

1 Charles S. LiMandri, SBN 110841
2 cslimandri@limandri.com
3 Paul M. Jonna, SBN 265389
4 pjonna@limandri.com
5 Jeffrey M. Trissell, SBN 292480
6 jtrissell@limandri.com
7 LiMANDRI & JONNA LLP
8 P.O. Box 9120
9 Rancho Santa Fe, CA 92067
10 Telephone: (858) 759-9930
11 Facsimile: (858) 759-9938

12 *Attorneys for Plaintiff Culture of Life*
13 *Family Services, Inc.*

Thomas Brejcha, *pro hac vice**
tbrejcha@thomasmoresociety.org
Peter Breen, *pro hac vice**
pbreen@thomasmorsociety.org
THOMAS MORE SOCIETY
309 W. Washington St., Ste. 1250
Chicago, IL 60606
Tel: (312) 782-1680
*Application forthcoming

14 UNITED STATES DISTRICT COURT
15 SOUTHERN DISTRICT OF CALIFORNIA

16 CULTURE OF LIFE FAMILY
17 SERVICES, INC. a California nonprofit
18 corporation,

19 Plaintiff,

20 v.

21 ATTORNEY GENERAL ROB
22 BONTA, in his official capacity as the
23 California Attorney General,

24 Defendant.

Case No.: '24CV1338 GPC KSC

**VERIFIED COMPLAINT FOR
DECLARATORY AND
INJUNCTIVE RELIEF**

INTRODUCTION

1
2 1. California Attorney General Rob Bonta, his Healthcare Rights and
3 Access Section, and his Reproductive Rights Task Force have decided to target
4 organizations that help women who have changed their minds about their abortions.
5 In a flagrant constitutional overreach, Bonta seeks to prohibit doctors, nurses, or
6 advocacy organizations from helping these women by forbidding them from telling
7 women about a safe and effective treatment that is lawfully available across the
8 country and around the world—“Abortion Pill Reversal.” In lawfare initiated last year
9 in California Superior Court, Bonta accused a group of five pro-life community
10 medical clinics in the Bay Area of engaging in fraudulent business practices and
11 misleading advertising by providing women with no-cost Abortion Pill Reversal
12 (“APR”) treatment. *See* Cal. Bus. & Prof. Code §§ 17200, 17500.¹

13 2. The premises of the Abortion Pill and Abortion Pill Reversal (“APR”)
14 are quite simple. During a healthy pregnancy, a woman’s body naturally produces a
15 hormone called progesterone. Progesterone is so key to maintaining a healthy
16 pregnancy that, as stated in the federal injunction blocking Colorado’s attempt to
17 restrict APR, supplemental progesterone is prescribed for 12% of all pregnancies. *See*
18 *Bella Health & Wellness v. Weiser*, No. 1:23-cv-939, 2023 WL 6996860, at *2 (D. Colo.
19 Oct. 21, 2023). One way to chemically cause an abortion is to block the body’s natural
20 supply of progesterone, most commonly through a drug called mifepristone, and then
21 to induce expulsion of the uterine contents, typically through the use of misoprostol
22 administered 24-48 hours after mifepristone. *See All. for Hippocratic Med. v. FDA*, 668
23 F. Supp. 3d 507, 520 (N.D. Tex. 2023), *rev’d on standing grounds*, 602 U.S. 367 (2024).

24 ///

25
26 ¹ *See* Press Release, *Attorney General Bonta Sues Anti-Abortion Group, Five California*
27 *Crisis Pregnancy Centers for Misleading Patients*, Off. of the Att’y Gen. (Sept. 21,
28 2023), <https://oag.ca.gov/news/press-releases/attorney-general-bonta-sues-anti-abortion-group-five-california-crisis-pregnancy>.

1 3. The decision to end a pregnancy is often stressful and complicated and,
2 unsurprisingly, some women initially choose to take mifepristone, but later decide
3 that they wish to remain pregnant. Other women seek medical help because they were
4 forced or deceived into taking mifepristone.² Upon seeking medical help to stop a
5 mifepristone-induced abortion, experienced medical providers will prescribe
6 supplemental progesterone to maintain the woman’s pregnancy. Despite the
7 simplicity and obviousness of APR treatment, and California’s constitutional
8 guarantee that “[t]he state shall not deny or interfere with an individual’s
9 reproductive freedom in their most intimate decisions,” Cal. Const. art. I, § 1.1, Bonta
10 is trying to deprive women of this life-saving treatment.

11 4. Culture of Life Family Services, Inc. (“COLFS”) is a Catholic non-
12 profit that operates COLFS Medical Clinic, a state licensed community health clinic
13 based in San Diego County. COLFS provides compassionate, high-quality, life-
14 affirming, and holistic healthcare for patients with or without insurance. COLFS is a
15 comprehensive community health clinic, providing family medicine, pediatric
16 medicine, and women’s healthcare. COLFS’s comprehensive services for women
17 include well woman care, STD testing and treatment, pregnancy testing, pregnancy
18 options consultations, ultrasounds, prenatal care, and Abortion Pill Reversal
19 treatment. Founded in 2001, COLFS Medical Clinic operates in three locations
20 throughout San Diego County.

21 5. On May 3, 2022, in response to the *Dobbs* leak the day prior, Bonta
22 issued a press release to announce that he would be meeting with reproductive rights
23 advocates throughout California and to confirm that he will use the full force of the
24 California Department of Justice to protect Californians’ reproductive rights.
25 However, Bonta’s first action was to fight *against* reproductive rights. As both the
26

27 ² See Melanie Israel, *Abortion Pills, Coercion, and Abuse*, The Heritage Found. (Dec. 1,
28 2023), <https://www.heritage.org/life/commentary/abortion-pills-coercion-and-abuse>.

1 U.S. Supreme Court and California Supreme Court have recognized, “reproductive
2 rights” does not mean simply access to abortion. It means the right “to be free from
3 unwarranted governmental intrusion into matters so fundamentally affecting a person
4 as the decision whether to bear or beget a child.” *Eisenstadt v. Baird*, 405 U.S. 438,
5 453 (1972). “[T]he constitutional question before us does not involve a weighing of
6 the value of abortion as against childbirth, but instead concerns the protection of
7 either procreative choice from discriminatory governmental treatment.” *Comm. to*
8 *Defend Reprod. Rts. v. Myers*, 29 Cal. 3d 252, 256 (1981).

9 6. On June 1, 2022, Bonta issued a “Consumer Alert,” drafted by his
10 Healthcare Rights and Access Section, advising women that “crisis pregnancy
11 centers,” i.e., pregnancy help resource organizations, do not provide abortions. At the
12 end of his press conference—after giving a Planned Parenthood representative time
13 to speak—Bonta announced that the California Department of Justice was setting up
14 a website to receive complaints about pregnancy help organizations.

15 7. At the end of June—after issuance of the *Dobbs* decision on June 24,
16 2022—Bonta set up the “Reproductive Rights” page on the California Department
17 of Justice website, to provide information about abortion rights and collect details on
18 Bonta’s fight to expand abortion access. Later, he also partnered with UCLA Law to
19 set up a legal hotline for women to call if they believe that their reproductive rights
20 have been violated.

21 8. In September 2022, Bonta also began the administrative investigation *In*
22 *the Matter of the Investigation of Crisis Pregnancy Centers*, and issued administrative
23 interrogatories and document requests to pro-life pregnancy help organizations across
24 the state. Over the next year, his team also authored six amicus briefs in support of
25 abortion access—and joined five others—and Bonta formed a Reproductive Rights
26 Task Force to align his attorneys with local counsel throughout the state. Many of
27 Bonta’s amicus briefs are co-authored—not merely joined in—by New York Attorney
28 General Letitia James.

1 9. But despite his investigations, and despite his website and hotline, Bonta
2 could not find anybody to sue. Apparently pro-life pregnancy help organizations
3 across the state are not nearly as fraudulent and misleading as he claimed. So, to
4 justify the work of his Healthcare Rights and Access Section, on September 21, 2023,
5 Bonta decided they would file their first and only Reproductive Rights lawsuit,
6 *attacking the right of women to keep wanted babies* through APR treatment.

7 10. At its core, the lawsuit alleges that a pro-life medical clinic, in offering
8 progesterone to women who have taken mifepristone, is fraudulently misrepresenting
9 to them that APR is safe and effective. But the idea that the speech of purely
10 charitable pregnancy help organizations amounts to “fraudulent misrepresentation”
11 by offering women no-cost services is incongruous. The subtext of Bonta’s argument
12 is that pregnancy help organizations may speak, but *only* if they speak the State’s
13 message.

14 11. In argument, Bonta has stated that healthcare professionals can still offer
15 APR to women—so long as they do so “truthfully,” by telling women that have taken
16 mifepristone that they *can* take progesterone, but that they must also falsely tell
17 women that it will not biochemically reverse the abortion pill, is ineffective at
18 preserving pregnancy, is unstudied, and may kill them. None of this is anywhere near
19 accurate, and the false choice Bonta offers to either not speak or else spread an
20 unscientific lie that he prefers reveals his true motive—*find somebody to sue and find a*
21 *way to discredit “Crisis Pregnancy Centers.”*

22 12. Bonta’s attack against APR is merely the latest development in his
23 politically motivated campaign against pregnancy help organizations in general.
24 Instead of celebrating the reproductive choice of pregnant women who have decided
25 to seek to preserve their pregnancies and bring their children to term—and
26 celebrating the work of California’s pregnancy help organizations which empower
27 them in the exercise of their rights—Bonta has launched a public campaign of
28 opprobrium against the organizations and the APR protocol.

1 13. This time, Bonta is targeting protected speech and activities engaged in
2 for the sole benefit of pregnant women who have ingested—whether voluntarily or
3 via trick or force—mifepristone. These pregnant women are at serious and imminent
4 risk of pregnancy termination because of the ingestion of mifepristone. They
5 urgently seek information and assistance to continue their pregnancies. Pregnancy
6 help resource organizations provide these women with necessary information,
7 referrals, and even access to free medical care to empower them to save the lives of
8 their *wanted* babies.

9 14. Bonta has no business butting into the intimate medical decision of an
10 expectant mother, in consultation with the medical professional of her choice, to
11 carry her pregnancy to term and save her unborn baby from the disastrous effects of
12 mifepristone while there is still time to undo the effects of that powerful chemical.
13 Yet Bonta is butting in, and is joined in that campaign by his political allies—Planned
14 Parenthood and the abortion industry—in California *and nationally*. Indeed, shortly
15 after filing his lawsuit, a similar one was initiated by New York Attorney General
16 Letitia James against eleven pro-life pregnancy help organizations in her state.³

17 15. Accordingly, to avoid an “enforcement [action] against nearly identical
18 conduct,” *303 Creative LLC v. Elenis*, 600 U.S. 570, 583 (2023), and to protect its
19 constitutional rights, and the rights of its patients, COLFS brings this Complaint
20 seeking declaratory and injunctive relief.

21 **JURISDICTION AND VENUE**

22 16. This action arises under 42 U.S.C. §§ 1983 in relation to Defendant’s
23 deprivation of Plaintiff’s constitutional rights to freedom of religion and freedom of
24

25 _____
26 ³ See Press Release, *Attorney General James Sues Anti-Abortion Group and 11 New York*
27 *Crisis Pregnancy Centers for Promoting Unproven Abortion Reversal Treatment*, N.Y.
28 State Att’y Gen. (May 6, 2024), <https://ag.ny.gov/press-release/2024/attorney-general-james-sues-anti-abortion-group-and-11-new-york-crisis-pregnancy>.

1 speech under the First Amendment to the U.S. Constitution. Accordingly, this
2 Court has federal question jurisdiction under 28 U.S.C. §§ 1331 and 1343.

