

Bonnie Scott Jones
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Law & Policy
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*Application for pro hac vice admission granted

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA
TUCSON DIVISION

TUCSON WOMAN'S CLINIC, et al. X
:
Plaintiffs, :
:
vs. :
:
Catherine Eden., et al. :
:
Defendants. :
X

Civil No. CIV 00-141 TUC RCC

**STIPULATION NOT TO ENFORCE OR IMPLEMENT THE
AMENDED REGULATORY SCHEME**

Plaintiffs and defendant Janet Napolitano, in her capacity as Arizona Attorney General, and defendant Catherine Eden, in her capacity as Director of the Arizona Department of Health Services, (collectively "state defendants") stipulate to the following:

1. In this lawsuit, Plaintiffs challenge Arizona Revised Statutes §§ 36-402, 36-449, 36-449.01, 36-449.02, and 36-449.03 and 36-2301.02, as revised by Arizona House Bill 2706 and Arizona House Bill 2647 to require the licensing and regulation of medical facilities that provide abortions; and Arizona Regulation .

Title 9, Chapter 10, Article 15, as amended (collectively, "the amended regulatory scheme");

2. Pursuant to stipulations between the parties, the amended regulatory scheme has not yet been implemented or enforced;

3. On October 1, 2002, this Court entered final judgment in this case, granting summary judgment to plaintiffs in part and to defendants in part;

4. Plaintiffs plan to appeal this Court's ruling to the extent that it grants judgment to Defendants in part;

5. Plaintiffs and the state defendants have agreed, in the interests of preserving the time and resources of the parties and the Court, that the state defendants shall not implement or enforce the amended regulatory scheme until all appeals in this case have been concluded.

6. Accordingly, plaintiffs and the state defendants stipulate that the state defendants shall not implement or enforce the amended regulatory scheme until at least 45 days after the conclusion of all appeals in this case.

7. Pursuant to this agreement, private abortion clinics of health care providers licensed under Title 32 of the Arizona Code shall not be required to become licensed as health care institutions until such time, if any, as the state defendants begin enforcement of the challenged regulatory scheme.

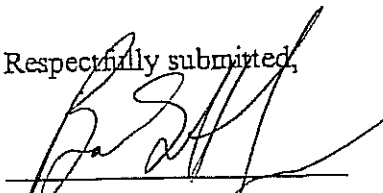
8. For purposes of this stipulation, "the conclusion of all appeals" means the latest of: (1) the expiration of the parties' time to file notices of appeal with the United States Court of Appeals for the Ninth Circuit; (2) if one or more of the parties appeals to the United States Court of Appeals for the Ninth Circuit, the

expiration of the parties' time to file petitions for certiorari to the United States Supreme Court following a final decision by the Ninth Circuit; (3) the denial of all filed petitions for certiorari by the United States Supreme Court; or (4) the granting of all filed petitions for certiorari and disposition of this case by the United States Supreme Court.

9. Plaintiffs and the state defendants respectfully request that the Court issue an order in accordance with this agreement. A proposed form of order is attached hereto.

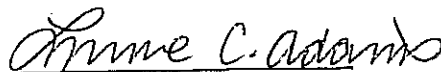
Dated: October 23, 2000.

Respectfully submitted,



Bonnie Scott Jones*
The Center for Reproductive
Law & Policy

Attorneys for Plaintiffs



Lynne C. Adams
Kevin D. Ray
Timothy Miller
Assistant Attorneys General

Attorneys for Defendants
Catherine Eden, Director of ADHS and
Attorney General Janet Napolitano

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA
TUCSON DIVISION

TUCSON WOMAN'S CLINIC, et al.	X	
	:	
Plaintiffs,	:	Civil No. CIV 00-141 TUC RCC
	:	
vs.	:	
	:	
Catherine Eden., et al.	:	
	:	
Defendants.	:	
	X	

Pursuant to a Stipulation of Plaintiffs and Defendants Napolitano and Eden, and good cause appearing therefor,

IT IS HEREBY ORDERED that the Arizona Attorney General and the Arizona Department of Health Services shall not implement or enforce the amended regulatory scheme (Arizona Revised Statutes §§ 36-402, 36-449, 36-449.01, 36-449.02, and 36-449.03 and 36-2301.02, as revised by Arizona House Bill 2706 and Arizona House Bill 2647 to require the licensing and regulation of medical facilities that provide abortions; and Arizona Regulation Title 9, Chapter 10, Article 15, as amended), until 45 days after the conclusion of all appeals in this case. Pursuant to this order, private abortion clinics of health care providers licensed under Title 32 of the Arizona Code shall not be required to become licensed as health care institutions until such time, if any, as the state defendants begin enforcement of the challenged regulatory scheme. For purposes of this order, "the conclusion of all appeals" means the latest of: (1) the expiration of the parties'

the Ninth Circuit, the expiration of the parties' time to file petitions for certiorari to the United States Supreme Court following a final decision by the Ninth Circuit; (3) the denial of all filed petitions for certiorari by the United States Supreme Court; or (4) the granting of all filed petitions for certiorari and disposition of this case by the United States Supreme Court.

DATED this ____ day of _____, 2002

Honorable Raner C. Collins
United States District Judge

Bonnie Scott Jones*
Brigitte Amiri*
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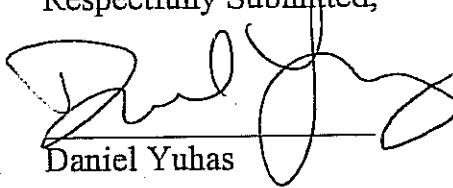
TUCSON WOMAN'S CLINIC, et al.,	X
Plaintiffs,	:
	: Civil No. CV-00-141-TUC-RCC
vs.	:
	: CERTIFICATE OF SERVICE
CATHERINE EDEN, M.D., et al.,	:
Defendants.	:
	X

This 23rd Day of October, 2002, I have caused true and correct copies of
the foregoing Stipulation Not to Enforce or Implement the Amended Regulatory
Scheme to be served by United States Mail, postage paid, upon:

Kevin D. Ray
Lynne C. Adams
Timothy Miller
Office of the Attorney General
1275 West Washington
Phoenix, AZ 85007

Denise M. Burke
Nikolas T. Nikas
Stephen M. Crampton
Brian Fahling
c/o Denise M. Burke
16201 Rough Oak #1032
San Antonio, TX 78232

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Daniel Yuhas", written over a horizontal line. The signature is stylized and cursive.

Daniel Yuhas