

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION**

SISTERSONG WOMEN OF COLOR  
REPRODUCTIVE JUSTICE  
COLLECTIVE *et al.*,

Plaintiffs,

vs.

BRIAN KEMP *et al.*,

Defendants.

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Civil Action No.: 1:19-cv-02973-SCJ

**PLAINTIFFS' MOTION FOR SUMMARY JUDGMENT AND  
PERMANENT INJUNCTION**

Pursuant to Federal Rule of Civil Procedure 56, Plaintiffs SisterSong Women of Color Reproductive Justice Collective; Feminist Women's Health Center; Planned Parenthood Southeast, Inc.; Atlanta Comprehensive Wellness Clinic; Atlanta Women's Medical Center; FemHealth USA d/b/a carafem; Columbus Women's Health Organization, P.C.; Summit Medical Associates, P.C.; Carrie Cwiak, M.D., M.P.H.; Lisa Haddad, M.D., M.S., M.P.H.; and Eva Lathrop, M.D., M.P.H. hereby move this Court for summary judgment on the claims in

Plaintiffs' Verified Complaint for Declaratory and Injunctive Relief (ECF No. 1) and respectfully request that this Court declare House Bill 481 ("H.B. 481" or "the Act") unconstitutional and issue a permanent injunction restraining Defendants and their successors in office from enforcing it.

For the reasons set forth more fully in Plaintiffs' accompanying Memorandum of Law, H.B. 481 is unconstitutional under the Due Process clause of the Fourteenth Amendment to the U.S. Constitution because it bans abortion at a pre-viability point in pregnancy and is unconstitutionally vague. Because there is no genuine dispute as to any material fact, Plaintiffs are entitled to judgment as a matter of law. Plaintiffs are also entitled to a permanent injunction of the enforcement of H.B. 481 because they have prevailed on the merits of their claims, there is no adequate remedy at law for the violations of their constitutional rights, and because irreparable harm will result if the Court does not permanently enjoin the Act. Moreover, because the constitutionally infirm portions of H.B. 481 are not severable from the Act's other provisions, H.B. 481 must be enjoined in its entirety. Thus, Plaintiffs' Motion for Summary Judgment and Permanent Injunction should be granted.

Respectfully submitted this 20th day of February, 2020.

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**CERTIFICATE OF COMPLIANCE**

Pursuant to N.D. Ga. Local Civil Rule 7.1(D), I hereby certify that the foregoing has been prepared in compliance with N.D. Ga. Local Civil Rule 5.1(C) in Times New Roman 14-point typeface.

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**CERTIFICATE OF SERVICE**

I hereby certify that on the aforementioned date, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which constitutes service on ECF registered users. N.D. Ga. Civil Local Rule 5.1(A)(3). Defendants' attorneys who later enter a notice of appearance will be served a copy of the foregoing by mail. Fed. R. Civ. P. 5(b)(2)(C).

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