

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

PLANNED PARENTHOOD OF THE)
HEARTLAND,)
))
Plaintiff,)
))
v.)
))
DAVE HEINEMAN, Governor of Nebraska,)
in his official capacity;)
))
JON BRUNING, Attorney General of Nebraska;)
in his official capacity;)
))
KERRY WINTERER, Chief Executive Officer,)
and DR. JOANN SCHAEFER, Director of the)
Division of Public Health, Nebraska Department)
of Health and Human Services, in their official)
capacities; and)
))
CRYSTAL HIGGINS, President, Nebraska Board)
of Nursing, and BRENDA BERGMAN-EVANS,)
President, Nebraska Board of Advanced Practice)
Registered Nurses, in their official capacities;)
))
Defendants.)
_____)

Case No. 4:10-cv-3122

**PLAINTIFF’S MOTION FOR PRELIMINARY INJUNCTION
AND TEMPORARY RESTRAINING ORDER**

Plaintiff Planned Parenthood of the Heartland (“Planned Parenthood”) hereby moves pursuant to Rule 65 of the Federal Rules of Civil Procedure for a preliminary injunction and, if necessary to preserve the status quo pending the determination of its motion for a preliminary injunction, a temporary restraining order against enforcement of L.B. 594 (“Act”). The Act takes effect on July 15, 2010.

As set forth in the accompanying Memorandum of Law and supporting exhibits, (1) Planned Parenthood will succeed on the merits; (2) Planned Parenthood and its patients will suffer irreparable harm if the Act is enforced; (3) the balance of harm tips decidedly in Planned Parenthood's favor; and (4) granting temporary injunctive relief serves the public interest. Planned Parenthood is therefore entitled to an immediate injunction and respectfully requests that this Court grant its motion for a preliminary injunction and, if necessary, a temporary restraining order.

Pursuant to NECivR 7.0.1(d) and (e), Planned Parenthood requests an evidentiary hearing to prove any facts disputed by Defendants and relevant to its motion for a preliminary injunction. Planned Parenthood estimates that the testimony it would offer at such a hearing would take less than one full court day. Planned Parenthood also requests oral argument on its application for a temporary restraining order should a temporary restraining order be necessary to preserve the status quo pending the determination of our motion for a preliminary injunction. Planned Parenthood estimates that its presentation would take less than one hour.

Dated: June 28, 2010

BY: PLANNED PARENTHOOD OF THE
HEARTLAND, Plaintiff

BY: /s/ Andrea D. Snowden
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*Application for admission *pro hac vice*
pending

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OF COUNSEL FOR PLAINTIFF

CERTIFICATE OF SERVICE

I, Andrea D. Snowden, am one of the attorneys of record for Plaintiff and hereby certify that on the 28th day of June, 2010, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system and hand delivered a copy to the following:

Dave Heineman, Governor of Nebraska
c/o Jon Bruning, Attorney General
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