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Frederick J. Harrison
Wyo. Bar No. 5-1586
FREDERICK J. HARRISON, P.C.
1813 Carey Avenue
Cheyenne, Wyoming 82001
(307) 324-6639

Timothy A. Garrison*
Mo. Bar No. 51033
ALLIANCE DEFENDING FREEDOM
440 First Street NW, Suite 600
Washington, DC 20001
(800) 835-5233

**Admitted pro hac vice*

IN THE SUPREME COURT, STATE OF WYOMING

RACHEL RODRIGUEZ-WILLIAMS,
House District Representative; CHIP
NEIMAN, House District
Representative; and RIGHT TO LIFE
OF WYOMING, INC.,

Appellants
(Proposed Intervenors),

v.

DANIELLE JOHNSON; KATHLEEN
DOW; GIOVANNINA ANTHONY,
M.D.; RENE R. HINKLE, M.D.,
CHELSEA'S FUND; and CIRCLE OF
HOPE HEALTHCARE d/b/a
Wellspring Health Access,

S-23-0196

Appellees
(Plaintiffs),

and

STATE OF WYOMING; MARK
GORDON, Governor of Wyoming;
BRIDGET HILL, Attorney General for
the State of Wyoming; MATTHEW
CARR, Sheriff Teton County; and
MICHELE WEBER, Chief of Police,
Town of Jackson, Wyoming,

Appellees
(Defendants).

**REPLY BRIEF OF APPELLANTS (PROPOSED INTERVENORS)
RACHEL RODRIGUEZ-WILLIAMS, CHIP NEIMAN, AND RIGHT TO
LIFE OF WYOMING, INC.**

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I. STATEMENT OF NEW ARGUMENTS RAISED IN APPELLEES' BRIEFS

The brief of Appellee-Defendants (“Defendants”) does not address the Appellants’ arguments for intervention. Rather—underscoring Appellants’ assertion that Defendants do not adequately represent Appellants’ interests and are unwilling to provide evidence supporting the laws in question—Defendants reprise their unsuccessful arguments that there should not be any evidentiary hearing or trial that might produce the full factual record the district court and this Court have requested. Defs.’ Br. 2–3, 9–10.

The brief of Appellee-Plaintiffs (“Plaintiffs”) raises the following novel issues and arguments:

- A. Appellants’ interests are not “legally protectable” because Appellants do not have a statutory right of intervention, Pls.’ Br. 11, 15;
- B. Cases cited in support of intervention as of right are distinguishable because Appellants do not share the same type of interests, *id.* at 13, 19;
- C. Appellants’ interests cannot be impaired by this action because they can engage in the same advocacy efforts as they could before, Pls.’ Br. 18–19;
- D. Appellants are responsible for delay because they did not move to stay proceedings pending appeal, *id.* at 2, 30;
- E. Granting intervention will permit Appellants to interject “political advocacy into this legal proceeding,” *id.* at 2, 9, 13, 15, 31–32;
- F. Appellants can vindicate their interests by filing an amicus brief, *id.* at 30–31; and
- G. The statutory authority of parents to make healthcare decisions for their children supports a right to abortion, *id.* at 27 n.6.

To these new arguments Appellants respectfully offer the following replies.

II. APPELLANTS' REPLIES

A. Appellants' right to intervene is not dependent upon express statutory authority.

Plaintiffs assert that Appellants omit the “legally protectable interest” analysis in *Coalition of Arizona/New Mexico Counties for Stable Economic Growth v. Department of the Interior*, 100 F.3d 837 (10th Cir. 1996) and *Berger v. North Carolina State Conference of the NAACP*, 142 S. Ct. 2191 (2022). They say intervenors in those cases obtained intervention based on statutory rights. Pls.’ Br. 11, 15. But if that were true, the Tenth Circuit and U.S. Supreme Court would have quickly granted intervention based on Rule 24(a)(1), which requires intervention where authorized by statute. That did not occur. Both opinions bypass Rule 24(a)(1)’s shortcut to intervention, conducting an extensive Rule 24(a)(2) analysis instead that focuses on the facts supporting intervenors’ interests. The Court should conduct a similar analysis here based on Appellants’ “fact-specific” case for intervention, which demands no showing of statutory rights. *Coalition*, 100 F.3d at 841 (citation omitted).

