

COURT OF APPEAL, FIRST CIRCUIT  
STATE OF LOUISIANA

---

No. \_\_\_\_\_

---

JUNE MEDICAL SERVICES, LLC, D/B/A  
HOPE MEDICAL GROUP FOR WOMEN, et al.

*Respondent,*

VERSUS

JEFF LANDRY, in his official capacity as Attorney General of Louisiana, et al.

*Defendant-Applicant.*

---

ON APPLICATION FOR SUPERVISORY OR REMEDIAL WRIT  
TO THE 19TH JUDICIAL DISTRICT COURT  
FOR THE PARISH OF EAST BATON ROUGE STATE OF LOUISIANA  
(JUNE MEDICAL SERVICES, LLC, D/B/A HOPE MEDICAL GROUP FOR WOMEN, et al.),

(JEFF LANDRY, in his official capacity as Attorney General of Louisiana, et al.),  
DOCKET NO. DC-720,988

---

**CIVIL PROCEEDING**

---

**MOTION OF CERTAIN LOUISIANA LEGISLATORS  
FOR LEAVE TO APPEAR AS *AMICUS CURIAE* IN SUPPORT OF  
DEFENDANT-APPLICANT JEFF LANDRY ET AL's EMERGENCY APPLICATION  
FOR SUPERVISORY WRIT**

**\*EXPEDITED CONSIDERATION REQUESTED\***

---

Glenn L. Langley  
LANGLEY & PARKS, LLC  
401 Market Street, Suite 1100  
Shreveport, Louisiana 71101  
(318) 383-6422 telephone  
(318) 383-6405 telefax  
glangley@langleyparks.com

John C. Nickelson  
NICKELSON LAW PLLC  
7591 Fern Avenue, Suite 1403  
Shreveport, Louisiana 71105  
(318) 678-5786 telephone  
(318) 300-4762 telefax  
john.nickelson@nickelsonlaw.com

Certain duly elected Legislators of the State of Louisiana, listed on the attached Exhibit “A”, by and through counsel, respectfully request leave of this Court to appear as *amicus curiae* in support of Defendant-Applicant Jeff Landry and Secretary Courtney N. Phillips of the Louisiana Department of Health, in this writ proceeding, and believe there are matters of law affecting the rights of the people of this state, as well as the respective roles of the branches of government of this state, on which they can provide a unique and important perspective as Legislators. Applicant has read the briefs of the parties which have so far been submitted and accordingly request the Court to grant them leave to appear as *amicus curiae*.

Respectfully submitted,

LANGLEY & PARKS, LLC

*s/Glenn L. Langley*

By: \_\_\_\_\_  
Glenn L. Langley, Bar Roll No. 8019  
Julianna P. Parks, Bar Roll No. 30658

401 Market Street, Suite 1100  
Shreveport, Louisiana 71101  
(318) 383-6422 telephone  
(318) 383-6405 telefax  
glangley@languelparks.com

NICKELSON LAW PLLC

*s/John C. Nickelson*

By: \_\_\_\_\_  
John C. Nickelson, Bar Roll No. 32214

7591 Fern Avenue, Suite 1403  
Shreveport, Louisiana 71105  
(318) 678-5786 telephone  
(318) 300-4762 telefax  
john.nickelson@nickelsonlaw.com

**CERTIFICATE OF SERVICE**

I certify that a copy of the above and foregoing MOTION OF CERTAIN LOUISIANA LEGISLATORS FOR LEAVE TO APPEAR AS *AMICUS CURIAE* IN SUPPORT OF DEFENDANT-APPLICANT JEFF LANDRY, has been served on all counsel of record via email, facsimile, and/or by depositing same in the United States Mail, properly addressed and postage prepaid, this 29th day of July, 2022.

*s/ Glenn L. Langley*  
GLENN L. LANGLEY

COURT OF APPEAL, FIRST CIRCUIT  
STATE OF LOUISIANA

JUNE MEDICAL SERVICES, LLC, D/B/A  
HOPE MEDICAL GROUP FOR WOMEN,  
et al.

Respondent

VS.

JEFF LANDRY, in his official capacity as  
Attorney General of Louisiana, et al.

