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14 *Attorneys for Plaintiffs*

15 **UNITED STATES DISTRICT COURT**
CENTRAL DISTRICT OF CALIFORNIA
16 **WESTERN DIVISION**

17 **NATIONAL INSTITUTE OF**
FAMILY AND LIFE
18 **ADVOCATES on behalf of**
itself and its members, and
SCV PREGNANCY CENTER,

19 *Plaintiffs,*

20 v.

21 **ROB BONTA**, in his official
capacity as Attorney General of
the State of California,
22

Defendant.

Case No. 2:24-cv-08468

VERIFIED COMPLAINT
FOR INJUNCTIVE AND
DECLARATORY RELIEF
AND ATTORNEYS' FEES
AND COSTS AND DEMAND
FOR JURY TRIAL

1 Plaintiffs National Institute of Family and Live Advocates (“NIFLA”),
2 on behalf of itself and its members, and SCV Pregnancy Center (“SCV”), by
3 and through counsel, and for their Verified Complaint against the
4 Defendants, hereby state as follows:

5 **Introduction**

6 1. Two years ago, Atoria Foley gave birth to a healthy baby girl.
7 Today her daughter is a happy toddler, but she would not be alive if Atoria
8 had not seen information about abortion pill reversal (“APR”).

9 2. Facing an unexpected pregnancy and lacking support from her
10 baby’s father, Atoria felt abortion was her only option. So she took
11 mifepristone—the first drug in a two-part abortion drug regimen—which
12 blocks receptors for naturally occurring progesterone and typically leads to
13 the death of the unborn child.

14 3. But Atoria’s fear surrounding her pregnancy quickly turned into
15 panic and regret. Desperate to undo her decision, she remembered seeing a
16 sign for “abortion pill reversal.” She went on the internet, found an abortion-
17 pill-reversal hotline, and was connected with NIFLA member Alternatives
18 Pregnancy Center in Sacramento, California.

19 4. To try to save the life of Atoria’s developing child, Alternatives’
20 medical professionals prescribed her supplemental progesterone—a
21 medication that the United States Food and Drug Administration (“FDA”)
22 has approved to treat pregnancy complications. By competing with the
23 mifepristone for receptors, studies have found, supplemental progesterone
24

1 can help reverse mifepristone’s effects. Atoria paid nothing for this
2 treatment.

3 5. The progesterone likely saved Atoria’s daughter’s life. She was
4 born healthy months later and today is a thriving toddler. Declaration of
5 Atoria Foley, attached as Exhibit A.

6 6. Atoria states, “If I hadn’t heard about abortion pill reversal, I
7 firmly believe my baby girl would not be alive today.” *Id.* ¶ 28.

8 7. Thousands of women across the country share similar stories.

9 8. Desirae Exendine also found hope at Alternatives. She felt
10 pressured to have an abortion, took mifepristone, but quickly regretted it.
11 She was prescribed supplemental progesterone by Alternatives’ medical staff
12 and her baby was born healthy in August of 2024. Declaration of Desirae
13 Exendine, attached as Exhibit B.

14 9. But if Defendant Rob Bonta, the Attorney General of California,
15 had his way, these children would not be alive today. That’s because he is
16 seeking an injunction to prevent pregnancy centers from telling the public
17 about this life-saving option.

18 10. The Attorney General is trying to stop pro-life pregnancy centers
19 like Alternatives from providing the public with truthful information about
20 using progesterone to counter the lethal effects of mifepristone. He has
21 invoked his power under business-fraud statutes to prevent nonprofit
22 pregnancy-support organizations from speaking and sharing the information
23 that saved Atoria’s daughter’s life. Complaint, *People v. Heartbeat Int’l, Inc.*,
24

1 No. 23CV044940 (Cal. Super. Ct., Alameda Cnty., Sept. 21, 2023), attached
2 as Exhibit C.

3 11. The Attorney General alleges those nonprofits are spreading “false
4 and misleading” information about progesterone treatment. *Id.* ¶ 3. He seeks
5 an injunction and other penalties to censor their speech about it. Those
6 organizations are not plaintiffs here.

7 12. Plaintiffs here, a pregnancy center and a network of affiliated
8 centers, wish to truthfully inform the public that it may be possible to
9 counteract the first abortion drug’s lethal effects if women change their
10 minds and seek treatment within the first three days after taking it.

11 13. Plaintiffs wish to say the same (and similar) things about APR
12 that the other nonprofits have. But the Attorney General’s actions show that
13 if they do, they may be subject to injunctions, civil penalties of up to \$2,500
14 per “violation,” and potential jail time.

15 14. Multiple scientific studies support the information Plaintiffs wish
16 to provide to women and the public.

17 15. What’s more, doctors have safely and effectively used
18 supplemental progesterone to help maintain pregnancies for decades.

19 16. The Attorney General cites some of those studies in his lawsuit, so
20 he knows that scientific research supports the statements at issue.

21 17. Yet he has chosen to target organizations that tell women about
22 this option because of their pro-life viewpoint and the content of their speech.

23 18. The Attorney General says he supports a woman’s right to choose
24

1 whether to keep her pregnancy, yet he seeks to deprive a woman who
2 changes her mind, or who was coerced or tricked into taking the first abortion
3 drug, of truthful information about a safe and effective way to save her
4 pregnancy.

5 19. The Constitution protects Plaintiffs' right to speak to the public
6 and women about lawful medical treatments provided by licensed medical
7 professionals.

8 20. This action seeks to enjoin the Attorney General from targeting,
9 chilling, and punishing Plaintiffs' speech about APR and a declaration that
10 his actions violate Plaintiffs' First and Fourteenth Amendment rights to
11 speak freely, to practice their religion, and to due process under the law.

12 **Jurisdiction and Venue**

13 21. This civil rights action raises federal questions under the United
14 States Constitution, particularly the First and Fourteenth Amendments, and
15 the Civil Rights Act of 1871, 42 U.S.C. § 1983.

16 22. This Court has original jurisdiction over these federal claims
17 pursuant to 28 U.S.C. §§ 1331 and 1343.

18 23. This court can issue the requested declaratory relief under
19 28 U.S.C. §§ 2201 and 2202 and Fed. R. Civ. P. 57, the requested injunctive
20 relief under 28 U.S.C. § 1343 and Fed. R. Civ. P. 65, and reasonable
21 attorneys' fees and costs under 42 U.S.C. § 1988.

22 24. Venue is proper in this district under 28 U.S.C. § 1391 because
23 Defendant resides in the state of California and a substantial part of the
24

1 events or omissions giving rise to the claim occurred in the Central District of
2 California.

3 **PLAINTIFFS**

4 ***National Institute of Family and Life Advocates and Its Members***

5 25. Plaintiff National Institute of Family and Life Advocates
6 (“NIFLA”) is a religious not-for-profit corporation duly incorporated under the
7 laws of Virginia.

8 26. NIFLA is a Christian, non-denominational ministry.

9 27. NIFLA is a membership organization with 1,780 member
10 pregnancy centers located across the nation, including 136 centers in
11 California.

12 28. One of NIFLA’s California members is Plaintiff SCV Pregnancy
13 Resource Center.

14 29. NIFLA’s California members also include non-parties
15 Sacramento-based Alternatives Pregnancy Center and San Diego-based
16 Pregnancy Care Clinic.

17 30. NIFLA’s mission is to empower women and men facing unplanned
18 pregnancies to choose life and to protect life-affirming pregnancy centers by
19 equipping them with legal resources, counsel, education, training, and
20 support, and by representing their interests in litigation when necessary to
21 preserve their constitutional rights. It aims to develop a network of life-
22 affirming ministries in every community across the nation.

23 31. NIFLA also routinely speaks about APR, advising its members
24

1 and women about this progesterone-treatment option, including sharing
2 content at conferences and on its social media accounts.

3 32. NIFLA's own speech is chilled and altered and its mission is
4 impaired by the Attorney General's censorship campaign against APR
5 content.

6 33. NIFLA's members do not provide or refer for abortions.

7 34. NIFLA and its members affirm that God is sovereign over all life,
8 and that he calls and commands them to make special efforts to protect the
9 unborn.

10 35. To that end, NIFLA's California members offer free services, such
11 as pregnancy tests, counseling, information concerning pregnancy options,
12 and material support to new mothers and fathers.

13 36. Many of NIFLA's California members also offer on-site medical
14 services, such as ultrasounds, under the direction of an affiliated licensed
15 physician or medical professional.

16 37. Many of NIFLA's California members who operate licensed
17 medical facilities provide medical screening for progesterone treatment and,
18 if a woman wishes to proceed after discussion with a licensed medical
19 professional, a prescription for progesterone treatment.

20 38. All APR progesterone treatment offered by NIFLA's California
21 members is free of charge. Neither NIFLA nor its members receive any
22 remuneration for this service.

23 39. NIFLA's California members advertise their services and any
24

1 referral services on their websites and through print handouts and brochures,
2 newspaper or magazine ads, social media, and other online ads.

3 40. Some of NIFLA's California members make, have made, or would
4 like to make statements about progesterone treatment that the Attorney
5 General alleges violate California's Unfair Competition Law, California
6 Business and Professions Code § 17200, and False Advertising Law,
7 California Business and Professions Code § 17500 (collectively the "Business
8 Fraud Statutes").

9 41. California NIFLA members' speech, including that of SCV
10 Pregnancy Center, is chilled because of the Attorney General's censorship
11 campaign against progesterone treatment information.

12 42. California NIFLA members have canceled or postponed plans to
13 advertise about APR options, or to offer APR, because of the Attorney
14 General's censorship campaign against progesterone treatment.

15 43. For example, member Pregnancy Care Center last year suspended
16 its pre-existing plans to provide APR because of the Attorney General's
17 interpretation and enforcement of the Business Fraud Statutes.

18 44. Pregnancy Care Center also decided not to renew a paid
19 advertisement campaign to inform women of the option of progesterone
20 treatment because of the Defendant's interpretation and enforcement of the
21 Business Fraud Statutes.

22 45. NIFLA was forced to advise Plaintiff member SCV Pregnancy
23 Center to suspend its plans to offer APR services in the future as well.
24

1 46. These California members have standing to sue in their own right.

2 47. NIFLA asserts associational standing on behalf of all of its
3 California members, whose ability to advertise and provide services,
4 counseling, and information about progesterone treatment is impeded by the
5 Attorney General's application of the Business Fraud Statutes and his
6 censorship campaign against pro-life pregnancy-support organizations. *See*
7 *New York State Club Ass'n, Inc. v. City of New York*, 487 U.S. 1, 9 (1988).

8 48. The interests that NIFLA seeks to protect are germane to
9 NIFLA's purpose as a membership association, which include supporting its
10 pro-life pregnancy-center members, enabling them to carry out their missions
11 consistent with their pro-life and religious viewpoints, protecting their legal
12 interests, and empowering women and men facing unplanned pregnancies to
13 choose life for their unborn children.

14 49. NIFLA also sues on its own behalf.

15 50. NIFLA itself has organizational standing because the Attorney
16 General's challenged actions have required NIFLA to change its own speech,
17 alter its member recommendations, and have hampered its efforts to achieve
18 its mission.

19 51. NIFLA has changed and censored its own speech because of the
20 Attorney General's censorship campaign.

21 ***SCV Pregnancy Center***

22 52. SCV Pregnancy Center is a 501(c)(3) nonprofit, faith-based
23 organization incorporated under the laws of California and with a principal
24

1 place of business in Santa Clarita, California.

2 53. SCV is a NIFLA member.

3 54. SCV is a Christian ministry and community health clinic that
4 specializes in providing pregnancy confirmations by a licensed physician.
5 SCV assists those facing unexpected pregnancies in exploring pregnancy-
6 outcome options through a holistic model of care (physical, emotional, and
7 spiritual).

8 55. SCV has been serving its community since 1987.

9 56. In addition to pregnancy testing, SCV provides patient education
10 on pregnancy options, sexually transmitted diseases and infections
11 (STDs/STIs), and sexual health.

12 57. SCV also provides ultrasound confirmation of pregnancy, prenatal
13 care referrals, and limited STD/STI testing and treatments.

14 58. SCV provides parenting classes, childbirth classes, life-skills
15 education, adoption referrals, and community-resource information and
16 referrals.

17 59. SCV does not charge for any services.

18 60. SCV is a faith-based organization. It requires everyone from its
19 board to volunteers to be Christian believers and adhere to its statement of
20 faith.

21 61. The center abides by its Christian beliefs in how it operates,
22 including what it teaches and how it treats others.

23
24

1 treatment that Plaintiffs have published in the past and wish to publish in
2 the future.

3 **FACTUAL BACKGROUND**

4 **I. Pro-Life Pregnancy Centers**

5 68. Thousands of pregnancy centers across the country, including
6 NIFLA members, provide free services, resources, information, adoption
7 referrals, counseling, and material support to women and families
8 experiencing unexpected pregnancies.

9 69. Many of these pregnancy centers also provide or refer for medical
10 services, such as ultrasounds, STI testing and treatment, and progesterone
11 treatment, under the supervision of licensed medical directors or through
12 affiliated on-site medical professionals.

13 70. Often pregnancy centers provide training and support for fathers
14 so that mothers will be supported by their partners and children by both
15 parents.

16 71. In 2022 alone, pro-life pregnancy centers provided services valued
17 at over \$358 million. This included over 500,000 free ultrasounds, 200,000
18 STI tests, 3.5 million packs of diapers, 43,000 car seats, and more.¹

19 72. Pro-life pregnancy centers are almost uniformly faith-based,
20 Christian organizations.

21
22 ¹ *Pregnancy Centers Offer Hope for a New Generation*, Charlotte Lozier
23 Institute (2022), <https://perma.cc/WJJ2-45K3>. A true and accurate copy is
24 attached as Exhibit D.

1 73. Unlike abortion clinics, which have a financial interest in
2 performing as many abortions as possible, most pregnancy centers—
3 including Plaintiff SCV—charge nothing for their services, meaning that they
4 do not financially benefit from any choice a woman makes.

5 74. As a recent study published in *Contraception*—the official journal
6 of the pro-abortion Society of Family Planning—found, pregnancy centers
7 offer more efficient help at a lower cost than abortion facilities, have shorter
8 wait times, and are more available for same-day care. Abortion facilities
9 almost always require clients to pay for pregnancy tests and ultrasounds,
10 while pro-life pregnancy centers almost always offer these services for free.²

11 **II. The Use of Supplemental Progesterone for Abortion Pill** 12 **Reversal**

13 75. Scientific research supports the use of supplemental progesterone
14 for abortion pill reversal.

15 *Use of Progesterone in Pregnancy*

16 76. Progesterone is a naturally occurring hormone that plays an
17 essential role in regulating female reproductive function in the uterus,
18 ovaries, mammary glands, and brain.³

19
20 ² Kavita Vinekar et al., *Early pregnancy confirmation availability at crisis*
21 *pregnancy centers and abortion facilities in the United States*, 117
22 *Contraception* 30 (Sept. 6, 2022). A true and accurate copy is attached as
23 Exhibit E.

24 ³ See generally Lucie Kolatorova et al., *Progesterone: A Steroid with Wide*
Range of Effects in Physiology as Well as Human Medicine, 23 *Int'l J.*

1 77. Progesterone is essential to achieve and maintain a healthy
2 pregnancy.

