

**US District Court Electronic Case Filing System
District of Utah (Central)
CIVIL DOCKET FOR CASE #: 2:15-cv-00693-DB**

Planned Parenthood Association of Utah v. Herbert et al
Assigned to: Judge Dee Benson
Case in other court: Tenth, 15-04189
Cause: 42:1983 Civil Rights Act

Date Filed: 09/28/2015
Date Terminated: 05/10/2017
Jury Demand: None
Nature of Suit: 440 Civil Rights: Other
Jurisdiction: Federal Question

Plaintiff

**Planned Parenthood Association of
Utah**
a Utah non-profit corporation

represented by **Peggy A. Tomsic**
MAGLEBY CATAXINOS &
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V.

Defendant

Gary R. Herbert
*in his official capacity as Governor of the
State of Utah*

represented by **Parker Douglas**
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 Email: spurser@agutah.gov
ATTORNEY TO BE NOTICED

Defendant

Joseph K. Miner

*M.D., in his official capacity as the
 Executive Director of the Utah
 Department of Health, a department of
 the government of the State of Utah*

represented by **Parker Douglas**
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Tyler R. Green
 (See above for address)
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Stanford Edward Purser
 (See above for address)
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
09/28/2015	<u>1</u>	Case has been indexed and assigned to Judge Clark Waddoups. Plaintiff Planned Parenthood Association of Utah is directed to E-File the <u>complaint and cover sheet</u> (found under Complaints and Other Initiating Documents) and pay the filing fee of \$ 400.00 by the end of the business day. NOTE: The court will not have jurisdiction until the opening document is electronically filed and the filing fee paid in the CM/ECF system. Civil Summons may be issued electronically. Prepare the summons using the courts <u>PDF version</u> and email it to utdecf_clerk@utd.uscourts.gov for issuance. (eat) (Entered: 09/28/2015)
09/28/2015	<u>2</u>	COMPLAINT <i>for Declaratory and Injunctive Relief</i> against All Defendants (Filing fee \$ 400, receipt number 1088-2349009), filed by Planned Parenthood Association of Utah. Assigned to Judge Clark Waddoups (Tomsic, Peggy) (Entered: 09/28/2015)
09/28/2015	<u>3</u>	MOTION for Temporary Restraining Order and Memorandum in Support , MOTION for Preliminary Injunction and Memorandum in Support filed by Plaintiff Planned Parenthood Association of Utah. (Attachments: # <u>1</u> Exhibit Exhibit A Declaration of K. Galloway, # <u>2</u> Text of Proposed Order)(Tomsic, Peggy) (Entered: 09/28/2015)
09/28/2015	<u>4</u>	**RESTRICTED DOCUMENT** Summons Issued Electronically as to Gary R. Herbert. Instructions to Counsel: 1. Click on the document number. 2. If you are prompted for an ECF login, enter your 'Attorney' login to CM/ECF. 3. Print the issued summons for service. (mms) (Entered: 09/28/2015)
09/28/2015	<u>5</u>	**RESTRICTED DOCUMENT** Summons Issued Electronically as to Joseph K. Miner. Instructions to Counsel: 1. Click on the document number. 2. If you are prompted for an ECF login, enter your 'Attorney' login to CM/ECF. 3. Print the issued summons for service. (mms) (Entered: 09/28/2015)
09/28/2015	<u>6</u>	NOTICE OF HEARING ON MOTION re: <u>3</u> MOTION for Temporary Restraining Order and Memorandum in Support MOTION for Preliminary Injunction and Memorandum in Support : (Notice generated by aw) Motion Hearing set for 9/29/2015 at 10:00 AM in Rm 8.100 before Judge Clark Waddoups. (aw) (Entered: 09/28/2015)

