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NO. 22-CI-003225
ELECTRONICALLY FILED

JEFFERSON CIRCUIT COURT
DIVISION THREE (3)
JUDGE MITCH PERRY

EMW WOMEN'S SURGICAL CENTER, P.S.C., *et al.*

PLAINTIFFS

v.

DANIEL CAMERON, in his official capacity as
Attorney General of the Commonwealth of Kentucky, *et al.*

DEFENDANTS

AGREED ORDER OF DISMISSAL

On February 16, 2023, the Kentucky Supreme Court held that the Plaintiffs, EMW Women's Surgical Center, P.S.C., Ernest Marshall, M.D., and Planned Parenthood Great Northwest, Hawai'i, Alaska, Indiana, and Kentucky, Inc., lacked third-party standing for their challenges to Kentucky's Human Life Protection Act and Heartbeat Law. The Court found the Plaintiffs had established first-party standing only as to their challenges against the Human Life Protection Act. Of those challenges, only those asserting that the Act improperly delegated legislative authority and became effective on the authority of an entity other than the General Assembly remained live in this case.¹ The Supreme Court remanded the case to this Court for proceedings consistent with its opinion.

Defendant Attorney General Daniel Cameron filed a second motion to dismiss on May 31, 2023 to dismiss Plaintiffs EMW Women's Surgical Center, P.S.C. and Ernest Marshall from the case. The Plaintiffs filed a response on June 20, 2023 saying

¹ The Supreme Court said the other issues as to vagueness and unintelligibility were moot.

they did not oppose Attorney General Cameron's motion. On the same day, the Plaintiffs filed a motion to dismiss under CR 41.01(2).

Therefore, the parties being in agreement, and the Court being sufficiently advised,

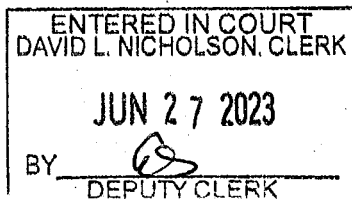
IT IS HEREBY AGREED, ORDERED, and ADJUDGED that Defendant Attorney General Daniel Cameron's motion to dismiss filed May 31, 2023, is **GRANTED**, and the Plaintiffs' motion to dismiss filed June 20, 2023, is also **GRANTED**.

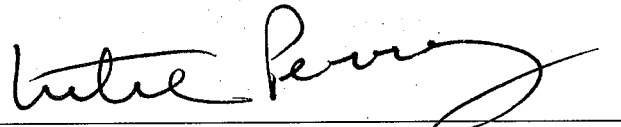
IT IS FURTHER AGREED, ORDERED, and ADJUDGED that this action, be, and hereby is, **DISMISSED WITHOUT PREJUDICE**. This case shall be stricken from the Court's docket.

Each party shall bear his or its own costs and attorneys' fees.

There being no just cause for delay, this is a final and appealable order.

SO ORDERED this ____ day of _____, 2023.





JUDGE MITCH PERRY,
JEFFERSON CIRCUIT COURT

6-27-23

Have seen and agreed:

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Craig Henry PLC
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*Counsel for Attorney General
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Counsel for Eric Friedlander

/s/ Leanne K. Diakov w/p by CLT
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General Counsel
Kentucky Board of Medical Licensure
Counsel for Michael S. Rodman

/s/ Jason B. Moore w/p by CLT
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CLERK'S CERTIFICATE OF SERVICE

I certify that on _____, 2023, a copy of the above was served upon the following:

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JEFFERSON CIRCUIT COURT CLERK