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IN THE DISTRICT COURT OF THE NINTH JUDICIAL DISTRICT

IN AND FOR TETON COUNTY, WYOMING

DANIELLE JOHNSON; GIOVANNINA ANTHONY, M.D.; RENE HINKLE, M.D.; CHELSEA’S FUND; JTP PROFESSIONAL SERVICE CORPORATION, d/b/a Just The Pill; CIRCLE OF HOPE HEALTH CARE SERVICES, INC., 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; MATT CARR, Sheriff Teton County, Wyoming; and MICHELLE WEBER, Chief of Police, Town of Jackson, Wyoming,

Defendants.

Case No. _____

COMPLAINT FOR DECLARATORY JUDGMENT AND INJUNCTIVE RELIEF

PLAINTIFFS Danielle Johnson, Giovannina Anthony, M.D., Rene Hinkle, M.D., Chelsea’s Fund, JTP Professional Service Corporation, d/b/a Just The Pill (“Just The Pill”), 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 42, codified as Wyo. Stat. Ann. §§ 35-6-201 through 35-6-204 (2025), Wyo. Stat. § 35-2-901(a)(ii) (amended) (2025), and Wyo. Stat. Ann. “Section 3, Section 4, Section 5” (statutes unidentified as published), and Wyoming House Bill 64, codified as Wyo. Stat. Ann. §§ 35-6-201 through 35-6-202 (2025) (hereinafter Wyo. Stat. Ann. § 35-6-201 *et seq.* or the “Criminal TRAP Laws”) violate the Wyoming Constitution both facially and as applied. The Plaintiffs also seek injunctive relief to prevent the Criminal TRAP Laws from taking 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 Gordan 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 Feb. 19, 2025).

18. On July 25, 2022, most of these same Plaintiffs⁴ filed a prequel action to the present matter. *Johnson et al. v. State of Wyoming et al.*, Civil Action No. 18732 (“*Johnson I*”).⁵

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. This Court granted first a temporary restraining order on July 28, 2022, (written order⁶) 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 Just The Pill was not a plaintiff in *Johnson I*.

⁵ Plaintiffs will refer to the first litigation as “*Johnson I*,” and the legislation it was seeking to enjoin, the “Trigger Ban.”

⁶ 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, most of these same Plaintiffs⁷ 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. This Court 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.

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). This remains the status quo upon the filing of the present action.

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

⁷ Just The Pill was not a plaintiff in *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.⁸ *See* House Enrolled Act No. 26, H.R. 42, 68th Leg., Gen. Sess., (Wyo. 2025), Wyo.

⁸ In terms of how the 2024 and 2025 bills differ, the provisions of House Bill 148 (2024) have been split between House Bill 42 and 64 (2025). In relevant part, House Bill 42 adds three definitions—for ectopic pregnancy, intrauterine fetal demise, and miscarriage. The 2025 bill also removes any exceptions to the definition of abortion that would “provide treatment” to “save or preserve the life” of the pregnant patient. *See* Wyo. Stat. Ann. § 35-6-201(a)(i)(D)(2024). Additionally, it inaccurately labels a facility which provides procedural abortions as a “surgical abortion facility,” and states that any facility which performs even one abortion annually is subject to the new statutory regime. Wyo. Stat. Ann. § 35-6-201(a)(x). Otherwise, the bill contains minor stylistic changes and is substantially similar to the licensing provisions of its 2024 counterpart. Wyo. Stat. Ann. § 35-6-201 *et seq.* (2025). House Bill 64 (the 2025 ultrasound bill) includes the ultrasound requirements of vetoed House Bill 148 (2024) but replaces the word “child” with “baby” throughout and requires that the mother be afforded the opportunity to view “fetal heart motion.” Wyo. Stat. Ann. § 35-6-201(b) (2025). House Bill 64(2025) also replaces the 2024 house bill language stating that an ultrasound is required to determine the location of the pregnancy and viability of the fetus. Instead, now the ultrasound provider must provide a document “[c]onfirm[ing]” the pregnancy is “intrauterine” and “the gestational age of the unborn baby.” *Id.* § 35-6-201(d)(iv).

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., Ch. (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.” Both laws are currently in effect.

