

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,)
)
) CIVIL ACTION NO.
v.) 2:15cv497-MHT
) (WO)
DR. THOMAS M. MILLER, in)
his official capacity as)
State Health Officer,)
et al.,)
)
Defendants.)

SECOND AMENDED PRELIMINARY-INJUNCTION ORDER

Having had an ambiguity concerning the scope of the preliminary injunction brought to the court's attention, the court concludes that the preliminary injunction should have been limited to enjoining enforcement of the fetal-demise law and the school-proximity law against certain plaintiffs. Accordingly, it is ORDERED that the amended preliminary

injunction previously entered (doc. no. 120) is further amended as follows:

- (1) The motion for a preliminary injunction (doc. no. 53), filed by the plaintiffs, West Alabama Women's Center, Willie J. Parker, M.D., Alabama Women's Center, and Yashica Robinson White, M.D., is granted.
- (2) The defendants, the Alabama State Health Officer, the Alabama Attorney General, and the district attorneys for Tuscaloosa and Madison Counties, and all those acting in concert with them are each preliminarily ENJOINED and RESTRAINED from enforcing the State of Alabama's fetal-demise law, 1975 Ala. Code § 26-23G-1 et seq., against plaintiffs West Alabama Women's Center, Willie J. Parker, M.D., Alabama Women's Center, and Yashica Robinson White, M.D. until further order of the court. This injunction does not extend to the

private civil-enforcement provisions of the fetal-demise law.

(3) Defendant, the Alabama State Health Officer, and all those acting in concert with him are each preliminarily ENJOINED and RESTRAINED from enforcing the State of Alabama's school-proximity law, 1975 Ala. Code § 22-21-35, against plaintiffs West Alabama Women's Center and Alabama Women's Center until further order of the court.

(4) The bond requirement of Fed. R. Civ. P. 65(c) is waived.

DONE, this the 22nd day of November, 2016.

/s/ Myron H. Thompson
UNITED STATES DISTRICT JUDGE