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IN THE SUPREME COURT OF THE STATE OF ALASKA

STATE OF ALASKA; and the)
COMMISSIONER OF THE)
DEPARTMENT OF HEALTH AND)
SOCIAL SERVICES,)

Appellants,)

v.)

PLANNED PARENTHOOD OF THE)
GREAT NORTHWEST,)

Appellee.)

Supreme Court No.: S-_____

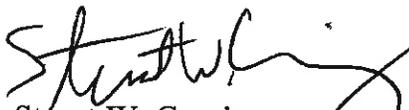
Trial Court Case #: 3AN-14-04711 CI

NOTICE OF APPEAL

The State of Alaska and the Commissioner of the Department of Health and Social Services appeal the Final Judgment of the Superior Court in this case, dated October 7, 2015.

DATED: November 6, 2015

CRAIG W. RICHARDS
ATTORNEY GENERAL

By: 
Stuart W. Goering
Assistant Attorney General
Alaska Bar No. 9905007

DEPARTMENT OF LAW
OFFICE OF THE ATTORNEY GENERAL
ANCHORAGE BRANCH
1031 W. FOURTH AVENUE, SUITE 200
ANCHORAGE, ALASKA 99501
PHONE: (907) 269-5100

IN THE SUPREME COURT OF THE STATE OF ALASKA

DOCKETING STATEMENT A For Use in Appeals Under Appellate Rule 204 and 218

(for court system use)

No. _____

INSTRUCTIONS FOR MULTIPLE PARTIES OR ATTORNEYS: If there are multiple parties or attorneys, repeat the appropriate box. This may be done on a separate page. Please clearly indicate which attorney represents which party.

1. TYPE OF APPEAL

a. <input checked="" type="checkbox"/> General Civil Rule Appeal (App. Rule 204)	b. <input type="checkbox"/> Appeal in Child Custody Case (App. Rule 218)
----------------------------------------------------------------------------------	--------------------------------------------------------------------------

2. PARTY FILING APPEAL (Appellant)

a. Name ALASKA DEPT OF HEALTH & SOCIAL SERVICES	b. Status in the Trial Court <input type="checkbox"/> Plaintiff <input checked="" type="checkbox"/> Defendant <input type="checkbox"/> Other. Specify: _____
c. Party Mailing Address (not attorney's address) 3601 C STREET, SUITE 902	
City State Zip Code ANCHORAGE AK 99503-5923	d. Telephone (907) 269-7800

3. APPELLANT'S ATTORNEY

a. Name STUART W. GOERING	b. Bar Number 9905007
c. Attorney Mailing Address 1031 W. 4TH AVENUE, SUITE 200	
City State Zip Code ANCHORAGE AK 99501-1994	d. Telephone e. Fax (907) 269-5565 (907) 276-8554
f. Firm/Agency ALASKA DEPARTMENT OF LAW	

4. PARTY APPEALED AGAINST (Appellee) [All parties in the trial court when the final order/judgment were entered are appellees and must be listed if they did not file a notice of appeal. AR 204(b)[1] & (g).]

a. Name PLANNED PARENTHOOD OF THE GREAT NORTHWEST	b. Status in the Trial Court <input checked="" type="checkbox"/> Plaintiff <input type="checkbox"/> Defendant <input type="checkbox"/> Other. Specify: _____
c. Party Mailing Address 2001 EAST MADISON STREET	
City State Zip Code SEATTLE WA 98112	d. Telephone (206) 328-7739

5. APPELLEE'S ATTORNEY

a. Name SUSAN ORLANSKY	b. Bar Number 8106042
c. Attorney Mailing Address 500 L STREET, SUITE 300	
City State Zip Code ANCHORAGE AK 99501-1990	d. Telephone e. Fax (907) 222-7100 (907) 222-7199
f. Firm/Agency REEVES AMODIO, LLC	

6. SUPERIOR COURT PROCEEDING

a. Case No. 3AN-14-04711 CI	b. Superior Court Judge JOHN SUDDOCK	c. Date Judgment Distributed OCTOBER 7, 2015
d. Post-Judgment Motions: List all post-judgment motions that affect time for filing appeal. See Appellate Rule 204(a)(3).		
DATE OF FILING		DATE ORDER DISTRIBUTED
Month Day Year	Type of Post-Judgment Motion	Month Day Year

7. CONSTITUTIONAL ISSUES

Is the constitutionality of a state statute or regulation at issue in this appeal? Yes No

