

Joe Koster

Clerk of District Court
Natrona County
Filed by: Carol Korell

FILED

John H. Robinson, WSB # 6 - 2828
Marci Crank Bramlet, WSB # 7 - 5164
ROBINSON BRAMLET LLC
400 E. 1st Street, Suite 202
Casper, WY 82601
Phone: (307) 733-7703
Fax: (307) 201-5546
john@jrmcb.com
marci@jrmcb.com
Attorneys for Plaintiffs

IN THE DISTRICT COURT OF THE SEVENTH JUDICIAL DISTRICT

IN AND FOR NATRONA COUNTY, WYOMING

DANIELLE JOHNSON; GIOVANNINA
ANTHONY, M.D.; RENE HINKLE, M.D.;
CHELSEA’S FUND; CIRCLE OF HOPE HEALTH
CARE SERVICES, INC., d/b/a Wellspring Health
Access,

Plaintiffs,

v.

STATE OF WYOMING; MARK GORDON,
Governor of Wyoming; KEITH G. KAUTZ,
Attorney General for the State of Wyoming; JOHN
HARLIN, Sheriff Natrona County, Wyoming;
SHANE CHANEY, Chief of Police, City of Casper,
Wyoming;

Defendants.

Case No. 2026-CV-_____

COMPLAINT FOR DECLARATORY JUDGMENT AND INJUNCTIVE RELIEF

COME NOW PLAINTIFFS Danielle Johnson, Giovannina Anthony, M.D., Rene Hinkle, M.D., Chelsea’s Fund, and Circle of Hope Health Care Services, Inc. d/b/a Wellspring Health Access (“Wellspring”), by and through undersigned counsel, bring this Complaint for Declaratory Judgment pursuant to Wyo. R. Civ. P. 57 and the Uniform Declaratory Judgments Act, Wyo. Stat.

Ann. § 1-37-101 *et seq.* (2011); and for Injunctive Relief pursuant to Wyo. R. Civ. P. 65 & Wyo. Stat. § 1-28-101 *et seq.* (1977). The Plaintiffs seek declarations from the Court that Wyoming House Bill 126, codified as Wyo. Stat. Ann. §§ 35-6-401 through 35-6-404 (2026), Wyo. Stat. Ann. § 33-21-146 (2026), Wyo. Stat. Ann. § 33-24-122 (2026), Wyo. Stat. Ann. § 33-26-402 (2026), Wyo. Stat. Ann. § 33-26-508 (2026), Wyo. Stat. Ann. §§ 35-6-501 through 35-6-510 (2026), Wyo. Stat. Ann. § 5-8-102(a) (2026), and “Section 6” (statute unidentified as published) (“House Bill 126” or the “2026 Abortion Ban”) violates the Wyoming Constitution both facially and as applied. The Plaintiffs also seek injunctive relief to prevent the 2026 Abortion Ban from continuing to be in effect and/or being enforced both during the pendency of this action and permanently, both as to Plaintiffs individually and all other persons and entities.

For their Complaint, the Plaintiffs state and allege as follows:

INTRODUCTION

1. Wyomingites have historically relied on the right to be left alone by the government, especially when it comes to their private affairs such as family composition, personal and procreative autonomy, and decisions about their private health care—fundamental rights guaranteed by the Wyoming Constitution.

2. Such historical reliance has been well-settled since, at least, the Constitutional Convention of 1889, but more likely since Wyoming’s days as a territory.

3. As a frontier territory, Wyoming was progressive in providing expansive civil rights for its citizens, including giving women the right to vote and hold office, the first time in history that women were legally given such rights. Such progressive liberty protections were present in the Constitutional Convention and transposed into Wyoming’s Constitution.

4. At Wyoming's Constitutional Convention, the debates evidenced that the delegates were determined to limit legislative power and have a strong declaration of individual rights.

5. The Wyoming Constitution begins with Article 1, a Declaration of Rights. In addition to women's suffrage, the Declaration of Rights includes equal protection guarantees prohibiting race, sex, and other forms of discrimination, extensive due process protections, and multiple protections ensuring church-state separation.¹

6. The Declaration of Rights reflected the Convention delegates' mistrust of the legislative process, preferring to rely on specific constitutional provisions to constrain future legislatures. Thus, in contrast to the federal Bill of Rights (the first ten Amendments of the U.S. Constitution), the Wyoming Declaration of Rights contains thirty-nine separate provisions that enumerate an array of individual rights, several of which are without counterpart in the U.S. Constitution and many of which are broader than their counterparts in the U.S. Constitution.²

7. During debates over the Declaration of Rights, Laramie County delegate Henry Hay offered an amendment that would have provided: "[t]he provisions of this clause [the Declaration of Rights] are mandatory unless by express words they are qualified or declared to be otherwise." Hay's proposal was immediately challenged by delegate George Smith, a Rawlins attorney, who asserted that the amendment "would demand a strict construction of these matters instead of a liberal one, as intended," and Hay withdrew his amendment.

8. The Declaration of Rights was adopted without rancorous debate.

¹ Although the Fourteenth Amendment to the U.S. Constitution had passed in 1868, it was not applicable to the states. Thus, if Wyoming's citizens were to enjoy individual constitutional rights at the time of statehood, those rights had to be enumerated in the state constitution and enforced by the state courts.

² Additionally, the Wyoming Constitution contains more than three times the number of words than does the United States Constitution.

9. The Constitutional Convention delegates debated the structure of the Territory’s judiciary, with specific debate concerning whether Wyoming should have an independent supreme court—to keep a check on the legislature—and its cost. Delegate George Smith observed, “what is the matter of a few thousand dollars compared with the rights of life and liberty.” Delegate Anthony Campbell opined that “[p]roperty is dear to a man, but his life and liberty are dearer.” And delegate John Riner argued, “if we are to sacrifice principle and lay aside everything but the question of policy, then let us adjourn tonight and go home.”

10. Opponents of the independent supreme court lost three separate votes, and the Convention delegates adopted an independent supreme court as a guardian of individual rights.

11. Upon receiving the proposed constitution, Territorial Governor Francis E. Warren called a special election for November 5, 1889, for ratification. The voters ratified the Constitution by a vote of 6,272 to 1,923.

12. On March 26, 1890, the Wyoming Statehood Bill—a bill calling for U.S. statehood for Wyoming—was introduced by Territorial Delegate to the United States Congress Joseph M. Carey. However, its passage was not without question. In Congress, numerous Democrats fought the Wyoming Statehood Bill, specifically citing the Territory’s equal suffrage provision as a basis for their opposition. Regardless, the bill ultimately passed, and President William Henry Harrison signed it on July 10, 1890, establishing Wyoming as the nation’s forty-fourth state.

13. When unique state constitution provisions are at issue, the Wyoming Supreme Court has long pursued its own path to give meaning to these provisions, finding that federal precedent is rarely helpful, and endorsing the proposition that the Constitution is an evolutionary document that must accommodate social and economic change.

14. Amendments to the Wyoming Constitution have responded to perceived necessities at different points of time, continuing a tradition of pragmatic and progressive constitutionalism that has developed in Wyoming. Yet, the Declaration of Rights has only been amended five times in the State’s history, and none of the amendments significantly altered the individual rights established in the original Constitution.

15. In 2012, Wyoming voters overwhelmingly passed a Constitutional Amendment³ entitled “Right of health care access.” Wyo. Const. art. 1, § 38. Article 1, section 38 states (in part): “[e]ach competent adult shall have the right to make his or her own health care decisions”; and “[t]he state of Wyoming shall act to preserve these rights from *undue* governmental infringement.” *Id.* (emphasis added).

16. At the time of the vote on the “Right of health care access” Amendment, abortion health care was legal at any time prior to viability of the fetus.

17. In 2022, the Wyoming Legislature passed an amendment to Wyoming’s abortion laws, proposing to enact Wyo. Stat. Ann. § 35-6-102(b), which would prohibit abortion. This statute was a “trigger” law—effective or “triggered” only after the United States Supreme Court overruled *Roe v. Wade*—signed into law by Defendant Governor Mark Gordon just prior to the United States Supreme Court decision in *Dobbs v. Jackson Women’s Health Care Organization*. The law was set to go into effect on July 27, 2022.

