

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

AMY BRYANT, M.D., )

Plaintiff, )

v. )

1:23-CV-77

JOSHUA H. STEIN, JEFF NIEMAN, )

KODY H. KINSLEY, MICHAUX R. )

KILPATRICK, MD, PHD, )

CHRISTINE M. KHANDELWAL, )

DO, DEVDUTTA G. SANGVAI, )

MD, MBA, JOHN W. RUSHER, MD, )

JD, WILLIAM M. BRAWLEY, W. )

HOWARD HALL, MD, SHARONA )

Y. JOHNSON, PHD, FNP-BC, )

JOSHUA D. MALCOLM, JD, )

MIGUEL A. PINEIRO, PA-C, MHPE, )

MELINDA H. PRIVETTE, MD, JD, )

ANURADHA RAO-PATEL, MD, and )

ROBERT RICH, JR., MD, )

Defendants, )

v. )

TIMOTHY K. MOORE and PHILIP )

E. BERGER, )

Intervenor-Defendants. )

**JUDGMENT AND PERMANENT INJUNCTION**

For the reasons set forth in the Memorandum Opinion and Order filed on April 30, 2024, it is hereby **ORDERED** and **ADJUDGED** that:

- (1) The following provisions of North Carolina law are preempted by federal law:

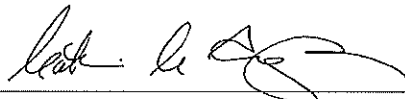
- a. N.C. Gen. Stat. § 90-21.83A, § 90-21.83B, § 90-21.93, and any other provisions of North Carolina law, to the extent they prohibit any healthcare provider other than a licensed physician from providing mifepristone;
  - b. N.C. Gen. Stat. § 14-44.1, § 90-21.83A, § 90-21.83B, and any other provisions of North Carolina law, to the extent they require that mifepristone be provided in person;
  - c. N.C. Gen. Stat. § 90-21.83A, § 90-21.83B, § 90-21.93, and any other provisions of North Carolina law, to the extent they require scheduling an in-person follow-up visit after providing mifepristone or efforts to ensure such a follow-up appointment; and
  - d. N.C. Gen. Stat. § 90-21.93, and any other provisions of North Carolina law, to the extent they require the reporting of non-fatal adverse events related to mifepristone to the FDA.
- (2) Defendants, their agents and successors in office, and all other persons included in FED. R. CIV. P. 65(d)(2) are hereby **ENJOINED** and prohibited from:
- a. Enforcing—by civil action, criminal proceeding, administrative action or proceeding, or any other way—the provisions of North Carolina law identified as preempted in paragraph (1);
  - b. Penalizing—by civil action, criminal proceeding, administrative action or proceeding, or any other way—anyone for failure to comply with the

provisions of North Carolina law identified as preempted in paragraph (1); and

- c. Applying, imposing, or requiring compliance with, implementing, or carrying out in any way the provisions of North Carolina law identified as preempted in paragraph (1).

The defendant-intervenors are entitled to judgment on the remaining provisions of North Carolina law challenged by the plaintiff, which are not preempted. Those remaining claims are **DISMISSED WITH PREJUDICE**.

This the 3rd day of June, 2024.



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UNITED STATES CHIEF DISTRICT JUDGE