

IN THE CIRCUIT COURT OF BOONE COUNTY
THIRTEENTH JUDICIAL CIRCUIT
STATE OF MISSOURI

THE STATE OF MISSOURI ex rel.
ANDREW BAILEY, ATTORNEY GENERAL

Plaintiff,

v.

No. _____

PLANNED PARENTHOOD GREAT
PLAINS,

Defendant,

**STATE OF MISSOURI'S PETITION FOR
DECLARATORY JUDGEMENT AND INJUNCTIVE RELIEF**

The State of Missouri, through Andrew Bailey in his official capacity as Attorney General of Missouri, hereby petitions this Court under section 188.250, RSMo, for injunctive relief against Planned Parenthood Great Plains for violation of the laws of Missouri regarding parental consent for minors traveling for interstate abortions.

I. Introduction.

1. Planned Parenthood Great Plains has a long and troubling history of failing to comply with the law.
2. Perhaps most famously, in 2018, following at least a half-decade of health-code violations, Planned Parenthood's facility in Columbia was shut down after staff admitted to having used moldy abortion equipment on women for months.

3. Also in 2018, Planned Parenthood physicians conceded in open court that, for at least 15 years, the organization failed to comply with state law requiring physicians performing abortions to file reports when women experience medical complications from abortions.
4. In 2020, the Administrative Hearing Commission determined that a physician at Planned Parenthood continued to violate this law, despite contending that she began complying in 2017.
5. The Commission also determined that even though Missouri law at the time required that the same physician who performs an abortion be the one to notify the woman of the risks of abortion, physicians at Planned Parenthood were not doing so.
6. Planned Parenthood's most recent troubling activity was captured on video, where Planned Parenthood staff admitted they traffic minors across state lines to perform abortions on them without parental consent. Worse, they admit doing this "every day, every day, every day."
7. The surreptitiously recorded video revealed that Planned Parenthood removes minors from school using altered doctors' notes, transports them into Kansas for abortions, and then quickly returns them—all to avoid parents finding out.
8. This violates Missouri law, which recognizes that "permitting a child to obtain an abortion without the counsel of" a parent, *Planned Parenthood of Cent. Missouri v. Danforth*, 428 U.S. 52, 72 (1976), would violate fundamental

parental rights that are “deeply rooted in our Nation’s history and tradition,”
Bellotti v. Baird, 443 U.S. 622, 638 (1979).

9. Missouri law prohibits elective abortion, but Missouri law also forbids any person to “intentionally cause, aid, or assist a minor to obtain an abortion without [parental] consent” or informed consent, even if the abortion occurs in another “state or place.” § 188.250, RSMo.
10. Yet that is exactly what video evidence shows Planned Parenthood is doing. Violating the “deeply rooted” right of parents and the laws of Missouri, Planned Parenthood is inducing minors into making life-changing—and life-ending—decisions without parental consent.
11. Missouri law expressly authorizes this Court to enter injunctive relief to block this conduct. The Court should speedily enter an injunction.

II. Parties

12. Plaintiff State of Missouri is a sovereign State of the United States of America.
13. Andrew Bailey is the 44th Attorney General of the State of Missouri. Attorney General Bailey is authorized to “institute, in the name and on the behalf of the state, all civil suits and other proceedings at law or in equity requisite or necessary to protect the rights and interests of the state, and enforce any and all rights, interests or claims against any and all persons, firms or corporations in whatever court or jurisdiction such action may be necessary; and he may also appear and interplead, answer or defend, in any proceeding or tribunal in which the state’s interests are involved.” § 27.060, RSMo.

14. The Attorney General has “concurrent original jurisdiction throughout the state . . . to commence actions for a violation of any provision of this chapter [188].” § 188.075.3, RSMo.

15. The Attorney General also has express authority to bring this action specifically under section 188.250.5, RSMo (“A court may enjoin conduct that would be in violation of this section upon petition by the attorney general . . .”).

