

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

WEST ALABAMA WOMEN'S)
CENTER, et al., on behalf)
of themselves and their)
patients,)

Plaintiffs,)

v.)

DR. THOMAS M. MILLER, in)
his official capacity as)
State Health Officer,)
et al.,)

Defendants.)

CIVIL ACTION NO.
2:15cv497-MHT
(WO)

JUDGMENT DISMISSING MEDICAL-RECORDS CLAIMS

Upon consideration of the joint motion to enter a stipulation of dismissal of plaintiffs' claims challenging Ala. Admin. Code r. 420-5-1-.03(6)(c)(4) (the "medical-records requirement") (doc. no. 88), it is the ORDER, JUDGMENT, and DECREE of the court that:

(1) The motion is granted, as follows.

(2) The parties' stipulation and this order fully resolve plaintiffs' Count I and Count II of the First Supplemental Complaint (doc. no. 50) challenging the medical-records requirement, and those counts are dismissed, except to the extent that the following order is entered:

(a) The medical-records requirement of Ala. Admin. Code r. 420-5-1-.03(6)(c)(4) (doc. no. 50-1 at ECF p. 13, effective June 2, 2016) ("The patient shall receive a copy of her medical record that pertains to the current abortion procedure prior to leaving the facility.") is satisfied through the procedures set forth in this order.

(b) West Alabama Women's Center, as well as any abortion clinic availing itself of Ala. Admin. Code r. 420-5-1-.03(6)(c) (permitting compliance with the rule if the clinic is unable to obtain a written contract with an outside covering physician), satisfies the

medical-records requirement of the rule by (i) presenting each patient with a "Notification Regarding Medical Record" (doc. no. 88-1) and properly filling it out, and (ii) presenting each patient who has requested a copy of her medical record a "Discharge Summary" (doc. no. 88-2).

(c) The court retains jurisdiction over this matter to ensure the parties' compliance with this order.

(3) If a party believes that the parties' settlement is being violated, said party may file an appropriate motion regarding enforcement.

(4) The parties are to arrange for an on-the-record conference call for September 23, 2019, at 10:00 a.m. to determine whether there is a continuing need for the court to retain jurisdiction over this settlement. The parties shall file statements of their respective positions five days before said call.

This case is not closed.

DONE, this the 29th day of September, 2016.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE