Planned Parenthood Southeast, Inc. et al v. Bentley et al Doc. 71

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

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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