

MONROE COUNTY CLERK'S OFFICE

THIS IS NOT A BILL. THIS IS YOUR RECEIPT.

Receipt # 3847314

Book Page CIVIL

No. Pages: 66

Instrument: COMPLAINT

Control #: 202404301654

Index #: E2024007242

Date: 04/30/2024

Time: 5:13:43 PM

Return To:
ANJAN K. GANGULY
140 ALLENS CREEK RD STE 220
ROCHESTER, NY 14618

HEARTBEAT INTERNATIONAL INC.
CRISIS PREGNANCY SERVICES INC. d/b/a
COMPASSCARE
CARING CHOICES PREGNANCY HELP COMMUNITY
INC.
STUDY THE OPTIONS PLEASE INC. d/b/a CARE NET
JAMES, LETITIA

Total Fees Paid: \$0.00

Employee:

State of New York

MONROE COUNTY CLERK'S OFFICE
WARNING – THIS SHEET CONSTITUTES THE CLERKS
ENDORSEMENT, REQUIRED BY SECTION 317-a(5) &
SECTION 319 OF THE REAL PROPERTY LAW OF THE
STATE OF NEW YORK. DO NOT DETACH OR REMOVE.

JAMIE ROMEO

MONROE COUNTY CLERK



**SUPREME COURT OF THE STATE OF NEW YORK
MONROE COUNTY**

HEARTBEAT INTERNATIONAL INC., on behalf of itself and its members and clients, and

CRISIS PREGNANCY SERVICES INC. d/b/a COMPASSCARE, CARING CHOICES PREGNANCY HELP COMMUNITY INC., STUDY THE OPTIONS PLEASE INC. d/b/a CARE NET PREGNANCY CENTER OF WAYNE COUNTY, PREGNANCY CENTER OF PENN YAN, INC. d/b/a CARE NET PENN YAN, ADIRONDACK PREGNANCY CENTER d/b/a ASCENTCARE, THE BRIDGE TO LIFE INC. d/b/a BRIDGE WOMEN’S SUPPORT CENTER, ALTERNATIVE CRISIS PREGNANCY CENTER, INC. d/b/a CARE NET PREGNANCY CENTER OF THE HUDSON VALLEY, 1ST WAY LIFE CENTER INC., NEW HOPE FAMILY SERVICES, INC., THE CARE CENTER d/b/a SOUNDVIEW PREGNANCY SERVICES AND SOUNDVIEW, CARE NET PREGNANCY CENTER OF CENTRAL NEW YORK d/b/a WILLOW NETWORK, on behalf of themselves and their clients,

Plaintiffs,

v.

LETITIA JAMES, in her official capacity as Attorney General of the State of New York,

Defendant.

VERIFIED COMPLAINT

Plaintiffs herein complain of the Defendant as follows:

NATURE OF ACTION

1. This action seeks declaratory and injunctive relief from the latest threatened legal action by Defendant Attorney General Letitia James (“James”) against plaintiff life-affirming pregnancy help organizations: HEARTBEAT INTERNATIONAL INC. (“Heartbeat”),

COMPASS CARE CRISIS PREGNANCY SERVICES, INC. d/b/a COMPASSCARE (“CompassCare”) and CARING CHOICES PREGNANCY HELP COMMUNITY INC., STUDY THE OPTIONS PLEASE INC. d/b/a CARE NET PREGNANCY CENTER OF WAYNE COUNTY, PREGNANCY CENTER OF PENN YAN, INC. d/b/a CARE NET PENN YAN, ADIRONDACK PREGNANCY CENTER d/b/a ASCENTCARE, THE BRIDGE TO LIFE INC. d/b/a BRIDGE WOMEN’S SUPPORT CENTER, ALTERNATIVE CRISIS PREGNANCY CENTER, INC. d/b/a CARE NET PREGNANCY CENTER OF THE HUDSON VALLEY, 1ST WAY LIFE CENTER INC., NEW HOPE FAMILY SERVICES, INC., THE CARE CENTER d/b/a SOUNDVIEW PREGNANCY SERVICES AND SOUNDVIEW, CARE NET PREGNANCY CENTER OF CENTRAL NEW YORK d/b/a WILLOW NETWORK, on behalf of themselves and their clients, (hereinafter referred to collectively as “the Pregnancy Help Collective”).

2. James’ salvos against Plaintiffs are the latest development in her politically motivated campaign against pregnancy organizations in general. This time, James targets Plaintiffs’ protected speech and activities engaged in for the sole benefit of pregnant women who have ingested—whether voluntarily or via trick or force—mifepristone, the first pill of the two-pill chemical abortion regimen, but wish to continue their pregnancies.

3. These pregnant women are at serious and imminent risk of miscarriage because of the ingestion of mifepristone. They urgently seek information and assistance to continue their pregnancies. New York’s pregnancy help organizations, including Plaintiffs, provide these women with necessary information, referrals, and even access to free medical care to empower them to save the lives of their *wanted* babies. Defendant James has no business butting into the intimate medical decision of an expectant mother, in consultation with the medical professional

of her choice, to carry her pregnancy to term and save her unborn baby from the disastrous effects of mifepristone while there is still time to undo the effects of that powerful chemical.

4. With the rising popularity of chemical abortion in the late 2000's, OB/GYNs began seeing a small but increasing number of women who had ingested mifepristone but wanted to continue their pregnancies. Physicians administered supplemental progesterone, the naturally occurring "pregnancy hormone," to counteract and reverse the effects of the mifepristone. Supplemental progesterone is otherwise a well-accepted and harmless treatment for pregnant women at risk of miscarriage, which is the case with women who have regretted their decision to ingest mifepristone.

5. Mifepristone acts by competitively binding to a pregnant woman's progesterone receptors. When progesterone binds to those receptors, the pregnant woman's body is signaled to help sustain the pregnancy. However, when mifepristone binds to those receptors instead of progesterone, the required signaling does not occur. The objective in administering supplemental progesterone is to "outcompete" the mifepristone at the progesterone receptor sites, blocking and reversing the effects of mifepristone. Indeed, the United States Food and Drug Administration concluded, in its pharmacology review for mifepristone, that "the abortifacient activity of RU486 [mifepristone] is antagonized by progesterone *allowing for normal pregnancy and delivery.*" Mifeprex Drug Approval Package, *Pharmacology Review(s)*, U.S. Food & Drug Admin. pp. 16-17 (Sept. 28, 2000) (emphasis added).

6. In the years since those early treatments, thousands of pregnant women at risk for miscarriage, due to mifepristone ingestion, have been treated with supplemental progesterone by state-licensed healthcare professionals. This administration of supplemental progesterone has colloquially become known as Abortion Pill Reversal ("APR").

7. Instead of celebrating the reproductive choice of these pregnant women who have decided to seek to preserve their pregnancies and bring their children to term—and celebrating the work of New York’s pregnancy help organizations which empower them in the exercise of their rights—Defendant James has launched a public campaign of opprobrium against the organizations and the APR protocol. She is joined in that campaign by her political allies, Planned Parenthood and the abortion industry, in New York and nationally.

8. Plaintiffs are Christian nonprofit, life-affirming, pregnancy help organizations that provide, or refer for, pregnancy help services for women who seek alternatives to abortion, including APR, as more particularly alleged below. Pregnancy help organizations include, but are not limited to, pregnancy resource centers, such as Plaintiff CompassCare, whose pregnancy help services are provided directly to women facing difficult or untimely pregnancies.

9. In furtherance of her openly declared political agenda, James has issued to Heartbeat, CompassCare, and the Pregnancy Help Collective Plaintiffs, and still other pregnancy help organizations in the State of New York, a five-day Notice of Intention to Sue (NOI) under plainly inapplicable provisions of New York Executive Law § 63(12) and New York General Business Law Article 22-A, §§ 349, 350. A NOI was issued to CompassCare on April 25, 2024 and Heartbeat on April 26, 2024. (**Exhibits A and B** hereto). The Plaintiffs referred to collectively as the Pregnancy Help Collective received essentially identical NOIs to those received by Heartbeat and CompassCare, starting on April 24.

10. The NOIs do not allege any violation of New York laws governing private charities such as Plaintiffs, including Executive Law Article 7-A, the Estates Powers and Trusts Law, or the Not-for-Profit Corporation Law.

11. The NOIs give Plaintiffs five business days to explain why they should not be sued,

after which James threatens “to seek injunctive relief, restitution, damages, civil penalties, auditing and compliance review, costs, and such other relief as the court may deem just and proper.” The threatened legal action would jeopardize the entire First Amendment-protected, Christian life-affirming missions of Heartbeat, CompassCare and all similarly situated pregnancy help organizations in the State of New York. Given the dates on which the Plaintiffs were served during James’ barrage of evidence-free NOIs, all of the Plaintiffs now face the imminent prospect of *in terrorem* litigation designed to cripple or destroy their charitable mission to women in need who wish to exercise their reproductive choices in *favor* of life.

12. The sole pretext for issuance of the NOIs is the false claim, supported by no evidence, that Plaintiffs have made “repeated and persistent misleading statements and omissions in the advertising of the Abortion Pill Reversal (‘APR’) protocol, including, but not limited to, statements and omissions relating to the safety and efficacy of the APR protocol.”

13. No misleading statements or omissions are specified in the NOIs, nor have any been made by any of these Plaintiffs, as more particularly alleged below.

14. The NOIs further fail to allege that any consumer has been injured by a consumer-oriented service. Plaintiffs’ free services, including referral or performance of APR, have injured no one.

15. As noted above, and as more particularly alleged below, APR is a proven medical protocol that involves the well-established medical regimen of administration of progesterone to women who decide against receiving the second pill of the chemical abortion regimen. A chemical abortion is completed by ingesting two separate drugs: first, mifepristone, which blocks the pregnancy hormone progesterone and deprives the developing child of nutrients. The woman is commonly directed to take misoprostol 24-48 hours later, which forces the uterus to contract

and expel the unborn child.

16. APR has a high success rate with no known serious side effects because it simply supplies the woman with a bioidentical form of a natural hormone widely administered during pregnancy to ensure its continuation, whereas the chemical abortion regimen, which employs powerful chemical agents, is fraught with medical risks, including serious hemorrhage, septic shock, ruptured ectopic pregnancies, and death—none of which is known ever to have happened, or even to have the possibility of happening, because of APR.

17. As further alleged below, Defendant James has taken no action against patently false and misleading statements about the safety and efficacy of chemical abortion by pro-abortion providers who enjoy her favor, including Planned Parenthood, despite clear evidence of risks and actual serious harm from the chemical abortion regimen to *paying consumers*, while targeting life-affirming pregnancy help organizations for legal action with no evidence of false or misleading statements or injury to anyone from their charitable *free* services. (*See, e.g.*, Carole Novielli, *Lawsuit against Planned Parenthood: Abortion pill caused toilet delivery of 'fully formed' 30-week baby*, Live Action News, available at <https://www.liveaction.org/news/planned-parenthood-lawsuit-abortion-pill-30-week/> [last accessed 4/29/24].)

18. James is thus threatening censorship, retaliation and viewpoint discrimination in violation of the free speech and free exercise clauses of the First Amendment, selective and arbitrary enforcement of the laws in violation of the Equal Protection Clause of the Fourteenth Amendment; violation of freedom of speech and free exercise of religion under Art. 1, §§ 3 and 8 of the New York Constitution; and selective and arbitrary enforcement of the laws in violation of Art. 1, § 11 of the New York Constitution. This threat has already chilled and will continue to chill and suppress Plaintiffs' exercise of their state and federal constitutional rights and also

imminently threatens to cripple or destroy their operations via damages, civil penalties, and “auditing and compliance review”—meaning continuous government meddling by James and her subordinates in Plaintiffs’ religiously motivated, First Amendment-protected speech and expressive association.