Plaintiffs’ reading of *Coalition* and *Berger* is flawed. In *Coalition*, the Tenth Circuit acknowledged that the amateur biologist had a prior litigation interest in the case grounded on his right to sue the Secretary of the Interior under the Environmental Protection Act. *Id.* at 841. But the interest that gave rise to the amateur biologist’s right of intervention was his *advocacy* for the subject of the litigation—the listing of an endangered owl. As the Tenth Circuit said, “[W]e hold that Dr. Silver’s involvement with the Owl in the wild and *his persistent record of advocacy for its protection amounts to a direct and substantial interest in the listing of the Owl for the purpose of intervention as of right.*” *Id.* at 841 (emphasis added). Rule 24(a)(1) does not appear in *Coalition*, but Rule 24(a)(2) is cited twenty times.

The legislators in *Berger* had a statutory right of intervention. But if that fact were dispositive, the Supreme Court could have resolved the case in one sentence. There would have been no need to discuss *Berger*'s facts, which—as here—involved an attorney general's failure to vigorously oppose the plaintiff's evidentiary presentations to the trial court. *Berger*, 142 S. Ct. at 2199. Yet the Supreme Court discussed those facts in detail. For instance, the *Berger* plaintiffs offered numerous expert reports to bolster their complaint that a North Carolina election law was unconstitutional, while the attorney general offered almost nothing to compete with the plaintiffs' evidence. *Id.* By contrast, the legislators in *Berger* were prepared to offer several expert reports and other evidence. *Id.* And that mattered to the Supreme Court's decision that intervention was proper: "Recall just some of the facts of this case. . . . When confronted with a motion for a preliminary injunction, [State Defendant] declined to offer expert-witness affidavits in support of S. B. 824, even though its opponent offered many and the legislative leaders sought to supplement the record with their own." *Id.* at 2205. What's more, here, legislators seek intervention not only as legislators seeking to bolster the attorney general's inadequate defense, but also as advocates seeking to protect women and unborn children from abortion—like Dr. Silver who sought protection for the owl in *Coalition*.

Plaintiffs claim that Sixth Circuit precedent supports their statutory-right argument. Pls.' Br. 9. But referring to *Northland Family Planning Clinic, Inc. v. Cox*, 487 F.3d 323, 344 (6th Cir. 2007) they omit that case's consideration of the Sixth Circuit's earlier—and more analogous—decision in *Michigan State AFL-CIO v. Miller*, 103 F.3d 1240 (6th Cir. 1997). There, the Sixth Circuit aligned with the Ninth Circuit that "public interest group[s] that [are] involved in the process leading to adoption of legislation [have] a cognizable interest in

defending that legislation.” *Id.* at 1245. Like the intervenor in *Miller*, Appellants were “vital participant[s] in the political process that resulted in legislative adoption” of the laws in question, are “repeat player[s] in” legal efforts to protect unborn life, and as “significant part[ies] which [are] adverse to” plaintiffs “in the political process,” and whose ability to shepherd and see valid and effective pro-life laws passed in Wyoming is at stake. *Id.* at 1247.

