

EXHIBIT C

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF MISSISSIPPI**

JACKSON WOMEN’S HEALTH)
ORGANIZATION, on behalf of itself and its)
patients,)

and)

WILLIE PARKER, M.D., M.P.H., M.Sc., on)
behalf of himself and his patients,)

Plaintiffs,)

v.)

CIVIL ACTION # _____

DR. MARY CURRIER, in her official)
capacity as State Health Officer of the)
Mississippi Department of Health,)

and)

ROBERT SHULER SMITH, in his official)
capacity as District Attorney for Hinds)
County, Mississippi,)

Defendants.)

**DECLARATION OF BETTY THOMPSON IN SUPPORT OF PLAINTIFFS’ MOTION
FOR TEMPORARY RESTRAINING ORDER AND/OR PRELIMINARY INJUNCTION**

I, Betty Thompson, declare under penalty of perjury that the following statements are true and correct:

1. I have been working at or with the Jackson Women’s Health Organization (the “Clinic”) since 1996, in several different capacities. I originally joined the Clinic as a counselor in 1996. Shortly thereafter, I took over as Assistant to the Director, eventually becoming the Clinic Director in 1998. As Director, I was responsible for all aspects of the Clinic’s operation, including its interactions with the Mississippi Department of Health regarding the Clinic’s license.

2. I stepped down from my role as the Clinic Director in 2004 due to personal health issues. However, since that time I have been a consultant to the Clinic. In that role, I assist the Clinic with different projects, on an as-needed basis. I am and remain familiar with the Clinic's operations and its services through these projects and my frequent conversations with the Clinic's current Director and owner.
3. When I initially started working at the Clinic, there were three abortion clinics in the State of Mississippi. Over the years, the other two facilities closed. To the best of my knowledge, the Clinic is currently—and for some years has been—the only option for women seeking abortions in Mississippi.

Applying For Admitting Privileges On Behalf of the Clinic's Physicians

4. I was contacted by the Clinic's owner in late April to spearhead the process of applying for admitting privileges on behalf of the Clinic's physicians. That process had been started by the Clinic's regular physician Dr. Doe,¹ and Shannon Brewer-Anderson, the Clinic's current Director, had taken it over a few days earlier, but it quickly became apparent that it would be a time and resource intensive task. I was told that they wanted my help because Ms. Brewer-Anderson has many other responsibilities and the Clinic wanted to do everything it could to be in compliance with House Bill 1390 ("H.B. 1390") when it took effect.

¹ Plaintiffs are using a pseudonym to refer to the physician out of concern for his safety and privacy. Dr. Doe has been providing abortions to women at the Clinic for several years, and has recently experienced an increase in harassment by anti-abortion extremists. Among other things, in the last two years, he has received several threatening telephone calls to his home and the homes of his family members and has been followed out of the Clinic and to other locations by anti-abortion extremists.

5. At the time H.B. 1390 was signed into law the only physician who regularly provided abortion care to women at the Clinic was Dr. Doe. Dr. Doe is not a full-time resident of Mississippi, and so he has to fly in periodically to provide care to women.
6. Thus, when Ms. Brewer-Anderson initially began this process, and when I first took over, it was to secure privileges only for Dr. Doe. However, since that time, Dr. Willie Parker has joined the Clinic's medical staff and began providing abortions at the Clinic on June 18, 2012. Therefore, I am currently seeking privileges on behalf of Dr. Parker as well.
7. When I took over the application process, Dr. Doe and Ms. Brewer-Anderson had already begun completing the application for Dr. Doe to receive privileges at Central Mississippi Medical Center ("CMMC"). However, because it was far from certain that CMMC would grant the necessary privileges, upon taking over the project I immediately began reaching out to the remaining eleven hospitals in the three surrounding counties: (1) St. Dominic-Jackson Memorial Hospital; (2) Select Specialty Hospital; (3) Regency Hospital; (4) G.V. Montgomery Veterans Affairs Medical Center; (5) Whitefield Medical Surgical Hospital; (6) River Oaks; (7) Woman's Hospital; (8) Crossgates River Oaks Hospital; (9) University Medical Center; (10) Baptist Medical Center; (11) Madison County Medical Center. To the best of my knowledge, these are all of the hospitals in the three counties surrounding the Clinic.
8. Detailed below is the diligent and extensive effort I have made since May 1, 2012 and continue to make, to obtain privileges for the Clinic's physicians. Those efforts revealed that of the twelve hospitals located near the Clinic, four hospitals would not be able to provide privileges because of the limited services the hospitals provide, and at least one hospital would not be able to provide privileges because of its religious affiliation. Thus,

of the initial twelve identified, only seven hospitals could possibly grant the necessary privileges. It is possible that one of those hospitals will ultimately provide privileges to the Clinic's physicians. It is clear, however, that despite all of the efforts over the past two months, none will provide privileges by July 1, 2012.