09/28/2015	<u>7</u>	**RESTRICTED DOCUMENT** SUMMONS Returned Executed by Planned Parenthood Association of Utah as to Gary R. Herbert served on 9/28/2015, answer due 10/19/2015. (Tomsic, Peggy) (Entered: 09/28/2015)
09/28/2015	<u>8</u>	**RESTRICTED DOCUMENT** SUMMONS Returned Executed by Planned Parenthood Association of Utah as to Joseph K. Miner served on 9/28/2015, answer due 10/19/2015. (Tomsic, Peggy) (Entered: 09/28/2015)
09/28/2015	<u>9</u>	NOTICE of Appearance by Parker Douglas on behalf of All Defendants (Douglas, Parker) (Entered: 09/28/2015)
09/28/2015	<u>10</u>	NOTICE of Appearance by Tyler R. Green on behalf of All Defendants (Green, Tyler) (Entered: 09/28/2015)
09/28/2015	<u>11</u>	NOTICE of Appearance by Stanford Edward Purser on behalf of All Defendants (Purser, Stanford) (Entered: 09/28/2015)
09/29/2015	<u>12</u>	TEMPORARY RESTRAINING ORDER– Motions terminated: <u>3</u> MOTION for Temporary Restraining Order and Memorandum in Support MOTION for Preliminary Injunction and Memorandum in Support filed by Planned Parenthood Association of Utah., (Evidentiary Hearing set for 10/15/2015 at 09:30 AM in Rm 8.100 before Judge Clark Waddoups.) See Order for additional details. Signed by Judge Clark Waddoups on 9/29/15. (jmr) (Entered: 09/29/2015)
09/29/2015	15	Minute Entry for proceedings held before Judge Clark Waddoups: Motion Hearing held on 9/29/2015 re <u>3</u> MOTION for Temporary Restraining Order and Memorandum in Support MOTION for Preliminary Injunction and Memorandum in Support filed by Planned Parenthood Association of Utah. Counsel for the parties present. Oral argument heard in the motion. The court GRANTS <u>3</u> MOTION for Temporary Restraining Order for the reasons stated on the record. The court sets the schedule for briefing on the Motion for Preliminary Injunction. Defendants' response is due on or before 10/9/2015. Plaintiff's reply is due on or before 10/13/2015. Evidentiary hearing on MOTION for Preliminary Injunction is set for 10/15/2015 at 9:30 AM. The Injunction shall remain in full effect until the date of the hearing. Court will prepare order. Attorney for Plaintiff: Christine Greenwood, Jennifer Parrish, Peggy Tomsic, Attorney for Defendant: Tyler Green, Stanford Purser. Court Reporter: Karen Murakami.(aw) (Entered: 10/06/2015)
10/01/2015	<u>13</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Transcript of Motion for Temporary Restraining Order held on September 29, 2015 before Judge Karen Murakami, CSR, RPR. Court Reporter/Transcriber Karen Murakami, CSR, RPR, Telephone number 801-328-4800. NOTICE RE REDACTION OF TRANSCRIPTS: Within 7 business days of this filing, each party shall inform the Court, by filing a Notice of Intent to Redact, of the parties intent to redact <u>personal data identifiers</u> from the electronic transcript of the court proceeding. To redact additional information a Motion to Redact must be filed. The policy and forms are located on the court's website at www.utd.uscourts.gov. Please read this policy carefully. If no Notice of Intent to Redact is filed within the allotted time, this transcript will be made electronically available on the date set forth below. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 10/22/2015. Redacted Transcript Deadline set for 11/2/2015. Release of Transcript Restriction set for 12/30/2015. (jmr) Modified on 12/30/2015 by removing restricted text (las). (Entered: 10/01/2015)
10/07/2015	16	NOTICE OF EVIDENTIARY HEARING ON MOTION re: <u>3</u> MOTION for Preliminary Injunction and Memorandum in Support : (Notice generated by aw) Motion Hearing set for 10/15/2015 at 09:30 AM in Rm 8.100 before Judge Clark Waddoups. (aw) (Entered: 10/07/2015)
10/09/2015	<u>17</u>	**RESTRICTED DOCUMENT** RETURN OF SERVICE Executed of <i>Subpoena to Appear and Testify at Hearing in a Civil Action</i> served on Jacey Skinner on 10/08/2015, filed by Plaintiff Planned Parenthood Association of Utah. (Tomsic,