3 78. During the first ten weeks of pregnancy, progesterone is naturally
4 secreted by the corpus luteum while the placenta develops. It is thereafter
5 secreted by the placenta.⁴

6 79. Progesterone prepares the uterine lining (the “endometrium”) to
7 accept implantation of the embryo and stimulates the tissue glands to secrete
8 nutrients for the embryo.⁵

9 80. Later in pregnancy, progesterone relaxes the smooth muscle cells,
10 helping to suppress uterine contractions until delivery.⁶

11 81. Progesterone has been used to support female fertility in a variety
12 of ways for more than 50 years.⁷

13
14
15 _____
Molecular Sci. 14 (July 2022). A true and accurate copy is attached as Exhibit F.

16 ⁴ Jessie K. Cable, *Physiology, Progesterone*, StatPearls (Michael H. Grider ed.,
2022). A true and accurate copy is attached as Exhibit G.

17 ⁵ See Arri Coomarasamy et al., *PROMISE: first-trimester progesterone*
18 *therapy in women with a history of unexplained recurrent miscarriages – a*
19 *randomised, double-blind, placebo-controlled, international multicentre trial*
and economic evaluation, 20(41) Health Tech. Assessment 1 (May 2016). A
true and accurate copy is attached as Exhibit H.

20 ⁶ See N.E. Simmons et al., *The long-term effect of prenatal progesterone*
21 *treatment on child development, behaviour and health: a systematic review*,
128 Brit. J. of Obstetrics & Gynaecology 964 (Nov. 2020). A true and accurate
copy is attached as Exhibit I.

22 ⁷ See Gian Carlo Di Renzo et al., *Progesterone: History, facts, and artifacts*, 69
23 Best Prac. Rsch. Clinical Obstetrics & Gynaecology 2, 9 (2020). A true and
accurate copy is attached as Exhibit J.

24

1 82. Obstetricians and gynecologists commonly prescribe progesterone
2 to support patients with a history of recurrent miscarriages, prevent preterm
3 birth, support endometrial function during in vitro fertilization, treat absent
4 menstrual periods (secondary amenorrhea), treat excessive blood loss during
5 menstruation, treat premenstrual syndrome, and prevent irregular
6 thickening of the endometrium during menopause.⁸

7 83. Since 1978, the FDA has approved progesterone medications in
8 multiple forms (i.e. injections, oral capsules, vaginal insert and vaginal gel).⁹

9 84. These FDA approvals include for treatments for infertility,
10 irregular thickening of the endometrium (“endometrial hyperplasia”), and to
11 support embryo implantation and early pregnancy.¹⁰

12
13
14
15 ⁸ See Ex. F, Kolotorova et al., *supra* note 3.

16 ⁹ Approval Letter from Lisa D. Rarick M.D., Food and Drug Admin. to
17 Howard Levine, Pharm. D., Columbia Rsch. Lab’ys, Inc. (May 13, 1997),
https://www.accessdata.fda.gov/drugsatfda_docs/nda/97/20756
18 [CRINONE_APPROV.PDF](#) (vaginal gel). A true and accurate copy is
19 attached as Exhibit K. Approval Letter from Lisa Rarick M.D., Food and
20 Drug Admin. to Joseph Lamendola, Ph.D, Schering Corp. (Dec. 16, 1998),
<https://perma.cc/M7T7-VSDL> (oral capsule). A true and accurate copy is
21 attached as Exhibit L. Approval Letter from Scott Monroe, M.D., Dep’t of
22 Health & Human Servs. to James H. Conover, Ph.D., Ferring Pharms., Inc.
(June 21, 2007), [https://www.accessdata.fda.gov/drugsatfda_docs/nda/](https://www.accessdata.fda.gov/drugsatfda_docs/nda/2007/022057_endometrin_toc.cfm)
23 [2007/022057_endometrin_toc.cfm](#) (vaginal insert). A true and accurate copy is
24 attached as Exhibit M. Determination that Progesterone Injection, USP, 50
Milligrams/Milliliter Was Not Withdrawn From Sale for Reasons of Safety or
Effectiveness, 88 Fed. Reg. 50158, 50159 (Aug. 1, 2023) (intramuscular
injection approved in 1978).

¹⁰ *Id.*

1 85. Progesterone is classified as a Category B drug for pregnant
2 women—the same category as Tylenol, the most commonly used pain reliever
3 during pregnancy.¹¹

4 86. Drugs are categorized “Category B” when animal studies have
5 found no evidence that the drugs pose any risk to the fetus.¹²

6 87. Healthcare professionals may lawfully prescribe a drug for
7 purposes indicated by the FDA-approved label (“on-label use”) or for purposes
8 not prescribed, recommended, or suggested by the FDA-approved label (“off-
9 label use”).

10 88. Off-label use of FDA-approved prescription drugs is a common
11 practice in health care when a physician determines it is medically
12 appropriate for their patient.¹³

13 89. The FDA has long allowed healthcare professionals to prescribe
14 FDA-approved drugs off-label, stating that “once a [drug] product has been
15

16
17 ¹¹ FDA, *Prometrium Label*, at 19, U.S. <https://perma.cc/CR46-2FTS>;
18 *Drugs.com, Prometrium Prescribing Information*, [https://perma.cc/RDN3-](https://perma.cc/RDN3-WNQ8)
19 [WNQ8](https://perma.cc/RDN3-WNQ8); see also Emily Oster, *Expecting Better*, 169 (Penguin Books 2016).

20 ¹² Jessica C. Leek & Hasan Arif, *Pregnancy Medications*, StatPearls (Jul. 24,
21 2023), <https://perma.cc/KL52-74KM>.

22 ¹³ See, e.g., Agata Bodie, Cong. Rsch. Serv., R45792, *Off-Label Use of*
23 *Prescription Drugs 10* (Feb. 23, 2021) (estimating that off-label prescriptions
24 make up as many as 38% of doctor-office prescriptions in the United States
and collecting sources). A true and accurate copy is attached as Exhibit N.
See also, e.g., Wash. Legal Found. v. Henney, 202 F.3d 331, 333 (D.C. Cir.
2000) (“[I]t is undisputed that the prescription of drugs for unapproved uses
is commonplace in modern medical practice and ubiquitous in certain
specialties.”).

1 approved for marketing, a physician may prescribe it for uses or in treatment
2 regimens of patient populations that are not included in approved labeling.”¹⁴

3 90. In November 2021, the United Kingdom’s National Institute of
4 Health and Care Excellence (“NICE”) published new guidelines based on a
5 review of recent studies—including the Progesterone in Spontaneous
6 Miscarriage (“PRISM”) study—recommending progesterone treatment for
7 women with early pregnancy bleeding and at least one previous
8 miscarriage.¹⁵

9 91. The NICE committee specifically noted that “there was no
10 evidence of harms for women or babies” from progesterone treatment,
11 including “no increase in risk of stillbirth, ectopic pregnancy, congenital
12 abnormalities or adverse drug reactions.”¹⁶

14
15 ¹⁴ Citizen Pet. Regarding the Food and Drug Admin.’s Pol’y on Promotion of
16 Unapproved Uses of Approved Drugs and Devices; Request for Comments, 59
17 Fed. Reg. 59820, 59821 (Nov. 18, 1994) (quoting 12(1) FDA Drug Bulletin at 5
18 (Apr. 1982), <https://perma.cc/A5UJ-C5YL>); see also *Buckman Co. v. Pls.’ Legal*
19 *Comm.*, 531 U.S. 341, 350 (2001) (explaining that “off-label’ usage ... is an
20 accepted and necessary corollary of the FDA’s mission to regulate ... without
21 directly interfering with the practice of medicine”).

22 ¹⁵ *Ectopic pregnancy and miscarriage: diagnosis and initial management,*
23 *Guideline NG126*, National Institute for Health and Care Excellence 18
24 (NICE) (updated Aug. 23, 2023). A true and accurate copy is attached as
Exhibit O.

¹⁶ *Ectopic Pregnancy and Miscarriage: Diagnosis and Initial Management, [C]*
Progestogens for Preventing Miscarriage, NICE Guideline NG126 (update),
Evidence Review Underpinning Recommendations 1.5.2 and 1.5.3 and
Research Recommendations in the NICE Guideline, National Institute for
Health and Care Excellence (NICE), 16–18 (Nov. 24, 2021). A true and
accurate copy is attached as Exhibit P.

1 92. The PRISM study followed over 4,000 women at 48 hospitals in
2 the United Kingdom and found a 3% greater live-birth rate among the
3 women who received progesterone treatment. The study found a 15% greater
4 live-birth rate among women with early-pregnancy bleeding and three or
5 more prior miscarriages. It also found no increased risk of birth defects.¹⁷

6 93. Another recent study, known as the Progesterone in Recurrent
7 Miscarriages (“PROMISE”) study, evaluated more than 800 women with
8 unexplained recurrent miscarriages in 45 hospitals in the United Kingdom
9 and the Netherlands. The study found that progesterone treatment did not
10 increase the risk of birth defects, while also finding that it did not produce a
11 “significant difference” in the rate of live births.¹⁸

12 ***Chemical Abortion***

13 94. Chemical abortion, also known as “medication abortion,” refers to
14 the use of prescription drugs to end and then expel a pregnancy.

15 95. The current abortion-drug regimen typically consists of two drugs:
16 mifepristone (originally marketed as “RU-486” and now under the brand
17 name “Mifeprex”) and misoprostol.

21 ¹⁷ Arri Coomarasamy et al., *A Randomized Trial of Progesterone in Women*
22 *with Bleeding in Early Pregnancy*, 380 N. Engl. J. Med. 1815 (2019). A true
and accurate copy is attached as Exhibit Q.

23 ¹⁸ Ex. H, Coomarasamy et al., *PROMISE*, *supra* note 5.

1 96. The FDA approved the two-drug regimen in 2000. Under the
2 approved protocol, a woman takes mifepristone orally, followed up to 48
3 hours later by misoprostol.¹⁹

4 97. Mifepristone is a synthetic steroid developed in the 1980s.

5 98. Mifepristone blocks the actions of progesterone through a
6 biochemical process “reversible competitive inhibition.” It is a progesterone-
7 receptor antagonist, meaning that it binds to and blocks the intracellular
8 receptors that progesterone normally binds to.²⁰

9 99. As the FDA explains, “Mifepristone is a drug that blocks a
10 hormone called progesterone that is needed for a pregnancy to continue.”²¹

11 100. By blocking the progesterone receptors, mifepristone causes the
12 uterine lining to deteriorate, limiting oxygen and nutrition to the developing
13 embryo or fetus.²²

14 101. The use of Mifepristone to block progesterone typically results in
15

16
17 ¹⁹ *Summary Review for Regulatory Action*, FDA (Mar. 29, 2016),
18 <https://perma.cc/F468-UFEJ>.

19 ²⁰ *See generally The Antiprogestin Steroid RU 486 and Human Fertility*
20 *Control* (Etienne-Emile Baulieu & Sheldon J. Segal eds., Plenum Press 1985).
A true and accurate excerpt is attached as Exhibit R.

21 ²¹ *Questions and Answers on Mifepristone for Medical Termination of*
22 *Pregnancy Through Ten Weeks Gestation*, FDA (Jan. 4, 2023),
23 <https://perma.cc/5XDY-Q4T3>.

24 ²² Mary L. Davenport et al., *Embryo Survival After Mifepristone: A*
Systematic Review of the Literature, 32(1) *Issues L. & Med.* (2017). A true and
accurate copy is attached as Exhibit S.

1 fetal demise.²³

2 102. Misoprostol is then taken to induce uterine contractions to expel
3 the embryo or fetus and gestational sac.

4 103. Since approving mifepristone, the FDA has considered it a high-
5 risk drug because it can cause serious adverse events even when used in
6 accordance with the approved label.

7 104. This is why mifepristone is “available only through a restricted
8 program under a REMS called the Mifepristone REMS Program.”²⁴

9 105. A REMS, or “Risk Evaluation and Mitigation Strategy,” is a drug-
10 safety program required for certain medications with serious safety
11 concerns.²⁵

12 106. The FDA imposes a REMS when it determines that additional
13 safeguards are necessary for the benefits of the drug to outweigh its risks.

14 107. A REMS may also include enhanced safety protocols, known as
15 “elements to assure safe use,” for a drug “because of its inherent toxicity or
16 potential harmfulness.” 21 U.S.C. 355-1(f). The FDA’s approval of
17 mifepristone contains these additional safety elements.²⁶

18
19
20 ²³ *Id.*

21 ²⁴ FDA, *Mifeprex (mifepristone) label* at 6 (Jan. 2023), <https://perma.cc/4895-X457>. A true and accurate copy is attached as Exhibit T.

22 ²⁵ *Risk Evaluation and Mitigation Strategies*, FDA (May 16, 2023),
23 <https://bit.ly/4aF77VU>.

24 ²⁶ *Id.*

1 108. The FDA’s current label for mifepristone contains a black-box
2 warning that the drug can cause “[s]erious and sometimes fatal infections or
3 bleeding.”²⁷

4 109. It also directs women to emergency rooms if one of many adverse
5 complications arise.²⁸

6 110. Based on two studies, the FDA’s mifepristone label warns that
7 between 2.9% and 4.6% of women who took abortion drugs ended up in an
8 emergency room.²⁹

9 111. The FDA’s mifepristone label also acknowledges that the abortion-
10 drug regimen fails over 7% of the time between 9 and 10 weeks’ gestation.³⁰

11 112. The FDA also warns that “[a]bout 2 to 7 out of 100 women taking
12 [mifepristone] will need a surgical procedure because the pregnancy did not
13 completely pass from the uterus or to stop bleeding.”³¹

14 113. The pro-abortion Guttmacher Institute reports that over 640,000
15 chemical abortions occurred in the United States in 2023.³²

16 114. Applying the FDA’s 2.9–4.6% emergency-room data to the
17

18 ²⁷ See *supra* note 24 (Ex. T, FDA, *Mifeprex label*) at 1.

19 ²⁸ *Id.* at 2.

20 ²⁹ *Id.* at 8, table 2.

21 ³⁰ *Id.* at 13, table 4.

22 ³¹ *Id.* at 17.

23 ³² Rachel K. Jones & Amy Friedrich-Karnik, *Medication Abortions Accounted
for 63% of All US Abortions in 2023, an Increase from 53% in 2020*,
Guttmacher Inst. (Mar. 19, 2024), <https://perma.cc/D2EP-CPTH>.

1 Guttmacher Institute's figures means that mifepristone causes tens of
2 thousands of women to seek emergency medical treatment each year.

3 ***The Safety and Efficacy of Progesterone Treatment***

4 115. Many women regret taking chemical abortion drugs and ending
5 the life of their unborn child.³³

6 116. Some women experience this regret shortly after taking
7 mifepristone but before taking misoprostol.

8 117. Some women have also taken mifepristone under duress or by
9 trick or force.³⁴

10 118. If a woman has taken mifepristone but has not yet taken
11 misoprostol and decides within 72 hours that she would like to continue her
12

13 ³³ Katherine A. Rafferty & Tessa Longbons, *#AbortionChangesYou: A Case*
14 *Study to Understand the Communicative Tensions in Women's Medical*
15 *Abortion Narratives*, 36(12) *Health Commc'n.* 1485, 1490 (2021),
[https://www.tandfonline.com/doi/epdf/10.1080/10410236.2020.1770507?needA](https://www.tandfonline.com/doi/epdf/10.1080/10410236.2020.1770507?needAccess=true)
[ccess=true](https://www.tandfonline.com/doi/epdf/10.1080/10410236.2020.1770507?needAccess=true). A true and accurate copy is attached as Exhibit U.

