

FILED BY CLERK

OCT 07 2022

COURT OF APPEALS
DIVISION TWO

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STATE OF ARIZONA
DIVISION TWO

O R D E R

2 CA-CV 2022-0116
Department A
Pima County
Cause No. C127867

RE: PLANNED PARENTHOOD ARIZONA, INC. v. MARK BRNOVICH

Pursuant to **Emergency Motion for Stay Pending Appeal, Response to Emergency Motion for Stay Pending Appeal, and Response in Opposition to Appellants' Emergency Motion for Stay Pending Appeal,**

The court has considered Appellant's Emergency Motion to Stay Pending Appeal, the responses thereto, and Rule 7 (c), Ariz. R. Civ. App. P. Appellant Planned Parenthood Arizona, Inc., has demonstrated a substantial likelihood of success on the merits on its claim that the trial court erred by limiting its analysis of appellee State of Arizona's motion to set aside the Second Amended Declaratory Judgment and Injunction under Rule 60(b), Ariz. R. Civ. P., to the constitutional viability of A.R.S. § 13-3603 in light of *Dobbs v. Jackson Women's Health Organization*, 142 S. Ct. 2228 (2022), and in refusing to consider the statutes implemented since the imposition of the injunction, including A.R.S. §§ 36-2321 to 36-2326. Arizona courts have a responsibility to attempt to harmonize all of this state's relevant statutes. The court further concludes the balance of hardships weigh strongly in favor of granting the stay, given the acute need of healthcare providers, prosecuting agencies, and the public for legal clarity as to the application of our criminal laws. Notably, in the underlying litigation both parties sought some form of such clarification from the court. Therefore,

ORDERED: The request for a stay of the trial court's order vacating the Second Amended Declaratory Judgment and Injunction is granted and the trial court's order is stayed pending the resolution of this appeal.

FURTHER ORDERED: A telephonic scheduling conference shall be conducted before Presiding Judge Peter Eckerstrom on **Tuesday, October 11, 2022, at 2:30 p.m.**, to determine whether this matter should be accelerated and to set a briefing schedule. The Court of Appeals will email the conference call instructions directly to counsel.

Judges Vásquez and Swann concurring.

DATED: October 07, 2022

Peter J. Eckerstrom
Presiding Judge

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