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NO. 24-CI-008072

11/20/2024 03:14:18  
JEFFERSON CIRCUIT COURT  
DIVISION FIVE (5)  
JUDGE TRACY E. DAVIS  
*Electronically filed*

ME DIA 5042-1

MARY POE

PLAINTIFF

v.

**NOTICE**

ERIC FRIEDLANDER, *et al.*

DEFENDANTS

\* \* \* \* \*

Please take notice that Plaintiff Mary Poe is no longer pregnant. She recently traveled to another state to obtain legal access to the abortion care that she was denied in Kentucky due to the challenged Bans. Nevertheless, Mary satisfied Kentucky’s constitutional standing requirements at the time of filing, when she was pregnant and seeking abortion care, *see Commonwealth Cabinet for Health & Fam. Servs. v. Sexton*, 566 S.W.3d 185, 196 (Ky. 2018), and she remains an appropriate plaintiff and class representative to pursue her constitutional claims. *See Cameron v. EMW Women's Surgical Ctr., P.S.C.*, 664 S.W.3d 633, 655–56 (Ky. 2023) (holding that abortion provider plaintiffs did not satisfy third-party standing requirements because, *inter alia*, imminent mootness is not an obstacle to pregnant plaintiffs challenging abortion bans given “that pregnancy is an explicit exception to mootness under the ‘capable of repetition, yet evading review’ doctrine” (citing *Singleton v. Wulff*, 428 U.S. 106, 117 (1976))). As recognized by the Kentucky Supreme Court, exceptions to the mootness doctrine are available in cases like this one involving time-sensitive matters of pregnancy and abortion. *Id.*; *see also id.* at 697 (Nickell, J., concurring in part) (noting “review under exceptions to the mootness doctrine ... remain[] available” (citing *Singleton*, 428 U.S. at 126 (Powell, J., dissenting))). This case fits squarely within multiple

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exceptions to mootness, including the “capable of repetition yet evading review” exception, *see, e.g., Lexington Herald-Leader Co. v. Meigs*, 660 S.W.2d 658 (Ky. 1983); the inherently transitory exception, *see, e.g., Gerstein v. Pugh*, 420 U.S. 103, 110 n.11 (1975); and Kentucky’s public interest exception. *See, e.g., Morgan v. Getter*, 441 S.W.3d 94, 98–103 (Ky. 2014). Thus, this action continues to present a justiciable cause and should proceed.

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**CERTIFICATE OF SERVICE**

I certify that the foregoing was electronically filed on November 20, 2024, *via* the CourtNet 2.0 system, and further certify that the foregoing was served on November 20, 2024, by electronic mail on the following:

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