If yes, cite statute or regulation: AS 47.07.068 and 7 AAC 160.900(d)(30)

8. FINALITY OF JUDGMENT OR ORDER BEING APPEALED

a. The judgment or order being appealed is final and disposes of ALL claims by ALL parties. (The judgment or order is final under *City and Borough of Juneau v. Thiboudeau* 595 P.2d 626 (AK 1979).)

b. The judgment or order being appealed does not dispose of all claims by all parties but is final under Civil Rule 54(b). (The trial court's Civil Rule 54(b) order must be attached.)

c. The judgment or order being appealed is not final. The authority for this appeal is _____

9. ATTACHMENTS

The following items are submitted with this form (except that cross-appellants need not submit item a.):

a. A copy of the final order or judgment from which the appeal is taken.

b. A statement of points on appeal.

c. A \$200 filing fee or a motion to appeal at public expense (financial statement affidavit form must be included).

a motion to waive filing fee (if basis for motion is inability to pay, financial statement affidavit form must be included).

an application for exemption from filing fee under AS 9.19.010.

no filing fee is required because appellant is represented by court-appointed counsel, and AS 9.19.010 does not apply.

the state or an agency thereof.

an employee appealing denial of benefits under AS 23.20 (Employment Security Act)

d. A \$750 cost bond or deposit or

a copy of a superior court order approving appellant's supersedeas bond or a copy of appellant's motion to the superior court for approval of a supersedeas bond.

a motion to waive cost bond (if basis for motion is inability to pay, financial statement affidavit form must be included).

a motion to appeal at public expense (financial statement affidavit form must be included.)

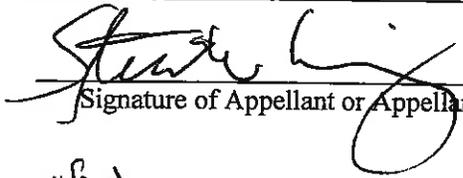
no cost bond is required because appellant is represented by court-appointed counsel.

a state agency, municipality, or state or municipal officer.

an employee appealing denial of compensation by Alaska Workers' Compensation Board or denial of benefits under AS 23.20 (Employment Security Act).

e. Designation of transcript submitted not submitted (no transcript being requested) motion to extend submitted

11/6/2015
Date


Signature of Appellant or Appellant's Attorney

CERTIFICATE OF SERVICE - See attached certificate

I certify that on _____ a copy of the notice of appeal, this docketing statement, and all attachments (except filing fee and cost bond) were

mailed	delivered	to All Parties (listed)
<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	_____
<input type="checkbox"/>	<input type="checkbox"/>	_____

Signature: _____

FILING INSTRUCTIONS

File original docketing statement and notice of appeal with all attachments listed in #9 and ONE copy of ALL except filing fee and cost bond.

REEVES AMOBIO LLC
500 I. STREET, SUITE 300
ANCHORAGE, ALASKA 99501-1990
PHONE (907) 222-7100, FAX (907) 222-7199

IN THE SUPERIOR COURT FOR THE STATE OF ALASKA
THIRD JUDICIAL DISTRICT AT ANCHORAGE

PLANNED PARENTHOOD OF)
THE GREAT NORTHWEST.)

Plaintiff,)

v.)

COMMISSIONER OF THE)
ALASKA DEPARTMENT OF)
HEALTH AND SOCIAL)
SERVICES, et al.,)

Defendants)

Case No. 3AN-14-4711 CI

2015 SEP 21 PM 12:58

[PROPOSED] FINAL JUDGMENT

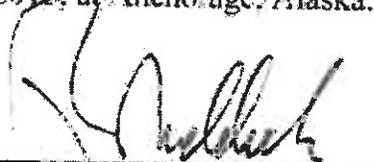
For the reasons set forth in the Decision and Order issued by this court on August 27, 2015, final judgment is hereby entered for the Plaintiff as follows:

1. The court declares AS 47.07.068 and 7 AAC 160.900(d)(30) unconstitutional in violation of the equal protection clause of the Alaska Constitution and permanently enjoins their enforcement.

2. The court further directs that the Alaska Department of Health and Social Services shall fund all medically necessary Medicaid abortions under the following definition of that term:

The terms medically necessary abortions or therapeutic abortions are used interchangeably to refer to those abortions certified by a physician as necessary to prevent the death or disability of the woman, or to ameliorate a condition harmful to the woman's physical or psychological health, as determined by the treating physician performing the abortion in his or her professional judgment.