3 17. This Court has authority to award the requested declaratory relief
4 under 28 U.S.C. §§ 2201 and 2202; the requested injunctive relief and damages
5 under 28 U.S.C. § 1343(a); and attorneys’ fees and costs under 42 U.S.C. §§ 1988.

6 18. The Southern District of California is the appropriate venue for this
7 action pursuant to 28 U.S.C. § 1391 because Plaintiff resides here and because it is a
8 District in which the Attorney General maintains an office.

9 **PARTIES**

10 19. Plaintiff CULTURE OF LIFE FAMILY SERVICES, INC. (“COLFS”)
11 is a 501(c)(3) non-profit state licensed community health clinic. COLFS has its
12 principal place of business in San Diego County, and operates a full-service clinic at
13 three locations throughout the County. COLFS provides free Abortion Pill Reversal
14 Treatment and associated free medical services to women who come looking for
15 intervention after beginning the chemical abortion process. Chemical abortion is also
16 sometimes called the “abortion pill,” “medical abortion,” or “medication abortion.”

17 20. Defendant ROB BONTA is the Attorney General of the State of
18 California. The California Constitution vests the Attorney General with the duty “to
19 see that the laws of the State are uniformly and adequately enforced.” Cal. Const. art.
20 V, § 13; *Ass’n des Éleveurs de Canards et d’Oies du Quebec v. Harris*, 729 F.3d 937, 943-
21 44 (9th Cir. 2013).

22 **FACTUAL ALLEGATIONS**

23 **A. CULTURE OF LIFE FAMILY SERVICES, INC. (“COLFS”)**

24 21. Plaintiff COLFS is a 501(c)(3) religious non-profit and state licensed
25 community health clinic. In accordance with its Catholic mission, the “primary
26 mission of COLFS is to ensure that Christ-centered medical care and pregnancy
27 clinic services are available to all women regardless of ability to pay. This mission
28 includes access to Abortion Pill Reversal for women who have regret after starting a

1 medication-induced abortion.”⁴ “At COLFS Medical Clinic, [the] mission is deeply
2 rooted in faith and guided by traditional Christian ethics. [COLFS is] committed to
3 providing compassionate care that aligns with these principles, ensuring that [its]
4 patients receive respectful and dignified treatment throughout their healthcare
5 journey.”⁵

6 **B. THE “ABORTION PILL”**

7 22. When a woman becomes pregnant, the corpus luteum is formed within
8 her ovary to secrete progesterone. “Progesterone is needed for the pregnancy to
9 continue; it prepares and maintains the uterine lining and stimulates the production
10 of nutrients.” *All. for Hippocratic Med. v. FDA*, 78 F.4th 210, 224 (5th Cir 2023) (“*All.*
11 *for Hippocratic Med. II*”), *rev’d on standing grounds*, 602 U.S. 367 (2024) (“*All. for*
12 *Hippocratic Med. III*”).

13 23. In the 1980s, Roussel Uclaf S.A.—a French pharmaceutical firm—
14 developed a drug named RU-486, which acts as an antiprogesterone by occupying a
15 pregnant woman’s progesterone receptors and thus preventing progesterone from
16 binding to those receptors. It “blocks the hormone progesterone, halts nutrition, and
17 ultimately starves the unborn human until death.” *All. for Hippocratic Med. v. FDA*,
18 668 F. Supp. 3d 507, 520 (N.D. Tex. 2023) (“*All. for Hippocratic Med. I*”), *rev’d on*
19 *standing grounds*, 602 U.S. 367 (2024).

20 24. In the mid-1990’s, the Clinton administration worked with Roussel Uclaf
21 S.A. to bring RU-486 to the American market. *All. for Hippocratic Med. I*, 668 F. Supp.
22 3d at 554. It negotiated the donation of RU-486 by Roussel Uclaf S.A. to a nonprofit
23 called “the Population Council,” *All. for Hippocratic Med. II*, 78 F.4th at 224 n.1, so
24 that the latter could sponsor it as a new drug for approval by the FDA—under the
25 generic name mifepristone and the brand name Mifeprex. *Id.* at 223-24. Ultimately,

26 _____
27 ⁴ See *About Us*, Friends of COLFS, <https://friendsofcolfs.org/about-us/>.

28 ⁵ See *About Us*, COLFS Medical Clinic, <https://colfscclinic.org/about-us/>.

1 “the Population Council applied for FDA to approve mifepristone as a new drug, as
2 part of a two-drug regimen designed to cause abortion.” *Id.* at 223.

3 25. “Mifepristone alone, however, is not fully effective in aborting an
4 embryo,” with a scientific “dispute as to just how effective mifepristone is alone.”
5 *Bella Health & Wellness v. Weiser*, No. 1:23-cv-939, 2023 WL 6996860, at *2 (D. Colo.
6 Oct. 21, 2023). “This is why patients also take the second drug—misoprostol—
7 within a day or two of taking mifepristone to complete a medication abortion.
8 Misoprostol dilates the cervix and induces muscle contractions, clearing the uterus of
9 the embryo.” *Id.* “The full, two-drug regimen is highly effective at ending a
10 pregnancy, causing 97% of early-term pregnancies to terminate.” *Id.*

11 26. Mifepristone was developed in France as an abortifacient because it
12 competes with progesterone at the receptor level. Early in vitro animal studies
13 demonstrated that raising progesterone concentrations led to a displacement of
14 mifepristone from the progesterone receptor.⁶ As a result, scientists concluded that
15 mifepristone acts “reversibly.”⁷

16 27. “In 2000, FDA approved a new drug application for mifepristone tablets
17 marketed under the brand name Mifeprex. FDA approved Mifeprex for use to
18 terminate pregnancies, but only up to seven weeks of pregnancy.” *All. for Hippocratic*
19 *Med. III*, 602 U.S. at 375. In undertaking this review, the FDA performed its own
20 Pharmacology Review where it undertook various animal studies. As a result of those
21 studies, the FDA similarly concluded that “the abortifacient activity of RU 486 is
22 antagonized by progesterone *allowing for normal pregnancy and delivery.*”⁸ That is, the

23 _____
24 ⁶ M. Moguilewsky & D. Philibert, *Biochemical Profile of RU 486*, in *The Antiprogestin*
25 *Steroid RU486 and Human Fertility Control 95-96* (Etienne-Emile Baulieu &
Sheldon J. Segal eds., 1985).

26 ⁷ Etienne-Emile Baulieu, *RU 486: An Antiprogestin Steroid with Contragestive Activity*
27 *in Women*, in *The Antiprogestin Steroid RU486 and Human Fertility Control 1*
(Etienne-Emile Baulieu & Sheldon J. Segal eds., 1985).

28 ⁸ Mifeprex Drug Approval Package, *Pharmacology Review(s)*, FDA 16-17 (Sept. 28,

1 FDA itself confirmed and recognized that progesterone can neutralize the effects of
2 mifepristone/RU 486 and allow for normal pregnancy and delivery.

3 28. Notably, the FDA has never added termination of pregnancy to the
4 misoprostol label, meaning that the use of misoprostol in the chemical abortion
5 context is “off-label.”⁹

6 C. “ABORTION PILL REVERSAL”

7 29. “Some women regret their decision to start the medication abortion
8 regimen after taking the first pill.... And others may have been coerced to start the
9 regimen against their will.” *Bella Health*, 2023 WL 6996860, at *2. Some “doctors
10 and medical professionals, however, have investigated whether treatment with
11 progesterone can reverse the effects of mifepristone, the first abortion pill, better than
12 just watchful waiting and avoiding use of the second abortion pill. This is commonly
13 called ‘abortion pill reversal’ or ‘medication abortion reversal.’” *Id.*

14 30. Supplemental progesterone itself is indubitably safe, and accordingly is
15 classified as a “Category B” drug for pregnant women—the same category as
16 Tylenol, the most commonly used pain reliever during pregnancy.¹⁰ Researchers
17 estimate that “providers employ the use of progesterone in 5-12% of all pregnancies
18 for a variety of reasons.” *Bella Health*, 2023 WL 6996860, at *2.

19 31. The first known attempt to reverse the effects of mifepristone using
20 bioidentical progesterone occurred in 2006. In that year, Dr. Matthew Harrison, MD,

21
22 2000) (emphasis added) https://www.accessdata.fda.gov/drugsatfda_docs/nda/2000/20687_mifepristone.cfm; https://www.accessdata.fda.gov/drugsatfda_docs/nda/2000/20687_Mifepristone_phrmr_P2.pdf.

23
24 ⁹ *Label for Cytotec (misoprostol) Tablets*, FDA (2009), https://www.accessdata.fda.gov/drugsatfda_docs/label/2009/019268s041lbl.pdf; *Misoprostol*, in StatPearls (2023), <https://www.ncbi.nlm.nih.gov/books/NBK539873>.

25
26
27 ¹⁰ *Label for Prometrium (progesterone) Capsules*, FDA (2011), https://www.accessdata.fda.gov/drugsatfda_docs/label/2011/019781s017,020843s011lbl.pdf; Emily Oster, *Expecting Better* 169 (2016) (discussing Tylenol use during pregnancy).

1 was approached by a woman who had taken mifepristone and wanted to reverse the
2 effects of it. He treated her with progesterone, and she went on to deliver a healthy
3 baby.

4 32. Based on his own experience, a few years later, COLFS's medical
5 director, Dr. George Delgado, devised the APR protocol for reversing the effects of
6 mifepristone and began to advise doctors on APR.

7 33. As stated above, the basic premise of APR is to counteract the effects of
8 an antiprogestrone (mifepristone) with supplemental progesterone. Mifepristone is a
9 progesterone receptor antagonist that binds twice as aggressively to the progesterone
10 receptors in the uterus as progesterone does, but not permanently.¹¹

11 34. The basic biochemical premise of APR is that the effect of a competitive
12 receptor *antagonist* may be “reversed” by increasing the amount of the receptor
13 *agonist*.¹² Stated differently, the effect of competitive inhibitors (*e.g.*, mifepristone)
14 that block substrates (*e.g.*, progesterone) can be thwarted by adding more substrate.¹³
15 APR is modeled on these basic principles of biochemistry and is supported by a long
16 line of studies.

17 35. For example, in 1989, Japanese researchers studied “the role of
18 progesterone in the maintenance of pregnancy” using a population of pregnant rats.
19 After four days, only 33.3% of the rats who received mifepristone remained
20 pregnant—but 100% of the rats who received progesterone simultaneously with
21 mifepristone remained pregnant. The Yamabe study therefore indicated that
22
23

24 _____
25 ¹¹ George Delgado, et al., *A Case Series Detailing the Successful Reversal of the Effects of Mifepristone Using Progesterone*, 33 Issues L. & Med. 21 (2018).

26 ¹² Barbara J. Pleuvry, *Receptors, Agonists and Antagonists*, 5 *Anaesthesia and Intensive*
27 *Care Medicine* 350, 350 (2004).

28 ¹³ John W. Pelley, *Elsevier's Integrated Review Biochemistry* 33-34 (2d ed. 2011).

1 progesterone can counteract the effects of mifepristone’s blocking of progesterone
2 receptors.¹⁴

3 36. This was later confirmed by both the FDA (discussed above), and
4 another animal study published by Christina Camilleri and Stephen Sammut in July
5 2023. Following up on the Yamabe study, researchers evaluated the “non-
6 simultaneous, subsequent administration” of progesterone following mifepristone in
7 rats. Vaginal impedance measurements and other parameters indicated that the
8 abortion process began in all the rats given mifepristone. None of the rats who
9 received mifepristone alone during the equivalent of the first trimester of a human
10 pregnancy remained pregnant, while 81.3% of the rats who received mifepristone
11 followed by progesterone at the same stage remained pregnant.¹⁵ The study
12 concluded that “[t]he administration and actions of the natural agonist, progesterone,
13 in the presence of the antagonist, mifepristone, appears to be in concordance with the
14 literature and our understanding of the pharmacological functioning of reversible
15 competitive antagonism, where *sufficient levels of the agonist [progesterone] can override*
16 *a given concentration of an antagonist [mifepristone].”¹⁶*

17 37. In 2012 and 2017, two small human case studies were published. In 2012,
18 Dr. Delgado and Dr. Mary Davenport published a small case series that followed
19 seven women who had taken mifepristone and then received progesterone therapy
20 after seeking medical assistance to maintain their pregnancies. Four of the six women
21
22
23

24 ¹⁴ S. Yamabe, et al., *The Effect of RU486 and Progesterone on Luteal Function during*
25 *Pregnancy*, 65 Nihon Naibunpi Gakkai Zasshi 497, 497 (1989).