29. The newly enacted Criminal TRAP Laws strip Wyoming women⁹ and their families of their fundamental rights.

30. In relevant part, the Criminal TRAP Laws attempt to indirectly ban abortion by regulating Wyoming women and abortion providers in the following ways:

a. House Bill 42 mandates that:

- i. Any facility that provides procedural abortion to a woman is defined as a “Surgical Abortion Facility.” Wyo. Stat. Ann. § 35-6-201(a)(x) (2025);
- ii. Each Surgical Abortion Facility, other than a hospital, is required to be licensed as Ambulatory Surgical Centers. Wyo. Stat. Ann. § 35-6-202(a);¹⁰

⁹ Reference to “woman” or “women” are meant as shorthand for people who are or may become pregnant. However, people with other gender identities, including transgender men, agender, and gender-diverse individuals, may also become pregnant and seek abortion services.

¹⁰ “Ambulatory surgical center” means a facility which provides surgical treatment to patients not requiring hospitalization and is not part of a hospital or offices of private physicians, dentists, or podiatrists. *See* Wyo. Stat. Ann. § 35-2-901(a)(ii) (2024). Licensure requires an application to the department of health and payment of a \$500.00 application fee and annual fees thereafter. Wyo. Stat. Ann. §§ 35-2-902 through 35-2-904. There are additional building requirements and a construction review approval process. *Ambulatory Surgical Center*, Wyo. Dep’t Health, <https://health.wyo.gov/aging/hls/facility-types/ambulatory-surgical-center-wyoming-licensure-information/>, (last visited Feb. 19, 2025). The Department of Health has an additional eleven-page packet of requirements for ambulatory surgery centers. *See* Wyo. Admin. Code 048.0026.5.03282003, Chp. 5 (Nov. 7, 2016), <https://health.wyo.gov/wp-content/uploads/2016/11/HLS-Rule-Ch-5-Ambulatory-Surgical-Centers.pdf>.

- iii. Physicians who perform procedural abortions are required to have admitting privileges at a hospital within 10 miles from the abortion facility where the physician performs abortions. Wyo. Stat. Ann. § 35-6-202(d)(ii).¹¹ Failure to have such privileges results in a misdemeanor punishable by a \$1,000.00 fine for each calendar day a physician lacks privileges. *Id.* § 35-7-202(e);¹²
- iv. Each licensed physician performing procedural abortions is required to report each procedure to the Department of Health and attest in the report that the physician is licensed and in good standing with the state board of medicine. Wyo. Stat. Ann. § 35-6-202(d)(i);¹³
- v. Procedural abortions may only be performed by physicians licensed in the state of Wyoming. Wyo. Stat. Ann. § 35-6-203(a). Anyone who performs a procedural abortion who is not licensed in this state is guilty of a felony punishable by not less than one and up to fourteen years in prison. *Id.* § 35-6-203(b);¹⁴

¹¹ Ambulatory surgery centers are required to provide a written transfer agreement with a hospital OR evidence that all physicians performing procedures in the facility have admitting privileges at a hospital. *See* Wyo. Admin. Code 048.0026.5 § 7(g)(iii).

¹² This section of the statute could require physicians performing all abortions, not merely surgical abortions, to have admitting privileges at a hospital within 10 miles because “abortion” as defined in the Criminal TRAP Laws includes prescribing medicine with the intent to terminate pregnancy. Wyo. Stat. Ann. § 25-6-201(a)(i).

¹³ Wyoming law has required reporting of all abortions to the department of health for decades. *See* Wyo. Stat. Ann. § 35-6-131 (2023). The Criminal TRAP Law, however, adds the additional requirement of physician attestation, which necessarily requires the physician to identify themselves. Wyo. Stat. Ann. § 35-6-202(d)(i). The current form requires only data sufficient for the department of health statistics. *See* Form, Report of Induced Termination of Pregnancy, Wyo. Dep’t Health (April 2024), https://health.wyo.gov/wp-content/uploads/2024/04/WDH_VSS_Induced_Termination_of_Pregnancy_Reporting_Form_2024.pdf (last visited Mar. 6, 2025).

¹⁴ Wyoming’s Medical Practice Act already states, “No person shall practice medicine in this state without a license granted by the board, or as otherwise provided by law.” Wyo. Stat. Ann. § 33-26-301(a) (2024). However, the current penalty for practicing medicine without a license is much less severe. “Any person engaged in the practice of medicine or aiding and abetting another in the practice of medicine without a license granted by the board is