16. Attorney General Bailey sues to vindicate Missouri’s sovereign and quasi-sovereign interest in enforcing the laws of Missouri and ensuring the fundamental right of parents not to have their kids trafficked, without their knowledge or consent, across state lines for the purpose of inducing abortion.

17. Planned Parenthood Great Plains (PPGP) is a Missouri Corporation with its registered agent at 4600 Madison, 600 Plz W Bg., Kansas City, MO 64112. It also maintains and operates a business office in Boone County at 711 N Providence Rd, Columbia, MO 65203.¹

III. Jurisdiction and Venue

18. This court has authority, upon petition by the Attorney General, to enjoin conduct interfering with Missouri’s consent laws upon a showing that such conduct:

a. “Is reasonably anticipated to occur in the future”; or

¹ See *PPGP in Missouri*, PLANNED PARENTHOOD, <https://www.plannedparenthood.org/planned-parenthood-great-plains/ppgp-health-centers/ppgp-in-missouri> (last visited Feb. 13, 2024) (“Columbia Location 711 N. Providence Road Columbia, MO 65203”).

b. “Has occurred in the past, whether with the same minor or others, and that it is not unreasonable to expect that such conduct will be repeated.”

§ 188.250.5, RSMo.

19. This Court has jurisdiction under §§ 188.250, 526.010, .030–.050, and 527.010.

20. Venue is proper in this Court under section 508.010.2(1) because Planned Parenthood Great Plains resides in Missouri and may be found in Boone County by virtue of § 506.150.1(3).

IV. History of Legal Violations and Health-and-Safety Violations

21. In Missouri, Planned Parenthood has a long and troubling history of legal violations.

22. Perhaps most notoriously, Planned Parenthood Great Plains’ facility in Columbia was shut down in 2018 after staff admitted to using moldy abortion equipment on women for months.

23. On September 26, 2018, health inspectors conducted an unannounced visit of the Columbia, Missouri, clinic run by PPGP. They found equipment containing a “blackish gray substance” identified as “mold” as well as another substance that the clinic staff identified as “most likely bodily fluid.” Statement of Deficiencies, *Comprehensive Health of Planned Parenthood Great Plains v. Hawley*, No. 2:16-cv-04313, Doc. 141-1, at 6–7 (W.D. Mo. 2018) (Ex. A).

7. During an interview on 09/26/18 at 9:55 AM, Staff C stated that:

- The substance in the single-use suction tubing was most likely bodily fluid;
- Their last procedure had been the previous Friday (09/21/18);
- She did not think they had used the suction machine that day; and
- The blackish gray substance in the secondary reusable series connecting hose was mold.

24. Clinic staff admitted that they had “identified the problem” of mold “a couple of months previously” but that the physician, Colleen McNicholas, had “continued to use the machine on patients after they identified the issue.” *Id.* at 7–8 (emphasis added) (parenthetical omitted).

9. During an interview on 09/26/18 at 2:10 PM, Staff C stated that:

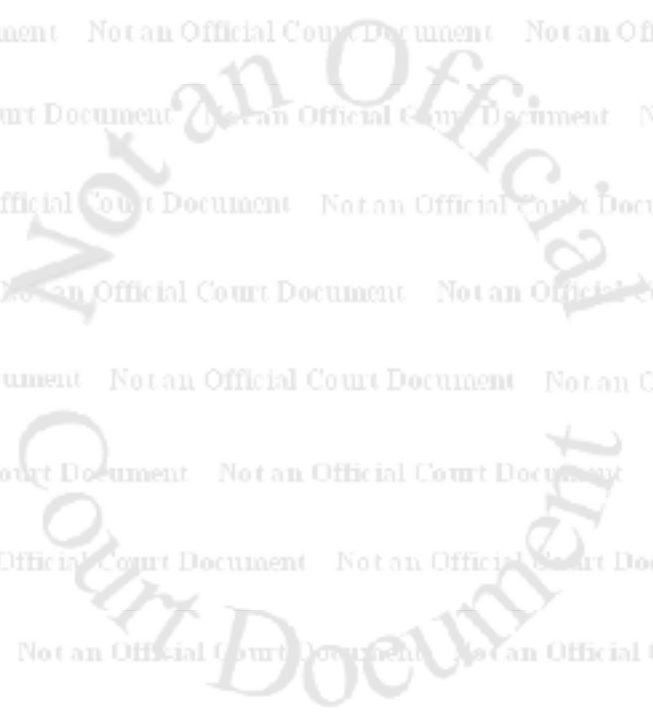
- She identified the problem (blackish gray residue) inside the reusable series connecting hose a couple of months previously (probably July) and began trying to find replacement tubing;
- They continued to use the machine (with the