26 ¹⁵ Christina Camilleri & Stephen Sammut, *Progesterone-Mediated Reversal of*
27 *Mifepristone-Induced Pregnancy Termination in a Rat Model: An Exploratory*
28 *Investigation*, 12 Sci. Rep. 10942, at 4 (2023).

¹⁶ *Id.* at 7 (emphasis added).

1 (66%) who completed the study carried their pregnancies to term and delivered live
2 infants, with no birth defects observed.¹⁷

3 38. Then, in 2017, a similar small case series out of Australia (Garratt and
4 Turner) was published. In that series, two out of three women (66%) who received
5 progesterone therapy after ingesting mifepristone carried their pregnancies to term
6 and delivered healthy live infants.¹⁸

7 39. In follow-up to his small 2012 case series, Dr. Delgado then engaged in a
8 much larger case series. His 2018 study analyzed the charts of 547 women who had
9 ingested mifepristone and then received progesterone therapy within 72 hours. (207
10 women from the initial 754 were excluded for control purposes.) The study found an
11 overall fetal survival rate of 48%. The study showed even higher survival rates when
12 the patients were divided into treatment subgroups. The subgroup that received
13 progesterone intramuscularly showed fetal survival rates of 64%, and the subgroup
14 that received a high dose of oral progesterone followed by daily oral progesterone
15 until the end of the first trimester had survival rates of 68%. The study concluded that
16 these two subgroups represented two viable APR protocols for use moving forward.¹⁹

17 40. A scoping review was also published in July 2023, which reviewed the
18 existing scientific literature and concluded that there was “*no increased maternal or*
19 *fetal risk from using bioidentical progesterone in early pregnancy,*” and that “*mifepristone*
20 *antagonization with progesterone is a safe and effective treatment.*”²⁰

21 _____
22 ¹⁷ George Delgado & Mary Davenport, *Progesterone Use to Reverse the Effects of*
Mifepristone, 46 Ann. of Pharmacother. e36, 21 (2021).

23 ¹⁸ See Deborah Garratt & Joseph V. Turner, *Progesterone for Preventing Pregnancy*
24 *Termination after Initiation of Medical Abortion with Mifepristone*, 22 Eur. J. Contracept.
25 *Reprod. Health Care* 472 (2017).

26 ¹⁹ See George Delgado, et al., *A Case Series Detailing the Successful Reversal of the*
Effects of Mifepristone Using Progesterone, 33 Issues L. & Med. 21, 27 & tb.1 (2018).

27 ²⁰ Paul L.C. DeBeasi, *Mifepristone Antagonization with Progesterone to Avert Medication*
28 *Abortion*, 90 Linacr. Q. 395, 402 (2023) (emphasis added).

1 41. Even Dr. Harvey Kliman, the director of the reproductive and placental
2 research unit at the Yale School of Medicine, told the *New York Times* that using
3 progesterone to reverse the effects of mifepristone “makes biological sense.” Dr.
4 Kliman further stated that “if one of his daughters came to him and said she had
5 somehow accidentally taken mifepristone during pregnancy ... he would tell her to
6 take 200 milligrams of progesterone three times a day for several days, just long
7 enough for the mifepristone to leave her system: ‘I bet you it would work.’”²¹

8 42. In light of the above studies, over a decade of widespread successful use
9 of APR by licensed healthcare professionals, and given the irrefutable evidence of its
10 biochemistry, APR has been endorsed by the American Association of Pro-Life
11 Obstetricians & Gynecologists (over 7,000 members), the Catholic Medical
12 Association (2,500 members), and Canadian Physicians for Life (2,500 members).²²

13 **E. THE ABORTION PILL RESCUE NETWORK**

14 43. Given the demonstrable life-saving potential of APR, in May 2012,
15 COLFS’s medical director, Dr. George Delgado, set up a website and hotline to
16 educate pregnant women who seek to reverse the effects of mifepristone about
17 Abortion Pill Reversal, provide them with practical support and resources, and
18 connect them with licensed medical professionals. This effort became known as the
19 APR Network. This APR Network consists of physicians or other medical providers
20

21 ²¹ Ruth Graham, *A New Front in the War over Reproductive Rights: ‘Abortion-Pill*
22 *Reversal’*, N.Y. Times Mag. (July 18, 2017), [https://www.nytimes.com/2017/07/18/](https://www.nytimes.com/2017/07/18/magazine/a-new-front-in-the-war-over-reproductive-rights-abortion-pill-reversal.html)
23 [magazine/a-new-front-in-the-war-over-reproductive-rights-abortion-pill-](https://www.nytimes.com/2017/07/18/magazine/a-new-front-in-the-war-over-reproductive-rights-abortion-pill-reversal.html)
[reversal.html](https://www.nytimes.com/2017/07/18/magazine/a-new-front-in-the-war-over-reproductive-rights-abortion-pill-reversal.html).

24 ²² See, e.g., Am. Ass’n of Pro-Life Obstetricians & Gynecologists, *2019 AAPLOG*
25 *Position Statement on Abortion Pill Reversal* (Feb. 2019), [https://aaplog.org/wp-](https://aaplog.org/wp-content/uploads/2019/02/2019-AAPLOG-Statement-on-Abortion-Pill-Reversal.pdf)
26 [content/uploads/2019/02/2019-AAPLOG-Statement-on-Abortion-Pill-](https://aaplog.org/wp-content/uploads/2019/02/2019-AAPLOG-Statement-on-Abortion-Pill-Reversal.pdf)
[Reversal.pdf](https://aaplog.org/wp-content/uploads/2019/02/2019-AAPLOG-Statement-on-Abortion-Pill-Reversal.pdf); Cath. Med. Ass’n, Press Release, *New Abortion Pill Reversal Study*
27 *Shows a 68% Success Rate, Authors Include Catholic Medical Association Members* (Apr. 4,
28 2018), [https://www.cathmed.org/resources/new-abortion-pill-reversal-study-shows-](https://www.cathmed.org/resources/new-abortion-pill-reversal-study-shows-a-68-success-rate-authors-include-catholic-medical-association-members/)
[a-68-success-rate-authors-include-catholic-medical-association-members/](https://www.cathmed.org/resources/new-abortion-pill-reversal-study-shows-a-68-success-rate-authors-include-catholic-medical-association-members/).

1 who are willing to assist a woman who wishes to try reversing the effects of
2 mifepristone and prevent the death of her unborn child.

3 44. In April 2018, to ensure expansion of the APR Network and increased
4 public awareness of the APR protocol, COLFS transferred it for the nominal sum of
5 \$1 to a nationwide trade group that represents pro-life pregnancy help resource
6 organizations, called Heartbeat International.

7 45. Upon acquiring the APR Network, Heartbeat International began
8 providing continuing education courses for nurses regarding Abortion Pill Reversal.
9 Heartbeat is a registered continuing education provider with the California Board of
10 Registered Nursing (because it is industry practice for nursing continuing education
11 providers to become registered by California). Most states accept California's
12 continuing education credits for nurses.

13 46. On January 29, 2016, the Nursing Board sent Heartbeat an audit letter
14 seeking course outlines and instructor resumes for all continuing education courses
15 concerning Abortion Pill Reversal. COLFS is informed that, at that time, an advocacy
16 group had lobbied State Senator Jerry Hill to call up and pressure the Nursing Board,
17 which he did. On November 2, 2016, Heartbeat provided a comprehensive response
18 with the relevant scientific literature. That same month, on November 29, the
19 Nursing Board sent Heartbeat a letter stating simply that "[t]he audit is now closed."

20 47. Two months later, the Nursing Board mailed Heartbeat a letter on
21 January 17, 2017, stating that "content related to abortion medication reversal ... does
22 not meet the scientific knowledge required for the practice of nursing." This
23 conclusion apparently flowed from a new statute introduced by Senator Hill which
24 required that continuing nursing education courses be based on "generally accepted
25 scientific principles." This bill was introduced by Senator Hill in February 2016 and
26 signed into law in September 2016. *See* Cal. Stats. 2016, ch. 799 § 16 (SB 1039)
27 (amending Cal. Bus. & Prof. Code § 2811.5).

28 ///

1 48. On March 1, 2017, Heartbeat provided a response to the Nursing Board,
2 requesting reconsideration of the conclusion. On July 28, 2017, the Nursing Board
3 sent a short letter stating simply that “[t]he board has reconsidered its position and
4 restores permission for Heartbeat International to offer APR related courses.”

5 49. In September 2017, the Nursing Board flip-flopped again, sending
6 another letter to Heartbeat and ordering Heartbeat to cease and desist offering
7 continuing education courses on APR. Heartbeat requested a conference with the
8 Nursing Board, which occurred on December 11, 2017. In response to it, the Nursing
9 Board reversed course again.

10 50. Thus, in response to a years-long audit, the California Board of
11 Registered Nursing confirmed that continuing education courses on Abortion Pill
12 Reversal are indeed based on “generally accepted scientific principles.”

13 51. Since its founding in 2012, the APR Network has confirmed saves of
14 over 1,000 babies. However, with respect to women who underwent APR treatment
15 but did not report their ultimate result, the APR Network estimates saves of over
16 5,000 babies. Prior to COLFS handing over the APR Network to the national trade
17 organization, it had connected women and physicians for over 400 confirmed saves.
18 To date, from its location in San Diego County, COLFS has personally coordinated
19 approximately 100 confirmed saves. As part of its pro-life mission, COLFS is 100%
20 committed to providing APR treatment to women regardless of their ability to pay.

21 **G. THE FAILED DANCO/CREININ STUDY**

22 52. Compared to the many studies supportive of APR, there is only one
23 study purportedly critical of its efficacy. That study was performed by Dr. Mitchell
24 Creinin and funded by Danco Laboratories, the principal manufacturer of
25 mifepristone.²³ All other criticisms of Abortion Pill Reversal come in the form of

26 _____
27 ²³ See Mitchell D. Creinin, et al., *Mifepristone Antagonization with Progesterone to*
28 *Prevent Medical Abortion: A Randomized Controlled Trial*, 135 *Obstet. Gynecol.* 158
(2020).

1 “policy statements” or articles merely seeking to undermine the statistical analyses
2 or methods of the APR-supportive studies cited above. Those criticisms universally
3 ignore the ethical concerns with giving a placebo to a woman who wishes to save her
4 pregnancy, and the unremarkable and commonsensical biochemistry underlying
5 Abortion Pill Reversal.