³ The Amendment, voted on in the general election on November 6, 2012, passed 76.98% to 23.02% (181,984 to 54,405). *Wyoming Constitutional Amendment A, Right to Make Healthcare Decisions and Direct Healthcare Payments Amendment (2012)*, Ballotpedia, [https://ballotpedia.org/Wyoming_Healthcare_Amendment,_Constitutional_Amendment_A_\(2012\)](https://ballotpedia.org/Wyoming_Healthcare_Amendment,_Constitutional_Amendment_A_(2012)) (last visited Mar. 27, 2026).

18. On July 25, 2022, these same Plaintiffs filed a prequel action to the present matter. *Johnson et al. v. State of Wyoming et al.*, Civil Action No. 18732 (“*Johnson I*”).⁴

19. The complaint and initial filings in *Johnson I* sought a preliminary and permanent injunction of the Trigger Ban and a declaration that the Trigger Ban was contrary to the Wyoming Constitution. The District Court of Teton County granted first a temporary restraining order on July 28, 2022, (written order⁵) and a subsequent preliminary injunction on August 10, 2022.

20. In the wake of the court’s actions in *Johnson I*, Wyoming’s long-enacted abortion statute remained in effect. This statute allows pre-viability abortions in any case, and all abortions when necessary to protect the life or health of the pregnant woman according to appropriate medical judgment. Wyo. Stat. Ann. § 35-6-102 (1977).

21. Recognizing that its first attempt to ban abortion was an unconstitutional and fatally flawed statute, and that Plaintiffs had successfully stopped the Trigger Ban from going into effect, the Wyoming Legislature adopted a new ban during the 2023 legislative session, House Bill 152, repealing the Trigger Ban and replacing it with another prohibition, providing somewhat different but equally narrow exceptions (the “Criminal Abortion Ban”). H.R. 152, 67th Leg., Gen. Sess., Ch. 184 (Wyo. 2023).

22. That same session, the Legislature also passed Senate File 109 (the “Criminal Medication Ban”), which would have largely prohibited the procedure of medication abortion in Wyoming, which constituted the vast majority of abortions in the state. S. 109, 67th Leg., Gen. Sess., Ch. 190 (Wyo. 2023).

⁴ Plaintiffs will refer to the first litigation as “*Johnson I*,” and the legislation it was seeking to enjoin, the “Trigger Ban.”

⁵ The District Court issued its initial ruling on the record on July 27, 2022, and made the temporary restraining order effective as of 12:00 p.m. on July 27, 2022.

23. The Criminal Abortion Ban and the Criminal Medication Ban, like the Trigger Ban, were unconstitutional intrusions into Wyomingites’ privacy and fundamental constitutional rights—the rights of religious freedom, to make health care decisions, to self-determined family composition, personal and procreative autonomy, and equal protection under the laws, among others. They were also unconstitutionally vague in that it was impossible to determine when abortions were permitted under the statutes.

24. On March 17, 2023, these same Plaintiffs again filed suit. *Johnson et al. v. State of Wyoming et al.*, Civil Action No. 18853 (“*Johnson II*”). The Plaintiffs’ complaint and initial filings in *Johnson II* sought a preliminary and permanent injunction of the Criminal Abortion Ban and the Criminal Medication Ban, and a declaration that the bans were contrary to the Wyoming Constitution. The District Court of Teton County granted a temporary restraining order on March 22, 2023. On November 18, 2024, the court granted Plaintiffs’ motion for summary judgment and permanently enjoined the Criminal Abortion Ban and Criminal Medication Ban, finding that these bans violated article 1, section 38 of the Wyoming Constitution, which guarantees the fundamental right of health care access.⁶

25. Once again, following the decision in *Johnson II*, Wyoming’s long-enacted abortion statute remained in effect, allowing pre-viability abortions in any case, and all abortions when necessary to protect the life or health of the pregnant woman. Wyo. Stat. Ann. § 35-6-102 (1977).

26. Recognizing that its first two attempts to ban abortion were unconstitutional and fatally flawed statutes, and that Plaintiffs had successfully stopped the Trigger Ban, the Criminal Abortion Ban, and the Criminal Medication Ban from going into effect, the Wyoming Legislature

⁶ On January 6, 2026, the Wyoming Supreme Court affirmed the District Court of Teton County’s ruling. See *State v. Johnson*, 2026 WY 1, 582 P.3d 380 (Wyo. 2026) (“*Johnson II*”).

attempted, for a third time, to pass targeted regulation of abortion providers (“TRAP”) legislation. H.B. 148, 67th Leg, Budget Sess. (Wyo. 2024). A separate bill, House Bill 137, was also introduced and would have imposed ultrasound and waiting period requirements for medication abortions. H.B. 137, 67th Leg, Budget Sess. (Wyo. 2024). After House Bill 137 failed to make it past introduction, its provisions were incorporated into House Bill 148.

27. However, on March 22, 2024, the governor vetoed this law. *See* Letter from Governor Mark Gordon, Re: Veto of HB0148/House Enrolled Act No. 37 Regulation of Abortion (Mar. 22, 2024). In doing so, the governor characterized House Bill 148 as a political “vehicle to count pro-life votes” that was “burdened with considerations that misaligned it with laws Wyoming [was] defending before the courts” and “confused the issue,” rendering it “vulnerable to challenge.” *Id.* at 2. The Governor “implore[d]” the Legislature “to let the Courts do their job” and await the outcome of litigation over the state’s abortion bans before considering new anti-abortion bills. *Id.*

28. In the 2025 session, the Legislature adopted House Bill 42 and House Bill 64, which together include provisions substantially similar to the 2024 House Bill 148 vetoed by the governor. *See* House Enrolled Act No. 26, H.R. 42, 68th Leg., Gen. Sess. (Wyo. 2025), Wyo. Stat. Ann. §§ 35-6-201 through 35-6-204 (2025), Wyo. Stat. Ann. § 35-2-901(a)(ii) (amended) (2025), and Wyo. Stat. Ann. “Section 3, Section 4, Section 5” (statutes unidentified as published) (“House Bill 42”); House Enrolled Act No. 35, H.R. 64, 68th Leg., Gen. Sess. (Wyo. 2025), Wyo. Stat. Ann. §§ 35-6-201 through 35-6-202 (2025) (“House Bill 64”). House Bills 42 and 64 are hereinafter Wyo. Stat. Ann. § 35-6-201 *et seq.* or the “Criminal TRAP Laws.”

29. On March 21, 2025, these same Plaintiffs again filed suit in Natrona County. *Johnson et al. v. State of Wyoming et al.*, Civil Action No. 115019 (“*Johnson III*”). The Plaintiffs’

complaint and initial filings in *Johnson III* sought a preliminary and permanent injunction of the Criminal TRAP Laws and a declaration that the statutes were contrary to the Wyoming Constitution. The District Court granted a temporary restraining order on April 21, 2025.

30. Later in the 2025 legislative session, the Legislature also adopted House Bill 164. *See* House Enrolled Act No. 74, H.R. 164, 68th Leg., Gen. Sess. (Wyo. 2025), Wyo. Stat. Ann. §§ 33-1-401 through 33-1-403 (“House Bill 164”). This statute authorizes Wyoming physicians and pharmacists to prescribe and dispense FDA-approved prescription drugs for off-label indications without risk of “adverse action from a health-related licensing board,” but specifically excepts three categories for prescriptions, including prescriptions for drugs “[i]ntended to induce an abortion.” *Id.* In other words, the statute specifically does not authorize the prescription or dispensing of FDA-approved drugs for abortion care if abortion care is not indicated on their label. The statute also does not protect physicians or prescribers of medications “intended to induce an abortion” from “disciplinary action” by the Wyoming state board of medicine, state board of pharmacy, other health-related licensing boards. *Id.*

31. On May 1, 2025, Plaintiffs amended their complaint in *Johnson III* to include House Bill 164. The amended complaint additionally sought a preliminary and permanent injunction of House Bill 164 and a declaration that it was contrary to the Wyoming Constitution. The District Court granted a temporary restraining order on June 30, 2025.

