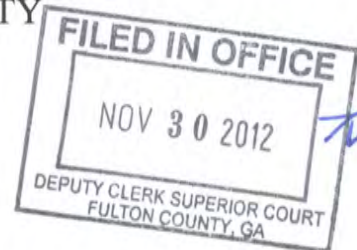


IN THE SUPERIOR COURT OF FULTON COUNTY
STATE OF GEORGIA



Eva Lathrop, M.D., et al.,)

Plaintiffs,)

vs.)

NATHAN DEAL, Governor of the State of)
Georgia, in his official capacity, and his)
successors in office, et al.,)

Defendants.)

CIVIL ACTION

FILE NO. _____

**PLAINTIFFS' MOTION FOR
INTERLOCUTORY INJUNCTIVE RELIEF AS TO
PLAINTIFFS' FIRST, SECOND, AND THIRD CAUSES OF ACTION**

Plaintiffs, by and through the undersigned counsel, hereby request this Court to issue an interlocutory injunction pursuant to O.C.G.A. §§ 9-5-1, et. seq., 9-5-8, and 9-11-65, immediately restraining Defendants, their officers, agents, servants, employees, and successors in office, and all others acting in concert or participation with them, from implementing and/or enforcing O.C.G.A. §§ 16-12-140, 16-12-141, 31-9B-1, 31-9B-2, 31-9B-3, as set forth in H.B. 954 ("the Act"), effective January 1, 2013, insofar as they prohibit pre-viability abortion care at or after 20 weeks post-fertilization (First Cause of Action of Plaintiffs' Verified Complaint), and insofar as they permit district attorneys seemingly unrestricted

access to the medical records of abortion patients (Second and Third Causes of Action of Plaintiffs' Verified Complaint).

In these three causes of action, Plaintiffs have challenged the Act on the grounds that it violates several provisions of the state Constitution. Plaintiffs make this request for preliminary injunctive relief to prevent severe and irreparable harm to their patients' health and constitutional rights. As demonstrated in Plaintiffs' Verified Complaint, the Affidavit of Eva Lathrop, M.D., and the accompanying Memorandum of Law, women seek pre-viability abortion care at or after 20 weeks for a variety of reasons, including: that the pregnancy has caused or exacerbated an underlying health condition; that the fetus has been diagnosed with a severe or potentially-lethal anomaly; or because a woman is suffering a miscarriage.

However, the Act contains only a narrow "medical emergency" exception that will prohibit Plaintiffs from providing necessary life and health-saving abortion care to all but the sickest women. Likewise, the Act contains only a narrow exception for "medically futile" pregnancies that seems to prohibit Plaintiffs from providing pre-viability abortion care in all cases except where a fetus has been diagnosed with certain death upon delivery. Furthermore, the Act appears to grant law enforcement—without cause or due process—unlimited access to the private medical records of all abortion patients. Thus, absent injunctive relief from this Court, as of January 1, 2013, Plaintiffs' patients will suffer irreparable harm to

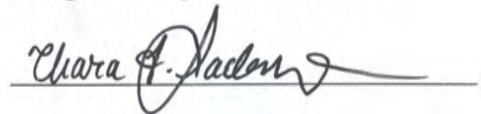
their health and their constitutional rights to privacy, bodily integrity, and intimate decision-making, for which there is no adequate remedy at law.

For these reasons, and based on Plaintiffs' Verified Complaint, the Affidavit of Eva Lathrop, M.D., the accompanying Memorandum of Law, and such arguments as the Court may allow, Plaintiffs respectfully request that this Court enjoin Defendants from implementing or enforcing the Act until such time as the Court can issue a final decision on the merits.

This Motion is made upon notice to Defendants, as set forth in the accompanying Certificate of Service.

Dated: November 30, 2012

Respectfully submitted,



Chara F. Jackson
Georgia Bar No. 386101
Chad M. Brock
Georgia Bar No. 357719
ACLU Foundation of Georgia
1900 The Exchange, Suite 425
Atlanta, GA 30339
Telephone: (770) 303-8111

Alexa Kolbi-Molinas *
Susan Talcott Camp *
American Civil Liberties Union
Foundation
125 Broad Street, 18th Floor
New York, NY 10004

CERTIFICATE OF SERVICE

I hereby certify that I have served the foregoing PLAINTIFFS' MOTION FOR INTERLOCUTORY INJUNCTION via **CERTIFIED MAIL** on the following:

Samuel S. Olens
Office of the Attorney General
40 Capitol Square, SW
Atlanta, GA 30334
404-656-3300

Governor Nathan Deal
Office of the Governor
203 State Capitol
Atlanta, GA 30334
404-656-1776

Paul Howard
Fulton County District Attorney
136 Pryor Street SW, Third Floor
Atlanta, GA 30303
404-612-4981

Robert James
DeKalb Co. District Attorney
556 N. McDonough Street
Suite 700
Decatur, GA 30030
404-371-4961

Brenda Fitzgerald
Two Peachtree Street, NW
Atlanta, GA 30303-3186
404-657-2700

William Butler
Two Peachtree Street, NW
Third Floor
Atlanta, GA 30303-3465
404-656-9723

Richard Weil
Two Peachtree Street, NW
Third Floor
Atlanta, GA 30303-3465
404-656-9723

John Antalis
Two Peachtree Street, NW
Third Floor
Atlanta, GA 30303-3465
404-656-9723

Gilbert Chandler
Two Peachtree Street, NW
Third Floor
Atlanta, GA 30303-3465
404-656-9723

Daniel DeLoach
Two Peachtree Street, NW
Third Floor
Atlanta, GA 30303-3465
404-656-9723

akolbi-molinas@aclu.org

tcamp@aclu.org

(212) 549-2633

* - motion for admission *pro*

hac vice pending

Alexander Gross
Two Peachtree Street, NW
Third Floor
Atlanta, GA 30303-3465

404-656-9723

Kathy Kemle
Two Peachtree Street, NW
Third Floor
Atlanta, GA 30303-3465
404-656-9723

Jane McGarity
Two Peachtree Street, NW
Third Floor
Atlanta, GA 30303-3465
404-656-9723

William Sightler
Two Peachtree Street, NW
Third Floor
Atlanta, GA 30303-3465
404-656-9723

Charles White
Two Peachtree Street, NW
Third Floor
Atlanta, GA 30303-3465
404-656-9723

Alice House
Two Peachtree Street, NW
Third Floor
Atlanta, GA 30303-3465

404-656-9723

Marion Lee
Two Peachtree Street, NW
Third Floor
Atlanta, GA 30303-3465
404-656-9723

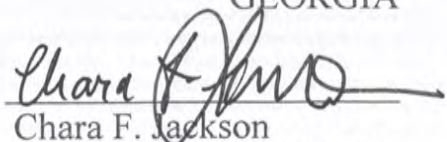
David Retterbush
Two Peachtree Street, NW
Third Floor
Atlanta, GA 30303-3465
404-656-9723

Wendy Troyer
Two Peachtree Street, NW
Third Floor
Atlanta, GA 30303-3465
404-656-9723

Lasharn Hughes
Two Peachtree Street, NW
Third Floor
Atlanta, GA 30303-3465
404-656-9723

This 30th day of November, 2012.

ACLU FOUNDATION OF
GEORGIA



Chara F. Jackson
Georgia Bar No. 386101
Chad M. Brock

Georgia Bar No. 357719
ACLU Foundation of
Georgia
1900 The Exchange,
Suite 425
Atlanta, GA 30339
Telephone: (770) 303-
8111