

IN THE SUPREME COURT OF THE STATE OF MONTANA
No. DA 23-0288

PLANNED PARENTHOOD OF MONTANA, et al.,

Plaintiffs & Appellees,

v.

STATE OF MONTANA, et al.,

Defendants & Appellants.

UNOPPOSED MOTION OF AMERICAN COLLEGE OF OBSTETRICIANS
AND GYNECOLOGISTS, SOCIETY FOR MATERNAL-FETAL
MEDICINE, AND SOCIETY OF FAMILY PLANNING FOR LEAVE TO
APPEAR AS *AMICI CURIAE*

On Appeal from the Montana First Judicial District, Lewis & Clark County
Cause No. ADV-2023-231, Honorable Judge Mike Menahan

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The American College of Obstetricians and Gynecologists, Society for Maternal-Fetal Medicine, and Society of Family Planning (“*Amici*”) respectfully request the Court grant them leave to submit an amicus curiae brief in this matter, pursuant to Mont. R. App. P. 12(7). In support of their motion, *Amici* state as follows:

I. *Amici’s* interest

Amici are leading medical societies 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 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. *Amici’s* extensive collective experience makes them uniquely situated to discuss the medically unnecessary and potentially dangerous impacts of House Bill 721 (“HB 721”) and House Bill 575 (“HB 575”).

II. Issue on which *Amici* wish to submit an amicus brief

Amici wish to submit an amicus brief regarding patients' medical risks and physicians' ethical obstacles caused by HB 721 and HB 575.

III. Reasons an amicus brief is desirable

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. *Amici* are dedicated to ensuring access to the full spectrum of safe and appropriate health care and work to preserve the patient-physician relationship. *Amici* oppose HB 721 and HB 575 because the required medical procedures cannot be medically justified and will make abortions less safe.

Montana patients and physicians will be negatively impacted by HB 721 and HB 575. An amicus brief from *Amici* will provide the Court relevant medical information related to the unnecessary, potentially dangerous, and access-limiting procedures required by the two bills. *Amici's* brief will also inform the Court about how the legislation's criminal and professional penalties undermine Montana physicians'

ability to perform their jobs effectively and ethically.

IV. Party whose position *Amici* support

Amici support the position of the Plaintiffs/Appellees, Planned Parenthood of Montana, et al., in this matter.

V. Parties' positions regarding *Amici's* participation

Both parties have been contacted regarding *Amici's* participation. Neither the Plaintiffs/Appellees, Planned Parenthood of Montana, et al., nor the Defendants/Appellants, State of Montana, et al., oppose or object to *Amici's* participation.

VI. Date *Amici's* brief can be filed

Amici propose to file their amicus brief on Wednesday, February 14, 2024. However, *Amici* will conform to any schedule set by the Court.

Respectfully submitted this 12th day of February, 2024.

/s/ Mikaela Koski

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CERTIFICATE OF SERVICE

I, Dimitrios Tsolakidis, hereby certify that I have served true and accurate copies of the foregoing Motion - Unopposed to the following on 02-12-2024:

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