- vi. Abortion is not recognized as “health care” under Article 1, section 30 of the Wyoming Constitution. Wyo. Stat. Ann. § “3(b)(ii)”;
 - vii. The Department of Health is required to promulgate all rules necessary to implement the Criminal TRAP Law. Wyo. Stat. Ann. § “4.” The regulations must be no less stringent than those applicable to ASCs generally, *id.* § 35-6-203(e)(i), and must provide for the inspection of procedural abortion facilities by the Department of Health every three years, *id.* § 35-6-203(e)(ii).
- b. House Bill 64 mandates that a woman must undergo an ultrasound at least 48 hours before medication may be dispensed or prescribed for a medication abortion. Wyo. Stat. Ann. § 35-6-201(b). The health care provider dispensing the medication must “verify that the ultrasound required by this section occurred.” *Id.* § 35-6-201(e). The mandatory ultrasound must be provided “in order” to give the woman the opportunity to “view the active ultrasound of the unborn baby and view the fetal heart motion or hear the heartbeat of the unborn baby if the heartbeat is audible.” *Id.* § 35-6-201(b). The “provider” of the ultrasound is required to provide the pregnant woman with a document stating, among other things, the date, time, and place of the ultrasound and confirming that the pregnancy is “intrauterine” and “the gestational age of the unborn baby.” *Id.* § 35-6-201(d). Violations of the statute constitute a misdemeanor

guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than one thousand dollars (\$1,000.00) or by imprisonment in the county jail for not more than one (1) year, or both.” *Id.* § 33-26-410(a) (2024).

punishable by imprisonment of not more than six months, a fine of no more than \$9,000, or both. *Id.* § 35-6-201(f).

31. In the absence of access to essential health care in Wyoming, all women in the State who seek an abortion or health care related to abortion services will face a governmentally mandated intrusion into their bodies and health care—the requirement of an ultrasound (likely transvaginal) and at least a 48 hour delay before they can receive the health care they and their physician deem appropriate.

32. Under the Criminal TRAP Laws, abortion care-providing physicians will be required to meet onerous and costly requirements not required of any other physicians practicing medicine in their private offices who conduct minor procedures or prescribe and dispense medications. These procedures include, but are not limited to, vasectomies, wound repair, biopsies, excisions, injections, aspirations, drainage and removal of drainage, cauterization, intrauterine device insertion and removal, hysteroscopy, insertion and removal of drugs, removal of foreign bodies, closed treatment of fractures, casting, vertebroplasties, hernia surgeries, ligation of internal hemorrhoids, colorectal cancer screening, and endometrial ablation.

33. Wyomingites who have relied on safe, legal access to abortion for decades will 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.

34. As a result of the Criminal TRAP Laws, Dr. Anthony, Dr. Hinkle, Just The Pill, and Wellspring’s physicians and staff, who provide abortion among other sexual and reproductive health

care, will have no choice but to require their patients who seek abortion-related services to undergo an unnecessary, costly, and invasive procedure to access the health care of their choice. Moreover, Wellspring will have to shutter its facility and stop serving its patients, while Just The Pill will not be able to offer full telehealth abortion services. The Criminal TRAP Laws would detrimentally impact Chelsea's Fund and its clients by increasing medical and travel costs and therefore exhausting the fund's ability and resources to assist Wyoming women in obtaining legal abortion-related services.

35. The Criminal TRAP Laws violate 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)).

36. 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).

37. Plaintiffs, on behalf of themselves, their patients and clients, and Wyoming's women and families, bring this lawsuit, seeking a declaration that the Criminal TRAP Laws violate the Wyoming Constitution.

38. Plaintiffs also seek a temporary restraining order and preliminary and permanent injunctive relief to prevent Defendants from enforcing the Criminal TRAP Laws in Teton County and throughout Wyoming.

PARTIES

A. Plaintiffs

39. 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.¹⁵

40. 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 medication abortions if a patient requires an abortion. She currently practices in Jackson, Wyoming. Dr. Anthony brings her claims on her behalf and on behalf of her patients.

41. 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, miscarriages, ectopic pregnancies, and fetal anomalies. Dr. Hinkle brings her claims on her behalf, and on behalf of her patients.

42. Plaintiff Chelsea's Fund is a non-profit 501(c)(3) organization, with offices in Fremont and Teton Counties, that enables Wyomingites to access abortion services through

¹⁵ Ms. Johnson gave birth to a healthy son in November of 2022.

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. 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.

43. JTP Professional Service Corporation (“Just The Pill”) is a non-profit, telemedicine healthcare startup focusing on expanding access to medication abortion, contraception, and other healthcare services to underserved communities in and around Minnesota, Montana, Wyoming, and Colorado. Just The Pill uses new technology—telemedicine and mobile clinics—to provide more affordable and accessible services to its patients. Since its founding in 2020, Just The Pill has served over 8,500 patients.

