

NO. 22-CI-003225  
ELECTRONICALLY FILED

JEFFERSON CIRCUIT COURT  
DIVISION THREE (3)  
JUDGE MITCH PERRY

EMW WOMEN'S SURGICAL CENTER, P.S.C., *et al.*

PLAINTIFFS

v.

DANIEL CAMERON, in his official capacity as  
Attorney General of the Commonwealth of Kentucky, *et al.*

DEFENDANTS

---

**AGREED ORDER OF DISMISSAL**

---

On February 16, 2023, the Kentucky Supreme Court held that the Plaintiffs, EMW Women's Surgical Center, P.S.C., Ernest Marshall, M.D., and Planned Parenthood Great Northwest, Hawai'i, Alaska, Indiana, and Kentucky, Inc., lacked third-party standing for their challenges to Kentucky's Human Life Protection Act and Heartbeat Law. The Court found the Plaintiffs had established first-party standing only as to their challenges against the Human Life Protection Act. Of those challenges, only those asserting that the Act improperly delegated legislative authority and became effective on the authority of an entity other than the General Assembly remained live in this case.<sup>1</sup> The Supreme Court remanded the case to this Court for proceedings consistent with its opinion.

Defendant Attorney General Daniel Cameron filed a second motion to dismiss on May 31, 2023 to dismiss Plaintiffs EMW Women's Surgical Center, P.S.C. and Ernest Marshall from the case. The Plaintiffs filed a response on June 20, 2023 saying

---

<sup>1</sup> The Supreme Court said the other issues as to vagueness and unintelligibility were moot.

they did not oppose Attorney General Cameron's motion. On the same day, the Plaintiffs filed a motion to dismiss under CR 41.01(2).

Therefore, the parties being in agreement, and the Court being sufficiently advised,

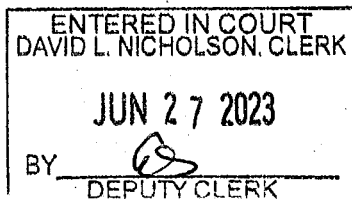
**IT IS HEREBY AGREED, ORDERED, and ADJUDGED** that Defendant Attorney General Daniel Cameron's motion to dismiss filed May 31, 2023, is **GRANTED**, and the Plaintiffs' motion to dismiss filed June 20, 2023, is also **GRANTED**.

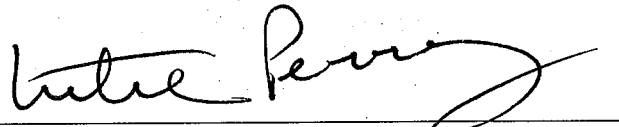
**IT IS FURTHER AGREED, ORDERED, and ADJUDGED** that this action, be, and hereby is, **DISMISSED WITHOUT PREJUDICE**. This case shall be stricken from the Court's docket.

Each party shall bear his or its own costs and attorneys' fees.

There being no just cause for delay, this is a final and appealable order.

SO ORDERED this \_\_\_\_ day of \_\_\_\_\_, 2023.



  
\_\_\_\_\_  
JUDGE MITCH PERRY,  
JEFFERSON CIRCUIT COURT

6-27-23

Have seen and agreed:

/s/ Michele Henry w/p by CLT  
Michele Henry (KBA No. 89199)  
Craig Henry PLC  
*Counsel for Plaintiffs*

/s/ Christopher L. Thacker  
Christopher L. Thacker  
Office of the Attorney General  
*Counsel for Attorney General  
Daniel Cameron*

/s/ Wesley Duke w/p by CLT  
Wesley Duke  
Cabinet for Health and Family Services  
*Counsel for Eric Friedlander*

/s/ Leanne K. Diakov w/p by CLT  
Leanne K. Diakov  
General Counsel  
Kentucky Board of Medical Licensure  
*Counsel for Michael S. Rodman*

/s/ Jason B. Moore w/p by CLT  
Jason B. Moore  
Assistant Commonwealth's Attorney  
Jefferson County Commonwealth's  
Attorney's Office  
*Counsel for Thomas B. Wine*

### CLERK'S CERTIFICATE OF SERVICE

I certify that on \_\_\_\_\_, 2023, a copy of the above was served upon the following:

Michele Henry  
Craig Henry PLC  
401 West Main Street, Suite 1900  
Louisville, KY 40202  
mhenry@craighenrylaw.com  
*Counsel for Plaintiffs*

Brigitte Amiri  
Chelsea Tejada  
Faren Tang  
American Civil Liberties Union  
Foundation  
125 Broad Street, 18th Floor  
New York, NY 10004  
bamiri@aclu.org  
ctejada@aclu.org

Carrie Y. Flaxman,  
Planned Parenthood Federation of  
America  
1110 Vermont Avenue, NW, Suite 300  
Washington, DC 20005  
Carrie.flaxman@ppfa.org

Hana Bajramovic  
Planned Parenthood Federation of  
America  
123 William Street, Floor 9  
New York, NY 10038  
Hana.bajramovic@ppfa.org  
*Counsel for Plaintiff Planned  
Parenthood Great Northwest, Hawai'i,  
Alaska, Indiana and Kentucky, Inc.*

rfp\_ft@aclu.org

*Counsel for Plaintiffs EMW Women's  
Surgical Center, P.S.C., and Ernest  
Marshall*

Heather L. Gatnarek

ACLU of Kentucky

325 Main Street, Suite 2210

Louisville, KY 40202

heather@aclu-ky.org

*Counsel for Plaintiffs EMW Women's  
Surgical Center, P.S.C., and Ernest  
Marshall*

Wesley Duke

Cabinet for Health and Family Services

275 E. Main St. 5W-A

Frankfort, KY 40621

Wesleyw.duke@ky.gov

*Counsel for Eric Friedlander*

Jason B. Moore

Assistant Commonwealth's Attorney

Jefferson County Commonwealth's

Attorney's Office

514 West Liberty Street

Louisville, KY 40202

*Counsel for Thomas B. Wine*

Leah Godesky

Kendall Turner

O'Melveny & Myers LLP

1999 Avenue of the Stars

Los Angeles, CA 90067

lgodesky@omm.com

kendallturner@omm.com

*Counsel for Plaintiffs*

Leanne K. Diakov

General Counsel

Kentucky Board of Medical Licensure

310 Whittington Parkway, Suite 1B

Louisville, KY 40222

*Counsel for Michael S. Rodman*

Victor B. Maddox

Christopher L. Thacker

Lindsey R. Keiser

Office of the Attorney General

700 Capital Avenue, Suite 118

Frankfort, Kentucky 40601

Phone: (502) 696-5300

Victor.maddox@ky.gov

Christopher.thacker@ky.gov

Lindsey.keiser@ky.gov

*Counsel for Attorney General*

*Daniel Cameron*

---

JEFFERSON CIRCUIT COURT CLERK