

**IN THE COURT OF COMMON PLEAS
HAMILTON COUNTY, OHIO**

PLANNED PARENTHOOD
SOUTHWEST OHIO REGION, *et al.*,

Plaintiffs,

v.

OHIO DEPARTMENT OF HEALTH, *et al.*,

Defendants.

Case No. A 2100870

Judge Alison Hatheway

**PLAINTIFFS' UNOPPOSED SECOND MOTION
FOR LEAVE TO AMEND COMPLAINT**

Pursuant to Ohio Civil Rule 15(A), Plaintiffs, by and through their undersigned counsel, hereby move to file a Second Amended Complaint to assert an additional claim under the newly enacted Right to Reproductive Freedom Amendment, Article I, Section 22 of the Ohio Constitution. This provision, effective as of December 7, 2023, establishes the “right to make and carry out one’s own reproductive decisions,” including the decision to have an abortion. Ohio Const. Article I, Section 22. On April 11, 2024, Defendants indicated via electronic mail to Plaintiffs that they do not oppose this motion.

Civil Rule 15(A) provides that courts “shall freely give leave” to amend pleadings “when justice so requires.” Plaintiffs have support for the new matters they seek to plead and have not acted in bad faith, caused undue delay, or caused undue prejudice to Defendants. *See Danopulos v. Am. Trading II, LLC*, 2016-Ohio-5014, 69 N.E.3d 157, ¶ 24 (1st Dist.); *see also Hoover v. Sumlin*, 12 Ohio St.3d 1, 6, 465 N.E.2d 377 (1984) (“The language of Civ.R. 15(A) favors a liberal amendment policy and a motion for leave to amend should be granted absent a finding of bad faith, undue delay or undue prejudice to the opposing party.”). Accordingly, Plaintiffs

respectfully request that this Unopposed Second Motion for Leave to Amend their Complaint be granted.

A Proposed Order is filed separately.

Dated: April 15, 2024

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Respectfully submitted,

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*Application for *pro hac vice* granted