9. The application process for obtaining hospital privileges is very time and resource intensive. Each application requires an enormous amount of information to be provided and for the Doctor to attach many documents, including, among other things: (1) records of TB screening results within the past 12 months; (2) passport photos; and (3) photo copies of board certification, social security card, and any continuing medical education certificates. Additionally, most applications include a separate delineated clinical privileges list, which requires the applicants to check the box next to each "privilege" they are requesting.
10. Four applications, and one pre-application, have been completed and submitted for Dr. Doe. I have been working to complete the applications for Dr. Parker. However, Dr. Parker only started providing care at the Clinic on June 18, 2012, and because Dr. Parker practices out of state, and is extremely busy with his practice, it has been difficult to gather all the necessary information and documentation. Nonetheless, I have been diligently working with Dr. Parker and should be submitting his application for privileges at CMMC no later than June 29, 2012. I hope to have the rest of Dr. Parker's applications submitted imminently.

Hospitals That Cannot Provide Privileges to the Clinic's Physicians

11. On May 1, 2012, I spoke with Heather Muzzi, the Manager of Medical Staff Services at St. Dominic- Jackson Memorial Hospital ("St. Dominic's") about the possibility of the

Clinic's physicians obtaining privileges at her hospital. However, as detailed below, it quickly became clear this would not be an option for the Clinic's physicians. While it offers "active" and "courtesy" privileges to physicians, before a physician could even receive an application, she or he would be required to provide evidence of a willingness to abide by the Catholic Ethical and Religious Directives for Health Care Facilities.

12. In a letter dated May 23, 2012, Robert L. "Buster" Mobley, M.D., Vice President of Medical Affairs and Quality at the hospital explained that these directives instruct that:

"[a]bortion . . . is never permitted. Every procedure whose sole immediate effect is the termination of pregnancy before viability is an abortion . . . Catholic health institutions are not to provide abortion services, even based upon the principle of material cooperation. In this context, Catholic health care institutions need to be concerned about the danger of scandal in any association with abortion providers."

13. The Clinic's physicians cannot agree to abide by these Directives, because they provide abortions and intend to continue doing so. Accordingly, I did not further pursue seeking privileges at St. Dominic's on behalf of the Clinic's physicians.

14. On May 1, 2012, I called the G.V. Montgomery Veterans Affairs Medical Center. A Human Resources associate named Monique advised me that that hospital provides care to veterans only and does not employ obstetrician/gynecologists. Therefore, it is my understanding that it would not be able to provide privileges for the Clinic's abortion providers.

15. Similarly, on that same day, I explored trying to get privileges for Dr. Doe at Select Specialty Hospital Jackson and Regency Hospital. Initially, I was unable to reach Jess

Brasher, head of Business Development for both hospitals, but I left a voicemail requesting she return my call as soon as possible. On May 2, 2012 I spoke with Ms. Brasher and she informed me that both hospitals were extended care facilities that accept patients only through referrals from other hospitals. Moreover, she explained to me that those hospitals do not offer “admitting” or “staff” privileges because they only handle patients from surrounding hospitals for long term acute care.

16. Whitfield Medical Surgical Hospital is the State Mental Health Facility and does not employ ob/gyn physicians. Therefore, it is my understanding that it would not be able to provide privileges for the Clinic’s physicians.

Hospitals That Could Possibly Provide Privileges to the Clinic’s Physicians

River Oaks and Woman’s Hospitals

17. On May 1, 2012 I called Rebecca Wilson, at River Oaks and Woman’s Hospitals to inquire about obtaining physician privileges at both locations. I learned that physicians would have to complete the application and return it with a \$200 application fee and that once it is received, the application would be given to a committee for review. If approved by the committee the physician would then be recommended to the board of trustees for final approval. She also informed me that applications should be handled immediately, but that the board meets only on the first Monday of every month. Ms. Wilson could not say how long it would take to process an application or whether it was at all possible to have completed the process by July 1, 2012.

