

IN THE SUPREME COURT

STATE OF NORTH DAKOTA

Drew H. Wrigley, in his official capacity
as Attorney General for the State of North
Dakota,

Petitioner,

v.

The Honorable Bruce Romanick, District
Court Judge, South Central Judicial
District, 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,

Respondents.

Supreme Ct. No. 20220260

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

**RE: ACCESS INDEPENDENT HEALTH SERVICES, INC., D/B/A RED RIVER
WOMEN'S CLINIC, ON BEHALF OF ITSELF AND ITS PATIENTS, AND
KATHRYN L. EGGELSTON, M.D., ON BEHALF OF HERSELF AND HER
PATIENTS, V. DREW H. WRIGLEY, IN HIS OFFICIAL CAPACITY AS
ATTORNEY GENERAL FOR THE STATE OF NORTH DAKOTA, AND
BIRCH P. BURDICK, IN HIS OFFICIAL CAPACITY
AS THE STATES ATTORNEY FOR CASS COUNTY
ORDER ON PLAINTIFF'S MOTION FOR PRELIMINARY INJUNCTION
DATED AUGUST 25, 2022
BURLEIGH COUNTY DISTRICT COURT
SOUTH CENTRAL JUDICIAL DISTRICT**

HONORABLE BRUCE ROMANICK

PETITION FOR SUPERVISORY WRIT

[¶1] The North Dakota Attorney General, Drew H. Wrigley ("Wrigley"), petitions this Court for relief in the form of a supervisory writ to be issued under this Court's original jurisdiction, directing the respondent, The Honorable Judge Bruce Romanick, to vacate his

August 25, 2022, Order Granting Plaintiff/Respondent Red River Women’s Clinic’s (“RRWC”) Motion for Preliminary Injunction in Burleigh County District Court No. 08-2022-cv-1608, which enjoined N.D.C.C. § 12.1-31-12.

¶2 Exercise of this Court’s original jurisdiction under N.D. Const. art. VI, § 2 and N.D.C.C. § 27-02-04 is proper to rectify errors and prevent an injustice because Wrigley may not appeal Judge Romanick’s Order enjoining Section 12.1-31-12, and the injunction presents significant issues of public concern.

¶3 Judge Romanick abused his discretion because he enjoined Section 12.1-31-12 without considering the substantial probability of succeeding on the merits factor (“merits factor”), which courts must consider when evaluating motions for preliminary injunctions. Judge Romanick’s Order enjoining Section 12.1-31-12 is legally erroneous because it is not supported by this Court’s precedent or the State Constitution.

¶4 Judge Romanick’s Order enjoining Section 12.1-31-12 should be vacated in its entirety.

Dated this 10th day of October, 2022.

State of North Dakota
Drew H. Wrigley
Attorney General

By: /s/ Matthew A. Sagsveen
Matthew A. Sagsveen
Solicitor General
State Bar ID No. 05613
Office of Attorney General
500 North 9th Street
Bismarck, ND 58501-4509
Telephone (701) 328-3640
Email masagsve@nd.gov

By: /s/ Courtney R. Titus
Courtney R. Titus
Assistant Attorney General
State Bar ID No. 08810
Office of Attorney General
500 North 9th Street
Bismarck, ND 58501-4509
Telephone (701) 328-3640
Email ctitus@nd.gov

Attorneys for Petitioner.