Miller follows the widely acknowledged rule that FED. R. CIV. P. 24 and its state analogs must be construed liberally in favor of intervention. *See, e.g., Coalition*, 100 F.3d at 841 (“the ‘interest’ test is primarily a practical guide to disposing of lawsuits by involving as many apparently concerned persons as is compatible with efficiency and due process”); *Nat’l Farm Lines v. Interstate Commerce Comm’n*, 564 F.2d 381, 384 (10th Cir. 1977) (“Our court has tended to follow a somewhat liberal line in allowing intervention.”); *United States v. Union Elec. Co.*, 64 F.3d 1152, 1158 (8th Cir. 1995) (“Rule 24 is construed liberally, and we resolve all doubts in favor of the proposed intervenors.”); *Idaho Farm Bureau Fed’n v. Babbitt*, 58 F.3d 1392, 1397 (9th Cir. 1995) (“The rule is construed broadly in favor of the applicants.”); *Concerned Citizens of Spring Creek Ranch v. Tips Up, LLC*, 2008 WY 64, ¶ 14, 185 P.3d 34, 39 (Wyo. 2008) (“Intervention of right is construed broadly in favor of intervention.”); *White v. T.P. Motel, L.L.C.*, 863 N.W.2d 915, 921 (N.D. 2015) (“We construe N.D.R.Civ.P. 24 liberally, and intervention has historically been liberally granted in North Dakota.”); *O’Hara Grp. Denver, Ltd. v. Marcor Hous. Sys., Inc.*, 595 P.2d 679, 687 (Colo. 1979) (“The existence of the interest of a proposed intervenor should be determined in a liberal manner.”).

Contrary to Plaintiffs’ argument, neither Rule 24 nor the case law suggests that strict limits on mandatory intervention are proper. “The rationale for intervention [has] particular force where,” as here, “the subject

matter of the lawsuit is of great public interest, the intervenor has a real stake in the outcome[,] and the intervenor may well assist the court in its decision through the production of relevant evidence and the framing of the issues.” *Daggett v. Comm’n on Governmental Ethics & Election Practices*, 172 F.3d 104, 116–17 (1st Cir. 1999) (Lynch, J., concurring). High-profile cases involving controversial issues of significant public interest weigh even more strongly in favor of intervention.

Such is the case here, as Appellants seek to protect the People’s authority—through their elected representatives—to enact “reasonable and necessary restrictions” on abortion “to protect the health and welfare of the people,” WYO. CONST. art. I, § 38, and see the fruits of decades of effort vigorously defended in this litigation. Moreover, as this Court has recognized, a case of this importance demands a complete factual record, tested by the adversarial system. Appellants are prepared to provide this and should be granted intervention.

B. The nature of a proposed intervenor’s interest in litigation is not relevant to Rule 24 analysis.

Plaintiffs allege that cases demonstrating the liberal construction of mandatory intervention rules are distinguishable because those intervenors had different interests from Appellants. *E.g.*, Pls.’ Br. 11–13 (“The [statutes here] were not the result of a ballot initiative.”); *id.* at 13 (“[T]he Eighth Circuit recognized only that the proposed intervenors had a significantly protectable interest in protecting their property values.”); *id.* at 19–20 (citing “a direct threat to the proposed intervenor’s economic interests.”)

But there is not one intervention test for ballot initiatives, another for legislation, others for property and other economic interests, and another for an interest rooted in decades of advocacy for the subject of litigation.

“[E]conomic interest is not the sine qua non of the interest analysis for intervention as of right. To limit intervention to situations where the applicant can show an economic interest would impermissibly narrow the broad right of intervention enacted by Congress and recognized by the courts.” *Coalition*, 100 F.3d at 841. There is only one four-element test—liberally construed in favor of intervention—in Rule 24(a)(2): (1) a timely motion to intervene, (2) *an interest* relating to the litigation, (3) possible impairment of the interest, and (4) inadequate representation of the interest by existing parties.

