

IN THE SUPREME COURT
STATE OF NORTH DAKOTA

Access Independent Health Services, Inc.,
d/b/a Red River Women’s Clinic, on
behalf of itself and its patients, and
Kathryn L. Eggleston, M.D., on behalf of
herself and her patients,

Plaintiffs/Appellees,

v.

Drew H. Wrigley, in his official capacity
as Attorney General for the State of North
Dakota; Birch P. Burdick, in his official
capacity as the State Attorney for Cass
County,

Defendants/Appellants.

Supreme Ct. No. 20220260

District Ct. No. 08-2022-CV-01608

**EXPEDITED MOTION FOR STAY
OF ORDER PENDING APPEAL**

¶1 Drew H. Wrigley, in his official capacity as Attorney General of North Dakota (“Wrigley” or “State”), moves the Court under Rules 8 and 27 of the North Dakota Rules of Appellate Procedure, for an expedited order staying the district court’s order enjoining N.D.C.C. § 12.1-31-12 pending the final resolution of Wrigley’s appeal to the North Dakota Supreme Court from the district court’s Order on Plaintiffs’ Motion for Preliminary Injunction. (R95). Wrigley moved the district court to stay its order granting a preliminary injunction (R97-98), but the court denied the Motion. (R105).

¶2 This Expedited Motion is supported by the attached Brief in Support of Wrigley’s Expedited Motion for Stay of Order Pending Appeal, as well as all other pleadings and records on file with the Court in this matter. The Expedited Motion is made on the ground that the outcome of Wrigley’s appeal to the North Dakota Supreme Court will substantially affect and should be dispositive of the Plaintiffs’ Motion for Temporary Restraining Order

and Preliminary Injunction (R5), and potentially the remaining substantive issues before the district court. Wrigley respectfully requests that this Court act on his Expedited Motion at the earliest opportunity because the Plaintiffs/Appellees have had reasonable notice of the Expedited Motion. *See* N.D.R.App.P. 27(b).

Dated this 27th day of September, 2022.

State of North Dakota
Drew H. Wrigley
Attorney General

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