		Peggy) (Entered: 10/09/2015)
10/09/2015	<u>18</u>	Defendant's MOTION for Leave to File over-length memorandum in opposition to Plaintiff's motion for a preliminary injunction and Memorandum in Support filed by Defendants Gary R. Herbert, Joseph K. Miner. (Attachments: # <u>1</u> Text of Proposed Order)(Purser, Stanford) (Entered: 10/09/2015)
10/09/2015	<u>19</u>	Defendant's MEMORANDUM in Opposition re <u>3</u> MOTION for Temporary Restraining Order and Memorandum in Support MOTION for Preliminary Injunction and Memorandum in Support filed by Defendants Gary R. Herbert, Joseph K. Miner. (Attachments: # <u>1</u> Affidavit Shari Watkins, # <u>2</u> Affidavit Austin Cox)(Green, Tyler) (Entered: 10/09/2015)
10/13/2015	<u>20</u>	ORDER granting <u>18</u> Motion for Leave to File over-length memorandum in opposition to Plaintiff's motion for a preliminary injunction. Signed by Judge Clark Waddoups on 10/9/15. (jmr) (Entered: 10/13/2015)
10/13/2015	<u>21</u>	Ex Parte (Not Sealed) MOTION for Leave to File Excess Pages and Memorandum in Support filed by Plaintiff Planned Parenthood Association of Utah. (Attachments: # <u>1</u> Text of Proposed Order)(Tomsic, Peggy) (Entered: 10/13/2015)
10/13/2015	<u>22</u>	REPLY to Response to Motion re <u>3</u> MOTION for Temporary Restraining Order and Memorandum in Support MOTION for Preliminary Injunction and Memorandum in Support filed by Plaintiff Planned Parenthood Association of Utah. (Attachments: # <u>1</u> Exhibit B – Declaration of Brandon J. Mark, # <u>2</u> Exhibit C – Declaration of Jennifer Fraser Parrish, # <u>3</u> Text of Proposed Order Granting Preliminary Injunction Order)(Tomsic, Peggy) (Entered: 10/13/2015)
10/14/2015	<u>23</u>	ORDER granting Ex Parte <u>21</u> Motion for Leave to File Excess Pages. Signed by Judge Clark Waddoups on 10/13/15. (jmr) (Entered: 10/14/2015)
10/15/2015	<u>24</u>	Minute Entry for proceedings held before Judge Clark Waddoups: Motion Hearing held on 10/15/2015 re <u>3</u> MOTION for Preliminary Injunction and Memorandum in Support filed by Planned Parenthood Association of Utah. Counsel for the parties present. Oral argument heard on the motion. The court takes <u>3</u> MOTION for Preliminary Injunction UNDER SUBMISSION for the reasons stated on the record. The Temporary Restraining Order shall remain in effect until such time as the court submits its decision. Attorney for Plaintiff: Peggy Tomsic, Jennifer Parrish, Attorney for Defendant: Tyler Green, Stanford Purser, Spencer Austin, Jacee Skinner. Court Reporter: Karen Murakami.(aw) (Entered: 10/16/2015)
10/20/2015	<u>25</u>	MOTION for Extension of Time to File Answer re <u>2</u> Complaint and Memorandum in Support filed by Defendants Gary R. Herbert, Joseph K. Miner. (Attachments: # <u>1</u> Text of Proposed Order)(Green, Tyler) (Entered: 10/20/2015)
10/22/2015	<u>26</u>	ORDER granting <u>25</u> Motion for Extension of Time to Answer <u>2</u> Complaint. Signed by Judge Clark Waddoups on 10/22/2015. (blh) (Entered: 10/22/2015)
10/23/2015	<u>27</u>	NOTICE OF FILING OF OFFICIAL TRANSCRIPT of Motion for Preliminary Injunction held on 10/15/2015 before Judge Clark Waddoups. Court Reporter/Transcriber Karen Murakami, CSR, RPR, Telephone number 801-328-4800. NOTICE RE REDACTION OF TRANSCRIPTS: Within 7 business days of this filing, each party shall inform the Court, by filing a Notice of Intent to Redact, of the parties intent to redact <u>personal data identifiers</u> from the electronic transcript of the court proceeding. To redact additional information a Motion to Redact must be filed. The policy and forms are located on the court's website at www.utd.uscourts.gov. Please read this policy carefully. If no Notice of Intent to Redact is filed within the allotted time, this transcript will be made electronically available on the date set forth below. Transcript may be viewed at the court public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through PACER. Redaction Request due 11/13/2015. Redacted Transcript Deadline set for 11/23/2015. Release of Transcript Restriction set for 1/21/2016. (jwt) Modified on 1/21/2016 by removing restricted text (las). (Entered: 10/23/2015)