18. It is my understanding that in 2006 the Clinic attempted to obtain admitting privileges for another one of its physicians at those hospitals, but that the physician’s application was denied “because the nature of [the physicians] proposed medical practice at the hospital

[was] inconsistent with hospital policies and practices on elective abortions.” A true and correct copy of this letter is attached to this Declaration as Exhibit A. Despite this knowledge, I still have made and continue to make my best efforts to obtain privileges at River Oaks and Woman’s Hospitals for the Clinic’s current physicians.

19. I completed and mailed the applications to River Oaks and Woman’s Hospital on behalf of Dr. Doe on June 13, 2012. I am diligently working on Dr. Parker’s applications and should have them submitted on his behalf imminently.

Crossgates River Oaks Hospital

20. On May 2, 2012 I contacted Crossgates River Oaks Hospital. I spoke with Brandon Downey, the Medical Staff Coordinator. I learned that Crossgates River Oaks Hospital could provide admitting and staff privileges, but that it customarily takes approximately three months to make a decision on a privileges application.
21. After our initial conversation, I tried to contact Mr. Downey on several occasions. However, after many attempts I finally connected with a woman named Becky Wallace who informed me that Mr. Downey no longer worked at the Hospital. She told me that she had taken over for Mr. Downey and I could direct my questions regarding the application for privileges through her.
22. At first, Ms. Wallace stated that Dr. Doe would not be able to get privileges because he was not a board-certified og/gyn. However, once I assured her that he is, she agreed to send me an application for him. Like the applications for River Oaks and Woman’s Hospital, these applications required a significant amount of information and documentation. I completed the application for Dr. Doe and submitted it on his behalf on

June 13, 2012. I am diligently working on Dr. Parker's application and should have it submitted imminently.

University Medical Center

23. On May 1, 2012 I also contacted University Medical Center ("UMC"). I was initially directed to the ob/gyn department where I spoke with Bretta Blackman, who informed me that the clinic did offer "affiliate admitting privileges" and that to begin the process to obtain such privileges, I needed to speak with the head of the ob/gyn department, Dr. Owens. Therefore, I called and left a message with the Dr. Owens' Secretary indicating that in accordance with newly enacted H.B. 1390, I was seeking information about obtaining "admitting" and "staff" privileges for the Clinic's physician urgently. When Dr. Owens' secretary returned my call, she advised me that Dr. Owens' would not be able to discuss this matter with me until May 31, 2012.

24. I spoke with Dr. Owens on May 31, 2012 about obtaining privileges at UMC for the Clinic's physicians. Dr. Owens indicated that a request for an application had to be in writing from the physician seeking privileges. Furthermore, the request should include whether the physician would be able to provide any additional services, such as teaching, at the hospital. She also informed me that it usually takes two to three months for the hospital to complete its process. Thus, I learned that even if I submitted the application that day, it would be virtually impossible to obtain privileges for the Clinic's regular physician by July 1, 2012.

25. Following Dr. Owens's instructions, Dr. Doe sent a letter to Dr. Owens on May 25, 2012, requesting an application and explaining that he had vast experience in both medical and surgical pregnancy termination and would be well qualified to offer instruction and

supervision in this training area. Dr. Owens never responded to Dr. Doe's letter. Therefore, on June 22, 2012 I emailed Dr. Owens indicating how urgent it was that we receive an application as soon as possible. I still have not received a response.

Baptist Medical Center

26. On May 1, 2012, I also contacted Baptist Medical Center ("BMC") and spoke with Theresa Ayala in Medical Staff Services. Ms. Ayala informed me that BMC offered admitting privileges for physicians, but that before a physician could apply for privileges he or she would be required to complete a pre-application. She also informed me that the pre-application would need to include a letter from a current BMC physician indicating that they would cover the applicant's patients when the applicant was unavailable. She advised me that the credentials committee at BMC reviews pre-applications on the second Tuesday of each month, and only sends an application to those physicians whose pre-application it approves. Ms. Ayala could not give me a definite date by which the Clinic's physicians could expect to receive privileges but stated that it took approximately three months to process the final application.

