

Navketan Aujla

From: Gwyn.Williams@lw.com
Sent: Friday, July 1, 2022 3:27 PM
To: Navketan Aujla; Doug.Miracle@ago.ms.gov; cthompson@bakerdonelson.com
Cc: Avery.Borreliz@lw.com; Fonda.Hellen@ago.ms.gov; gwyn-williams-5377@ecf.pacerpro.com; JScal@bakerdonelson.com; Mark.Richman@lw.com
Subject: RE: 3:20-cv-00652-HTW-LGI Genbiopro, Inc. v. Dobbs

CAUTION - EXTERNAL:

Ms. Aujla,

GenBioPro's complaint, as filed, specifically challenged The Women's Health Defense Act of 2013 (codified at Miss. Code Ann. ss. 41-41-101-117) and other then-existing restrictions on the provision of abortion services (including, for example, 15 Miss. Admin. Code ss. 16-1-44.1.5(3), 16-1-44.1.5(9), 16-1-44.28.1, Miss. Code Ann. ss. 41-75-1(e), (h)). The complaint made no mention of Mississippi's "trigger law" (Miss. Code Ann. s. 41-1-45) because that law was not in effect at the time the complaint was filed. The State, in its filing of June 30, has now made clear its position that the trigger law is not preempted by federal law, and indeed forecloses the claims made by GenBioPro in its complaint.

Obviously GenBioPro disagrees with that position. From a procedural standpoint, however, it is not clear whether any claim relating to the trigger law is squarely before this Court given the allegations of GenBioPro's original complaint. Accordingly, and in light of the State's June 30 filing, GenBioPro intends to file a motion for leave to amend its complaint to add a claim expressly relating to the trigger law.

GenBioPro therefore respectfully suggests that it would be more efficient for the Court to delay its ruling on the pending motion to dismiss until after GenBioPro has sought leave and, if granted, filed an amended complaint, so that all pertinent issues are before the Court at one time.

Best,

Gwyn Williams

LATHAM & WATKINS LLP
200 Clarendon Street
Boston, MA 02116
Direct Dial: +1.617.880.4512
Email: gwyn.williams@lw.com
<https://www.lw.com>

From: Navketan Aujla <Navketan_Desai@mssd.uscourts.gov>
Sent: Tuesday, June 28, 2022 10:57 AM
To: Doug Miracle <Doug.Miracle@ago.ms.gov>; Thompson, Carter <cthompson@bakerdonelson.com>
Cc: Borreliz, Avery (BN) <Avery.Borreliz@lw.com>; Williams, Gwyn (BN) <Gwyn.Williams@lw.com>; Fonda Hellen <Fonda.Hellen@ago.ms.gov>; gwyn-williams-5377@ecf.pacerpro.com; Scales, Jan <JScal@bakerdonelson.com>; Richman, Mark (BN) <Mark.Richman@lw.com>
Subject: RE: 3:20-cv-00652-HTW-LGI Genbiopro, Inc. v. Dobbs