz.
19 411, 428 ¶ 66 (App. 2001) (exercising discretion not to award fees against Attorney
20 General, who conceded the unconstitutionality of the challenged law and admitted most
21 of the allegations);

22 F. Admit that an award of taxable costs to the successful party is mandatory
23 under A.R.S. § 12-341. Deny that an award of costs under A.R.S. § 12-1840 is "equitable
24 and just" here in light of the above;

25 G. Deny that other relief is appropriate.
26
27
28

1 RESPECTFULLY SUBMITTED this 6th day of April, 2026.

2 **KRISTIN K. MAYES**
3 **ATTORNEY GENERAL**

4 By /s/ Jaylia Yan
5 Alexander W. Samuels
6 Hayleigh S. Crawford
7 Luci D. Davis
8 Jaylia Yan
9 Office of the Arizona Attorney General
2005 North Central Avenue
Phoenix, Arizona 85004-1592

10 *Attorneys for State of Arizona*

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

1 I hereby certify that the foregoing
2 document was electronically filed
3 and served through AZTurboCourt
4 this 6th day of April, 2026, to:

5 Lindsey Huang
6 Jon Weiss
7 PAPETTI SAMUELS WEISS MCKIRGAN LLP
8 16430 North Scottsdale Road Suite 290
9 Scottsdale, AZ 85254
10 lhuan@PSWmlaw.com
11 jweiss@PSWmlaw.com

12 Lauren Beall
13 AMERICAN CIVIL LIBERTIES
14 UNION FOUNDATION OF ARIZONA
15 P.O. Box 17148
16 Phoenix, AZ 85011
17 lbeall@acluaz.org

18 Alice Clapman*
19 AMERICAN CIVIL LIBERTIES
20 UNION FOUNDATION OF ARIZONA
21 915 15th Street NW
22 Washington, D.C. 20005
23 aclapman@aclu.org

24 Lindsey Kaley*
25 Nora Ellmann*
26 AMERICAN CIVIL LIBERTIES
27 UNION FOUNDATION OF ARIZONA
28 125 Broad Street, 18th Floor
New York, NY 10004
lkaley@aclu.org
nellmann@aclu.org

Attorneys for Plaintiffs

**Pro Hac Vice Application Forthcoming*

1 Brunn (Beau) W. Roysden III
2 Katlyn J. Divis
3 Fusion Law PLLC
4 7600 N. 15th Street, Suite 150
5 Phoenix, AZ 85020
6 beau@fusion.law
7 kd@fusion.law

8 Michael C. Martinich-Sauter*
9 James Otis Law Group, LLC
10 530 Maryville Centre Drive, Suite 230
11 St. Louis, MO 63141
12 Michael.Martinich-Sauter@jamesotis.com

13 *Attorneys for Intervenor-Defendants*

14 **Pro Hac Vice Application Forthcoming*

15 */s/ Terrie Chastain*

16
17
18
19
20
21
22
23
24
25
26
27
28