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- reusable series connecting hose that had blackish gray residue inside) on patients after they identified the issue; and
- She had talked with other people about the issue with the reusable series connecting hose and it was not an infection control issue.

25. At the time, the clinic performed “an average of 14 cases per month,” *id.* at 4, meaning that this moldy equipment had been used on potentially as many as 40 or more women. The health department was forced to shut the clinic down.

26. A picture of the moldy equipment, which was previously filed in federal court, appears below:





27. Despite this violation, Colleen McNicholas was hired just 9 months later to be the “Chief Medical Officer” of Planned Parenthood of the St. Louis Region and Southwest Missouri. “All clinical care provided at Planned Parenthood falls under the oversight of its Chief Medical Officer.” Decision of Administrative Hearing Commission, *Reproductive Health Services v. Department of Health and Senior Services*, No. 19-0879, at 3 (May 29, 2020).
28. It is impossible to know how many women were harmed by this and other health code violations because for years Planned Parenthood failed to file the complication reports it was legally required to file under Missouri law. § 188.052, RSMo (“An individual complication report for any post-abortion care performed upon a woman shall be completed by the physician providing such post-abortion care.”).
29. In open court in 2018, McNicholas admitted under oath that she failed to comply at all with this requirement before 2017. Tr. Prelim. Inj. Hr’g., *Comprehensive Health of Planned Parenthood Great Plains v. Williams*, No. 2:17-cv-04207, Doc. 115, at 267–68 (W.D. Mo. 2018) (Ex. B).
30. Similarly, David Eisenberg, who was then the medical director at Planned Parenthood in St. Louis, admitted in a deposition that—for 15 years—he and other abortionists at Planned Parenthood in Missouri refused to file these reports even though they knew about the state law requiring the reports. They refused because they did not expect the state to enforce the law. Eisenberg Dep., No. 2:16-cv-04313, Doc. 141-4, at 12 (W.D. Mo. 2018) (Ex. C).

31. In 2019, the Administrative Hearing Commission made fact findings revealing continued violations.
32. For example, although McNicholas contended that she began complying with the complication-report requirement in 2017, the Commission concluded that the very next year, 2018, she failed to comply with this requirement. Decision of Administrative Hearing Commission, *supra*, at 79; *see also id.* at 93 (“Planned Parenthood failed to file a complication report for Patient 1 as required by § 188.052.2, 19 CSR 10-15.020, and 19 CSR 30-30.060(3)(H).”).
33. Similarly, at the time the Commission issued its decision, Missouri law required that the physician who meets with the woman before the abortion to discuss the risks of abortions be the same physician to perform the abortion. § 188.027.5, RSMo. This requirement promoted continuity of care and was consistent with standard practice of elective surgeries, where the same physician who is going to perform the elective surgery meets with the patient beforehand to discuss the risks and benefits.
34. Planned Parenthood’s physicians did not follow this requirement.
35. The Commission documented several instances where McNicholas disclosed the risks of abortion to the woman but then instructed a different individual to perform the abortion. Decision of Administrative Hearing Commission, *supra*, ¶¶ 102–03, 168–69. The Commission concluded, for example, that McNicholas disclosed the risks of abortion to one patient, and then, after sedating the

woman, left the room and instructed an individual still in residency to perform the abortion. *Id.* ¶¶ 102–03.