16 ³⁴ See, e.g., Lauren Aratani, *Texas man faces charges for allegedly slipping*
17 *abortion drug in wife's drink*, *The Guardian* (Nov. 14, 2022),
<https://perma.cc/8NJD-3SSF>; *Civil servant guilty of spiking drink with*
18 *abortion drug*, *BBC News* (May 3, 2022), <https://perma.cc/U43C-C2VU>; Andy
19 Wells, *NHS nurse struck off for supplying abortion pills to man who 'force-fed'*
20 *them to pregnant partner*, *Yahoo!news* (Sept. 23, 2021),
<https://perma.cc/G88T-AXHX>; Kevin Murphy, *Abortion-drug dealer pleads*
21 *guilty, linked to Grand Rapids man accused of poisoning pregnant woman's*
22 *drink*, *Wisconsin Rapids Tribune* (Mar. 5, 2020), <https://perma.cc/4JSV-AJ64>;
23 Kristine Phillips, *A doctor laced his ex-girlfriend's tea with abortion pills and*
24 *got three years in prison*, *The Washington Post* (May 19, 2018),
<https://perma.cc/W7QM-Q9VZ>; Loulla-Mae Eleftheriou-Smith, *Man forced ex-*
girlfriend to miscarry after secretly feeding her abortion pills in a smoothie,
Independent (Mar. 13, 2015), <https://perma.cc/KJF4-E9VX>; Lateef Mungin,
Man pleads guilty to tricking pregnant girlfriend into taking abortion pill,
CNN (Sept. 10, 2013), <https://perma.cc/RT4R-6LLL>.

1 pregnancy and save her baby’s life, she may request supplemental
2 progesterone to try to counter the effects of mifepristone. This progesterone
3 treatment is commonly called “Abortion Pill Reversal” or APR.

4 119. The basic biochemical premise of progesterone treatment is that
5 the effects of a receptor antagonist (mifepristone) can be reversed by
6 increasing the concentration of the receptor agonist (progesterone).³⁵

7 120. Progesterone therapy therefore involves supplementing the
8 pregnant mother’s natural progesterone to compete with and outlast the
9 effects of the mifepristone.

10 121. Like other common uses of supplemental progesterone,
11 progesterone treatment for APR is an off-label use.

12 122. The scientific literature demonstrates the ability of progesterone
13 to counteract mifepristone.

14 123. In 1989, researchers investigated “the role of progesterone in the
15 maintenance of pregnancy” using rats.³⁶

16 124. Rats are frequently used in biomedical research due to their
17
18
19

20 ³⁵ See generally Barbara J. Pleuvry, *Receptors, agonists and antagonists*,
21 5(10) *Anaesthesia & Intensive Care Med.* 350–352 (2004). A true and
accurate copy is attached as Exhibit V.

22 ³⁶ Shingo Yamabe et al., *The effect of RU486 and progesterone on luteal*
23 *function during pregnancy*, 65 *Folia Endocrinologica Japonica* 497, 497
(1989). A true and accurate copy is attached as Exhibit W.

1 anatomical, physiological, and genetic similarity to humans.³⁷

2 125. After four days, only a third of pregnant rats who received
3 mifepristone remained pregnant, but all of the pregnant rats who were given
4 progesterone in addition to mifepristone remained pregnant.

5 126. In 2018, Dr. George Delgado published an observational case
6 series that followed 754 pregnant women who had taken mifepristone, but
7 had not yet taken misoprostol, and were interested in reversing
8 mifepristone's effects.

9 127. A total of 547 women met inclusion criteria and underwent
10 progesterone treatment within 72 hours after taking mifepristone.³⁸

11 128. The overall success rate—247 live births, plus 4 viable
12 pregnancies lost after 20 weeks gestation—was 48%.³⁹

13 129. The 2018 study showed even higher success rates when the
14

15
16 ³⁷ Elizabeth C. Bryda, *The Mighty Mouse: The Impact of Rodents on Advances*
17 *in Biomedical Research*, 110(3) *Mo. Med.* 207, 207 (2013), available at
https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3987984/pdf/ms110_p0207.pdf. A true and accurate copy is attached as Exhibit X.

18 ³⁸ George Delgado et al., *A Case Series Detailing the Successful Reversal of the*
19 *Effects of Mifepristone Using Progesterone*, 33(1) *Issues L. & Med.* 21, 24–25
20 (2018). A true and accurate copy is attached as Exhibit Y. The 2018 study
21 followed a 2012 case report, also published by Drs. Delgado and Davenport,
22 that followed seven women who had taken mifepristone and then received
23 progesterone therapy after “s[eeing] assistance to block the mifepristone
24 effects.” George Delgado & Mary L. Davenport, *Progesterone use to reverse the*
effects of mifepristone, 46(12) *Annals Pharmacotherapy* 1723, 1723 (2012). A
true and accurate copy is attached as Exhibit Z. Four of the six women who
completed the study were able to carry their pregnancies to term.

³⁹ Ex. Y, Delgado et al., *A Case Series*, *supra* note 38, at 25–26.

1 patients were divided into treatment subgroups.

2 130. It showed fetal survival rates of 64% for the subgroup that
3 received progesterone through intramuscular injection and 68% for the
4 subgroup that received a high dose of oral progesterone followed by daily oral
5 progesterone until the end of the first trimester.⁴⁰

6 131. The survival rates in the 2018 study compare favorably with the
7 baseline fetal survival rate of approximately 25% if no treatment is attempted
8 after mifepristone is administered.⁴¹

9 132. The 2018 study found no increased risk of birth defects after
10 progesterone treatment. And the rate of preterm delivery was 2.7%, much
11 lower than the 10% average in the general population in the United States.⁴²

12 133. As a result, the 2018 study recommended a protocol to “reverse”
13 the effects of mifepristone by administering progesterone, either orally or by
14 intramuscular injection, “as soon as possible” after taking mifepristone,
15 followed by supplemental progesterone until the end of the first trimester if
16 taken orally or a series of additional intramuscular injections.⁴³

17 134. The 2018 study properly used a historical control group, rather
18 than a randomized controlled trial, because it would be unethical to
19 administer a placebo to a pregnant woman seeking to reverse mifepristone’s

20
21 ⁴⁰ *Id.* at 26.

22 ⁴¹ *Id.*; see also Ex. S, Davenport et al., *supra* note 22.

23 ⁴² Ex. Y, Delgado et al., *A Case Series*, *supra* note 34, at 26.

24 ⁴³ *Id.* at 29.

1 feticidal effects when evidence shows progesterone is safe and effective to do
2 this.

3 135. A rat study published in July 2023 further found “a clear
4 progesterone-mediated reversal of an initiated mifepristone-induced
5 pregnancy termination in a rat model at first-trimester human equivalent.”⁴⁴

6 136. Fetuses survived in 81% of rats given progesterone after
7 mifepristone, but no fetuses survived in rats given only mifepristone.

8 137. A 2023 review of 16 studies found “no increased maternal or fetal
9 risk from using bioidentical progesterone in early pregnancy,” and concluded
10 that “mifepristone antagonization with progesterone is a safe and effective
11 treatment.”⁴⁵

12 138. Critics of APR, including the Attorney General in his complaint
13 against Heartbeat, often reference a randomized controlled trial that was
14 halted after three participants experienced severe hemorrhage to imply that
15 progesterone treatment is unsafe.⁴⁶

16 139. But in that trial, two of the three women who experienced severe
17

18 ⁴⁴ Christina Camilleri & Stephen Sammut, *Progesterone-mediated reversal of*
19 *mifepristone-induced pregnancy termination a rat model: an exploratory*
20 *investigation*, 13, 10942 *Scientific Reports* 1 (2023). A true and accurate copy
is attached as Exhibit AA.

21 ⁴⁵ Paul L.C. DeBeasi et al., *Mifepristone Antagonization with Progesterone to*
Avert Medication Abortion: A Scoping Review, 90(4) *The Linacre Quarterly*
395 (July 2023). A true and accurate copy is attached as Exhibit BB.

22 ⁴⁶ Mitchell D. Creinin et al., *Mifepristone Antagonization with Progesterone to*
Prevent Medical Abortion, 135(1) *Obstetrics & Gynecology* 158 (2020). doi:
23 [10.1097/AOG.0000000000003620](https://doi.org/10.1097/AOG.0000000000003620).

1 bleeding received only mifepristone and a placebo, not progesterone. Those
2 two women required surgery.

3 140. The third woman, who took mifepristone and then progesterone,
4 completed her abortion without further medical intervention.

5 141. So it was mifepristone, not progesterone, that caused the severe
6 bleeding.

7 142. The study's authors concluded that "patients who receive high-
8 dose oral progesterone treatment do not experience side effects that are
9 noticeably different than placebo."⁴⁷

10 143. Moreover, the progesterone treatment worked in four of the five
11 women who finished it. Fetal heartbeats were detected two weeks after they
12 ingested mifepristone.

13 144. Pregnancy centers have witnessed numerous successful cases of
14 progesterone treatment resulting in continued pregnancies, such as those of
15 Atoria Foley and Desirae Exendine, and other evidence shows that the APR
16 protocol works as intended.⁴⁸

17 145. Yale School of Medicine scientist Dr. Harvey Kliman—who favors
18

19
20 ⁴⁷ *Id.* at 162.

21 ⁴⁸ *E.g.*, 2022 *Impact Report*, Heartbeat Int'l, <https://perma.cc/6AWX-GF87>;
22 Fox 11 Los Angeles, *Woman shares story of abortion pill reversal*, YouTube
(May 4, 2022), <https://www.youtube.com/watch?v=0OaINTEpn5c>; Heartbeat
23 Int'l, *Sarah's Story*, Vimeo (Sept. 22, 2023), <https://vimeo.com/867342614>;
Heartbeat Int'l, *Krystle's APR Story*, Vimeo (Sept. 29, 2023),
24 <https://vimeo.com/869600792>; Heartbeat Int'l, *Sara's Story*, Vimeo (Sept. 16,
2023), <https://vimeo.com/865197386>.

1 expansive abortion policy—has explained that if one of his daughters
2 accidentally took mifepristone during pregnancy, “he would tell her to take
3 200 milligrams of progesterone three times a day for several days,” and “I bet
4 you it would work.”⁴⁹

5 ***The Term Abortion Pill “Reversal”***

6 146. Given this evidence, saying supplemental progesterone can
7 “reverse” the effects of abortion drugs is accurate.

8 147. Calling the use of supplemental progesterone to counteract the
9 effects of mifepristone “Abortion Pill Reversal” is not misleading.

10 148. Mifepristone inhibits progesterone through “reversible”
11 competitive inhibition.

12 149. The scientific literature uses the term “reversal” to describe
13 supplemental progesterone’s effects on mifepristone.

14 150. A reasonable person hearing the term “abortion pill reversal”
15 understands that the treatment seeks to “reverse” the effects of the “abortion
16 pill.”

17 151. Women who regret taking abortion drugs and search for
18 information on how to save their babies use and understand the term
19
20

21
22 ⁴⁹ Ruth Graham, *A New Front in the War Over Reproductive Rights:*
23 *‘Abortion-Pill Reversal,’* N.Y. Times Mag. (July 18, 2017),
24 <https://perma.cc/CGV2-M8J6>.

1 “reversal” in the context of APR.⁵⁰

2 152. Naloxone, a drug designed to stop an ongoing opioid overdose, is a
3 useful comparator.

4 153. The U.S. Centers for Disease Control (“CDC”) explains, “Naloxone
5 is a life-saving medication that can reverse an overdose from opioids ... when
6 given in time.”⁵¹

7 154. California’s Department of Health Care Services similarly states,
8 “Naloxone is a life-saving medication that reverses an opioid overdose[.]”⁵²

9 155. Similar to mifepristone, naloxone is an opioid-receptor antagonist
10 that blocks the effects of opioids.⁵³

11 156. Both the CDC and the California Department of Health Care
12 Services use the term “reverse” to describe the actions of a drug that
13 competes with another for receptors to halt an ongoing biological process that
14 can lead to death.

15
16
17 ⁵⁰ Ex. A, Foley Decl. ¶ 9; Ex. B, Exendine Decl. ¶ 10. *See also, e.g., Ashley’s*
18 *Abortion Pill Reversal Story*, Heartbeat Int’l (2023), <https://perma.cc/LT87-3JH4> (“Ashley went on the internet and searched, ‘Is there any way to
19 reverse an abortion?’”); *Sara’s Story*, Heartbeat Int’l (Sept. 22, 2023),
<https://perma.cc/FZY4-EZWB>.

20 ⁵¹ *Reverse Opioid Overdose to Prevent Death*, U.S. Ctrs. for Disease Control
and Prevention (May 8, 2024), <https://perma.cc/2MNK-47TJ>.

21 ⁵² *Naloxone Distribution Project Frequently Asked Questions*, California
Department of Health Care Services, 4 (May 2024), [https://perma.cc/LMA5-
22 HNTG](https://perma.cc/LMA5-HNTG).

23 ⁵³ *Opioid Overdose Reversal Medications (OORM)*, Substance Abuse and
Mental Health Services Administration (Mar. 26, 2024),
<https://perma.cc/MF8D-XSL3>.

1 **III. California’s Unfair Competition Law, Cal. Bus. & Prof. Code**
2 **§ 17200, and False Advertising Law, Cal. Bus. & Prof. Code**
3 **§ 17500**

4 157. California’s Unfair Competition Law, Cal. Bus. & Prof. Code
5 § 17200 *et seq.*, prohibits “unfair competition,” defined as “any unlawful,
6 unfair or fraudulent business act or practice and unfair, deceptive, untrue or
7 misleading advertising and any act prohibited by Chapter 1 (commencing
8 with Section 17500) of Part 3 of Division 7 of the Business and Professions
9 Code.”

10 158. Section 17200 *et seq.* does not define “unfair,” “deceptive,”
11 “misleading,” “fraudulent business act,” or other terms used in the statute.

12 159. Section 17204 grants authority to the attorney general to
13 prosecute alleged violations of the chapter.

14 160. Section 17203 authorizes injunctive relief, and § 17206 authorizes
15 monetary penalties for violations of the chapter.

16 161. Section 17200 *et seq.* does not define what evidence is sufficient to
17 establish an unlawful practice.

18 162. Section 17200 *et seq.* gives the attorney general complete
19 discretion to determine what evidence is satisfactory to institute an action
20 alleging a violation of the statute.

21 163. California’s False Advertising Law, Cal. Bus. & Prof. Code
22 § 17500, makes it unlawful for any person

23 “with intent directly or indirectly to dispose of real or personal
24

1 property or to perform services, professional or otherwise, or
2 anything of any nature whatsoever or to induce the public to enter
3 into any obligation relating thereto, to make or disseminate or
4 cause to be made or disseminated before the public in this state, or
5 to make or disseminate or cause to be made or disseminated from
6 this state before the public in any state, in any newspaper or other
7 publication, or any advertising device, or by public outcry or
8 proclamation, or in any other manner or means whatever, including
9 over the Internet, any statement, concerning that real or personal
10 property or those services, professional or otherwise, or concerning
11 any circumstance or matter of fact connected with the proposed
12 performance or disposition thereof, which is untrue or misleading,
13 and which is known, or which by the exercise of reasonable care
14 should be known, to be untrue or misleading”

15 164. Cal. Bus. & Prof. Code § 17500 *et seq.* does not define what
16 constitutes “indirect” intent, “or anything of any nature,” “misleading,”
17 “should be known,” or other terms used in the statute.

18 165. § 17500 *et seq.* grants the attorney general authority to prosecute
19 violations of the chapter and seek penalties for violations of the chapter.

20 166. A violation of § 17500 is a misdemeanor.

21 167. § 17500 *et seq.* gives the attorney general complete discretion to
22 determine what evidence is satisfactory to institute an action alleging a
23 violation of the statute.