19. James is further threatening interference with protected rights in violation of NY Civil Rights Law, §70-b in that she intends to commence an action against Plaintiffs for the purpose of “harassing, intimidating, punishing or otherwise maliciously inhibiting the exercise” of their protected right under the New York Constitution to provide life-affirming “medical, counseling or referral services relating to pregnancy.” N.Y. Civ. Rights Law § 70-b (McKinney).

20. Plaintiffs accordingly move this Court for declaratory, temporary, preliminary and final injunctive relief in view of the impending deadline for Defendant James’ threatened baseless and unconstitutional legal action in furtherance of her political agenda.

JURISDICTION AND VENUE

21. This action arises under Article 1, §§ 3 and 8 of the Constitution of the State of New York.

22. This action also arises under the First and Fourteenth Amendments to the United States Constitution and is brought pursuant to 42 U.S.C. § 1983 for prospective declaratory and injunctive relief.

23. This Court has jurisdiction over the subject matter of this litigation pertaining to the Constitution of the State of New York and NY Civ. Rights Law § 70-b.

24. This Court also has concurrent jurisdiction over the federal claims under 42 U.S.C. § 1983.

25. Venue is proper in Monroe County pursuant to CPLR §§ 503(a) and 507 because lead

Plaintiff CompassCare was founded, and is located, in Monroe County, has served the pregnant women and children of Monroe County for over 40 years, and a substantial part of the events giving rise to this suit arose in Monroe County.

26. This Court is authorized to grant declaratory and injunctive relief under its equitable powers as to the state law claims herein and NY CPLR § 30001e.

27. This Court is authorized to grant Plaintiffs costs, including reasonable attorney fees, pursuant to 42 U.S.C. § 1988 as to the federal constitutional claims and, as to the state law claim for interference with protected rights, damages, costs and attorney fees under NY Civ. Rights Law § 70-b (3).

FACTS

HEARTBEAT INTERNATIONAL INC.

28. Plaintiff Heartbeat International Inc. (Heartbeat) is an interdenominational Christian association of faith-based pregnancy help organizations, including pregnancy resource centers, medical clinics, maternity homes, and nonprofit adoption agencies endorsed by Christian leaders nationwide. (See <https://www.heartbeatinternational.org/about-us>).

29. Heartbeat is a 501(c)(3) charitable organization that provides organizational representation for the world's most expansive network of pregnancy help organizations, including pregnancy resource centers ("PRCs") such as CompassCare. Heartbeat has over 3,000 affiliated locations, including over 2,000 locations throughout the United States.

30. Heartbeat was founded in 1971 in Toledo, Ohio, as "Alternatives to Abortion International," with 75 original affiliates. By 1993, Alternatives to Abortion had grown to 200 affiliates and changed its name to Heartbeat International. Heartbeat is incorporated in Ohio and has its principal place of business in Columbus, Ohio.

31. Heartbeat itself neither owns nor operates any PRCs. Rather, Heartbeat creates and maintains resources, including but not limited to model policies and procedures for use by its members, including CompassCare.

32. Heartbeat operates “Option Line,” which is a contact center for women seeking pregnancy-related help. Option Line offers support via a toll-free telephone number, e-mail, and live chat, 24 hours a day, 7 days a week. Option Line’s call center is in Heartbeat’s headquarters in Columbus, Ohio, and has been operating for 21 years. Option Line is staffed by specially trained consultants, who are equipped to respond to inquiries from women who think they may be pregnant and are unsure what to do. Option Line consultants receive approximately 1,000 inquiries a day.

33. As a purely charitable organization with a Christian mission, Heartbeat seeks to connect women in need of help with whoever can provide it. Heartbeat does not charge Option Line contacts for its services, nor does it receive any remuneration from the centers for connecting women to them.

34. As part of its Christian ministry, Heartbeat also operates the Abortion Pill Rescue Network (“APR Network”) and the Abortion Pill Reversal (“APR”) hotline, discussed below. Heartbeat brings suit here for itself, its clients, and the PRCs who are members of its APR Network.

The “Abortion Pill”

35. As noted above, the sole ground for Defendant James’ threatened legal action is the claim that Plaintiffs (and similarly situated pregnancy help organizations) have made false statements and omissions regarding APR when advertising about the availability of this option for women who wish to continue their pregnancy. As shown by the following facts, the accusation is baseless and pretextual.

36. When a woman becomes pregnant, the corpus luteum is formed within her ovary to

secrete progesterone. “Progesterone is needed for the pregnancy to continue; it prepares and maintains the uterine lining and stimulates the production of nutrients.” *Alliance for Hippocratic Medicine v. FDA*, 78 F.4th 210, 224 (5th Cir. 2023) (“*Alliance II*”), cert. granted, 144 S. Ct. 537 (2023).

37. In the 1980s, Roussel Uclaf S.A.—a French pharmaceutical firm—developed a drug named RU-486 which acts as an antiprogestosterone by occupying a pregnant woman’s progesterone receptors and thus preventing progesterone from binding to those receptors. It “blocks the hormone progesterone, halts nutrition, and ultimately starves the unborn human until death.” *Alliance for Hippocratic Medicine v. FDA*, 668 F. Supp. 3d 507, 520 (N.D. Tex. 2023) (“*Alliance I*”), aff’d in part, vacated in part, *Alliance II*, 78 F.4th 210.

38. In the mid-1990’s the Clinton administration worked with Roussel Uclaf S.A. to bring RU-486 to the American market. *Alliance I*, 668 F. Supp. 3d at 554. It negotiated the donation of RU-486 by Roussel Uclaf S.A. to a nonprofit called “the Population Council,” *Alliance II*, 78 F.4th at 224 n.1, so that the latter could sponsor it as a new drug for approval by the FDA—under the generic name mifepristone and the brand name Mifeprex. *Id.* at 223-24. Ultimately, “the Population Council applied for FDA to approve mifepristone as a new drug, as part of a two-drug regimen designed to cause abortion.” *Id.* at 223.

39. “Mifepristone alone, however, is not fully effective in aborting an embryo,” with a scientific “dispute as to just how effective mifepristone is alone.” *Bella Health and Wellness v. Weiser*, No. 1:23-cv-939, 2023 WL 6996860, at *2 (D. Colo., Oct. 21, 2023). “This is why patients also take the second drug—misoprostol—within a day or two of taking mifepristone to complete a medication abortion. Misoprostol dilates the cervix and induces muscle contractions, clearing the uterus of the embryo.” *Id.* “The full, two-drug regimen is highly effective at ending a pregnancy,

causing 97% of early-term pregnancies to terminate.” *Id.*

40. In 2000, mifepristone was approved by the FDA for abortions up to seven weeks gestation (49 days), with misoprostol taken 48 hours after mifepristone. In undertaking this review, the FDA performed its own Pharmacology Review where it undertook various animal studies. As a result of those studies, the FDA concluded that “the abortifacient activity of RU 486 is antagonized by progesterone *allowing for normal pregnancy and delivery.*” Mifeprex Drug Approval Package, *Pharmacology Review(s)*, U.S. Food & Drug Admin. pp. 16-17 (Sept. 28, 2000) (emphasis added).¹

41. That is, the FDA itself recognized that progesterone can neutralize the effects of mifepristone/RU 486 and allow for normal pregnancy and delivery.

42. Notably, the FDA has never added termination of pregnancy to the misoprostol label, meaning that the use of misoprostol in the chemical abortion context is “off-label.” *See* Label for Cytotec (misoprostol) Tablets, U.S. Food & Drug Admin.²; x.23, *Misoprostol*, in StatPearls (2023).³

“Abortion Pill Reversal”

43. “Some women regret their decision to start the medication abortion regimen after taking the first pill And others may have been coerced to start the regimen against their will.”

Bella Health and Wellness, 2023 WL 6996860, at *2.

44. Some “doctors and medical professionals, however, have investigated whether treatment with progesterone can reverse the effects of mifepristone, the first abortion pill, better than

¹ https://www.accessdata.fda.gov/drugsatfda_docs/nda/2000/20687_mifepristone.cfm;
https://www.accessdata.fda.gov/drugsatfda_docs/nda/2000/20687_Mifepristone_phrmr_P2.pdf.

² https://www.accessdata.fda.gov/drugsatfda_docs/label/2009/019268s041lbl.pdf.

³ <https://www.ncbi.nlm.nih.gov/books/NBK539873/>.

just watchful waiting and avoiding use of the second abortion pill. This is commonly called ‘abortion pill reversal’ or ‘medication abortion reversal.’” *Id.*

45. Supplemental progesterone itself is indubitably safe, and accordingly is classified as a “Category B” drug for pregnant women—the same category as Tylenol, the most commonly used pain reliever during pregnancy. *See* Label for Prometrium (progesterone) Capsules, U.S. Food & Drug Admin.⁴; Emily Oster, *Expecting Better* at 169 (2016) (discussing Tylenol use during pregnancy). Researchers estimate that “providers employ the use of progesterone in 5-12% of all pregnancies for a variety of reasons.” *Bella Health and Wellness*, 2023 WL 6996860, at *2.

46. The first known attempt to reverse the effects of mifepristone using progesterone occurred in 2006. In that year, Dr. Matthew Harrison, MD, was approached by a woman who had taken mifepristone and wanted to reverse the effects of it. He treated her with progesterone, and she went on to deliver a healthy baby.

47. Based on his own experience, a few years later, Dr. George Delgado, MD, devised the APR protocol for reversing the effects of mifepristone and began to advise doctors on APR. And in May 2012, Dr. Delgado set up a website and hotline to connect women who seek to reverse the effects of mifepristone with licensed medical professionals—this effort became known as the APR Network.

48. As stated above, the basic premise of APR is to counteract the effects of an antiprogesterone (mifepristone) with supplemental progesterone. Mifepristone is a progesterone receptor antagonist that binds twice as aggressively to the progesterone receptors in the uterus progesterone does, but not permanently. George Delgado, et al., *A Case Series Detailing the Successful Reversal of the Effects of Mifepristone Using Progesterone*, 33(1) *Issues L. Med.* 21

⁴ https://www.accessdata.fda.gov/drugsatfda_docs/label/2011/019781s017,020843s0111bl.pdf

(2018).

49. The basic biochemical premise of APR is that the effect of a competitive receptor *antagonist* may be “reversed” by increasing the amount of the receptor *agonist*. Barbara J. Pleuvry, *Receptors, Agonists and Antagonists*, 5 Neurosurgical Anaesthesia and Intensive Care, Pharmacology 350, 350 (2004). Stated differently, the effect of competitive inhibitors (*e.g.*, mifepristone) that block substrates (*e.g.*, progesterone) can be thwarted by adding more substrate. John W. Pelley, Elsevier’s Integrated Review Biochemistry 33-34 (2d ed. 2011).

50. APR is modeled on these basic principles of biochemistry and is supported by a long line of studies.

51. For example, in 1989, Japanese researchers studied “the role of progesterone in the maintenance of pregnancy” using a population of pregnant rats. After four days, only 33.3% of the rats who received mifepristone remained pregnant—but 100% of the rats who received progesterone simultaneously with mifepristone remained pregnant. The Yamabe study therefore indicated that progesterone can counteract the effects of mifepristone’s blocking of progesterone receptors. S. Yamabe, et al., *The Effect of RU486 and Progesterone on Luteal Function during Pregnancy*, 65(5) Nihon Naibunpi Gakkai Zasshi 497 (1989).