6 53. The Danco/Creinin study was small, involving only twelve pregnant
7 women who were scheduled for abortions. All twelve took mifepristone, and then half
8 received progesterone while half received a placebo. Two women, one from the
9 progesterone group and one from the placebo group, left the study. First, the authors
10 of the Danco/Creinin study noted that “patients who receive high-dose oral
11 progesterone treatment do not experience side effects that are noticeably different
12 than placebo.”²⁴

13 54. Of the five women who took progesterone, four (80%) were recorded to
14 have healthy pregnancies at the conclusion of the study period, with one who went to
15 the hospital with “severe bleeding” that required no medical intervention.²⁵ Of the
16 five women in the placebo group, two women (40%) were recorded to have healthy
17 pregnancies at the conclusion of the study period, and *two* of the other women
18 experienced severe bleeding, with one of the two requiring a blood transfusion.²⁶

19 55. Thus, the Danco/Creinin study, if its size allows for any conclusions,
20 stands for the propositions that (1) administering progesterone after mifepristone
21 (i.e., APR) gives a pregnant woman a better chance of a healthy pregnancy over doing
22 nothing (sometimes euphemistically called “watchful waiting”) and (2) administering
23 progesterone after mifepristone (i.e., APR) gives a pregnant woman a better chance of
24 avoiding severe bleeding over doing nothing. Any enhanced risk to a woman in this
25

26 ²⁴ *Id.* at 162.

27 ²⁵ *Id.* at 160.

28 ²⁶ *Id.* at 160-61.

1 situation who wants to continue her pregnancy would arise from *not* receiving APR
2 treatment. This is borne out by the FDA’s required warning labels. *Mifepristone can*
3 *cause severe bleeding*. Progesterone does not.²⁷

4 **H. COLFS’S CONSTITUTIONAL RIGHTS**

5 56. Bonta’s attack on APR is chock full of constitutional implications. Under
6 both the U.S. Constitution and the California Constitution, COLFS has free exercise
7 of religion and free speech rights. U.S. Const. amend. I; Cal. Const. art. 1, §§ 2, 4.
8 And under both the U.S. Constitution and the California Constitution, women have
9 the right to make their own reproductive decisions—without interference by the
10 government. U.S. Const. amend. XIV; Cal. Const. art. 1, §§ 1, 1.1.

11 57. While *Dobbs* allows states to ban abortion, longstanding constitutional
12 precedent prohibits states from preventing reproduction. “Marriage and procreation
13 are fundamental to the very existence and survival of the race” and thus “one of the
14 basic civil rights of man.” *Skinner v. Okla.*, 316 U.S. 535, 541 (1942). “The [Supreme]
15 Court has ... describ[ed] the varied rights as a unified whole: ‘[T]he right to ‘marry,
16 establish a home and bring up children’ is a central part of the liberty protected by the
17 Due Process Clause.’” *Obergefell v. Hodges*, 576 U.S. 644, 668 (2015) (quoting
18 *Zablocki v. Redhail*, 434 U.S. 374, 384 (1978)).

19 58. The U.S. Constitution also protects the right to refuse “unwanted
20 medical treatment,” *Cruzan v. Mo. Dep’t of Health*, 497 U.S. 261, 278 (1990) (citing
21 *Jacobson v. Mass.*, 197 U.S. 11, 24-30 (1905)), and the right “to bodily integrity.” *Wash.*
22 *v. Glucksberg*, 521 U.S. 702, 720 (1997) (citing *Rochin v. Calif.*, 342 U.S. 165 (1952)).
23 This right protects against “‘forced medical treatment’ for the recipient’s benefit.”
24 *Health Freedom Def. Fund, Inc. v. Carvalho*, 104 F.4th 715, 725 (9th Cir. 2024).

25
26 ²⁷ Indeed, the recent scoping review performed by DeBeasi, discussed above,
27 examined all the literature on APR safety, including Dr. Creinin’s study, and found
28 *no evidence* that APR is unsafe. See Paul L.C. DeBeasi, *Mifepristone Antagonization*
with Progesterone to Avert Medication Abortion, 90 *Linacr. Q.* 395, at 8 (2024).

1 59. “[W]here a decision as fundamental as that whether to bear or beget a
 2 child is involved, regulations imposing a burden on it may be justified only by
 3 compelling state interests, and must be narrowly drawn to express only those
 4 interests.” *Carey v. Population Servs., Int’l*, 431 U.S. 678, 686 (1977); accord *Am. Acad.*
 5 *of Pediatrics v. Lungren*, 16 Cal. 4th 307, 340-41 (1997). “When a fundamental right is
 6 at stake, the Government can act only by narrowly tailored means that serve a
 7 compelling state interest,” i.e., “strict scrutiny.” *Dep’t of State v. Muñoz*, 144 S. Ct.
 8 1812, 1821-22 (2024). Here, in light of the actual science behind APR, Bonta cannot
 9 possibly hope to show either a compelling state interest or narrow tailoring.

10 60. With respect to COLFS’s right to the free exercise of religion, under the
 11 U.S. Constitution, if “challenged restrictions are not ‘neutral’ and of ‘general
 12 applicability,’ they must satisfy ‘strict scrutiny.’” *Roman Cath. Diocese of Brooklyn v.*
 13 *Cuomo*, 592 U.S. 14, 18 (2020). Government “regulations are not neutral and
 14 generally applicable ... whenever they treat *any* comparable secular activity more
 15 favorably than religious exercise.” *Fellowship of Christian Athletes v. San Jose Unified*
 16 *Sch. Dist.*, 82 F.4th 664, 688 (9th Cir. 2023) (en banc) (quoting *Tandon v. Newsom*, 593
 17 U.S. 61, 62 (2021)). In that context, there is no need to assess “whether a law reflects
 18 ‘subtle departures from neutrality,’ ‘religious gerrymander[ing],’ or ‘impermissible
 19 targeting’ of religion.” *S. Bay United Pentecostal Church v. Newsom*, 141 S. Ct. 716, 717
 20 (2021) (Statement of Gorsuch, J.) (quoting *Church of the Lukumi Babalu Aye, Inc. v.*
 21 *Hialeah*, 508 U.S. 520, 534-35 (1993)).²⁸

22
 23
 24 ²⁸ In contrast, the California Constitution uses a pre-1990 federal test. *Valov v. Dep’t*
 25 *of Motor Vehicles*, 132 Cal. App. 4th 1113, 1126 & n.7 (2005); *Vernon v. Los Angeles*, 27
 26 F.3d 1385, 1392-93 (9th Cir. 1994). Under this standard, there is an easier, “two-fold
 27 analysis which calls for a determination of, first, whether the application of the statute
 28 imposes any burden upon the free exercise of the defendant’s religion, and second, if
 it does, whether some compelling state interest justifies the infringement.”
Montgomery v. Bd. of Ret. of Kern Cnty. Emp. Ret. Ass’n, 33 Cal. App. 3d 447, 451 (1973)
 (quoting *People v. Woody*, 61 Cal. 2d 716, 719 (1964)).

1 61. Bonta cannot hope to meet his burden to infringe on COLFS’s right to
2 the free exercise of religion. Last year, Colorado passed a statute prohibiting APR
3 treatment. But as soon as it was issued, a federal district court enjoined it as a
4 violation of the medical provider’s free exercise rights. Allowing bioidentical
5 progesterone to be prescribed for everything except APR treatment is not neutral and
6 generally applicable, nor narrowly tailored to achieve a compelling government
7 interest. *Bella Health & Wellness v. Weiser*, No. 1:23-cv-939, 2023 WL 6996860, at *15-
8 16 (D. Colo. Oct. 21, 2023).

9 62. Lastly, under free speech precedent, “[w]hile the law is free to promote
10 all sorts of *conduct* in place of harmful behavior, it is not free to interfere with *speech*
11 for no better reason than promoting an approved message or discouraging a
12 disfavored one, however enlightened either purpose may strike the government.”
13 *Hurley v. Irish-Am. Gay, Lesbian & Bisexual Grp. of Boston*, 515 U.S. 557, 573 (1995)
14 (emphasis added).

15 63. Government actions abridging speech based on its content or viewpoint,
16 such as COLFS’s statements concerning APR, are presumptively unconstitutional
17 unless narrowly tailored to advance a compelling government interest. *Reed v. Town of*
18 *Gilbert*, 576 U.S. 155, 163 (2015). That standard of review—strict scrutiny—is the
19 most stringent in all of constitutional law and is satisfied only by government actions
20 that narrowly target “the gravest abuses, endangering paramount interests.” *Thomas*
21 *v. Collins*, 323 U.S. 516, 530 (1945).

22 64. That is because the First Amendment forbids the government from
23 doing precisely what Bonta is trying to do: “excise certain ideas or viewpoints from
24 the public dialogue.” *303 Creative LLC v. Elenis*, 600 U.S. 570, 559 (2023) (cleaned
25 up). A policy “aim[ed] at the suppression of views” is flatly prohibited. *Iancu v.*
26 *Brunetti*, 588 U.S. 388, 399 (2019) (cleaned up). The government “cannot attempt to
27 coerce private parties in order to punish or suppress views that the government
28 disfavors.” *Nat’l Rifle Ass’n of Am. v. Vullo*, 602 U.S. 175, 180 (2024). Thus, when the

1 government’s interest is “related to the suppression of free expression, ... it is not
2 valid, let alone substantial.” *Moody v. NetChoice, LLC*, 144 S. Ct. 2383, 2407 (2004).

3 65. The Supreme Court has further explained that “[p]rohibitions on
4 speech have the potential to chill, or deter, speech outside their boundaries.”
5 *Counterman v. Colo.*, 600 U.S. 66, 75 (2023). Thus, “an important tool to prevent that
6 outcome—to stop people from steering ‘wide[] of the unlawful zone’—is to condition
7 liability on the State’s showing of a culpable mental state.” *Id.* Under this reasoning,
8 “some false statements are inevitable if there is to be an open and vigorous expression
9 of views in public and private conversation, expression the First Amendment seeks to
10 guarantee.” *United States v. Alvarez*, 567 U.S. 709, 718 (2012). But “[t]he First
11 Amendment requires that we protect some falsehood in order to protect speech that
12 matters.” *Gertz v. Robert Welch, Inc.*, 418 U.S. 323, 341 (1974).

13 66. For example, “the solicitation of charitable contributions is protected
14 speech.” *Riley v. Nat’l Fed’n of the Blind of N.C., Inc.*, 487 U.S. 781, 789 (1988). As the
15 Court memorably noted, “the passing of the collection plate in church [does not]
16 make the church service a commercial project.” *Murdock v. Penn.*, 319 U.S. 105, 111
17 (1943). Thus, to give the freedom of speech adequate “breathing room,” *Counterman*,
18 600 U.S. at 75, under the First Amendment, a “[f]alse statement alone does not
19 subject a fundraiser to fraud liability.” *Alvarez*, 567 U.S. at 719 (quoting *Ill. v.*
20 *Telemarketing Assocs., Inc.*, 538 U.S. 600, 620 (2003)).

21 67. Bonta has attempted to sidestep free speech principles through the
22 argument that the provision of APR treatment is *commercial*. This is absurd.
23 “Commercial speech is ‘usually defined as speech that *does no more* than propose a
24 commercial transaction.’” *Bernardo v. Planned Parenthood Fed’n of Am.*, 115 Cal. App.
25 4th 322, 343 (2004) (emphasis added). And to provide adequate “breathing room,”
26 the U.S. Supreme Court has been clear that speech does not “retain[] its commercial
27 character when it is inextricably intertwined with otherwise fully protected speech.”
28 *Riley*, 487 U.S. at 796. But pregnancy help organizations “are not compensated by the

1 individuals they speak to, provide pregnancy tests for, or give baby supplies to. The
2 same is true for sidewalk counselors.” *Nat’l Inst. of Fam. & Life Advoc. v. Raoul*, 685
3 F. Supp. 3d 688, 705 (N.D. Ill. 2023), *permanent injunction entered*, 2023 WL 9325644
4 (N.D. Ill., Dec. 14, 2023). Like pregnancy help organizations generally, COLFS
5 provides free material and support to needy women. “[T]here is no economic
6 motivation of any kind.” *Id.*

7 68. In any event, a restriction on speech also “requires heightened scrutiny
8 whenever the government creates a regulation of speech because of disagreement
9 with the message it conveys,” and “[c]ommercial speech is no exception.” *Sorrell v.*
10 *IMS Health Inc.*, 564 U.S. 552, 566-67 (2011). Thus, where the government is
11 “regulat[ing] based on actor,” especially when the actor has a “lack of economic
12 motivation for [the] speech,” that implies the “conclusion that the regulated speech is
13 not purely commercial.” *Nat’l Inst. of Fam. & Life Advoc. v. Clark*, No. 2:23-cv-229,
14 2024 WL 3027983, at *9 (D. Vt., June 14, 2024).

