

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

ROCHELLE GARZA, as guardian ad litem to)	
unaccompanied minor J.D., on behalf of)	
herself and others similarly situated,)	
)	No. 17-cv-
Plaintiff,)	
)	
v.)	
)	
ERIC D. HARGAN, <i>et al.</i> ,)	
)	
Defendants.)	
)	

MOTION FOR A PRELIMINARY INJUNCTION

Pursuant to Federal Rule of Civil Procedure 65 and Local Rule 65.1, Rochelle Garza, as guardian ad litem to unaccompanied minor J.D., on behalf of herself and others similarly situated, hereby applies for the issuance of a preliminary injunction enjoining Defendants (along with their respective successors in office, officers, agents, servants, employees, attorneys and anyone acting in concert with them) from, *inter alia*, interfering with or obstructing J.D.’s and Plaintiff Class members’ access to abortion; forcing, coercing, or requiring J.D. and Plaintiff Class members to obtain “counseling” from an anti-abortion entity, including a crisis pregnancy center or “pregnancy resource center” either before or after the abortion; forcing, coercing, or requiring J.D. and Plaintiff Class members to notify anyone of their abortion decision, either before or after the abortion; disclosing J.D.’s and Plaintiff Class members’ abortion decision themselves, either before or after the abortion, to the minor’s family or immigration sponsor; coercing or attempting to “persuade” J.D. and Plaintiff Class Members to carry their pregnancies to term; or retaliating against J.D. and Plaintiff Class Members based on their decision to have an abortion. Plaintiff’s counsel has consulted with Defendants’ counsel, who does not consent to the relief requested.

This motion is based on the memorandum of points and authorities submitted herewith, all declarations, pleadings and filings filed in this action, and such oral arguments and evidence as may be presented at the hearing on the motion.

The grounds for this application are that Defendants' actions and policies violate J.D.'s and the Plaintiff Class members' rights under the First and Fifth Amendments to the Constitution of the United States, insofar as these actions and policies unlawfully violate J.D.'s and the Plaintiff Class members' rights to privacy, liberty and informational privacy, and rights against compelled speech; that J.D. and Plaintiff Class members will suffer irreparable injury if the Defendants are not enjoined; that Defendants will not be injured if a temporary restraining order and/or injunction issues; and that the public interest favors the issuance of a temporary restraining order and/or injunction.

October 13, 2017

Respectfully submitted,

/s/ Arthur B. Spitzer

Arthur B. Spitzer (D.C. Bar No. 235960)
Scott Michelman (D.C. Bar No. 1006945)
American Civil Liberties Union Foundation
of the District of Columbia
4301 Connecticut Avenue NW, Suite 434
Washington, D.C. 20008
Tel. 202-457-0800
Fax 202-457-0805
aspitzer@acludc.org
smichelman@acludc.org

Brigitte Amiri*
Meagan Burrows*
American Civil Liberties Union Foundation
125 Broad Street, 18th Floor
New York, NY 10004
Tel. (212) 549-2633
Fax (212) 549-2652
bamiri@aclu.org
mburrows@aclu.org

Daniel Mach (D.C. Bar No. 461652)
American Civil Liberties Union Foundation

915 15th Street NW
Washington, DC 20005
Telephone: (202) 675-2330
dmach@aclu.org

Jennifer L. Chou*
Mishan R. Wroe*
American Civil Liberties Union Foundation of
Northern California, Inc.
39 Drumm Street
San Francisco, CA 94111
Tel. (415) 621-2493
Fax (415) 255-8437
jchou@aclunc.org
mwroe@aclunc.org

Melissa Goodman*
American Civil Liberties Union Foundation of
Southern California
1313 West 8th Street
Los Angeles, California 90017
Tel. (213) 977-9500
Fax (213) 977-5299
mgoodman@clusocal.org

**Admission for pro hac vice forthcoming*

Attorneys for Plaintiff