44. Just The Pill routinely treats 5 to 10 patients located in or traveling to Wyoming each week via telehealth appointments. Just The Pill provides online telehealth video appointments and then coordinates the mailing of necessary reproductive health-related medications (such as birth control, abortion medication, or treatments for sexual infections). If pre-medication testing like an ultrasound is medically indicated, Just The Pill works to coordinate with providers in Wyoming to facilitate an ultrasound for its patients.

45. 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 serves 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.

46. 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. To date, Wellspring has served more than 552 abortion patients. Wellspring will offer such services so long as Wyomingites' fundamental rights that they have always enjoyed continue 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

47. Defendant State of Wyoming is responsible for upholding the Wyoming Constitution. The State of Wyoming has proposed enactment and enforcement of the Criminal TRAP Laws as stated herein and has authority through state and local officials to enforce them.

48. 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.

49. Defendant Bridget Hill is the Attorney General for the State of Wyoming, and the State's chief legal officer. She exercises supervisory power over local prosecutors throughout Wyoming; and is also responsible for defending Wyoming laws against constitutional challenges. Ms. Hill is sued in her official capacity.

50. Defendant Matt Carr is the Sheriff of Teton County and Teton County's chief law enforcement officer. His official position charges him with enforcement of the laws of the State of Wyoming. Mr. Carr is sued in his official capacity.

51. Defendant Michelle Weber is the Chief of Police for the Town of Jackson's Police Department, and he is the chief law enforcement officer for the Town of Jackson, Wyoming. His official position charges him with enforcement of the laws of the State of Wyoming. Ms. Weber is sued in her official capacity.

VENUE AND JURISDICTION

52. The Ninth Judicial District Court in Teton County is the proper venue for this action because the Criminal TRAP Laws would be law in the State of Wyoming, enforceable by its peace officers, including Defendants Carr and Weber, and the officers they supervise, and because its enforcement would impact the citizens of Teton County and Wyoming, including Wellspring and its patients. This Court is also the proper venue pursuant to Wyo. Stat. Ann. § 1-5-108 (2024).

53. 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 Criminal TRAP Laws 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.

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

55. 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.

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

57. 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 Criminal TRAP Laws

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

59. House Bill 42 was passed by the legislature on February 24, 2025. House Bill 64 was passed by the legislature on February 26, 2025. On February 27, 2025, the Governor signed House Bill 42 into law. On March 3, 2025, the Governor vetoed House Bill 64, but on March 5, 2025, the Legislature overrode the Governor’s veto. Both Criminal TRAP Laws are currently in effect.

60. The final, complete text of House Bill 42 reads as follows:

Section 1. W.S. 35-6-201 through 35-6-204 are created to read:

ARTICLE 2 REGULATION OF SURGICAL ABORTIONS

35-6-201. Definitions.

(a) As used in this article:

- (i) “Abortion” means the act of using or prescribing any instrument, medicine, drug or any other substance, device or means with the intent to terminate the clinically diagnosable pregnancy of a woman, including the elimination of one (1) or more unborn babies in a multifetal pregnancy, with knowledge that the termination by those means will, with reasonable likelihood, cause the death of the unborn baby. “Abortion” shall not include any use, prescription or means specified in this paragraph if the use, prescription or means are done with the intent to:
 - (A) Save the life or preserve the health of the unborn baby;
 - (B) Remove a dead unborn baby caused by spontaneous abortion or intrauterine fetal demise;
 - (C) Treat a woman for an ectopic pregnancy; or
 - (D) Treat a woman for cancer or another disease that requires medical treatment which treatment may be fatal or harmful to the unborn baby.
- (ii) “Ectopic pregnancy” means the state of carrying an unborn child outside of the uterine cavity;

- (iii) “Hospital” means those institutions licensed by the Wyoming department of health as hospitals;
- (iv) “Intrauterine fetal demise” means the death of an unborn child inside the uterine cavity after twenty (20) weeks of pregnancy;
- (v) “Miscarriage” means the spontaneous loss of the unborn child;
- (vi) “Physician” means any person licensed to practice medicine in this state;
- (vii) “Pregnancy” or “pregnant” means the human female reproductive condition of having a living unborn baby or human being within a human female’s body throughout the entire embryonic and fetal stages of the unborn human being from fertilization to full gestation and childbirth;
- (viii) “Reasonable medical judgment” means a medical judgment that would be made or a medical action that would be undertaken by a reasonably prudent, qualified physician who is knowledgeable about the case and the treatment possibilities with respect to the medical conditions involved;
- (ix) “Surgical abortion” means an induced abortion performed or attempted through use of a machine, medical device, surgical instrument or surgical tool, or any combination thereof, to terminate the clinically diagnosable pregnancy of a woman with knowledge and the intent that the termination by those means will cause, with reasonable likelihood, the death of the unborn child;
- (x) “Surgical abortion facility” means any facility that provides a surgical abortion to a woman.

