

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

**ADAMS & BOYLE, P.C., on behalf of itself and
its patients; WESLEY F. ADAMS, JR., M.D., on
behalf of himself and his patients; and MEMPHIS
CENTER FOR REPRODUCTIVE HEALTH, on
behalf of itself and its patients,**

Plaintiffs,

v.

**HERBERT H. SLATERY III, Attorney General of
Tennessee, in his official capacity; JOHN
DREYZEHNER, M.D., Commissioner of the
Tennessee Department of Health, in his official
capacity; and MICHAEL D. ZANOLLI, M.D.,
President of the Tennessee Board of Medical
Examiners, in his official capacity,**

Defendants.

CIVIL ACTION

CASE NO. 3:15-cv-00705

**JUDGE SHARP
MAGISTRATE JUDGE
KNOWLES**

TEMPORARY RESTRAINING ORDER

Having considered the brief, declarations, and other papers on file with the Court, and the arguments in support of Plaintiffs’ Motion for a Temporary Restraining Order and Preliminary Injunction, the Court finds as follows:

Pursuant to Federal Rule of Civil Procedure 65(b), Plaintiffs seek a temporary restraining order to prevent Defendants from enforcing 2015 Tenn. Pub. Acts Chapter 419 (“Public Chapter 419”) (to be codified at Tenn. Code Ann. § 68-11-201), pending disposition of Plaintiffs’ request for a preliminary injunction.

Public Chapter 419 amends the definition of “ambulatory surgical treatment center” (“ASTC”) in Tenn. Code Ann. § 68-11-201(3) to require that “private physicians’ office practices” that perform more than 50 surgical abortion procedures in a calendar year be licensed

as ASTCs. 2015 Tenn. Pub. Acts Chapter 419. This law was enacted on May 8, 2015, giving existing facilities only 54 calendar days to get licensed, but the Tennessee Department of Health (the “Department”) did not make the required application form available to the public until June 16, 2015, leaving existing facilities only 15 calendar days to become licensed.

Plaintiff Adams & Boyle, P.C., operates two abortion clinics in Tennessee: the Bristol Regional Women’s Center in Bristol, Tennessee (the “Bristol Clinic”) and The Women’s Center in Nashville, Tennessee (the “Nashville Clinic”). These clinics have been providing safe abortion care to Tennessee women for decades. Plaintiff Wesley F. Adams, Jr., M.D., a licensed Tennessee physician, performs abortions at both clinics.

The Department will not issue an ASTC license to an existing abortion clinic until that clinic submits a full set of architectural plans for review; makes any building renovations that the reviewer determines are necessary; and passes a site inspection scheduled on 30 to 45 days’ advance notice. It is simply not possible to complete this process in the time available before the law takes effect.

Absent a temporary restraining order, Plaintiffs and their patients will suffer irreparable harm beginning on July 1, 2015, when the Bristol and Nashville Clinics are forced to close and women with appointments at those clinics are turned away.

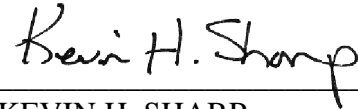
The issuance of a temporary restraining order will not pose a threat to the health or welfare of the public.

IT IS THEREFORE ORDERED that Defendants and their employees, agents, and successors in office, are HEREBY ENJOINED from enforcing Public Chapter 419 (to be codified at Tenn. Code Ann. § 68-11-201), as applied to Plaintiffs Adams & Boyle, PC and Wesley F. Adams, pending a hearing on and disposition of Plaintiffs’ request for a preliminary

injunction set for 9:00am, Thursday, July 9th, 2015.

IT IS FURTHER ORDERED that the movants are not required to post a bond.

Dated: June 26, 2015 at 3:45pm

Handwritten signature of Kevin H. Sharp in black ink.

KEVIN H. SHARP
UNITED STATES DISTRICT JUDGE