Defendant-Applicant

§  
§  
§  
§  
§  
§  
§  
§  
§  
§  
§  
§  
§  
§  
§  
§

Docket NO. DC-720,988

**ORDER**

THE FOREGOING MOTION CONSIDERED:

IT IS ORDERED that the Motion Of Certain Louisiana Legislators For Leave to Appear as Amicus Curiae in Support of Defendant-Applicant Jeff Landry in the above titled proceeding is hereby GRANTED and, accordingly, the Amicus Curiae Brief in Support of Defendant-Applicant Jeff Landry may be filed.

ORDERED AND SIGNED in Baton Rouge, Louisiana on this \_\_\_\_ day of July,  
2022.

---

COURT OF APPEAL, FIRST CIRCUIT  
STATE OF LOUISIANA

---

No. \_\_\_\_\_

---

JUNE MEDICAL SERVICES, LLC, D/B/A  
HOPE MEDICAL GROUP FOR WOMEN, et al.

*Respondent,*

VERSUS

JEFF LANDRY, in his official capacity as Attorney General of Louisiana, et al.

*Defendant-Applicant.*

---

ON APPLICATION FOR SUPERVISORY OR REMEDIAL WRIT  
TO THE 19TH JUDICIAL DISTRICT COURT  
FOR THE PARISH OF EAST BATON ROUGE STATE OF LOUISIANA  
(JUNE MEDICAL SERVICES, LLC, D/B/A HOPE MEDICAL GROUP FOR WOMEN, et al.),

(JEFF LANDRY, in his official capacity as Attorney General of Louisiana, et al.),  
DOCKET NO. DC-720,988

---

**CIVIL PROCEEDING**

---

***AMICUS CURIAE* BRIEF OF CERTAIN LOUISIANA LEGISLATORS IN SUPPORT OF  
DEFENDANT-APPLICANT JEFF LANDRY ET AL.**

---

Glenn L. Langley  
LANGLEY & PARKS, LLC  
401 Market Street, Suite 1100  
Shreveport, Louisiana 71101  
(318) 383-6422 telephone  
(318) 383-6405 telefax  
glangley@languelparks.com

John C. Nickelson  
NICKELSON LAW PLLC  
7591 Fern Avenue, Suite 1403  
Shreveport, Louisiana 71105  
(318) 678-5786 telephone  
(318) 300-4762 telefax  
john.nickelson@nickelsonlaw.com

**TABLE OF CONTENTS**

	<b><u>Page</u></b>
TABLE OF AUTHORITIES.....	ii
I. INTEREST OF <i>AMICUS CURIAE</i> .....	2
II. STATEMENT OF THE CASE.....	2
III. ARGUMENT.....	2-4
IV. CONCLUSION.....	4-5
CERTIFICATE OF SERVICE.....	5-6

**TABLE OF AUTHORITIES**

<b><u>CASES</u></b>	<b><u>Pages</u></b>
<i>Dobbs v. Jackson Women’s Health</i> , 142 S.Ct. 2228 (2022).....	4
<i>Guillot v. Nunez</i> , 74 So.2d 205 (La. 1953).....	4
<i>Hirt v. City of New Orleans</i> , 74 So. 2d 380, 383 (1953).....	3,4
<i>Manuel v. State</i> , 95-2189 (La.3/8/96); 692 So.2d 320 .....	3
<i>Manuel v. State</i> , 95-2156 (La.8/24/95); 695 So.2d 953.....	3
<i>Wall v. Close</i> , 10 So. 2d 779, 783 (1942).....	3
<i>Womack v. Louisiana Comm’n on Governmental Ethics</i> , 193 So. 2d 777 (1967).....	3
 <b><u>STATUTES</u></b>	
La. R.S. 14:87.7.....	2
La. R.S. 14:87.8.....	2
La. R.S. 40:1061.....	2
La. R.S. 13:4431.....	2,3,4
La. R.S. 13:4331.....	3
 <b><u>CIVIL CODE ARTICLES</u></b>	
La. Civ. Code art. 2123.....	5

MAY IT PLEASE THE COURT:

**I. INTEREST OF AMICUS CURIAE**

Appearers are Louisiana Legislators, listed on the attached Exhibit “A”, duly elected by the People of the State of Louisiana, who submit this *amicus curiae* brief in support of the writ application of the Defendants herein, Louisiana Attorney General Jeff Landry and Secretary Courtney N. Phillips of the Louisiana Department of Health. They appear for the purpose of urging this Court to grant the writ and to compel the lower court to follow the explicit and unambiguous provisions of the law concerning suspensive appeals of rulings declaring statutes unconstitutional.