Dated this 7th day of October, 2015, at Anchorage, Alaska.


John Suddock
Superior Court Judge

I certify that on 10-7-15
A copy of the above was mailed to
each of the following at their addresses
of record: Mr. T. Amy, Daphson,

Judicial Assistant/Deputy Clerk

Christy Bailey
Ms. Ender
Cheryl O'Leary
Patricia Smith
Case Kelly

REEVES ANGIOLO LLC
500 L STREET, SUITE 300
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IN THE SUPREME COURT OF THE STATE OF ALASKA

STATE OF ALASKA; and the)
COMMISSIONER OF THE)
DEPARTMENT OF HEALTH AND)
SOCIAL SERVICES,)

Appellants,)

Supreme Court No.: S-_____

v.)

PLANNED PARENTHOOD OF THE)
GREAT NORTHWEST,)

Appellee.)

Trial Court Case #: 3AN-14-04711 CI

STATEMENT OF POINTS ON APPEAL

Appellants, the State of Alaska and Valerie Davidson, raise the following points on appeal:

1. Did the superior court err by holding that the statutory definition of “medical necessity” found in AS 47.07.068 violates the equal protection clause of Article I, Section 1 of the Alaska Constitution?
2. Did the superior court err by holding that 7 AAC 160.900(d)(30) violates the equal protection clause of Article I, Section 1 of the Alaska Constitution?

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DATED: November 6, 2015

CRAIG W. RICHARDS
ATTORNEY GENERAL

By: 
Stuart W. Goering
Assistant Attorney General
Alaska Bar No. 9905007

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2 **IN THE SUPREME COURT OF THE STATE OF ALASKA**

3 STATE OF ALASKA; and the)
4 COMMISSIONER OF THE)
5 DEPARTMENT OF HEALTH AND)
6 SOCIAL SERVICES,)

7 Appellants,)

8 v.)

9 PLANNED PARENTHOOD OF THE)
10 GREAT NORTHWEST,)

11 Appellee.)

Supreme Court No.: S-_____

12 **Trial Court Case #: 3AN-14-04711 CI**

13 **DESIGNATION OF TRANSCRIPT**

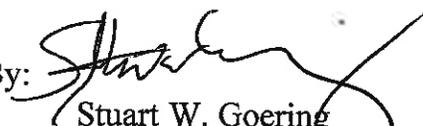
14 Appellants, the State of Alaska and Valerie Davidson, hereby designates the
15 following parts of the transcript:

16

17 DATE	PROCEEDING	ENTIRE HEARING? Y/N
18 2/17/2015	Trial	Y
19 2/18/2015	Trial	Y
20 2/19/2015	Trial	Y
21 2/20/2015	Trial	Y
22 2/23/2015	Trial	Y
23 2/24/2015	Trial	Y
24 2/25/2015	Trial	Y

25 DATED: November 6, 2015.

26 **CRAIG W. RICHARDS**
ATTORNEY GENERAL

By: 
Stuart W. Goering
Assistant Attorney General
Alaska Bar No. 9905007

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IN THE SUPREME COURT OF THE STATE OF ALASKA

STATE OF ALASKA; and the)
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Appellants,)

v.)

PLANNED PARENTHOOD OF THE)
GREAT NORTHWEST,)

Appellee.)

Supreme Court No.: S-_____

Trial Court Case #: 3AN-14-04711 CI

CERTIFICATE OF SERVICE AND TYPEFACE

I hereby certify that on November 6, 2015 a true and correct copy of the **Notice of Appeal, Points on Appeal, Docketing Statement, Final Judgment, Designation of Transcript**, and this **Certificate of Service** were served by U.S. Mail to the following:

DEPARTMENT OF LAW
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Email: jcrepps@reprorights.org

Autumn Katz
Center for Reproductive Rights, Inc.
120 Wall Street, 14th Floor
New York, NY 10005
Email: akatz@reprorights.org

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Alaska Foundation
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Planned Parenthood Federation of
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1110 Vermont Ave. N.W., Suite 300
Washington, D.C. 20005
Email: helene.krasnoff@ppfa.org

I further certify, pursuant to App. R. 513.5, that the aforementioned document(s) were prepared in 13 point proportionately spaced Times New Roman typeface.


Teresa Eastman
Law Office Assistant II

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