52. This was later confirmed by both the FDA (discussed above), and another animal study published by Camilleri and Sammut in July 2023. Following up on the Yamabe study, researchers evaluated the “non-simultaneous, subsequent administration” of progesterone following mifepristone in rats. None of the rats who received mifepristone alone during the equivalent of the first trimester of a human pregnancy remained pregnant, while 81.3% of the rats who received mifepristone followed by progesterone at the same stage remained pregnant. The study concluded that “[t]he administration and actions of the national agonist, progesterone, in the presence of the

antagonist, mifepristone, appears to be in concordance with the literature and our understanding of the pharmacological functioning of reversible competitive antagonism, where *sufficient levels of the agonist [progesterone] can override a given concentration of an antagonist [mifepristone].*” See Christina Camilleri & Stephen Sammut, *Progesterone-Mediated Reversal of Mifepristone-Induced Pregnancy Termination in a Rat Model: An Exploratory Investigation*, 12 Sci. Rep. 10942 (2023) (italics added).

53. In 2012 and 2017, two small human case studies were published. In 2012, Dr. Delgado and Dr. Mary Davenport published a small case series that followed seven women who had taken mifepristone and then received progesterone therapy after seeking medical assistance to maintain their pregnancies. Four of the six women (66%) who completed the study carried their pregnancies to term and delivered live infants, with no birth defects observed. George Delgado & Mary L. Davenport, *Progesterone Use to Reverse the Effects of Mifepristone*, 46(12) Ann. Pharmacother. e36 (2012).

54. Then, in 2017, a similar small case series out of Australia (Garratt and Turner) was published. In that series, two out of three women (66%) who received progesterone therapy after ingesting mifepristone carried their pregnancies to term and delivered healthy live infants. See Deborah Garratt & Joseph V. Turner, *Progesterone for Preventing Pregnancy Termination after Initiation of Medical Abortion with Mifepristone*, 22(6) Eur. J. Contracept. Reprod. Health Care 472 (2017).

55. In follow-up to his small 2012 case series, Dr. Delgado then engaged in a much larger case series. His 2018 study analyzed the charts of 547 women who had ingested mifepristone within the last 72-hours and then received progesterone therapy. (Two hundred and seven women from the initial 754 were excluded for control purposes.) The study found an overall fetal survival rate of

48%. The study showed even higher survival rates when the patients were divided into treatment subgroups. The subgroup that received progesterone intramuscularly showed fetal survival rates of 64%, and the subgroup that received a high dose of oral progesterone followed by daily oral progesterone until the end of the first trimester had survival rates of 68%. The study concluded that these two subgroups represented two viable APR protocols for use moving forward. *See George Delgado, et al., A Case Series Detailing the Successful Reversal of the Effects of Mifepristone Using Progesterone*, 33(1) *Issues L. & Med.* 21 (2018).

56. A scoping review was also published in July 2023, which reviewed the existing scientific literature and concluded that there was “*no increased maternal or fetal risk from using bioidentical progesterone in early pregnancy*,” and that “*mifepristone antagonization with progesterone is a safe and effective treatment*.” Paul L.C. DeBeasi, *Mifepristone Antagonization with Progesterone to Avert Medication Abortion*, 90(4) *Linacr. Q.* 395 (2023) (emphasis added).

57. Even Dr. Harvey Kliman, the director of the reproductive and placental research unit at the Yale School of Medicine, told the *New York Times* that using progesterone to reverse the effects of mifepristone “*makes biological sense*.” Dr. Kliman further stated that “*if one of his daughters came to him and said she had somehow accidentally taken mifepristone during pregnancy ... he would tell her to take 200 milligrams of progesterone three times a day for several days, just long enough for the mifepristone to leave her system: ‘I bet you it would work.’*” Ruth Graham, *A New Front in the War over Reproductive Rights: ‘Abortion-Pill Reversal’*, *N.Y. Times Mag.* (July 18, 2017).⁵

58. In light of the above studies, over a decade of widespread successful use of APR by

⁵ <https://www.nytimes.com/2017/07/18/magazine/a-new-front-in-the-war-over-reproductive-rights-abortion-pill-reversal.html>.

licensed healthcare professionals, and given the irrefutable evidence of its biochemistry, APR has been endorsed by the American Association of Pro-Life Obstetricians & Gynecologists, which has over 7,000 members, the Catholic Medical Association, and Canadian Physicians for Life, among others. *See, e.g.*, Am. Assoc. of Pro-Life Obstetricians & Gynecologists, 2019 AAPLOG Position Statement on Abortion Pill Reversal, <https://perma.cc/6RRC-GE2K>.

The Abortion Pill Rescue Network

59. Given the demonstrable life-saving potential of APR, Heartbeat maintains its APR Network consisting of physicians or other medical providers who are willing to assist a woman who wishes to try reversing the effects of mifepristone and prevent the death of her unborn child and pregnancy help organizations that inform pregnant women about the Network. The APR Network, which includes a 24/7 hotline for women who seek assistance, includes more than 1,400 medical professionals, across 18 countries, who are willing and able to administer the Abortion Pill Reversal protocol. One purpose of Heartbeat's APR Network is to associate persons who share its pro-life views in general, and its particular view that APR treatments should be considered by any woman who wishes to prevent the death of her unborn child by reversing the effects of mifepristone, to amplify their individual voices and broaden their capacity to reach women interested in this option.

60. The APR Network and its hotline were founded by Dr. Delgado in 2012 and acquired by Heartbeat in April 2018.

61. Plaintiff CompassCare is a member of Heartbeat's APR Network, along with numerous other pregnancy help organizations across the country.

62. Heartbeat's 24/7 APR Network hotline is specifically for women who have begun a chemical abortion, regret that decision, and seek help to halt the abortion process to save their

unborn children from otherwise certain death. This hotline involves a website with basic information about the APR process, a toll-free telephone number that women can call, and a live chat internet feature through which women can speak with trained nurses and consultants.

63. Through its APR hotline, Heartbeat works to connect these women with a medical professional in their area who can help, including those who work with Plaintiff CompassCare and other PRCs in the State of New York. Any woman in need of help, nationally or internationally, can call and seek a referral absolutely free of charge.

64. Heartbeat receives approximately 170 mission critical contacts a month about APR through the APR hotline, including inquiries from the State of New York, which is presumably the reason Defendant James has issued her NOI threatening to sue Heartbeat.

65. The APR Network is completely independent of Heartbeat’s affiliate memberships and includes many medical professionals who are not associated with any pregnancy help organization.

66. Heartbeat receives no payments or other remuneration from the licensed healthcare professionals in the APR Network for the referrals to them, including those professionals in New York State. And any pregnancy help organization can join the APR Network without cost. Nor is any payment made to or from Heartbeat when a medical professional joins the APR Network. Heartbeat’s communications about and operation of the APR Network are entirely charitable and noncommercial.

67. Of those women who voluntarily maintained contact or shared the outcome of their reversal attempt with the APR Network, Heartbeat is aware of more than 1,000 mothers who began chemical abortions but were able to continue their pregnancies and give birth to their babies through Abortion Pill Reversal, with the help of the APR Network.

68. Heartbeat maintains certain records of women who have received the APR protocol through APR Network. Based on records of other women who began the APR process, but whose ultimate result is unknown, Heartbeat believes that its APR Network has saved over 5,000 babies. This number is calculated by adding the number of APR Network successful reversals to the number of APR Network starts with unconfirmed outcomes multiplied by 64%—the percentage identified in the less successful of the two viable APR protocols identified by Dr. Delgado in his 2018 study.

69. Aside from the APR Network, there is no organized national program to connect women with Abortion Pill Reversal. Because of the extremely time-sensitive nature of the APR procedure, it is critical that women wishing to halt and reverse their in-progress chemical abortion are able to quickly obtain the appropriate life-saving treatment without government interference. Therefore, Defendant James' threatened interference with APR as provided, or referred for, by Plaintiffs and other pregnancy help organizations may well result in loss of life to unborn children who could have been saved—and severe and irreparable harm to the constitutional rights of Plaintiffs' pregnant clients to continue their pregnancies. James' agenda appears calculated to promote abortion, even of *wanted* babies.

Heartbeat's APR Education

70. As part of its programs preparing model resources, Heartbeat has prepared an APR Healthcare Professional Kit which includes the APR protocol, model consent forms, listing of scientific studies, and endorsements by professional organizations. This kit is made available for free to any medical professional (whether affiliated with a pregnancy center or not) who joins the APR Network.

71. In addition, Heartbeat provides continuing education courses for nurses regarding

Abortion Pill Reversal. Heartbeat is a registered continuing education provider with the State of California (because it is industry practice for nursing continuing education providers to become registered by California). Most states accept California's continuing education credits for nurses.

Heartbeat's Promotion of APR Is Not Misleading

72. As noted, James has alleged in the NOIs that Plaintiffs have made "repeated and persistent misleading statements and omissions in the advertising of the Abortion Pill Reversal ('APR') protocol, including, but not limited to, statements and omissions relating to the safety and efficacy of the APR protocol." There is no evidence for this claim.

73. In fact, compared to the many studies supportive of APR, there is only one study critical of its efficacy. That study was funded by Danco Laboratories, the principal manufacturer of mifepristone. See Mitchell D. Creinin, et al., *Mifepristone Antagonization with Progesterone to Prevent Medical Abortion: A Randomized Controlled Trial*, 135(1) *Obstet. Gynecol.* 158 (2020). All other criticisms of Abortion Pill Reversal come in the form of "policy statements" or articles merely seeking to undermine the statistical analyses or methods of the APR-supportive studies cited above. Those criticisms universally ignore the ethical concerns with giving a placebo to a woman who wishes to save her pregnancy, and the unremarkable and commonsensical biochemistry underlying Abortion Pill Reversal.

74. The Danco/Creinin study was small, involving only twelve pregnant women, who were scheduled for abortions. All twelve took mifepristone, and then half received progesterone while half received a placebo. Two women, one from the progesterone group and one from the placebo group, left the study. Of the five women who took progesterone, four (80%) were recorded to have healthy pregnancies at the conclusion of the study period, with one who went to the hospital with "severe bleeding" that required no medical intervention. *Id.* at 160. Of the five women in the

placebo group, two women (40%) were recorded to have healthy pregnancies at the conclusion of the study period, and *two* of the other women experienced severe bleeding, with one of the two requiring a blood transfusion. *Id.* at 160-61.

75. Thus, the Danco/Creinin study, if its size allows for any conclusions, stands for the propositions that (1) administering progesterone after mifepristone (i.e., APR) gives a pregnant woman a better chance of a healthy pregnancy over doing nothing (sometimes euphemistically called “watchful waiting”) and (2) administering progesterone after mifepristone (i.e., APR) gives a pregnant woman a better chance of avoiding severe bleeding over doing nothing. Any enhanced risk to a woman in this situation who wants to continue her pregnancy would arise from *not* receiving APR treatment. This is borne out by the FDA’s required warning labels. *Mifepristone can cause severe bleeding*. Progesterone does not.⁶

76. In sum, nothing Heartbeat states to the public regarding APR is false or misleading in any way.

77. Defendant James has no authority to pronounce on the scientific merits of APR or to demand conformity to her view of what Heartbeat should say about it.

78. Heartbeat’s statements regarding APR are protected speech under the First Amendment and Art. 1, § 8 of the Constitution of the State of New York.

79. Moreover, Heartbeat’s statements regarding APR are in conformity with the advertising requirements of the Federal Trade Commission (FTC), which would be a complete defense to Defendant James’ unsupported claim under both General Business Law § 349 and General Business Law 350-d, both of which are invoked in James’ NOIs.

⁶ Indeed, the recent scoping review performed by DeBeasi, discussed above, examined all the literature on APR safety, including Dr. Creinin’s study, and found *no evidence* that APR is unsafe. See Paul L.C. DeBeasi, *Mifepristone Antagonization with Progesterone to Avert Medication Abortion*, 90(4) *Linacr. Q.* 395, at .8 (2023).

