

**IN THE COURT OF COMMON PLEAS
HAMILTON COUNTY, OHIO**

PLANNED PARENTHOOD
SOUTHWEST OHIO REGION, *et al.*,

Plaintiffs,

v.

OHIO DEPARTMENT OF HEALTH, *et al.*,

Defendants.

Case No. A 2100870

Judge Alison Hatheway

**PLAINTIFFS' UNOPPOSED SECOND MOTION
FOR LEAVE TO AMEND COMPLAINT**

Pursuant to Ohio Civil Rule 15(A), Plaintiffs, by and through their undersigned counsel, hereby move to file a Second Amended Complaint to assert an additional claim under the newly enacted Right to Reproductive Freedom Amendment, Article I, Section 22 of the Ohio Constitution. This provision, effective as of December 7, 2023, establishes the “right to make and carry out one’s own reproductive decisions,” including the decision to have an abortion. Ohio Const. Article I, Section 22. On April 11, 2024, Defendants indicated via electronic mail to Plaintiffs that they do not oppose this motion.

Civil Rule 15(A) provides that courts “shall freely give leave” to amend pleadings “when justice so requires.” Plaintiffs have support for the new matters they seek to plead and have not acted in bad faith, caused undue delay, or caused undue prejudice to Defendants. *See Danopoulos v. Am. Trading II, LLC*, 2016-Ohio-5014, 69 N.E.3d 157, ¶ 24 (1st Dist.); *see also Hoover v. Sumlin*, 12 Ohio St.3d 1, 6, 465 N.E.2d 377 (1984) (“The language of Civ.R. 15(A) favors a liberal amendment policy and a motion for leave to amend should be granted absent a finding of bad faith, undue delay or undue prejudice to the opposing party.”). Accordingly, Plaintiffs

respectfully request that this Unopposed Second Motion for Leave to Amend their Complaint be granted.

A Proposed Order is filed separately.

Dated: April 15, 2024

B. Jessie Hill #0074770
Freda J. Levenson #0045916
Rebecca Kendis #0099129
American Civil Liberties Union of Ohio
Foundation, Inc.
4506 Chester Ave.
Cleveland, OH 44103
(216) 368-0553 (Hill)
(614) 586-1972 x125 (Levenson)
(614) 586-1974 (fax)
bjh11@cwru.edu
flevenson@acluohio.org
rebecca.kendis@case.edu
*Counsel for Plaintiffs Preterm-Cleveland,
Women's Med Group Professional
Corporation, Northeast Ohio Women's Center
LLC*

Jennifer Dalven* PHV #23858
Chelsea Tejada* PHV#25608
American Civil Liberties Union Foundation
125 Broad Street, 18th Floor
New York, NY 10004
(212) 549-2633
(212) 549-2650 (fax)
jdalven@aclu.org
ctejada@aclu.org
*Counsel for Plaintiffs Preterm-Cleveland,
Women's Med Group Professional
Corporation Northeast Ohio Women's Center
LLC*

Rachel Reeves* PHV #23855
American Civil Liberties Union Foundation
915 15th St NW
Washington, DC 20005
(212) 549-2633
(212) 549-2650 (fax)
rreeves@aclu.org
*Counsel for Plaintiffs Preterm-Cleveland,
Women's Med Group Professional
Corporation Northeast Ohio Women's Center
LLC*

Respectfully submitted,

/s/ Camila Vega
* PHV #25650
Planned Parenthood Federation of America
123 William Street, Floor 9
New York, NY 10038
(908) 370-7449
(212) 245-1845 (fax)
camila.vega@ppfa.org
*Counsel for Plaintiffs Planned Parenthood
Southwest Ohio Region, Planned Parenthood
of Greater Ohio, and Sharon Liner, M.D*

Hannah Swanson* PHV #25808
Planned Parenthood Federation of America
1110 Vermont Ave. NW, Suite 300
Washington, DC 20005
(202) 494-8764
(202) 296-3242 (fax)
hannah.swanson@ppfa.org
*Counsel for Plaintiffs Planned Parenthood
Southwest Ohio Region, Planned Parenthood
of Greater Ohio, and Sharon Liner, M.D.*

Fanon A. Rucker #0066880
The Cochran Firm
527 Linton Street
Cincinnati, OH 45219
(513) 381-4878
(513) 672-0814 (fax)
frucker@cochranohio.com
*Counsel for Plaintiffs Planned Parenthood
Southwest Ohio Region, Planned Parenthood
of Greater Ohio, and Sharon Liner, M.D.*

*Application for *pro hac vice* granted