

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF KENTUCKY  
LOUISVILLE DIVISION  
CIVIL ACTION NO. 3:17-CV-00189-GNS

EMW WOMEN’S SURGICAL CENTER,  
P.S.C., on behalf of itself, its staff, and its  
patients; and ERNEST MARSHALL, M.D.,  
on behalf of himself and his patients

PLAINTIFFS

and

PLANNED PARENTHOOD  
OF INDIANA AND KENTUCKY, INC.

INTERVENOR-PLAINTIFF

v.

VICKIE YATES BROWN GLISSON,  
in her official capacity as Secretary of the  
Cabinet for Health and Family Services; and  
MATTHEW BEVIN, in his official capacity  
as Governor of Kentucky

DEFENDANTS

**JUDGMENT AND PERMANENT INJUNCTION**

In accordance with the Findings of Fact, Conclusions of Law and Order entered today,

**IT IS HEREBY ORDERED** that:

1. Judgment is entered in favor of Plaintiffs and Intervenor-Plaintiff as to their substantive due process claims. KRS 216B.0435 and 902 KAR 20:360 Section 10 are **DECLARED** unconstitutional, both facially and as applied to Plaintiffs and Intervenor-Plaintiff, because these laws violate Plaintiffs’ and Intervenor-Plaintiff’s rights under the Fourteenth Amendment of the U.S. Constitution.

2. Defendants and their officers, agents, and employees, and those persons in active in concert or participation with Defendants who receive actual notice of this Judgment, are **PERMANENTLY ENJOINED** and **RESTRAINED** from enforcing, attempting to enforce,

threatening to enforce, or otherwise requiring compliance with KRS 216B.0435 and 902 KAR 20:360 Section 10.

3. This action is **DISMISSED WITH PREJUDICE** and **STRICKEN** from the Court's docket.

4. This is a **FINAL** and **APPEALABLE JUDGMENT**, and there is no just cause for delay.



**Greg N. Stivers, Judge**  
**United States District Court**

September 28, 2018

cc: counsel of record