15 69. In other words, California does not have freewheeling authority to police
16 the views of private citizens on medical issues touching on matters of public
17 importance because medical professionals “might have a host of good-faith
18 disagreements, both with each other *and with the government*, on many topics in their
19 respective fields.” *Nat’l Inst. of Fam. & Life Advoc. v. Becerra*, 585 U.S. 755, 772
20 (2018) (emphasis added). Thus, the debate over APR—that is, *speech* about it, with no
21 claim and no evidence that APR has harmed anyone—is simply none of Bonta’s
22 business.

23 **H. CALIFORNIA’S PROTECTION FOR REPRODUCTIVE PRIVACY**

24 70. In California, every woman enjoys “[t]he fundamental right ... to choose
25 whether to bear children,” as part “of a ‘right of privacy’ or ‘liberty’ in matters
26 related to marriage, family, and sex.” *People v. Belous*, 71 Cal. 2d 954, 963 (1969). As
27 stated by the California Constitution, “[a]ll people are by nature free and independent
28 and have inalienable rights. Among these are enjoying ... liberty ... and privacy,” such

1 that “[t]he state shall not deny or interfere with an individual’s reproductive freedom
2 in their most intimate decisions.” Cal. Const. art. I, §§ 1, 1.1.

3 71. As codified in California’s Reproductive Privacy Act, “every individual
4 possesses a fundamental right of privacy with respect to personal reproductive
5 decisions, which entails the right to make and effectuate decisions about all matters
6 relating to pregnancy.” Cal. Health & Saf. Code § 123462. As a result, “[t]he state
7 shall not deny or interfere with the fundamental right of a pregnant individual or an
8 individual who may become pregnant to choose to bear a child.” *Id.* at subd. (c).

9 72. Further, “[a] person who aids or assists a pregnant person in exercising
10 their rights under this article [the Reproductive Privacy Act] shall not be subject to
11 civil or criminal liability or penalty, or otherwise be deprived of their rights, based
12 solely on their actions to aid or assist a pregnant person in exercising their rights
13 under this article with the pregnant person’s voluntary consent.” Cal. Health & Saf.
14 Code § 123467(b). This provision flows naturally from California’s longstanding
15 acceptance that healthcare providers generally have standing to raise the “sexual
16 privacy” interests of their patients. *Planned Parenthood Affiliates v. Van de Kamp*, 181
17 Cal. App. 3d 245, 256-57 (1986). Indeed, as stated by the California Supreme Court,
18 in the context of “novel reproductive techniques, ... [i]t is not the role of the judiciary
19 to inhibit the use of reproductive technology when the Legislature has not seen fit to
20 do so.” *Johnson v. Calvert*, 5 Cal. 4th 84, 100-01 (1993).

21 73. These provisions were added to the Reproductive Privacy Act in 2022.
22 When doing so, the California Legislature declared that “[r]eproductive justice is the
23 human right to control our bodies, sexuality, gender, work, and reproduction.” Cal.
24 Stats. 2022, ch. 629, § 1(b) (AB 2223). Yet “pregnant people are under threat of civil
25 penalties for their actual, potential, or alleged pregnancy outcomes and civil penalties
26 have been threatened against people who aid or assist pregnant people in exercising
27 their rights.” *Id.* at subd. (e). Thus, “[a] critical part of realizing reproductive justice
28

1 for people in California is clarifying that there shall be no civil and criminal penalties
2 for people’s actual, potential, or alleged pregnancy outcomes.” *Id.* at subd. (c).

3 **I. DEFENDANT BONTA’S ANIMUS**

4 74. As California Attorney General, Rob Bonta has brazenly tethered his
5 office to the advancement of his militantly pro-abortion politics and corresponding
6 official harassment of pro-life pregnancy help organizations such as COLFS.

7 75. As stated above, in response to the *Dobbs* leak, Bonta issued a press
8 release to announce that he would immediately begin “us[ing] the full force of the law
9 to defend Californians’ reproductive rights.”²⁹ He then held three livestreamed
10 meetings with various politicians to attack the Supreme Court.³⁰

11 76. Bonta’s first action, on June 1, 2022, was to have his Healthcare Rights
12 and Access Section publish a “Consumer Alert” to advise women that “crisis
13 pregnancy centers,” i.e., pregnancy help organizations, do not provide abortions.³¹ He

14 _____
15 ²⁹ Press Release, *Attorney General Bonta Reaffirms Commitment to Protecting*
16 *Reproductive Rights*, Off. of the Att’y Gen. (May 3, 2022), <https://oag.ca.gov/news/press-releases/attorney-general-bonta-reaffirms-commitment-protecting-reproductive-rights>.

17 ³⁰ See Cal. DOJ, *AG Bonta, Asm. Weber Convene Local Leaders to Discuss Reproductive*
18 *Rights and Abortion*, YouTube (May 5, 2022), <https://www.youtube.com/watch?v=m8ybtYawPLI>; Cal. DOJ, *AG Bonta, Sen. Gonzalez, Mayor Garcia, & Local Leaders*
19 *Discuss Fight to Protect Reproductive Rights*, YouTube (May 6, 2022),
20 <https://www.youtube.com/watch?v=MVYzNfx08Hg>; Cal. DOJ, *AG Bonta, Leg.*
21 *Leaders, & Reproductive Rights Advocates Discuss Fight to Protect Reproductive Rights*,
YouTube (May 10, 2022), <https://www.youtube.com/watch?v=ZVFY06x6yyU>.

22 ³¹ See Press Release, *Attorney General Bonta Issues Consumer Alert Warning*
23 *Californians That Crisis Pregnancy Centers Do Not Offer Abortion or Comprehensive*
24 *Reproductive Care*, Off. of the Att’y Gen. (June 1, 2022), <https://oag.ca.gov/news/press-releases/attorney-general-bonta-issues-consumer-alert-warning-californians-crisis>;
25 Healthcare Rights and Access Section, *Consumer Alert: Know the Difference: Crisis Pregnancy Centers v. Reproductive Healthcare Facilities*, Cal. DOJ (June 1, 2022)
26 <https://oag.ca.gov/system/files/attachments/press-docs/Crisis%20Pregnancy%20Center%20Bulletin.pdf>;
27 Cal. DOJ, *AG Bonta Provides Californians Seeking Abortion Care with Update on Reproductive Healthcare Options*, YouTube (June 1,
28 2022), <https://www.youtube.com/watch?v=-lzCjC22zXc>.

1 then had the Department of Justice set up a website to receive complaints about
2 pregnancy help organizations.³²

3 77. After the *Dobbs* decision was issued at the end of June 2022, Bonta
4 displayed that he knows as little history as he does science by announcing in a press
5 release that “[i]t blasts our nation back into the dark ages”—a historical era that
6 ended nearly eight hundred years before the nation was even founded.³³ Bonta set up
7 the “Reproductive Rights” page on the Department of Justice website, to provide
8 information about abortion rights, provide a link for the public to file complaints, and
9 to collect details on Bonta’s fight to expand abortion access—showing just how many
10 amicus briefs he’ll have his office file.³⁴

11 78. One case in which Bonta filed numerous amicus briefs concerned
12 attempts to restrict access to mifepristone. When the Supreme Court reversed the
13 underlying decisions on standing grounds, Bonta proudly announced, “At the
14 California Department of Justice, we remain unwavering in our commitment to
15 ensure that our state continues to be a safe haven for all individuals seeking
16 reproductive healthcare services and medication.”³⁵

17 79. Bonta also sponsored legislation. In the Fall of 2022, he sponsored AB
18 1242, which was quickly signed into law (Cal. Stats. 2022, ch. 627) and which
19 prohibits California agencies from cooperating with states investigating illegally

20 ³² See *Crisis Pregnancy Center Complaint*, Cal. DOJ, [https://oag.ca.gov/crisis-](https://oag.ca.gov/crisis-pregnancy-center-complaint)
21 [pregnancy-center-complaint](https://oag.ca.gov/crisis-pregnancy-center-complaint).

22 ³³ Press Release, *Attorney General Bonta: California Won’t Backslide, We’ll Keep Fighting*
23 *to Strengthen and Expand Access to Safe and Legal Abortion*, Off. of the Att’y Gen. (June
24 24, 2022), [https://oag.ca.gov/news/press-releases/attorney-general-bonta-california-](https://oag.ca.gov/news/press-releases/attorney-general-bonta-california-won%E2%80%99t-backslide-we%E2%80%99ll-keep-fighting-strengthen)
[won%E2%80%99t-backslide-we%E2%80%99ll-keep-fighting-strengthen](https://oag.ca.gov/news/press-releases/attorney-general-bonta-california-won%E2%80%99t-backslide-we%E2%80%99ll-keep-fighting-strengthen).

25 ³⁴ See *Reproductive Rights*, Cal. DOJ, <https://oag.ca.gov/reprorights>.

26 ³⁵ Press Release, *Attorney General Bonta: U.S. Supreme Court Overturns Decision on*
27 *Medication Abortion, but the Fight for Reproductive Rights is Far from Over*, Off. of the
28 Att’y Gen. (June 13, 2024), [https://oag.ca.gov/news/press-releases/attorney-](https://oag.ca.gov/news/press-releases/attorney-general-bonta-us-supreme-court-overturms-decision-medication-abortion)
[general-bonta-us-supreme-court-overturms-decision-medication-abortion](https://oag.ca.gov/news/press-releases/attorney-general-bonta-us-supreme-court-overturms-decision-medication-abortion).

1 conducted abortions.³⁶ Six months later, he joined Governor Newsom to announce a
2 bevy of new abortion protections.³⁷

3 80. In the Fall of 2022, Bonta began an investigation into pregnancy help
4 organizations titled *In the Matter of the Investigation of Crisis Pregnancy Centers*—
5 sending subpoenas to dozens of organizations across the state. He also formed a
6 Reproductive Rights Task Force to align his attorneys with local counsel throughout
7 the state.³⁸ And on the one-year anniversary of the *Dobbs* leak, Bonta partnered with
8 UCLA Law School to set up a legal hotline for women to call if they believe that their
9 reproductive rights have been violated.³⁹

10 81. In light of the above, one might be led to think that access to abortion in
11 California is threatened. But, of course, this is not the case. As stated by the
12 Guttmacher Institute (an abortion rights research and policy organization), California

13
14 ³⁶ See Press Release, *Governor Newsom Signs Assemblymember Bauer-Kahan and*
15 *Attorney General Bonta's Groundbreaking Legislation Protecting Digital Information on*
16 *Abortion*, Off. of the Att'y Gen. (Sept. 27, 2022), <https://oag.ca.gov/news/press-releases/governor-newsom-signs-assemblymember-bauer-kahan-and-attorney-general-bonta%E2%80%99s>.

17 ³⁷ See Cal. DOJ, *AG Bonta Joins Gov. Newsom & other Leaders to Highlight New Actions*
18 *to Protect Reproductive Freedom*, YouTube (Apr. 18, 2023), https://www.youtube.com/watch?v=xtshHcQj_08; Press Release, *One Year After Roe v Wade Was Overturned,*
19 *Attorney General Bonta Highlights Californians' Rights to Abortion, Birth Control*, Off.
20 of the Att'y Gen. (June 24, 2023), <https://oag.ca.gov/news/press-releases/one-year-after-roe-v-wade-was-overturned-attorney-general-bonta-highlights>.

