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Hon. Stanley A. Bastian

10 UNITED STATES DISTRICT COURT
11 FOR THE EASTERN DISTRICT OF WASHINGTON

12 STATE OF WASHINGTON, et al.,
13 Plaintiff,

14 vs.

15 ALEX M. AZAR, II, et al.,
16 Defendants.

**No. 19-CV-03040-SAB
(Consolidated with
19-CV-03045-SAB)**

MOTION FOR LEAVE TO FILE
BRIEF OF AMICUS CURIAE IN
SUPPORT OF DEFENDANTS

February 27, 2020
10:00 a.m.
Courtroom 755

19
20 Amicus Curiae Susan B. Anthony List (“SBA List”) moves for leave to file
the attached amicus curiae brief in support of Defendants in the above-captioned
21 matter for the following reasons:

1 SBA List is a “pro-life advocacy organization,” *Susan B. Anthony List v.*
2 *Driehaus*, 134 S. Ct. 2334, 2339 (2014) (internal quotation marks omitted),
3 dedicated to reducing and ultimately eliminating abortion by electing national
4 leaders and advocating for laws that save lives, with a special calling to promote
5 pro-life women leaders.

6 SBA List is deeply involved in the process of persuading fellow citizens of
7 the rightness of its cause and effecting change through political processes. SBA
8 List combines politics with policy, investing heavily in voter education to ensure
9 that pro-life Americans know where their lawmakers stand on protecting the
10 unborn, and in issue advocacy, advancing pro-life laws through direct lobbying and
11 grassroots campaigns.

12 In particular, SBA List strongly supports private and public programs that
13 assist women in avoiding abortion and protecting their own health and the health of
14 their children. Fortified by its membership roster of 700,000 Americans, SBA List
15 advocates policies that ensure that tax dollars are neither used to pay for abortions
16 nor supplied to programs that provide or promote abortion as a method of family
17 planning.

18 Through its research arm, the Charlotte Lozier Institute (“CLI” or “Lozier
19 Institute”), SBA List engages in scientific and statistical research in support of the
20 pro-life policies SBA List seeks to advance. Particularly relevant to this case is that
21 the Lozier Institute has supported scholarly research regarding abuse of public
funds by abortion providers. *See* Catherine Glenn Foster, Charlotte Lozier Institute
& Alliance Defending Freedom, *Profit. No Matter What, 2017 Report on Publicly
Available Audits of Planned Parenthood Affiliates and State Family Planning
Programs*, [https://s27589.pcdn.co/wp-content/uploads/2017/01/plannedparenthood-
profit-nomatter-what.pdf](https://s27589.pcdn.co/wp-content/uploads/2017/01/plannedparenthood-profit-nomatter-what.pdf) (“Abuse of Funds Report”); Foster, Charlotte Lozier
Institute & Alliance Defending Freedom, *Planned Parenthood: Profit. No Matter
What*, <https://lozierinstitute.org/profit-no-matter-what/> (summarizing and linking to

1 Abuse of Funds Report). The United States Department of Health & Human
2 Services (“HHS”) cited this research in its response to Comments on the
3 regulations in dispute here. *See* 84 Fed. Reg. at 7725 n.33. SBA List also submitted
4 comments to HHS during the rulemaking process. *See* SBA List, Lozier Institute,
5 and Life Issues Institute, Public Comment-Compliance with Statutory Program
6 Integrity Requirements (HHS-OS-2018-0008), also known as the Protect Life
7 Rule, [https://www.sbalist.org/wp-content/uploads/2018/07/Title-X-Comment_](https://www.sbalist.org/wp-content/uploads/2018/07/Title-X-Comment_SBAL-CLI-LII.pdf)
8 SBAL-CLI-LII.pdf.

9 Defendants have consented to SBA List filing an amicus brief, and Plaintiffs
10 stated that they take no position on SBA List’s request for consent. This Court
11 granted SBA List’s prior Unopposed Motion for Leave to File Brief of Amicus
12 Curiae in Support of Defendants in connection with the motions for preliminary
13 injunction. Dkt. 48, 49. As an advocacy group that engages in research and
14 education relating to abortion, SBA List has specialized expertise that is directly
15 relevant to the issues presented in this case. Therefore, the Court should grant
16 SBA List leave to file the attached amicus brief.

17 DATE: 01/23/2020

18 Respectfully submitted,

19 By: s/George M. Ahrend

20 George M. Ahrend

21 Adam S. Hochschild, *pro hac vice*

Attorneys for Amicus Curiae

Susan B. Anthony List

CERTIFICATE OF SERVICE

I hereby certify that on January 23, 2020, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System, which in turn automatically generated a Notice of Electronic Filing (NEF) to all parties in the case who are registered users of the CM/ECF system.

I hereby certify that I have mailed by United States Postal Service the document to the following non-CM/ECF participants:

None.

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