

STATE OF MICHIGAN
IN THE 6TH JUDICIAL CIRCUIT COURT FOR THE COUNTY OF OAKLAND

GRETCHEN WHITMER, on behalf of
the State of Michigan,

Plaintiff,

v

JAMES R. LINDERMAN, Prosecuting
Attorney of Emmet County, DAVID S.
LEYTON, Prosecuting Attorney of
Genesee County, NOELLE R.
MOEGGENBERG, Prosecuting
Attorney of Grand Traverse County,
CAROL A. SIEMON, Prosecuting
Attorney of Ingham County, JERARD
M. JARZYNKA, Prosecuting Attorney of
Jackson County, JEFFREY S.
GETTING, Prosecuting Attorney of
Kalamazoo County, CHRISTOPHER R.
BECKER, Prosecuting Attorney of Kent
County, PETER J. LUCIDO,
Prosecuting Attorney of Macomb
County, MATTHEW J. WIESE,
Prosecuting Attorney of Marquette
County, KAREN D. McDONALD,
Prosecuting Attorney of Oakland
County, JOHN A. McCOLGAN,
Prosecuting Attorney of Saginaw
County, ELI NOAM SAVIT, Prosecuting
Attorney of Washtenaw County, and
KYM L. WORTHY, Prosecuting
Attorney of Wayne County, in their
official capacities,

Defendants.

Oakland Circuit Court No. 22-193498-CZ

HON. JACOB J. CUNNINGHAM

**This case involves a claim that state
governmental action is invalid**

**ORDER GRANTING TEMPORARY
RESTRAINING ORDER**

ORDER GRANTING TEMPORARY RESTRAINING ORDE

At a session of Court on August 1, 2022
In Pontiac, Michigan at _____
Honorable James J. Cunningham
Circuit Court Judge

This matter came before the Court on Plaintiff's Ex Parte Motion for Temporary Restraining Order.

The Court has considered the Emergency Ex Parte Motion for Temporary Restraining Order, the supporting Affidavit, and the Certification by Plaintiff's Counsel under MCR 3.310(B)(1).

The Court finds:

1. The Plaintiff's Motion seeks a Temporary Restraining Order prohibiting Defendants from enforcing MCL 750.14, which bans nearly all abortions in the State of Michigan.
2. A Temporary Restraining Order is necessary to preserve the last actual, peaceable, uncontested status quo pending further order from the Court.
3. The last actual, peaceable, uncontested status quo was that abortion was legal in Michigan under the framework provided in the United States Supreme Court decision *Roe v Wade*, as provided by *People v Bricker*.
4. The Plaintiff has established that Defendants' public statements that they will consider a case against an abortion provider should a law enforcement officer bring one to them, coupled with the Michigan Court of Appeals' August 1, 2022 decision that County prosecutors are not bound by Judge Gleicher's May 17,

2022 preliminary injunction, poses a threat of immediate and irreparable injury to the people of the State of Michigan.

5. A Temporary Restraining Order is necessary to prevent the immediate and irreparable injury that will occur if Defendants are allowed to prosecute abortion providers under MCL 750.14 without a full resolution of the merits of the pending cases challenging that statute.

NOW THEREFORE, pursuant to MCR 3.310(B), it is hereby ordered that Defendants must:

A. Refrain from enforcing MCL 750.14 until further Order of the Court.

IT IS FURTHER ORDERED, parties are ordered to appear via Zoom videoconferencing for a hearing on this matter on Wednesday, August 3, 2022, at 2:30 p.m. Zoom meeting ID: 248 858 0365.

A handwritten signature in black ink, appearing to read 'James J. Cunningham', is written over a horizontal line.

Circuit Judge James J. Cunningham
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