

FILED

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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. _____

MOTION FOR TEMPORARY RESTRAINING ORDER
EMERGENCY HEARING REQUESTED

COME NOW Plaintiffs, by and through undersigned counsel, and for their *Motion for Temporary Restraining Order* 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 enacted Criminal TRAP Laws¹ targeting women and their health care providers, specifically those enacted under HB42 and HB64,² as unconstitutional under Wyoming’s Constitution.³

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

As further grounds, Plaintiffs’ submissions plainly demonstrate the requirements for immediate 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 TRAP Laws;

¹ 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.¹ See House Enrolled Act No. 26, H.R. 42, 68th Leg., Gen. Sess., (Wyo. 2025), Wyo. 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.”

² The Criminal Trap Laws are the latest in the evolutionary tale of the Wyoming Legislature’s attempts to restrict women’s privacy and autonomy (all of which have failed so far), a brief synopsis of which is provided in Plaintiffs’ Complaint filed in this matter and incorporated herein by this reference.

³ 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). Indeed, as recently as November 18, 2024, this Court reaffirmed this principle in the last case involving virtually the same parties, and the 2023 legislative aim to strip the reproductive rights of women, when it granted plaintiffs summary judgment and prayer for a permanent injunction. See Ex. 1, Summary Judgment Order.

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)⁴; and

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

WHEREFORE, Plaintiffs request the entry of a temporary restraining order effective *immediately*, enjoining Defendants from enforcement of the Wyoming TRAP Laws HB 42 and HB 64, pending trial on the merits of this action.

RESPECTFULLY SUBMITTED this 11th day of March, 2025.



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⁴ “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.

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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