Case law applying Rule 24 involves many disparate interests. *See, e.g., Bost v. Ill. State Bd. of Elections*, 75 F.4th 682, 687 (7th Cir. 2023) (recognizing intervenors’ *associational* interest was “direct, significant and legally protectable”); *OOGC Am., L.L.C. v. Chesapeake Expl., L.L.C.*, 975 F.3d 449, 450 (5th Cir. 2020) (acknowledging proposed intervenor’s *reputational* interest though the motion was moot); *Utah Ass’n of Cnty. v. Clinton*, 255 F.3d 1246, 1251 (10th Cir. 2001) (reversing denial of intervention for applicants who “were ‘vocal and outspoken champions and advocates’ for the creation of the monument, . . . regularly commented on and participated in the government’s monument land management plan, and . . . regularly visit the monument for *aesthetic, scientific* and *recreational* purposes.”) (emphases added); *W. Watersheds Project v. United States Forest Serv. Chief*, No. 20-CV-67-F, 2020 WL 13065066, at *1 (D. Wyo. July 29, 2020) (granting Rule 24(a)(2) intervention to represent *aesthetic, conservation, and recreational* interests).

Appellants may have different interests than intervenors in other cases. Given the fact-specific nature of each intervention inquiry, such differences are natural and unavoidable. Rule 24(a)(2) and related case law does not limit what interests relating to the litigation count. This Court should reject Plaintiffs’ efforts at hair-splitting and reverse the trial court.

C. An adverse outcome in this litigation will directly and severely impair Appellants' interests.

Plaintiffs argue that “this litigation does not threaten [Appellants’] interests” because they can continue to “sponsor[], debat[e], and vot[e] on legislation,” continue to “advoca[te] for changes in the law,” and generally engage in all of the activities they “engaged in when *Roe v. Wade* [410 U.S. 113 (1973)] was the law of the land.” Pls.’ Br. 18–19. But by invoking *Roe*, Plaintiffs identify precisely why this litigation threatens to eviscerate Appellants’ interests. For nearly fifty years, *Roe* rendered decades of pro-life advocacy mostly meaningless; so too here, if Plaintiffs are successful in arguing that the Wyoming constitution contains a right to abortion. Legislative action to protect prenatal life had limited effect before *Dobbs v. Jackson Women’s Health Organization*, 142 S. Ct. 2228 (2022), lifted the constraints of *Roe* and *Planned Parenthood of Southeastern Pennsylvania v. Casey*, 505 U.S. 833 (1992). See, e.g., *Wyo. Nat’l Abortion Rts. Action League v. Karpan*, 881 P.2d 281, 287 (Wyo. 1994) (“It is clear . . . that the proposed initiative entitled ‘Wyoming Human Life Protection Act’ is partially unconstitutional under [*Roe* and *Casey*].”); *Doe v. Burk*, 513 P.2d 643, 644 (Wyo. 1973) (“In light of [*Roe*] and *Doe v. Bolton*, our course is firmly directed insofar as it touches the question of the constitutionality of [Wyoming statutes restricting abortion].”) (cleaned up).

To be sure, if Plaintiffs obtain a declaration of a state constitutional right to abortion, Appellants will still be able to draft, sponsor, debate, lobby for, rally public support for, and even pass legislation to regulate abortion. But any achievements from such efforts are likely to be immediately enjoined. Appellants easily meet their “minimal” burden to show “that impairment of [their] substantial legal interest is possible if intervention is denied.” *Barnes v. Sec. Life of Denver Ins. Co.*, 945 F.3d 1112, 1123 (10th Cir. 2019).

D. Appellants' intervention is not responsible for delaying the case.

Plaintiffs argue against intervention because, among other reasons, Appellants did not seek to stay the underlying proceedings pending this appeal, and the existing parties have advanced to a summary judgment hearing. Pls.' Br. 2, 30. But the progress of the litigation after an improper denial of a timely motion to intervene is not germane to Rule 24 analysis. "The district court is permitted to weigh the timeliness of an *application* to intervene in light of the circumstances of the particular case, including whether the applicant may have sought intervention earlier." *Spring Creek Ranch*, 2008 WY 64 at ¶ 11. Having made a timely application, however, Rule 24 does not hold a proposed intervenor responsible for failing to halt the proceedings of an action from which he has been excluded.

