

IN THE SUPREME COURT OF IOWA

PLANNED PARENTHOOD OF THE HEARTLAND, INC., EMMA GOLDMAN CLINIC, and JILL MEADOWS, M.D., Petitioners-Appellees, v. KIM REYNOLDS ex rel. STATE OF IOWA, and IOWA BOARD OF MEDICINE Respondents-Appellants.	No. 22-2036 MOTION FOR EXPEDITED APPEAL
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Respondents-Appellants move pursuant to Iowa R. App. P. 6.1003(2) for the Court to expedite this appeal:

1. Respondents-Appellants are the Governor of the State of Iowa and the Iowa Board of Medicine. They were sued in May 2018 to prevent enforcement of legislation that places conditions on when a physician can perform an abortion. See Iowa Code § 146C.2.

2. The Iowa District Court for Polk County entered an injunction prohibiting the respondents from enforcing Section 146C.2. The lower court found the statute violated the right to abortion under the Iowa Constitution as this Court had declared in *Planned Parenthood of the Heartland v. Reynolds*, 915 N.W.2d 206 (Iowa 2018) (*PPH II*).

3. But in *Planned Parenthood of the Heartland v. Reynolds*, 975 N.W.2d 710 (Iowa 2022) (*PPH IV*) this Court overruled its holding in *PPH II*

and held the Iowa Constitution does not confer a fundamental right to abortion.

4. Shortly after *PPH IV*, the U.S. Supreme Court held in *Dobbs v. Jackson Women's Health Organization*, 142 S.Ct. 2228 (2022) that the U.S. Constitution also does not confer a fundamental right to abortion. In so doing, the Court overruled its holdings in *Roe v. Wade*, 410 U.S. 113 (1973) and *Planned Parenthood of Southeastern Penn. v. Casey*, 505 U.S. 833 (1992).

5. Because of the change in law due to *PPH IV* and *Dobbs*, the Governor and board moved in the district court to dissolve its injunction preventing enforcement of Iowa Code § 146C.2. The district court denied the motion on December 12, 2022.

6. The legal framework that justified the injunction against enforcement of section 146C.2 no longer exists. Because the public is harmed when constitutionally valid laws enacted by their representatives cannot be enforced, the Court should expedite the resolution of this appeal.

7. The parties filed extensive briefs in the district court. The preparation of briefs on appeal should therefore not take a substantial amount of time. The transcript of the hearing before the district court has already been transcribed and filed by the court reporter.

8. Respondents-appellants propose the following deadlines:
 - Appellants' proof brief and designation of parts due January 10, 2023
 - Appellees' proof brief and designation of parts due January 31, 2023
 - Proof reply brief due February 7, 2023
 - Appendix and final appellant briefs due February 10, 2023
 - Appellee's final brief due February 15, 2023
9. Respondents-appellants request oral argument in either the February or March regular sittings or at either of the Court's special sittings this term.
10. Counsel for the petitioners-appellants have been contacted and indicate they object to this motion.

Dated: December 13, 2022

KIM REYNOLDS ex rel. STATE OF IOWA, and
IOWA BOARD OF MEDICINE,

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