

**FILED**

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**IN THE DISTRICT COURT FOR THE SEVENTH JUDICIAL DISTRICT  
IN AND FOR NATRONA COUNTY, WYOMING**

DANIELLE JOHNSON; GIOVANNINA  
ANTHONY, M.D.; RENE HINKLE, M.D.;  
CHELSEA'S FUND; 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; JOHN  
HARLIN, Sheriff Natrona County, Wyoming; and  
SHANE CHANEY, Chief of Police, City of  
Casper, Wyoming; STATE OF WYOMING  
BOARD OF MEDICINE; KEVIN  
BOHNENBLUST, Executive Director of the  
Wyoming Board of Medicine; STATE OF  
WYOMING BOARD OF NURSING; RACHAEL  
FILLBRANDT, Executive Director of the  
Wyoming Board of Nursing; STATE OF  
WYOMING BOARD OF PHARMACY; and  
MATT MARTINEAU, Executive Director of the  
Wyoming Board of Pharmacy,

Defendants.

2025-CV-0115019  
Ret. Judge Thomas T.C. Campbell

**MOTION FOR A PRELIMINARY INJUNCTION AGAINST  
SECTION 402(b)(iii) OF HOUSE BILL 164**

***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 Preliminary Injunction against Defendants, enjoining Section 402(b)(iii) of House Bill 164, which constitutes a portion of Wyoming’s Criminal TRAP Laws<sup>1</sup> targeting women and their health care providers, as unconstitutional under Wyoming’s Constitution.<sup>2</sup>

As grounds for this Motion, Plaintiffs incorporate their Memorandum in Support of Motion for Preliminary Injunction 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 injunction is not granted Plaintiffs will continue to 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 continue to suffer under the unconstitutional provisions of House Bill 164;
3. Issuance of the requested injunction 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)<sup>3</sup>; and

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<sup>1</sup> 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.<sup>1</sup> 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.”

<sup>2</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 *e.g. O’Boyle v. State*, 2005 WY 83, 117 P.3d 401, 408 (Wyo. 2005). Indeed, as recently as November 18, 2024, the Ninth Judicial District 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 she granted plaintiffs summary judgment and prayer for a permanent injunction.

<sup>3</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.

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 Preliminary Injunction effective *immediately*, enjoining the enforcement of section 402(b)(iii) of House Bill 164, pending trial on the merits of this action. Plaintiffs further request an emergency hearing on this motion.

RESPECTFULLY SUBMITTED this 4th day of June, 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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