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**IN THE DISTRICT COURT OF THE NINTH JUDICIAL DISTRICT
IN AND FOR TETON COUNTY, WYOMING**

DANIELLE JOHNSON;)
KATHLEEN DOW;)
GIOVANNINA ANTHONY, M.D.;)
RENE R. HINKLE, M.D.;)
CHELSEA'S FUND; and)
CIRCLE OF HOPE HEALTHCARE)
d/b/a Wellspring Health Access;)
Plaintiffs,)

v.)

STATE OF WYOMING;)
MARK GORDON, Governor of Wyoming;)
BRIDGET HILL, Attorney General for the State)
of Wyoming;)
MATTHEW CARR, Sheriff Teton County,)
Wyoming; and)
MICHELLE WEBER, Chief of Police, Town of)
Jackson, Wyoming,)
Defendants.)

Case No. _____

**MOTION FOR TEMPORARY RESTRAINING ORDER
*EMERGENCY HEARING REQUESTED***

COME NOW Plaintiffs, by and through undersigned counsel, and pursuant to Wyo. Stat. §§ 1-28-101 *et seq.* and Wyo. R. Civ. P. 65, hereby move the Court for an immediate and emergency temporary restraining order against Defendants, enjoining the enforcement of newly amended Wyo. Stat. § 35-6-120 *et seq.* (“Wyoming’s Criminal Abortion Ban”)¹ as unconstitutional under Wyoming’s Constitution.²

As grounds for this Motion, Plaintiffs incorporate their Memorandum in Support of Motion for temporary restraining order and attached affidavits, filed contemporaneously with this motion.

As further grounds, Plaintiff submissions plainly demonstrate the requirements for injunctive relief are met:

(1) If the temporary restraining order is not granted Plaintiffs will suffer irreparable harm;

(2) The harms that will be endured by Defendants from issuance of the injunction (if any) are far outweighed by the irreparable harms Plaintiffs will suffer under the Criminal Abortion Ban;

(3) Issuance of the temporary restraining order is in the public interest, as avoiding violation of a party’s constitutional rights is always in the public interest. *Guzzo v. Mead*, 2014 WL 5317797, at *8 (D.Wyo. 2014)³; and

(4) Plaintiffs have shown that they are substantially likely to prevail on the merits of the underlying claim; *or* questions going to merits are so serious, substantial, difficult, and doubtful as to require more deliberate investigation and litigation. *International Snowmobile Mfrs. Ass’n. v.*

¹ The procedural enactment of Wyoming’s Criminal Abortion Ban is provided in Plaintiffs’ Complaint filed in this matter and incorporated herein by this reference. *See* Complaint at ¶ 24.

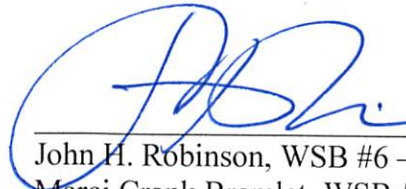
² The Wyoming Supreme Court has consistently held that the Wyoming Constitution serves as a source of rights independent from the United States Constitution, and that its guarantees may be more expansive than those under federal law. *See e.g. O’Boyle v. State*, 2005 WY 83, 117 P.3d 401, 408 (Wyo. 2005).

³ “The balance of harms generally favors granting preliminary injunctive relief because the public is not harmed by enjoining the enforcement of a likely unconstitutional statute.” *Guzzo*, at *8.

Norton, 2004, 304 F.Supp.2d 1278; *See also Greater Yellowstone Coalition v. Flowers*, 2003, 321 F.3d 1250, on subsequent appeal 359 F.3d 1257 (*holding* “[i]f the plaintiff can establish that the latter three requirements tip strongly in his favor, the test is modified, and the plaintiff may meet the requirement for showing success on the merits by showing that questions going to the merits are so serious, substantial, difficult, and doubtful as to make the issue ripe for litigation and deserving of more deliberate investigation.”).

WHEREFORE, Plaintiffs request the entry of a temporary restraining order effective no later than Monday, March 20, 2023, enjoining Defendants from enforcement of the Wyoming Criminal Abortion Ban pending trial on the merits of this action, and an emergency hearing on this motion.

RESPECTFULLY SUBMITTED this 17th day of March, 2023.



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CERTIFICATE OF SERVICE

This is to certify that this 17th day of March 2023, a true and correct copy of the foregoing was served as follows:

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