35-6-202. Surgical abortion facilities; licensure requirement; prohibitions; penalties.

- (a) Each surgical abortion facility other than a hospital in Wyoming shall be licensed as an ambulatory surgical center in accordance with W.S. 35-2-901 through 35-2-914 and the rules of the department of health. Each surgical abortion facility performing surgical abortions shall have a separate license.
- (b) No surgical abortion facility shall provide surgical abortions to any pregnant woman without first being licensed as an ambulatory surgical center.
- (c) Each surgical abortion facility shall comply with all rules of the department of health concerning the operation and regulation of ambulatory surgical centers. No license issued to a surgical abortion facility shall be transferable or assignable to any other person or facility.
- (d) Each licensed physician performing at least one (1) surgical abortion at a surgical abortion facility shall:
 - (i) Report each surgical abortion to the department of health and attest in the report that the physician is licensed and in good standing with the state board of medicine;
 - (ii) Submit documentation in a form and frequency required by the department of health that demonstrates that the licensed physician has admitting privileges at a hospital located not more than ten (10) miles from the abortion facility where the licensed physician is performing or will perform surgical abortions.

- (e) Any person who violates this section shall be guilty of a misdemeanor punishable by a fine not to exceed one thousand dollars (\$1,000.00). Each calendar day in which a violation of this section occurs or continues is a separate offense.

35-6-203. Abortion facilities; surgical abortions; requirements; rulemaking.

- (a) Any surgical abortion performed at a surgical abortion facility in the state shall only be performed by a physician licensed in the state of Wyoming.
- (b) Any person who performs a surgical abortion in the state in violation of subsection (a) of this section is guilty of a felony punishable by imprisonment for not less than one (1) year nor more than fourteen (14) years.
- (c) No person shall perform a surgical abortion at a surgical abortion facility in Wyoming who is not a licensed physician with admitting privileges at a hospital located not more than ten (10) miles from the abortion facility where the surgical abortion is performed.
- (d) Any person who violates subsection (c) of this section shall be guilty of a misdemeanor punishable by a fine of one thousand dollars (\$1,000.00). For purposes of this subsection, each surgical abortion shall constitute a separate offense of subsection (c) of this section.
- (e) The department of health shall promulgate rules necessary to regulate surgical abortion facilities as ambulatory surgical centers under W.S. 35-2-901 through 35-2-914. Rules promulgated under this subsection shall:
 - (i) Not be less stringent than those rules applicable to ambulatory surgical centers;
 - (ii) Provide for the physical inspection of surgical abortion facilities by the department of health every three (3) years.

35-6-204. Applicability; effect.

If any provision of this article conflicts with the Life is a Human Right Act or W.S. 35-6-139, the provisions of the Life is a Human Right Act and W.S. 35-6-139 shall control over this article to the extent that the Life is a Human Right Act and W.S. 35-6-139 are in effect.

Section 2. W.S. 35-2-901(a)(ii) is amended to read:

35-2-901. Definitions; applicability of provisions.

- (a) As used in this act:
 - (ii) “Ambulatory surgical center” means a facility which provides surgical treatment to patients not requiring hospitalization and is not part of a hospital or offices of private physicians, dentists or podiatrists. “Ambulatory surgical center” shall include any surgical abortion facility as defined by W.S. 35-6-201(a)(x);

Section 3.

- (a) Nothing in this act shall be construed as creating an individual right to abortion.
- (b) It is the intent of the legislature that this act shall not:
 - (i) Be construed as holding abortion as lawful in the state;

- (ii) Recognize or define abortion as a health care decision under article 1, section 38 of the Wyoming Constitution.

Section 4. The department of health shall promulgate all rules necessary to implement this act.

Section 5. 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.

* * * * *

61. The final, complete text of House Bill 64 reads as follows:

Section 1. W.S. 35-6-201 and 35-6-202 are created to read:

ARTICLE 2
REGULATION OF ABORTIONS

35-6-201. Chemical abortions; ultrasound requirement; definitions; penalties.

