
IN THE UNITED STATES COURT FOR THE DISTRICT OF UTAH
CENTRAL DIVISION

UTAH WOMEN'S CLINIC AND
PLANNED PARENTHOOD
ASSOCIATION OF UTAH, on behalf of
themselves, their staff, and their patients,

Plaintiffs,

vs.

OLENE WALKER, Governor of Utah, in her
official capacity; MARK SHURTLEFF,
Attorney General of Utah, in his official
capacity; and DAVID YOCUM, Salt Lake
County District Attorney, in his official
capacity,

Defendants.

**ORDER LIFTING INJUNCTION AND
DISMISSING CASE**

Case No. 2:04CV00408

Before the court is a stipulated motion to (1) lift the preliminary injunction previously entered in this case, and (2) dismiss the case (#23). The court GRANTS the motion.

On June 10, 2004, the court entered an order for a preliminary injunction against the enforcement of S.B. 69, "Partial Birth Abortion Amendments"¹ (#14). The parties stipulated to the preliminary injunction because the Utah statute was substantially similar to the federal Partial-Birth Abortion Ban Act of 2003,² the enforcement of which was, at the time, enjoined by three federal district courts. The court entered the preliminary injunction pending the resolution

¹ S.B. 69, 55th Leg., Gen. Sess. (Utah 2004) (codified at Utah Code Ann. §§ 76-7-301, 76-7-310.5, 76-7-314, and 76-7-326 through 76-7-330).

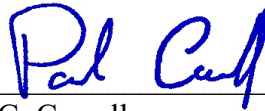
² 18 U.S.C. § 1531 (Supp. IV 2000).

of the three cases challenging the Partial-Birth Abortion Ban Act of 2003. On April 18, 2007, the United States Supreme Court issued its opinion on two of those cases, upholding the federal Partial-Birth Abortion Act of 2003.³ Because Utah's Partial Birth Abortion Amendments statute so closely parallels the federal statute, the parties and the court agree that the holding of *Gonzales v. Carhart* is controlling in this facial challenge.

Consequently, the court lifts the preliminary injunction, thereby allowing the state of Utah to enforce the "Partial Birth Abortion Amendments." The court dismisses this case with prejudice. The Clerk's Office is directed to close this case.

DATED this 31st day of May, 2007.

BY THE COURT:



Paul G. Cassell
United States District Judge

³ *Gonzales v. Carhart*, 127 S. Ct. 1610 (2007).