**II. STATEMENT OF THE CASE**

Plaintiffs, June Medical Services, LLC, Kathleen Pittman, Medical Students for Choice, and Clarissa Hoff, M.D., filed an Application for Preliminary Injunction, seeking to enjoin Defendants from the enforcement and implementation of La. R.S. 14:87.7, 14:87.8, and 40:1061. On July 21, 2022, the district court granted Plaintiffs’ Application for Preliminary Injunction, enjoining Defendants and their officers, agents, and assigns from the enforcement and implementation of La. R.S. 14:87.7, 14:87.8, and 40:1061, until a trial on Plaintiffs’ request for a permanent injunction. Defendants petitioned to appeal suspensively from the Judgment granting Plaintiffs’ Application for Preliminary Injunction. On June 25, 2022, the district court denied the Defendants’ petition for a suspensive appeal from its Judgment. The Defendants have now filed an application for a supervisory writ with this Court seeking the suspensive appeal from the district court’s ruling.

**III. ARGUMENT**

Legislators of the State have a substantial interest in the enforcement of laws enacted by the Legislature, including the laws challenged by the Plaintiffs here. To that end, the Legislators filing this brief join Defendants in urging this Court to grant the writ and to order the district court to grant the suspensive appeal sought by the Defendants pursuant to La. R.S. 13:4431. Defendants are entitled to a suspensive appeal of the district court’s ruling because the Judgment has restrained the enforcement of the aforementioned statutes:

In any case where any district court has granted any restraining order, preliminary injunction, permanent injunction, or other process which may restrain the execution or enforcement of any provision of the constitution or of any act, law or resolution of the legislature of Louisiana, the defendant or defendants or any person or persons affected thereby, may suspensively appeal the order or judgment to the court of competent appellate jurisdiction.

La. Rev. Stat. Ann. § 13:4431.

This Court has long acknowledged this right to a suspensive appeal and has enforced it accordingly. In *Womack v. Louisiana Commission on Governmental Ethics*, 250 La. 37, 193 So. 2d 777 (1967) the Nineteenth Judicial District Court issued an injunction against the enforcement of a Louisiana statute based on a finding that the statute was unconstitutional.<sup>1</sup> The defendants in that case sought a suspensive appeal pursuant to La. R.S. 13:4331, but, as here, the district court denied that petition.<sup>2</sup> The defendants applied to the Louisiana Supreme Court for supervisory review of that denial, which ruled that the defendants “are entitled to a suspensive appeal.”<sup>3</sup>

Similarly, in *Manuel v. State*,<sup>4</sup> a district court issued a preliminary injunction against the enforcement of a statute by finding the statute to be unconstitutional.<sup>5</sup> The State petitioned for a suspensive appeal, which the district court denied.<sup>6</sup> The Louisiana Supreme Court found that the denial of a suspensive appeal was improper.<sup>7</sup> In granting a writ application in favor of the State’s right to a suspensive appeal, the Louisiana Supreme Court stated that it “almost invariably grants a stay in cases in which a single district judge has declared a law or ordinance unconstitutional.”<sup>8</sup>

The Legislature of the State of Louisiana has long sought to protect the unborn and has consistently provided that abortion should be prohibited except in rare circumstances. In 2006, the

---

<sup>1</sup> *See id.* at 39, 193 So. 2d at 777.

<sup>2</sup> *See id.* at 39-40, 193 So. 2d at 778.

<sup>3</sup> *Id.* at 41, 193 So. 2d at 778 (also discussing *Hirt v. City of New Orleans*, 225 La. 1077, 1086, 74 So. 2d 380, 383 (1953) (“The lower court has no right to prevent the investigation it has started by means of injunction. The trial judge . . . should nevertheless have, under the provisions of [La. R.S. 13:4431], granted the relators a suspensive appeal.”); *Wall v. Close*, 201 La. 986, 996, 10 So. 2d 779, 783 (1942) (“The purpose of [La. R.S. 13:4431] is to prevent the district courts from restraining the execution or enforcement of any provision of the Constitution or any act, law or resolution of the Legislature until it is declared invalid or unconstitutional by final decisions of courts.”).