36. In another instance, McNicholas started in the room with the individual receiving the abortion but “did not stay in the room” during the abortion. *Id.*

¶ 169. The woman experienced an incomplete abortion and came back a month later to receive a second surgical abortion. *Id.* ¶ 175.

37. That violated Missouri law, which required that the same physician who performs an abortion to also be the one to disclose the risks of abortions.

§ 188.027.5. McNicholas’ violation amounted to a misdemeanor criminal offense. § 188.075.

V. Factual Allegations of the Most Recent Violation

38. Recently, officers, employees, or agents of PPGP admitted on video to an undercover reporter that PPGP “every day” facilitates minors obtaining abortions without informed consent required by Missouri law. The video is available at <https://www.projectveritas.com/news/planned-parenthood-part-one> and is date-stamped November 11, 2023.

39. The undercover reporter told PPGP’s managing directors, (identified in the video as “Lashauna”), and another of PPGP’s employees, (identified in the video as “Priscilla Jones”), he was seeking an abortion for a thirteen-year-old minor. He wanted to know whether he could obtain an abortion for the 13-year-old without the girl’s parents finding out.

40. PPGP’s employees told the man that elective abortions are illegal in Missouri, but they would help transport the 13-year-old girl across state lines to “our

clinic” in Kansas, and would ensure that the parents would not find out: “And they won’t. They won’t.”

41. The managing director assured the reporter that, even though the girl was only 13, “We never tell the parents anything. She’s an adult in our clinics.” The managing director again later reiterated, “In Planned Parenthood, we consider you an adult.”

42. The reporter asked how to go about transporting the 13-year-old girl to Kansas. The managing director assured the reporter this was not “their first rodeo. They’re going to know exactly how to handle that.”

43. The managing director told the reporter that, because he wanted to avoid the parents finding out, he should “call” Planned Parenthood in Kansas rather than trying to make an appointment online and that he should ask for a “bypass.” When the reporter asked what a “bypass” is, the managing director said it was “just not letting the parents know.”

44. The managing director did not mention a “judicial bypass” in Missouri. Indeed, because elective abortion is illegal in Missouri, there is no procedure in Missouri courts for a judicial bypass.

45. Asked further about logistics, the managing director explained that Planned Parenthood would write a doctor’s note to get the child out of school during the day so the parents would not know. “We can cut off our letterhead so it doesn’t even say where” the minor is going. Then Planned Parenthood would arrange for somebody to pick up the child and transport her to Kansas for the abortion.

- Planned Parenthood could even arrange to pay for the abortion in full or part or pay for lodging or other services to facilitate crossing state lines to obtain an abortion.
46. Asked how closely Planned Parenthood in Missouri works with other Planned Parenthood's to transport minors across state lines for abortions without parental consent, the managing director responded that Planned Parenthood clinics are "all affiliated. We're all one big old clinic pretty much" and money from one Planned Parenthood clinic "goes everywhere."
47. After the reporter asked the managing director how many times they are involved in minors leaving Missouri to obtain an abortion, the managing director said, "Every day. Every day. Every day."
48. After the reporter asked whether the minor could go to one of PPGP's clinics in Missouri for follow up, the managing director said, "Yeah, absolutely. Yeah. She doesn't have to go back there [across state lines] for follow-up. Once she's done with them, she can come back here."
49. At no point in the video did Planned Parenthood staff ever ask whether the minor was emancipated.
50. In a second video with a timestamp about two hours later, an undercover reporter visited a Planned Parenthood clinic in Kansas and spoke with the managing director of that clinic, identified in the video as "Emily."
51. The managing director of the Kansas Planned Parenthood clinic confirmed that people come in from out of state "all the time," including minors.

52. The video is available at <https://www.projectveritas.com/news/planned-parenthood-part-two>, with the part involving the Kansas abortion clinic beginning around the 2-minute mark.