32. On January 6, 2026, the Wyoming Supreme Court affirmed the District Court of Teton County’s ruling. *See State v. Johnson*, 2026 WY 1, 582 P.3d 380 (Wyo. 2026). The Wyoming Supreme Court affirmed that abortion is health care subject to the protections of Article 1, Section 38 of the Wyoming Constitution and that Section 38 challenges are subject to strict scrutiny. *Id.*, 2026 WY 1, ¶ 56, ¶ 74, 582 P.3d at 401.

33. In the 2026 legislative session, the Legislature adopted House Bill 126. *See* House Enrolled Act No. 29, H.R. 126, 68th Leg., Gen. Sess. (Wyo. 2026), Wyo. Stat. Ann. §§ 35-6-401 through 35-6-404 (2026), Wyo. Stat. Ann. § 33-21-146 (2026), Wyo. Stat. Ann. § 33-24-122 (2026), Wyo. Stat. Ann. § 33-26-402 (2026), Wyo. Stat. Ann. § 33-26-508 (2026), Wyo. Stat. Ann. §§ 35-6-501 through 35-6-510 (2026), Wyo. Stat. Ann. § 5-8-102(a) (2026), and “Section 6” (statute unidentified as published) (“House Bill 126” or the “2026 Abortion Ban”). On March 9, 2026, the governor signed the 2026 Abortion Ban into law, despite calling it a “flawed Act.” *See* Letter from Governor Mark Gordon, Re: Signing of House Enrolled Act No. 29 / House Bill 0126 - Human Heartbeat Act (Mar. 9, 2026).

34. The newly enacted 2026 Abortion Ban strips Wyoming women and their families of their fundamental rights. In relevant part, the bill prohibits any termination of pregnancy if the fetus has a “detectable fetal heartbeat” or if the provider of the termination did not make the determination of whether the fetus has a “detectable fetal heartbeat,” without providing a workable definition of the term “detectable fetal heartbeat.” Wyo. Stat. Ann. § 35-6-403(a). By approximately six weeks gestation (measured from last menstrual period, or “LMP”), the cells that will eventually form the heart have developed into a tube that emits electrical impulses and may produce pulsations that are detectable with a transvaginal ultrasound, but it is unclear whether the 2026 Abortion Ban refers to this particular event, or some other stage of embryonic development. Due to the lack of clarity regarding “detectable fetal heartbeat,” abortion providers risk criminal sanctions and revocation of their professional license should they terminate a pregnancy at the wrong point in time. Nurses and pharmacists are also liable if they make an incorrect determination with respect to “detectable fetal heartbeat.” As a result, many healthcare providers and prescribers of abortion medications will be unwilling to terminate a pregnancy at any point of

a pregnancy, but especially after six weeks of gestation. In other words, the 2026 Abortion Ban prohibits all abortion care after the embryo or fetus after six weeks gestation with the exception of “medical emergenc[ies].” *Id.* § 35-6-403. The statute similarly fails to provide a workable definition of “medical emergency,” leaving patients at risk of serious injury or death from any delay or denial of medication or procedural abortion care.

35. Under the 2026 Abortion Ban, any person who violates the statute is subject to a felony criminal charge punishable by up to five years of imprisonment and/or a fine of up to \$10,000. *Id.* § 35-6-404(a). In particular, the statute holds liable any “person” who “perform[s], induce[s], attempt[s] to perform or attempt[s] to induce a termination of a pregnancy” with no definition for “perform” or “induce.” *Id.* Health care providers who violate this statute—including physicians, nurses, physician assistants, and pharmacists—face the mandatory revocation of their professional license. *Id.* §§ 35-6-404(a), 33-21-146, 33-24-122, 33-26-402, 33-26-508.

36. Wyomingites who have relied on safe, legal access to abortion for decades now face a daunting hurdle to their constitutional rights to determine the composition of their families and whether and when to become parents; the right to be free from state laws that perpetuate stereotypes about women and their proper societal role; the right to bodily autonomy and to be free from involuntary servitude; and the right to make private health care decisions and to keep those health care decisions free from public scrutiny.

37. As a result of the 2026 Abortion Ban, Dr. Anthony, Dr. Hinkle, and Wellspring’s physicians and staff, who provide abortions among reproductive health care, have no choice but to stop providing abortion care and other reproductive health services after six weeks’ gestation that could qualify as a “termination of pregnancy” that does not fall under the vague and ambiguous “medical emergency” exception. Their patients will therefore be unable to access the healthcare

of their choice. The 2026 Abortion Ban will also detrimentally impact Chelsea’s Fund and its clients by increasing medical and travel costs—and potentially implicating criminal liability on Chelsea’s Fund for providing the funds for its clients to seek abortion care—and therefore exhausting the fund’s ability and resources to assist Wyoming women in obtaining legal abortion-related services. In addition to denying Ms. Johnson the ability to receive abortion-related care in the future, she could also face criminal liability in her capacity as a registered charge nurse if she assists with any health care procedure that could fall under the purview of the 2026 Abortion Ban.

38. The 2026 Abortion Ban violates the Wyoming Constitution. Although *Dobbs v. Jackson Women’s Health Org.*, 597 U.S. 215, 142 (2022), has revoked the right to pre-viability abortions under the U.S. Constitution, which had existed for nearly 50 years, the Wyoming Constitution serves as an independent source of rights for Wyomingites. *Hageman v. Goshen Cnty. Sch. Dist. No. 1*, 2011 WY 91, ¶ 7, 256 P.3d 487, 492 (Wyo. 2011) (citing *Vasquez v. State*, 990 P.2d 476 (Wyo. 1999)).

39. The Wyoming Supreme Court has made clear that Wyoming’s constitutional guarantees are more expansive than those secured by the Federal Constitution, and the Wyoming Constitution should be interpreted “to protect people against legal discrimination more robustly than does the federal constitution.” *Johnson v. State Hearing Examiner’s Off.*, 838 P.2d 158, 165 (Wyo. 1992).

40. Plaintiffs, on behalf of themselves, their patients and clients, and Wyoming’s women and families, bring this lawsuit, seeking a declaration that the 2026 Abortion Ban violates the Wyoming Constitution.

41. Plaintiffs also seek a temporary restraining order and preliminary and permanent injunctive relief to prevent Defendants from enforcing the 2026 Abortion Ban in Natrona County and throughout Wyoming.

PARTIES

A. Plaintiffs

42. Plaintiff Danielle Johnson is married and a resident of Teton County, Wyoming. She is a charge registered nurse at a community area hospital in Wyoming. She is certified as a sexual assault nurse examiner. Ms. Johnson intends to have additional children, beyond the two she currently has, and to stay in Wyoming with her family. Her decision to have additional children in Wyoming is based on the availability of evidence-based healthcare, including abortion. At the time of the filing of the Complaint in *Johnson I*, she was pregnant.⁷

43. Plaintiff Giovannina Anthony, M.D. is an Obstetrics and Gynecology specialist and has been in full-time practice in Wyoming for over two decades. Her practice includes all forms of gynecologic care, including procedural and medication abortions if a patient requires an abortion. Dr. Anthony regularly administers mifepristone and misoprostol as part of her practice. She currently practices in Jackson, Wyoming. Dr. Anthony brings her claims on her behalf and on behalf of her patients.

44. Plaintiff Rene Hinkle, M.D. is an Obstetrics and Gynecology specialist practicing with Cheyenne Women's Clinic, PC, where she provides health care for women, including full obstetric services and primary gynecology and surgery. While she does not perform non-emergency abortions, Dr. Hinkle does offer counseling to patients about all medical options available to them, including abortion. She also routinely treats patients with high-risk pregnancies,

⁷ Ms. Johnson gave birth to a healthy son in November of 2022.

miscarriages, ectopic pregnancies, and fetal anomalies, and administers abortion medications and/or terminates pregnancies, in consultation with patients, in connection with these conditions. Dr. Hinkle regularly administers misoprostol for off-label uses, including but not limited to miscarriage management, to prepare a patient for a procedural abortion of a high-risk pregnancy, and to treat post-partum hemorrhaging. Dr. Hinkle brings her claims on her behalf, and on behalf of her patients.

