

IN THE SUPREME COURT OF THE STATE OF MONTANA  
No. DA 21-0521

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PLANNED PARENTHOOD OF MONTANA, and JOEY BANK, M.D., on behalf  
of themselves and their patients,

*Plaintiffs and Appellees,*

v.

STATE OF MONTANA, by and through AUSTIN KNUDSEN, in his official  
capacity as Attorney General,

*Defendant and Appellant.*

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American College of Obstetricians and Gynecologists, American Academy  
of Family Physicians, American Academy of Nursing, American Academy  
of Pediatrics, American College of Medical Genetics and Genomics,  
American College of Nurse-Midwives, American College of Osteopathic  
Obstetricians and Gynecologists, American College of Physicians, American  
Gynecological and Obstetrical Society, American Medical Association,  
American Medical Women's Association, American Society for  
Reproductive Medicine, American Urogynecologic Society, Council of  
University Chairs of Obstetrics and Gynecology, Montana Chapter of the  
American Academy of Pediatrics, Society for Adolescent Health and  
Medicine, National Association of Nurse Practitioners in Women's Health,  
Society for Maternal-Fetal Medicine, Society for Reproductive  
Endocrinology and Infertility, Society of Family Planning, and Society of  
OB/GYN Hospitalists

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**UNOPPOSED MOTION TO PARTICIPATE AS *AMICI CURIAE***

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#### Background About The Case

This case challenges Montana House Bill ("HB") 136, HB 140, and HB 171 (collectively, the "Restrictions"), which, among other things, seek to restrict access to abortion by prohibiting abortion starting at 20 weeks and by requiring additional steps prior to receiving an abortion. Among the issues in this case is whether the

State's asserted interest – protecting maternal health – in promulgating the Restrictions is valid.

### Statement of Interest

*Amici* are major local and national organizations representing physicians and other medical professionals who serve patients in Montana and beyond. Collectively, these groups include hundreds of thousands of medical professionals. Among other things, *amici* advocate for patients and practitioners, educate the public about reproductive health, and work to advance the ethical practice of medicine.

*Amici* are dedicated to ensuring access to the full spectrum of safe and appropriate health care, and work to preserve the patient-physician relationship. Patients, in consultation with their health care providers, should determine the appropriate course of medical care, based on the medical evidence and the patient's own individualized needs, medical history and preferences without undue interference from third parties. *Amici* oppose the Restrictions, which substitute lawmakers' political agenda for the educated and considered decisions that patients make in consultation with their medical professionals.

*Amici* are interested in this matter because the resolution of the issue before the Court impacts the health and safety of Montanans and has the potential to significantly interfere with patient-physician relationships. The Restrictions may also make accessing abortion in Montana impracticable or impossible.

### The Issues on Which *Amici* Seek To Submit An *Amicus* Brief

*Amici* seek leave to submit a brief on issues that include (1) the safety of abortions generally; (2) the potential effect of the Restrictions on the patient-physician relationship; and (3) the additional barriers the Restrictions would create, thereby making abortion access in Montana impracticable or impossible.

### Reasons Why the *Amicus Curiae* Brief Is Desirable

*Amici* have a strong interest in this case and can assist the Court in its consideration of the significant health care issues that it raises, particularly the impact the Restriction would have on the patient-physician relationship. In particular, based on their collective scientific and medical expertise and experience, *amici* can offer a unique perspective regarding the harms that would arise from the Restrictions.

### Identity of the Party Whose Position *Amici* Support

*Amici* support the position of Plaintiffs-Appellees Planned Parenthood of Montana and Joey Bank, M.D., on behalf of themselves and their patients.

### The Proposed Date for Filing the *Amicus Curiae* Brief

If this Court grants the Motion for Leave to Participate, *amici* propose filing an *amicus* brief by March 31, 2022. *Amici* will conform to any schedule adopted by the Court.

The Parties' Position Regarding *Amici's* Participation

We have contacted David Dewhirst, counsel for Defendant-Appellant, and he has told us that the State takes no position on this Motion. Plaintiffs-Appellees consent to the filing of this Motion.

DATED this 22nd day of March, 2022.

Respectfully submitted,

/s/ Lindsay Beck

LINDSAY BECK, ESQ.

*Counsel for Amici*

## **CERTIFICATE OF SERVICE**

I, Lindsay Beck, hereby certify that I have served true and accurate copies of the foregoing Motion - Unopposed to the following on 03-22-2022:

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