VI. Violation of § 188.250, RSMo

53. All prior allegations are incorporated by reference.

54. Missouri law forbids any person to assist a minor in obtaining an abortion without parental consent, even if the abortion occurs across state lines and is legal in that other State.

55. Under Missouri law, “No person shall intentionally cause, aid, or assist a minor to obtain an abortion without the consent or consents required by section 188.028.” § 188.250.1, RSMo.

56. This section applies even if abortion “is otherwise lawful in the state or place where the abortion was performed or induced,” such as another state. § 188.250.3, RSMo.

57. Section 188.028, in turn, requires (before an abortion on an unemancipated minor) that the abortionist obtain written informed consent from a parent or guardian.

58. Because elective abortion is illegal in Missouri, there is no ability to obtain a “judicial bypass” from Missouri courts to obtain an elective abortion out of state.

59. This Court has authority to enjoin defendants from continuing to facilitate minors obtaining abortions across state lines without parental consent. “A court may enjoin conduct that would be in violation of this section [§ 188.250,

RSMo] upon petition by the attorney general, a prosecuting or circuit attorney, or any person adversely affected or who reasonably may be adversely affected by such conduct, upon a showing that such conduct:

- a. Is reasonably anticipated to occur in the future; or
- b. Has occurred in the past, whether with the same minor or others, and that it is not unreasonable to expect that such conduct will be repeated.”

§ 188.250.5.

60. Employees or agents of the facilities in Kansas referenced in the video have knowingly performed or induced abortions upon unemancipated minors.

61. Employees or agents of Planned Parenthood Great Plains have engaged in the following conduct:

- a. Directed, commissioned, contracted, coordinated or scheduled with persons, including for-profit or non-profit entities to:

- i. Pay, in whole or in part, for, or on behalf of, a minor(s) to obtain an abortion without the consent or consents required by section 188.028.

- ii. Transport, or pay for said transportation, in whole or in part, a minor(s) within, throughout, into, or out of Missouri to obtain an abortion without the consent or consents required by section

188.028.

- iii. Provide lodging or housing, or pay for said lodging or housing, for, or on behalf of, minor(s) to obtain an abortion without the consent or consents required by section 188.028.
- iv. Represent, whether in oral, written, or other communicative form, to schools—including their officers, agents, and/or employees, other educational programs, or persons—that a minor should be excused from their normal educational or extra-curricular duties and responsibilities for medical reasons without disclosing that such representation is made to cause, aid, or assist a minor to obtain an abortion without the consent or consents required by section 188.028; or
- b. Directly performed any of the acts in subparagraph a.

62. Those employees or agents performed such abortions without having secured the informed written consent from a parent.

63. Defendants facilitated, and continue to facilitate “every day,” abortions for minors without obtaining proper parental consent.

VII. Conclusion & Relief Sought

Plaintiff respectfully requests that this Court:

- a. Declare Petitioner has shown Defendant’s conduct:
 - i. Is reasonably anticipated to occur in the future; and/or
 - ii. Has occurred in the past, whether with the same minor or others, and that it is not unreasonable to expect that such conduct will be repeated;

b. Enjoin Defendant and all its officers, staff, employees, and agents from engaging in the following conduct to or on behalf of minors with the intention of causing, aiding, or assisting said minors to obtain an abortion without the consent or consents required by section 188.028:

- i. Transporting minors to obtain an abortion in and outside of Missouri, or paying for such transportation;
- ii. Paying for abortions in whole or in part;
- iii. Lodging or housing minors, or paying for such lodging or housing;
- iv. Creating and sending or issuing doctor's notes or excuses for minors to leave their schools or other educational programs;
- v. Directing, commissioning, contracting, coordinating or scheduling with persons, including for-profit or non-profit entities, to engage in any of the aforementioned conduct, *i.e.*, payment, transportation, lodging or housing, or doctor's notes or excuses for minors to leave their schools or other educational programs;
- vi. Referring minors for abortion.

Dated: February 29, 2024

Respectfully submitted,

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