45. Plaintiff Chelsea's Fund is a non-profit 501(c)(3) organization that enables Wyomingites to access abortion services through information, funding assistance, and other logistical support necessary to facilitate travel, lodging, and childcare for a person seeking abortion care. Chelsea's Fund plans to continue offering its services to its constituents throughout Wyoming and eastern Idaho so long as its capacity to do so is not inalterably impacted by the Criminal TRAP Laws and House Bill 164. Chelsea's Fund brings its claims on behalf of itself and on behalf of its constituents who rely upon their association with the organization to protect their rights.

46. Circle of Hope Health Care Services, Inc., ("Wellspring") is a Wyoming nonprofit organization whose mission is to expand access to reproductive health care, particularly in underserved areas, so that people can maintain bodily autonomy. Wellspring operates a medical clinic that served as Wyoming's only procedural abortion facility and offers medication abortion and telehealth services. After a lengthy delay caused by arson, Wellspring's clinic in Casper, Wyoming opened on April 27, 2023. Following House Bill 42 taking effect on February 27, 2025, Wellspring immediately stopped offering reproductive health services, including services for abortion, contraception and general gynecological visits, until this Court granted a preliminary injunction on April 21, 2025, allowing Wellspring to resume providing these services. As of

March 9, 2026 when the 2026 Abortion Ban took effect, Wellspring has stopped offering telehealth medication abortion services and has had to significantly reduce its other services for abortion.

47. Wellspring provides an array of reproductive health care services, including medical and procedural abortions performed by physicians licensed to practice medicine in Wyoming, and has retained staff and medical personnel. Physicians for Wellspring regularly prescribe mifepristone and misoprostol as part of their practice. Prior to March 9, 2026, Wellspring had served more than 900 abortion patients. Wellspring would continue to offer such services if Wyomingites' fundamental rights that they have always enjoyed continued to exist. Wellspring brings its claims on behalf of itself, and on behalf of its clients and patients who rely upon their association with the organization, and its clinics and health care providers, to protect each and all of their rights.

B. Defendants

48. Defendant State of Wyoming is responsible for upholding the Wyoming Constitution. The State of Wyoming has proposed enactment and enforcement of the 2026 Abortion Ban as stated herein and has authority through state and local officials to enforce them.

49. Defendant Mark Gordon is the Governor of Wyoming. He may require the Attorney General to aid local prosecutors and/or law enforcement in the discharge of their duties. Governor Gordon is sued in his official capacity for the relief sought herein.

50. Defendant Keith G. Kautz is the Attorney General for the State of Wyoming, and the State's chief legal officer. He exercises supervisory power over local prosecutors throughout Wyoming; and is also responsible for defending Wyoming laws against constitutional challenges. Mr. Kautz is sued in his official capacity.

51. Defendant John Harlin is the Sheriff of Natrona County and Natrona County's chief law enforcement officer. His official position charges him with enforcement of the laws of the State of Wyoming. Mr. Harlin is sued in his official capacity.

52. Defendant Shane Chaney is the Chief of Police for the Casper Police Department, and he is the chief law enforcement officer for the City of Casper, Wyoming. His official position charges him with enforcement of the laws of the State of Wyoming. Mr. Chaney is sued in his official capacity.

VENUE AND JURISDICTION

53. The Seventh Judicial District Court in Natrona County is a proper venue for this action because the 2026 Abortion Ban is law in the State of Wyoming, enforceable by its peace officers, including Defendants Harlin and Chaney, and the officers they supervise, and because its enforcement would impact the citizens of Natrona County, including Wellspring and its patients. This Court is also the proper venue pursuant to Wyo. Stat. Ann. § 1-5-108 (2024).

54. This Court has jurisdiction over this matter pursuant to Wyo. R. Civ. P. Rule 57 as it may declare rights of the parties pursuant to Wyo. Stat. Ann. § 1-37-102 (2024); because Plaintiffs are persons whose rights, status, or other legal relations are affected by the Wyoming Constitution and the 2026 Abortion Ban pursuant to Wyo. Stat. Ann. § 1-37-103 (2024); because it has general equitable power to enforce the Wyoming Constitution; and because the relief sought is a declaration that will have the force and effect of a final judgment.

55. Plaintiffs have existing and genuine fundamental rights at stake; thus, these proceedings are genuinely adversarial in character.

56. The controversy is one upon which judgment of this Court will effectively operate, and one in which the Court's decision will have the effect of a final judgment regarding the law.

57. The fundamental rights of Wyomingites at stake in this matter are of great and overriding public importance and moment.

58. This Court has jurisdiction to issue the injunctive relief sought herein and in the contemporaneous and upcoming motions for injunctive relief pursuant to Wyo. Stat. Ann. § 1-28-101 (2024), *et seq.*, as well as its general equitable powers to enforce the Wyoming Constitution.

ADDITIONAL FACTUAL ALLEGATIONS

A. Wyoming's 2026 Abortion Ban

59. Plaintiffs incorporate all previous allegations as if fully set forth herein.

60. House Bill 126 was passed by the Legislature on March 5, 2026. On March 9, 2026, the Governor signed House Bill 126 into law, and the 2026 Abortion Ban took effect.

61. The final, complete text of the 2026 Abortion Ban reads as follows:

Section 1.

(a) The legislature finds that:

- (i) In State v. Johnson, 2026 WY 1, the Wyoming supreme court interpreted article 1, section 38 of the Wyoming constitution to include a right to make health care decisions but acknowledged the legislature's authority under article 1, section 38(c) of the Wyoming constitution to enact reasonable and necessary restrictions to protect the general welfare of the people;
- (ii) Article 1, section 2 of the Wyoming constitution recognizes that all members of the human race have an equal right to life. Unborn children are members of the human race. The general welfare of the state of Wyoming and its people necessarily includes the preservation of life. In State v. Johnson, 2026 WY 1, the Wyoming supreme court acknowledged that the state has an interest "in protecting the life that an abortion would end." The legislature finds that a right to life is the most fundamental of all rights, and the state has a compelling interest in protecting that life;
- (iii) Protecting the general welfare of the state of Wyoming and its people necessarily includes the obligation of the state to act in *parens patriae*, protecting those who cannot protect themselves. The state has a compelling interest in protecting the life of unborn members of the human race who cannot protect themselves;
- (iv) Protecting the general welfare of the state of Wyoming and its people necessarily includes the obligation to support and encourage childbirth as an essential element in the future stability of our societal and economic

structures. The state asserts a compelling interest in providing for the state's future population and societal and economic security by promoting childbirth;

- (v) Medical evidence shows a fetal heartbeat is a key indicator that an unborn child is alive and will reach live birth. The state has a compelling interest, beginning at least at the time a fetal heartbeat is detected, in protecting the life of the unborn child.
- (a) Acting under the specific authority to determine reasonable and necessary restrictions on the right of health care access to protect the health and general welfare of the people granted in article 1, section 38(c) of the Wyoming constitution, the purpose of this act is to restrict abortion procedures on unborn children with detectable heartbeats.

Section 2. W.S. 35-6-401 through 35-6-404 are created to read:

ARTICLE 4
PROTECTION OF UNBORN CHILDREN WITH HEARTBEATS

35-6-401. Definitions.

- (a) As used in this article:
 - (i) “Detectable fetal heartbeat” means cardiac activity or the steady and repetitive rhythmic contraction of the fetal heart within the gestational sac that is detectable using standard medical equipment;
 - (ii) “Medical emergency” means a condition that, in reasonable medical judgment, so complicates the medical condition of the pregnant woman as to necessitate the immediate termination of her pregnancy to avert the woman's death or for which a delay will create a serious risk of substantial and irreversible impairment of a major bodily function of the woman;
 - (iii) “Termination of pregnancy” means the use of any instrument, medicine, drug or other substance or device with the intent to terminate the pregnancy of a woman known to be pregnant, with an intention other than to increase the probability of a live birth, to preserve the life or health of the child after live birth or to remove a dead unborn child.

35-6-402. Determination of detectable fetal heartbeat required.