COMPASSCARE

80. CompassCare is one of the many PRC members of Heartbeat's APR Network.

81. CompassCare is a tax-exempt 501(c)(3) nonprofit organization that has served the people of New York State for more than forty years. *See* CompassCare Form 990 (2022).

82. CompassCare's pro-life mission is explicitly and unreservedly Christian. As its website declares:

To be a Christian means that we believe every human being is equally valuable and must be treated with dignity and respect. To be a Christian means that we believe humans are made in the image of God and uniquely reflect that glorious image *at every stage of maturity from conception through natural death*, and beyond to the resurrection and life-everlasting. To be a Christian means we understand that humanity is fallen from grace into sin, and that we all have sinned.

Further it means that Jesus Christ came to restore us to the fullness of our purpose to reflect God in all His glory. To be a Christian means that now we are joined with Christ in His Messianic mission, laboring with Him to help restore other lost souls, which we all once were before we were born anew. To be a Christian means that we now trust all to the sovereign power of God, who orchestrates sin-stained circumstances in such a way as to lead others to union with Him through Jesus Christ, including circumstances like unplanned pregnancy.

So what makes CompassCare so effective? Christ-centered services. Christ died for us as an act of sacrificial love, and so we walk in that same love toward sinners, pointing all the while to the animating force driving the work, Jesus Christ Himself. *CompassCare is not just a Pregnancy Resource Center; it is a uniquely Christian one.*

See CompassCare, *Why is Christianity Key to CompassCare?*⁷,

83. CompassCare fields a team of 27 medical professionals—26 of them women—to offer caring, confidential, and free services to pregnant women and their families across four physical locations in New York State and via telehealth services. *See* CompassCare, *Our Team*.⁸

⁷ <https://www.compasscarecommunity.com/2016/08/why-is-christianity-key-to-compasscare/>.

⁸ <https://www.compasscare.info/who-we-are/our-team/>.

84. CompassCare staff are specially trained to meet women's health needs in connection with unplanned pregnancies and sexual health. *Id.*

85. CompassCare's facilities offer state-of-the-art exam rooms, STD labs that test for eleven diseases, and ultrasound equipment. *See* CompassCare, *State-of-the-Art Facilities*, <https://www.compasscare.info/who-we-are/state-of-the-art-facility/>.

86. CompassCare offers same-day and next-day appointments for pregnancy testing and ultrasounds to assess pregnancy viability and gestational age. *See* CompassCare, *Medical Services*, <https://www.compasscare.info/medical-services/>.

87. If a pregnancy test and an ultrasound indicate a given patient is pregnant, CompassCare medical professionals review with her all her pregnancy options, including abortion and side effects identified in the relevant scientific literature. *See* CompassCare, *Pre-Termination Evaluation*, <https://www.compasscare.info/medical-services/pre-termination-evaluation/>.

88. All CompassCare's services are offered completely free, and the organization is structured so as not to profit from any pregnancy decision a client makes. *See* CompassCare, *Who We Are: CompassCare or Planned Parenthood?*, <https://www.compasscare.info/who-we-are/compasscare-or-planned-parenthood>.

89. More than 19 out of every 20 CompassCare patients give it the highest possible rating in anonymous surveys given after their visit. *See* CompassCare, *Who We Are: Patient Reviews*, <https://www.compasscare.info/who-we-are/patient-reviews/>.

90. Only 1 in 200 patients gives CompassCare a below-average rating in response to those anonymous surveys. *See id.*

91. The Buffalo location of CompassCare was firebombed in 2022 by the radical pro-abortion group Jane's Revenge, causing more than a half million dollars in damage. *See* Poppy

Noor, *Pro-Choice Militants Are Targeting “Pregnancy Help Centers” Across US*, The Guardian (June 11, 2022).

92. Undeterred by the attack, CompassCare continues to provide empathetic, non-judgmental, scientifically sound, free community health care services and information to hundreds of New York State women a year.

CompassCare’s Promotion of APR Is Not Misleading

93. As part of its Christian mission, and as a member of Heartbeat’s APR Network, CompassCare’s trained medical professionals offer women who seek to continue their pregnancies after mifepristone ingestion the option of APR, to save their unborn children.

94. Since 2015, CompassCare has provided APR to 66 patients. Of those, CompassCare was unable to confirm the results of 19 APR patients. Of the 47 APR patients whose results are known, 42 continued with healthy pregnancies, while 5 were unsuccessful—an 89% success rate.⁹

95. As noted respecting Heartbeat, Defendant James has alleged in her NOI issued to CompassCare that CompassCare has made “repeated and persistent misleading statements and omissions in the advertising of the Abortion Pill Reversal (‘APR’) protocol, including, but not limited to, statements and omissions relating to the safety and efficacy of the APR protocol.” There is no evidence for this false claim.

96. Nothing CompassCare states regarding APR is in any way misleading or deceptive. On the contrary, its website summary of the procedure is entirely consistent with the valid medical science discussed above:

**Can the Abortion Pill Process Be Reversed?
Yes, it is *possible* to reverse a medical abortion.**

⁹ And even if one assumes that every single unknown APR patient was unsuccessful in continuing with a healthy pregnancy, that would still yield at minimum a success rate of 64% for APR at CompassCare.

If administered within 72 hours of taking the first pill (Mifepristone), pregnancy-sustaining progesterone therapy can help your body reverse the effects of a medical abortion.

Medical abortions are carried out using a regimen of two different drugs — mifepristone and misoprostol. The first pill, mifepristone, acts as progesterone blocker, intercepting your body's natural progesterone. Since progesterone is a necessary hormone for sustaining pregnancy, introducing a progesterone blocker makes the uterus inhospitable to pregnancy and the baby stops developing. The second pill in the regimen, misoprostol, is taken 24-48 hours after taking mifepristone. This drug causes the uterus to contract and the cervix to soften and dilate, pushing the baby out.

If progesterone therapy is administered within 72 hours of taking mifepristone and before taking misoprostol, it is *possible* to reverse the effects of the abortion.

Progesterone therapy floods the uterus with progesterone. By increasing the amount of progesterone present after taking mifepristone (the progesterone blocker), the baby *can* still receive pregnancy-sustaining progesterone and has *a greater chance* of continuing to develop.

If you have taken mifepristone in the last 72 hours, have NOT taken misoprostol and want to continue with a healthy pregnancy, it may be possible to reverse the effects of a medical abortion. Call CompassCare immediately. We will perform an ultrasound to confirm that your baby is alive. If your baby is viable, your medical abortion reversal will involve natural progesterone treatments for about two and a half weeks.

See <https://www.compasscare.info/medical-services/abortion-pill-reversal/> (italics added).

97. CompassCare's statement on APR links to the medical advice of APR developer George Delgado, M.D., FAAFP, whose advice reflects accepted medical practice regarding administration of APR and accurately describes the related biochemical process. See <https://www.compasscare.info/wp-content/uploads/2022/08/The-Reversal-of-Mifepristone-with-Progesterone.pdf>.

98. CompassCare's website does not make, refer to, or link to claims about the safety of the APR protocol, even though, as shown above, APR is not known to have any major side effects as it simply involves administration of progesterone, a Class 2 drug in the same category as

Tylenol. *See* CompassCare, Abortion Pill Reversal: We Inform, You Decide, <https://www.compasscare.info/medical-services/abortion-pill-reversal/>.

99. CompassCare's YouTube video on the APR protocol likewise does not make, refer to, or provide a link to any claims about the safety of the APR protocol, as to which there is no evidence of unsafety in any event. *See* CompassCare, Abortion Pill Reversal Information, <https://www.youtube.com/watch?v=rPQNUxx0UD4>.

100. CompassCare's Twitter account does not make, refer to, or provide a link to any statement about safety of the APR protocol, *See* CompassCare, https://twitter.com/compasscare?ref_src=twsrc%5Egoogle%7Ctwcamp%5Eserp%7Ctwgr%5Eauthor.

101. CompassCare's Facebook account does not make, refer to, or provide a link to any statement about the safety of the APR protocol. *See* CompassCare Community, <https://www.facebook.com/CompassCareCommunity>.

102. CompassCare's Instagram account does not make, refer to, or provide a link to any statement about the safety of the APR protocol. *See* CompassCare1980, <https://www.instagram.com/compasscare1980/>.

103. CompassCare's LinkedIn account does not make, refer to, or provide a link to any statement about the safety of the APR protocol. *See* CompassCare Pregnancy Services, <https://www.linkedin.com/company/compasscare-pregnancy-services/>.

104. CompassCare does not make any misleading statements about the efficacy of APR using any of the abovementioned or other modes of communication, noting only that APR “can” “possibly” help to save a pregnancy. Those statements are entirely truthful and indeed far more conservative than suggested by the evidence cited above, which demonstrates a very high success rate, including a success rate of nearly 90% at CompassCare itself for known APR results.

105. Defendant James has no authority to pronounce on the scientific merits of APR or to demand conformity to her view of what CompassCare should say about it.

106. CompassCare’s statements regarding APR are protected speech under the First Amendment and Art. 1, §8 of the Constitution of the State of New York.

107. Moreover, CompassCare’s statements regarding APR are in conformity with the advertising requirements of the Federal Trade Commission (FTC), which would be a complete defense to Defendant James’ unsupported claim under both General Business Law § 349 and General Business Law § 350-d, both of which are invoked in James’ NOIs even though they are not applicable to CompassCare.

THE PREGNANCY HELP COLLECTIVE PLAINTIFFS

108. Plaintiffs ADIRONDACK PREGNANCY CENTER d/b/a ASCENTCARE, THE BRIDGE TO LIFE INC. d/b/a BRIDGE WOMEN’S SUPPORT CENTER, PREGNANCY CENTER OF PENN YAN, INC. d/b/a CARE NET PENN YAN, ALTERNATIVE CRISIS PREGNANCY CENTER, INC. d/b/a CARE NET PREGNANCY CENTER OF THE HUDSON VALLEY, STUDY THE OPTIONS PLEASE INC. d/b/a CARE NET PREGNANCY CENTER OF WAYNE COUNTY, CARING CHOICES PREGNANCY HELP COMMUNITY INC., 1ST WAY LIFE CENTER INC., NEW HOPE FAMILY SERVICES, INC., THE CARE CENTER d/b/a SOUNDVIEW PREGNANCY SERVICES AND SOUNDVIEW, CARE NET PREGNANCY CENTER OF CENTRAL NEW YORK d/b/a WILLOW NETWORK are pro-life pregnancy help centers operating throughout the State of New York, each of which has been served with one of Defendant James’ “Notices of Intention to Sue.” These Plaintiffs are referred to collectively here as the Pregnancy Help Collective informally for the sake of efficiency of pleading, given the

commonality of facts and issues among them, although there is no formal organizational relationship among them.

109. The following Plaintiffs in the Pregnancy Help Collective have faith-based Christian missions based on their religious conviction regarding the sanctity of life and the evil of legalized abortion, including chemical abortion: CARING CHOICES PREGNANCY HELP COMMUNITY INC., STUDY THE OPTIONS PLEASE INC. d/b/a CARE NET PREGNANCY CENTER OF WAYNE COUNTY, PREGNANCY CENTER OF PENN YAN, INC. d/b/a CARE NET PENN YAN, ADIRONDACK PREGNANCY CENTER d/b/a ASCENTCARE, ALTERNATIVE CRISIS PREGNANCY CENTER, INC. d/b/a CARE NET PREGNANCY CENTER OF THE HUDSON VALLEY, 1ST WAY LIFE CENTER INC., NEW HOPE FAMILY SERVICES, INC., THE CARE CENTER d/b/a SOUNDVIEW PREGNANCY SERVICES AND SOUNDVIEW, CARE NET PREGNANCY CENTER OF CENTRAL NEW YORK d/b/a WILLOW NETWORK.