21 ³⁸ See Press Release, *Attorney General Bonta Launches California Reproductive Rights*
22 *Task Force*, Off. of the Att'y Gen. (Oct. 25, 2022), <https://oag.ca.gov/news/press-releases/attorney-general-bonta-launches-california-reproductive-rights-task-force>;
23 Cal. DOJ, *Attorney General Bonta Launches California Reproductive Rights Task Force*,
24 YouTube (Oct. 25, 2022), <https://www.youtube.com/watch?v=3cklfo0Ukmg>.

25 ³⁹ See Press Release, *Attorney General Bonta: As Attacks on Reproductive Rights Persist,*
26 *California Will Continue to Lead Nationwide Defense*, Off. of the Att'y Gen. (May 2,
27 2023), <https://oag.ca.gov/news/press-releases/attorney-general-bonta-attacks-reproductive-rights-persist-california-will>; Cal. DOJ, *AG Bonta Highlights Efforts of*
28 *SoCal Legal Alliance for Reproductive Justice, Announces New Hotline*, YouTube (May
2, 2023), <https://www.youtube.com/watch?v=jVImjAAzW-A>.

1 is “very protective” of abortion access.⁴⁰ According to the medical magazine *Verywell*
2 *Health*, California is the second best state for abortion access—after only Maine.⁴¹
3 Another policy group places New Jersey first—but still places California second.⁴²
4 Whichever way you slice it, Bonta has ensured that California is a “safe haven” for
5 abortion access.⁴³

6 82. But despite his investigations, and despite his website and hotlines,
7 Bonta *could not find anybody to sue*. For over a full year, their Healthcare Rights and
8 Access Section and Reproductive Rights Task Force found that abortion access was
9 not actually threatened in California. So, to justify their existence, on September 21,
10 2023, they decided to file their first and only Reproductive Rights lawsuit, *attacking*
11 *the right of women to keep wanted babies through APR treatment even after they have*
12 *revoked their consent to abortion*.⁴⁴

13 83. As shown above, there is no evidence to support Bonta’s allegation that
14 pregnancy resource help organizations have misled women about APR. Yet he and his
15 Healthcare Rights and Access Section have chosen to commence an *in terrorem*
16 lawsuit for injunctive relief, ancillary relief, restitution, and civil penalties. Bonta is

17
18 ⁴⁰ See *Interactive Map: US Abortion Policies and Access After Roe*, Guttmacher Inst. (as
of June 7, 2024), <https://states.guttmacher.org/policies/california/abortion-policies>.

19 ⁴¹ See Jennifer Welsh, *A Verywell Report: Abortion Access Ranked By State*, VeryWell
20 Health (Sept. 27, 2021), [https://www.verywellhealth.com/abortion-access-ranking-](https://www.verywellhealth.com/abortion-access-ranking-states-5202659)
21 [states-5202659](https://www.verywellhealth.com/abortion-access-ranking-states-5202659).

22 ⁴² See C. Nicole Mason, et al., *IWPR Reproductive Rights Index: A State-by-State Analysis*
and Ranking, Inst. for Women’s Policy Res. (July 2022), [https://iwpr.org/wp-](https://iwpr.org/wp-content/uploads/2022/07/Reproductive-Rights-Index-2022_FINAL_website.pdf)
23 [content/uploads/2022/07/Reproductive-Rights-Index-2022_FINAL_website.pdf](https://iwpr.org/wp-content/uploads/2022/07/Reproductive-Rights-Index-2022_FINAL_website.pdf).

24 ⁴³ See Press Release, *Attorney General Bonta: From Idaho to Arizona, We Welcome*
Abortion Care Providers Willing to Practice in California, Off. of the Att’y Gen. (Apr.
25 23, 2024), [https://oag.ca.gov/news/press-releases/attorney-general-bonta-idaho-](https://oag.ca.gov/news/press-releases/attorney-general-bonta-idaho-arizona-we-welcome-abortion-care-providers-willing)
26 [arizona-we-welcome-abortion-care-providers-willing](https://oag.ca.gov/news/press-releases/attorney-general-bonta-idaho-arizona-we-welcome-abortion-care-providers-willing).

27 ⁴⁴ See Cal. DOJ, *Attorney General Bonta Announces Legal Action to Protect Reproductive*
Freedom and Transparency, YouTube (Sept. 21, 2023), [https://www.youtube.com/](https://www.youtube.com/watch?v=_kOyqRQ9EtU)
28 [watch?v=_kOyqRQ9EtU](https://www.youtube.com/watch?v=_kOyqRQ9EtU).

1 motivated by retaliatory animus against pro-life speech and expressive association of
2 all pro-life pregnancy help resource organizations.

3 **J. DEFENDANT BONTA’S VIEWPOINT DISCRIMINATION**

4 84. While Bonta has chosen to prosecute pro-life pregnancy help
5 organizations, despite lacking any evidence of fraud, deception, or injury to anyone,
6 Bonta has taken no action regarding the demonstrably false and misleading statements
7 of providers of chemical abortion as described above—a risky procedure that uses
8 two powerful drugs to end a pregnancy in its early stages. *All. for Hippocratic Med. II*,
9 78 F.4th at 229-32.

10 85. For example, for at least the past six years, Planned Parenthood has
11 made false and misleading statements about both Abortion Pill Reversal and abortion
12 pill administration under the chemical abortion regimen.

13 86. As to APR, Planned Parenthood has falsely claimed on its website that
14 APR has never “been tested for safety, effectiveness, or the likelihood of side
15 effects.”⁴⁵ Much more than just a misleading statement about the safety or efficacy of
16 APR treatment, Planned Parenthood’s claim is an objective falsehood. The
17 misrepresentation deceives visitors to Planned Parenthood’s website, interfering with
18 the reproductive rights of those who will be misled into believing that they have no
19 option but to finish their unwanted abortions.

20 87. In addition to lying about APR, Planned Parenthood misleads vulnerable
21 women about the serious risks involved in the chemical abortion regimen, consisting
22 of two powerful drugs: first mifepristone, which blocks progesterone, literally starving
23 the unborn child, and then off-label misoprostol, which forcibly expels the child from
24 the uterus. For example, Planned Parenthood has for years falsely advised vulnerable
25

26 _____
27 ⁴⁵ Emily, *Ask the Experts: Can the Abortion Pill Be Reversed after You Have Taken It?*,
28 Planned Parenthood (Sept. 14, 2017), <https://www.plannedparenthood.org/blog/can-the-abortion-pill-be-reversed-after-you-have-taken-it>.

1 women, with no mention of risks, that “Medication abortion – also called the abortion
2 pill – is a *safe and effective* way to end an early pregnancy.”⁴⁶

3 88. Further misleading women, Planned Parenthood, which charges for
4 administration of the second drug in the chemical abortion regimen, misoprostol,
5 states that “the Abortion Pill” merely “causes cramping and bleeding that can last
6 several hours or more. You can be at home, or wherever is comfortable for you. Plan
7 on taking it easy for the day.”⁴⁷

8 89. Even more egregiously, in answer to the specific question: “What can I
9 expect after I take the abortion pill?,” Planned Parenthood—again avoiding any
10 mention of potential risks or serious side effects, states on its website that “You may
11 feel tired or crampy for a day or so, and you’ll have bleeding and spotting for awhile
12 [sic]. Most people go back to normal activities the day after a medication abortion.”⁴⁸

13 90. Planned Parenthood fails to disclose that the FDA estimates that more
14 than 4,000 women who completed the two-drug medication regimen have suffered
15 serious adverse medical events, including hemorrhage, septic shock, ruptured ectopic
16 pregnancies, and at least 28 deaths.⁴⁹ Also not disclosed is the far greater risk of
17 emergency hospitalization due to chemical versus surgical abortion.⁵⁰

18 ⁴⁶ *The Abortion Pill*, Planned Parenthood,
19 <https://www.plannedparenthood.org/learn/abortion/the-abortion-pill>.

20 ⁴⁷ *How does the abortion pill work?*, Planned Parenthood,
21 <https://www.plannedparenthood.org/learn/abortion/the-abortion-pill/how-does-the-abortion-pill-work>.

22 ⁴⁸ *What can I expect after I take the abortion pill?*, Planned Parenthood,
23 <https://www.plannedparenthood.org/learn/abortion/the-abortion-pill/what-can-i-expect-after-i-take-the-abortion-pill>.

24 ⁴⁹ Susan Jaffe, *Drug Developers Caution Against US Mifepristone Ban*, 401 *The Lancet*
25 1325, 1326 (2023).

26 ⁵⁰ Maarit Niinimaki, et al., *Immediate Complications After Medical Compared with*
27 *Surgical Termination of Pregnancy*, 114 *Obstet. Gynecol.* 795 (2009) (finding that
28 “overall incidence of adverse events was fourfold higher in the medical compared
with surgical abortion cohort (20.0% compared with 5.6%, P<.001)”).

1 91. In contrast, as shown above, APR is entirely safe with no such history of
2 adverse outcomes. For over 50 years, medical professionals have used bioidentical
3 progesterone to support healthy pregnancies and prevent miscarriage when a
4 pregnant woman naturally produces too little of the hormone for a pregnancy to
5 continue.⁵¹ In 1998, the FDA gave the administration of bioidentical progesterone the
6 agency's formal approval to support healthy pregnancies.⁵²

7 92. The FDA based that approval, in part, on a pharmacology/toxicology
8 review that found that the bioidentical progesterone produced the same
9 pharmacologic responses as naturally occurring progesterone and is thus not at all
10 harmful.⁵³ Today, bioidentical progesterone treatment is commonly used worldwide
11 to reduce the risk of miscarriage.⁵⁴

12 93. Bioidentical progesterone treatment is also used to help prevent
13 uninduced abortion that would occur from IVF patients' bodies rejecting embryos
14 trying to implant.⁵⁵ Multiple peer-reviewed medical studies have found that this same
15 kind of progesterone supplementation treatment discussed above can save about two-

16
17
18
19 ⁵¹ Gian Carlo Di Renzo, et al., *Progesterone: History, Facts, and Artifacts*, 69 *Best Pract. & Res. Clinical Obstet. & Gynecol.* 78 (2020).

20 ⁵² *See Drug Approval Package: Prometrium*, FDA (Dec. 26, 1998),
21 https://www.accessdata.fda.gov/drugsatfda_docs/nda/98/020843_s000_PrometriumTOC.cfm.

22
23 ⁵³ *See* FDA, Center for Drug Evaluation and Research, Application No. NDA 2-843,
24 p.4 (Feb. 25, 1998), https://www.accessdata.fda.gov/drugsatfda_docs/nda/98/020843_S000_PROMETRIUM%20CAPSULES_PHARMR.PDF.

25 ⁵⁴ Line Rode, et al., *Systematic Review of Progesterone for the Prevention of Preterm Birth in Singleton Pregnancies*, 88 *Acta Obstet. et Gynecol. Scandinavica* 1180 (2009).

26
27 ⁵⁵ Am. Soc'y for Reprod. Med., *Fact Sheet: Progesterone Supplementation During IVF*
28 (2016), <https://www.reproductivefacts.org/news-and-publications/fact-sheets-and-infographics/progesterone-supplementation-during-ivf/>.

1 thirds of unborn children from death if given within three days of when mifepristone
2 was administered.⁵⁶

3 94. The APR protocol is a legitimate reproductive health procedure, fully
4 legal in California, the advocacy and promotion of which are protected by the U.S.
5 Constitution and the California Constitution as a matter of public concern in which
6 government has no right to interfere by attempts to impose, through lawfare or
7 otherwise, Defendant Bonta’s preferred perspective in favor of abortion-on-demand
8 or his view of what constitutes “credible scientific evidence.”

