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

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DANIELLE JOHNSON, ET AL., )

Plaintiffs, )

v. )

STATE OF WYOMING, ET AL., )

Defendants. )

Case No. 18853

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**MOTION FOR TEMPORARY RESTRAINING ORDER AGAINST ENFORCEMENT OF  
MEDICATION ABORTION BAN**

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COME NOW Plaintiffs, by and through undersigned counsel, and pursuant to W.S. §§ 1-28-101 *et seq.*, and Rule 65 of the Wyoming Rules of Civil Procedure (W.R.C.P.), hereby move the Court for a temporary restraining order against Defendants, enjoining the enforcement of Senate Enrolled Act Number 93 (Senate File 109), W.S. § 35-6-120 (“Wyoming Medication Abortion Ban”), as unconstitutional under Wyoming’s Constitution.<sup>1</sup> The Medication Abortion Ban will take effect on July 1, 2023, necessitating entry of the injunctive relief sought herein no later than June 30, 2023 to preserve the status quo.

As grounds for this Motion, Plaintiffs incorporate their Memorandum in Support of Motion for Temporary Restraining Order Against Enforcement of Medication Abortion Ban, and supporting materials, filed contemporaneously with this motion.

As further grounds, Plaintiffs’ submissions show that they meet the requirements for issuance of the injunctive relief sought, for these reasons:

(1) If the temporary restraining order is not granted, Wyoming’s Medication Abortion Ban may, and undoubtedly will, cause irreparable harm to Plaintiffs, their patients, their clients, and other Wyomingites;

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

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<sup>1</sup> 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, eg., O’Boyle v. State, 2005 WY 83, 117 P.3d 401, 408 (Wyo. 2005).*

(3) Issuance of the temporary restraining order is in the public interest, as potential violation of a party's constitutional rights is always in the public interest (*Guzzo v. Mead*, 2014 WL 5317797, at \*8 (D.Wyo. 2014))<sup>2</sup>; and

(4) Plaintiffs have shown that they are substantially likely to prevail on the merits of the underlying claim.

FURTHERMORE, in the Court's April 17, 2023 Order Granting Motion for Temporary Restraining Order ("TRO Order") against the present Criminal Abortion Ban in this matter, the Court noted: "[i]n granting temporary relief by interlocutory injunction courts of equity do not generally anticipate the ultimate determination of the questions of right involved. They merely recognize that a sufficient case has been made out to warrant the preservation of the property or rights in issue *in status quo* until a hearing upon the merits, without expressing, and indeed without having the means of forming a final opinion as to such rights." TRO Order at 20 (quoting *CBM Geosolutions, Inc. v. Gas Sensing Tech. Corp.*, 2009 WY 113, ¶ 7, 215 P.3d 1045, 1057). The current *status quo* includes the availability of pre-viability abortion and the woman's right to choose, in consultation with her physician, a surgical or medication abortion.

WHEREFORE, Plaintiffs pray for a Hearing on this motion; and for entry of a temporary restraining order *no later than Friday, June 30, 2023*, enjoining Defendants from enforcement of the Medication Abortion Ban pending further determinations by this Court.

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<sup>2</sup> "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.

RESPECTFULLY SUBMITTED this 10<sup>th</sup> day  
of May, 2023.

By: 

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**CERTIFICATE OF SERVICE**


This is to certify that this 10th day of May 2023, a true and correct copy of the foregoing was served as follows:

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