

IN THE IOWA DISTRICT COURT FOR POLK COUNTY

PLANNED PARENTHOOD OF THE
HEARTLAND, INC., EMMA GOLDMAN
CLINIC, and JILL MEADOWS, M.D.,

Petitioners,

v.

KIM REYNOLDS ex rel. STATE OF
IOWA and IOWA BOARD OF
MEDICINE,

Respondents.

Equity Case No. EQCE083074

**MOTION FOR SUMMARY
JUDGMENT**

COME NOW, Petitioners, Planned Parenthood of the Heartland, Inc. (“PPH”), the Emma Goldman Clinic (“EGC”), and Jill Meadows, M.D., by and through their attorneys, and respectfully asks this Court to grant summary judgment pursuant to Iowa R. Civ. P. 1.981 in their favor, and state the following in support thereof:

1. Summary judgment is appropriate when the moving party shows that “there is no genuine issue as to any material fact and . . . the moving party is entitled to a judgment as a matter of law.” Iowa R. Civ. P. 1.981(3); *Boelman v. Grinnell Mut. Reinsurance Co.*, 826 N.W.2d 494, 501 (Iowa 2013); *Varnum v. Brien*, 763 N.W.2d 862, 874 (Iowa 2009). The Court “resolve[s] a matter on summary judgment if the record reveals a conflict concerning only the legal consequences of undisputed facts.” *Pecenka v. Fareway Stores, Inc.*, 672 N.W.2d 800, 802 (Iowa 2003).
2. The present case may be resolved on summary judgment because no issues of material fact exist. Petitioners challenge Sections 3 and 4 of Senate File 359 (“the Ban”). The Ban prohibits abortions as soon as embryonic or fetal cardiac activity is detectable.

S.F. 359, § 4(1) (2018) (to be codified at Iowa Code § 146C.2(1)). As stated in Petitioners' Statement of Undisputed Facts, it is undisputed that this occurs as early as six-weeks into a pregnancy, measured from the first day of the woman's last menstrual period. ¶ 2. It is also undisputed that, at this stage of pregnancy, no embryo is "viable," i.e. capable of sustained survival outside the uterus. *Id.* at ¶ 3.

3. Based on these facts, the Ban is a pre-viability prohibition on abortion. As such, it plainly violates the due process and equal protection guarantees of the Iowa Constitution, as is set forth in Brief in Support of Petitioners' Motion for Summary Judgment; *see generally Planned Parenthood of the Heartland v. Reynolds*, 915 N.W.2d 206 (Iowa 2018); *Planned Parenthood of the Heartland, Inc. v. Iowa Bd. of Med. (PPH I)*, 865 N.W.2d 252 (Iowa 2015).

WHEREFORE, Petitioners ask this Court to grant summary judgment in their favor, declare that the Ban violates the Iowa Constitution, and permanently enjoin its enforcement.

Respectfully submitted,

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