110. The following Plaintiffs in the Pregnancy Help Collective provide APR via licensed medical professionals fully authorized to administer the APR protocol: ADIRONDACK PREGNANCY CENTER d/b/a ASCENTCARE.

111. The following Plaintiffs in the Pregnancy Help Collective do not provide APR but refer for it to licensed medical professionals: CARE NET PREGNANCY CENTER OF CENTRAL NEW YORK d/b/a WILLOW NETWORK, CARING CHOICES PREGNANCY HELP COMMUNITY INC., THE CARE CENTER d/b/a SOUNDVIEW PREGNANCY SERVICES AND SOUNDVIEW, and NEW HOPE FAMILY SERVICES, INC.

112. The following Plaintiffs in the Pregnancy Help Collective neither provide nor refer for APR but publish information about APR and/or the APR Network: THE BRIDGE TO LIFE INC. d/b/a BRIDGE WOMEN'S SUPPORT CENTER, PREGNANCY CENTER OF PENN YAN,

INC. d/b/a CARE NET PENN YAN, ALTERNATIVE CRISIS PREGNANCY CENTER, INC.
d/b/a CARE NET PREGNANCY CENTER OF THE HUDSON VALLEY, STUDY THE
OPTIONS PLEASE INC. d/b/a CARE NET PREGNANCY CENTER OF WAYNE COUNTY,
1ST WAY LIFE CENTER INC.

113. Each member of the Pregnancy Help Collective is an association of persons who share pro-life views in general, including the view that APR treatments should be considered by any woman who wishes to prevent the death of her unborn child by reversing the effects of mifepristone, who collaborate to enhance their capacity to reach women interested in this option.

114. The Plaintiffs in the Pregnancy Help Collective agree with the assessment of the efficacy of APR and the dangers of chemical abortion as pleaded in ¶¶ 1-27 and 43-58 above.

115. The Plaintiffs in the Pregnancy Help Collective have not published any false or misleading statements or material omissions regarding APR, but rather any statements they have published are entirely consistent with those published by Plaintiffs Heartbeat and CompassCare as set forth in ¶¶ 72-79 and 93-107 above.

116. Despite the lack of any evidence of fraud, misrepresentation, or other law violation by any of the Plaintiffs in the Pregnancy Help Collective, they were all issued one of Defendant James' identically worded, boilerplate NOIs on and after April 24, 2024.

117. All the organizations in the Pregnancy Help Collective are thus facing the imminent threat of irreparable harm from Defendant James' *in terrorem* litigation seeking to punish their protected speech, expressive activity and expressive association, and her destructive intrusion into their private affairs and the intimate medical decisions of expectant mothers with urgent needs in matters of life and death for their unborn children.

DEFENDANT JAMES' RETALIATORY ANIMUS

118. As Attorney General of the State of New York, Defendant James has brazenly tethered her office to the advancement of her militantly pro-abortion politics and corresponding official harassment of pro-life pregnancy help organizations such as Heartbeat, CompassCare and the Plaintiffs herein described as the Pregnancy Help Collective.

119. In May of 2022, at an abortion-related political rally, James revealed that, after she was elected to the City Council of New York City, she “walked proudly into Planned Parenthood” for an abortion, “and I make no apologies to anyone.” See “‘No Apologies:’ NY AG Letitia James Tells Protesters ‘I Chose to Have an Abortion’”, NBC News (May 3, 2022), <https://www.nbcnewyork.com/news/local/ny-attorney-general-letitia-james-i-chose-to-have-an-abortion-years-ago/3673421/>.

120. In 2022 James announced and stumped for a bill that would provide state funding for abortion providers, at New York taxpayer expense, to “support the recruitment and retention of staff, patient navigators, staff training, the establishment of new or renovation of existing health centers, investments in technology to facilitate care, security enhancement, and other operational needs.” N.Y.S. Bill No. 10148-A (May 4, 2022).

121. The bill James introduced also would have provided unlimited state funding at New York taxpayer expense for abortions and abortion-related travel and lodging for out-of-state residents. See Erin Durkin et al., *Tish James Pitches Abortion Fund*, Politico (May 10, 2022).

122. James pushed for the creation of the taxpayer-funded abortion fund for out-of-state residents to abet those residents in avoiding the valid and constitutional abortion laws of the states where they reside. See Grace Ashford, *New York Lawmakers Push for Abortion Fund to Establish ‘Safe Harbor’*, N.Y. Times (May 9, 2022).

123. James has publicly advocated for an amendment to enshrine abortion in the New York Constitution. *See* Deanna Paul, *New York Attorney General Pushes for State Abortion Fund*, Wall St. J. (May 9, 2022).

124. James has engaged in lawfare against at least eight other states whose voters and elected officials have chosen pro-life policies she dislikes. *See* NY AG James, Twitter.com (May 3, 2022) (bragging about the interference); *id.* (Aug. 16, 2022) (adding eighth state).

125. James has led an effort by a coalition of state attorneys general to urge the U.S. Supreme Court to reverse a Texas court's ruling restricting use of the abortion drug mifepristone to its originally authorized, on-label use.

126. James used her government Twitter account to deceive the public and disseminate misinformation about pregnancy help organizations by making the false and/or misleading blanket allegation that they "don't offer health care services." *Id.* (May 3, 2022), <https://perma.cc/P6VE-3WQK>.

127. James used her government Twitter account to heavily pressure pharmacy store chains Walgreens and CVS to promote chemical abortion by providing the two drugs involved in chemical abortion to their customers. *Id.* (Mar. 9, 2023).

128. James pressured Google to alter the Google Map results it displays so that Internet users are directed away from pro-life pregnancy resource centers and toward abortion clinics instead. *Id.* (Aug. 25, 2022).

129. On April 22, James blitzed not only Heartbeat and CompassCare but PRCs throughout New York, including the Plaintiff organizations of the Pregnancy Help Collective, with Notices of Intention to Sue them five business days later under New York Executive Law § 63(12) and New York General Business Law art. 22-A, §§ 349, 350.

130. James has used her official New York Attorney General Twitter account to post at least 16 times that New Yorkers should adhere to her view of “science” and fight against attempts to undermine it, and to demean politicians and judges she personally believes ignore her notion of “science” when it conflicts with her policy views. NY AG James, <https://perma.cc/P6VE-3WQK>.

131. As shown above, there is no evidence to support James’ pretextual allegation in her NOIs James that Heartbeat, CompassCare, and the Plaintiff pregnancy help organizations in the Pregnancy Help Collective, have made “repeated and persistent misleading statement and omissions in the advertising of the Abortion Pill Reversal (‘APR’) protocol, including, but not limited to, statements and omissions relating to the safety and efficacy of the APR protocol.”

132. In furtherance of her pro-abortion political views, James now imminently threatens Heartbeat, Compass Care, and the Plaintiffs in the Pregnancy Help Collective, as well as other similarly situated pro-life organizations with *in terrorem* lawsuits for “injunctive relief, restitution, damages, civil penalties, auditing and compliance review, costs, and such other relief as the court may deem just and proper.”

133. James is motivated by retaliatory animus against the pro-life speech and expressive association of Heartbeat, CompassCare, the Plaintiffs in the Pregnancy Help Collective, and similarly situated pro-life pregnancy help centers. James threatens imminently to impose retaliatory censorship and other restrictions on Plaintiffs’ protected speech, expressive conduct, and association.

DEFENDANT JAMES’ VIEWPOINT DISCRIMINATION

134. James herself has published false and/or misleading information about APR. A reproductive healthcare brochure her office publishes includes a special call-out section just on APR, claiming that APR is “unproven” and that “‘abortion pill reversal’ has not been accepted by

any major medical association” or “demonstrated safe or effective through clinical trials.” Letitia James, How New York Protects Your Right to Reproductive Health Care, <https://ag.ny.gov/publications/reproductive-health-care>. That brochure also refers to PRCs as “fake” and contends they “inaccurately claim medication abortion can be ‘reversed.’”

135. While James threatens all the Plaintiffs herein, and potentially still other pro-life pregnancy help organizations, with *in terrorem* litigation, despite lacking any evidence of fraud, deception, or injury to anyone, James has taken no action regarding the demonstrably false and misleading statements of providers of chemical abortion as described above—a risky procedure that uses two powerful drugs to end a pregnancy in its early stages. *See* Cleveland Clinic, Medical Abortion (2024).

136. For example, for at least the past six years Planned Parenthood of Greater New York (PPNY) has made false and misleading statements about both abortion pill reversal under APR and abortion pill administration under the chemical abortion regimen.

137. As to APR, PPNY falsely claimed on its website that APR has never “been tested for safety, effectiveness, or the likelihood of side effects.” Emily, *Ask the Experts: Can the Abortion Pill Be Reversed after You Have Taken It?*, (Sept. 14, 2017), <https://perma.cc/6Z2D-5EJD>.

138. Much more than just a “repeated and persistent misleading statement” about the “safety and efficacy of the APR protocol,” of which Plaintiffs stand accused in the NOIs, PPNY’s claim is an objective falsehood that deceives visitors to the Planned Parenthood website.

139. In addition to lying about the pro-life service of APR, PPNY misleads vulnerable women about the serious risks involved in the chemical abortion regimen, consisting of two powerful drugs: first mifepristone, which blocks progesterone, literally starving the unborn child, and then off-label misoprostol which forcibly expels the child from the uterus. For example, PPNY

has for years falsely advised vulnerable women, with no mention of risks, that “Medication abortion - also called the abortion pill - is a *safe and effective* way to end an early pregnancy.” See “The Abortion Pill”, <https://www.plannedparenthood.org/planned-parenthood-greater-new-york/campaigns/medication-abortion> (emphasis added).

140. Further misleading women, PPNY, which charges for administration of the second drug in the chemical abortion regimen, misoprostol, states that “the Abortion Pill” merely “causes cramping and bleeding that can last several hours or more. You can be at home, or wherever is comfortable for you. Plan on taking it easy for the day.” See “How does the abortion pill work?”, <https://www.plannedparenthood.org/learn/abortion/the-abortion-pill/how-does-the-abortion-pill-work>.

141. Even more egregiously, in answer to the specific question: “What can I expect after I take the abortion pill?”, PPNY—again avoiding any mention of potential risks or serious side effects, states on its website that “You may feel tired or crampy for a day or so, and you’ll have bleeding and spotting for awhile [sic]. Most people go back to normal activities the day after a medication abortion.” See “What can I expect after I take the abortion pill?”, <https://www.plannedparenthood.org/learn/abortion/the-abortion-pill/what-can-i-expect-after-i-take-the-abortion-pill>.

142. PPNY also fails to disclose that the Federal Drug Administration estimates that more than 4,000 women who completed the two-drug medication regimen have suffered serious adverse medical events, including hemorrhage, septic shock, ruptured ectopic pregnancies, and at least 28 deaths. Susan Jaffe, *Drug Developers Caution Against US Mifepristone Ban*, 401 *The Lancet* 1325-26 (2023).

143. Also not disclosed is the far greater risk of emergency hospitalization due to chemical versus surgical abortion. See Maarit Niinimaki, et al., *Immediate Complications after Medical Compared with Surgical Termination of Pregnancy*, 114 *Obstet. Gynecol.* 795, 795 (2009), (finding that “overall incidence of adverse events was fourfold higher in the medical compared with surgical abortion cohort (20.0% compared with 5.6%, $P < .001$)”).