9 95. Yet, despite the medical facts showing the serious risks of chemical
10 abortion versus the safety of progesterone therapy to reverse the effects of chemical
11 abortion, including the off-label use of misoprostol, Defendant Bonta has not noticed
12 a proposed lawsuit against Planned Parenthood for its misleading statements and
13 omissions relating to the safety and efficacy of pregnancy-destroying chemicals.

14 96. Rather, precisely because APR *saves* lives instead of ending them in the
15 womb, Bonta has decided to target pro-life pregnancy help organizations in
16 California, with *in terrorem* litigation with no evidence of harm to anyone from the
17 administration of a pregnancy-protecting hormone approved by the FDA for that very
18 purpose. Defendant Bonta thus reveals his intent to impose viewpoint-discriminatory
19 censorship and other restrictions on COLFS’s protected speech and expressive
20 conduct and association. This is blatantly unconstitutional. Debates over the
21 Abortion Pill and Abortion Pill Reversal should “be left to the political and
22 democratic process”—not the courts. *All. For Hippocratic Med. III*, 602 U.S. at 396.

23 97. Thus, Plaintiff Culture of Life Family Services, Inc. now brings this
24 complaint for declaratory and injunctive relief.

25 ///

26

27 ⁵⁶ See, e.g., George Delgado, et al., *A Case Series Detailing the Successful Reversal of the*
28 *Effects of Mifepristone Using Progesterone*, 33 Issues L. & Med. 21 (2018).

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

FIRST CAUSE OF ACTION
Violation of the Free Speech Clause of the U.S. Constitution:
Content & Viewpoint Discrimination: U.S. Const. amend. I; 42 U.S.C. § 1983

98. Plaintiff incorporates by reference all allegations contained in the preceding paragraphs as though fully set forth herein.

99. The First Amendment to the U.S. Constitution provides that “Congress shall make no law ... abridging the freedom of speech.” U.S. Const. amend. I. The Free Speech Clause applies to the states through the Due Process Clause of the Fourteenth Amendment. *Gitlow v. New York*, 268 U.S. 652, 666 (1925).

100. “The Free Speech Clause of the First Amendment ... protect[s] the ‘freedom to think as you will and to speak as you think.’” *303 Creative LLC v. Elenis*, 600 U.S. 570, 584 (2023) (quoting *Boy Scouts of Am. v. Dale*, 530 U.S. 640, 660-61 (2000)). Under the First Amendment, “governments have no power to restrict expression because of its message, its ideas, its subject matter, or its content.” *Nat’l Inst. of Fam. & Life Advocs. v. Becerra*, 585 U.S. 755, 766 (2018) (cleaned up). When the government’s interest is “related to the suppression of free expression, ... it is not valid, let alone substantial.” *Moody v. NetChoice, LLC*, 144 S. Ct. 2383, 2407 (2004).

101. Government action is content-based if it “on its face draws distinctions based on the message a speaker conveys” or if it “cannot be justified without reference to the content of the regulated speech, or [was] adopted by the government because of disagreement with the message the speech conveys.” *Reed v. Town of Gilbert*, 576 U.S. 155, 164 (2015) (cleaned up).

102. Viewpoint discrimination is “an egregious form of content discrimination,” in which “the government targets not subject matter, but particular views taken by speakers on a subject.” *Rosenberger v. Univ. of Va.*, 515 U.S. 819, 829 (1995). A restriction is viewpoint-based “when the specific motivating ideology or the opinion or perspective of the speaker is the rationale for the restriction.” *Id.*

///

1 103. Even within a proscribed category of speech, the government may not
2 engage in content or viewpoint discrimination within that proscribed category. *R.A.V.*
3 *v. St. Paul*, 505 U.S. 377, 384 (1992) (“[T]he government may proscribe libel; but it
4 may not make the further content discrimination of proscribing *only* libel critical of
5 the government.”).

6 104. Restricting speech about APR is a content-based restriction on speech.
7 California seeks to punish advertising for Abortion Pill Reversal and to prohibit
8 COLFS from counseling patients in connection with APR.

9 105. This proposed restriction is content-based because, “on [their] face,”
10 each “draws distinctions based on the message a speaker conveys” and “cannot be
11 justified without reference to the content of the regulated speech, or [was] adopted by
12 the government because of disagreement with the message the speech conveys.”
13 *Reed*, 576 U.S. at 163-64 (cleaned up).

14 106. This proposed restriction is also viewpoint-discriminatory because it
15 “targets ... particular views taken by speakers on a subject.” *Rosenberger*, 515 U.S. at
16 829.

17 107. There is no prospect that the government can demonstrate that
18 restricting APR actually furthers a compelling government interest, let alone an
19 “exceedingly persuasive” one. *Students for Fair Admissions, Inc. v. Harvard Coll.*, 600
20 U.S. 181, 217 (2023).

21 108. First, given that there is no evidence of a single woman harmed by
22 Abortion Pill Reversal, California cannot show an “actual problem in need of
23 solving.” *Brown v. Entm’t Merchs. Ass’n*, 564 U.S. 786, 799 (2011) (cleaned up).
24 Indeed, in light of the fact that APR treatment has actually been proven effective, and
25 because of California’s strong protection for reproductive privacy, there is no problem
26 in need of solving.

27 109. Second, restricting APR is vastly underinclusive, in that it does not
28 reach the majority of situations in which pregnant women take progesterone to ward

1 off threatened miscarriage. Nor does it address countless other examples of off-label
2 drug use (like misoprostol itself). A government fails to show a compelling interest
3 “when it leaves appreciable damage to that supposedly vital interest unprohibited.”
4 *Church of Lukumi Babalu Aye, Inc. v. Hialeah*, 508 U.S. 520, 547 (1993); *see also Brown*,
5 564 U.S. at 802 (“Underinclusiveness raises serious doubts about whether the
6 government is in fact pursuing the interest it invokes, rather than disfavoring a
7 particular speaker or viewpoint.”).

8 110. Third, the response of California’s own purported experts in the field—
9 the California Board of Registered Nursing—believes any claim that anything remotely
10 approaching a compelling interest exists here. If the interest in saving women from
11 Abortion Pill Reversal were so strong, and the science so clear, then why did the
12 Nursing Board audit APR and then approve including it in continuing education
13 courses? California cannot pretend to have a compelling interest in prohibiting a
14 practice its own regulators deemed fine.

15 111. Nor can California hide behind the single failed randomized trial
16 conducted by Dr. Creinin. As stated above, the Danco/Creinin study, if its size allows
17 for any conclusions at all, stands merely for the propositions that (1) administering
18 progesterone after mifepristone (i.e., APR) gives a pregnant woman a better chance of
19 a healthy pregnancy over doing nothing (sometimes euphemistically called “watchful
20 waiting”) and (2) administering progesterone after mifepristone (i.e., APR) gives a
21 pregnant woman a better chance of avoiding severe bleeding over doing nothing. Any
22 enhanced risk to a woman in this situation who wants to continue her pregnancy
23 would arise from *not* receiving APR treatment.

24 112. Nor can California plausibly carry their burden of showing that
25 restricting APR is narrowly tailored to any valid interest, much less a compelling one.
26 The same underinclusivity that dooms the compelling interest argument also
27 forecloses narrow tailoring, because a law that is “underinclusive in substantial
28

1 respects” demonstrates an “absence of narrow tailoring” that “suffices to establish
2 [its] invalidity.” *Lukumi*, 508 U.S. at 546.

3 113. Bonta’s assertion that APR must be restricted violates COLFS’s right to
4 aid women in exercise of their reproductive privacy rights as guaranteed by the Free
5 Speech Clause of the First Amendment to the U.S. Constitution. COLFS has no
6 adequate remedy at law and will suffer serious and irreparable harm to its
7 constitutional rights absent declaratory and injunctive relief providing that COLFS
8 may provide Abortion Pill Reversal treatment.

9 114. Pursuant to 42 U.S.C. § 1983, COLFS is entitled to nominal and actual
10 damages, declaratory relief, and temporary, preliminary, and permanent injunctive
11 relief invalidating and restraining enforcement of Bonta’s attempt to restrict APR.

12 115. COLFS has engaged the services of private counsel to vindicate its rights
13 under the law. COLFS is therefore entitled to an award of attorneys’ fees and costs
14 pursuant to 42 U.S.C. § 1988.

15 **SECOND CAUSE OF ACTION**
16 **Violation of the Right to Free Exercise of Religion Under the U.S. Constitution**
17 **U.S. Const. amend. I; 42 U.S.C. 1983**

18 116. Plaintiff incorporates by reference all allegations contained in the
19 preceding paragraphs as though fully set forth herein.

20 117. The First Amendment to the U.S. Constitution provides that “Congress
21 shall make no law respecting an establishment of religion, or prohibiting the free
22 exercise thereof.” U.S. Const. amend. I. The Free Exercise clause applies to the states
23 through the Due Process Clause of the Fourteenth Amendment. *Cantwell v. Conn.*,
24 310 U.S. 296 (1940).

25 118. The Free Exercise Clause “protects not only the right to harbor religious
26 beliefs inwardly and secretly. It does perhaps its most important work by protecting
27 the ability of those who hold religious beliefs of all kinds to live out their faiths in daily
28 life through ‘the performance of (or abstention from) physical acts.’” *Kennedy v.*

1 *Bremerton Sch. Dist.*, 597 U.S. 507, 524 (2022) (quoting *Employment Division v. Smith*,
2 494 U.S. 872, 877 (1990)).

3 119. Under the Free Exercise clause, if “challenged restrictions are not
4 ‘neutral’ and of ‘general applicability,’ they must satisfy ‘strict scrutiny,’ and this
5 means that they must be ‘narrowly tailored’ to serve a ‘compelling’ state interest.”
6 *Roman Cath. Diocese of Brooklyn v. Cuomo*, 592 U.S. 14, 18 (2020).

7 120. “A government policy will fail the general applicability requirement if it
8 ‘prohibits religious conduct while permitting secular conduct that undermines the
9 government’s asserted interests in a similar way.’” *Kennedy*, 597 U.S. at 526 (quoting
10 *Fulton v. Philadelphia*, 593 U.S. 522, 534 (2021)). Government “regulations are not
11 neutral and generally applicable ... whenever they treat *any* comparable secular
12 activity more favorably than religious exercise.” *Fellowship of Christian Athletes v. San*
13 *Jose Unified Sch. Dist.*, 82 F.4th 664, 688 (9th Cir. 2023) (en banc) (quoting *Tandon v.*
14 *Newsom*, 593 U.S. 61, 62 (2021)).

15 121. In that context, there is no need to assess “whether a law reflects ‘subtle
16 departures from neutrality,’ ‘religious gerrymander[ing],’ or ‘impermissible targeting’
17 of religion.” *S. Bay United Pentecostal Church v. Newsom*, 141 S. Ct. 716, 717 (2021)
18 (Statement of Gorsuch, J.) (quoting *Church of the Lukumi Babalu Aye, Inc. v. Hialeah*,
19 508 U.S. 520, 534-35 (1993))

20 122. Consistent with its underlying commitment to the dignity of every
21 human life, COLFS provide life-affirming medical care to every woman at risk of
22 miscarriage—whether that risk arises biologically, due to physical trauma, or because
23 she has willingly or unwillingly ingested the first abortion pill. As a matter of
24 conscience, COLFS cannot refuse to administer progesterone to a woman who
25 desires to continue her pregnancy simply because she first took mifepristone. COLFS
26 is therefore religiously obligated to offer Abortion Pill Reversal.

27 123. California’s asserted interest in restricting Abortion Pill Reversal is to
28 protect women from a dangerous and deceptive practice. But Abortion Pill Reversal is

1 nothing more than supplemental progesterone. And there are a multitude of off-label
2 uses of progesterone, which has been widely prescribed to women—including
3 pregnant women—for more than 50 years. Yet California makes no attempt to
4 regulate—much less outright prohibit—the off-label use of progesterone (or any
5 other drug) in any other circumstance. That omission renders California’s attempted
6 restriction of APR not generally applicable.

