

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

**ADAMS & BOYLE, P.C., on behalf of itself and
its patients; WESLEY F. ADAMS, JR., M.D., on
behalf of himself and his patients; and MEMPHIS
CENTER FOR REPRODUCTIVE HEALTH, on
behalf of itself and its patients,**

Plaintiffs,

v.

**HERBERT H. SLATERY III, Attorney General of
Tennessee, in his official capacity; JOHN
DREYZEHNER, M.D., Commissioner of the
Tennessee Department of Health, in his official
capacity; and MICHAEL D. ZANOLLI, M.D.,
President of the Tennessee Board of Medical
Examiners, in his official capacity; GLENN R.
FUNK, District Attorney General of Nashville, in
his official capacity; AMY WEIRICH, District
Attorney General of Shelby County, in her official
capacity; and BARRY P. STAUBUS, District
Attorney General of Sullivan County, in his
official capacity;**

Defendants.

CIVIL ACTION

CASE NO. 3:15-cv-00705

**JUDGE SHARP
MAGISTRATE JUDGE
KNOWLES**

PRELIMINARY INJUNCTION

Having considered the parties' filings and declarations, and having considered the parties' oral arguments concerning Plaintiffs' Motion for a Temporary Restraining Order and Preliminary Injunction, the Court finds as follows:

Pursuant to Federal Rule of Civil Procedure 65(b), Plaintiffs seek a preliminary injunction to prevent Defendant District Attorneys General Glenn R. Funk and Barry P. Staubus from enforcing 2015 Tenn. Pub. Acts Chapter 419 ("Public Chapter 419") (to be codified at Tenn. Code Ann. § 68-11-201), pending the Court's adjudication of Plaintiffs' challenge to Public Chapter

419.

Public Chapter 419 amends the definition of “ambulatory surgical treatment center” (“ASTC”) in Tenn. Code Ann. § 68-11-201(3) to require that “private physicians’ office practices” that perform more than 50 surgical abortion procedures in a calendar year be licensed as ASTCs. 2015 Tenn. Pub. Acts Chapter 419. This law was enacted on May 8, 2015, and became effective on July 1, 2015.

Plaintiff Adams & Boyle, P.C., operates two doctor’s offices in Tennessee that provide abortion services: the Bristol Regional Women’s Center in Bristol, Tennessee (the “Bristol Clinic”) and The Women’s Center in Nashville, Tennessee (the “Nashville Clinic”). Plaintiff Wesley F. Adams, Jr., M.D., a licensed Tennessee physician, performs abortions at both clinics. Although Plaintiffs maintain that the ASTC law is unconstitutional both on its face and as it is being applied by Defendants, Plaintiff Adams & Boyle, P.C. and Plaintiff Adams have applied for ASTC licensure for the Bristol Clinic and the Nashville Clinic and are engaged in negotiations with the Tennessee Department of Health concerning the requirements for that licensure, and the Court understands that the parties are working together in good faith to resolve their disputes concerning the licensure process.

Plaintiffs have satisfied their burden of demonstrating that a preliminary injunction is warranted to prevent criminal enforcement of Public Chapter 419 during the pendency of these proceedings.

IT IS THEREFORE ORDERED that Defendants Funk and Staubus, as well as their employees, agents, and successors in office, are HEREBY ENJOINED from enforcing Public Chapter 419 (to be codified at Tenn. Code Ann. § 68-11-201) against Adams & Boyle, P.C.; Wesley F. Adams, Jr., M.D.; any other physicians providing abortion services at the Bristol Clinic

or the Nashville Clinic; and any other staff members working at the Bristol Clinic or the Nashville Clinic, pending the Court's resolution of this litigation or further orders of this Court.

IT IS FURTHER ORDERED that the movants are not required to post a bond.

Dated: August 14, 2015



KEVIN H. SHARP
UNITED STATES DISTRICT JUDGE

SUBMITTED FOR ENTRY
DATED: August 14, 2015

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