144. In contrast, as shown above, APR is entirely safe with no such history of adverse outcomes. Over seven decades, medical professionals have used bioidentical progesterone to support healthy pregnancies and prevent miscarriage when a pregnant woman naturally produces too little of the hormone for a pregnancy to continue. See Gian Carlo De Renzo et al., *Progesterone: History, Facts, and Artifacts*, 69 *Best Pract. & Res. Clinical Obstetrics & Gynecology* 78 (2020).

145. In 1998, the FDA gave the administration of bioidentical progesterone the agency’s formal approval to support healthy pregnancies. See “Drug Approval Package,” Prometrium (Progesterone) Capsules, Application No. 020843, U.S. Food & Drug Administration (approved Dec. 26, 1998).

146. The FDA based that approval, in part, on a pharmacology/toxicology review that found that the bioidentical progesterone produced the same pharmacologic responses as naturally occurring progesterone and is thus not at all harmful. See FDA, Center for Drug Evaluation and Research, Application No. NDA 2-843, at 4 (Feb. 25, 1998).

147. Today, bioidentical progesterone treatment is commonly used worldwide to reduce the risk miscarriage. See Line Rode et al., *Systematic Review of Progesterone for the Prevention of Preterm Birth in Singleton Pregnancies*, 88 *Acta Obstetrica et Gynecologica Scandinavica* 1180, 1180-89 (2009).

148. Bioidentical progesterone treatment also is used to help prevent uninduced abortion that would occur from IVF patients' bodies rejecting embryos trying to implant. *See* Am. Society for Reproductive Medicine, *Fact Sheet: Progesterone Supplementation During IVF* (2016).

149. Multiple peer-reviewed medical studies have found that this same kind of progesterone supplementation treatment discussed above can save about two-thirds of unborn children from death if given within three days of when mifepristone was administered. *See e.g.*, George Delgado et al., *A Case Series Detailing the Successful Reversal of the Effects of Mifepristone Using Progesterone*, 33 *Issues in Law & Medicine* 21, 21-31 (Spring 2018).

150. The APR protocol is a legitimate reproductive health procedure, fully legal in New York, the advocacy and promotion of which are protected by the First Amendment as a matter of public concern in which government has no right to interfere by attempts to impose, through lawfare or otherwise, Defendant James' preferred perspective in favor of abortion-on-demand or her view of what constitutes valid "medical science."

151. Yet, despite the medical facts showing the serious risks of chemical abortion versus the safety of progesterone therapy to reverse the effects of chemical abortion, including the off-label use of misoprostol, Defendant James has not noticed a proposed lawsuit against Planned Parenthood of Greater New York for "persistent misleading statements and omissions ... relating to the safety and efficacy" of pregnancy-destroying chemicals.

152. Rather, because APR *saves* lives in instead of ending them in the womb, James now targets Plaintiffs and all similarly situated pro-life pregnancy help organizations in New York State with *in terrorem* litigation with no evidence of harm to anyone from the administration of a pregnancy-protecting hormone approved by the FDA for that very purpose.

153. Defendant James thus reveals her intent imminently to impose viewpoint-discriminatory censorship and other restrictions on Plaintiffs' protected speech and expressive conduct and association.

FIRST CAUSE OF ACTION

(Violation of Art. 1, § 8 of the Constitution of the State of New York -
Freedom of Speech and Expressive Association)

154. The preceding allegations are incorporated here by reference.

155. Art. 1, § 8 of the Constitution of the State of New York provides that "Every citizen may freely speak, write and publish his or her sentiments on all subjects, being responsible for the abuse of that right; and no law shall be passed to restrain or abridge the liberty of speech or of the press."

156. James has no evidence that any Plaintiff has made any "misleading statements and omissions in the advertising of the Abortion Pill Reversal ('APR') protocol" or any evidence that any Plaintiff has made misleading "statements and omissions relating to the safety and efficacy of the APR protocol."

157. James' view of what constitutes a "misleading" statement or omission regarding APR is nothing but her opinion, and James has no competence or authority to dictate what constitutes valid medical opinion and practice regarding APR.

158. James' evident attempt to impose an official narrative against APR flatly contradicts the teaching of the United States Supreme Court in *Nat'l Inst. of Fam. & Life Advocates (NIFLA) v. Becerra*, 585 U.S. 755 (2018), which holds that the state has no competence or authority under the First Amendment to impose on private parties, in the name of "science", the government's side of a First Amendment-protected medical debate on a matter of public importance. James' actions also run afoul of the Second Circuit's teaching in *Evergreen Ass'n, Inc. v. City of N.Y.*, 740 F.3d

233, 239 (2d Cir. 2014), which stands for the proposition that government may not force pro-life pregnancy help organizations like the Plaintiffs here to parrot government propaganda favoring abortion (including chemical abortion) and disfavoring APR, nor force them to declare in the manner the government demands that they oppose abortion and will not provide or refer for abortion (including chemical abortion)

159. Defendant James' imminent threat of a baseless and vastly intrusive suit against Plaintiffs for "injunctive relief, restitution, damages, civil penalties, auditing and compliance review, costs, and such other relief as the court may deem just and proper" is intended to harass and intimidate Plaintiffs in retaliation for their protected speech as pro-life pregnancy help organizations, whose viewpoint James unabashedly and publicly detests.

160. This "lawfare" against what James falsely deems "fake clinics" is intended to chill, and does chill, Plaintiffs' speech and expressive conduct as faith-based pro-life organizations devoted to promoting the sanctity of life in the womb, including by preservation through abortion pill reversal for women who exercise their right to change their minds about abortion.

161. James' threatened lawfare involves unconstitutional and overbroad misapplication of business laws to religiously motivated non-profit organizations engaging in protected speech and expressive activity that James disfavors and seeks to suppress.

162. Further, James' threat to intrude into the affairs of Plaintiffs as pro-life organizations, if carried out, will chill and censor Plaintiffs' protected speech regarding alternatives to abortion and will also chill and interfere with Plaintiffs' right of expressive association under the free speech clause of the New York Constitution.

163. In the absence of injunctive relief, Plaintiffs will imminently suffer irreparable harm from James' viewpoint-discriminatory, unwarranted and retaliatory intrusion into their affairs, and

her threatened censorship and suppression of their speech and interference with their expressive association, via “injunctive relief, restitution, damages, civil penalties, auditing and compliance review.”

164. In the absence of injunctive relief, Plaintiffs will imminently suffer irreparable harm from James’ threatened violation of their right to the freedom of speech and expressive association.

165. Plaintiffs are thus entitled to a declaratory judgment that James’ Notices of Intention to Sue and the threatened litigation are violative of Art. 1. § 8 of the New York Constitution and appropriate temporary, preliminary and final injunctive relief to put a stop to James’ unconstitutional lawfare, including by the immediate withdrawal of her unlawful Notices of Intention.

SECOND CAUSE OF ACTION

(Violation of Art. 1, § 3 of the Constitution of the State of New York -
Free Exercise and Enjoyment of Religion)

166. The preceding allegations are incorporated here by reference.

167. Art. 1, Sec. 3 of the Constitution of the State of New York provides that “The free exercise and enjoyment of religious profession and worship, without discrimination or preference, shall forever be allowed in this state to all humankind.”

168. Defendant James’ imminent threat of a baseless and vastly intrusive suit against Plaintiffs for “injunctive relief, restitution, damages, civil penalties, auditing and compliance review, costs, and such other relief as the court may deem just and proper” is intended to harass and intimidate Plaintiffs in order to inhibit their Christian pro-life mission, which is motivated by the sincere religious conviction that all human life is made in the image and likeness of God, including life in the womb, is sacred and must be protected.

169. James’ lawfare is intended to chill, and does chill and will chill, Plaintiffs’ free exercise of religion as faith-based organizations to which James, unlawfully misapplying business laws to the Plaintiff organizations, is implacably posed in pursuit of a personal political agenda in favor of abortion on demand.

170. James’ threat to intrude into the affairs of Plaintiffs as faith-based organizations by “injunctive relief, restitution, damages, civil penalties, auditing and compliance review,” if carried out, will chill, suppress and directly interfere with Plaintiffs’ free exercise of religion regarding their religious mission of speaking about, providing, or referring for life-giving alternatives to abortion.

171. In the absence of injunctive relief, Plaintiffs will imminently suffer irreparable harm from James’ threatened violation of their right to the free exercise of religion.

172. Plaintiffs are thus entitled to a declaratory judgment that James’ Notices of Intention to Sue and the threatened litigation are violative of Art. 1, § 3 of the New York Constitution and appropriate temporary, preliminary and final injunctive relief to put a stop to James’ unconstitutional lawfare, including by the immediate withdrawal of her unlawful Notices of Intention.

THIRD CAUSE OF ACTION

(Violation of Art. 1, § 11 of the New York Constitution –
Equal Protection of the Laws)

173. The preceding allegations are incorporated here.

174. Art. 1, § 11 of the New York Constitution provides that “No person shall be denied the equal protection of the laws of this state or any subdivision thereof.”

175. As shown by the facts pleaded above, Defendant James has targeted Plaintiffs and other pro-life pregnancy help organizations for harassment, intimidation and intrusion into their

affairs by lawfare on the sole pretext, supported by no evidence of fraud or harm to anyone, that Plaintiffs have made “repeated and persistent misleading statements and omissions in the advertising of the Abortion Pill Reversal (‘APR’) protocol, including, but not limited to, statements and omissions relating to the safety and efficacy of the APR protocol.”

176. As shown by the allegations above, at the same time James targets Plaintiffs and other pro-life pregnancy help organizations for official harassment based on APR, , James ignores the “repeated and persistent misleading statements and omissions in the advertising” of the chemical abortion regimen by pro-abortion organizations, including Planned Parenthood of Greater New York, which organizations hide the serious risks of chemical abortion, including severe hemorrhage, septic shock, ruptured ectopic pregnancies, and death—none of which have ever are known to have happened, or likely even *could* happen, from APR.

177. James thus selectively targets pro-life, nonprofit pregnancy help organizations for official harassment and punishment based on non-existent misrepresentations and omissions, while taking no action against clear misrepresentations and omissions by profit-making, pro-abortion businesses, similarly situated in the same field of pregnancy and reproductive health, and with respect to the government’s stated interest in protecting consumers from risk of harm, targeting Plaintiffs on the basis of the impermissible considerations, i.e., their religious missions and the exercise of their constitutional rights to freedom of speech, expressive conduct and association, and the free exercise of religion. *See Bower Assocs. v. Town of Pleasant Valley*, 2 N.Y.3d 617 (2004).

178. In the absence of injunctive relief, Plaintiffs will imminently suffer irreparable harm from James’ viewpoint-discriminatory, arbitrary, and selective enforcement and unconstitutional misapplication of the laws.

179. Plaintiffs are thus entitled to a declaratory judgment that James' Notices of Intention to Sue and the threatened litigation are violative of Art. 1, § 11 of the New York Constitution Amendment, and appropriate temporary, preliminary, and final injunctive relief to put a stop to James' unconstitutional lawfare, including by the immediate withdrawal of her unlawful Notices of Intention.

FOURTH CAUSE OF ACTION
(Violation of Civil Rights Law § 70-b –
Interference with Protected Rights)

180. The preceding allegations are incorporated here.

181. NY Civil Rights Law, §70-b prohibits lawsuits by “any person or entity” that interferes with or attempts to interfere with protected rights under the Constitution or laws of the State of New York by means of allegations, “whether civil or criminal, [that] involve accessing, providing, facilitating, or attempting to access, provide... medical, counseling or referral services relating to pregnancy.”

