

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF ARKANSAS**

PLANNED PARENTHOOD OF ARKANSAS
& EASTERN OKLAHOMA, d/b/a
PLANNED PARENTHOOD GREAT
PLAINS and STEPHANIE HO, M.D., on
behalf of themselves and their patients,

Plaintiffs,

v.

LARRY JEGLEY, Prosecuting Attorney for
Pulaski County, in his official capacity, his
agents and successors; MATT DURRETT,
Prosecuting Attorney for Washington County,
in his official capacity, his agents and
successors,

Defendants.

No. 4:15-cv-00784-KGB

**PLAINTIFFS' FOURTH REPORT REGARDING EFFORTS
TO COMPLY WITH SECTION 1504(D)**

Pursuant to this Court's July 2, 2018 Preliminary Injunction Order, ECF No. 144, Plaintiffs hereby submit their Fourth Report Regarding Efforts to Comply with Section 1504(d) (the "contracted physician requirement" or the "requirement").¹

Emily Wales, PPAEO's general counsel, continued outreach efforts to Dr. [REDACTED], who had expressed interest in serving as PPAEO's contracted physician. After several conversations with Ms. Wales over the course of the past six weeks, including discussions of potential harassment at her home and the hospital at which she works, security measures, and compensation, Dr. [REDACTED] agreed to be PPAEO's contracted physician, and accepted payment

¹ As this report contains information designated as "Highly Confidential" under the terms of the protective order entered in this case, ECF No. 39, Plaintiffs file redacted and under seal versions of this report.

from PPAEO. However, PPAEO is currently still waiting for Dr. [REDACTED] to sign the final version of the contract. Plaintiffs will notify this Court as soon as that contract is executed.

In the meantime, while negotiations with Dr. [REDACTED] were ongoing, PPAEO staff made other efforts to find a contracted physician. On October 4, 2018, the Arkansas Times published an op-ed submitted by Dr. Ho.² In the op-ed, Dr. Ho discusses the contracted physician requirement, PPAEO's inability to find a contracted physician, the devastating effects of its inability to comply on women in the state during the time the contracted physician requirement took effect, and the importance of maintaining abortion access in the state. The op-ed ends by imploring physicians in the state to contact PPAEO to help it comply with the requirement.

PPAEO staff also continued to reach out to physicians who had initially expressed some interest in helping PPAEO comply with the contracted physician requirement. Margaret Kenny, PPAEO's Fayetteville health center manager, had previously identified a physician, Dr. [REDACTED], who had recently started working in Arkansas and therefore may not have received PPAEO's previous letters addressed to physicians regarding the contracted physician requirement. Ms. Kenny called Dr. [REDACTED]'s office to discuss the requirement, and subsequently mailed PPAEO's most recent letter to her attention. Dr. [REDACTED] emailed PPAEO on September 29 and said she would be interested in learning more about a possible arrangement, although she was not sure whether an agreement would be possible in light of her hospital contract. PPAEO contacted her multiple times in October to set up a time to discuss the contracted physician requirement, and will continue working to arrange a phone conversation.

Additionally, Ms. Wales, continued to reach out to Dr. [REDACTED]. While Dr. [REDACTED] had previously expressed some interest in the contracted physician position, he stated that

² Stephanie Ho, *Stand Up For Abortion Rights*, Ark. Times (Oct. 4, 2018), <https://www.arktimes.com/arkansas/stand-up-for-abortion-rights/Content?oid=23890713>.

he needed to check with his hospital's administration prior to moving forward with conversations.

Ms. Wales continues to be in touch with Dr. [REDACTED] regarding the requirement.

Dated: October 31, 2018

Respectfully submitted,

/s/ Maithreyi Ratakonda

Maithreyi Ratakonda (N.Y. Bar No. 5060124) (*pro hac vice* granted)

Melissa Cohen (*pro hac vice* granted)

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on October 31, 2018, I electronically filed the forgoing with the Clerk of the Court using the CM/ECF system, which shall provide service upon all counsel of record.

/s/ Maithreyi Ratakonda

Maithreyi Ratakonda