



IN THE DISTRICT COURT OF OKLAHOMA COUNTY  
STATE OF OKLAHOMA

NOVA HEALTH SYSTEMS D/B/A  
REPRODUCTIVE SERVICES, on behalf  
of itself and its patients; et al,

Plaintiff(s),

v.

E. SCOTT PRUITT, in his official  
Capacity as Attorney General of  
Oklahoma; et al,

Defendant(s)

And

AMERICAN VICTIMS OF ABORTION, a  
National project of the National Right  
To Life Committee,

Defendant - Intervenor.

FILED IN THE DISTRICT COURT  
OKLAHOMA COUNTY, OKLA.

MAR 28 2012

PATRICIA PRESLEY, COURT CLERK  
by [Signature]  
DEPUTY

Case No. CV - 2010 - 533

ORDER GRANTING SUMMARY JUDGMENT DECLARING ULTRASOUND  
ACT AS AN UNCONSTITUTIONAL SPECIAL LAW AND PERMANENT  
INJUNCTION PREVENTING THE ENFORCEMENT  
OF THE ULTRASOUND ACT

NOW on this 28<sup>th</sup> day of March, 2012, the Court, having reviewed the Motions and Cross-Motions for Partial Summary Judgment, Responses and Replies filed by the parties and being fully advised in the premises, finds that said Motions can be decided without a hearing pursuant to District Court Rule 4(h) and finds that Summary Judgment should be granted to Plaintiffs on their claim that the Ultrasound Act is unconstitutional under the Oklahoma Constitution.

The Court Finds as follows:

1. Plaintiffs bring this action challenging the constitutionality of the "Ultrasound Act," being House Bill 2780, 2010 Oklahoma Session Laws Chapter 36 and codified at 63 O.S. § 1 - 738.1A et seq., under the Oklahoma Constitution and raising seven (7) counts challenging said Act.

2. The Court finds that there are no material facts concerning Plaintiffs' Claim that the Ultrasound Act is an unconstitutional special law prohibited by Article V, § 59 in that it improperly is addressed only to patients, physicians and sonographers concerning abortions and does not address all patients, physicians and sonographers concerning other medical care where a general law could clearly be made applicable. It is also unconstitutional under Article V, § 46, where it grants a private right of action to only a limited class.

3. As the Ultrasound Act is unconstitutional as a special law, the other claims raised by Plaintiffs are moot and need not be addressed by this Court.

IT IS THEREFORE ORDERED by this Court that Plaintiffs are granted Summary Judgment that the Ultrasound Act as specifically set forth above is unconstitutional under the Oklahoma Constitution and is unenforceable.

IT IS FURTHER ORDERED by the Court that the Temporary Injunction issued on May 3, 2010, is hereby ordered to be a Permanent Injunction, without bond, and Defendants, their agents and their successors are restrained from enforcing said Act.

  
Bryan C. Dixon, District Judge

**CERTIFICATE OF MAILING**

This is to certify that on this 28<sup>th</sup> day of March, 2012, a true and correct copy of the foregoing Order was mailed via United States Postal Service to the following parties of record:

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