

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF ARKANSAS
CENTRAL DIVISION**

LITTLE ROCK FAMILY PLANNING
SERVICES, *et al.*,

Plaintiffs,

v.

LARRY JEGLEY, *et al.*,

Defendants.

CIVIL ACTION

Case No. 4:21-cv-00453-KGB

**PLAINTIFFS' MOTION FOR A TEMPORARY RESTRAINING ORDER AND/OR
PRELIMINARY INJUNCTION**

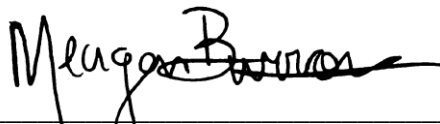
Plaintiffs Little Rock Family Planning Services (“LRFP”), Planned Parenthood of Arkansas & Eastern Oklahoma, d/b/a Planned Parenthood Great Plains (“PPAEO”), and Janet Cathey, M.D., on behalf of themselves, their staff, and their patients, hereby respectfully move this Court, pursuant to Rule 65 of the Federal Rules of Civil Procedure, for a temporary restraining order and/or preliminary injunction blocking the enforcement of Arkansas Act 309 (“the Ban”)¹ prior to July 28, 2021, the date upon which Defendants may commence enforcement. In addition, Plaintiffs respectfully request that this Court exercise its discretion to waive the Federal Rule of Civil Procedure 65(c) security requirement. *See Richland/Wilkin Joint Powers Auth. v. U.S. Army Corps of Eng’rs*, 826 F.3d 1030, 1043 (8th Cir. 2016).

¹ A true and correct copy of the Ban is attached as Exhibit A to Plaintiffs’ Verified Complaint for Declaratory & Injunctive Relief, ECF No. 1 (“Compl.”). The Ban was enacted as Act 309 of the Regular Session, 2021, and is intended to be codified at ARK. CODE ANN. §§ 5-61-401–401–404.

The Ban unconstitutionally criminalizes the performance of an abortion at all points in pregnancy, in direct conflict with *Roe v. Wade*, 410 U.S. 113 (1973), and nearly five decades of Supreme Court precedent affirming that a state cannot ban pre-viability abortions. A temporary restraining order and/or preliminary injunction is necessary to stop the Ban from going into effect. As detailed more fully in the accompanying Memorandum of Law, Plaintiffs satisfy the requirements for such relief. *See Grasso Enters., L.L.C. v. Express Scripts, Inc.*, 809 F.3d 1033, 1036 n.2 (8th Cir. 2016) (citing *Dataphase Sys., Inc. v. C L Sys., Inc.*, 640 F.2d 109, 114 (8th Cir. 1981) (en banc)). Because the Ban contravenes binding Supreme Court and Eighth Circuit precedent, Plaintiffs have established a substantial likelihood of success on the merits of their claim that the Ban violates their patients' rights guaranteed by the Fourteenth Amendment to the United States Constitution. Further, Plaintiffs have established that enforcement of the Ban will inflict irreparable constitutional, medical, emotional, psychological, and other harms on their patients for which there is no adequate remedy at law. Finally, the balance of equities tips firmly in Plaintiffs' favor, and the relief that Plaintiffs have requested will further the public interest. Accordingly, and for the reasons set forth in the accompanying Memorandum of Law, this Motion for a Temporary Restraining Order and/or Preliminary Injunction should be granted without security.

Dated: June 14, 2021

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Meagan Burrows", written over a horizontal line.

Meagan Burrows*

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*On Behalf of the Arkansas Civil Liberties
Union Foundation, Inc.*

*Attorneys for Plaintiffs LRFP, PPAEO &
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** Motion for admission pro hac vice granted*