		10/23/2015)
12/14/2015	<u>29</u>	NOTICE of Change of Firm Name and Email Addresses by Planned Parenthood Association of Utah (Parrish, Jennifer) (Entered: 12/14/2015)
12/22/2015	<u>30</u>	MEMORANDUM DECISION and Order Denying Preliminary Injunction—denying <u>3</u> Motion for Preliminary Injunction and VACATES the courts temporary restraining order <u>12</u> . See Order for further details. Signed by Judge Clark Waddoups on 12/22/15. (jmr) (Entered: 12/22/2015)
12/27/2015	<u>31</u>	NOTICE OF INTERLOCUTORY APPEAL as to <u>30</u> Order on Motion for Preliminary Injunction, Memorandum Decision,, filed by Planned Parenthood Association of Utah. Appeals to the USCA for the 10th Circuit. Filing fee \$ 505, receipt number 1088–2405617. (Tomsic, Peggy) (Entered: 12/27/2015)
12/28/2015	<u>32</u>	Transmission of Preliminary Record to USCA re <u>31</u> Notice of Appeal – Interlocutory. (Attachments: # <u>1</u> Appendix)(jmr) (Entered: 12/28/2015)
12/28/2015	<u>33</u>	USCA Case Number Case Appealed to Tenth Case Number 15–4189 for <u>31</u> Notice of Appeal – Interlocutory, filed by Planned Parenthood Association of Utah. (jmr) (Entered: 12/28/2015)
12/28/2015	<u>34</u>	ORDER of USCA Tenth Circuit as to <u>31</u> Notice of Appeal – Interlocutory, filed by Planned Parenthood Association of Utah. Response to Appellant's motion for stay due on 12/29/2015, no later than 3:00 p.m. MST to the Tenth Circuit, for Gary R Herbert and Joseph K. Miner. (jmr) (Entered: 12/28/2015)
12/31/2015	<u>35</u>	ORDER of USCA Tenth Circuit as to <u>31</u> Notice of Appeal – Interlocutory, filed by Planned Parenthood Association of Utah. The appeal will be expedited, and the parties will be advised of the briefing schedule by separate order. (jmr) (Entered: 12/31/2015)
01/08/2016	<u>36</u>	NOTICE of Transcript Order Form by Planned Parenthood Association of Utah (Parrish, Jennifer) (Entered: 01/08/2016)
08/08/2016	<u>37</u>	MANDATE of USCA as to <u>31</u> Notice of Appeal – Interlocutory, filed by Planned Parenthood Association of Utah. According to the USCA the judgment of the USDC for the Dist of UT is Reversed and Remanded. Judgment included with mandate: Yes. (Attachments: # <u>1</u> Judgment, # <u>2</u> Mandate Letter)(jmr) (Entered: 08/08/2016)
08/17/2016	<u>38</u>	ORDER OF RECUSAL – Judge Clark Waddoups recused. Case reassigned to Judge Dee Benson for all further proceedings. Signed by Judge Clark Waddoups on 8/17/16. (jmr) (Entered: 08/17/2016)
08/24/2016	<u>39</u>	NOTICE OF HEARING: (Notice generated by CHAMBERS) Status Conference set for 8/30/2016 at 02:30 PM in Rm 8.300 before Judge Dee Benson. (reb) (Entered: 08/24/2016)
08/29/2016		Deadlines/Hearings terminated. The Status Conference set for 8/30/2016 at 2:30 p.m. has been cancelled. (reb) (Entered: 08/29/2016)
08/31/2016	<u>40</u>	STIPULATION to Plaintiff's proposed order granting preliminary injunction by Gary R. Herbert, Joseph K. Miner. (Green, Tyler) (Entered: 08/31/2016)
09/06/2016	<u>41</u>	PRELIMINARY INJUNCTION ORDER. Signed by Judge Dee Benson on 9/4/2016. (blh) (Entered: 09/07/2016)
10/28/2016	<u>42</u>	SUPPLEMENT TO MANDATE of USCA as to <u>31</u> Notice of Appeal – Interlocutory, filed by Planned Parenthood Association of Utah. According to the USCA Chief Judge Tymkovich, as well as Judges Hartz, Gorsuch, and Holmes voted to grant en banc rehearing. Judge Briscoe has written separately in concurrence to the denial of en banc rehearing, as has Judge Bacharach. Judge Gorsuch has written separately in dissent. Judges Tymkovich, Hartz and Holmes join in that dissent. A copy of this order shall stand as a supplement to the mandate issued on August 8, 2016. (Attachments: # <u>1</u> Supplemental Mandate Letter)(jmr) (Entered: 10/28/2016)
02/09/2017	<u>43</u>	Defendant's MOTION for Extension of Time to File Answer and Memorandum in Support filed by Defendants Gary R. Herbert, Joseph K. Miner. (Attachments: # <u>1</u> Text of Proposed Order)(Green, Tyler) (Entered: 02/09/2017)