- (a) As used in this article:
 - (i) “Abortion” means the act of using or prescribing any instrument, medicine, drug or any other substance, device or means with the intent to terminate the pregnancy of a woman, including the elimination of one (1) or more unborn babies in a multifetal pregnancy, with knowledge that the termination by those means will, with reasonable likelihood, cause the death of the unborn baby. “Abortion” shall not include any use, prescription or means specified in this paragraph if the use, prescription or means are done with the intent to:
 - (A) Save the life or preserve the health of the unborn baby;
 - (B) Remove a dead unborn baby caused by spontaneous abortion or intrauterine fetal demise;
 - (C) Treat a woman for an ectopic pregnancy; or
 - (D) Treat a woman for cancer or another disease that requires medical treatment which treatment may be fatal or harmful to the unborn baby.
 - (ii) “Chemical abortion” means the use of any medication, drug, substance or combination thereof that is prescribed or administered for the purpose of terminating a pregnancy once the pregnancy can be confirmed through conventional medical testing;
 - (iii) “Health care provider” means a person licensed, certified or authorized in a health care profession under title 33 of the Wyoming statutes;
 - (iv) “Pregnancy” or “pregnant” means the human female reproductive condition of having a living unborn baby or human being within a human female’s body throughout the entire embryonic and fetal stages of the unborn baby or human being from fertilization, when a fertilized egg has implanted in the wall of the uterus, to full gestation and childbirth.

- (b) Not less than forty-eight (48) hours before a pregnant woman procures the drugs or substances for a chemical abortion or before a health care provider dispenses the drugs or substances necessary for a chemical abortion, whichever is earlier, the pregnant woman shall receive an ultrasound in order to provide the pregnant woman the opportunity to view the active ultrasound of the unborn baby and view the fetal heart motion or hear the heartbeat of the unborn baby if the heartbeat is audible.
- (c) The ultrasound required under subsection (b) of this section shall be of a quality consistent with standard medical practice in the community.
- (d) Upon providing an ultrasound under this section, the provider of the ultrasound shall provide the pregnant woman with a document that specifies:
 - (i) The date, time and place of the ultrasound;
 - (ii) The health care provider who ordered or requested the ultrasound;
 - (iii) The health care provider who performed the ultrasound;
 - (iv) Confirmation of intrauterine pregnancy and the gestational age of the unborn baby.
- (e) Before a health care provider dispenses the drugs or substances necessary for a chemical abortion to a pregnant woman, the health care provider shall verify that the ultrasound required by this section occurred.
- (f) Except as otherwise provided in this subsection, any person who violates this section shall be guilty of a misdemeanor punishable by imprisonment for not more than six (6) months, a fine not to exceed nine thousand dollars (\$9,000.00), or both. Nothing in this section shall be construed to subject a pregnant woman to any criminal penalty under this subsection.

35-6-202. Ultrasound requirement; conflict of laws; applicability.

If any provision of this article conflicts with the Life is a Human Right Act or W.S. 35-6-139, the provisions of the Life is a Human Right Act and W.S. 35-6-139 shall control over this article to the extent that the Life is a Human Right Act and W.S. 35-6-139 are enforceable.

Section 2. If any provision of this article conflicts with the Life is a Human Right Act or W.S. 35-6-139, the provisions of the Life is a Human Right Act and W.S. 35-6-139 shall control over this article to the extent that the Life is a Human Right Act and W.S. 35-6-139 are enforceable.

* * * * *

62. As of the effective date, Wyoming medical providers and patients will be required to clear onerous hurdles to provide and/or access reasonable and necessary health care for Wyoming women. Physicians, pharmacists, and other health care providers face felony and misdemeanor convictions, fines, and mandatory prison time (felony) for violations.

B. The Impact of Wyoming’s Criminal TRAP Laws 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 Criminal TRAP Laws 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 Criminal TRAP Laws 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 in 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 that was available to her before the Criminal TRAP Laws were 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 Criminal TRAP Laws 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 Criminal Trap Laws 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 Criminal TRAP Laws would function 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. If the Criminal TRAP Laws go into effect, Dr. Anthony will no longer be able to offer ethical, evidence-based health care to her patients that is consistent with the medical standard of care.

74. The Criminal TRAP Laws will also force all of Wyoming's certified gynecologic care physicians, including Dr. Anthony, to delay 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, 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 Criminal TRAP Laws could function as barriers to this type of care.

