

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF LOUISIANA

HOPE MEDICAL GROUP FOR WOMEN, *et al.*,)
)
Plaintiffs,)
v.)
)
JAMES D. CALDWELL, in his official capacity as) Case No. 10-CV-00511-RET-SCR
Attorney General of the State of Louisiana, *et al.*,)
)
Defendants.)

TEMPORARY RESTRAINING ORDER

Upon the motion of Plaintiffs for a temporary restraining order,

IT IS ORDERED that the motion is granted. Defendant Caldwell, Defendant Keck, and Defendants Marier, Mark Henry Dawson, Robert Earl Dawson, Bourgeois, Amusa, Burdine, Kim Edward LeBlanc, and Montgomery (collectively, "Medical Board Defendants") are hereby enjoined from (a) enforcing the following language contained in Senate Bill 528, 2010 Reg. Sess. (La. 2010) (to be codified at LA. REV. STAT. ANN. § 40:1299.35.2(D)(2)(c)): "provided that the pregnant woman shall be informed that R.S. 40:1299.35.2 requires that she be provided with the envelope containing the ultrasound print, but that there is no requirement that she view the print image of her unborn child;" and (b) enforcing the provisions of Senate Bill 528, 2010 Reg. Sess. (La. 2010) (to be codified at LA. REV. STAT. ANN. §§ 40:1299.35.6(B)(4), 1299.35.6(C)(1)(a), 1299.35.6(B)(1)(i)), that require abortion providers to give patients a copy of certain printed materials published by the Louisiana Department of Health and Hospitals ("DHH"), as well as to inform patients about the contents of those printed materials, until such time as DHH completes publication and distribution of those printed materials.

IT IS FURTHER ORDERED that Plaintiffs do not have to give security for this

temporary restraining order because the above-named Defendants will not incur any costs or damages as a result of its entry.

The reasons for entry of this temporary restraining order are as follows:

1. The challenged provisions of Senate Bill 528 are scheduled to take effect on August 15, 2010.

2. Plaintiffs made reasonable attempts to notify counsel for Defendants of their intention to seek preliminary relief.

3. Plaintiffs and their patients will suffer the following irreparable injuries if the challenged provisions of Senate Bill 528 are permitted to take effect on August 15, 2010:

a. Plaintiffs will face an immediate threat of criminal charges and professional discipline if they continue performing abortions.

b. Plaintiffs will face an immediate deprivation of the constitutional right to due process. Plaintiffs' patients will face an immediate deprivation of the constitutional right to privacy in confidential information and the constitutional right to terminate a pregnancy.

c. Plaintiffs would immediately be required to take actions that would result in detriment to their patients' emotional well-being and to the quality of care that Plaintiffs are able to provide their patients.

d. Plaintiffs' patients would immediately be exposed to a substantial risk that the confidential information contained on their ultrasound prints would be discovered by third-parties, including abusive partners and anti-abortion extremists.

4. Plaintiffs have demonstrated a substantial likelihood of success on the merits of

their claims.

5. The balance of equities favors Plaintiffs.
6. The public interest will not be disserved by entry of a temporary restraining order.

This temporary restraining order shall remain in effect for fourteen (14) days or until the Court reaches a decision on Plaintiffs' motion for a preliminary injunction, whichever comes first.

Defendants' response to Plaintiffs' motion for a preliminary injunction shall be filed and served on August 17, 2010.

~~Plaintiffs' reply in further support of their motion for a preliminary injunction shall be filed and served on _____, 2010.~~

The Court shall hold a hearing on Plaintiffs' motion for a preliminary injunction on August 29, 2010, at 9:30 o'clock AM.

Baton Rouge, LA, this 11th day of August, 2010, 4:06 o'clock P.M.


UNITED STATES DISTRICT JUDGE