<sup>4</sup> 1995-2189 (La. 3/8/1996), 692 So. 2d 320.

<sup>5</sup> *See id.* at p. 2, 692 So. 2d at 321.

<sup>6</sup> *See id.*

<sup>7</sup> *See id.*

<sup>8</sup> *Manuel v. State*, 95-2156 (La. 8/24/95), 695 So.2d 953.



Legislature passed the Human Life Protection Act to ensure that when *Roe v. Wade* was overturned, elective abortions would be prohibited in Louisiana. In 2020, Louisiana citizens passed the Love Life Amendment with 62% of the vote to ensure that there is no right to abortion in the Louisiana Constitution. In 2022, the Legislature passed Act 545, the Reaffirmation of the Human Life Protection Act, to create consistency between our criminal and civil codes on abortion. Legislators took great care to define terms and exceptions to make Louisiana's laws unmistakably clear. Again, reflecting the will of the People who elected the Legislators, the statute explicitly stated that it was to take effect when *Roe v. Wade* was overturned. On June 24, 2022, the United States Supreme Court overturned *Roe v. Wade*, returning to states the ability to protect the lives of our unborn citizens.<sup>9</sup> At that time Louisiana's laws protecting the unborn went into immediate effect.

The *raison d'être*, of La. R.S. 13:4431 is clear, and the situation presented to this Court is a prime example of its importance. Litigants always have the right to seek an interlocutory appeal, or a supervisory writ, though the granting of such writs is most often discretionary. However, in the case of a suspensive appeal under La. R.S. 13:4431, the statute does not speak in terms of discretion. Instead, the suspensive appeal is of right. This section was enacted for the purpose of preventing interference by lower courts, through process of injunction, with public officers' performance of those duties imposed upon them by law for the necessary maintenance and operations of government and of their offices until such time as Supreme Court had opportunity of finally disposing of a matter. *Guillot v. Nunez*, Sup.1953, 225 La. 1035, 74 So.2d 205. *See also, Hirt v. City of New Orleans*, Sup.1953, 225 La. 1077, 74 So.2d 380.

Here, the district court's unlawful refusal to grant the suspensive appeal frustrates the legislative intent concerning abortion, which ends human life. The statute is blocked, and the opportunities for the Plaintiffs to drag the process out through discovery and delays in the trial of the matter are great. In this case, something much greater is at stake because of the delay in the review of the injunction. Since abortions continue to be performed because of the injunction

---

<sup>9</sup> *Dobbs v. Jackson Women's Health*, 142 S.Ct. 2228 (2022).

against the enforcement of the validly passed laws of this State, unborn children are dying. The State's interest in this case is thus extraordinarily and singularly compelling.

#### IV. CONCLUSION

The Petition for Suspensive Appeal was properly and timely filed within the suspensive appeal delays following the issuance of the Judgment in accordance with Louisiana Code of Civil Procedure article 2123, and the statute granting the right to a suspensive appeal in this situation could not be clearer. The Legislators respectfully requests that the statutes of this State, including the provision permitting suspensive appeals in this situation, be followed and the suspensive appeal allowed.

Respectfully submitted,

LANGLEY & PARKS, LLC

*s/Glenn L. Langley*

By: \_\_\_\_\_  
Glenn L. Langley, Bar Roll No. 8019  
Julianna P. Parks, Bar Roll No. 30658

401 Market Street, Suite 1100  
Shreveport, Louisiana 71101  
(318) 383-6422 telephone  
(318) 383-6405 telefax  
glandry@languelparks.com  
Respectfully submitted,

NICKELSON LAW PLLC

*s/John C. Nickelson*

By: \_\_\_\_\_  
John C. Nickelson, Bar Roll No. 32214

7591 Fern Avenue, Suite 1403  
Shreveport, Louisiana 71105  
(318) 678-5786 telephone  
(318) 300-4762 telefax  
john.nickelson@nickelsonlaw.com

**CERTIFICATE OF SERVICE**

I certify that a copy of the above and foregoing MOTION OF CERTAIN LOUISIANA LEGISLATORS FOR LEAVE TO APPEAR AS *AMICUS CURIAE* IN SUPPORT OF DEFENDANT-APPLICANT JEFF LANDRY, as well as the proposed brief, has been served on all counsel of record via email, facsimile, and/or by depositing same in the United States Mail, properly addressed and postage prepaid, this 29th day of July 2022.