7 124. For the same reasons as stated in the First Cause of Action, Bonta
8 cannot show that restricting APR as a fraudulent business practice is narrowly
9 tailored to achieve a compelling state interest.

10 125. Bonta’s assertion that APR must be restricted violates COLFS’s right to
11 aid women in exercise of their reproductive privacy rights as guaranteed by the Free
12 Speech Clause of the First Amendment to the U.S. Constitution. COLFS has no
13 adequate remedy at law and will suffer serious and irreparable harm to its
14 constitutional rights absent declaratory and injunctive relief providing that COLFS
15 may provide Abortion Pill Reversal treatment.

16 126. Pursuant to 42 U.S.C. § 1983, COLFS is entitled to nominal and actual
17 damages, declaratory relief, and temporary, preliminary, and permanent injunctive
18 relief invalidating and restraining enforcement of Bonta’s attempt to restrict APR.

19 127. 113. COLFS has engaged the services of private counsel to vindicate
20 its rights under the law. COLFS is therefore entitled to an award of attorneys’ fees
21 and costs pursuant to 42 U.S.C. § 1988.

22 **THIRD CAUSE OF ACTION**

23 **Violation of the Free Speech Clause of the U.S. Constitution:**
24 **Right to Receive Information: U.S. Const. amend. I; 42 U.S.C. § 1983**

25 128. Plaintiff incorporates by reference all allegations contained in the
26 preceding paragraphs as though fully set forth herein.

27 129. The First Amendment to the U.S. Constitution provides that “Congress
28 shall make no law ... abridging the freedom of speech.” U.S. Const. amend. I. The

1 Free Speech Clause applies to the states through the Due Process Clause of the
2 Fourteenth Amendment. *Gitlow v. New York*, 268 U.S. 652, 666 (1925).

3 130. The First Amendment protects not only the right to disseminate
4 information but also the “reciprocal right to receive” information. *Va. State Bd. of*
5 *Pharm. v. Va. Citizens Consumer Council, Inc.*, 425 U.S. 748, 757 (1976) “[T]he right to
6 receive ideas is a necessary predicate to the *recipient’s* meaningful exercise of his own
7 right[] of speech.” *Island Trees Union Free Sch. Dist. No. 26 v. Pico*, 457 U.S. 853, 867
8 (1982). Under the “right to listen,” the listener must have “a concrete, specific
9 connection to the speaker.” *Murthy v. Mo.*, 144 S. Ct. 1972, 1996 (2024).

10 131. Physicians have third-party standing to assert the interests of their
11 patients so long as the physician has also suffered injury himself. *McCormack v.*
12 *Herzog*, 788 F.3d 1017, 1027 (9th Cir. 2015); *All. for Hippocratic Med. III*, 602 U.S. at
13 393 n.5 (third-party standing denied in absence of any injury to physician).

14 132. Restricting speech about APR is a content-based restriction on speech.
15 California seeks to punish advertising for Abortion Pill Reversal and to prohibit
16 COLFS from counseling patients in connection with APR.

17 133. This proposed restriction is content-based because, “on [their] face,”
18 each “draws distinctions based on the message a speaker conveys” and “cannot be
19 justified without reference to the content of the regulated speech, or [was] adopted by
20 the government because of disagreement with the message the speech conveys.”
21 *Reed*, 576 U.S. at 163-64 (cleaned up).

22 134. This proposed restriction is also viewpoint-discriminatory because it
23 “targets ... particular views taken by speakers on a subject.” *Rosenberger*, 515 U.S. at
24 829.

25 135. For the same reasons as stated in the First Cause of Action, Bonta
26 cannot show that restricting APR as a fraudulent business practice is narrowly
27 tailored to achieve a compelling state interest.

28 ///

1 136. Bonta’s assertion that APR must be restricted violates COLFS’s
2 patients’ right to receive information as guaranteed by the Free Speech Clause of the
3 First Amendment to the U.S. Constitution. COLFS’s patients have no adequate
4 remedy at law and will suffer serious and irreparable harm to their constitutional
5 rights absent declaratory and injunctive relief providing that COLFS may provide
6 Abortion Pill Reversal treatment.

7 137. Pursuant to 42 U.S.C. § 1983, COLFS is entitled to nominal and actual
8 damages, declaratory relief, and temporary, preliminary, and permanent injunctive
9 relief invalidating and restraining enforcement of Bonta’s attempt to restrict APR.

10 138. 113. COLFS has engaged the services of private counsel to vindicate
11 its rights under the law. COLFS is therefore entitled to an award of attorneys’ fees
12 and costs pursuant to 42 U.S.C. § 1988.

13 **FOURTH CAUSE OF ACTION**
14 **Violation of the Substantive Due Process Rights of the U.S. Constitution**
15 **U.S. Const. amend. XIV; 42 U.S.C. 1983**

16 139. Plaintiff incorporates by reference all allegations contained in the
17 preceding paragraphs as though fully set forth herein.

18 140. Under the Due Process Clause of the Fourteenth Amendment, all
19 Americans have a “right of privacy,” which means “the right of the individual,
20 married or single, to be free from unwarranted governmental intrusion into matters so
21 fundamentally affecting a person as the decision whether to bear or beget a child.”
22 *Eisenstadt v. Baird*, 405 U.S. 438, 453 (1972). This includes the “right to decide
23 independently, with the advice of [her] physician, to acquire and to use needed
24 medication.” *Whalen v. Roe*, 429 U.S. 589, 603 (1977).

25 141. The U.S. Constitution also protects the right to refuse “unwanted
26 medical treatment,” *Cruzan v. Mo. Dep’t of Health*, 497 U.S. 261, 278 (1990) (citing
27 *Jacobson v. Mass.*, 197 U.S. 11, 24-30 (1905)), and the right “to bodily integrity.” *Wash.*
28 *v. Glucksberg*, 521 U.S. 702, 720 (1997) (citing *Rochin v. Calif.*, 342 U.S. 165 (1952)).

1 This right protects against “‘forced medical treatment’ for the recipient’s benefit.”
2 *Health Freedom Def. Fund, Inc. v. Carvalho*, 104 F.4th 715, 725 (9th Cir. 2024).

3 142. “[W]here a decision as fundamental as that whether to bear or beget a
4 child is involved, regulations imposing a burden on it may be justified only by
5 compelling state interests, and must be narrowly drawn to express only those
6 interests.” *Carey v. Population Servs., Int’l*, 431 U.S. 678, 686 (1977); *accord Am. Acad.*
7 *of Pediatrics v. Lungren*, 16 Cal. 4th 307, 340-41 (1997). “When a fundamental right is
8 at stake, the Government can act only by narrowly tailored means that serve a
9 compelling state interest,” i.e., “strict scrutiny.” *Dep’t of State v. Muñoz*, 144 S. Ct.
10 1812, 1821-22 (2024).

11 143. Physicians have third-party standing to assert the interests of their
12 patients so long as the physician has also suffered injury himself. *McCormack v.*
13 *Herzog*, 788 F.3d 1017, 1027 (9th Cir. 2015); *All. for Hippocratic Med. III*, 602 U.S. at
14 393 n.5 (third-party standing denied in absence of any injury to physician).

15 144. Here, California’s attempt to restrict APR violates the Fourteenth
16 Amendment rights of pregnant women to not be forced to undergo or continue an
17 abortion.

18 145. Bonta’s assertion that APR must be restricted violates COLFS’s
19 patients’ rights to procreation, reproductive privacy, and to reject unwanted medical
20 treatment as guaranteed by the Substantive Due Process Clause of the Fourteenth
21 Amendment to the U.S. Constitution. COLFS’s patients have no adequate remedy at
22 law and will suffer serious and irreparable harm to their constitutional rights absent
23 declaratory and injunctive relief providing that COLFS may provide Abortion Pill
24 Reversal treatment.

25 146. Pursuant to 42 U.S.C. § 1983, COLFS is entitled to nominal and actual
26 damages, declaratory relief, and temporary, preliminary, and permanent injunctive
27 relief invalidating and restraining enforcement of Bonta’s attempt to restrict APR.

28 ///

1 147. 113. COLFS has engaged the services of private counsel to vindicate
2 its rights under the law. COLFS is therefore entitled to an award of attorneys' fees
3 and costs pursuant to 42 U.S.C. § 1988.


4 **PRAYER FOR RELIEF**

5 WHEREFORE, Plaintiff respectfully requests the entry of an Order and
6 Judgment, as applicable, for the following relief:

- 7 A. An order and judgment declaring that Defendant, his agents and
8 employees, and all those acting in concert with them, may not enforce
9 Cal. Bus. & Prof. Code §§ 17200 or 17500, or any substantively similar
10 statute, against Plaintiff's provision of Abortion Pill Reversal treatment
11 to pregnant women;
- 12 B. An order temporarily, preliminarily, and permanently enjoining and
13 prohibiting Defendant, his agents and employees, and all those acting in
14 concert with them, may not enforce Cal. Bus. & Prof. Code §§ 17200 or
15 17500, or any substantively similar statute, against Plaintiff's provision
16 of Abortion Pill Reversal treatment to pregnant women;
- 17 C. Nominal and actual damages;
- 18 D. Attorneys' fees pursuant to statute;
- 19 E. Litigation costs and expenses; and
- 20 F. Such other and further relief as the Court deems appropriate and just.

21
22 Respectfully submitted,
23 LiMANDRI & JONNA LLP

24
25 Dated: July 30, 2024

26 By: 
 27 Charles S. LiMandri
 28 Paul M. Jonna
 Jeffrey M. Trissell
 Attorneys for Plaintiff Culture of Life Family
 Services, Inc.


1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

VERIFICATION OF WILLIAM R. GOYETTE

I, William R. Goyette, am the CEO and Chairman of the Board of Culture of Life Family Services, Inc., a plaintiff in this action. I have read the above Verified Complaint and know its contents. The information supplied in the foregoing is based on my own personal knowledge or has been supplied by my staff, attorneys, or other agents or compiled from available documents. The information in the foregoing document is true to the extent of my personal knowledge. As to the information provided by my staff, attorneys, or other agents or compiled from available documents, including all contentions and opinions, I do not have personal knowledge but made a reasonable and good faith effort to obtain the information by inquiry to other natural persons or organizations, and believe it is true.

Thus, I am informed and believe that the matters stated in the foregoing document are true and on that ground certify or declare under penalty of perjury under the laws of the United States and the State of California that the foregoing is true and correct.

Executed this 29th day of July 2024, at San Marcos, California.


William R. Goyette

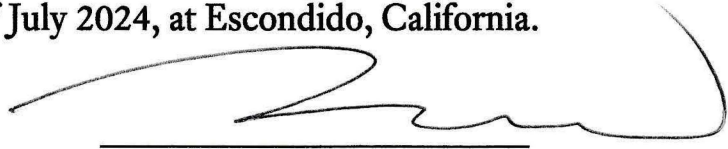
1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

VERIFICATION OF GEORGE DELGADO, M.D.

I, George Delgado, am the Medical Director of Culture of Life Family Services, Inc., a plaintiff in this action. I have read the above Verified Complaint and know its contents. The information supplied in the foregoing is based on my own personal knowledge or has been supplied by my staff, attorneys, or other agents or compiled from available documents. The information in the foregoing document is true to the extent of my personal knowledge. As to the information provided by my staff, attorneys, or other agents or compiled from available documents, including all contentions and opinions, I do not have personal knowledge but made a reasonable and good faith effort to obtain the information by inquiry to other natural persons or organizations, and believe it is true.

Thus, I am informed and believe that the matters stated in the foregoing document are true and on that ground certify or declare under penalty of perjury under the laws of the United States and the State of California that the foregoing is true and correct.

Executed this 30th day of July 2024, at Escondido, California.



George Delgado, M.D.