The timeliness test of Rule 24(a)(2) is whether the request to intervene was timely made, not whether, after the district court erroneously denied the motion, the proposed intervenors—as non-parties—exhausted every means to get a court that has already ruled against intervention to grant a stay pending appeal. Neither Plaintiffs nor the court that denied Appellants' Motion to Intervene could deny that it was timely R. at 762, 1339. Whether Appellants moved to stay the court's ruling is not relevant to the determination of whether the ruling was in error.

Even if timeliness were a legitimate issue in this appeal, a motion to stay the proceedings below would have been futile. Appellants moved to intervene very early, R. at 660, but the district court denied their every effort to participate while ruling for Plaintiffs and against Defendants on every contested issue, R. at 607, 611, 719, 1336, 1520, 2255. After the intervention hearing in this case, the court immediately issued its ruling from the bench,

denying intervention both as of right and permissively. Tr. for Hrng. on Mot. to Intervene, 73-77. Moving to stay the proceedings below, as a non-party, after the district court granted Plaintiffs' motions for restraining orders and a preliminary injunction, would have been an exercise in futility.

Having obtained temporary restraining orders and a preliminary injunction and experiencing no opposition from Defendants on any dispute of material fact, Plaintiffs have sped the case below to a hearing on the cross-motions for summary judgment. Pls.' Br. at 2, 30. Appellants tried to intervene at the earliest stage of this case and its predecessor; they cannot now be considered negligent for failing to stop a case in which the district court and all existing parties seem determined to reach the same foregone conclusion as quickly as possible. This Court previously refused to consider Plaintiffs' challenge to similar legislation because of an incomplete and one-sided record in *Johnson I*. Unless Appellants are allowed to intervene, this Court will receive a similarly incomplete record when this case is inevitably before it.

E. Appellants' extrajudicial political advocacy is not a basis for denying their right to intervene.

Sprinkled throughout Plaintiffs' brief is the argument that permitting Appellants to address the one-sided evidentiary record would "risk interjecting politics into this legal proceeding." Pls.' Br. 2; *accord id.* at 13 ("This Court should reject RTLW's attempt to interject its political advocacy into this legal proceeding."); *id.* at 31 ("Even more troubling is the potential for Proposed Intervenors to inject politics into this legal proceeding."); *id.* at 32 ("[T]his lawsuit should not be a vehicle to reprise the political debate. . . . Appellants' involvement would serve only to . . . politicize these proceedings."). But Appellants merely seek intervention to offer evidence and legal arguments refuting those offered by Plaintiffs; Appellants will provide evidence

supporting the validity of Wyoming’s pro-life laws under any standard of scrutiny—not just rational basis, as Defendants presume. Defs.’ Br. 6–9.

And Appellants’ participation would be no more “political” than Plaintiffs’. In fact, several individual plaintiffs are as politically active on abortion issues in Wyoming as Appellants. For example, Plaintiff Dr. Giovannina Anthony has vigorously fought for unrestricted abortion in Wyoming for several years.¹ Similarly, Plaintiff Dr. Rene Hinkle is not merely