80. If the Wyoming Criminal TRAP Laws go into effect, Dr. Hinkle will no longer be able to offer ethical and evidence-based health care to her patients consistent with the medical standard of care.

81. The Wyoming Criminal TRAP Laws will also force all of Wyoming's certified obstetrics care physicians, including Dr. Hinkle, to delay 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 Criminal TRAP Laws will subject health care providers, technicians, pharmacists, facilities, and others, the Criminal TRAP Laws will impede Chelsea's Fund from continuing its service to Wyoming citizens, as they will impose onerous and overwhelming burdens on Chelsea's Fund financial and organizational capacity. The Criminal TRAP Laws will also have a significant impact on the clients and/or potential clients of Chelsea's Fund, as they will 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 will greatly

increase due to the ultrasound requirement in the Criminal TRAP Laws and will decrease access to abortion care by delaying (or making impossible) abortions for Wyomingites.

85. 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.

86. 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 Criminal TRAP Laws are in effect.

v. Just The Pill

87. Just The Pill provides affordable and accessible telehealth services, including medication abortion and other reproductive health care, to disenfranchised communities in Wyoming, Minnesota, Montana, and Colorado. Just The Pill makes the patient experience accessible to all patients by prescribing and coordinating the delivery of necessary reproductive health-related medication, including birth control, abortion medication, and treatment for sexually transmitted infections. If an ultrasound is medically necessary, Just the Pill works with providers in Wyoming to help provide its patients with an ultrasound.

88. Dr. Julie Amaon, Just The Pill's Medical Director, interim Executive Director, and only provider furnishing services to Wyoming-based patients, serves about five to ten Wyomingites each week via telehealth.

89. The Criminal TRAP Laws' unworkable and burdensome statutory scheme will prohibit Just The Pill from providing necessary family-planning health care.

90. The Criminal TRAP Laws' mandates will harm Dr. Amaon in her personal capacity because she will have to choose between providing necessary, evidence-based abortion care or exposing herself to a loss of licensure and severe criminal penalties.

91. By undermining Just The Pill's services, the Criminal Trap Laws will also delay and deny Just The Pill's patients' and Wyomingites' access to reproductive health care and family planning services.

vi. Wellspring

92. 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 552 abortion patients, as well as an additional 237 patients for non-abortion care.

93. Wellspring's primary service offerings include procedural and medication abortion services.

94. Wellspring currently operates as an office of private physicians. It is not licensed as an Ambulatory Surgical Center as otherwise defined by Wyoming law. The cost and time which would be required for Wellspring to become licensed as an Ambulatory Surgical Center would essentially put Wellspring out of business for a significant period of time, and force Wellspring to ultimately close its doors permanently.

95. The Criminal TRAP Laws will stop Wellspring's efforts to provide essential medical care to Wyomingites, and completely thwart its business purpose.

C. The Impact of the Criminal TRAP Laws on Wyomingites¹⁶

96. The Criminal TRAP Laws will force Wyomingites seeking medication abortion (or a procedural abortion that requires the use of medication) to continue a pregnancy against their will for a minimum of 48 hours, and will force Wyomingites to undergo a transvaginal ultrasound, an invasive and unnecessary procedure to access care at all. They will also eliminate the option of obtaining services at the Wellspring clinic—the only abortion clinic offering procedural abortions in the state.

97. 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) (“*Johnson II* SJ Order”). This finding is supported by Wyoming statutory definitions, legal definitions, professional physician organizations, and numerous other sources.¹⁷

¹⁶ Most, if not all, of the impacts under this section of the Complaint impact the patients of Drs. Anthony and Hinkle, Wellspring and Just The Pill patients, and clients of Chelsea’s Fund.

¹⁷ Current Wyoming law prohibits abortions only after “viability,” except “when necessary to preserve the woman from an imminent peril that substantially endangers her life or health, according to appropriate medical

98. The onerous ultrasound requirement will force women and families who lack resources and educational opportunities to face hurdles that will compound the difficulty of obtaining necessary medical care.

99. The Criminal TRAP Laws will also harm women with desired pregnancies who develop complications or fetal anomalies, by delaying or denying essential medical care for these complications.

100. The Criminal TRAP Laws will exacerbate the health care crisis in Wyoming by intimidating doctors through threats of incarceration, heavy civil fines, and termination of their

judgment.” Wyo. Stat. Ann. § 35-6-102(a) (1977). Pre-viability abortions are unhindered by any other requirements such as unnecessary medical testing or procedures, counseling, education, or intervention. *Id.*

“Viability” is defined as “that stage 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” Wyo. Stat. Ann. § 35-6-101(a)(vii) (1977).

