

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
JACKSON DIVISION**

**JACKSON WOMEN'S HEALTH
ORGANIZATION, on behalf of itself and its
patients, et al.**

PLAINTIFFS

VS.

CIVIL ACTION NO. 3:12-cv-00436-DPJ -FKB

**MARY CURRIER, M.D., M.P.H., in her
official capacity as State Health Officer of
the Mississippi Department of Health, et al.**

DEFENDANTS

**RESPONSE TO PLAINTIFFS' REPLY TO RESPONSE IN OPPOSITION TO
MOTION FOR PRELIMINARY INJUNCTION AND/OR TRO**

COMES NOW Defendant Mary Currier, M.D., M.P.H., in her official capacity as State Health Officer of the Mississippi Department of Health, and respectfully submits this Response to Plaintiffs' Reply to Dr. Currier's Response in Opposition to Plaintiffs' Motion for a Preliminary Injunction and/or Temporary Restraining Order.

Plaintiffs' Reply contends that the Department of Health might prosecute Jackson Women's Health Organization, their physicians, or staff on the basis of any non-compliance with Mississippi's Admitting Privileges Requirement if that mandate is allowed to become effective July 1. Dr. Currier responds briefly to clarify that the Department of Health will not and cannot do so. The Department has no authority to prosecute physicians. Additionally, it has no intention to request that any other entity press criminal charges against JWHO, its physicians, or its staff for not complying with the Admitting Privileges Requirement until the administrative process described in Dr. Currier's Response is completed.

WHEREFORE, PREMISES CONSIDERED, Defendant Mary Currier respectfully reaffirms her request that the Plaintiffs' motion be denied.

RESPECTFULLY SUBMITTED this, the 29th day of June, 2012.

**MARY CURRIER, in her official capacity as
State Health Officer of the Mississippi
Department of Health, Defendant**

**BY: JIM HOOD, ATTORNEY GENERAL
STATE OF MISSISSIPPI**

/s/ Benjamin Bryant

BY: P. ROGER GOOGE, MSB NO. 4903
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CERTIFICATE OF SERVICE

I, Benjamin Bryant, Special Assistant Attorney General for the State of Mississippi, do hereby certify that on this date I electronically filed the foregoing document with the Clerk of this Court using the ECF system, which sent notification of this filing to:

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THIS, the 29th day of June, 2012.

/s/ Benjamin Bryant

Benjamin Bryant