¹ See Leo Wolfson, *Jackson’s Dr. Giovannina Anthony Didn’t Set Out To Be Wyoming’s Pro-Choice Abortion Catalyst, But She Embraces The Role*, Cowboy State Daily (May 5, 2023), <https://cowboystatedaily.com/2023/05/05/jacksons-dr-giovannina-anthony-didnt-set-out-to-be-wyomings-pro-choice-abortion-catalyst-but-she-embraces-the-role/> (describing Dr. Anthony’s move from California and rise “to be one of the leading faces of the state’s pro-choice movement” and having “embraced the role.” “I feel like Wyoming is maybe a good place for me in this regard, because maybe I can really make a difference.”); Hanna Merzbach, *‘An impossible choice’: Teton county doctor cancels abortion appointments amid ban*, Wyoming Public Radio (Mar. 20, 2023), <https://www.wyomingpublicmedia.org/health/2023-03-20/an-impossible-choice-teton-county-doctor-cancels-abortion-appointments-amid-ban> (Referring to her legislative and legal advocacy for unrestricted abortion, Dr. Anthony said, “If we have to do this go-around again and again, then we’re going to do it.”); Julie Wernau and Kris Maher, *Some Doctors Rethink Careers After States Restrict Abortions*, Wall Street Journal, July 14, 2022 (“Dr. Anthony . . . considered retiring after [*Dobbs*]. Instead, she decided to push to keep conducting abortions in Wyoming. . . . ‘I’m feeling a little more in fight mode,’ she said. ‘I feel like I can make a difference.’”).

an abortion provider, but a political advocate for unrestricted abortion in Wyoming.²

Plaintiffs undermine their own argument by engaging in ad hominem attacks against the expert testimony of a physician employed by Charlotte Lozier Institute, which reflects scientific, statistical, and medical research from the pro-life perspective.³ Pls.' Br. 31–32. Plaintiffs' arguments, moreover, would equally apply to evidence proffered by Plaintiffs from the Guttmacher

² See Dr. Katie Noyes and Dr. Rene Hinkle, Editorial, *Noyes, Hinkle: Governor must veto dangerous abortion bills*, Casper Star Tribune (Mar. 10, 2023), https://trib.com/opinion/columns/noyes-hinkle-governor-must-veto-dangerous-abortion-bills/article_67487e2e-bf5e-11ed-8861-a7506b74e333.html (calling elected representatives of Wyoming “extreme,” citing data from the Guttmacher Institute, and grossly misrepresenting the safety and efficacy of chemical abortion drugs as “99% effective . . . with just a 0.4% risk of major complications.”); Clair McFarland, *Abortion Foes Clash At Capitol On New Wyoming Abortion Ban*, Cowboy State Daily (Jan. 30, 2023), <https://cowboystatedaily.com/2023/01/30/abortion-foes-clash-at-capitol-on-new-wyoming-abortion-ban/> (describing Drs. Anthony and Hinkle’s testimony before the Wyoming legislature in opposition to the Life is a Human Right Act); Valeria Fugate, *A look at how Wyoming’s trigger bill will affect women’s health*, Wyoming News Now (Jun. 29, 2022), <https://www.wyomingnewsnow.tv/2022/06/30/look-how-wyomings-trigger-bill-will-affect-womens-health/> (“Hinkle says if legislation bans women’s rights to [abortion, Wyoming] will have to put money into programs that care for these babies.”)

³ *About Lozier Institute*, Charlotte Lozier Institute, <https://lozierinstitute.org/about/> (last visited Nov. 6, 2023).

Institute, R. at 71, an organization associated with Planned Parenthood—the nation’s largest abortion provider, which provides research supporting legalized abortion. To borrow a maxim from trial practice, questions of witness bias go to the weight of the witness’ testimony, not its admissibility or relevance. *See, e.g., United States v. Kelley*, 6 F. Supp. 2d 1168, 1183 (D. Kan. 1998) (“An expert witness’s bias goes to the weight, not the admissibility of the testimony, and should be brought out on cross-examination.” Bias goes to weight rather than qualifications.”) (cleaned up).

Of course, Plaintiffs have the right to advocate for their political views in the legislative process and file suit in court. But it is disingenuous to assert that Appellants should be prevented from intervening for having similarly engaged in political advocacy on the topic of this litigation. Appellants do not seek to revisit a political debate on policy or to proffer irrelevant or unnecessary evidence, but to respond directly to Plaintiffs’ evidentiary submissions that go to the heart of this case.

F. Submitting an amicus brief is not a substitute to direct participation in litigation where there is a right to intervene.