24

1 **IV. The California Attorney General’s Censorship Campaign**
2 **Against Pro-Life Organizations**

3 168. On September 21, 2023, Attorney General Bonta filed a complaint
4 (Ex. C, “Bonta Complaint”) in the Alameda Superior Court of the State of
5 California against Heartbeat International, Inc. and RealOptions alleging
6 violations of the Business Fraud Statutes.

7 169. Heartbeat International is a non-profit organization that supports
8 a network of over 3,000 pregnancy resource centers located in 80 countries. It
9 also operates the Abortion Pill Rescue Network, including the website
10 AbortionPillReversal.com and an abortion pill reversal hotline.

11 170. RealOptions is a non-profit organization that operates five
12 pregnancy-resource medical clinics in California.

13 171. Defendant alleged that Heartbeat International and RealOptions
14 made misleading statements regarding APR that violated California
15 Business and Professional Code §§ 17200 and 17500. For example, Defendant
16 targeted the following statements from Heartbeat’s and RealOptions’s
17 websites, training manuals, and media appearances as misleading:

- 18 • Use of the term “reverse” and “reversal”
- 19 • Stating that “APR has been shown to increase the chances of
20 allowing the pregnancy to continue” and that initial studies have
21 shown that the success rate for APR is 64–68%
- 22 • Stating “We are here to help. It may not be too late.”
- 23 • Stating “Initial studies have found that the birth defect rate in
24

1 babies born after the APR is less than or equal to the rate in the
2 general population.”

- 3 • Stating that APR has resulted in over 1,000 lives saved.
- 4 • Stating that APR has resulted in over 2,000 lives saved.
- 5 • Not including information on their websites about an alleged risk
6 of bleeding associated with progesterone

7 172. Defendant also attacked other similar statements made by
8 Heartbeat and RealOption on their websites and other media.

9 173. Medical professionals prescribe APR at several Heartbeat-
10 affiliated medical clinics and at RealOptions’s medical centers.

11 174. None of RealOption’s centers charge patients for such services.

12 175. The Attorney General is using the power of the State to censor
13 viewpoints about progesterone treatment that he disfavors.

14 176. The Attorney General has not identified, in his legal action to
15 enforce the Business Fraud Statutes, any consumer who has been misled by
16 the statements he alleges are false and misleading.

17 177. Nor has the Attorney General identified any person who has been
18 harmed by the statements he alleges are false and misleading.

19 178. The Attorney General’s application of the Business Fraud
20 Statutes to pro-APR expression appears to be based on a bare desire to harm
21 and censor pro-life and religious viewpoints and to impede women’s access to
22 information that could help them continue their pregnancies and save their
23 babies’ lives.

24

1 **V. The Attorney General’s Censorship Campaign is Harming**
2 **Plaintiffs and Chilling Their Speech, and Plaintiffs Face a**
3 **Credible Threat of Prosecution.**

4 179. Like the faith-based, pro-life organizations named as defendants
5 in the Attorney General’s lawsuit, Plaintiffs NIFLA and the Centers are
6 faith-based, pro-life pregnancy-support organizations that have made or
7 would like to make public statements about the safety and effectiveness of
8 progesterone treatment for women who do not wish to complete a chemical
9 abortion.

10 180. All of the statements Plaintiffs have made and would like to make
11 about progesterone treatment are true, supported by science, and not
12 misleading.

13 181. Plaintiffs NIFLA, its members, and SCV have self-censored their
14 statements about progesterone treatment because of the Attorney General’s
15 actions against these other organizations. His actions deprive mothers in
16 their communities of potentially life-saving information and a true
17 opportunity to choose their desired outcomes for their pregnancies.

18 ***NIFLA and its Members***

19 182. NIFLA has spoken, and wishes to continue speaking, about
20 progesterone treatment.

21 183. Before the Attorney General’s censorship campaign against pro-
22 life pregnancy-support organizations, many of NIFLA’s California members
23 made public statements about progesterone treatment or offered referrals to
24

1 physicians who could provide the treatment as a free service to women who
2 have knowingly taken—or were tricked or coerced into taking—mifepristone
3 but had changed their minds and wished to continue their pregnancies or did
4 not want to have an abortion.

5 184. Since the Attorney General’s lawsuit, some of NIFLA’s California
6 members removed their statements about progesterone treatment from their
7 online and print materials and self-censored other statements about
8 progesterone treatment despite the truth and accuracy of the statements, and
9 despite their faith-based desire to continue making them.

10 *NIFLA Member Pregnancy Care Clinic*

11 185. For example, NIFLA Member Pregnancy Care Center (d/b/a
12 Pregnancy Care Clinic) planned to offer abortion pill reversal services, but
13 has canceled those plans, fearing similar retaliatory action and punishment
14 from the Attorney General.

15 186. Pregnancy Care Clinic is a faith-based not-for-profit organization
16 that operates medical clinics in Santee, California and San Diego,
17 California.⁵⁴

18 187. PCC opened its first pregnancy care center in San Diego County in
19 1994. *Id.* ¶ 6.

20 188. In 2005, PCC’s care center in San Diego County became a licensed
21 medical clinic, and in 2017, PCC opened its second medical clinic in the city of

22
23 ⁵⁴ Declaration of Joshua McClure, attached as Exhibit CC, ¶ 4.

1 San Diego. *Id.*

2 189. PCC follows the Bible’s teaching that human beings are created in
3 the image of God. PCC believes human life is sacred and is a gift from God
4 requiring respect and protection. *Id.* ¶ 7.

5 190. Based on these beliefs, PCC exists to serve women and their
6 unborn children. Its mission is to speak the truth in love and offer a loving
7 refuge where each woman will find unconditional love, acceptance, and
8 support. It seeks to advance this mission by providing accurate information
9 about the developing life in the mother’s womb and life-affirming alternatives
10 to abortion. *Id.* ¶ 8. It is not the mission of PCC to talk women into keeping
11 their babies, but rather to educate them about their options so they can come
12 to an informed choice.⁵⁵

13 191. All of PCC’s services are provided free of charge. Ex. CC, McClure
14 Decl. ¶ 9.

15 192. PCC currently does not administer APR, but it planned to begin
16 those services within the next 5 years. *Id.* ¶¶ 12, 15.

17 193. Since the Attorney General sued Heartbeat and RealOptions,
18 however, PCC has suspended its plans to offer APR services. *Id.* ¶ 16.

19 194. Despite a fear of prosecution from the Attorney General, PCC
20 continues to provide information regarding APR on its website, including the

21
22 ⁵⁵ Letting the Light In – The True Value of Pregnancy Care Clinic (2015),
23 [https://www.supportpcc.com/wp-content/uploads/2015/11/letting-the-light-](https://www.supportpcc.com/wp-content/uploads/2015/11/letting-the-light-in.pdf)
24 [in.pdf](https://www.supportpcc.com/wp-content/uploads/2015/11/letting-the-light-in.pdf).

1 following statements from PCC’s blog:

- 2 a. “Enough women have changed their minds after taking the
3 abortion pill that professional healthcare providers developed and
4 operate a program called Abortion Pill Rescue (APR) for women
5 who take the abortion pill but decide to continue their pregnancies
6 after all[.]”
- 7 b. “The abortion pill reversal process consists of taking the
8 progesterone hormone that was blocked by mifepristone, but time
9 is of the essence. Ideally the reversal protocol would be started
10 within 24 hours.”
- 11 c. “If you changed your mind and have only taken the first set of
12 pills, do not take the second medication and call APR at (877) 558-
13 0333 so they can help you.”

14 *Id.* ¶ 17.

15 195. PCC also previously paid for an advertisement campaign to tell
16 women about the potential option of progesterone treatment with a link
17 abortionpillreversal.com but did not renew the campaign after the Attorney
18 General sued other organizations for speaking about APR. The failure to
19 renew was based on PCC’s fear of prosecution.

20 196. A true and accurate picture of PCC’s APR advertisement is
21 attached to the Declaration of Josh McClure. *Id.* ¶ 14.

22 *NIFLA Member Alternatives Pregnancy Center*

23 197. Alternatives Pregnancy Center, another NIFLA member, offers
24

1 free “Abortion Pill Reversal” services, and states so on its website, subjecting
2 it to potential suit by the Attorney General.

3 198. The mothers who successfully used progesterone treatment to
4 save their babies after taking mifepristone, discussed in paragraphs 1 to 8,
5 were provided free diagnostics and a prescription for progesterone treatment
6 by medical professionals through Alternatives Pregnancy Center.

7 199. Their babies are almost certainly alive today because Alternatives
8 was able to tell them about the option of APR.

9 200. Before the Attorney General’s censorship campaign against faith-
10 based, pro-life pregnancy centers, Alternatives Pregnancy Center made many
11 statements about abortion pill reversal on its social media accounts.

12 201. In 2018, for example, Alternatives stated on Facebook, “Science
13 shows that Abortion Pill Reversal can be a second chance at choice. A new
14 Abortion Pill Reversal Study has been published in a peer-reviewed journal.
15 Its findings showed that the reversal success rates were 64%–68%. There was
16 also no increased risk of birth defects or preterm birth.”

17 202. Soon after, Alternatives published a Facebook post that read, “I
18 want to choose Abortion Pill Reversal. What should I do now?’ Talk with a
19 hotline nurse at 877-558-0333. They will help you by answering basic
20 questions to see if reversal is possible. The nurse will then connect you with a
21 doctor or medical provider in your area to start treatment, if that is your
22 choice.... More APR questions and answers on abortionpillreversal.com.”

23 203. And in 2021 Alternatives posted on Facebook, “Google has banned
24

1 ads for Abortion Pill Reversal (APR), a safe and effective medical treatment
2 that can save the life of a baby from an abortion if the mother changes her
3 mind. Censorship is only increasing – let’s take action now before it’s too
4 late!”

5 204. On the day the Attorney General sued Heartbeat International,
6 Alternatives responded on Facebook, “In the last month, Alternatives
7 Pregnancy Center has served four women who sought us out when they
8 decided they didn’t want to choose abortion. After taking progesterone (a safe
9 treatment that has been used on pregnant women to prevent miscarriage for
10 decades), three of those women are still experiencing viable pregnancies.”

11 205. Alternatives continued, “The amount of misinformation shared in
12 [the Attorney General’s] press-release is staggering and too much for one
13 Instagram caption. (More educational posts to follow.)”

14 206. But because of the Attorney General’s censorship campaign,
15 Alternatives decided not to make those additional posts. It has self-censored
16 its speech on social media platforms and refrained from making similar
17 statements about APR.

18 207. If the Attorney General could not censor its information about
19 APR, Alternatives would resume communicating similar messages about
20 APR as it did before the Attorney General’s lawsuit chilled its speech.⁵⁶

21
22
23 ⁵⁶ Declaration of Heidi Matzke, attached as Exhibit DD.
24

1 *NIFLA*

2 208. Before the Attorney General’s censorship campaign against faith-
3 based, pro-life pregnancy centers, NIFLA made various statements about
4 progesterone treatment to its California members. Because of the Attorney
5 General’s censorship campaign, NIFLA no longer makes these statements to
6 its California members.

7 209. Some of these statements were identical to—and others were
8 substantially similar to—the statements made by the faith-based, pro-life
9 pregnancy-support organizations that the Attorney General sued.

10 210. For example, the Attorney General’s lawsuit against other
11 California organizations’ speech alleges that using the term “Abortion Pill
12 Reversal”—by which he means the protocol of administering progesterone to
13 limit the effects of mifepristone—is false and misleading in violation of the
14 Business Fraud Statutes.

15 211. NIFLA used the term “Abortion Pill Reversal” and when it used
16 that term, NIFLA referred to the protocol of administering progesterone to
17 limit the effects of mifepristone.

18 212. NIFLA also advised its California members to use Heartbeat
19 International’s Abortion Pill Rescue training program, linking to
20 abortionpillreversal.com and the APR Hotline.

21 213. Before the Attorney General’s censorship campaign, NIFLA also
22 published informational guides about progesterone treatment called “Clinic
23 Tips,” regularly consulted with centers regarding the treatment, and
24

1 provided sample policies that encouraged its members to speak about
2 progesterone treatment and to provide it as one of their services. But the
3 Attorney General’s censorship campaign has caused NIFLA to stop each of
4 these efforts with its California members and to revoke its recommendations
5 regarding APR.

6 214. Attached as Exhibit EE is a true and accurate copy of materials
7 NIFLA has provided and would like to continue to provide to its California
8 members.

9 215. The Attorney General’s lawsuit alleges that Heartbeat
10 International violated the Business Fraud Statutes simply by stating that
11 there is a way to reverse the effects of mifepristone. Ex. C, Bonta Compl.
12 ¶¶ 3, 54.

13 216. In publications to its members, NIFLA shared the testimony of a
14 woman who sought “medication and support to reverse the effect of the
15 abortion procedure she had begun” and offered “[t]ips for pregnancy centers
16 regarding use of progesterone therapy to serve women who want to reverse
17 the effects of mifepristone.” Ex. EE, NIFLA materials at 2–3.

18 217. Like Heartbeat International, NIFLA also stated that “time is of
19 the essence for effectiveness” and linked to abortionpillreversal.com.

20 218. Like the organizations the Attorney General has sued, NIFLA
21 stated that “[p]rogesterone has been used safely in pregnancy for over 40
22 years,” and that “facts and science support APR.” *Id.*

23 219. The Attorney General’s suit against other California organizations
24

1 shows that he considers NIFLA's statements to be in violation of the
2 Business Fraud Statutes.

3 220. NIFLA believes its statements about progesterone treatment are
4 not false or misleading but has removed those statements and stopped
5 advising its centers in California to offer progesterone treatment (unless they
6 are already offering it) for fear of retaliation and punishment by the Attorney
7 General.

8 221. For the same reasons, NIFLA has also stopped advising its
9 California centers to advertise for or make statements about progesterone
10 treatment.

11 222. Some NIFLA members have self-censored, and others continue to
12 speak about APR but under threat of enforcement from the Attorney General.

13 223. NIFLA would like to resume using the term "Abortion Pill
14 Reversal," linking to abortionpillreversal.com and the APR Hotline, making
15 its prior statements about progesterone treatment, and advising its
16 California members about the same.

17 224. If not for the threat of enforcement of the Business Fraud
18 Statutes, NIFLA would re-publish its self-censored statements and resume
19 advising its California members about progesterone treatment.

20 225. Not advising its centers to offer or advertise for these services
21 undermines NIFLA's mission to promote life-saving alternatives to abortion.

22 226. Overall, the Attorney General's lawsuit has had a chilling effect
23 on NIFLA and its members' speech about APR.
24

1 227. NIFLA's California members' statements about and referrals for
2 progesterone treatment are a direct extension of their religious belief that life
3 begins at conception.

4 228. All Plaintiffs' pro-life statements and beliefs in support of
5 progesterone treatment are sincere and rooted in their Christian faith.

6 229. Plaintiffs, including NIFLA members, sincerely believe that
7 human life begins at conception.

8 230. Plaintiffs, including NIFLA members, sincerely believe that it is
9 their religious duty to inform women and pregnancy resource centers of
10 options that may save an unborn human life, including about the option of
11 progesterone treatment.

12 *SCV Pregnancy Center*

13 231. NIFLA member and Plaintiff SCV, fearing the gathering
14 momentum of the Attorney General's campaign against other pro-life
15 pregnancy-support organizations and fearing similar retaliatory action and
16 punishment, removed statements and refrained from making new statements
17 about progesterone treatment.

18 232. SCV Pregnancy Center has made various statements about
19 progesterone treatment on its Facebook and Instagram pages.

