

**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. 69) is granted and that defendant George C. Smith, Jr. is dismissed without prejudice from this action. Defendant Smith and his 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 Smith and his 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 Smith and his 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 Smith, his 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 is to terminate defendant Smith as a party.

/s/ Myron H. Thompson  
UNITED STATES DISTRICT JUDGE