- (a) Except in the case of a medical emergency, no person shall perform, induce, attempt to perform or attempt to induce a termination of a pregnancy unless the person has first made a determination of whether the unborn child has a detectable fetal heartbeat.
- (b) The determination of whether an unborn child has a detectable fetal heartbeat shall be made using standard medical practices and techniques, including ultrasound measurement if necessary.

35-6-403. Prohibition of terminations of unborn children with detectable fetal heartbeats.

- (a) Except as provided in subsection (b) of this section, no person shall perform, induce, attempt to perform or attempt to induce a termination of pregnancy if:
 - (i) The unborn child has a detectable fetal heartbeat; or
 - (ii) The person fails or has failed to make the determination of whether the unborn child has a detectable fetal heartbeat under W.S. 35-6-402.
- (b) The restriction in subsection (a) of this section shall not apply if, in reasonable medical judgment, a medical emergency exists. If a medical emergency exists, a licensed physician may terminate the pregnancy, provided that the termination of the pregnancy shall be in the manner that provides the best opportunity for the unborn child to survive, unless that manner would pose a greater risk of death or substantial and irreversible physical impairment to the pregnant woman.

35-6-404. Penalties; sanctions.

- (a) Any person who intentionally or knowingly violates this article shall be guilty of a felony punishable by imprisonment for not more than five (5) years, a fine of not more than ten thousand dollars (\$10,000.00), or both.
- (b) A violation of this article constitutes unprofessional conduct and shall result in the mandatory revocation of the person's professional license by the appropriate licensing board in this state.

Section 3. W.S. 33-21-146 by creating a new subsection (c), 33-24-122 by creating a new subsection (d), 33-26-402 by creating a new subsection (c) and 33-26-508 by creating a new subsection (e) are amended to read:.

33-21-146. Disciplining licensees and certificate holders; grounds.

- (c) The board of nursing shall revoke the license, certificate or temporary permit of any person if the person is convicted of violating any provision of W.S. 35-6-401 through 35-6-404.

33-24-122. Revocation or suspension of license and registration; letter of admonition; summary suspension; administrative penalties; probation; grounds.

- (d) The board of pharmacy shall revoke the license and registration of any pharmacist if the person is convicted of violating any provision of W.S. 35-6-401 through 35-6-404.

33-26-402. Grounds for suspension; revocation; restriction; imposition of conditions; refusal to renew or other disciplinary action.

- (c) The board shall revoke the license of any physician if the physician is convicted of violating any provision of W.S. 35-6-401 through 35-6-404.

33-26-508. Suspension, restriction, revocation or nonrenewal of license.

- (e) The board shall revoke the license of any physician assistant if the physician assistant is convicted of violating any provision of W.S. 35-6-401 through 35-6-404.

Section 4. W.S. 35-6-501 through 35-6-510 are created to read:

ARTICLE 5
ABORTION REGULATIONS AND RESTRICTIONS

35-6-501. Definitions.

- (a) As used in this article, unless the context otherwise requires:
- (i) “Abortion” means an act, procedure, device or prescription administered to or prescribed for a pregnant woman by any person with knowledge of the pregnancy, including the pregnant woman herself, with the intent of producing the premature expulsion, removal or termination of a human embryo or fetus, except that in cases in which the viability of the embryo or fetus is threatened by continuation of the pregnancy, early delivery after viability by commonly accepted obstetrical practices shall not be construed as an abortion;
 - (ii) “Accepted medical procedures” means procedures of the type and performed in a manner and in a facility that is equipped with surgical, anesthetic, resuscitation and laboratory equipment sufficient to meet the standards of medical care that physicians engaged in the same or similar lines of work in the community would ordinarily exercise and devote to the benefit of their patients;
 - (iii) “Conception” means the fecundation of the ovum by the spermatozoa;
 - (iv) “Hospital” means those institutions licensed by the state department of health as hospitals;
 - (v) “Minor” means a pregnant woman under the age of eighteen (18), but does not include any woman who:
 - (A) Is legally married;
 - (B) Has received a declaration of emancipation under W.S. 14-1-203;
 - (C) Is in active military service; or
 - (D) Has lived apart from her parents or guardian, has been financially independent and has managed her own affairs for at least six (6) months prior to a proposed abortion.
 - (vi) “Parents” means both parents of a minor if they are both living, or one (1) parent of the minor if only one (1) parent of the minor is living or if the second parent does not have custody of the minor or cannot be located through a reasonably diligent effort;
 - (vii) “Physician” means any person licensed to practice medicine in this state;
 - (viii) “Pregnant” means that condition of a woman who has a human embryo or fetus within her as the result of conception;

- (ix) “Viability” means that state of human development when the embryo or fetus is able to live by natural or life-supportive systems outside the womb of the mother, according to appropriate medical judgment;
- (x) “Woman” means any female person.
- (b) The singular, where used in this article, includes the plural, the plural includes the singular and the masculine gender includes the feminine or neuter genders, when consistent with the intent of this article and when necessary to effectuate its purpose.

35-6-502. No abortion after viability; exception.

An abortion shall not be performed after the embryo or fetus has reached viability, except when necessary to preserve the woman from an imminent peril that substantially endangers her life or health, according to appropriate medical judgment.

35-6-503. Viability not affected by abortion.

A physician who performs an abortion procedure employed pursuant to W.S. 35-6-502 shall not intentionally terminate the viability of the unborn infant prior to, during or following the procedure.

35-6-504. Means of treatment for viable abortion.

The commonly accepted means of care that would be rendered to any other infant born alive shall be employed in the treatment of any viable infant who survives an abortion or attempted abortion. Any physician performing an abortion shall take medically appropriate and reasonable steps to preserve the life and health of an infant born alive.

35-6-505. Penalty for violation of W.S. 35-6-502, 35-6-503 or 35-6-504.

Any physician or other person who violates any provision of W.S. 35-6-502, 35-6-503 or 35-6-504 is guilty of a felony punishable by imprisonment in the penitentiary for not more than fourteen (14) years.

35-6-506. Penalty for a person other than a physician to perform abortion.

Any person other than a licensed physician who performs an abortion is guilty of a felony punishable by imprisonment in the penitentiary for not less than one (1) year and not more than fourteen (14) years.

35-6-507. Procedure governing abortion performed upon minor.

- (a) An abortion shall not be performed upon a minor unless at least one (1) of the minor's parents or her guardian are notified in writing at least forty-eight (48) hours before the abortion, and the attending physician has obtained the written consent of the minor and at least one (1) parent or guardian of the minor, unless:
 - (i) The minor, in a closed hearing, is granted the right to self-consent to an abortion by court order pursuant to subparagraph (b)(v)(B) of this section and the attending physician receives a certified copy of the court order and the written consent of the minor; or

- (ii) The abortion is authorized by court order pursuant to subparagraph (b)(v)(C) of this section and the attending physician receives a certified copy of the court order.
- (b) A juvenile court of competent jurisdiction may grant the right of a minor to self-consent to an abortion or may authorize an abortion upon a minor, in accordance with the following procedure:
 - (i) The minor shall apply to the juvenile court for assistance, either in person or through an adult of the minor's choice. The court shall assist the minor in preparing the petition and notices required under this section;
 - (ii) Notwithstanding W.S. 14-6-212, the minor or an adult of the minor's choice shall file a petition with the court, signed by the minor and setting forth:
 - (A) The initials of the minor and the minor's date of birth;
 - (B) The names and addresses, if known, of the minor's parents, guardian, custodian or, if the minor's parents are deceased and a guardian or custodian has not been appointed, any other person standing in loco parentis of the minor;
 - (C) That the minor has been informed by her treating physician of the risks and consequences of an abortion;
 - (D) That the minor is mature and wishes to have an abortion; and
 - (E) Facts indicating why an abortion is in the best interest of the minor.
 - (iii) The court may appoint a guardian ad litem of the minor and may appoint legal counsel for the minor;
 - (iv) Not later than five (5) days after the petition is filed under paragraph (ii) of this subsection, a hearing on the merits of the petition shall be held on the record. Any appointed counsel shall be appointed and notified by the court at least forty-eight (48) hours before the time set for the hearing. At the hearing, the court shall hear evidence relating to:
 - (A) The maturity and understanding of the minor;
 - (B) The nature of the abortion, risks and consequences of the abortion and alternatives to the abortion; and
 - (C) Whether an abortion is in the best interest of the minor.
 - (v) In its order, which shall be issued not later than twenty-four (24) hours from the conclusion of the hearing, the court shall enter findings of fact and conclusions of law, order the record of the hearing sealed and shall:
 - (A) Deny the petition, setting forth the grounds on which the petition is denied;
 - (B) Grant the minor the right to self-consent to the abortion, based upon a finding by clear and convincing evidence that the minor is sufficiently mature and adequately informed to make her own decision, in consultation with her physician, independently of the wishes of her parent or guardian; or