20 233. Some of these statements were nearly identical or substantially
21 similar to the statements made by the faith-based pregnancy centers that
22 have been sued by the Attorney General.

23

24

1 234. The Attorney General’s lawsuit against other organizations
2 alleges that using the terms “reverse” and “reversal” when describing
3 progesterone treatment is false and misleading in violation of the Business
4 Fraud Statutes. Ex. C, Bonta Compl. ¶ 54.

5 235. SCV used the term “Abortion Pill Reversal” in multiple social-
6 media posts to describe progesterone treatment. A true and accurate copy of
7 one of those posts is attached as Exhibit FF.

8 236. The Attorney General’s lawsuit specifically alleges that Heartbeat
9 International violated the Business Fraud Statutes by “encourage[ing]
10 potential patients to call its hotline and/or message through its live chat” on
11 www.abortionpillreversal.com, which would connect them with medical
12 professionals to “guide [them] towards reversing the effects of the abortion
13 pill.” Ex. C, Bonta Compl. ¶ 53.

14 237. On its Facebook and Instagram pages, SCV provided instructions
15 to call this same hotline or use this same chat feature to be connected with an
16 “on-call Healthcare Professional [who] will ask [the patient] some basic
17 questions to see if a reversal is possible.” A true and accurate copy of that
18 post is attached as Exhibit GG.

19 238. The Attorney General’s lawsuit specifically alleges that
20 RealOptions violated the Business Fraud Statutes by stating on its website
21 “that APR can ‘reverse’ a medication abortion.” Ex. C, Bonta Compl. ¶¶ 91,
22 97, 100.

23 239. On its Facebook and Instagram pages, SCV made the following
24

1 statement multiple times: “Can the abortion pill be reversed? The simple
2 answer is yes! If done in time.” True and accurate copies of those posts are
3 attached as Exhibits FF and HH.

4 240. The Attorney General’s lawsuit specifically alleges that Heartbeat
5 International violated the Business Fraud Statutes by stating “that APR is
6 an ‘effective process’ because ‘APR has been shown to increase the chances of
7 allowing the pregnancy to continue.” Ex. C, Bonta Compl. ¶¶ 55, 97, 100.

8 241. On its Facebook and Instagram pages, SCV stated, “There is an
9 effective process called abortion pill reversal that can reverse the effects of
10 the abortion pill and allow you to continue your pregnancy, but time is of the
11 essence.” True and accurate copies of those posts are attached as Exhibits HH
12 and II.

13 242. After SCV learned that the Attorney General sued Heartbeat
14 International and RealOptions for the statements above about progesterone
15 treatment, SCV removed its nearly identical and substantially similar
16 statements from its Facebook and Instagram pages.

17 243. Accordingly, women who have changed their minds after starting
18 a chemical abortion and wish to try to save their pregnancy cannot find any
19 help on SCV’s social media pages.

20 244. The Attorney General’s lawsuit against Heartbeat International
21 and RealOptions shows that he considers SCV Pregnancy Center’s nearly
22 identical and similar statements to violate the Business Fraud States.

23 245. SCV believes its statements about progesterone treatment are not
24

1 false or misleading but has removed those statements for fear of retaliation
2 and punishment by the Attorney General.

3 246. SCV would like to resume using the terms “reverse,” “reversal,”
4 and “Abortion Pill Reversal”; describing progesterone treatment as
5 “effective”; and making its prior statements about this treatment.

6 247. SCV previously planned to offer progesterone treatment to counter
7 the effects of mifepristone, but the Attorney General’s enforcement of the
8 Business Fraud Statutes has deterred it.

9 248. If not for the threat of enforcement of the Business Fraud Statutes
10 by the Attorney General, SCV would republish its self-censored statements
11 about progesterone treatment and restart plans to offer progesterone
12 treatment to counter the effects of mifepristone.

13 **VI. The State of California and its Attorney General’s Abortion**
14 **Advocacy and History of Animus Toward Pro-Life Pregnancy**
15 **Centers**

16 249. California has a history of unconstitutionally regulating pro-life
17 viewpoints.

18 250. For example, in *National Institute of Family and Life Advocates v.*
19 *Becerra*, 585 U.S. 755, 779 (2018), the Supreme Court held that NIFLA on
20 behalf of its members was likely to succeed on the merits of its claim against
21 California’s attempt to compel pregnancy resource centers to speak
22 government-mandated messages about abortion.

23 251. In *California v. United States Department of Health & Human*
24

1 *Services*, 977 F.3d 801, 802 (9th Cir. 2020), the State led a coalition suing the
2 U.S. Department of Health for exempting pro-life organizations like Little
3 Sisters of the Poor and the March for Life from the Affordable Care Act’s
4 requirement that they cover abortifacient contraceptives.

5 252. Here, the Attorney General is targeting pregnancy centers for
6 disfavored treatment because of their faith-based, pro-life views.

7 253. “Supporting, expanding, and protecting” abortion is “a top priority
8 for Attorney General Bonta.”⁵⁷

9 254. But pregnancy centers’ pro-life efforts counteract his pro-abortion
10 mission. So the Attorney General believes it is “time” for a “ruthless,
11 coordinated siege” on the pro-life movement.⁵⁸

12 255. To put that belief into action, the Attorney General is on a
13 campaign to malign pregnancy centers and suppress their pro-life speech.

14
15 ⁵⁷ *Press Release: Attorney General Bonta Leads 21 States in Urging FDA to*
16 *Approve Country’s First Over-The-Counter Birth Control Pill*, State of
17 California Department of Justice Office of the Attorney General 4 (Nov. 4,
18 2022), [https://oag.ca.gov/news/press-releases/attorney-general-bonta-leads-21-](https://oag.ca.gov/news/press-releases/attorney-general-bonta-leads-21-states-urging-fda-approve-country%E2%80%99s-first-over)
19 [states-urging-fda-approve-country%E2%80%99s-first-over](https://oag.ca.gov/news/press-releases/attorney-general-bonta-leads-21-states-urging-fda-approve-country%E2%80%99s-first-over). A true and
20 accurate copy is attached as Exhibit JJ. *See also Press Release: Attorney*
21 *General Bonta: U.S. Supreme Court Overturns Decision on Medication*
22 *Abortion, but the Fight for Reproductive Rights is Far from Over*, State of
23 California Department of Justice Office of the Attorney General (June 13,
24 2024), [https://oag.ca.gov/news/press-releases/attorney-general-bonta-us-](https://oag.ca.gov/news/press-releases/attorney-general-bonta-us-supreme-court-overturns-decision-medication-abortion)
[supreme-court-overturns-decision-medication-abortion](https://oag.ca.gov/news/press-releases/attorney-general-bonta-us-supreme-court-overturns-decision-medication-abortion). A true and accurate
copy is attached as Exhibit KK.

⁵⁸ Sophie Austin & Adam Beam, *Planned Parenthood maps strategy to protect*
abortion rights, The Associated Press 1 (Sept. 9, 2022),
[https://apnews.com/article/abortion-us-supreme-court-health-sacramento-](https://apnews.com/article/abortion-us-supreme-court-health-sacramento-planned-parenthood-2807bfb22b8d8df285e8794e227d3472)
[planned-parenthood-2807bfb22b8d8df285e8794e227d3472](https://apnews.com/article/abortion-us-supreme-court-health-sacramento-planned-parenthood-2807bfb22b8d8df285e8794e227d3472). A true and
accurate copy is attached as Exhibit LL.

Consumer Alert

1 256. Two years ago, the Attorney General issued a Consumer Alert to
2 vilify pro-life pregnancy centers in California.

3 257. The Consumer Alert contained a “WARNING” that pregnancy
4 centers “do not provide comprehensive reproductive healthcare.”⁵⁹

5 258. The Alert stated that pregnancy centers “seek to discourage
6 people facing unintended pregnancies from accessing abortion” and “do not
7 provide abortion or abortion referral.”⁶⁰

8 259. Without naming any offenders or citing any evidence, the
9 Attorney General also alleged pregnancy centers “may not be licensed
10 medical clinics or be required to keep medical records private,” “may attempt
11 to delay appointments,” and “may provide inaccurate health information.”⁶¹

12 260. The Alert implied that pregnancy centers were untrustworthy by
13 telling readers to file a complaint if they “have been the victim or target of
14 deceptive, misleading, unfair, or unlawful conduct.”⁶²

15
16
17 ⁵⁹ *Consumer Alert: Know the Difference: Crisis Pregnancy Centers V.*
18 *Reproductive Healthcare Facilities*, California Department of Justice Office of
19 the Attorney General 1, [https://oag.ca.gov/system/files/attachments/press-
docs/Crisis%20Pregnancy%20Center%20Bulletin.pdf](https://oag.ca.gov/system/files/attachments/press-docs/Crisis%20Pregnancy%20Center%20Bulletin.pdf). A true and accurate
copy is attached as Exhibit MM.

20 ⁶⁰ *Id.*

21 ⁶¹ *Press Release: Attorney General Bonta Issues Consumer Alert Warning*
22 *Californians That Crisis Pregnancy Centers Do Not Offer Abortion or*
23 *Comprehensive Reproductive Care*, State of California Department of Justice
Office of the Attorney General 3 (June 1, 2022), [https://oag.ca.gov/news/press-
releases/attorney-general-bonta-issues-consumer-alert-warning-californians-
crisis](https://oag.ca.gov/news/press-releases/attorney-general-bonta-issues-consumer-alert-warning-californians-crisis). A true and accurate copy is attached as Exhibit NN.

24 ⁶² Ex MM, *Consumer Alert*, *supra* note 59, at 2.

1 261. The Attorney General directed readers to seek assistance from
2 pro-abortion groups instead of pregnancy centers.⁶³

3 ***Enforcement Action and Accompanying Public Statements***

4 262. The fact that some women regret taking abortion drugs threatens
5 the Attorney General’s pro-abortion message.

6 263. So last year, the Attorney General filed his enforcement action
7 against Heartbeat International and RealOptions to silence their speech
8 about abortion pill reversal.⁶⁴

9 264. On the day he filed the lawsuit, the Attorney General issued a
10 Press Release titled “Attorney General Bonta Sues Anti-Abortion Group, Five
11 California Crisis Pregnancy Centers for Misleading Patients.”⁶⁵

12 265. The Attorney General has not identified one patient harmed or
13 misled by speech about APR.

14 266. The Press Release described APR as an “unproven and largely
15 experimental procedure” and falsely stated there is “absolutely no scientific
16 basis to support” it.⁶⁶

17 267. The Attorney General is aware of the 2012 and 2018 studies that
18

19 ⁶³ *Id.*; Ex. NN, *Press Release: Attorney General Bonta Issues Consumer Alert*,
20 *supra* note 61, at 3.

21 ⁶⁴ Ex. C, Bonta Compl.

22 ⁶⁵ *Press Release: Attorney General Bonta Sues Anti-Abortion Group, Five*
California Pregnancy Centers for Misleading Patients (Sept. 21, 2023),
<https://oag.ca.gov/news/press-releases/attorney-general-bonta-sues-anti-abortion-group-five-california-crisis-pregnancy>. A true and accurate copy is
23 attached as Exhibit OO.

24 ⁶⁶ *Id.* at 1–2.

1 show the safety and effectiveness of APR, since his Complaint describes
2 them.⁶⁷

3 268. The Attorney General used the lawsuit as a means to spread his
4 own pro-abortion message.

5 269. His Press Release asserted that “the vast majority of people do not
6 regret their decision to have an abortion.”⁶⁸

7 270. He accused Heartbeat and RealOptions of “predatory” behavior,
8 “t[aking] advantage of pregnant patients,” and “using false and misleading
9 claims to lure [patients] in and mislead them.”⁶⁹

10 271. The Attorney General also directed readers to pro-abortion
11 resources.⁷⁰

12 272. On the same day he filed the enforcement action and issued the
13 press release, the Attorney General held a press conference about the suit.⁷¹

14 273. During the press conference, the Attorney General asserted “there
15 is absolutely no scientific basis to support” the claim that supplemental
16 progesterone can reverse the effects of mifepristone. “It’s a claim,” he said. “It
17 is not based in any facts or scientific data. I cannot emphasize that

18
19 ⁶⁷ Ex. C, Bonta Compl. ¶¶ 27–30.

20 ⁶⁸ Ex. OO, *Press Release: Attorney General Bonta Sues Anti-Abortion Group*,
supra note 65, at 2.

21 ⁶⁹ *Id.*

22 ⁷⁰ *Id.* at 3.

23 ⁷¹ California Department of Justice, *Attorney General Bonta Announces Legal
24 Action to Protect Reproductive Freedom and Transparency*, YouTube, at 2:04–
2:36 (Sept. 21, 2023), <https://www.youtube.com/watch?v=kOyqRQ9EtU>. A
true and accurate copy is lodged as Exhibit PP.

1 enough[.]”⁷²

2 274. The Attorney General then contrasted APR with his view on
3 chemical abortion: “While medication abortion has been proven by decades of
4 research to be exceedingly safe and reliable, *no* credible research so far has
5 supported the safety or efficacy of abortion pill reversal.”⁷³

6 275. The Attorney General accused Heartbeat International and
7 RealOptions of lying by describing APR as a valid and successful treatment
8 option.⁷⁴

9 276. He repeated his message that “the vast majority of people don’t
10 regret their decision to have an abortion.”⁷⁵

11 277. He again accused Heartbeat and RealOptions of “predatory”
12 behavior and claimed they “took advantage of pregnant patients” by using
13 “false and misleading claims to lure them in and mislead them[.]”⁷⁶

14 278. The Attorney General did not describe any material benefit
15 Heartbeat or RealOptions gained from their speech about APR or anything
16 lost by patients of RealOptions.

17 279. The Attorney General did not identify any patients who have been
18 misled or harmed by Heartbeat’s or RealOptions’s speech about APR.

19 280. The Attorney General then used the opportunity to disparage pro-
20

21 ⁷² *Id.* at 3:28–4:03.

22 ⁷³ *Id.* at 4:11–4:30.

23 ⁷⁴ *Id.* at 5:08–5:27.

24 ⁷⁵ *Id.* at 8:41–8:48.

⁷⁶ *Id.* at 8:54–9:15.

1 life pregnancy centers in general.

2 281. He said he found it “horrifying” that “right now there are more
3 crisis pregnancy centers in California than abortion care clinics.”⁷⁷

4 282. According to the Attorney General, that fact is horrifying because
5 “crisis pregnancy centers **do not** provide abortion or abortion referral.”⁷⁸

6 283. He again criticized pregnancy centers by saying they “may not be
7 licensed medical clinics,” “may not be required to keep medical records
8 private,” “may attempt to delay appointments or provide misinformation
9 about the legality or safety of abortions,” and “may provide inaccurate health
10 information[.]”⁷⁹

11 284. He contrasted them with “**real** reproductive healthcare facilities”
12 that, presumably, do offer abortion.⁸⁰

13 285. And he again directed listeners to Planned Parenthood and other
14 pro-abortion organizations and resources.⁸¹

15 286. The Attorney General closed by saying, “DOJ is proud to stand up
16 for people seeking or providing an abortion, here in California and across the
17 nation.”⁸²

18 287. At bottom, the Attorney General opposes pregnancy centers’
19

20
21 ⁷⁷ *Id.* at 9:17–9:25.

⁷⁸ *Id.* at 9:26–9:33.

⁷⁹ *Id.* at 9:42–10:09.

⁸⁰ *Id.* at 10:15–10:22.

⁸¹ *Id.* at 10:40–11:22.

⁸² *Id.* at 12:19–12:27.

1 “attempt[s] to discourage people facing unintended pregnancies from ...
2 abortion”⁸³ and wants to shut them down.