Plaintiffs suggest that rather than participating here as parties, Appellants should simply “take[] the [district] court up on its invitation to submit an *amicus* brief on the merits.” Pls.’ Br. 30. But the district court deserves a full and complete factual record from which to make its judgment, not the one-sided partial record it received—and which this Court rejected—in *Johnson I*, and which it will receive again if Appellants are prohibited from intervening. An amicus brief cannot cross-examine Plaintiffs’ witnesses or respond to turns in a trial and does not carry the weight of a party litigant.

Moreover, where there is a right to intervene under Rule 24, being relegated to amicus curiae status is unacceptable. “[T]he right to file a brief as *amicus curiae* is no substitute for the right to intervene as a party in the action under Rule 24(a)(2).” *Utahns for Better Transp. v. U.S. Dep’t of Transp.*, 295 F.3d 1111, 1115 (10th Cir. 2002) (quoting *Coalition*, 100 F.3d at 844).

G. There is no Wyoming statute that gives parents the authority to end their unborn child’s life.

Plaintiffs argue that “if the constitutional right [in WYO. CONST. art. I, § 38] to make one’s own health care decisions means anything, it means that pregnant persons have the right to make such decisions for themselves.” Pls.’ Br. at 27. Then Plaintiffs go even further by claiming that Wyoming statutes provide that, to the extent “a fetus is itself a patient, then the pregnant person also has the legal right to make health care decisions on its behalf.” *Id.* at 27 n.6. But abortion is not a mere “health care decision.” It is the intentional ending of the life of a separate and distinct living human by violent dismemberment or chemical poisoning.

Plaintiffs’ arguments on the point show that intervention is necessary to counter their offered evidence. Plaintiffs’ expert statements and evidentiary proffers about the supposed safety of abortion—such as comparing the mortality rate for abortion to the mortality rate of a buttock augmentation procedure, Pls.’ Br. 26–27 n.5—minimize real deleterious maternal physical and mental health effects, and gloss over the fact that abortion always ends the life of a separate and distinct living human. Unfortunately, unless Appellants are granted intervention, no evidence related to abortion’s immediate or long-term risks to the physical and mental health of women, or the gruesome methods in which abortion ends the lives of unborn human children will inform the district court’s analysis.

III. CONCLUSION

The United States Supreme Court has returned the authority to regulate abortion “to [Wyomingites] and their elected representatives.” *Dobbs*, 142 S. Ct. at 2284. Wyoming’s legislature exercised that authority, enacting regulations on abortion that passed both chambers by large margins and were signed by the Governor. Plaintiffs cannot sidestep this authority by imagining a new right to abortion in the Wyoming Constitution. The district court, this Court, and Appellants all deserve the benefit of a complete factual record and a true adversarial process. Appellants satisfy the requirements of Rule 24 and should be permitted to intervene to vindicate their interests.

Respectfully submitted this 14th day of November, 2023.

Timothy A. Garrison
Mo. Bar No. 51033*
ALLIANCE DEFENDING FREEDOM
440 First Street NW, Suite 600
Washington, DC 20001
(800) 835-5233
tgarrison@adflegal.org

/s/ Frederick J. Harrison

Frederick J. Harrison
Wyo. Bar No. 5-1586
FREDERICK J. HARRISON, P.C.
1813 Carey Avenue
Cheyenne, Wyoming 82001
(307) 324-6639
fred.harrison@fjhlawoffice.com

**Admitted pro hac vice*

*Attorneys for Appellants Rep. Rachel Rodriguez-Williams, Rep. Chip
Neiman, and Right to Life of Wyoming*

CERTIFICATE OF SERVICE

I hereby certify that on November 14, 2023, I electronically filed the foregoing paper with the Clerk of Court at www.courts.state.wy.us/supreme-court/clerk-of-court-efile/efiling/, which will send notification of such filing to all counsel of record.

/s/ Judy Moss
Judy Moss
of Frederick J. Harrison, P.C.