

**UNITED STATES COURT OF APPEALS
FOR THE EIGHTH CIRCUIT**

No: 09-3231

Planned Parenthood Minnesota, North Dakota, South Dakota; Carol E. Ball, M.D.

Plaintiffs - Appellees

v.

Mike Rounds, Governor; Marty J. Jackley, Attorney General, in their official capacities

Defendants - Appellants

Alpha Center; Black Hills Crisis Pregnancy Center, doing business as Care Net; Dr. Glenn A.
Ridder, M.D.; Eleanor D. Larsen, M.A., L.S.W.A.

Intervenors below

Christian Medical & Dental Associations; American Association of Pro-life Obstetricians &
Gynecologists; Catholic Medical Association; Physicians for Life; National Association of Pro-
Life Nurses; Family Research Council; Care Net; Heartbeat International, Incorporated; National
Institute of Family and Life Advocates,, Incorporated; Eagle Forum Education and Legal
Defense Fund; American College of Pediatricians

Amici on behalf of Appellant

No: 09-3233

Planned Parenthood Minnesota, North Dakota, South Dakota; Carol E. Ball, M.D.

Plaintiffs - Appellees

v.

Mike Rounds, Governor

Defendant

Marty J. Jackley, Attorney General, in their official capacities

Defendant - Appellant

Alpha Center; Black Hills Crisis Pregnancy Center, doing business as Care Net; Dr. Glenn A. Ridder, M.D.; Eleanor D. Larsen, M.A., L.S.W.A.

Intervenors below - Appellants

Christian Medical & Dental Associations; American Association of Pro-life Obstetricians & Gynecologists; Catholic Medical Association; Physicians for Life; National Association of Pro-Life Nurses; Family Research Council; Care Net; Heartbeat International, Incorporated; National Institute of Family and Life Advocates,, Incorporated; Eagle Forum Education and Legal Defense Fund; American College of Pediatricians

Amici on behalf of Appellant

No: 09-3362

Planned Parenthood Minnesota, North Dakota, South Dakota; Carol E. Ball

Plaintiffs - Appellants

v.

Mike Rounds, Governor; Marty J. Jackley, Attorney General, in their official capacities,

Defendants - Appellees

Alpha Center; Black Hills Crisis Pregnancy Center, doing business as Care Net; Dr. Glenn A. Ridder, M.D.; Eleanor D. Larsen, M.A., L.S.W.A.

Intervenors below - Appellees

Eagle Forum Education and Legal Defense Fund; American Association of Pro-Life Obstetricians & Gynecologists; American College of Pediatricians; Family Research Council; Care Net; Heartbeat International, Incorporated; National Institute of Family and Life Advocates,, Incorporated

Amici on Behalf of Appellee

Appeal from U.S. District Court for the District of South Dakota - Sioux Falls
(4:05-cv-04077-KES)
(4:05-cv-04077-KES)

JUDGMENT

This appeal from the United States District Court was submitted on the record of the district court, briefs of the parties and was argued by counsel to the en banc court after rehearing was granted.

After consideration, it is hereby ordered and adjudged that the district court's grant of summary judgment to Planned Parenthood with respect to S.D.C.L. § 34-23A-10.1(1)(e)(ii), is reversed and the district court is directed to enter summary judgment for the State as to that provision, and the permanent injunction against the enforcement of that provision is vacated, in accordance with the opinion.

July 24, 2012

Order Entered in Accordance with Opinion:
Clerk, U.S. Court of Appeals, Eighth Circuit.

/s/ Michael E. Gans