

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
(Columbia Division)

PLANNED PARENTHOOD SOUTH
ATLANTIC, on behalf of itself, its patients, and
its physicians and staff;

GREENVILLE WOMEN'S CLINIC, on behalf
of itself, its patients, and its physicians and staff;
and

TERRY L. BUFFKIN, M.D., on behalf of
himself and his patients.

Plaintiffs,

v.

Case No. 3:21-cv-00508-MGL

ALAN WILSON, in his official capacity as
Attorney General of South Carolina;

EDWARD SIMMER, in his official capacity as
Director of the South Carolina Department of
Health and Environmental Control;

ANNE G. COOK, in her official capacity as
President of the South Carolina Board of Medical
Examiners;

STEPHEN I. SCHABEL, in his official capacity
as Vice President of the South Carolina Board of
Medical Examiners;

RONALD JANUCHOWSKI, in his official
capacity as Secretary of the South Carolina
Board of Medical Examiners;

JIM C. CHOW, in his official capacity as a
Member of the South Carolina Board of Medical
Examiners;

GEORGE S. DILTS, in his official capacity as a
Member of the South Carolina Board of Medical
Examiners;

DION FRANGA, in his official capacity as a Member of the South Carolina Board of Medical Examiners;

RICHARD HOWELL, in his official capacity as a Member of the South Carolina Board of Medical Examiners;

THERESA MILLS-FLOYD, in her official capacity as a Member of the South Carolina Board of Medical Examiners;

JEFFREY A. WALSH, in his official capacity as a Member of the South Carolina Board of Medical Examiners;

CHRISTOPHER C. WRIGHT, in his official capacity as a Member of the South Carolina Board of Medical Examiners;

SCARLETT A. WILSON, in her official capacity as Solicitor for South Carolina's 9th Judicial Circuit;

BYRON E. GIPSON, in his official capacity as Solicitor for South Carolina's 5th Judicial Circuit; and

WILLIAM WALTER WILKINS III, in his official capacity as Solicitor for South Carolina's 13th Judicial Circuit.

Defendants.

COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF

1. Plaintiffs bring this civil rights action under 42 U.S.C. § 1983 to challenge the constitutionality of Senate Bill 1 (hereinafter “SB 1” or “the Act”), South Carolina’s latest attempt to prevent patients from exercising their constitutional right to abortion. *See* SB 1, attached as Exhibit A, *to be codified at* S.C. Code Ann. §§ 44-41-610 *et seq.* South Carolina Governor Henry McMaster has vowed to sign the Act immediately, at which point the Act will take immediate effect and cause imminent harm to Plaintiffs and their patients.

2. The Act bans abortion after the detection of fetal or embryonic cardiac activity, which occurs as early as approximately six weeks of pregnancy, as dated from the first day of a pregnant person’s last menstrual period (“LMP”). Because that point in pregnancy is roughly four months before any fetus could be viable after birth, the Act prohibits Plaintiffs from providing previability abortions to their South Carolina patients. A violation of the Act would carry felony criminal penalties, the potential for adverse licensing action, and civil liability.

3. The Act is an affront to the dignity and health of South Carolinians. In particular, it is an attack on families with low incomes, South Carolinians of color, and rural South Carolinians, who already face inequities in access to medical care and who will bear the brunt of the law’s cruelties. South Carolinians face a critical shortage of reproductive health care providers, including obstetrician-gynecologists, and the rate at which South Carolinians, particularly Black South Carolinians, die from pregnancy-related causes is shockingly high.

4. Rather than working to end these preventable deaths and honoring South Carolinians’ reproductive health care decisions, the Legislature has instead chosen to criminalize nearly all abortions. Its adoption of this law is in flagrant violation of nearly five decades of settled Supreme Court precedent, starting with *Roe v. Wade*, 410 U.S. 113 (1973), which held that a

patient has a constitutionally protected right to end a pregnancy prior to viability. Since *Roe*, no court considering the constitutionality of a law that bans abortions beginning at a gestational age prior to viability has upheld that law. To the contrary, decades of unanimous precedent have made clear that a ban on such abortions violates the Fourteenth Amendment to the U.S. Constitution.

5. Plaintiffs seek declaratory and injunctive relief preventing enforcement of SB 1 to safeguard themselves, their patients, and physicians and other staff from this unconstitutional law.

JURISDICTION & VENUE

6. This Court has jurisdiction under 28 U.S.C. §§ 1331 and 1343.

7. Plaintiffs' action for declaratory and injunctive relief is authorized by 28 U.S.C. §§ 2201 and 2202; by Rules 57 and 65 of the Federal Rules of Civil Procedure; and by the general legal and equitable powers of this Court.

8. Venue in this district is proper under 28 U.S.C. § 1391 because the events giving rise to this action occurred in the district, where each of the Plaintiffs provides previability abortion services and where SB 1 would be enforced, and because all of the Defendants reside here.

9. Under District of South Carolina Local Rule 3.01, this case should be assigned to the Columbia Division because Defendants include the Attorney General, the Director of the Department of Health and Environmental Control, and the Solicitor for South Carolina's 5th Judicial Circuit, all of whom maintain offices in the division. Assignment to the Columbia Division is also proper because Plaintiff Planned Parenthood South Atlantic ("PPSAT") operates a health center in Columbia that provides abortions banned by SB 1 and serves abortion patients who reside in the Columbia Division and whose constitutional rights are violated by the challenged law.

PARTIES

A. Plaintiffs

10. Plaintiff PPSAT is a nonprofit corporation headquartered in North Carolina. It provides a range of family planning and reproductive health services and other preventive care in South Carolina, including well-person exams; contraception (including long-acting reversible contraception or “LARCs”) and contraceptive counseling; gender-affirming hormone therapy as well as menopausal hormone replacement therapy; screening for breast and cervical cancer; screening and treatment for sexually transmitted infections (“STIs”); pregnancy testing and counseling; physical exams; and abortion. PPSAT sues on its own behalf, on behalf of its patients, and on behalf of its physicians and staff.

11. Greenville Women’s Clinic, P.A. (“GWC”) is a health care facility in Greenville, South Carolina, that since 1976 has provided reproductive health care, including pregnancy testing, birth control, testing and treatment for STIs, general gynecological care, and abortion. GWC sues on its own behalf, on behalf of its patients, and on behalf of its physicians and staff.

12. PPSAT and GWC operate the only three abortion clinics in South Carolina. Each of PPSAT and GWC’s locations holds a state license to perform first-trimester abortions, *see* S.C. Code Ann. § 44-41-75, which corresponds to abortions up to 14 weeks LMP, *id.* § 44-41-10; *see also* S.C. Code Ann. Regs. 61-12.101(S)(4). At each of these facilities, physicians licensed to practice medicine in South Carolina provide abortions.

13. PPSAT operates two health centers in the state, one in Columbia and the other in Charleston. At each location, PPSAT provides medication abortion up to 11 weeks LMP, and abortion by procedure up to 14 weeks LMP.

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