- (C) Authorize the abortion based upon a finding by clear and convincing evidence that the abortion is in the best interest of the minor.
- (vi) Any order entered under paragraph (v) of this subsection may be appealed to the supreme court in accordance with the Wyoming Rules of Appellate Procedure. Notwithstanding W.S. 14-6-233, the supreme court shall, by rule, provide for expedited appellate review of appeals under this paragraph.
- (c) This section shall not apply in an emergency medical situation when, to a reasonable degree of medical probability, the attending physician determines that an abortion is necessary to preserve the minor from an imminent peril that substantially endangers her life, and so certifies in the minor's medical record.
- (d) The written notifications required under this section shall be delivered:
 - (i) Personally by the minor, attending physician or an agent; or
 - (ii) By certified mail addressed to the parent at the usual place of abode of the parent with return receipt requested and restricted delivery to the addressee.
- (e) No parent, guardian or spouse shall require a minor to submit to an abortion against her wishes.
- (f) Any physician or other person who knowingly performs an abortion on a minor in violation of this section is guilty of a misdemeanor punishable by a fine of not more than one thousand dollars (\$1,000.00), imprisonment for not more than one (1) year, or both.

35-6-508. Information provided to patient; exceptions.

- (a) Except in a case of medical emergency, the physician performing the abortion on the patient, the referring physician or a person designated by either physician shall inform the patient of the opportunity to view an active ultrasound of the unborn child and hear the heartbeat of the unborn child if the heartbeat is audible. The active ultrasound image and auscultation of the fetal heart tone shall be of a quality consistent with standard medical practice in the community.
- (b) This section shall not apply to a procedure performed with the intent to:
 - (i) Save the life of the patient;
 - (ii) Ameliorate a serious risk of causing the patient substantial and irreversible impairment of a major bodily function;
 - (iii) Preserve the health of the unborn child;
 - (iv) Remove a dead unborn child; or
 - (v) Remove an ectopic pregnancy.

35-6-509. Applicability; intent.

- (a) It is the intent of the legislature that, subject to W.S. 35-6-510:
 - (i) The abortion regulations that existed in Wyoming before the United States supreme court's decision in Dobbs v. Jackson Women's Health Organization, 597 U.S. 2015 (2022) be in effect;
 - (ii) In light of the Wyoming supreme court's decision in State v. Johnson, 2026 WY 1, the abortion regulations that existed before the enactment of the

Life is a Human Right Act be in effect so that abortion in Wyoming is regulated as it was before the United States Supreme Court's decision in Dobbs and the enactment of the Life is a Human Right Act and any subsequent enacted law regulating abortion in the state.

35-6-510. Whether article is effective.

- (a) This article shall be effective only if a court has enjoined the enforcement or applicability of W.S. 35-6-401 through 35-6-404 or has held that W.S. 35-6-401 through 35-6-404 violates the Wyoming constitution or the United States constitution.
- (b) The attorney general shall review the decisions of any court that challenges W.S. 35-6-401 through 35-6-404 to determine whether W.S. 35-6-401 through 35-6-404 are enforceable. If the attorney general determines that W.S. 35-6-401 through 35-6-404 are not enforceable or cannot take effect, the attorney general shall, within thirty (30) days of the date of the decision, report that fact to the governor, the joint judiciary interim committee and the governor, who may certify the effectiveness of this article to the secretary of state.
- (c) After receiving certification from the governor that this article is effective, the secretary of state shall report that fact to the management council of the legislature, the joint judiciary interim committee and the Wyoming state board of medicine and shall immediately publish the effective date of this article on the website of the secretary of state, which effective date shall be five (5) days after the secretary of state receives certification under subsection (b) of this section.
- (d) To the extent that W.S. 35-6-401 through 35-6-404 are enjoined but later determined to be legal, constitutional or enforceable after this article has taken effect, the provisions of W.S. 35-6-401 through 35-6-404 shall control and take precedence over this article.

Section 5. W.S. 5-8-102(a) by creating a new paragraph (vii) is amended to read:

5-8-102. Jurisdiction.

- (a) The juvenile court has general jurisdiction in all matters and proceedings commenced therein or transferred to it by order of the district court concerning:
 - (vii) Procedures governing abortions performed on minors as provided under W.S. 35-6-507, subject to W.S. 35-6-510. For proceedings under this paragraph, "minor" shall mean as defined in W.S. 35-6-501(a)(v).

Section 6. This act is effective immediately upon completion of all acts necessary for a bill to become law as provided by Article 4, Section 8 of the Wyoming Constitution.

* * * * *

62. As of March 9, there is a near-total abortion ban in Wyoming, and Wyoming medical providers are unable to provide access to reasonable and necessary health care to their

patients. Physicians, pharmacists, and other health care providers face felony convictions, fines and/or prison time, and the loss of their licensure for violations.

B. The Impact of Wyoming's 2026 Abortion Ban on Plaintiffs

i. Ms. Johnson

63. Ms. Johnson has never had a government impose its morals onto her health care. At the enactment of the Trigger Ban, Ms. Johnson was pregnant. She ultimately delivered a healthy child in November 2022. Ms. Johnson presently intends to have more children in Wyoming, subject to her ability to obtain all evidence-based care for those pregnancies, including abortion.

64. On the date of this filing, Ms. Johnson is entitled to all evidence-based health care as recommended by the American College of Obstetrics and Gynecology, the American Medical Association, and other entities that support evidence-based health care.

65. On the date of this filing, Ms. Johnson is entitled to all ethical and sound health care as determined by her health care providers.

66. The 2026 Abortion Ban will prohibit her from seeking and receiving such health care, as referenced in the preceding two paragraphs, in Wyoming.

67. If Ms. Johnson seeks abortion-related care during her future pregnancies, the 2026 Abortion Ban will command her health care providers to delay and/or deny appropriate medical or surgical treatment due to ambiguities and inconsistencies in the statutes. The delay or denial of receiving evidence-based medical care would put Ms. Johnson at risk of experiencing significantly more pain and suffering, and potential long-term harm and immediate risk of death. Ms. Johnson and her family should not have to face this intrusion on her health care, which was fully available to her before the 2026 Abortion Ban was enacted.

68. If Ms. Johnson's future pregnancies reveal that she is pregnant with a fetus with fatal defects, or if she experiences pregnancy complications that pose a risk to her or the fetus, she wishes to have all evidence-based health care options available to her, and not be impeded by requirements based on no medical data or which are not medically necessary. Ms. Johnson's decision to have additional children in Wyoming is based on the availability of evidence-based healthcare, including abortion.

69. As a charge nurse, Ms. Johnson may be legally constrained under the 2026 Abortion Ban from providing her pregnant patients with all available evidence-based health care which she is obligated to provide. The constraints and criminal consequences of the 2026 Abortion Ban may compromise her license and livelihood.

ii. Dr. Anthony

70. Dr. Anthony has delivered more than 3,000 babies in her career, with many of those births complicated by maternal and fetal conditions. She has seen a broad spectrum of human complications during pregnancy and childbirth and has a deep understanding of the complications that can cause durable disability and death. She manages her own patients with complex pregnancies.

71. Dr. Anthony's education, training, and experience have led her to practice medicine in a manner which provides her patients with evidence-based health care. The 2026 Abortion Ban functions as a barrier to this type of care.

72. Dr. Anthony is committed to providing high-quality, compassionate gynecologic care, including abortion care, that honors each patient's dignity and autonomy.

73. With the 2026 Abortion Ban in effect, Dr. Anthony is no longer able to offer ethical, evidence-based health care to her patients that is consistent with the medical standard of care.

