

IN THE DISTRICT COURT IN AND FOR OKLAHOMA COUNTY  
STATE OF OKLAHOMA

FILED IN DISTRICT COURT  
OKLAHOMA COUNTY

OCT 29 2014

TIM RHODES  
COURT CLERK

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(1) OKLAHOMA COALITION FOR )  
REPRODUCTIVE JUSTICE, on behalf )  
of itself and its members; and )

(2) NOVA HEALTH SYSTEMS, D/B/A )  
REPRODUCTIVE SERVICES, on )  
behalf of itself, its staff, and its patients, )

Plaintiffs, )

v. )

(3) TERRY L. CLINE, in his official )  
capacity as Oklahoma Commissioner of )  
Health; and, )

(4) LYLE KELSEY, in his official capacity )  
as Executive Director of the Oklahoma )  
State Board of Medical Licensure and )  
Supervision, )

Defendants. )

Case No. CV-2014-1886  
Judge Roger H. Stuart

**ORDER ON PLAINTIFFS' MOTION FOR A TEMPORARY  
INJUNCTION**

On October 22, 2014, this matter came on for consideration on Plaintiffs' Motion for a Temporary Injunction against enforcement of House Bill 2684 ("HB 2684"). Plaintiffs and Defendants appeared by and through their respective counsel of record. No witnesses were called, and the evidence was submitted on affidavit. After reviewing the briefing and the affidavits attached thereto, and after having heard argument from counsel, the Court finds as follows:

Based on the evidence in the record before the Court, Plaintiffs have failed to meet their burden of establishing by clear and convincing evidence that all four temporary injunction factors weigh in favor of granting in full Plaintiffs' Motion. In particular and based on the

evidence presented in the affidavits, this Court finds that Plaintiffs have failed to establish likelihood of success on the merits of their claims. Additionally, as the Court finds that the challenged statute, House Bill 2684 ("HB 2684"), limits a method of abortion, but does not present a ban, the Court finds that Plaintiffs have not shown irreparable harm.

However, this Court finds that Plaintiffs have met their burden of showing that the provisions creating a private cause of action under HB 2684, § 1(I) and (J) are likely a special law. Further, this Court finds that an injunction should issue as to the enforcement provisions contained in HB 2684, § 1(H)(2), (I), and (J). Accordingly, Plaintiffs' Motion for a Temporary Injunction is granted in part and denied in part as set forth below.

**IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED** that:

1. Plaintiffs' Motion for a Temporary Injunction as to HB 2684 is **DENIED IN PART** and **GRANTED IN PART**.
2. A temporary injunction enjoining enforcement of HB 2684, § 1(H)(2), (I), and (J)—the provisions in the bill concerning loss of licensure and civil liability—is **GRANTED**. As a result, Defendants shall not enforce § 1(H)(2), (I), and (J) of HB 2684.
3. In the event that HB 2684 is ultimately upheld as constitutional by the court of last resort, in no event shall any physician or medical facility be subject to civil liability for conduct occurring during the time period when this temporary injunction was in effect.

**IT IS SO ORDERED** this 29 of October 2014.

  
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**THE HONORABLE ROGER H. STUART**  
**DISTRICT COURT JUDGE**


APPROVED AS TO FORM:



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**ATTORNEY FOR PLAINTIFFS**



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**ATTORNEY FOR DEFENDANTS**

**CERTIFICATE OF MAILING**

This is to certify that on this 29<sup>th</sup> day of October 2014, a true and correct copy of the foregoing instrument was mailed, postage prepaid to the following:

J. Blake Patton  
Walding & Patton PLLC  
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Terry L. Cline, OK Health Comm.  
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C/o Julie Cox-Klein  
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