

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

GRETCHEN S. STUART, M.D., et al.,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	CIVIL ACTION
	)	Case No. 1:11-cv-00804
MICHAUX R. KILPATRICK, M.D., PhD., et al.,	)	
	)	
Defendants.	)	

**NOTICE OF MOOTNESS OF PLAINTIFF’S RULE 60(b) MOTION**

Plaintiff Planned Parenthood South Atlantic hereby notifies the Court that, in light of Governor Roy Cooper’s signing into law House Bill 190 on June 29, 2023, Plaintiff’s Motion to Modify the Permanent Injunction Pursuant to Rule 60(b), ECF No. 183, is now moot. With the passage of House Bill 190, the North Carolina General Assembly has incorporated the construction contained in this Court’s Permanent Injunction and Order, ECF No. 164, which still governs N.C. Gen. Stat. § 90-21.82, into the new N.C. Gen. Stat. § 90-21.83A. Thus, it is now clear that either a physician or a qualified professional can provide the requisite informed consent information for patients obtaining both surgical and medication abortions. House Bill 190 also repeals the provision that was to be codified at N.C. Gen. Stat. § 90-21.83C, which seemed to contain a physician-only requirement for the provision of the same statutorily required informed consent information. Modification under Rule 60(b) is therefore no longer necessary, as the newly created statutory section now explicitly conforms to this Court’s construction.

Dated: June 30, 2023

Respectfully submitted,

*s/ Peter Im*

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## CERTIFICATE OF SERVICE

I hereby certify that, on June 30, 2023, I electronically filed the foregoing with the clerk of the court by using the CM/ECF system, which will send a notice of electronic filing to counsel for all Defendants:

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