

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

CV 2009-029110

09/29/2009

HONORABLE DONALD DAUGHTON

CLERK OF THE COURT  
R. Aguilera  
Deputy

PLANNED PARENTHOOD ARIZONA INC

LAWRENCE J ROSENFELD

v.

TERRY GODDARD, et al.

MARY R O'GRADY

PAULA S BICKETT  
DEBORAH SHEASBY

MINUTE ENTRY

Courtroom-OCH 309.

9:31 a.m. This is the time set for Hearing on *Plaintiff's Application for Temporary Restraining Order and/or Preliminary Injunction and Request for Issuance of an Order to Show Cause*. Plaintiff Planned Parenthood is represented by counsel, Lawrence J. Rosenfeld, Eve Gartner, and Jennifer Sandman. Defendants are represented by counsel, Mary R. O'Grady, Paula Bickett, Greg Honig, and Kevin Ray.

Court Reporter, Lisa Vitoff, is present.

Argument is presented to the Court.

10:50 a.m. The court stands at recess.

11:05 a.m. Court reconvenes with respective parties and counsel present.

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Court reporter, Lisa Vitoff, is present

Argument to the Court continues.

**IT IS ORDERED** denying Plaintiff's Motion to Strike Declarations attached to the Motion to Intervene.

**IT IS FURTHER ORDERED** taking *Plaintiff's Application for Temporary Restraining Order and/or Preliminary Injunction* under advisement.

11:20 a.m. Matter concludes.

**LATER:**

The Court having taken under advisement *Plaintiff's Application for Temporary Restraining Order and/or Preliminary Injunction*, and having considered the pleadings, the memoranda, the Declarations, oral argument of counsel, the Arizona Constitution, and being fully informed in the premises,

**THE COURT FINDS** the Plaintiff has established the following:

1. A strong likelihood of success on the merits;
2. The possibility of irreparable injury if the requested relief is not granted;
3. A balance of hardships favoring Plaintiff; and
4. Public Policy favoring a grant of the injunction.

**IT IS ORDERED** granting Plaintiff's Application for Preliminary Injunction.

**IT IS FURTHER ORDERED** enjoining enforcement of:

- A. H.B. 2564 ("Omnibus Act"), § 4(A)(1) (to be codified at A.R.S. § 36-2153(A)(1)) to the extent that it requires certain information to be given to a woman "orally and in person," as opposed to by telephone or other means;
- B. Omnibus Act, § 4(A)(1) (to be codified at A.R.S. § 36-2153(A)(1)) to the extent that it requires certain information to be given to a woman by "the physician who

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is to perform the abortion or the referring physician,” as opposed to by a qualified staff member;

- C. Omnibus Act, § 4(A)(1) (to be codified at A.R.S. § 36-2153(A)(1)) to the extent that it requires certain information to be given to a woman by “the physician who is to perform the abortion or the referring physician,” even when the abortion is a non-“surgical abortion” and it is performed by a registered nurse practitioner or physician assistant, as permitted by law;
- D. Omnibus Act, § 4(C) (to be codified at A.R.S. § 36-2153(C));
- E. S.B. 1175;
- F. Omnibus Act, § 5 (to be codified at A.R.S. § 36-2154) to the extent it amends existing law; and
- G. Omnibus Act § 3(A) (to be codified at A.R.S. § 36-2152) to the extent that it requires a “notarized statement” of parental consent, unless and until the Arizona Secretary of State gives adequate and ongoing notice to all Notary Publics in the state of their confidentiality obligations with respect to notarial acts involving parental consent to abortion, and establishes penalties for violation.

**IT IS FURTHER ORDERED** signing this minute entry as a formal written order of the Court this 29th day of September, 2009.

/ s / HONORABLE DONALD DAUGHTON

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JUDGE OF THE SUPERIOR COURT

This case is eFiling eligible: <http://www.clerkofcourt.maricopa.gov/efiling/default.asp>