

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-16123

Opening Notice

Appellate Rule 204

Date of Notice: 11/10/15

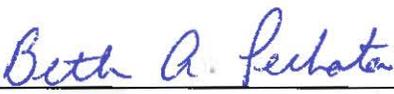
Trial Court Case No. 3AN-14-04711CI

1. On 11/6/15, an appeal of the final order/judgment distributed on 10/7/15 was filed in the Supreme Court. Attorneys whose names and addresses are correct on this notice need not file an entry of appearance. For parties who are not represented by counsel, all documents filed by that party must include a mailing address at which that party can be served.
2. The Notice of Completion of Preparation of File is due from the trial court clerk on or before **12/21/15**. The record in this appeal will include only the documents and proceedings in the trial court case referenced above. If either party believes that the record should contain documents or proceedings from any other related case, that party should file an appropriate motion.
3. This case may be subject to the requirements of Appellate Rule 221.
 - ✓ On or before **12/10/15**, the attorneys for all parties to this appeal must discuss settlement as required by Appellate Rule 221. The first attorney listed below is responsible for arranging the settlement discussion. **Within seven days after the discussion**, counsel for the parties must file an appropriate notice if the parties reach settlement of any issues. If no settlement is reached, counsel for the parties must file a certificate stating that the attorneys have discussed settlement with knowledge of their clients. A form notice/certificate is enclosed with this opening notice. This form is also available on the appellate court web site at http://www.appellate.courts.state.ak.us/notice_cert221.pdf.

State of Alaska, Comm. Of DHSS v. Planned Parenthood
Supreme Court No. S-16123
11/10/15 Opening Notice
Page 2

- This case is exempt from the settlement discussion requirement under Appellate Rule 221. **Appellant must file the form notice/certificate enclosed by 12/10/15, however, Part 3 need not be completed.**

Clerk of the Appellate Courts



Beth A. Pechota, Deputy Clerk

cc: Judge Suddock
Regional Appeals Clerk - Anchorage
Statewide Transcript Office

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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-16123

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BAP

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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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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

[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: KATZ, Ann, Alaska,
[Signature]
Judicial Assistant/Deputy Clerk

*Clayton, Kelley
Holt, Kristina
Cohen, [unclear]
Parker, [unclear]
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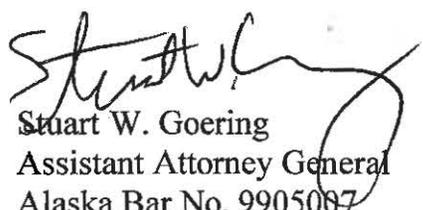
Trial Court Case #: 3AN-14-04711 CI

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
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By: 
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IN THE SUPREME COURT OF THE STATE OF ALASKA

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 SUPREME APPELLATE COURT
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STATE OF ALASKA; and the)
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 DEPARTMENT OF HEALTH AND)
 SOCIAL SERVICES,)

Appellants,)

Supreme Court No.: S- 16123

v.)

PLANNED PARENTHOOD OF THE)
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Appellee.)

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

DESIGNATION OF TRANSCRIPT

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

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

DATED: November 6, 2015.

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ALASKA APPELLATE COURT
BY: DEPUTY CLERK

Supreme Court No.: S-16123

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:

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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