

IN THE DISTRICT COURT OF TETON COUNTY, WYOMING
NINTH JUDICIAL DISTRICT

FILED
TETON COUNTY WYOMING
2022 NOV 30 PM 3:13
Debra J. McCall
CLERK OF DISTRICT COURT

DANIELLE JOHNSON; KATHLEEN)
DOW; GIOVANNINA ANTHONY, M.D.;)
RENE R. HINKLE, M.D.; CHELSEA'S)
FUND; and CIRCLE OF HOPE)
HEALTHCARE d/b/a Wellspring Health)
Access;)

Plaintiffs,)

v.)

Civil Action No. 18732

STATE OF WYOMING; MARK)
GORDON, Governor of Wyoming;)
BRIDGET HILL, Attorney General for the)
State of Wyoming; MATTHEW CARR,)
Sheriff Teton County, Wyoming; and)
MICHELLE WEBER, Chief of Police,)
Town of Jackson, Wyoming,)
Defendants.)

CERTIFICATION ORDER

THIS MATTER came before the Court on *State Defendants' Motion to Certify Questions of Law to the Wyoming Supreme Court* filed on August 18, 2022, *Plaintiffs' Response in Opposition to State of Wyoming's Motion to Certify Questions of Law to the Wyoming Supreme Court* filed on September 9, 2022, and *State Defendants' Reply to Plaintiffs' Response to the Motion to Certify* filed on September 14, 2022. The Court having reviewed these filings, and the law and being otherwise fully advised in the premises finds that this matter involves questions of law which will be determinative of the cause and concerning which it appears there is no controlling precedent in the decisions of the Wyoming Supreme Court.

IT IS HEREBY ORDERED that the questions below be certified to the Wyoming Supreme Court pursuant to Wyoming Rule of Appellate Procedure 11.

A. Questions of Law to be Answered.

1. Does Wyoming House Bill 92, as codified at Wyoming Statute § 35-6-102(b) violate Wyoming Constitution Article 1, Section 2?
2. Does Wyoming House Bill 92, as codified at Wyoming Statute § 35-6-102(b) violate Wyoming Constitution Article 1, Section 3?
3. Does Wyoming House Bill 92, as codified at Wyoming Statute § 35-6-102(b) violate Wyoming Constitution Article 1, Section 6?
4. Does Wyoming House Bill 92, as codified at Wyoming Statute § 35-6-102(b) violate Wyoming Constitution Article 1, Section 7?
5. Does Wyoming House Bill 92, as codified at Wyoming Statute § 35-6-102(b) violate Wyoming Constitution Article 1, Section 18?
6. Does Wyoming House Bill 92, as codified at Wyoming Statute § 35-6-102(b) violate Wyoming Constitution Article 1, Section 33?
7. Does Wyoming House Bill 92, as codified at Wyoming Statute § 35-6-102(b) violate Wyoming Constitution Article 1, Section 34?
8. Does Wyoming House Bill 92, as codified at Wyoming Statute § 35-6-102(b) violate Wyoming Constitution Article 1, Section 36?
9. Does Wyoming House Bill 92, as codified at Wyoming Statute § 35-6-102(b) violate Wyoming Constitution Article 1, Section 38?
10. Does Wyoming House Bill 92, as codified at Wyoming Statute § 35-6-102(b) violate Wyoming Constitution Article 21, Section 25?

11. Is Wyoming House Bill 92, as codified at Wyoming Statute § 35-6-102(b) unconstitutionally vague on its face?
12. Does Wyoming House Bill 92, as codified at Wyoming Statute § 35-6-102(b) violate Wyoming citizens' right to privacy?

B. Statement of Facts Relevant to the Questions Certified.

1. The Plaintiffs in this matter are as follows:
 - a. Danielle Johnson, a pregnant individual and practicing nurse residing in Teton County, Wyoming;
 - b. Kathleen Dow, a woman of child-bearing age residing in Albany County, Wyoming;
 - c. Giovannina Anthony, M.D., an Obstetrics and Gynecology specialist residing in Teton County, Wyoming who provides abortion services;
 - d. Rene R. Hinkle, M.D., an Obstetrics and Gynecology specialist residing in Laramie County, Wyoming who provides obstetric services and primary gynecology and surgery;
 - e. Chelsea's Fund, a Wyoming non-profit 501(c)(3) organization that provides financial and logistical support to Wyoming residents seeking abortions; and
 - f. Circle of Hope Healthcare d/b/a Wellspring Health Access, a Wyoming non-profit corporation located in Natrona County, Wyoming that will offer abortion and other health-related services to Wyoming residents.
2. The Defendants in this matter are as follows:
 - a. State of Wyoming;

- b. Mark Gordon, Governor of the State of Wyoming;
 - c. Bridget Hill, Attorney General for the State of Wyoming;
 - d. Matthew Carr, Sheriff for Teton County, Wyoming; and
 - e. Michelle Weber, Chief of Police for the Town of Jackson, Wyoming.
- 3. In the general election held November 6, 2012, Wyoming citizens adopted by vote Wyoming Constitution Article 1, Section 38 (right of health care access) which was certified on November 14, 2012 and went into effect as law.
 - 4. In the 2022 legislative session, the Legislature for the State of Wyoming enacted HB0092 which amended Wyoming Statute § 35-6-102.
 - 5. On June 24, 2022, the U.S. Supreme Court decided *Dobbs v. Jackson Women's Health Org.*, 142 S.Ct. 2228 (2022). The decision held that the U.S. Constitution does not confer a right to abortion and the authority to regulate abortion is returned to the people and their elected representatives.
 - 6. On July 21, 2022 Wyoming Attorney General Hill reviewed Wyoming Statute § 35-6-102(b) and reported to Governor Gordon that enforcement of the law in Wyoming would be fully authorized by the *Dobbs v. Jackson Women's Health Org.* decision.
 - 7. On July 22, 2022 Governor Gordon certified Wyoming Statute § 35-6-102(b) to the Wyoming Secretary of State.
 - 8. Wyoming Statute § 35-6-102(b) became effective on July 27, 2022.

C. Nature of Controversy in Which the Questions Arose

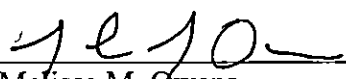
- 1. The Plaintiffs filed a Complaint for Declaratory Judgment and Injunctive Relief seeking to declare Wyoming Statute § 35-6-102(b) unconstitutional.

2. The Plaintiffs filed a Motion for Temporary Restraining Order and a Motion for a Preliminary Injunction which were granted by this Court on July 28, 2022 and August 10, 2022, respectively.
3. This Court does not find any Wyoming Supreme Court precedent addressing the questions of law to be answered.

D. Designation of Party-Appellant

Plaintiffs should be designated as the Appellants.

DATED this 30th day of November, 2022.



Melissa M. Owens
District Court Judge

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing was served by mail/fax upon the following persons at their last known address this 30 day of Nov 2022
J. Robinson/M. Bramlet - Fax
D. Madlin/M. Cooney % Robinson Stelling Welch Fax
J. Jerde - Fax
L. Colasvonnno - Fax
E. Weisman - Pickup + Hand
F. Harrison - Fax
D. Harle % F. Harrison Fax
WY Supreme Court - Email plus us mail
By: Dep Jill Smith