

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

PLANNED PARENTHOOD SOUTHEAST, INC.,
on behalf of its patients, physicians, and staff;
REPRODUCTIVE HEALTH SERVICES, on behalf
of its patients, physicians, and staff; and JUNE
AYERS, RN,

Plaintiffs,

v.

ROBERT BENTLEY, in his official capacity
as Governor of the State of Alabama; LUTHER
STRANGE, in his official capacity as Attorney
General of the State of Alabama; ELLEN BROOKS,
in her official capacity as District Attorney of
Montgomery County; BRANDON K. FALLS, in his
capacity as District Attorney of Jefferson County;
ASHLEY RICH, in her official capacity as District
Attorney of Mobile County; DONALD E.
WILLIAMSON, MD, in his official capacity as
State Health Officer; GEORGE C. SMITH, JR.,
MD, in his official capacity as Chairman of the
Alabama Board of Medical Examiners; JAMES E.
WEST, MD, in his official capacity as Chairman of
the Medical Licensure Commission of Alabama; and
MARTHA LAVENDER, DSN, RN, in her official
capacity as President of the Alabama Board of
Nursing,

Defendants.

CIVIL ACTION #
2:13-cv-405-MHT
(WO)

CONSENT ORDER

Upon agreement of the parties, it is ORDERED that the joint motion to dismiss (doc. No. 68) is granted and that defendant Martha Lavender is dismissed without prejudice from this action. Defendant Lavender and her employees, agents, and successors in office shall be bound by the terms of any temporary restraining order and/or injunction issued against the Alabama Attorney General and/or any of the other defendants by any court in this action so long as such

relief remains in effect as to any party. However, defendant Lavender and her employees, agents, and successors shall not be liable for any award of attorneys' fees, costs, or other monetary damages that might be included as part of such relief. Nor shall defendant Lavender and her employees, agents, and successors be bound by any relief that subsequently is reversed, vacated, set aside, or otherwise limited as to the Alabama Attorney General and/or any other defendants. However, defendant Lavender, her employees, agents, and successors may take no enforcement action premised on a violation of section 4(c) of HB 57 that occurred while such relief was in effect.

It is further ORDERED that the clerk of the court shall terminate defendant Lavender as a party and that defendant Lavender's motion to dismiss (doc. no. 40) is denied as moot.

DONE, this the 15th day of July, 2013.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE