

FILED

February 14, 2025
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CASE NUMBER: S-24-0326

IN THE SUPREME COURT, STATE OF WYOMING

STATE OF WYOMING; MARK
GORDON, Governor of Wyoming;
BRIDGET HILL, Attorney General for
the State of Wyoming,

Appellants,

v.

S-24-0326

DANIELLE JOHNSON; KATHLEEN
DOW, GIOVANNINA ANTHONY,
M.D.; RENE R. HINKLE, M.D.,
CHELSEA'S FUND; and CIRCLE OF
HOPE HEALTHCARE d/b/a
WELLSPRING HEALTH ACCESS,

Appellees.

**MOTION OF RIGHT TO LIFE OF WYOMING, REPRESENTATIVE
RACHEL RODRIGUEZ-WILLIAMS, SPEAKER OF THE HOUSE CHIP
NEIMAN, AND VICE PRESIDENT OF THE SENATE TIM SALAZAR
TO FILE BRIEF AS AMICUS CURIAE**

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Movants Right to Life of Wyoming, Representative Rachel Rodriguez-
Williams, Speaker of the Wyoming House of Representatives Chip Neiman

and Vice President of the Senate Tim Salazar, by and through undersigned counsel and, pursuant to Wyo. R. App. P. 7.12, hereby move the Court for leave to file a brief as amici curiae in the above-entitled matter. In support of their motion, Movants have contemporaneously filed a proposed brief that complies with Rule 7.01 and 7.05. As grounds for this motion, Movants state as follows:

(1) Movants' interest in the issues raised in the case.

Right to Life of Wyoming (RTLW) is a nonprofit organization, created in 1974 after *Roe v. Wade*, 410 U.S. 113 (1973), whose vision is to promote a culture of life from conception to natural death. A central focus of RTLW's mission and purpose is to achieve legal protections for unborn children. It pursues this end by educating citizens on policy issues related to abortion, lobbying elected officials, and encouraging civic involvement. RTLW's long-time support of pro-life efforts and its network of supporters helped secure passage of the Life is a Human Right Act, Wyo. Stat. Ann. §§ 35-6-120–138, and the chemical abortion statute, Wyo. Stat. Ann. §§ 35-6-139 (2023).

Representative Rachel Rodriguez-Williams is a member of the Wyoming House of Representatives, representing District 50. She is Chairman of House Labor, Health & Social Services Committee. She was the primary sponsor of the Life is a Human Right Act and played an integral role in shepherding the bill through passage and enactment.

Chip Neiman is also a member of the Wyoming House of Representatives, representing District 1 and serving as Speaker of the House. He was a chief architect and co-sponsor of the Life is a Human Right Act and,

as Floor Leader at that time, also had an important role in guiding both bills through passage and enactment.

Tim Salazar is a member of the Wyoming Senate representing Senate District 26, Fremont County. He is vice president of the Senate. He was the primary sponsor of the chemical abortion statute and shepherded it through passage and enactment.

In line with these principles and history, Proposed Amici support the statutes at issue in this case and desire to see them continue in effect.

(2) Reasons an amicus brief is appropriate and desirable.

Movant's brief provides context and support for the arguments advanced by Appellants. Movants have studied the risks of harm that surgical and chemical abortions pose to pregnant women and unborn children. They wish to provide information to this Court that will provide a more complete factual footing from which to review the ruling of the district court.

(3) View of the movants with respect to whether a party is not represented competently or is not represented at all.

Movants believe that Appellants are competently represented on the issue of the constitutionality of the statutes as a matter of law. However, Appellants have not addressed the extensive peer reviewed medical literature supporting the statutes at issue. The district court heard and relied upon declarations from physicians who oppose the statutes without Appellants arguing the other side. Based in part on this information, the district court erroneously concluded that abortion as defined in the statutes is healthcare and it is unreasonable (irrational) for the legislature to appropriately

regulate abortion. The District Court did not consider the substantial body of peer reviewed medical literature that is contrary to the district court's position, In accordance with *Dobbs v. Jackson Women's Health Org.*, S. Ct. 2228, 2284 (2022) the Wyoming legislature considered legitimate interests including "... respect for and preservation of prenatal life at all stages of development; the protection of maternal health and safety; the elimination of particularly gruesome or barbaric medical procedures; the preservation of the integrity of the medical profession; the mitigation of fetal pain; and the prevention of discrimination on the basis of race, sex, or disability." Proposed amici Right to Life presented evidence supporting the statutes to the legislature and the legislature itself argued and considered such evidence. It is important that this Court hears the rest of the story.

(4) Interest of the amici in some other case that may be affected by the decision in the case before the court.

Movants have no interest in any other case that may be affected by the resolution of this case.

(5) Any unique information or perspective the amici has that can be of assistance to the court beyond that the lawyers for both parties can provide.

As part of its purpose and mission to educate the public and elected officials on the effects of abortion on women and unborn children, proposed Amicus RTLW is well-versed in the current science relating to abortion and the federal and state policies across the country that regulate its practice.

As a result of personal experience and their participation in the legislative inquiry that preceded passage of the statutes at issue in this case,

Proposed Amici Representative Rodriguez-Williams and Speaker Neiman and Vice President Salazar closely studied the issues that support the legislative findings and purposes set forth at Wyo. Stat. Ann. § 35-6-121. Further, they participated in the legislative debates leading to the passage of these statutes by large majorities in both houses of the Wyoming legislature. They thus have unique insight into the reasonableness and necessity of the statutes to promote legitimate state interests in respecting and preserving unborn life and protecting maternal health.

For these reasons, Movants respectfully request that this Court enter its order allowing them to submit a brief in this appeal as amicus curiae.

Respectfully submitted this 14th day of February 2025.

/s/ Frederick J. Harrison
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CERTIFICATE REGARDING ELECTRONIC FILING AND SERVICE

I hereby certify that the foregoing motion was served electronically via the Wyoming Supreme Court C-Track Electronic Filing System, this 14th day of February 2025, on the following parties:

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The undersigned also certifies that all required privacy redactions have been made and, with the exception of those redactions, every document submitted in digital form or scanned .pdf is an exact copy of the written document filed with the Clerk, and that the document has been scanned for viruses and is free of viruses.

/s/ Frederick J. Harrison
Frederick J. Harrison