3 ***Open Letter Attacking Pro-Life Pregnancy Centers***

4 288. Shortly after filing suit, the Attorney General spearheaded an
5 open letter decrying the proliferation of “anti-abortion crisis pregnancy
6 centers.”⁸⁴ The letter was signed by 15 other state attorneys general.

7 289. The letter expressed the Attorney General’s “increasing concern”
8 that pregnancy centers “outnumber[] abortion clinics by a three-to-one
9 ratio.”⁸⁵

10 290. The Attorney General also clarified his problem with pregnancy
11 centers is that they “do not provide full-scope reproductive healthcare” (i.e.,
12 abortion).⁸⁶

13 291. He also again accused them of using “deceptive tactics to lure in
14 patients.”⁸⁷

15 292. The Attorney General demonstrated his knowledge that
16 pregnancy centers are generally faith-based organizations. He asserted that
17 centers “most commonly offered maternity and baby supplies (but usually
18

19 ⁸³ Ex. NN, *Press Release: Attorney General Bonta Issues Consumer Alert*,
20 *supra* note 61, at 1.

21 ⁸⁴ Attorney General Rob Bonta, *Open Letter from Attorneys General*
22 *Regarding CPC Misinformation and Harm*, State of California Office of the
23 Attorney General (Oct. 23, 2023), at 1, <https://perma.cc/4SA5-9FXD>. A true
24 and accurate copy is attached as Exhibit QQ.

⁸⁵ *Id.*

⁸⁶ *Id.*

⁸⁷ *Id.*

1 only if pregnant individuals attend religious-based programming).”⁸⁸

2 293. And the Attorney General repeated his false claim that “[t]here is
3 no credible science or evidence supporting” APR.⁸⁹

4 294. The Attorney General alleged that pregnancy centers cause
5 various harms, but none of the harms he cites were linked to their speech
6 about APR.⁹⁰

7 295. The Attorney General also praised Yelp’s discrimination against
8 pregnancy centers.⁹¹

9 296. On the same day that he published the letter, the Attorney
10 General tweeted that he “support[s] @Yelp’s efforts to ensure users get the
11 information they need about ‘crisis pregnancy centers’—anti abortion orgs
12 that often rely on deceptive tactics to lure people in.”⁹²

13 297. At the end of his open letter, the Attorney General pledged he
14 would continue to use his political office “to take numerous actions aiming to
15 mitigate the harmful effects of” pregnancy centers’ “misinformation.”⁹³

17 ⁸⁸ *Id.* at 2.

18 ⁸⁹ *Id.* at 5.

19 ⁹⁰ *Id.* at 5–8.

20 ⁹¹ *Id.* at 1, 8; *See also* Noorie Malik, *Providing Consumers With Reliable*
21 *Information About Reproductive Health Services*, Yelp Blog (Feb. 2023
22 update), <https://perma.cc/A3B4-EP5M>; Letter from Attorney General Daniel
23 Cameron to Yelp CEO Jeremy Stoppelman, *Yelp Must Not Discriminate*
24 *Against Crisis Pregnancy Centers*, Commonw. of Ky. Off. of the Att’y Gen.
(Feb. 7, 2023), <https://perma.cc/5BPW-7PYE>.

⁹² Att’y Gen. Rob Bonta, @AGRobBonta, X (Oct. 23, 2023, 4:56 PM),
<https://perma.cc/8ZTF-UTTT>.

⁹³ Ex. QQ, Att’y Gen. Rob Bonta, *Open Letter*, *supra* note 84, at 8.

1 ***Differential Treatment and Hostility Toward Pro-Life Pregnancy-***
2 ***Support Organizations***

3 298. The Attorney General is targeting pro-life organizations for their
4 pro-life views while echoing misleading statements by similarly situated pro-
5 abortion organizations and encouraging women to visit only pro-abortion
6 facilities.

7 299. Pro-life pregnancy centers, including RealOptions clinics,⁹⁴ SCV
8 Pregnancy Center, and NIFLA's other members, serve women seeking
9 pregnancy-related services.

10 300. Planned Parenthood affiliates also serve women seeking
11 pregnancy-related services.⁹⁵

12 301. RealOptions clinics and many of NIFLA's members provide pre-
13 abortion screening, pregnancy testing, pregnancy options counseling,
14 ultrasound imaging, STD testing and treatment, and well-woman
15 reproductive healthcare.⁹⁶

16 302. SCV Pregnancy Center provides pregnancy testing, ultrasounds,
17 prenatal care referrals, STD testing and treatment, and parenting classes.

19 ⁹⁴ *Our Services*, RealOptions Obria Medical Clinics, <https://www.realoptions.net/services-3/>. A true and accurate copy is attached as Exhibit RR.

20 ⁹⁵ *Annual Report 2022–2023*, Planned Parenthood Pasadena & San Gabriel
21 Valley 4,
22 https://cdn.plannedparenthood.org/uploads/filer_public/18/55/1855ca42-7df4-4592-9ef9-53bf2c8a0447/annual_report_2022-2023_digital.pdf. A true and
23 accurate copy is attached as Exhibit SS.

24 ⁹⁶ Ex. RR, *Our Services*, *supra* note 94.

1 303. Planned Parenthood affiliates similarly provide pregnancy testing,
2 STI testing and treatment, and education.⁹⁷

3 304. Heartbeat International provides services, products, and
4 education to its affiliated pregnancy centers.⁹⁸

5 305. NIFLA provides its affiliated pregnancy centers with legal
6 resources, counsel, education, training, and support.

7 306. The national Planned Parenthood organization provides similar
8 support to its member affiliates.⁹⁹

9 307. Heartbeat International, NIFLA, their members, and RealOptions
10 speak about the safety and effectiveness of progesterone for APR.¹⁰⁰

11 308. The national Planned Parenthood organization and its members
12 speak about APR and allege that it is “dangerous,” “unethical,” and
13 “inaccurate.”¹⁰¹

14 309. The national Planned Parenthood organization and its members
15

16
17 ⁹⁷ Ex. SS, *Annual Report 2022–2023*, *surpa* note 95, at 4, 8.

18 ⁹⁸ *Our Mission & Vision*, Heartbeat International, <https://www.heartbeatinternational.org/about/our-passion>. A true and accurate copy is attached as Exhibit TT.

19 ⁹⁹ *Mission*, Planned Parenthood Federation of America, <https://perma.cc/MT96-N5K3>. A true and accurate copy is attached as Exhibit UU.

20 ¹⁰⁰ *Abortion Pill Rescue Network*, Heartbeat Int’l, <https://www.heartbeatinternational.org/our-work/apr>. A true and accurate copy is attached as Exhibit VV. *Abortion Pill Reversal*, RealOptions Obria Medical Clinics, <https://www.realoptions.net/abortion-pill-reversal/>. A true and accurate copy is attached as Exhibit WW.

21
22
23 ¹⁰¹ *The Myth of Abortion “Reversal”*, Planned Parenthood Federation of America, Aug. 30, 2021, <https://perma.cc/SDZ3-EXFP>.

1 speak about the safety and effectiveness of chemical abortion.¹⁰²

2 310. Planned Parenthood says chemical abortion is “really safe and
3 effective.”¹⁰³

4 311. The statement that chemical abortion is “really safe and effective”
5 is false and misleading.

6 312. In fact, mifepristone has known, serious risks.

7 313. Mifepristone’s FDA-approved label contains a black box warning
8 that “serious and sometimes fatal infections or bleeding” can occur.”¹⁰⁴

9 314. The label also cites evidence that roughly 1 in 25 women who take
10 mifepristone end up in the emergency room.¹⁰⁵

11 315. Because of mifepristone’s serious risks, the FDA requires special
12 safeguards known as REMS for its use.¹⁰⁶

13 316. Planned Parenthood does not mention the black-box warning or
14 REMS requirements when advertising chemical abortion.

15 317. Planned Parenthood states on its website that “[m]edication
16

17
18 ¹⁰² *How Safe is the Abortion Pill?*, Planned Parenthood Federation of
19 America, <https://perma.cc/PWW2-Q4AY>. A true and accurate copy is attached
20 as Exhibit XX. *Overview of the Abortion Pill (In-Clinic)*, Planned Parenthood
21 Pasadena & San Gabriel Valley, [https://www.plannedparenthood.org/planned-parenthood-pasadena-san-
22 gabriel-valley/getcare/abortion-services/abortion-pill-in-clinic](https://www.plannedparenthood.org/planned-parenthood-pasadena-san-gabriel-valley/getcare/abortion-services/abortion-pill-in-clinic). A true and
23 accurate copy is attached as Exhibit YY.

24 ¹⁰³ Ex. XX, Planned Parenthood, *How Safe is the Abortion Pill?*, *supra* note
102, at 2.

¹⁰⁴ Ex. T, FDA, *Mifeprex (mifepristone) label*, *supra* note 24, at 2.

¹⁰⁵ *Id.* at 8, table 2.

¹⁰⁶ *Id.* at 2.

1 abortion is very safe. In fact, it’s safer than many other medicines like
2 penicillin, Tylenol, and Viagra.”¹⁰⁷

3 318. The Attorney General begins his Complaint against Heartbeat
4 International and RealOptions by declaring his pro-abortion stance and
5 repeating Planned Parenthood’s claim that mifepristone is safer than
6 Tylenol. Ex. C, Bonta Compl. ¶ 1.

7 319. The claim that mifepristone is safer than Tylenol is false and
8 misleading.

9 320. Mifepristone is not safer than Tylenol.

10 321. No scientific evidence supports the conclusion that mifepristone is
11 safer than Tylenol.

12 322. The Attorney General cites two news articles to support his claim
13 that mifepristone and misoprostol have “been proven to be incredibly safe—
14 safer than ... even some over-the-counter drugs like Tylenol.” Bonta Compl.
15 ¶ 1.

16 323. He first cites an article published by CNN that does not mention
17 Tylenol.¹⁰⁸

18 324. He then cites an article published by the New York Times, which
19 says, “*Abortion providers often say that [mifepristone and misoprostol] are*
20

21
22 ¹⁰⁷ Ex. XX, Planned Parenthood, *How safe is the abortion pill?*, *supra* note
102, at 1.

23 ¹⁰⁸ Annette Choi & Way Mullery, *How Safe Is the Abortion Pill Compared*
With Other Drugs?, CNN (June 13, 2024), <https://perma.cc/T7WA-9QAZ>.

1 safer than many common drugs, such as Tylenol and Viagra. Drug safety
2 experts do not typically compare drugs in this way, and they instead assess
3 the safety of a given medication against other choices.”¹⁰⁹

4 325. Planned Parenthood does not cite any sources to support its claim
5 that mifepristone is safer than Tylenol.¹¹⁰

6 326. In a separate blog post,¹¹¹ Planned Parenthood links to a two-page
7 issue brief called “Analysis of Medication Abortion Risk and the FDA report
8 ‘Mifepristone US Post-Marketing Adverse Events Summary Through
9 12/31/2022” by Advancing New Standards in Reproductive Health.¹¹²

10 327. With respect to Tylenol, that issue brief says only that
11 “[a]cetaminophen (Tylenol) overdose is the most common cause of acute liver
12 failure in the US and accounts for over 600 deaths annually.”¹¹³

13 328. The research article the issue brief cites does not support that
14 proposition. The article does not mention liver failure, and it found 602
15

16
17 ¹⁰⁹ Amy Schoenfeld Walker et al., *Are Abortion Pills Safe? Here’s the*
18 *Evidence*, N. Y. Times (updated March 25, 2024), [https://perma.cc/CFT9-](https://perma.cc/CFT9-GU2P)
19 [GU2P](https://perma.cc/CFT9-GU2P) (emphasis added).

20 ¹¹⁰ Ex. XX, Planned Parenthood, *How safe is the abortion pill?*, *supra* note
21 102.

22 ¹¹¹ Planned Parenthood, *What You Need to Know About the Latest Attack on*
23 *Abortion Care: The Mifepristone Abortion Pill* (Feb. 17, 2023),
24 <https://perma.cc/93Q4-QKW5>.

¹¹² *Analysis of Medication Abortion Risk and the FDA Report “Mifepristone*
US Post-Marketing Adverse Events Summary Through 12/31/2022” at 3,
Advancing New Standards in Reproductive Health (May 2024),
<https://perma.cc/MAX9-23QW>.

¹¹³ *Id.* at 3.

1 reported deaths related to acetaminophen over *two* years.¹¹⁴

2 329. But even if it were true that Tylenol overdose was “the most
3 common cause of acute liver failure in the US” and accounted for “over 600
4 deaths annually,” that does not mean that mifepristone is safer than Tylenol.

5 330. The FDA estimates that by the end of 2022, 5.9 million women in
6 the United States had used mifepristone for an abortion, and there were 32
7 reported deaths associated with mifepristone.¹¹⁵

8 331. Per the Guttmacher Institute, in 2023 about 642,700 women took
9 mifepristone for an abortion.¹¹⁶

10 332. In comparison, over 60 million Americans take acetaminophen on
11 a weekly basis.¹¹⁷

12 333. And deaths caused by acetaminophen are generally caused by
13 overdoses, not recommended doses.

14 334. Unlike mifepristone, Tylenol is an over-the-counter drug that does
15 not have a black-box label or an FDA-required REMS protocol.

16 335. Acetaminophen does not send anywhere close to one in twenty-five
17

18
19 ¹¹⁴ Jae Min et al., *Reported Adverse Events with Painkillers: Data Mining of*
20 *the US Food and Drug Administration Adverse Events Reporting System*, 41
Drug Safety 313, 313, 315 tbl.1 (2017), doi.org/10.1007/s40264-017-0611-5.

21 ¹¹⁵ *Mifepristone U.S. Post-Marketing Adverse Events Summary Through*
12/31/2022, U.S. Food & Drug Admin., at 1, tbl.1, [https://perma.cc/YZ9G-](https://perma.cc/YZ9G-E9VK)
E9VK.

22 ¹¹⁶ Rachel K. Jones & Amy Friedrich-Karnik, *supra* note 32.

23 ¹¹⁷ Suneil Agrawal & Babak Khazaeni, *Acetaminophen Toxicity*, StatPearls
(June 9, 2023), <https://perma.cc/F423-5K5X>.

1 users to the emergency room.

2 336. Planned Parenthood charges for its services, including for abortion
3 drugs.¹¹⁸

4 337. Pregnancy centers offer their services, including APR services and
5 referrals, for free.¹¹⁹

6 338. The Attorney General staunchly supports Planned Parenthood
7 and regularly attends Planned Parenthood's sponsored events.¹²⁰

8 339. The Attorney General frequently repeats Planned Parenthood's
9 claim that mifepristone is "exceedingly safe and effective."¹²¹

10 340. The Attorney General targets pro-life groups for prosecution

11
12 ¹¹⁸ *How much does the abortion pill cost?*, Planned Parenthood Federation of
13 America, <https://perma.cc/XS4J-LHVU>. A true and accurate copy is attached
as Exhibit ZZ.

14 ¹¹⁹ Complaint ¶¶ 8, 6, *Heartbeat Int'l Inc. v. James*, No. E2024007242 (N.Y.
15 Sup. Ct., Monroe Cnty, Apr. 30, 2024) 3 ("Heartbeat Compl.") A true and
16 accurate copy is attached as Exhibit AAA. Declaration of RealOptions CEO
Valerie Hill ¶ 8, *People v. Heartbeat Int'l, Inc.*, No. 23CV044940 (Cal. Super.
17 Ct., Alameda Cnty., Feb. 6, 2024). A true and accurate copy is attached as
Exhibit BBB.

