

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH DAKOTA  
SOUTHERN DIVISION

PLANNED PARENTHOOD MINNESOTA, )  
NORTH DAKOTA, SOUTH DAKOTA, )  
and CAROL E. BALL, M.D., )

Plaintiffs, )

v. )

DENNIS DAUGAARD, Governor, )  
MARTY JACKLEY, Attorney General, )

Defendants. )

ALPHA CENTER, BLACK HILLS )  
CRISIS PREGNANCY CENTER, )  
d/b/a Care Net, )  
DR. GLENN RIDDER, M.D., and )  
ELEANOR D. LARSON, M.A., L.S.W.A., )

Intervenors. )

Civ. 05-4077-KES

AMENDED JUDGMENT

On August 20, 2009, this Court entered its Judgment (Doc. 348), after granting in part and denying in part Defendants' Motion for Summary Judgment, Intervenors' Motion for Partial Summary Judgment and Plaintiffs' Motion for Summary Judgment.

This Court's Judgment dated August 20, 2009, was entered in favor of the Plaintiffs with respect to SDCL 34-23A-10.1(1)(c) and (d) (the Relationship Disclosures) and SDCL 34-23A-10.1(1)(e)(ii) (the Suicide Disclosures); and in favor of the Defendants and Intervenors with respect to SDCL 34-23A-10.1(1)(b) (the Human Being Disclosure), SDCL 34-23A-10.1 (the Medical Emergency Exception), and the phrase "all known medical risks" contained in SDCL 34-23A-10.1(1)(e). All of the portions of the August 20, 2009 Judgment identified in this paragraph were appealed.

That part of this Court's Judgment of August 20, 2009, entered in favor of the Plaintiffs with respect to the phrase "statistically significant risk factors" contained in SDCL 34-23A-10.1(1)(e) was not appealed.

On September 2, 2011, the United States Court of Appeals for the Eighth Circuit, in *Planned Parenthood v. Rounds*, 653 F.3d 662 (8th Cir. 2011), issued its Judgment affirming the decision of this Court as it related to SDCL 34-23A-10.1(1)(b) (the Human Being Disclosure), SDCL 34-23A-10.1 (the Medical Emergency Exception), the phrase "all known medical risks" contained in SDCL 34 23A-10.1(1)(e) and SDCL 34-23A-10.1(1)(e)(ii) (the Suicide Disclosures). The Court of Appeals reversed this Court's decision as it related to SDCL 34-23A-10.1(1)(c) and (d) (the Relationship Disclosures).

By Amended Order dated December 7, 2011, the en banc United States Court of Appeals for the Eighth Circuit granted Defendants' and Intervenors' petitions for rehearing en banc as to the Suicide Disclosures only, and vacated Part II C of the Eighth Circuit panel's September 2, 2011 Opinion as well as its September 2, 2011 Judgment.

On July 24, 2012, the en banc United States Court of Appeals for the Eighth Circuit reversed the decision of this Court as it related to SDCL 34-23A-10.1(1)(e)(ii) (the Suicide Disclosures). *Planned Parenthood v. Rounds*, 686 F.3d 889 (8th Cir. 2011) (en banc). On August 6, 2012, the en banc Court of Appeals issued an Amended Judgment that reinstated the Judgment of the panel rendered on September 2, 2011, except for the portion addressed in Part II C of the panel decision relating to SDCL 34-23A-10.1(1)(e)(ii) (the Suicide Disclosures), thereby reinstating the September 2, 2011 Judgment as it related to SDCL 34-23A-10.1(1)(b) (the Human Being Disclosure), SDCL 34-23A-10.1(1)(c) and (d) (the Relationship Disclosures), SDCL 34-23A-10.1 (the

Medical Emergency Exception), and the phrase “all known medical risks” contained in SDCL 34-23A-10.1(1)(e).

In accordance with the Amended Judgment of the Court of Appeals for the Eighth Circuit dated August 6, 2012—as well as the Judgment of the Court of Appeals for the Eighth Circuit dated September 2, 2011, as incorporated therein—and to establish with clarity the results of the various appeals of this Court’s August 20, 2009 Judgment, it is

ORDERED, ADJUDGED AND DECREED that the portion of this Court’s Judgment dated August 20, 2009 (Doc. 348), which permanently enjoined the Defendants from enforcing SDCL 34-23A-10.1(1)(c), (d), and (e)(ii) be and is hereby vacated;

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Judgment is entered in favor of Plaintiffs Planned Parenthood Minnesota, North Dakota, South Dakota and Carol E. Ball, M.D., with respect to the phrase “statistically significant risk factors” contained in SDCL 34-23A-10.1(1)(e) and against Defendants Dennis Daugaard and Marty J. Jackley, and Intervenors Alpha Center, Black Hills Crisis Pregnancy Center, d/b/a Care Net, Dr. Glenn Ridder, M.D. and Eleanor D. Larsen, M.A., L.S.W.A. All of the declaratory and injunctive relief sought by Plaintiffs with respect to this statutory provision is granted.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that Judgment is entered in favor of Defendants Dennis Daugaard and Marty J. Jackley, and Intervenors Alpha Center, Black Hills Crisis Pregnancy Center, d/b/a Care Net, Dr. Glenn Ridder, M.D. and Eleanor D. Larsen, M.A., L.S.W.A. and against Plaintiffs Planned Parenthood Minnesota, North Dakota, South Dakota and Carol E. Ball, M.D., with respect to SDCL 34-23A-10.1(1)(e)(ii) (the Suicide Disclosures); with respect to

SDCL 34-23A-10.1(1)(b) (the Human Being Disclosure); with respect to SDCL 34-23A-10.1(1)(c) and (d) (the Relationship Disclosures); with respect to the phrase “all known medical risks” contained in SDCL 34-23A-10.1(1)(e); and with respect to SDCL 34-23A-10.1 (the Medical Emergency Exception). All of the declaratory and injunctive relief sought by Plaintiffs with respect to each of these statutory provisions is denied with prejudice.

Dated December 28, 2012.

BY THE COURT:

*/s/ Karen E. Schreier*

Karen E. Schreier  
Chief Judge