



**THIRD JUDICIAL DISTRICT COURT FOR
SALT LAKE COUNTY, UTAH**

<p>PLANNED PARENTHOOD ASSOCIATION OF UTAH, on behalf of itself and its patients, physicians, and staff, <i>Plaintiff,</i></p> <p>v.</p> <p>STATE OF UTAH, <i>et al.</i>, <i>Defendants.</i></p>	<p>ORDER GRANTING PLAINTIFF'S MOTION FOR A TEMPORARY RESTRAINING ORDER</p> <p>Case No. 220903886 Judge Andrew Stone</p>
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This matter came before the Court on Plaintiff Planned Parenthood Association of Utah’s (“PPAU’s”) Motion for a Temporary Restraining Order. The Motion seeks relief under Rule 65A of the Utah Rules of Civil Procedure against Defendants the State of Utah; Sean D. Reyes, in his official capacity as the Attorney General of the State of Utah; Spencer Cox, in his official capacity as the Governor of Utah; and Mark B. Steinagel, in his official capacity as the Director of the Utah Division of Occupational and Professional Licensing (collectively, “Defendants”). Having considered the Motion and Declaration, and for good cause shown, the Court hereby GRANTS the Motion as follows:

Findings and Conclusions

The Court finds:

1. PPAU has provided notice to Defendants of the Motion and all related papers by means reasonably calculated to provide notice, including by email to known counsel for Defendants.

2. A hearing was held on June 27, 2023² at 3:00 p.m. Attorneys for the Plaintiff and the State of Utah appeared.

3. On June 24, 2022, Senate Bill 174, 2020 Leg., Gen Sess. (Utah 2020) (codified at Utah Code Ann. tit. 76, ch. 7A) (the “Act”) went into effect after the legislative general counsel, via e-mail, concluded that “a court of binding authority had held that a state may prohibit the abortion of [a fetus] at any time during the gestational period, subject to exceptions enumerated” in the Act. *See* 2020 Utah Laws Ch. 279, § 4(2); *see also Dobbs v. Jackson Women’s Health Org.*, No. 19-1392, slip op. (U.S. June 24, 2022).

4. The Court finds that, absent a Temporary Restraining Order, plaintiffs and women needing abortion services will be irreparably harmed. Specifically, Plaintiff’s personnel will risk felony prosecution. Women in Utah will lack safe local abortion services.

5. The balance of harms weighs in favor of plaintiffs. The threatened harm to plaintiffs outweighs the policy interests of the State in prohibiting virtually all abortions.

6. The restraining order is not against the public interest. The public interest favors deferring the effect of the Act pending further consideration of Plaintiff’s claims under the Utah Constitution.

7. On the merits, Plaintiffs have raised serious constitutional issues, which are fair grounds for litigation.

8. A temporary restraining order should issue.

Temporary Restraining Order

Based on the foregoing, PPAU's Motion for Temporary Restraining Order is GRANTED. The Court hereby ENJOINS AND RESTRAINS Defendants and their officers, employees, servants, agents, appointees, or successors from administering and enforcing the Act with respect to any abortion provided while this Order is in effect. The Court also hereby ORDERS Defendant State of Utah to provide a copy of this Temporary Restraining Order to all county and local prosecutors.

This Temporary Restraining Order is effective immediately upon entry and shall remain in effect until fourteen days from the date of entry, unless earlier extended or dissolved by the Court.

IT IS FURTHER ORDERED that the security requirement of Utah Rule of Civil Procedure 65A is waived, and that this injunctive relief is effective upon service.

Preliminary Injunction Hearing

A hearing is set to determine whether to convert this Temporary Restraining Order to a Preliminary Injunction for July 11, 2022, at 1:00 p.m. Absent further order of this Court, this Temporary Restraining Order expires at the conclusion of that hearing, 14 days after its issuance.

End of Order

Entered as of the date and time indicated on the first page above.

In accordance with Utah R. Civ. P. 10(e) and Utah State District Courts Efiling Standard No. 4, this Order does not bear the handwritten signature of the Court, but instead displays an electronic signature at the top of the first page of this Order.

CERTIFICATE OF SERVICE

I hereby certify that on June 27, 2022, I electronically filed and served the foregoing:

David N. Wolf

Lance F. Sorenson

OFFICE OF THE UTAH ATTORNEY GENERAL

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/s/ Troy L. Booher

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