18 ¹²⁰ Rob Bonta (@robbonta), Instagram (Sept. 1, 2023), <https://perma.cc/5LNH-GBKF>;
Att'y Gen. Rob Bonta (@AGRobBonta), X (May 18, 2024, 5:13 PM),
19 <https://perma.cc/6EM8-Q7N4>; Rob Bonta (@RobBonta), X (May 24, 2024, 9:08
PM), <https://perma.cc/83TR-9YAX>.

20 ¹²¹ *Press Release: Attorney General Bonta Backs Federal Fight to Defend*
Medication Abortion Access, State of California Department of Justice Office
of the Attorney General (May 1, 2023), <https://perma.cc/YCD4-RCR6>; *see also*
21 Letter from state attorneys general to Danielle Gray and Sam Khichi at 2–3
(Feb. 16, 2023), [https://oag.ca.gov/system/files/attachments/press-docs/2-16-
22 23%20Multistate%20Pharmacy%20Letter.pdf](https://oag.ca.gov/system/files/attachments/press-docs/2-16-23%20Multistate%20Pharmacy%20Letter.pdf). A true and accurate copy is
attached as Exhibit CCC; *Press Release: Attorney General Bonta Sues Anti-
23 Abortion Group*; @agrobbonta, Instagram (June 13, 2024),
<https://perma.cc/F8HT-UCAW>.

1 because they do not support or provide abortions or abortion referrals.¹²²

2 341. The Attorney General knows pregnancy centers are
3 predominantly faith-based.

4 342. The Attorney General re-tweeted an article claiming that
5 pregnancy centers attempt to “convert [women] to evangelical
6 Christianity.”¹²³

7 343. The Attorney General has sued pregnancy centers under the
8 Business Fraud Statutes, but not Planned Parenthood or its affiliates.

9 344. The Attorney General recognizes the primary difference between
10 Planned Parenthood affiliates and pro-life pregnancy centers is that Planned
11 Parenthood affiliates advocate for and provide abortions,¹²⁴ whereas
12 pregnancy centers “do not provide abortion or abortion referral” in accord
13 with their religious beliefs.¹²⁵

14 345. The Attorney General has not filed an enforcement action against
15 Planned Parenthood or its affiliates under the Business Fraud Statutes.

16
17 ¹²² Ex. OO, *Press Release: Attorney General Bonta Sues Anti-Abortion Group*,
18 *supra* note 65; Ex. PP, California Department of Justice, *Attorney General*
19 *Bonta Announces Legal Action to Protect Reproductive Freedom and*
Transparency, *supra* note 71.

20 ¹²³ Rob Bonta (@RobBonta), X (Oct. 18, 2022, 3:07 PM),
<https://perma.cc/698A-E2MQ>, (linking to Carrie N. Baker & Jenifer
21 McKenna, *Anti-Abortion ‘Crisis Pregnancy Centers’ Face New Accountability*
Post-Roe, Ms. Magazine (Oct. 18, 2022), <https://perma.cc/38N4-2GGF>).

22 ¹²⁴ *Abortion*, Planned Parenthood Federation of America Inc.,
<https://perma.cc/MGR6-FA4V>. A true and accurate copy is attached as
23 Exhibit DDD.

24 ¹²⁵ Ex MM, *Consumer Alert*, *supra* note 59, at 1.

1 346. On information and belief, the Attorney General has not filed an
2 enforcement action against Planned Parenthood or its affiliates under the
3 Business Fraud Statutes, despite its false claims regarding mifepristone's
4 safety vis-à-vis Tylenol, because he agrees with Planned Parenthood's pro-
5 abortion views.

6 347. On information and belief, the Attorney General has filed an
7 enforcement action against pro-life organizations under the Business Fraud
8 Statutes, despite their true statements about APR, because he disagrees with
9 their pro-life views.

10 348. All of the Attorney General's actions described above that occurred
11 while he has been California's attorney general were taken under color of the
12 laws of the State of California.

13 349. The Attorney General's actions have chilled the religious speech
14 and exercise of the parties he has sued and Plaintiffs here.

15 350. The Attorney General's application of the Business Fraud
16 Statutes as described herein violates the First and Fourteenth Amendments
17 and causes irreparable harm to Plaintiffs.

18 351. The Attorney General's enforcement of the Business Fraud
19 Statutes against speech about progesterone treatment violates the First and
20 Fourteenth Amendments and causes irreparable harm to Plaintiffs, including
21 chilling of their protected speech.

22 352. Plaintiffs have no adequate or speedy remedy at law to correct the
23 Attorney General's deprivation of their rights.

24

1 353. The Attorney General's actions and policies set forth above do not
2 serve any rational, legitimate, or compelling state interest and are not
3 narrowly tailored to serve any such interests.

4 354. Because of the Attorney General's actions, Plaintiffs have suffered
5 and continue to suffer irreparable harm, and are entitled to equitable relief,
6 including a preliminary injunction.

7 355. Plaintiffs are entitled to injunctive and declaratory relief, and the
8 reasonable costs of this lawsuit, including reasonable attorneys' fees.

9 **FIRST CAUSE OF ACTION**

10 *Violation of Plaintiffs' First Amendment Right to Freedom of Speech:*
11 *Content-Based Discrimination, Viewpoint-Based Discrimination, Unbridled*
12 *Discretion, and Overbreadth*

13 356. Plaintiffs repeat and reallege each allegation in paragraphs 1-355
14 of this complaint.

15 357. Plaintiffs engage in speech to further their mission to support and
16 provide for those facing unplanned pregnancies, to save the lives of unborn
17 children from abortion, and to ensure women are fully informed and
18 empowered to choose life.

19 358. NIFLA and its members associate for the purpose of furthering
20 their expressive missions.

21 359. Motivated by their mission and their religious faith, Plaintiffs
22 wish to engage in speech and advertising about progesterone treatment.

23 360. This speech is protected by the First Amendment.
24

1 361. The Attorney General’s enforcement of the Business Fraud
2 Statutes against pro-life pregnancy-support organizations’ statements about
3 progesterone treatment has caused Plaintiffs, including SCV which does not
4 offer APR services, to take down the statements about APR on their public
5 sites and to refrain from making statements about APR despite a firm belief
6 in their truth and accuracy and despite a desire to do so.

7 362. If not for the Attorney General’s enforcement of the Business
8 Fraud Statutes against pro-life pregnancy-support organizations’ statements
9 about progesterone treatment, Plaintiffs would immediately re-publish their
10 statements about progesterone treatment.

11 363. The Attorney General’s enforcement of the Business Fraud
12 Statutes against pro-life pregnancy-support organizations’ statements about
13 progesterone treatment—including the same or similar statements that
14 Plaintiffs want to make—chills, deters, and restricts Plaintiffs’ speech.

15 ***Unlawful Content- and Viewpoint-Based Discrimination***

16 364. The First Amendment to the U.S. Constitution protects Plaintiffs’
17 right to speak and be free from content-based discrimination.

18 365. Laws that target speech based on its communicative content are
19 presumptively unconstitutional.

20 366. The Attorney General’s enforcement of the Business Fraud
21 Statutes against pro-life pregnancy-support organizations’ statements about
22 progesterone treatment is content-based because he punishes speech about
23 topics and with perspectives that he dislikes and thus labels misleading,
24

1 while leaving unregulated speech that he supports.

2 367. Government action that seeks to punish Plaintiffs' truthful
3 statements about progesterone treatment violates the First Amendment.

4 368. As religious nonprofit entities, Plaintiffs' speech about
5 progesterone treatment services is not commercial speech.

6 369. Even if Plaintiffs' speech about progesterone treatment qualifies
7 as commercial speech, it is still constitutionally protected.

8 370. The Attorney General's actions against pro-life pregnancy centers
9 cannot survive strict or intermediate scrutiny.

10 371. While certain traditional types of content-based speech
11 restrictions, such as fraud claims, may not offend the First Amendment when
12 the elements of fraud are present, the Attorney General's attempt to enforce
13 these laws against pro-life pregnancy-support organizations lacks several of
14 the guardrails for traditional fraud claims that allow them to comport with
15 the First Amendment.

16 372. The Attorney General enforces the Business Fraud Statutes
17 against pro-life pregnancy-support organizations without showing any fraud-
18 based injury.

19 373. The Attorney General enforces the Business Fraud Statutes
20 against pro-life pregnancy-support organizations without pleading facts that
21 show any consumer relationship.

22 374. The Attorney General enforces the Business Fraud Statutes
23 against pro-life pregnancy-support organizations without showing any
24

1 connection to an economic motive.

2 375. The Attorney General enforces the Business Fraud Statutes
3 against pro-life pregnancy-support organizations without showing that the
4 organizations obtained any money or property through deception.

5 376. The Attorney General enforces the Business Fraud Statutes
6 against pro-life pregnancy-support organizations without showing knowledge
7 of falsity or intent to deceive.

8 377. The Attorney General enforces the Business Fraud Statutes
9 against pro-life pregnancy-support organization without showing materiality
10 to any specific recipient of the allegedly false statements.

11 378. The Attorney General enforces the Business Fraud Statutes
12 against pro-life pregnancy-support organizations without showing reliance on
13 any allegedly false statement by any specific recipient.

14 379. The Attorney General enforces the Business Fraud Statutes
15 against pro-life pregnancy-support organizations without showing any harm
16 caused by the allegedly false or misleading statements.

17 380. The Attorney General enforces the Business Fraud Statutes
18 against pro-life pregnancy-support organizations without showing any actual
19 deception.

20 381. The Attorney General enforces the Business Fraud Statutes
21 against pro-life pregnancy-support organizations without clear and
22 convincing proof.

23 382. The Attorney General enforces the Business Fraud Statutes
24

1 against pro-life pregnancy-support organizations without pleading fraud with
2 particularity.

3 383. Because the Attorney General's enforcement of the Business
4 Fraud Statutes against pro-life pregnancy-support organizations lacks any of
5 these critical guardrails for fraud claims, he claims the power to punish any
6 speech that he thinks is misleading, even speech by non-commercial,
7 nonprofit speakers.

8 384. This is unlawful content-based discrimination that violates the
9 First Amendment.

10 ***Unlawful Viewpoint-Based Selective Enforcement***

11 385. The Attorney General enforces the Business Fraud Statutes
12 against pro-life pregnancy-support organizations' statements about
13 progesterone treatment in a viewpoint discriminatory manner.

14 386. The Attorney General will not prosecute or threaten to prosecute
15 under the Business Fraud Statutes statements opining that progesterone
16 treatment is not safe and effective, but he is prosecuting statements opining
17 that progesterone treatment is safe and effective.

18 387. The Attorney General's public statements expressing his personal
19 support for abortion and his opposition to pro-life pregnancy centers show
20 that he is proceeding against pro-life organizations because of their expressed
21 viewpoint concerning progesterone treatment and because of his animus
22 against pro-life organizations and their views.

23

24

1 388. Plaintiffs' statements about progesterone treatment are not
2 commercial speech.

3 389. Even if Plaintiffs' statements about progesterone treatment were
4 commercial speech, it is still constitutionally protected.

5 390. To avoid prosecution and punishment, pro-life pregnancy-support
6 organizations like Plaintiffs must refrain, and are refraining, from
7 communicating that progesterone treatment is safe and effective, while
8 others may communicate that it is not.

9 391. Meanwhile, despite scientific evidence showing that progesterone
10 treatment is safe, Planned Parenthood publicly condemns progesterone
11 treatment as being dangerous without prosecution.

12 392. This singling out, punishing, suppressing, and deterring certain
13 speech solely based on its viewpoint that progesterone treatment is safe and
14 effective is unlawful viewpoint-based discrimination.

15 393. If Plaintiffs continue to make their desired statements about
16 progesterone treatment, they will face prosecution and other penalties for
17 violation of the Business Fraud Statutes.

18 394. This threat chills Plaintiffs' constitutionally protected speech.

19 ***Unbridled Discretion***

20 395. The First Amendment's Free Speech Clause prohibits the
21 government from regulating expression based on standards that give officials
22 unbridled discretion to arbitrarily allow some expression and prohibit other
23 expression.

24

1 396. In his enforcement of the Business Fraud Statutes, the Attorney
2 General has demonstrated his unbridled discretion to arbitrarily allow some
3 viewpoints while restricting others.

4 397. The Business Fraud Statutes lack objective standards for
5 enforcement, empowering the Attorney General to target and suppress any
6 speech that expresses a viewpoint with which he disagrees, such as that
7 progesterone treatment is safe and effective.

8 398. The Statutes allow the Attorney General to exercise arbitrary
9 enforcement power to suppress views with which he disagrees and decides is
10 misleading.

11 399. To enforce the Statutes, the attorney general must assess facts
12 and exercise judgment; this invites decisions based on the content of the
13 speech and the viewpoint of the speaker and raises a danger of censorship.

14 400. For example, Cal. Bus. & Prof. Code § 17200 *et seq.* does not define
15 “unfair,” “deceptive,” “misleading,” “business,” “fraudulent business act,” or
16 other key terms used in the statute.

17 401. Section 17200 *et seq.* does not define what evidence is sufficient to
18 establish an unlawful practice.

19 402. Cal. Bus. & Prof. Code § 17500 *et seq.* does not define what
20 constitutes “indirect” intent, “anything of any nature,” “misleading,” “should
21 be known,” or other terms used in the statute.

22 403. § 17200 *et seq.* and § 17500 *et seq.* give the attorney general
23 complete discretion to determine what evidence is satisfactory to institute an
24

1 action alleging a violation of the statutes.

2 404. The Attorney General has utilized this unbridled discretion to
3 censor constitutionally protected speech.

4 405. The Attorney General's enforcement of the Business Fraud
5 Statutes against pro-life pregnancy-support organizations' speech about
6 progesterone treatment has caused Plaintiffs harm by censoring their speech,
7 burdening the exercise of their religion, and hindering their missions.

8 406. With so few restraints on the Attorney General's authority,
9 California's Business Fraud Statutes grant him extraordinary power and
10 unbridled discretion to suppress disfavored messages and are
11 unconstitutional as applied to Plaintiffs' statements about progesterone
12 treatment.

13 ***Overbroad Prior Restraint on Speech***

14 407. The First Amendment prohibits governments from imposing
15 overbroad prior restraints on speech.

16 408. Plaintiffs' speech about the safety and efficacy of progesterone
17 treatment is noncommercial.

18 409. Plaintiffs SCV and NIFLA's California members do not charge for
19 their services, including prescribing and referring for progesterone
20 treatment.

21 410. The purpose of Plaintiffs' statements about progesterone
22 treatment is to educate the public and women in particular about the
23 availability of progesterone treatment and the potential that women may be
24

1 able to save their unborn child after taking mifepristone.

2 411. Plaintiffs' speech about progesterone treatment is not false or
3 misleading.

4 412. But the Attorney General has invoked the Business Fraud
5 Statutes against pro-life pregnancy-support organizations' statements about
6 progesterone treatment to penalize, punish, and chill truthful,
7 noncommercial speech.

8 413. The Attorney General's enforcement of the Business Fraud
9 Statutes against pro-life pregnancy-support centers' statements about
10 progesterone treatment is overbroad because it reaches a substantial amount
11 of impermissible applications in relation to the Statutes' plainly legitimate
12 sweep.

13 414. The Attorney General's enforcement of the Business Fraud
14 Statutes against pro-life pregnancy-resource centers' statements about
15 progesterone treatment chills a person of ordinary firmness from continuing
16 to engage in a constitutionally protected activity and has indeed caused
17 Plaintiffs to self-censor their speech about progesterone treatment.