182. Defendant James' baseless, retaliatory and vindictive “Notices of Intention to Sue” imminently threaten a violation of Plaintiffs' protected rights to provide pro-life medical, counseling or referral services relating to pregnancy without official harassment.

183. Plaintiffs are entitled to a declaratory judgment that James' imminently threatened “lawfare” is violative of their protected rights under § 70-b, as well as an injunction to prevent the threatened litigation, absent which Plaintiffs will suffer irreparable harms from violation of their protected rights.

184. Should James commence suit despite the filing of this action, Plaintiffs are further entitled to an award of compensatory damages, costs and attorneys' fees, including expert witness fees, as well as triple damages under §70(b)(3)(a) and (b) on the ground that James' the action

“was commenced or continued for the purpose of harassing, intimidating, punishing or otherwise maliciously inhibiting the exercise of rights...”

FIFTH CAUSE OF ACTION

(Violation of the First Amendment to the United States Constitution – Freedom of Speech and Expressive Association)

185. The preceding allegations are incorporated herein by reference.

186. For the reasons stated in the previous Causes of Action, Defendant James’ imminent and retaliatory threat of a baseless and vastly intrusive suit against Plaintiffs for “injunctive relief, restitution, damages, civil penalties, auditing and compliance review, costs, and such other relief as the court may deem just and proper” will, if carried out, infringe Plaintiffs’ right to freedom of speech and expressive association under the First Amendment as applied to the States via the Fourteenth Amendment, and is thus redressable under 42 U.S.C. § 1983.

187. James’ actions, which imminently threaten unconstitutional and overbroad misapplication of business laws, have already chilled, and will chill, Plaintiffs’ protected pro-life speech and expressive association and, unless enjoined, will result in censorship of that speech and interference with that expressive association, imminently inflicting irreparable harm absent injunctive relief.

188. In the absence of injunctive relief, Plaintiffs will imminently suffer irreparable harm from James’ retaliatory and viewpoint-discriminatory enforcement of the laws in violation of the First Amendment.

189. Plaintiffs are thus entitled to a declaratory judgment that James’ Notices of Intention to Sue and the threatened litigation are violative of the First Amendment, and appropriate temporary, preliminary and final injunctive relief to put a stop to James’ unconstitutional lawfare, including by the immediate withdrawal of her unlawful Notices of Intention.

190. Plaintiffs are further entitled to an award of costs and reasonable attorney fees pursuant to 42 U.S.C. § 1988.

SIXTH CAUSE OF ACTION

(Violation of the First Amendment to the United States Constitution – Free Exercise of Religion)

191. The preceding allegations are incorporated here by reference.

192. For the reasons stated in the previous Causes of Action, Defendant James’ imminent and retaliatory threat of a baseless and vastly intrusive suit against Plaintiffs for “injunctive relief, restitution, damages, civil penalties, auditing and compliance review, costs, and such other relief as the court may deem just and proper” will, if carried out, infringe Plaintiffs’ right to the free exercise of religion under the First Amendment as applied to the States via the Fourteenth Amendment, and is thus redressable under 42 U.S.C. § 1983.

193. James’ threatened intrusion into the affairs of Plaintiffs as faith-based organizations will chill, suppress and directly interfere with Plaintiffs’ free exercise of religion regarding their religious mission of speaking about, providing, or referring for life-giving alternatives to abortion, imminently inflicting irreparable harm absent injunctive relief.

194. Plaintiffs are thus entitled to a declaratory judgment that James’ Notices of Intention to Sue and the threatened litigation are violative of the Free Exercise Clause of the First Amendment, and appropriate temporary, preliminary and final injunctive relief to put a stop to James’ unconstitutional lawfare, including by the immediate withdrawal of her unlawful Notices of Intention.

195. Plaintiffs are further entitled to an award of costs and reasonable attorney fees pursuant to 42 U.S.C. § 1988.

SEVENTH CAUSE OF ACTION

(Violation of the Fourteenth Amendment to the United States Constitution –
Equal Protection of the Law)

196. The preceding allegations are incorporated here by reference.

197. As shown by the facts pleaded above, Defendant James has targeted Plaintiffs and other pro-life pregnancy help organizations for harassment, intimidation and intrusion into their affairs by lawfare on the sole pretext, supported by no evidence of fraud, misrepresentation, material omission, or harm to anyone, that Plaintiffs, who provide free services, have made “repeated and persistent misleading statements and omissions in the advertising of the Abortion Pill Reversal (‘APR’) protocol, including, but not limited to, statements and omissions relating to the safety and efficacy of the APR protocol.”

198. James targets Plaintiffs and other pro-life pregnancy help organizations for official harassment based on APR, while ignoring “repeated and persistent misleading statements and omissions in the advertising” of the chemical abortion regimen by profit-making pro-abortion businesses, including Planned Parenthood of Greater New York, which organizations hide the serious risks of chemical abortion from *paying* customers.

199. James thus selectively targets pro-life pregnancy help organizations, similarly situated in the same field of pregnancy and reproductive health, on the basis of the impermissible considerations of Plaintiffs’ religious convictions concerning the sanctity of life and the evil of abortion, and the exercise of their constitutional rights to freedom of speech, expressive conduct and association, and the free exercise of religion, conduct that is redressable under 42 U.S.C. § 1983.

200. In the absence of injunctive relief, Plaintiffs will imminently suffer irreparable harm from James’ viewpoint-discriminatory, arbitrary and selective enforcement and misapplication of

the law in violation of the Equal Protection Clause of the Fourteenth Amendment.

201. Plaintiffs are thus entitled to a declaratory judgment that James’ Notices of Intention to Sue and the threatened litigation are violative of the Equal Protection Clause of the Fourteenth Amendment, and appropriate temporary, preliminary and final injunctive relief to put a stop to James’ unconstitutional lawfare, including by the immediate withdrawal of her unlawful Notices of Intention.

202. Plaintiffs are further entitled to an award of costs and reasonable attorney fees pursuant to 42 U.S.C. § 1988.

EIGHTH CAUSE OF ACTION

(Declaratory Judgment –
Plaintiffs Have Not Violated New York General Business Law Article 22-A, §§ 349, 350)

203. The preceding allegations are incorporated here by reference.

204. James alleges that Plaintiffs have and continue to violate New York General Business Law Article 22-A, §§ 349, 350.

205. However, Sections 349 and 350 are wholly inapplicable to Plaintiffs’ protected speech informing the public about APR.

206. Sections 349 and 350 are also wholly inapplicable to Plaintiffs’ protected speech referring pregnant women seeking APR to licensed New York healthcare professionals that provide APR.

207. And Sections 349 and 350 are wholly inapplicable to Plaintiffs’ provision of APR, provided by New York-licensed healthcare professionals, as a charitable service freely given without any cost to the pregnant women so helped.

208. Plaintiffs have not advertised or in any way engaged in deceptive acts or practices likely to mislead a reasonable consumer—a pregnant woman at serious risk of miscarriage,

having taken mifepristone (whether voluntarily or by force or trick or coercion) but now seeking to have its life-threatening action reversed—acting reasonably under the circumstances.

209. Pursuant to New York Civil Practice Law & Rules Section 3001, Plaintiffs are thus entitled to a declaratory judgment that they have not and do not violate New York General Business Law Article 22-A, §§ 349, 350.

WHEREFORE, Plaintiffs respectfully request the entry of an Order and Judgment, as applicable, for the following relief:

A. A preliminary injunction barring Defendant James from initiating the litigation threatened in the Notices of Intention to Sue issued to the Plaintiffs or imposing any penalty or disability on any Plaintiff pursuant to New York Executive Law § 63(12) or New York General Business Law Article 22-A, §§ 349, 350.

B. Final injunctive relief barring Defendant James from initiating the litigation threatened in the Notices of Intention to Sue issued to the Plaintiffs or imposing any penalty or disability on any Plaintiff pursuant to New York Executive Law § 63(12) or New York General Business Law Article 22-A, §§ 349, 350.

C. A declaratory judgment that James' Notices of Intention to Sue and the threatened litigation are violative of Art. 1, § 8 of the New York Constitution, Art. 1, § 3 of the New York Constitution, Art. 1, § 11 of the New York Constitution, the First Amendment to the United States Constitution and the Equal Protection Clause of the United States Constitution.

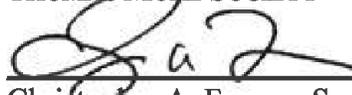
D. Pursuant to New York Civil Practice Law & Rules Section 3001, a declaratory judgment that Plaintiffs have not violated and do not violate New York General Business Law Article 22-A, §§ 349, 350.

E. Should James commence suit before any of the aforesaid relief can be granted, and despite the filing of this action, an award of compensatory damages, costs and attorneys’ fees, including expert witness fees, as well as triple damages for unlawful interference with protected rights in violation of N.Y. Civ. Rights Law § 70-b on the ground that the action “was commenced or continued for the purpose of harassing, intimidating, punishing or otherwise maliciously inhibiting the exercise of rights...”

F. An award of costs and reasonable attorney fees on the federal claims for injunctive relief pursuant to 42 U.S.C. § 1988.

G. Such other relief as this Court may deem just and proper.

THOMAS MORE SOCIETY



Christopher A. Ferrara, Senior Counsel
Dennis Ring, Special Counsel
148-29 Cross Island Parkway
Whitestone, Queens, New York 11357
Telephone: (718) 357-1040
cferrara@thomasmoresociety.org
docketing@thomasmoresociety.org
Counsel for Plaintiffs

Anjan Ganguly
GANGULY BROTHERS, PLLC
140 Allens Creek Rd, Ste 220
Rochester, NY 14618
585-232-7747
anjan@gangulylaw.com
Counsel for Plaintiffs
CompassCare & Caring Choices

Danielle M. White†
General Counsel
Heartbeat International, Inc.
8405 Pulsar Place
Columbus, OH 43240
614-885-7577
Counsel for Plaintiff Heartbeat International Inc.

Peter Breen†
Joan M. Mannix †
Michael G. McHale †*
B. Tyler Brooks †**
Christopher J.F. Galiardo †***
309 W. Washington St., Ste. 1250
Chicago, Illinois 60606
(312) 782-1680
Counsel for Plaintiffs

Raymond J. Dague
DAGUE LAW OFFICE
4874 Onondaga Road
Syracuse, New York 13215
Phone: (315) 422-2052

† pro hac vice forthcoming.

†* pro hac vice forthcoming; admitted in Nebraska.

†** pro hac vice forthcoming; admitted in North

*Counsel for Plaintiffs New Hope
Family Services & AscentCare*

Carolina, South Carolina, Tennessee, and
Michigan.

†*** *pro hac vice forthcoming*; admitted in Texas.

Thomas N.N. Angell, Esq.
ANGELL LAW, PLLC
Bentley Fieldhouse
6030 Route 82, Suite D
Stanfordville, NY 12581
845 705 4219
*Counsel for Plaintiff Care Net
Hudson Valley*



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

LETTIA JAMES
ATTORNEY GENERAL

DIVISION OF SOCIAL JUSTICE
HEALTH CARE BUREAU

**NOTICE OF PROPOSED LITIGATION PURSUANT TO
NEW YORK EXECUTIVE LAW § 63(12) AND
ARTICLE 22-A OF THE NEW YORK GENERAL BUSINESS LAW**

April 22, 2024

BY CERTIFIED MAIL

Crisis Pregnancy Services, Inc.
d/b/a CompassCare Pregnancy Services
Attn: Medical Director
2024 West Henrietta Road, Suite 6D
Rochester, NY 14623

Crisis Pregnancy Services, Inc.
d/b/a CompassCare Pregnancy Services
Attn: Medical Director
1230 Eggert Road
Buffalo, NY 14226

Crisis Pregnancy Services, Inc.
d/b/a CompassCare Pregnancy Services
Attn: Medical Director
951 Albany Shaker Road
Latham, NY 12110

Crisis Pregnancy Services, Inc.
d/b/a CompassCare Pregnancy Services
Attn: Medical Director
44 Court Street
Brooklyn, NY 11201

Notice of Intention to Sue

To Whom It May Concern,

Please be advised that the New York State Office of the Attorney General intends to commence litigation against Crisis Pregnancy Services, Inc. d/b/a CompassCare Pregnancy Services (“CompassCare”), on behalf of the People of the State of New York, pursuant to New York Executive Law § 63(12) and New York General Business Law Article 22-A, §§ 349, 350, in light of CompassCare’s repeated and persistent misleading statements and omissions in the advertising of the Abortion Pill Reversal (“APR”) protocol, including, but not limited to, statements and omissions relating to the safety and efficacy of the APR protocol. The Attorney General intends to seek injunctive relief, restitution, damages, civil penalties, auditing and compliance review, costs, and such other relief as the court may deem just and proper.

