

**STATE OF NORTH CAROLINA  
COUNTY OF WAKE**

**IN THE GENERAL COURT OF  
JUSTICE SUPERIOR COURT DIVISION  
CASE NO. 20 CVS 500147**

**PLANNED PARENTHOOD SOUTH  
ATLANTIC**, on behalf of itself, its  
physicians and staff, and its patients, et al.,

*Plaintiffs,*

v.

**TIMOTHY K. MOORE**, as Speaker of the  
North Carolina House of Representatives, in  
his official capacity, et al.,

*Defendants.*

**PLAINTIFFS' MOTION FOR A  
PARTIAL PRELIMINARY  
INJUNCTION**

Plaintiffs Planned Parenthood South Atlantic, Katherine Farris, M.D., Anne Logan Bass, F.N.P., Sistersong Women of Color Reproductive Justice Collective, Elizabeth Deans, M.D., and Jonas Swartz, M.D. (collectively, the “Plaintiffs”), hereby move, pursuant to N.C. R. Civ. P. 65 and N.C. Gen. Stat. § 1-485, for a partial preliminary injunction barring the enforcement of N.C. Gen. Stat. §§ 14-45.1(a) and (g)’s prohibition on Advanced Practice Clinicians—such as physician assistants, certified nurse midwives, and advanced practice registered nurses—providing medication abortions. While Plaintiffs broadly challenge those sections, for the purposes of this motion only, Plaintiffs use the term “APC Ban” to refer, narrowly, to that prohibition.

Plaintiffs seek a partial preliminary injunction on the grounds that they are likely to succeed on the merits of their claim that the APC Ban violates the rights of the Plaintiffs, their physicians and staff, and their patients and members because (1) the APC Ban violates the substantive due

process, equal protection, and fruits of their own labor clauses of the North Carolina Constitution under any standard of review, and (2) Plaintiffs' patients' and members' harms have been exacerbated since the fall of *Roe v. Wade* and *Casey v. Planned Parenthood*, as demonstrated by Plaintiffs' Memorandum of Law in Support of Their Motion for a Partial Preliminary Injunction, as well as the declarations of Plaintiff Anne Logan Bass, F.N.P., Plaintiff Katherine Farris, M.D., Daniel Grossman, M.D., and Joanne Spetz, Ph.D. They will continue to suffer irreparable harm absent this injunction. In addition, the balance of equities tips strongly in Plaintiffs' favor and an injunction is in the public interest. For the reasons set forth more fully in their Memorandum of Law in Support of Their Motion for a Partial Preliminary Injunction, Plaintiffs request that the security required by 65(c) be waived or set at \$0.

A Proposed Order granting the Preliminary Injunction accompanies this motion.

Dated this 17th day of October 2022.

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**CERTIFICATE OF SERVICE**

The undersigned certifies that the foregoing was served upon all parties by electronic mail, addressed to the following:

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This 17th day of October 2022.

/s/ Jaclyn A. Maffetore  
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*Defendants.*

**[PROPOSED] ORDER GRANTING  
PARTIAL PRELIMINARY  
INJUNCTION**

After careful consideration of Plaintiffs' Motion for Partial Preliminary Injunction and any responses thereto, and following a hearing on \_\_\_\_\_, for the reasons below, it is hereby ORDERED that the Motion is GRANTED.

1. This Court has considered Plaintiffs' Motion for Partial Preliminary Injunction; Plaintiffs' Memorandum of Law in Support of Their Motion for a Partial Preliminary Injunction; the Declarations of Joanne Spetz, Ph.D, Daniel Grossman, M.D., Anne Logan Bass, F.N.P, and Katherine Farris, M.D.; and the arguments of counsel for the parties.
2. Plaintiffs have demonstrated that they are likely to succeed on the merits of their claim that the APC Ban violates the rights of the Plaintiffs, their physicians and staff, their patients, and their members pursuant to Article I, Sections 1 and 19 of the North Carolina Constitution, under any standard of review.

3. Plaintiffs have also demonstrated that the resulting harms to their patients and members have been exacerbated since *Roe v. Wade*, 410 U.S. 113, 93 S.Ct. 705 (1973) and *Planned Parenthood v. Casey*, 505 U.S. 833, 112 S.Ct. 2791 (1992) were overruled by the U.S. Supreme Court in *Dobbs v. Jackson Women's Health Org.*, 142 S.Ct. 2228 (2022), and that they will continue to suffer irreparable harm absent this injunction.
4. This Court further concludes that the balance of equities tips strongly in Plaintiffs' favor, and that an injunction is in the public interest.
5. Thus, this Court issues this Order to prevent immediate and irreparable harm, loss, or damage to the Plaintiffs.
6. Defendants are hereby enjoined, during the pendency of this action, from enforcing, operating, and executing the N.C. Gen. Stat. § 14-45.1(a) and (g) to bar the provision of medication abortion by advanced practice clinicians.
7. Pursuant to N.C. R. Civ. P. 65(d), this injunction shall be binding upon Defendants, their officers, agents, servants, employees, and attorneys, and upon those persons in active concert or participation with them who receive actual notice in any manner of the order by personal service or otherwise.
8. Defendants are ordered to provide notice to their officers, agents, servants, employees, and attorneys, and to those persons in active concert or participation with them who are involved in the enforcement or administration of N.C. Gen. Stat. § 14-45.1(a) and (g) to bar the provision of medication abortion by advanced practice clinicians.
9. This injunction is effective immediately, and will remain in effect until the completion of trial or further order by the court.
10. For good cause shown, security is waived.

SO ORDERED.

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Wake County Superior Court