

No. 20-6045

**UNITED STATES COURT OF APPEALS
FOR THE TENTH CIRCUIT**

SOUTH WIND WOMEN'S CENTER LLC, D/B/A/ TRUST WOMEN OKLAHOMA CITY, *on
behalf of itself, its physicians and staff, and its patients, et al.,*

Plaintiffs-Appellees,

v.

J. KEVIN STITT, *in his official capacity as* Governor of Oklahoma, *et al.,*

Defendants-Appellants.

On appeal from the United States District Court
for the Western District of Oklahoma
The Hon. Charles Goodwin
No. 5:20-CV-277-G

APPELLANTS' *EMERGENCY*** MOTION TO EXPEDITE APPEAL**

This case is extremely time-sensitive. The COVID-19 crisis is developing rapidly, and the Governor of Oklahoma and other state officials need definitive and rapid clarity on the extent to which the courts will be allowed to second-guess and manage state officials' reasonable and generally applicable emergency decisions, forcing them to favor one group's burdens over the burdens of countless others. An effective strategy will be impossible to implement, and vital State resources will be wasted and the State's attention diverted, if various levels of the court system continue reviewing this case over an extended period of time as the crisis develops and peaks.

The time-sensitive nature of emergencies like a pandemic is why a party may immediately appeal an adverse temporary restraining order in extraordinary circumstances. *See Duvall v. Keating*, 162 F.3d 1058, 1062 (10th Cir. 1998). In particular, appeals are appropriate when “an appellant will suffer irreparable harm absent immediate review.” *Id.* By their very nature, such appeals are premised on the concept that as little delay as two weeks will severely prejudice the appealing party.

Accordingly, Appellants respectfully request that this court expedite its final consideration of this appeal pursuant to Fed. R. App. P. 2.

Respectfully Submitted,

s/ Mithun Mansinghani

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CERTIFICATE OF EMERGENCY REQUIREMENTS

Pursuant to 10th Cir. R. 8.2(A), the undersigned certifies the following:

- (1) This motion was filed as quickly as possible.
- (2) The underlying order was entered yesterday, April 6, 2020.
- (3) The underlying order was effective on April 6, 2020, at 12:54 PM CDT.
- (4) Mithun Mansinghani, counsel for Defendants, may be reached at (405) 522-4392 or mithun.mansinghani@oag.ok.gov.

T.J. Tu, counsel for Plaintiffs South Wind Women's Center d/b/a Trust Women Oklahoma City and Larry Burns, D.O., may be reached at (917) 637-3627 or tjt@reprorights.org.

Diana Salgado, counsel for Comprehensive Health of Planned Parenthood Great Plains, Inc., may be reached at (212) 261-4399 or diana.salgado@ppfa.org.

s/ Mithun Mansinghani

MITHUN MANSINGHANI

CERTIFICATE OF 10TH CIR. R. 27.1

The undersigned counsel contacted counsel for plaintiff-appellees as required by 10th Cir. R. 27.1. Plaintiff-Appellees oppose the relief requested in this motion.

s/ Mithun Mansinghani

MITHUN MANSINGHANI

CERTIFICATE OF COMPLIANCE

This document complies with the typeface requirements of Fed. R. App. P. 32 and 10th Cir. R. 32, as required by Fed. R. App. P. 27, because it was prepared in a proportionally spaced font (Garamond, 14-point with footnotes at 13-point) using Microsoft Word 2016. The motion complies with the type-volume limitation of Fed. R. App. P. 27, because it contains 198 words, excluding the parts exempted.

s/ Mithun Mansinghani

MITHUN MANSINGHANI

CERTIFICATE OF DIGITAL SUBMISSION

All required privacy redactions have been made as required by 10th Cir. R. 25.5 and the ECF Manual. No paper copies are required pursuant to 10th Cir. R. 27.2. Additionally, this filing was scanned with Symantec Endpoint Protection antivirus using the latest version (14.2), most recently updated on April 07, 2020.

s/ Mithun Mansinghani

MITHUN MANSINGHANI

CERTIFICATE OF SERVICE

I certify that on April 7, 2020, I caused the foregoing to be filed with this Court and served on all parties via the Court's CM/ECF filing system.

s/ Mithun Mansinghani

MITHUN MANSINGHANI