

IN THE IOWA DISTRICT COURT IN AND FOR JOHNSON COUNTY

PLANNED PARENTHOOD OF THE
HEARTLAND, INC., *et al.*,

Petitioners,

v.

KIM REYNOLDS, ex rel. STATE OF IOWA,
et al.,

Respondents.

Case No. CVCV081717

ORDER

On this date, hearing was set on Petitioners' Motion for Temporary Injunctive Relief. Consistent with the Iowa Supreme Court's Supervisory Order entered March 17, 2020, the hearing was to be held by telephone conference call. The call was initiated at the designated time and all counsel of record appeared telephonically. By agreement of the parties, it is hereby ordered as follows:

After reviewing Respondents' Resistance to the Motion for Temporary Injunctive Relief, it appears Respondents' interpretation of the Proclamation is more nuanced than was understood by Petitioners.

In that filing, Respondents indicate that the Proclamation only suspends "nonessential" surgical abortions, those that cannot be delayed without undue risk to the health of the patient. Respondents also acknowledge that when determining whether a surgical abortion can be delayed without undue risk it would be appropriate to consider, among other medical factors, whether the timing of the patient's pregnancy would prevent the patient from obtaining a legal abortion after the Proclamation expires.

Upon reviewing the affidavits submitted by the Petitioners, it appears they were under the impression that the Proclamation restricted almost all surgical abortions. It also appears that, in initially planning to comply with the Proclamation, both Planned Parenthood of the Heartland and Emma Goldman Clinic were already intending to determine what procedures, including surgical abortions, could be delayed without undue risk to the health of their patients.

Considering the above, a temporary injunction is not necessary and the Court has been informed that Petitioners voluntarily withdraw their motion for a temporary injunction without prejudice. Petitioners may continue to litigate the constitutional issues raised in their petition with no temporary injunction in place and without waiving any arguments previously made.

IT IS SO ORDERED.

Clerk to notify.



State of Iowa Courts

Type: OTHER ORDER

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So Ordered

A handwritten signature in black ink, appearing to read 'A. B. Chappell', written over a horizontal line.

Andrew Chappell, District Court Judge
Sixth Judicial District of Iowa