Exhibit

PLEASE TAKE NOTICE THAT, under General Business Law §§ 349(c) and 350-c, you are hereby afforded the opportunity to show, orally or in writing, within five (5) business days of receipt of this notice, why such proceeding should not be commenced.

Sincerely,

/s/ Eve Woodin
Eve Woodin, Assistant Attorney General
Health Care Bureau
Eve.Woodin@ag.ny.gov | (212) 416-6389

Louisa Irving, Assistant Attorney General
Civil Rights Bureau
Louisa.Irving1@ag.ny.gov | (212) 416-8534

State of New York Office of the Attorney General
28 Liberty Street, New York, NY 10005



STATE OF NEW YORK
OFFICE OF THE ATTORNEY GENERAL

LETITIA JAMES
ATTORNEY GENERAL

DIVISION OF SOCIAL JUSTICE
HEALTH CARE BUREAU

**NOTICE OF PROPOSED LITIGATION PURSUANT TO
NEW YORK EXECUTIVE LAW § 63(12) AND
ARTICLE 22-A OF THE NEW YORK GENERAL BUSINESS LAW**

April 22, 2024

BY CERTIFIED MAIL

Heartbeat International, Inc.
Attn: Jor-El Godsey, President
8405 Pulsar Place, Suite 100
Columbus, OH 43240

Notice of Intention to Sue

To Whom It May Concern,

Please be advised that the New York State Office of the Attorney General intends to commence litigation against Heartbeat International, Inc., on behalf of the People of the State of New York, pursuant to New York Executive Law § 63(12) and New York General Business Law Article 22-A, §§ 349, 350, in light of Heartbeat International, Inc.’s repeated and persistent misleading statements and omissions in the advertising of the Abortion Pill Reversal (“APR”) protocol, including, but not limited to, statements and omissions relating to the safety and efficacy of the APR protocol. The Attorney General intends to seek injunctive relief, restitution, damages, civil penalties, auditing and compliance review, costs, and such other relief as the court may deem just and proper.

PLEASE TAKE NOTICE THAT, under General Business Law §§ 349(c) and 350-c, you are hereby afforded the opportunity to show, orally or in writing, within five (5) business days of receipt of this notice, why such proceeding should not be commenced.

Sincerely,

/s/ Eve Woodin
Eve Woodin, Assistant Attorney General

Exhibit

Health Care Bureau
Eve.Woodin@ag.ny.gov | (212) 416-6389

Louisa Irving, Assistant Attorney General
Civil Rights Bureau
Louisa.Irving1@ag.ny.gov | (212) 416-8534

State of New York Office of the Attorney General
28 Liberty Street, New York, NY 10005

VERIFICATION

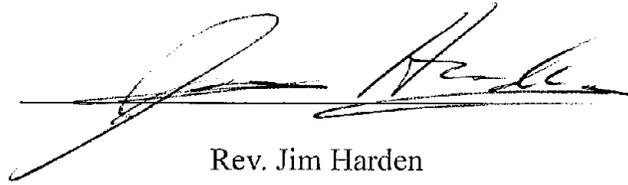
I, the President of Heartbeat International Inc., affirm this 30th day of April, 2024, under the penalties of perjury under the laws of New York, which may include a fine or imprisonment, that the information herein is true and I understand that this document may be filed in an action or proceeding in a court of law.



Jor-El Godsey

VERIFICATION

I, the Chief Executive Officer of Crisis Pregnancy Services Inc. d/b/a CompassCare, affirm this 30th day of April, 2024, under the penalties of perjury under the laws of New York, which may include a fine or imprisonment, that the information herein is true and I understand that this document may be filed in an action or proceeding in a court of law.



Rev. Jim Harden

VERIFICATION

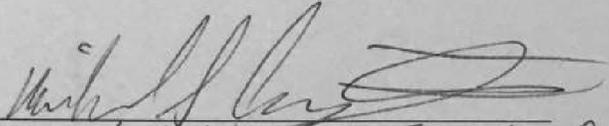
I, the [TITLE] of Caring Choices Pregnancy Help Community Inc., affirm this 30th day of April, 2024, under the penalties of perjury under the laws of New York, which may include a fine or imprisonment, that the foregoing paragraphs referencing my pregnancy help organization, Caring Choices Pregnancy Help Community Inc., and referencing the "Pregnancy Help Collective," insofar as they pertain to my pregnancy help organization, are true, and I understand that this document may be filed in an action or proceeding in a court of law.

Barbara Silva, Executive Director

[NAME]

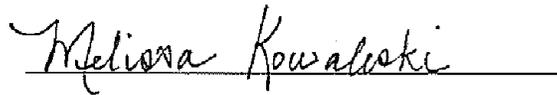
VERIFICATION

I, the [TITLE] of Pregnancy Center of Penn Yan, Inc. d/b/a Care Net Penn Yan, affirm this 30th day of April, 2024, under the penalties of perjury under the laws of New York, which may include a fine or imprisonment, that the foregoing paragraphs referencing my pregnancy help organization, Pregnancy Center of Penn Yan, Inc. d/b/a Care Net Penn Yan, and referencing the "Pregnancy Help Collective," insofar as they pertain to my pregnancy help organization, are true, and I understand that this document may be filed in an action or proceeding in a court of law.


Michael S. Aring Jon - Executive Director
[NAME] Pregnancy Center of Penn Yan, Inc
Care Net Penn Yan

VERIFICATION

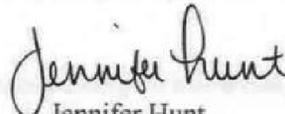
I, the Executive Director of Study The Options Please Inc. d/b/a Care Net Pregnancy Center of Wayne County, affirm this 30th day of April, 2024, under the penalties of perjury under the laws of New York, which may include a fine or imprisonment, that the foregoing paragraphs referencing my pregnancy help organization, Study The Options Please Inc. d/b/a Care Net Pregnancy Center of Wayne County, and referencing the "Pregnancy Help Collective," insofar as they pertain to my pregnancy help organization, are true, and I understand that this document may be filed in an action or proceeding in a court of law.



Melissa Kowaleski

VERIFICATION

I, the Executive Director of Adirondack Pregnancy Center Inc. d/b/a AscentCare, affirm this 30th day of April, 2024, under the penalties of perjury under the laws of New York, which may include a fine or imprisonment, that the foregoing paragraphs referencing my pregnancy help organization, Adirondack Pregnancy Center Inc. d/b/a AscentCare, and referencing the "Pregnancy Help Collective," insofar as they pertain to my pregnancy help organization, are true, and I understand that this document may be filed in an action or proceeding in a court of law.


Jennifer Hunt

VERIFICATION

I, Doreen Jansson, the CEO of The Care Center d/b/a Soundview Pregnancy Services and Soundview, affirm this 30th day of April, 2024, under the penalties of perjury under the laws of New York, which may include a fine or imprisonment, that the foregoing paragraphs referencing my pregnancy help organization, The Care Center d/b/a Soundview Pregnancy Services and Soundview, and referencing the "Pregnancy Help Collective," insofar as they pertain to my pregnancy help organization, are true, and I understand that this document may be filed in an action or proceeding in a court of law.



Doreen Jansson, CEO
Soundview Pregnancy Services

VERIFICATION

I, the Executive Director of New Hope Family Services, Inc., affirm this 30th day of April, 2024, under the penalties of perjury under the laws of New York, which may include a fine or imprisonment, that the foregoing paragraphs referencing my pregnancy help organization, New Hope Family Services, Inc., and referencing the "Pregnancy Help Collective," insofar as they pertain to my pregnancy help organization, are true, and I understand that this document may be filed in an action or proceeding in a court of law.



[NAME]

VERIFICATION

I, the President and Executive Director of Care Net Pregnancy Center of Central New York d/b/a Willow Network, affirm this 30th day of April, 2024, under the penalties of perjury under the laws of New York, which may include a fine or imprisonment, that the foregoing paragraphs referencing my pregnancy help organization, Care Net Pregnancy Center of Central New York d/b/a Willow Network, and referencing the "Pregnancy Help Collective," insofar as they pertain to my pregnancy help organization, are true, and I understand that this document may be filed in an action or proceeding in a court of law.

A handwritten signature in black ink that reads "Paul Marshall". The signature is written in a cursive style with a large initial "P" and "M".

Paul Marshall

VERIFICATION

I, the Executive Director of Alternative Crisis Pregnancy Center, Inc. d/b/a Care Net Pregnancy Center of the Hudson Valley, affirm this 30th day of April, 2024, under the penalties of perjury under the laws of New York, which may include a fine or imprisonment, that the foregoing paragraphs referencing my pregnancy help organization, Alternative Crisis Pregnancy Center, Inc. d/b/a Care Net Pregnancy Center of the Hudson Valley, and referencing the “Pregnancy Help Collective,” insofar as they pertain to my pregnancy help organization, are true, and I understand that this document may be filed in an action or proceeding in a court of law.

Deborah Townsend

Deborah Townsend

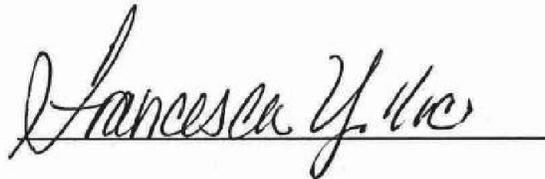
Verification

I, the Executive Director of 1st Way Life Center Inc. affirm this 30th day of April, 2024 under the penalties of perjury under the laws of New York, which may include a fine or imprisonment that the foregoing paragraphs referencing my pregnancy help organization, 1st Way Life Center Inc. and referencing the "Pregnancy Help Collection", insofar as they pertain to my pregnancy help organization are true, and I understand that this document may be filed in an action or proceeding in a court of law.

Amiteda Rein

VERIFICATION

I, the Executive Director of The Bridge to Life Inc, d/b/a Bridge Women’s Support Center, affirm this 30th day of April, 2024, under the penalties of perjury under the laws of New York, which may include a fine or imprisonment, that the foregoing paragraphs referencing my pregnancy help organization, The Bridge to Life Inc, d/b/a Bridge Women’s Support Center, and referencing the “Pregnancy Help Collective,” insofar as they pertain to my pregnancy help organization, are true, and I understand that this document may be filed in an action or proceeding in a court of law.



Francesca Yellico

VERIFICATION

I, the Medical Director for the APR-related activities of Heartbeat International Inc., affirm this 30th day of April, 2024, under the penalties of perjury under the laws of New York, which may include a fine or imprisonment, that the information contained in paragraphs 4-6, 15-16, 35-58, 70-76, and 96-97 is true, and I understand that this document may be filed in an action or proceeding in a court of law.



Charles Brent Boles, M.D.