Only physicians are authorized to perform abortions in Wyoming. Wyo. Stat. Ann. § 35-6-104 (1977). Physicians have been providing safe abortions in Wyoming for decades.

The State of Wyoming prescribes forms for physicians to use to report information about abortions performed in Wyoming. Wyo. Stat. Ann. § 35-6-131 (2023). The current form does not require any prerequisites be met for the patient to access abortion care. *Id.*

According to the American College of Obstetricians and Gynecologists, “abortion is an essential component of women’s health care.” *Facts Are Important: Abortion Is Healthcare*, AM. COLL. OF OBSTETRICIANS & GYNECOLOGISTS, <https://www.acog.org/advocacy/facts-are-important/abortion-is-healthcare> (last visited Feb. 21, 2025). “Abortion care is included in medical training, clinical practice and continuing medical education.” *Id.*

The World Health Organizations lists abortion care as an essential health care service. *Abortion*, WORLD HEALTH ORG. (May 17, 2024), <https://www.who.int/news-room/fact-sheets/detail/abortion>. Complications from abortion are rare. There are no long-term health risks from abortion. Having an abortion does not increase a woman’s risk of infertility, pre-term delivery, breast cancer, or mental health disorders. NAT’L ACADS. OF SCIS., ENG’G, & MED., *THE SAFETY AND QUALITY OF ABORTION CARE IN THE UNITED STATES* 9-10 (The National Academies Press 2018).

Complications from abortion are much rarer than complications arising during childbirth. *See id.* at 11. The risk of death following a legal abortion is a fraction of the risk of death for childbirth (0.7 per 100,000 compared to 8.8 per 100,000). *Id.* at 74–75. In fact, abortion carries a lower risk of death than many common medical procedures such as colonoscopies, plastic surgery, and adult tonsillectomies. *Id.*

licenses, and these threats will keep doctors from coming to the state and drive up the cost of health care.¹⁸

101. The Criminal TRAP Laws are ideological and sectarian laws which are supported by no medical evidence and constitute a restriction on health care without any basis in medical evidence. As such, the Criminal TRAP Laws constitute 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

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

103. Plaintiffs are persons and entities whose rights, status, or other legal relations are affected by the Wyoming Constitution and the Criminal TRAP Laws.

104. 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.

105. 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.

¹⁸ 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>.

6, § 1, Wyo. Const. Art. 7, § 12, and Wyo. Const. Art. 21, § 25. The Criminal TRAP Laws violate each and every one of these fundamental constitutional rights.

106. 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.

107. 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).

108. 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).

109. 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).

110. 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.

111. 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.

112. 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).

113. 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.

114. Wyoming’s Criminal TRAP Laws violate Wyoming’s equal protection clauses by subjecting women seeking abortions and abortion providers to more stringent requirements than other similarly situated individuals and entities.

115. The Wyoming Supreme Court has unambiguously held that different regulation of parties who perform the same services constitutes a violation of Wyoming’s prohibition of special legislation. Wyoming’s Criminal TRAP Laws violate Wyoming’s equal protection guarantees by

improperly specifically targeting Plaintiff Wellspring, in violation of Wyoming's prohibition on special legislation. Wyo. Const. Art. III, § 27.

116. 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.

117. The Criminal TRAP Laws were 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.

118. The Criminal TRAP Laws trammel Plaintiffs' and Wyomingites' fundamental rights without a compelling need, nor are they narrowly tailored to achieve any compelling need. The Criminal TRAP Laws also do not further any legitimate government interest. They are also not a reasonable regulation of, and impermissibly infringe on, a woman's fundamental right to control her own health care.

119. The Criminal TRAP Laws are also unconstitutionally vague.

120. Plaintiffs are entitled to a Declaration of this Court that the Criminal TRAP Laws violate 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

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

122. 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 Criminal TRAP Laws is enjoined from becoming effective, as it is

unconstitutional. Plaintiffs are entitled to a temporary restraining order, preliminary injunction, and permanent injunction to enjoin enforcement of the Criminal TRAP Laws.

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

REQUESTS FOR RELIEF

Plaintiffs Respectfully request an Order of this Court:

1. Declaring the Criminal TRAP Laws unconstitutional under the Wyoming Constitution and that the Criminal TRAP Laws are therefore invalid and unenforceable both on their 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 Criminal TRAP Laws 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.

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RESPECTFULLY SUBMITTED this 11th day of March 2025.



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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:

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