

Press Releases

O'Melveny Helps ACLU Achieve Sixth Circuit Victory Protecting Kentucky Abortion Rights

June 2, 2020



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NEW YORK—June 2, 2020—O'Melveny helped the ACLU and ACLU of Kentucky achieve a victory in the Sixth Circuit Court of Appeals that preserves abortion rights in Kentucky.

The Sixth Circuit upheld a lower court ruling that struck down a 2018 Kentucky law banning physicians from using a safe and medically proven abortion method. The District Court previously blocked this law in May 2019.

The law would have prevented patients from being able to get the care they need, forcing them to travel hundreds of miles to get an abortion in another state or forgo the care entirely.

The Sixth Circuit ruling is available [here](#).

The case was brought on behalf of EMW Women's Surgical Center, P.S.C., on behalf of the clinic, its staff, and its patients, as well as two physicians who provide care at EMW, on behalf of themselves and their patients.

"O'Melveny is extremely proud to have partnered with the ACLU in protecting the rights of patients seeking reproductive health care in Kentucky," said O'Melveny New York partner Leah Godesky, who led the O'Melveny team.

The O'Melveny team also included O'Melveny alumnae Taylor Simeone and Caroline Chiappetti.

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The ACLU issued the following [press release](#):

FEDERAL COURT STRIKES DOWN BAN ON SAFE ABORTION METHOD IN KENTUCKY

JUNE 2, 2020

LOUISVILLE, Ky. — The Sixth Circuit Court of Appeals [upheld](#) a lower court ruling today that struck down a Kentucky law banning physicians from using a safe and medically-proven abortion method. The District Court previously blocked this law in May 2019.

The law, signed by then-Governor Matt Bevin in April 2018, would have prevented patients from being able to get the care they need, forcing them to travel hundreds of miles to get an abortion in another state or forgo the care entirely.

Kentucky's law is just one of the 483 abortion restrictions that have been passed since 2011 as part of a nationwide strategy to push abortion care out of reach. Today's ruling beats back just one of several restrictions passed in Kentucky alone, including a ban on abortion from the earliest weeks of pregnancy (that has been blocked by the courts), a law forcing doctors to display and narrate an ultrasound to a patient before an abortion, and more, designed to close clinics and shut off access to abortion. As a result, Kentucky has only two providers left in the state today.

“As the court recognized today, Kentucky's law had no medical basis, and would have harmed patients seeking safe, constitutionally protected medical care,” said Andrew Beck, senior staff attorney with the ACLU Reproductive Freedom Project. “The state has no business dictating what care physicians can give their patients or banning certain procedures just to advance an anti-abortion agenda.”

“Two courts have made it resoundingly clear that D&E abortion care is safe, and Kentuckians have a right to access this care,” said Heather Gatnarek, staff attorney with the ACLU of Kentucky. “The Court of Appeals confirms what we’ve been asserting for years: The Kentucky General Assembly’s attempt to ban D&E abortion care is unconstitutional because it imposes a substantial burden on the right to choose. Our clients are relieved they will be guided by medicine, not politicians, when providing D&E care to their patients.”

The ACLU, the ACLU of Kentucky, and the law firm of O’Melveny & Myers brought this case on behalf of EMW Women’s Surgical Center, P.S.C., on behalf of the clinic, its staff, and its patients, as well as two physicians who provide care at EMW, on behalf of themselves and their patients.

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