

[Until this opinion appears in the Ohio Official Reports advance sheets, it may be cited as *Preterm-Cleveland v. Yost*, Slip Opinion No. 2023-Ohio-4570.]

NOTICE

This slip opinion is subject to formal revision before it is published in an advance sheet of the Ohio Official Reports. Readers are requested to promptly notify the Reporter of Decisions, Supreme Court of Ohio, 65 South Front Street, Columbus, Ohio 43215, of any typographical or other formal errors in the opinion, in order that corrections may be made before the opinion is published.

SLIP OPINION NO. 2023-OHIO-4570

**PRETERM-CLEVELAND ET AL., APPELLEES, v. YOST, ATTY. GEN., ET AL.,
APPELLANTS.**

[Until this opinion appears in the Ohio Official Reports advance sheets, it may be cited as *Preterm-Cleveland v. Yost*, Slip Opinion No. 2023-Ohio-4570.]

Appeal dismissed due to change in law.

(No. 2023-0004—Submitted December 12, 2023—Decided December 15, 2023.)

APPEAL from the Court of Appeals for Hamilton County,
No. C-220504, 2022-Ohio-4540.

{¶ 1} Sua sponte, appeal dismissed due to a change in the law.

KENNEDY, C.J., and FISCHER, DEWINE, DONNELLY, and STEWART, JJ.,
concur.

BRUNNER, J., dissents and would dismiss the appeal as having been
improvidently accepted.

BYRNE, J., dissents and would proceed with addressing the propositions of
law previously accepted for review.

SUPREME COURT OF OHIO

MATTHEW BYRNE, J., of the Twelfth District Court of Appeals, sitting for
DETERS, J.

ACLU of Ohio Foundation, B. Jessie Hill, Freda J. Levenson, and Rebecca
Kendis; Wilmer Cutler Pickering Hale & Dorr, L.L.P., Alan E. Schoenfeld,
Michelle Nicole Diamond, Peter Neiman, Davina Pujari, Christopher A.
Rheinheimer, and Allyson Slater; and Planned Parenthood Federation of America
and Melissa Cohen, for appellees Planned Parenthood Southwest Ohio Region,
Sharon Liner, M.D., and Planned Parenthood of Greater Ohio.

ACLU of Ohio Foundation, B. Jessie Hill, Freda J. Levenson, and Rebecca
Kendis; and American Civil Liberties Union Foundation and Meagan Burrows, for
appellees Preterm Cleveland, Women’s Med Group Professional Corporation, and
Northeast Ohio Women’s Center, L.L.C., d/b/a Toledo Women’s Center.

John A. Borell, Kevin A. Pituch, and Evy M. Jarrett, Lucas County
Assistant Prosecuting Attorneys, for appellee Lucas County Prosecuting Attorney
Julia R. Bates.

Dave Yost, Ohio Attorney General, Michael J. Hendershot, Chief Deputy
Solicitor General, Stephen P. Carney and Mathura J. Sridharan, Deputy Solicitors
General, and Amanda L. Narog and Andrew D. McCartney, Assistant Attorneys
General, for appellants.

Tucker Ellis, L.L.P., Susan M. Audey, Elisabeth C. Arko, and Edward E.
Taber, urging affirmance for amicus curiae Academy of Medicine of Cleveland &
Northern Ohio.

The Chandra Law Firm, L.L.C., Subodh Chandra, and Donald Screen; and
Democracy Forward Foundation, Skye L. Perryman, and Madeline H. Gitomer,
urging affirmance for amici curiae American College of Obstetricians and
Gynecologists, American Medical Association, and Society for Maternal-Fetal
Medicine.

American College of Obstetricians and Gynecologists and Molly A. Meegan, urging affirmance for amicus curiae American College of Obstetricians and Gynecologists.

Covington & Burling, L.L.P., Jacob Zuberi, Suzan Charlton, Samar Amidi, and Kathryn Irwin Bronstein, in support of appellees, for amicus curiae National Association of Social Workers Including its Ohio Chapter.

Scott G. Stewart, Mississippi Solicitor General, and Justin L. Matheny, Deputy Solicitor General, urging reversal for amici curiae Mississippi, Alabama, Arkansas, Florida, Georgia, Idaho, Indiana, Iowa, Kentucky, Louisiana, Missouri, Montana, Nebraska, South Carolina, South Dakota, Texas, Utah, and West Virginia.

Alliance Defending Freedom, Julia C. Payne, and James A. Campbell, urging reversal for amici curiae Cincinnati Right to Life, The Justice Foundation, Center for Christian Virtue, Ohio Right to Life, Right to Life Action Coalition, Cleveland Right to Life, Greater Columbus Right to Life, and Students for Life of America.

Dworken & Bernstein Co., L.P.A., and Patrick J. Perotti, urging reversal for amicus curiae American Center for Law & Justice.

Corey Shankleton, pro se, in support of appellant, for amicus curiae Faith2Action Michigan.

Janet Folger Porter, pro se, in support of appellant, for amicus curiae Faith2Action Ministries.

Andrew L. Schlafly; and Robert T. Lynch, in support of appellant, for amici curiae Phyllis Schlafly Eagles, Janet Folger Porter, Faith2Action Ministries, Ohio Representative Beth Lear, Ohio Value Voters, Mission America, Margie Christie, Dayton Right to Life Society, Ohio Christian Alliance, Warren County Right to Life, Lori Viars, Eagle Forum of Ohio, Community Pregnancy Center, former Ohio

SUPREME COURT OF OHIO

Representative Candice Keller, former Ohio Representative Ron Hood, and Eagle
Forum Education & Legal Defense Fund.
