

**IN THE CIRCUIT COURT OF THE SEVENTEENTH JUDICIAL CIRCUIT
WINNEBAGO COUNTY, ILLINOIS**

THE PREGNANCY CARE CENTER OF)
ROCKFORD, et al.,)
)
Plaintiffs,)
)
v.)
)
BRUCE RAUNER and BRYAN A.)
SCHNEIDER,)
)
Defendants.)

No. 2016MR741
Judge Eugene Doherty

THOMAS A. KLEIN
***** ELECTRONICALLY FILED *****
TRANS ID : 17555143
CASE NO : 2016MR000741
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BY: RT _____ DEPUTY

PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION

The Plaintiffs the Pregnancy Care Center of Rockford, Anthony Caruso, MD, A Bella Baby OBGYN, Inc., and Aid for Women, Inc., by and through their undersigned attorneys, and pursuant to 735 ILCS 5/11-102, respectfully request that the Court grant them a preliminary injunction against Defendants' enforcement of Senate Bill 1564, an amendment to 745 ILCS 70/1 *et seq.* (hereinafter "SB 1564"), to the extent enforcement would penalize health facilities or professionals who object to providing information about doctors who may offer abortion or object to describing abortion as a beneficial treatment option. In support of this motion, Plaintiffs state as follows:

1. Plaintiffs filed their First Amended Complaint on August 17, 2016. The complaint sets forth clearly and concisely the specific facts that support injunctive relief. The complaint explains the Plaintiffs are facilities and health professionals who offer medical services to support women in giving birth and discourage them from seeking abortion. SB 1564 forces the Plaintiffs to tell pregnant women the names of other doctors they believe offer abortions, and to tell them that abortion has unspecified "benefits" and is a "treatment option" for pregnancy.

Plaintiffs have religious and moral objections to speaking about abortion in these ways. SB 1564 will be enforceable by Defendants against Plaintiffs on January 1, 2017.

2. The complaint identifies several Illinois laws and constitutional provisions that provide protectable rights to Plaintiffs and are violated by SB 1564's compelled speech provisions. The Illinois Religious Freedom Restoration Act, 775 ILCS 35/1 *et seq.*, bans the operation of SB 1564 against Plaintiffs' religious beliefs unless it serves a compelling government interest in a least restrictive way. SB 1564 fails this test because, *inter alia*, every citizen can easily find the contact information for doctors who provide abortion and will discuss its benefits without forcing Plaintiffs to provide that information directly. For the same reason, SB 1564 is a classic example of compelled speech that violates Plaintiffs' Freedom of Speech rights as protected by Art. I, § 4 of the Illinois Constitution.

3. By alleging that SB 1564 and Defendants' enforcement thereof violate these laws and constitutional clauses, the complaint contends that Plaintiffs have a likelihood of success on the merits of these claims. The complaint further pleads that Plaintiffs face irreparable harm to their free speech and religious free exercise rights if Defendants are not enjoined from enforcing SB 1564 against them. Their irreparable harm begins not merely on January 1, 2017, but in the weeks leading up to that date when Plaintiffs would have to develop SB 1564's required "protocol" for reciting its objectionable speech. The complaint urges that Plaintiffs have no adequate remedy at law. Violation of one's rights to freedom of speech and free exercise of religion cannot be adequately remedied by monetary damages, but require equitable remedies including injunctive relief.

4. On October 17, 2016, counsel for Plaintiffs Mr. Bowman spoke with counsel for Defendants Ms. Newman by telephone, to discuss whether Defendants would agree not to

enforce the challenged provisions of SB 1564 when it goes into effect on January 1, 2017, and while this case is pending, in lieu of Plaintiffs filing a motion for preliminary injunction. Ms. Newman said that SB 1564 is a duly enacted law and as of that day Defendants would not agree not to enforce SB 1564 against the Plaintiffs. During the telephonic hearing this Court held on October 20, 2017, Ms. Newman reiterated that her clients were not prepared at that time to say they will not enforce SB 1564 against Plaintiffs while the case is pending, and she consented to the briefing and hearing schedule for the Court's consideration of this motion. This further demonstrates Plaintiffs' need for the Court to grant their motion for preliminary injunctive relief before SB 1564 goes into effect. SB 1564 is a recently and duly enacted law whose effectiveness is presumed, especially when the state is asked to disavow enforcement but refuses to do so.

5. This motion is made in good faith and not for the purpose of improper delay. The motion will not prejudice any party, and the public is benefitted—not prejudiced—when the government is required to comply with the Illinois Religious Freedom Restoration Act and the Illinois Constitution.

6. This is Plaintiffs' first request for a preliminary injunction.

7. Plaintiffs include the attached memorandum of law, affidavits affirming the facts asserted in the complaint, and proposed form of order, in support of this motion.

Respectfully submitted this 27th day of October, 2016.

s/ Matthew S. Bowman
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