74. The 2026 Abortion Ban also forces all of Wyoming's certified gynecologic care physicians, including Dr. Anthony, to delay or deny appropriate medical care for women unnecessarily, and require an invasive medical procedure as a threshold to a patient seeking to access abortion-related care.

75. For Dr. Anthony's patients to receive appropriate and timely care, if she is even permitted to provide it at all, she will be forced to order an invasive, unnecessary, and prohibitively costly medical procedure for them that will be difficult for many of them to access (or ask them to drive to Colorado or Montana), contrary to all good standards of medicine and evidence-based healthcare.

iii. Dr. Hinkle

76. Dr. Hinkle has delivered more than 3,000 babies in her career, and more than 2,500 in Cheyenne, with many of those births complicated by maternal or fetal conditions. She has seen a broad spectrum of human complications during pregnancy and childbirth, and she has a deep understanding of the complications that can cause durable disability and death. She manages her own high-risk pregnancy patients.

77. Dr. Hinkle treats patients who have lost viable, desired pregnancies to miscarriage and ectopic pregnancies.

78. Dr. Hinkle is committed to providing high-quality, compassionate care that honors each patient's dignity and autonomy. When patients desire a first-trimester abortion, they are referred to a provider who can assist them. Dr. Hinkle does offer, and counsels her patients regarding, second-trimester terminations for pregnancies that are found to have lethal fetal complications.

79. Dr. Hinkle's education, training, and experience have led her to practice medicine in a manner which provides all of her patients with evidence-based health care and excludes

treatments and procedures which are not based on evidence-based health care. The 2026 Abortion Ban functions as a barrier to this type of care.

80. With the 2026 Abortion Ban in effect, Dr. Hinkle is no longer able to offer ethical and evidence-based health care to her patients consistent with the medical standard of care.

81. The 2026 Abortion Ban also forces all of Wyoming's certified obstetrics care physicians, including Dr. Hinkle, to delay or deny appropriate and necessary medical care for women who are or may become pregnant, and who may or may not desire to remain pregnant for a myriad of reasons.

iv. Chelsea's Fund

82. Chelsea's Fund's mission is to enable all Wyoming and eastern Idaho residents to access abortion services, through information, funding assistance, and logistical support, which sometimes involves out-of-state travel.

83. It provides assistance to Wyoming women and families who could not otherwise afford abortion services. Providers refer patients to Chelsea's Fund when their patients express an inability to pay for an abortion, whilst other patients reach out directly to the organization.

84. Given Wyoming's burdensome statutory scheme relating to the criminal exposure to which the 2026 Abortion Ban subjects health care providers, technicians, pharmacists, facilities, and others, the 2026 Abortion Ban impedes Chelsea's Fund from continuing its service to Wyoming citizens, as they impose onerous and overwhelming burdens on Chelsea's Fund financial and organizational capacity. The 2026 Abortion Ban also has a substantial impact on the clients and/or potential clients of Chelsea's Fund, as they significantly increase the expense and difficulty of procuring in-state or out-of-state travel and ultrasounds for Chelsea's Fund's clients. The funding required for abortions currently provided in Wyoming is and will continue to greatly

increase due to the de facto ultrasound requirement in the 2026 Abortion Ban and is and will continue to decrease access to abortion care by delaying (or making impossible) abortions for Wyomingites.

85. Chelsea’s Fund may also face criminal liability if prosecutors view their efforts to assist Wyoming women in accessing abortion care outside of the state as violative of the 2026 Abortion Ban’s prohibition of “induc[ing]” or “attempt[ing] to induce a termination of pregnancy.” Wyo. Stat. Ann. § 35-6-403(a).

86. Chelsea’s Fund’s capacity to continue operations will be eclipsed by the increased cost of services for each client it serves, and the Fund estimates that its funding will no longer meet the anticipated increase in per-client cost.

87. Critically, Chelsea’s Fund represents the interests of the constituents it serves, who will lose their ability to access necessary evidence-based healthcare and abortion services if the 2026 Abortion Ban is in effect.

v. Wellspring

88. Wellspring runs a clinic in Casper, Wyoming. The clinic is a private medical office for general gynecological care, medical and procedural abortion, family planning, gender-affirming care, family medicine, STD/STI testing and treatment, and sex education consultations. Since April 2023, Wellspring has served more than 900 abortion patients and more than 450 patients for non-abortion care.

89. Prior to the 2026 Abortion Ban going into effect, Wellspring’s primary service offerings included procedural and medication abortion services.

90. When the 2026 Abortion Ban went into effect on March 9, 2026, Wellspring was forced to again stop administering all forms of abortion care after six weeks’ gestation due to vague

and ambiguous terms that made it unclear whether these procedures were unlawful. Wellspring was also forced to stop its telehealth medication abortion services.

91. The 2026 Abortion Ban has stopped Wellspring’s efforts to provide essential medical care to Wyomingites, and completely thwarted its business purpose.

C. The Impact of the 2026 Abortion Ban on Wyomingites⁸

92. The 2026 Abortion is forcing and will likely continue to force Wyomingites seeking abortion care after six weeks’ gestation to continue a pregnancy against their will in addition to subjecting themselves to a transvaginal ultrasound, an invasive and unnecessary procedure to access care at all.

93. Wyoming has long recognized abortion as health care. Current Wyoming law defines “abortion” as “an act, procedure, device, or prescription administered to or prescribed for a pregnant woman by any person with knowledge of the pregnancy, including the pregnant woman herself, with the intent of producing the premature expulsion, removal or termination of a human embryo or fetus, except that in cases in which the viability of the embryo or fetus is threatened by continuation of the pregnancy, early delivery after viability by commonly accepted obstetrical practices shall not be construed as an abortion” Wyo. Stat. Ann. § 35-6-101(a)(i) (1977) (the law that superseded this one is permanently enjoined under *Johnson II*). Additionally, the District Court in *Johnson II* held that the plain meaning of “health care” “unambiguously” encompassed abortion. *Johnson et al. v. State of Wyoming et al.*, Civil Action No. 18853 (9th Jud. Dist. Ct., Teton Cnty., Wyo., Nov. 18, 2024) (Summary Judgment Order ¶¶ 47–48, 50). This finding is supported by Wyoming statutory definitions, legal definitions, professional physician

⁸ Most, if not all, of the impacts under this section of the Complaint impact the patients of Drs. Anthony and Hinkle, Wellspring patients, and clients of Chelsea’s Fund.

organizations, and numerous other sources. Moreover, this finding was recently upheld by the Wyoming Supreme Court on January 6, 2026. *See Johnson II*, 2026 WY 1.

94. The onerous de facto ultrasound requirement (in order to determine if there is a “fetal heartbeat”) forces women and families who lack resources and educational opportunities to face hurdles that compound the difficulty of obtaining necessary medical care.

95. The 2026 Abortion Ban also harms women with desired pregnancies who develop complications or fetal anomalies, by delaying or denying essential medical care for these complications.

96. The 2026 Abortion Ban exacerbates the health care crisis in Wyoming by intimidating doctors through threats of incarceration, heavy civil fines, and termination of their licenses, and these threats keep doctors from coming to the state and drive up the cost of health care.⁹

97. The 2026 Abortion Ban is an ideological and sectarian law which is supported by no medical evidence and constitute a restriction on health care without any basis in medical evidence. As such, the 2026 Abortion Ban constitutes an establishment of religion and the imposition of sectarian beliefs on all Wyoming citizens.

CLAIMS FOR RELIEF

First Cause of Action:

Declaratory Judgment pursuant to Wyo. Stat. § 1-31-101 *et seq.* and Wyo. R. Civ. P. 57

98. Plaintiffs incorporate all previous allegations as if fully set forth herein.

⁹ Kamila Kudelska, *If Wyoming Bans Abortion, Hospitals May Have an Even Harder Time Recruiting Doctors*, NPR (Feb. 27, 2023), <https://www.npr.org/2023/02/27/1159822864/if-wyoming-bans-abortion-hospitals-may-have-an-even-harder-time-recruiting-doctors>.

99. Plaintiffs are persons and entities whose rights, status, or other legal relations are affected by the Wyoming Constitution and the 2026 Abortion Ban.