02/10/2017	<u>44</u>	ORDER granting <u>43</u> Motion for Extension of Time to Answer <u>2</u> Complaint. Answer deadline updated for Gary R. Herbert, Joseph K. Miner. Answers due 3/18/2017. Signed by Judge Dee Benson on 2/9/2017. (blh) (Entered: 02/10/2017)
03/15/2017	<u>45</u>	MOTION for Extension of Time to File Answer and Memorandum in Support filed by Defendants Gary R. Herbert, Joseph K. Miner. (Attachments: # <u>1</u> Text of Proposed Order)(Green, Tyler) (Entered: 03/15/2017)
03/15/2017	<u>46</u>	ORDER granting <u>45</u> Motion for Extension of Time to Answer <u>2</u> Complaint. Answer deadline updated for Gary R. Herbert, Joseph K. Miner. Answers due 4/17/2017. Signed by Judge Dee Benson on 3/15/2017. (blh) (Entered: 03/15/2017)
03/16/2017	<u>47</u>	NOTICE OF FILING of Friend of Court brief submitted by Jonathan L. Peterson (blh) (Entered: 03/23/2017)
04/14/2017	<u>48</u>	MOTION for Extension of Time to File Answer and Memorandum in Support filed by Defendants Gary R. Herbert, Joseph K. Miner. (Attachments: # <u>1</u> Text of Proposed Order)(Green, Tyler) (Entered: 04/14/2017)
04/18/2017	<u>49</u>	ORDER granting <u>48</u> Motion for Extension of Time to Answer <u>2</u> Complaint. Answer deadline updated for Gary R. Herbert, Joseph K. Miner. Answers due 5/1/2017. Signed by Judge Dee Benson on 4/17/2017. (blh) (Entered: 04/18/2017)
04/28/2017	<u>50</u>	STIPULATION of the Parties to the Proposed Permanent Injunction Order by Planned Parenthood Association of Utah. (Attachments: # <u>1</u> Text of Proposed Order Exhibit 1 Proposed Permanent Injunction)(Parrish, Jennifer) (Entered: 04/28/2017)
05/08/2017	<u>51</u>	PERMANENT INJUNCTION Order. Signed by Judge Dee Benson on 5/5/2017. (blh) (Entered: 05/08/2017)
05/09/2017	<u>52</u>	STIPULATION of Dismissal of Action with Prejudice by Planned Parenthood Association of Utah. (Attachments: # <u>1</u> Text of Proposed Order)(Parrish, Jennifer) (Entered: 05/09/2017)
05/10/2017	<u>53</u>	ORDER DISMISSING CASE with prejudice. The Permanent Injunction Order entered by this Court on May 8, 2017, shall remain in place, notwithstanding this dismissal. Case closed. Signed by Judge Dee Benson on 5/9/2017. (blh) (Entered: 05/10/2017)