

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION**

WHOLE WOMAN’S HEALTH ALLIANCE;)	
ALL-OPTIONS, INC.; and JEFFREY)	CASE NO. 1:18-cv-1904-SEB-MJD
GLAZER, M.D.)	
)	CIVIL ACTION
Plaintiffs,)	
)	
v.)	
)	
TODD ROKITA, Attorney General of the)	
State of Indiana, in his official capacity;)	
KRISTINA BOX, M.D., Commissioner of the)	
Indiana State Department of Health, in her)	
official capacity; JOHN STROBEL, M.D.,)	
President of the Medical Licensing Board of)	
Indiana, in his official capacity; and)	
KENNETH P. COTTER, St. Joseph County)	
Prosecutor, in his official capacity,)	
)	
Defendants.)	

JOINT STIPULATION

All parties, by counsel, hereby jointly submit the following stipulation concerning the immediate effect of the Supreme Court’s decision in *Dobbs v. Jackson Women’s Health Organization*, 597 U.S. ____, No. 19-1392 (U.S. June 24, 2022).

1. On August 10, 2021, this Court permanently enjoined the State from enforcing “410 Ind. Admin. Code § 26-17-2(d)(1)(A), (4), (e)(5) requiring clinics providing aspiration abortions to maintain 120-square-foot procedure rooms, scrub facilities, and 44-inch corridors” and “410 Ind. Admin. Code § 26.5-17-2(e)(1) requiring medication abortion clinics to maintain housekeeping rooms with storage sinks.” ECF No. 426, Permanent Injunction. And on August 19, 2022, it entered final judgment on all issues except Whole Woman’s Health Alliance’s claims against Indiana’s licensing law, Ind. Code §§ 16-18-2-1.5, 16-21-2-2(4), 16-21-2-2.5, 16-21-2-10, 16-21-2-11, 16-21-2-14; 410 Ind. Admin. Code §§ 26-0.5-1 to 26-19-1, 26.5-1-1 to 26.5-20-1.

ECF No. 436, Amended Partial Final Judgment Pursuant to Fed. R. Civ. Pro. 58 and 54(b), Nunc Pro Tunc to August 10, 2021.

2. On February 21, 2022, the parties filed notified the Court that the Department of Health had granted Whole Woman’s Health Alliance a license to perform medication abortions at its South Bend clinic. ECF No. 461, Joint Notice, Stipulation, and Motion to Vacate Preliminary Injunction. Accordingly, on February 25, this Court vacated the preliminary injunction against the medication licensing requirement. ECF No. 462, Order.

3. Then, on April 22, 2022, the Indiana Department of Health issued a provisional surgical abortion license to Whole Woman’s Health Alliance for its South Bend clinic. The Department informed Whole Woman’s Health Alliance that it would need to perform at least 3 surgical abortions at its South Bend clinic and then pass an inspection to receive its permanent surgical abortion license for that clinic. However, Whole Woman’s Health Alliance has not provided any surgical abortions at the South Bend clinic, owing to staffing shortages.

4. On June 17, 2022, Whole Woman’s Health Alliance notified the Department that it did not wish to begin providing surgical abortions until after the Supreme Court’s decision in *Dobbs v. Jackson Women’s Health Organization*. On that same day, it voluntarily relinquished its provisional surgical license.

5. Another entity with a potential stake in the Court’s judgment, though it is not a party to the case, is Planned Parenthood Great Northwest, Hawai’i, Alaska, Indiana, Kentucky, Inc. (“PPGNHAIK”), which operates a health center in Evansville that could conceivably apply for a medication-abortion clinic license given the Court’s injunction against 410 Ind. Admin. Code § 26.5-17-2(e)(1). Notwithstanding the Court’s injunction against enforcement of 410 Ind. Admin.

Code § 26.5-17-2(e)(1), however, PPGNHAIK has not sought a license to perform medication abortions at its Evansville facility.

6. On June 24, 2022, the Supreme Court issued a decision in *Dobbs*. The Court held that “the Constitution does not confer a right to abortion”; “*Roe* and *Casey* must be overruled”; and “authority to regulate abortion” now lies with “the people and their elected representatives.” Slip op. at 69 in *Dobbs v. Jackson Women’s Health Organization*, 597 U.S. ___, No. 19-1392 (U.S. June 24, 2022). As a constitutional matter, the Supreme Court explained, States are free to “regulat[e] or prohibit[] abortion” so long as “there is a rational basis on which the legislature could have thought that [the regulation] would serve legitimate state interests.” *Id.* at 77, 79.

7. The parties need time to evaluate the full implications of the *Dobbs* decision for this case. In the meantime, they have agreed to this stipulation.

8. Whole Woman’s Health Alliance stipulates that it will not seek a surgical abortion license for, or provide surgical abortions at, its South Bend clinic until at least 45 days from the date of this stipulation.

9. Undersigned counsel for Whole Woman’s Health Alliance, who also represent PPGNHAIK in several matters, has been authorized to represent that PPGNHAIK stipulates that it will not seek a medication abortion license for, or begin providing medication abortions at, its Evansville health center until at least 45 days from the date of this stipulation.

Respectfully submitted,

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