

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

YASHICA ROBINSON, M.D, et al.,

Plaintiffs,

v.

STEVEN MARSHALL, et al.,

Defendants.

CIVIL ACTION

Case No. 2:19-cv-365-MHT-JTA

JOINT MOTION TO DISMISS DEFENDANT HARRIS

On March 30, 2020, Plaintiffs filed an Emergency Motion to File a Supplemental Complaint in the above-captioned action challenging H.B. 314, in order to challenge the medical restrictions, as applied to pre-viability abortion, contained in the State Health Officer's March 27, 2020 emergency health order. *See* Doc. No. 72. At that time, Plaintiffs re-named the State Health Officer, Dr. Scott Harris, as a Defendant.¹ *See id.* at 5 n.6; Doc. No. 79 ¶ 26. The Court granted the motion but allowed Defendants to file objections. Doc. No. 78. After considering the Attorney General's and Defendant Harris's objections (Doc. No. 86), the Court overruled the objections. Doc. No. 145. On May 22, 2020, this Court granted the Parties' stipulated dismissal of the challenge to the now-expired medical restrictions language. Doc. No. 167. In view of the above, the Parties agree that Defendant Harris's participation in the ongoing challenge to H.B. 314 is no longer necessary and thus file this joint motion for dismissal.

In support of this Motion, the Parties state as follows:

¹ Scott Harris was previously named as a Defendant in this suit but was voluntarily dismissed, along with all the other original Defendants except for Defendant Marshall, on June 7, 2019, pursuant to a stipulation. *See* Doc. No. 44.

1. Plaintiffs contend that Defendant Harris is a proper Defendant in the challenge to H.B. 314. However, in an effort to streamline this action, Plaintiffs agree to dismiss Defendant Harris without prejudice from the action on the following conditions.

2. Defendant Harris and his employees, agents, and successors in office agree to be bound by the terms of any injunctive (including but not limited to a temporary restraining order or preliminary injunction), declaratory, and/or other relief issued against the Attorney General and/or any other Defendant(s) in this action so long as such relief remains in effect as to the Alabama Attorney General and/or any other Defendant(s). However, Defendant Harris shall not be liable for any award of attorney's fees, costs, or other monetary damages that might be included as part of such relief related to H.B. 314.

3. It is further understood and agreed that Harris and his employees, agents, and successors in office shall only be bound by injunctive, declaratory, and/or other relief falling within the preceding paragraph to the extent such relief remains binding against the Attorney General and/or any other Defendant(s) in this action. Harris and his employees, agents, and successors in office shall not be bound by any relief as to the Attorney General and/or any other Defendant(s) that subsequently is reversed, vacated, set aside, or otherwise limited. However, it is understood and agreed that Harris, his employees, agents, and successors in office will take no enforcement action against any Plaintiff premised on anything that occurred while such relief was in effect.

5. Pursuant to this Court's General Order and the Civil and Criminal Administrative Procedures regarding Electronic Case Filing, it is hereby certified that all signing parties have agreed to the electronic filing of this document by one party with electronic signatures of counsel for Plaintiffs and for Harris.

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Attorney General

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Respectfully submitted,

/s/Randall C. Marshall
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**Admitted Pro Hac Vice*

CERTIFICATE OF SERVICE

I hereby certify that on June 2, 2020, I electronically filed the foregoing with the Clerk of Court for the United States District Court for the Middle District of Alabama using the CM/ECF system, thereby serving all counsel of record.

/s/ Randall Marshall

Randall Marshall

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**[PROPOSED] ORDER GRANTING THE PARTIES' JOINT MOTION TO DISMISS
DEFENDANT HARRIS**

Upon agreement of the Parties, it is ORDERED that:

1. The joint motions to dismiss (Doc. No. ___) is granted.
2. Defendant Harris is dismissed without prejudice from this action and is terminated as a party.
3. Defendant Harris and his employees, agents, and successors in office shall be bound by the terms of any injunctive (including but not limited to a temporary restraining order or preliminary injunction), declaratory, and/or other relief against the Alabama Attorney General and/or any of the other Defendant(s) by any court in this action so long as such relief remains in effect as to the Alabama Attorney General and/or any other Defendant(s). However, Defendant Harris and his employees, agents, and successors in office shall not be liable for any award of attorney's fees, costs, or other monetary damages that might be included as part of such relief related to H.B. 314. Nor shall Defendant Harris and his employees, agents, and successors in office be bound by any relief that subsequently is reversed, vacated, set aside, or otherwise limited as to the Alabama Attorney General and/or any other Defendant(s). However, Defendant Harris and his

employees, agents, and successors in office in office shall take no enforcement action against any Plaintiff premised on events that occurred while such relief was in effect.

DONE, this ____ day of June, 2020.

THE HONORABLE MYRON H. THOMPSON
UNITED STATES DISTRICT JUDGE