

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

PRETERM-CLEVELAND, INC.,	:	Case No. 1:18-cv-109
et al.,	:	
	:	
Plaintiffs,	:	Judge Susan J. Dlott
	:	
vs.	:	
	:	<u>DECLARATION OF ROSLYN</u>
LANCE HIMES, et al.,	:	<u>KADE, M.D., IN SUPPORT OF</u>
	:	<u>PLAINTIFFS' MOTION FOR A</u>
Defendants.	:	<u>TEMPORARY RESTRAINING</u>
	:	<u>ORDER AND/OR</u>
	:	<u>PRELIMINARY INJUNCTION</u>
	:	

I, Roslyn Kade, pursuant to 28 U.S.C. § 1746, declare under penalty of perjury that the following is true and correct:

1. I am a physician and plaintiff in this case and submit this declaration in support of Plaintiffs' Motion for a Temporary Restraining Order and/or Preliminary Injunction against H.B. 214.

2. I received my medical degree from the University of Cincinnati College of Medicine in 1985 and completed 2 years of residency in obstetrics and gynecology at the University Hospital in Cincinnati in 1987. I have provided family planning and outpatient gynecological services, including abortions, in Ohio for over three decades.

3. I am currently the Medical Director of Plaintiff Planned Parenthood of Southwest Ohio (PPSWO). As part of my role as Medical Director, I oversee the clinical practice and ensure that the medical services we provide comply with the standard of care and Planned

Parenthood and National Abortion Federation policies and protocols for clinical care. In addition to serving as Medical Director, I occasionally provide abortions at the clinic operated by PPSWO in the Elizabeth Campbell Medical Center, in Cincinnati. I also provide abortions at Women's Medical Center in Dayton (WMCD), which is owned and operated by Plaintiff Women's Medical Group Professional Corporation (WMGPC). I am therefore familiar with the services and with the patients at both PPSWO and WMCD. This declaration is based upon my personal knowledge and knowledge I have acquired in the course of my duties with both clinics. If called and sworn as a witness, I could and would testify competently thereto.

4. I have read the complaint in this action and verify that all of the facts regarding PPSWO, WMGPC, WMCD and me are true based either on my personal knowledge or my personal investigation of those facts.

5. PPSWO is a non-profit corporation organized under the laws of the State of Ohio. It and its predecessor organizations have provided care in Ohio since 1929. PPSWO provides a broad range of medical services to women and men at seven health centers in Southwest Ohio, including: birth control, annual gynecological examinations, cervical pap smears, diagnosis and treatment of vaginal infections, testing and treatment for certain sexually transmitted diseases, HIV testing, pregnancy testing, and abortions. PPSWO provides surgical abortions through 21 weeks 6 days of pregnancy LMP and medication abortions through 70 days LMP.

6. WMGPC and its predecessors have been providing abortions for women in the Dayton area since 1975. WMCD provides surgical and medication abortions, pregnancy testing, and birth control health care services to women. WMCD provides previability surgical abortions no later than 21 weeks 6 days of pregnancy LMP and medication abortions through 70 days LMP.

7. When a woman calls either PPSWO or WMCD, the clinic first requires her to visit the clinic at least twenty-four hours in advance of her scheduled procedure to complete the informed consent process with a physician and participate in a non-directive discussion with clinic staff regarding her options (carrying the pregnancy to term and parenting or placing the child for adoption, or abortion). During that first visit, she also has blood drawn and receives an ultrasound, during which she is offered the ability to see or hear the fetal heartbeat and ultrasound image. She will then return for a second visit at least twenty-four hours later, during which the abortion will be performed.

8. I am aware that some of our patients seek abortions after receiving a fetal diagnosis, including Down syndrome. These patients come to PPSWO and WMCD from across Ohio, and from out-of-state, as well. Although we do not require patients at PPSWO or WMCD to tell us the reason or reasons they are seeking an abortion, patients who are seeking an abortion after a fetal diagnosis usually disclose this fact when they call to make an appointment or during the pre-abortion informed consent and nondirective options discussion. Sometimes these patients or their physicians forward their medical records to us, as well.

9. In my experience, patients who decide to have an abortion because of a fetal diagnosis have already undergone extensive counseling with genetic counselors and/or maternal-fetal medicine physicians, as well as engaged in extensive reflection and conversation with their partners and families, before coming to us for care.

10. If H.B. 214 is allowed to take effect, in order to avoid criminal penalties, civil suits, and disciplinary sanctions, I will stop performing abortions, as will the other physicians at PPSWO and WMCD when we know, or think there is a high probability, that the woman is

seeking the abortion due to a test result indicating Down syndrome, a prenatal diagnosis of Down syndrome, or any other reason to believe that the fetus has Down syndrome.

11. If we are forced to turn these patients away, they will have no choice but to seek care out-of-state. For some of our patients, raising the necessary funds for the additional travel and accommodations, on top of the cost of the procedure, will cause extreme hardship. For others, it will simply be impossible; these women will be forced to carry their pregnancies to term against their will. Even for those women who are ultimately able to obtain the care they need, they will likely experience unnecessary delay making the arrangements and coming up with the funds, which can increase both the risks and costs related to the abortion procedure. This will be devastating to the women and families who come to us in their hour of need, and devastating to the physicians and staff at PPSWO and WMCD, including myself, who are dedicated to providing compassionate and nonjudgmental health care to our patients.

/s/Roslyn Kade
Roslyn Kade

Date Signed: 2/14/18