100. The parties include persons who have a claim or interest, or represent those with a claim or interest, which would be affected by the declaration, including the State’s Attorney General.

101. Plaintiffs’ fundamental constitutional rights include, but are not limited to, their rights against government establishment of religion, and Plaintiffs’ rights to access to health care, to equal protection under the laws, due process, uniform operation of the laws, and protection against special legislation, to determine family composition, privacy and bodily autonomy. Wyo. Const. Art. 1 §§ 2–3, 6–7, 18–19, 34, 36, 38, *see also* Wyo. Const. Art. 3, § 27, Wyo. Const. Art. 6, § 1, Wyo. Const. Art. 7, § 12, and Wyo. Const. Art. 21, § 25. The 2026 Abortion Ban violates each and every one of these fundamental constitutional rights.

102. The Wyoming Constitution and Wyoming Supreme Court jurisprudence are replete with enumerated and unenumerated natural rights which guarantee Wyomingites’ fundamental right to be left alone by the government, which includes their privacy, absent a compelling need narrowly drawn.

103. The Wyoming Supreme Court has declared that “natural rights are recognized by our constitution.” *State v. Langley*, 53 Wyo. 332, 84 P.2d 767, 770–71 (Wyo. 1938).

104. The Wyoming Supreme Court has declared that Wyoming courts may not deny or disregard a claimed right because it is not expressly enumerated, relying on article 1, section 36, stating that “this constitutional provision stands as an acknowledgement that fundamental personal rights, not specifically enumerated in the constitution, are still protected from government infringement.” *Watt v. Watt*, 971 P.2d 608, 615 (Wyo. 1999), *overruled on other grounds* (citing

Cross v. State, 370 P.2d 371, 376 (Wyo. 1962)). According to the Wyoming Supreme Court, this includes the right to privacy. *See Ochoa v. State*, 848 P.2d 1359, 1364 (Wyo. 1993) (recognizing the existence of a fundamental right to privacy).

105. The Wyoming citizenry overwhelmingly passed a health care amendment, guaranteeing that Wyomingites “shall have the right to make his or her own health care decisions”; and that “[t]he state of Wyoming shall act to preserve these rights from *undue* governmental infringement.” Art. 1, § 38 (emphasis added).

106. Article I, Section 2 is the first of several constitutional provisions in the Declaration of Rights, which explicitly incorporate equality principles into the Wyoming Constitution, a mandate extending to all people and recognizing an inherent right to “life, liberty and the pursuit of happiness.” *See also* Wyo. Const. Art. I, §§ 3, 34; Art. III, § 27.

107. The Wyoming Supreme Court has made it abundantly clear that the individual rights provisions with federal counterparts need not be interpreted the same as the Supreme Court interprets the federal charter.

108. The Wyoming Supreme Court has observed that the language of Article 1, Section 2 (“Equality of All”) is quite similar to that found in the Declaration of Independence, which the Court has held constitutes a source of “fundamental” and “inalienable” rights entitled to strict judicial protection as part of the liberty ensured under its provision. *See Hagen v. Culinary Workers All. Loc. No. 337*, 70 Wyo. 165, 190, 246 P.2d 778, 788 (1952); *DS v. Dep’t of Pub. Assistance & Soc. Servs.*, 607 P.2d 911, 918 (Wyo. 1980) (finding that the right to associate with one’s family, while not enumerated, is fundamental).

109. The Wyoming Supreme Court has emphasized the importance of the equality guarantee in Wyoming, noting that “[e]quality . . . is emphatically, if not repeatedly, set forth in

the Wyoming Constitution.” *Johnson v. State Hearing Examiner’s Off.*, 838 P.2d 158, 164 (Wyo. 1992) (quotation marks omitted). As a result, Wyoming’s Constitution protects individuals and entities more robustly than the federal constitution.

110. Wyoming’s 2026 Abortion Ban violates Wyoming’s equal protection clauses by subjecting women seeking abortions and abortion providers to more stringent requirements than other similarly situated individuals and entities.

111. The Wyoming Supreme Court has held that the right to associate with one’s family and to determine family composition is a fundamental unenumerated right entitled to constitutional protection despite the lack of explicit language recognizing such a right in the constitution. *See DS*, 607 P.2d at 918.

112. The 2026 Abortion Ban was adopted in order to impose a sectarian religious viewpoint on all Wyoming citizens, in violation of the prohibition against establishment of religion under the Wyoming Constitution.

113. The 2026 Abortion Ban trammels Plaintiffs’ and Wyomingites’ fundamental rights without a compelling need, nor is it narrowly tailored to achieve any compelling need. The 2026 Abortion Ban also does not further any legitimate government interest. It is also not a reasonable regulation of, and impermissibly infringe on, a woman’s fundamental right to control her own health care.

114. The 2026 Abortion Ban is also unconstitutionally vague.

115. Plaintiffs are entitled to a Declaration of this Court that the 2026 Abortion Ban violates Plaintiffs’ and their patients’ and clients’ constitutional rights under the Wyoming Constitution, and that the laws are therefore unlawful, invalid, and unenforceable.

Second Cause of Action:

Permanent Injunction pursuant to Wyo. Stat. §1-28-101 *et seq.* and Wyo. R. Civ. P. 57

116. Plaintiffs incorporate all previous paragraphs as if fully set forth herein.

117. Pursuant to Wyo. R. Civ. P. 65 and Wyo. Stat. Ann. § 1-28-101 *et seq.*, Plaintiffs will not suffer irreparable harm, the equities balance in their favor, and it is in the public interest if the enforcement of the 2026 Abortion Ban is enjoined, as it is unconstitutional. Plaintiffs are entitled to a temporary restraining order, preliminary injunction, and permanent injunction to enjoin enforcement of the 2026 Abortion Ban.

118. As Defendants will suffer no injury, security should be waived.

REQUESTS FOR RELIEF

Plaintiffs respectfully request an Order of this Court:

1. Declaring the 2026 Abortion Ban unconstitutional under the Wyoming Constitution and that the 2026 Abortion Ban is therefore invalid and unenforceable both on its face and as applied to Plaintiffs;
2. Issuing a temporary restraining order and preliminary and permanent injunctions prohibiting Defendants and their officers, employees, servants, agents, appointees, or successors from administering, preparing for, and enforcing the 2026 Abortion Ban with respect to any abortion provided during the temporary, preliminary, and permanent injunctions both as to Plaintiffs and all other persons or entities;
3. Waiving any security requirement for any injunction issued under Wyo. R. Civ. P. 65(c);
4. Retaining jurisdiction of this action to render any further orders that this Court may deem appropriate;
5. Awarding Plaintiffs' costs and expenses; and

6. Granting such other and further relief the Court deems just and proper.

RESPECTFULLY SUBMITTED this 31st day of March 2026.



John H. Robinson, WSB # 6-2828



Marci Crank Bramlet, WSB # 7-5164
ROBINSON BRAMLET LLC
400 E. 1st Street, Suite 202
Casper, WY 82601
Phone: (307) 733-7703
Fax: (307) 201-5546
john@jrmcb.com | marci@jrmcb.com
Attorneys For Plaintiffs

CERTIFICATE OF SERVICE

This is to certify that on the date of filing a true and correct copy of the foregoing was served as follows:

Keith Kautz
Wyoming Attorney General's Office
109 State Capitol
Cheyenne, WY 82001
keith.kautz@wyo.gov
Attorney for Defendants Mark Gordon, Keith Kautz

☐ U.S. MAIL
☐ FED EX
☐ FAX
☐ FILE & SERVE
☒ E-MAIL

Ashley Smith
Natrona County Attorney
200 North Center Street, Suite 300
Casper, WY 82601
asmith@natronacounty-wy.gov
Attorney for Defendant John Harlin

☐ U.S. MAIL
☐ FED EX
☐ FAX
☐ FILE & SERVE
☒ E-MAIL

Eric K. Nelson
City of Casper
200 North David Street
Casper, WY 82601
enelson@casperwy.gov
Attorney for Defendant Shane Chaney

☐ U.S. MAIL
☐ FED EX
☐ FAX
☐ FILE & SERVE
☒ E-MAIL



John H. Robinson