

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF KANSAS

PLANNED PARENTHOOD OF)
KANSAS AND MID-MISSOURI,)
Plaintiff,)
)
and)
)
Dodge City Family Planning Clinic, Inc.,)
Plaintiff-Intervenor)
)
vs.)
)
SAM BROWNBACK, Governor of)
Kansas, and ROBERT MOSER, M.D.,)
Secretary, Kansas Department of)
Health and Environment,)
)
Defendants.)
_____)

CIVIL ACTION
Case No.: 11-2357 JTM/DJW

**MOTION TO INTERVENE AND FOR EXPEDITED CONSIDERATION
OF PLAINTIFF-INTERVENOR DODGE CITY FAMILY PLANNING CLINIC**

Dodge City Family Planning Clinic, Inc. (“DCFP”), by and through counsel, moves to intervene as of right under Fed. R. Civ. P. 24(a), or, in the alternative, for permissive intervention pursuant to Fed. R. Civ. P. 24(b). DCFP has filed a Memorandum of Law in support of this motion contemporaneously with this request. DCFP requests expedited consideration of this motion so that it may obtain relief from current irreparable harm; avoid the ultimate irreparable harm of being forced to shut down imminently; and ensure continued availability of family planning services for the low-income, high-need patients of Ford County and the surrounding area.

1. DCFP is entitled to intervention as of right because it has a cognizable interest in this litigation that may be impaired, and its interests are not adequately represented by the original parties.

2. DCFP's very existence is at issue in this case, as is the wellbeing of its patients.

3. DCFP has a single claim (a preemption claim) in common with Plaintiff Planned Parenthood of Kansas and Mid-Missouri ("PPKM"). However, PPKM has other claims which DCFP does not have, and were PPKM to prevail on only one of those, DCFP would be left with no relief.

4. Notwithstanding this Court's preliminary injunction of August 1, 2011, and Defendants' belated compliance with it as to PPKM after this Court's order of August 30, 2011, Defendants continue to enforce the challenged provision, Section 107(l) of H.B. 2014, 84th Leg. (Kan. 2011), against DCFP.

5. Thus, DCFP cannot protect its interests without intervening.

6. In the alternative, the Court should grant DCFP permissive intervention. DCFP's single claim is identical to one of PPKM's claims.

7. Plaintiff PPKM does not oppose DCFP's motion to intervene.

8. Defendants intend to oppose DCFP's motion to intervene.

9. Attached to this motion are Exhibit A, DCFP's Intervenor Complaint; Exhibit B, Motion for Temporary Restraining Order and Preliminary Injunction; and Exhibit C, Memorandum of Law in Support of Motion for Temporary Restraining Order and Preliminary Injunction.

WHEREFORE, DCFP respectfully requests that this Court grant its motion to intervene.

Respectfully submitted,

s/Stephen Douglas Bonney
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Attorneys for Plaintiff-Intervenor

CERTIFICATE OF SERVICE

I hereby certify that on September 30, 2011, I caused a copy of Plaintiff-Intervenor's Motion to Intervene to be served through the Court's electronic filing system, which will serve all the parties in this action.

Dated: September 30, 2011

s/Stephen Douglas Bonney