

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
CENTRAL DIVISION**

REPRODUCTIVE HEALTH SERVICES OF)
PLANNED PARENTHOOD OF THE ST. LOUIS)
REGION, INC., et al.,)

Plaintiffs,)

MICHAEL L. PARSON, in his official capacity)
as Governor of the State of Missouri, et al.,)

Defendants.)

Case No. 2:19-cv-4155-HFS

**DEFENDANT KIMBERLY M. GARDNER’S MEMORANDUM OF NON-OPPOSITION
TO PLAINTIFF’S MOTION FOR A PRELIMINARY INJUNCTION**

Comes now, James Michaels, Assistant Circuit Attorney, on behalf of Defendant Circuit Attorney Kimberly Gardner [hereinafter “Circuit Attorney Gardner”], and for her Memorandum of Non-opposition to a Preliminary Injunction in this matter, states as follows.

1. Circuit Attorney Gardner is the top law enforcement officer for the City of St. Louis and has the exclusive lawful jurisdiction in prosecution of violation of statutes within the City of St. Louis, solely at her discretion.
2. The Missouri Legislature passed House Bill no. 126 [hereinafter “H.B. 126”] which creates a prohibition on pre-viability abortions where a physician “knows” a person is obtaining an abortion “solely” for the reason of “a prenatal diagnosis, test, or screening...”, and makes it a felony for those participating in procedures under those circumstances.

3. The United States Supreme Court has held: “a State may not prohibit any woman from making the ultimate decision to terminate her pregnancy before viability.” *Planned Parenthood v. Casey*, 505 U.S. 833, 879 (1992).
4. By its language, H.B. 126 is in clear contravention of long-established abortion protections guaranteed by the United States Constitution and upheld by the United States Supreme Court in *Casey* (supra) and *Roe v. Wade*, 401 U.S. 113 (1973).
5. As such, Circuit Attorney Gardner believes there exists a high probability of success for Plaintiffs to prevail on the merits of this action.
6. Circuit Attorney Gardner believes that there are constitutional issues that should be litigated and supports the underlying principles of a preliminary injunction in this matter, given the apparent conflict between provisions of the statute and United States Supreme Court precedent, and the potential chilling effect on reproductive health services for women in Missouri.

WHEREFORE, for the foregoing reasons, Circuit Attorney Gardner informs this honorable Court that she does not oppose Plaintiff’s Motion for a Preliminary Injunction in this matter.

Respectfully Submitted,

/s/ Dawn M. Parsons

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ATTORNEY FOR DEFENDANT
Circuit Attorney Kimberly M. Gardner

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 23rd day of August, 2019, a copy of the foregoing was electronically filed with the District Court for the Western District of Missouri which sent notification to all parties of record.

/s/: Dawn M. Parsons

Dawn M. Parsons