27. I completed the pre-application for Dr. Doe and he submitted it to BMC on June 11, 2012. Since Dr. Doe is not familiar with any BMC staff physicians, upon submitting the pre-application, he requested that Ms. Ayala forward a list of BMC physicians so that he would be able to contact the physicians to obtain the proper coverage and complete the pre-application process. Ms. Ayala did not respond to Dr. Doe's request. Therefore, on June 22, 2012, I wrote to Ms. Ayala to remind her of the tremendous pressure the Clinic was under to obtain privileges for its physicians and requesting she provide me with the list of BMC physicians as soon as possible. I still have not received a response.

Madison County Medical Center

28. Also, on May 1, 2012 I attempted to contact Sarah Stevens at Madison County Medical Center (“MCMC”), but was only able to leave her a message. She left a message for me at the Clinic later that evening. I called and left messages for her twice the next morning.

29. After several weeks of back and forth, Ms. Stevens and I were finally able to connect. However, it wasn’t until June 22, 2012 that I received the application for MCMC’s “Medical Staff Appointment & Clinical Privileges.” However, it did not include the “Delineation of Privileges Form,” which Ms. Stevens indicated I had to request separately for the specific specialty the physicians were requesting privileges for. I have started to complete the application for Dr. Doe and Dr. Parker and plan on submitting them as soon as possible.

* * *

30. Given all of my efforts and the voluminous paperwork that I have submitted on behalf of the Clinic’s physicians to the various hospitals in the surrounding three counties, I am hopeful that ultimately they will obtain the necessary privileges. However, from my conversations with the staff at those hospitals, I believe that it is extremely unlikely, if not impossible, for the Clinic’s physicians to receive privileges at a local hospital by July 1, 2012.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Dated: June 26, 2012


Betty Thompson



RIVER OAKS HEALTH SYSTEM

River Oaks Hospital and Woman's Hospital

May 31, 2006

Joseph Booker, Jr., M.D.
2903 North State Street
Jackson, MS 39216

Dear Doctor Booker:


This letter shall notify you that your application for appointment to the medical staff and for clinical privileges has been denied because the nature of your proposed medical practice at the hospital is inconsistent with hospital policies and practices on elective abortions.

Because the Medical Staff's decision to deny your application is administrative in nature, and is not based on professional competence or professional conduct that could adversely affect the health or welfare of a patient, this hospital is not required to report, nor shall it report, its denial of your application to the National Practitioner Data Bank nor the Mississippi State Board of Medical Licensure.

Following our decision that your application should be denied for administrative reasons, we ceased our review of your application. Therefore, we have made no determination as to the completeness of your application, we have not verified the information submitted in support of your application, nor have we evaluated whether you would otherwise be qualified to join the medical staff.

We wish you well in your future endeavors.

Sincerely,


Jack Cleary, President & CEO
River Oaks Health System

River Oaks Hospital • 1930 River Oaks Drive, Jackson, MS 39252 • (601) 952-1030
Woman's Hospital • 1926 North Rowood Drive, Jackson, MS 39252 • (601) 952-1000



RIVER OAKS HEALTH SYSTEM

River Oaks Hospital and Woman's Hospital

August 24, 2006

Gary Broadnax, M.D.
2903 North State Street
Jackson, MS 39216

Dear Doctor Broadnax:


This letter shall notify you that your application for appointment to the medical staff and for clinical privileges has been denied because the nature of your proposed medical practice at the hospital is inconsistent with hospital policies and practices on elective abortions.

Because the Medical Staff's decision to deny your application is administrative in nature, and is not based on professional competence or professional conduct that could adversely affect the health or welfare of a patient, this hospital is not required to report, nor shall it report, its denial of your application to the National Practitioner Data Bank nor the Mississippi State Board of Medical Licensure.

Following our decision that your application should be denied for administrative reasons, we ceased our review of your application. Therefore, we have made no determination as to the completeness of your application, we have not verified the information submitted in support of your application, nor have we evaluated whether you would otherwise be qualified to join the medical staff.

We wish you well in your future endeavors.

Sincerely,


Jack Cleary, President & CEO
River Oaks Health System

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