

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

ELIZABETH KARLIN, M.D.; PLANNED
PARENTHOOD OF WISCONSIN, INC.;
GARY T. PROHASKA, M.D.; DENNIS D.
CHRISTENSEN, M.D.; and SUMMIT
WOMEN'S HEALTH ORGANIZATION,
on behalf of themselves and their patients
seeking abortions,

Plaintiffs,

v.

OPINION AND
ORDER

96-C-0374-C

C. WILLIAM FOUST, in his official capacity
as district attorney for Dane County and a
representative of the class of all district attorneys
in Wisconsin; JAMES E. DOYLE, in his official
capacity as Attorney General of Wisconsin; E. MICHAEL
McCANN, in his official capacity as district attorney for
Milwaukee County; JAMES CHAMBERS, MICHAEL MEHR,
B. ANN NEVAISER, JAMES ESSWEIN, RUDOLFO MOLINA,
W.R. SCHWARTZ, MIKKI PATTERSON, SIDNEY JOHNSON,
SANDRA MAKHORN, PABLO PEDRAZA, GLENN HOBERG,
WANDA ROEVER, RONALD GROSSMAN, and DAROLD
TREFFERT, in their official capacities as members of the Wisconsin
Medical Examining Board; ELAINE AUGUST, TIMOTHY D. BURNS,
BONNIE M. CREIGHTON, RUTH E. LINDGREN, PAMELA
A. MAXON, LORRAINE A. NOREM, ROBERTA P. OVERBY,
McARTHUR WEDDLE, and ANN BREWER, in their official
capacities as members of the Wisconsin Board of Nursing; MURIEL
HARPER, VIRGINIA HEINEMANN, CORNELIA HEMPE,

DOUGLAS KNIGHT, and ANITA KROPF, in their official capacities as members of the social worker section of the Wisconsin Examining Board of Social Workers, Marriage and Family Therapists and Professional Counselors; JOSEPH LEEAN, in his official capacity as Secretary of the Wisconsin Department of Health and Family Services; and K.B. PIPER, in his official capacity as Administrator of the Division of Health of the Wisconsin Department of Health and Family Services,

Defendants.

In an order entered on June 23, 2000, I set out my view of the changes that had to be made in the state certification form Wis. Stat. § 253.10(3)(d)3 requires of women seeking abortions and the cover letter to be sent to physicians and human services agencies with the copies of the form. Plaintiffs had lodged certain objections to both the form and the letter. After reviewing my proposed changes, defendants' counsel advised the court that defendants would accept the changes as proposed. Plaintiffs' counsel has stated that plaintiffs object only to my directives concerning the manner in which the cover letter advises physicians on the statute's exception for emergencies. They agree with the court that the first full paragraph on the second page of the letter should be deleted but they disagree with the proposed rewriting of the second paragraph of the letter. Plaintiffs prefer that the paragraph simply be deleted because the fourth paragraph of the letter contains the guidelines for mental health emergencies set out by the Court of Appeals for the Seventh Circuit. Defendants have raised no objection

to plaintiffs' proposed deletion of the second paragraph. Accordingly, I will incorporate plaintiffs' proposal into the final order.

ORDER

IT IS ORDERED that defendants may disseminate the state certification form required under Wis. Stat. § 253.10(3)(d)3 and the accompanying cover letter to physicians and human services agencies on the following conditions:

1. Both the form and the cover letter are modified to make clear that the information on financial assistance otherwise required to be given to women seeking abortions under Wis. Stat. § 253.10(3)(L)2.a and b need not be given to women carrying fetuses that have been diagnosed as having lethal anomalies; and
2. The first and second full paragraphs on the second page of the cover letter are deleted.

Entered this 26th day of July, 2000.

BY THE COURT:

BARBARA B. CRABB
District Judge