18 ***Constitutional Scrutiny***

19 415. Content-based and viewpoint-based restrictions on speech must
20 survive strict scrutiny.

21 416. The Attorney General's application of the Business Fraud
22 Statutes to pro-life pregnancy-support organizations' speech about
23 progesterone treatment cannot survive even intermediate scrutiny.
24

1 417. The Attorney General’s enforcement of the Business Fraud
2 Statutes against pro-life pregnancy-support organizations’ statements about
3 progesterone treatment—and the corresponding censorship of Plaintiffs’
4 speech about progesterone treatment—do not serve any legitimate, rational,
5 substantial, or compelling interest.

6 418. The Attorney General’s enforcement of the Business Fraud
7 Statutes against pro-life pregnancy-support organizations’ statements about
8 progesterone treatment—and the corresponding censorship of Plaintiffs’
9 speech about progesterone treatment—does not serve any legitimate,
10 substantial, or compelling interest in a narrowly tailored way.

11 419. The Attorney General has alternative, less restrictive means to
12 achieve any legitimate interests he might seek to advance.

13 420. The Attorney General’s enforcement of the Business Fraud
14 Statutes against pro-life pregnancy-support organizations’ statements about
15 progesterone treatment burdens substantially more speech than necessary to
16 further any interest in protecting consumers from deception by commercial
17 speakers.

18 421. As the Attorney General’s personal and official statements and
19 actions attest, he is acting with a motive to suppress Plaintiffs’
20 constitutionally protected speech and views.

21 422. The Attorney General’s enforcement of the Business Fraud
22 Statutes against pro-life pregnancy centers’ statements about progesterone
23 treatment has caused Plaintiffs harm by censoring their speech, burdening
24

1 the exercise of their religion, and hindering their missions.

2 423. Accordingly, as applied to Plaintiffs' statements about
3 progesterone treatment, the Business Fraud Statutes violate Plaintiffs' right
4 to speak as protected by the First and Fourteenth Amendments of the United
5 States Constitution.

6 **SECOND CAUSE OF ACTION**

7 *Violation of Plaintiffs' First Amendment Right to Free Exercise of Religion*

8 424. Plaintiffs repeat and reallege each allegation in paragraphs 1-355
9 of this complaint.

10 425. Plaintiffs' pro-life statements and beliefs in support of
11 progesterone treatment are sincere and rooted in their Christian faith.

12 426. Plaintiffs sincerely believe that human life begins at conception.

13 427. Plaintiffs sincerely believe that it is their religious duty to inform
14 women and pregnancy centers of options that may save an unborn human
15 life, including the option of using supplemental progesterone for APR to
16 potentially counteract the effects of mifepristone.

17 428. The Attorney General's enforcement of the Business Fraud
18 Statutes against pro-life pregnancy-support organizations' speech about
19 progesterone treatment forces Plaintiffs to an untenable choice: (1) adhere to
20 their religious beliefs, publish their religiously motivated and required
21 statements about progesterone treatment, and be penalized; or (2) violate
22 their religious beliefs and refrain from publishing their religiously motivated
23 and required statements.

24

1 429. The Attorney General’s enforcement of the Business Fraud
2 Statutes against pro-life pregnancy-support organizations’ speech about
3 progesterone treatment burdens Plaintiffs’ right to free exercise of religion by
4 preventing them from expressing these religiously motivated and required
5 messages.

6 430. Unless government action is neutral and generally applicable, the
7 Free Exercise Clause forbids government action that burdens religion—
8 whether masked or overt—without satisfying strict scrutiny.

9 431. The Attorney General’s enforcement of the Business Fraud
10 Statutes against pro-life pregnancy support organizations’ speech about
11 progesterone treatment is not neutral to religion or generally applicable for
12 several reasons and fails strict scrutiny.

13 432. The Attorney General has shown direct targeting and hostility
14 toward the Plaintiffs’ faith-based, pro-life mission and their speech in support
15 of that mission through both his public statements about them and his
16 enforcement of the Business Fraud Statutes against pro-life pregnancy-
17 support organizations’ speech about progesterone treatment under a
18 consumer-protection theory divorced from any consumer relationship.

19 433. The Attorney General interprets and applies the Business Fraud
20 Statutes to create a system of individualized assessments that empowers him
21 to censor religiously motivated and required speech he dislikes while
22 allowing secular speech that he favors.

23 434. The Attorney General has crafted an enforcement theory against
24

1 religious speech by a group of organizations that are predominantly, if not
2 exclusively, faith-based organizations.

3 435. The Attorney General's hostility to religious organizations that
4 provide free services to vulnerable women is irrational.

5 436. The Attorney General's interpretation of the Business Fraud
6 Statutes that allows him to sue against speech he deems false without
7 showing other elements of fraud amounts to a system of individualized
8 assessments.

9 437. The Attorney General's enforcement of the Business Fraud
10 Statutes against pro-life pregnancy-support organizations while leaving
11 similarly situated entities like Planned Parenthood untouched is not neutral.

12 438. The Attorney General's enforcement of the Business Fraud
13 Statutes against pro-life pregnancy-support organizations' speech about
14 progesterone treatment is thus not neutral.

15 439. The Attorney General lacks a legitimate or compelling state
16 interest to justify targeting pro-life pregnancy-support organizations for their
17 statements about progesterone treatment.

18 440. The Attorney General demonstrates that he lacks a compelling
19 state interest because he has not censored misleading public statements
20 about chemical abortion by Planned Parenthood.

21 441. Conversely, the Attorney General's actions and threat of sanctions
22 place a substantial burden and pressure on Plaintiffs to remove their
23 religiously motivated and required statements about APR.
24

1 442. The Attorney General's enforcement of the Business Fraud
2 Statutes against pro-life pregnancy-support organizations' speech about
3 progesterone treatment has caused Plaintiffs harm by burdening the exercise
4 of their religion and hindering their religiously motivated missions and
5 religiously required speech.

6 443. Absent the Attorney General's enforcement of the Business Fraud
7 Statutes against pro-life pregnancy-support organizations' speech about
8 progesterone treatment, Plaintiffs would immediately speak and publish
9 their religiously motivated and required messages about progesterone
10 treatment.

11 444. The Attorney General's enforcement of the Business Fraud
12 Statutes against pro-life pregnancy-support organizations' speech about
13 progesterone treatment is not justified by any legitimate, rational,
14 substantial, or compelling interest.

15 445. The Attorney General has alternative, less restrictive means to
16 achieve any legitimate interests he might seek to advance.

17 446. The Attorney General's enforcement of the Business Fraud
18 Statutes against pro-life pregnancy centers' speech about progesterone
19 treatment also violates Plaintiffs' free exercise rights under the hybrid rights
20 doctrine because it implicates free exercise rights in conjunction with other
21 constitutional protections like the right to free speech.

22 447. The Attorney General's enforcement of the Business Fraud
23 Statutes against pro-life pregnancy-support organizations' speech about
24

1 progesterone treatment violates the Free Exercise Clause of the First
2 Amendment.

3 **THIRD CAUSE OF ACTION**

4 *Violation of Plaintiffs' Fourteenth Amendment Right to Due Process:*

5 *Vagueness*

6 448. Plaintiffs repeat and reallege each allegation in paragraphs 1–355
7 of this complaint.

8 449. The Fourteenth Amendment to the U.S. Constitution prohibits the
9 government from forbidding or requiring an act in terms so vague that people
10 must guess at their meaning and can differ as to their application.

11 450. Laws that punish or otherwise interfere with free speech require
12 greater definiteness than those in other contexts.

13 451. The government may not regulate speech based on policies that
14 permit arbitrary, discriminatory, or overzealous enforcement.

15 452. The government may not regulate speech based on laws that do
16 not provide persons of common intelligence with fair warning as to what
17 speech is permitted and what speech is prohibited.

18 453. The Business Fraud Statutes, as applied to Plaintiffs' speech
19 about progesterone treatment, are unconstitutionally vague.

20 454. The Business Fraud Statutes impermissibly delegate to the
21 Attorney General basic policy matters for resolution on an ad hoc and
22 subjective basis.

23 455. Due to the Statutes' vagueness, the Attorney General is
24

1 arbitrarily and discriminatorily enforcing them against faith-based, pro-life
2 organizations’ protected speech and religious exercise.

3 456. Cal. Bus. & Prof. Code § 17200 *et seq.* fails to give persons of
4 ordinary intelligence fair notice of what constitutes a “business,” an “unfair or
5 fraudulent business act or practice” or an “unfair, deceptive, untrue or
6 misleading advertising” in the context of non-commercial speech about
7 abortion pill reversal.

8 457. Cal. Bus. & Prof. Code § 17200 *et seq.* does not define “business,”
9 “unfair,” “fraudulent,” “business act or practice,” “deceptive,” “untrue,”
10 “misleading,” or “advertising.”

11 458. Cal. Bus. & Prof. Code § 17200 *et seq.* leaves the determination of
12 what constitutes an “unlawful, unfair or fraudulent business act or practice
13 and unfair, deceptive, untrue or misleading advertising” entirely to the
14 enforcer’s discretion.

15 459. A reasonable person must guess as to whether Plaintiffs’ non-
16 commercial speech violates Cal. Bus. & Prof. Code § 17200.

17 460. Plaintiffs believe their truthful, non-commercial speech about free
18 APR services is not unfair, fraudulent, deceptive, untrue, misleading,
19 advertising, or a business act or practice under the statute, but the Attorney
20 General disagrees.

21 461. Cal. Bus. & Prof. Code § 17500 *et seq.* fails to give persons of
22 ordinary intelligence fair notice of what it means to intend “directly or
23 *indirectly*” to “dispose of real or personal property or to perform services,
24

1 professional or otherwise, or *anything of any nature whatsoever.*” (emphases
2 added).

3 462. Cal. Bus. & Prof. Code § 17500 *et seq.* also fails to give persons of
4 ordinary intelligence fair notice of what it takes for a statement to be “untrue
5 or misleading” and through what “reasonable care” that condition “should be
6 known.”

7 463. Cal. Bus. & Prof. Code § 17500 *et seq.* does not define these vague
8 terms and so leaves persons of ordinary intelligence to guess as to what
9 speech it prohibits.

10 464. The Business Fraud Statutes’ failure to define ambiguous terms
11 also allows the Attorney General to resolve on an ad hoc and subjective basis
12 what constitutes unlawful conduct under the Statutes.

13 465. This vagueness invites arbitrary and discriminatory enforcement
14 by giving the attorney general complete discretion when pursuing an
15 investigation and enforcement proceeding.

16 466. Construing these statutory terms to apply to Plaintiffs’ speech
17 about APR violates the vagueness doctrine.

18 467. The Attorney General’s enforcement of the Business Fraud
19 Statutes against pro-life organizations’ speech about APR, even though
20 multiple scientific studies support that speech, shows that the Statutes do
21 not provide persons of ordinary intelligence with fair warning as to what
22 speech is permitted or prohibited.

23 468. The Attorney General’s enforcement of the Business Fraud
24

1 Statutes against pro-life organizations' speech about APR, because the
2 Attorney General believes the studies that support that speech are not
3 sufficiently reliable, shows that the Statutes do not provide persons of
4 ordinary intelligence with fair warning as to what speech is prohibited.

5 469. An ordinary, reasonable person could only guess as to what
6 studies the Attorney General would deem sufficiently reliable.

7 470. The Attorney General's enforcement of the Business Fraud
8 Statutes without showing traditional fraud elements shows that the Statutes
9 give the Attorney General discretion to punish whatever speech *he* decides is
10 fraudulent, untrue, or misleading.

11 471. The Business Fraud Statutes also fail to describe what proof and
12 relevant facts are sufficient to pursue an investigation and enforcement
13 proceedings.

14 472. Courts have interpreted the Business Fraud Statutes to apply
15 only to commercial speech, that is, factual representations made to promote
16 commercial transactions, not expressions of opinion on scientific matters.

17 473. Plaintiffs' statements about APR are not commercial speech, yet
18 the Attorney General has used the vague language of the Statutes to
19 prosecute pro-life organizations for the same speech Plaintiffs want to make.

20 474. Because of the Business Fraud Statutes' vagueness, a reasonable
21 person would have to guess as to whether their speech violates the Statutes.

22 475. This vagueness invites arbitrary and discriminatory enforcement.

23 476. The Business Fraud Statutes are so imprecise that discriminatory
24

1 enforcement is not only a possibility but also a reality.

2 477. The Attorney General's enforcement of the Business Fraud
3 Statutes against pro-life organizations' speech about APR, and his refusal to
4 prosecute Planned Parenthood's demonstrably false and misleading
5 statements about chemical abortion, shows that the Statutes invite arbitrary
6 and discriminatory enforcement.

7 478. Plaintiffs have censored their constitutionally protected speech to
8 avoid prosecution by the Attorney General.

9 479. The Attorney General's enforcement of the Business Fraud
10 Statutes against pro-life organizations' speech about progesterone treatment
11 is not justified by any legitimate, rational, substantial, or compelling interest.

12 480. The Attorney General has alternative, less restrictive means to
13 achieve any legitimate interests he might seek to advance.

14 **PRAYER FOR RELIEF**

15 481. Plaintiffs respectfully pray for judgment against Defendant and
16 request the following relief:

- 17 a. A preliminary and permanent injunction barring the Attorney
18 General, his successors, agents, officials, servants, and employees,
19 and any other persons acting on his behalf from enforcing Cal.
20 Bus. & Prof. Code § 17200 and Cal. Bus. & Prof. Code § 17500
21 against Plaintiffs and NIFLA's members for speaking about the
22 use of progesterone for abortion pill reversal with statements
23 identical, nearly identical, or substantially similar to those
24

1 described in this lawsuit;

- 2 b. A declaration that Cal. Bus. & Prof. Code § 17200 and Cal. Bus. &
3 Prof. Code § 17500 are unconstitutional under the First and
4 Fourteenth Amendments as applied to restrict Plaintiffs and
5 NIFLA's members' speech about progesterone for abortion pill
6 reversal;
- 7 c. Plaintiffs' reasonable attorney's fees, costs, and other costs and
8 disbursements in this action pursuant to 42 U.S.C. § 1988; and
9 d. All other further relief to which Plaintiffs may be entitled.

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11 **DEMAND FOR JURY TRIAL**

12 In accordance with Local Rule 38-1, Plaintiffs hereby respectfully
13 request a jury trial.
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1 Dated: October 2, 2024

Respectfully submitted,

2 */s/Sean Gates*

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11 *Attorneys for Plaintiffs*

12 **Application for Admission Pro*
13 *Hac Vice forthcoming*

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1 **VERIFICATION OF COMPLAINT**

2 I, Thomas Glessner, a citizen of the United States and a resident of
3 Virginia, hereby declare under penalty of perjury pursuant to 28 U.S.C. § 1746
4 that I have read the foregoing Verified Complaint and the factual allegations
5 therein related to NIFLA and its members, and they are true and correct.

6 Executed this 1st day of ~~September~~ TAC, 2024, at FREDERICKSBURG,
7 Virginia. OCTOBER

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11 Thomas Glessner, J.D.
12 President
NIFLA

VERIFICATION OF COMPLAINT

1
2 I, Angela Bennett, a citizen of the United States and a resident of
3 California, hereby declare under penalty of perjury pursuant to 28 U.S.C.
4 § 1746 that I have read the foregoing Verified Complaint and the factual
5 allegations therein related to SCV Pregnancy Center and they are true and
6 correct.

7 Executed this 1st day of October, 2024, at Valencia, CA,
8 California.

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11 

12 Angela Bennett
13 President/CEO
14 SCV Pregnancy Center
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