*s/ Glenn L. Langley*  
GLENN L. LANGLEY

**Exhibit "A"**

Amicus Brief: Legislator List

Senate President Page Cortez, District 23  
Senator Mark Abraham, District 25  
Senator Bret Allain, District 21  
Senator Regina Barrow, District 15  
Senator Louie Bernard, District 31  
Senator Stewart Cathey, District 33  
Senator Heather Cloud, District 28  
Senator Patrick Connick, District 8  
Senator Mike Fesi, District 20  
Senator Cameron Henry, District 9  
Senator Bob Hensgens, District 26  
Senator Sharon Hewitt, District 1  
Senator Patrick M. McMath, District 11  
Senator Barry S. Milligan, District 38  
Senator Robert Mills, District 36  
Senator Beth Mizell, District 12  
Senator Jay Morris District 35  
Senator Barrow Peacock, District 37  
Senator J. Rogers Pope, District 13  
Senator Mike Reese, District 30  
Senator Jeremy Stine, District 27  
Senator Kirk Talbot, District 10  
Senator Glen Womack, District 32

Speaker of the House Clay Schexnayder, District 81  
Representative Beryl A. Amedée, District 51  
Representative Tony Bacala, District 59  
Representative Larry Bagley, District 7  
Representative Beau Beaulieu, District 48  
Representative Stuart Bishop, District 43  
Representative Ryan Bourriaque, District 47  
Representative Rhonda Butler, District 38  
Representative R. Dewith Carrier, District 32  
Representative Jean-Paul Coussan, District 45  
Representative Raymond Crews, District 8  
Representative Paula Davis, District 69  
Representative Daryl Deshotel, District 28  
Representative Phillip R. DeVillier, District 41  
Representative Michael Echols, District 14  
Representative Rick Edmonds, District 66  
Representative Kathy Edmonston, District 88  
Representative Julie Emerson, District 39  
Representative Les Farnum, District 33  
Representative Gabe Firment, District 22  
Representative Bryan Fontenot, District 55  
Representative Larry Frieman, District 74  
Representative Brett Geymann, District 35  
Representative Jonathan Goudeau, District 31  
Representative Lance Harris, District 25  
Representative Valarie Hodges, District 64  
Representative Paul Hollis, District 104  
Representative Dodie Horton, District 9  
Representative Michael Huval, District 46  
Representative John Illg, District 78  
Representative Barry D. Ivey, District 65

Representative Mike Johnson, District 27  
Representative Timothy Kerner, District 84  
Representative Sherman Mack, District 95  
Representative Danny McCormick, District 1  
Representative Jack McFarland, District 13  
Representative Scott McKnight, District 68  
Representative Wayne McMahan, District 10  
Representative Blake J. Miguez, District 49  
Representative Buddy Mincey, District 71  
Representative Nicholas Muscarello, District 86  
Representative Richard Nelson, District 89  
Representative Joseph Orgeron, District 54  
Representative Charles Owen, District 30  
Representative Robert Owen, District 76  
Representative Thomas Pressly, District 6  
Representative Neil Riser, District 20  
Representative Troy Romero, District 37  
Representative Rodney Schamerhorn, District 24  
Representative Laurie G. Schlegel, District 82  
Representative Alan T Seabaugh, District 5  
Representative Vincent St Blanc, District 50  
Representative John Stefanski, District 42  
Representative Phillip Tarver, District 36  
Representative Polly Thomas, District 80  
Representative Chris Turner, District 101  
Representative Debbie Villio, District 79  
Representative Bill Wheat, District 73  
Representative Malinda White, District 75  
Representative Mark Wright, District 77  
Representative Jerome Zeringue, District 52