No. 22-1135

In the Supreme Court of the United States

CENTER FOR MEDICAL PROGRESS, *et al.*,
Petitioners,

v.

NATIONAL ABORTION FEDERATION
Respondent.

On Petition for a Writ of Certiorari to the United States Court of Appeals for the Ninth Circuit

MOTION FOR LEAVE TO FILE AMICI CURIAE BRIEF AND AMICI CURIAE BRIEF OF THE STATE OF MISSOURI AND FIVE OTHER STATES IN SUPPORT OF PETITIONERS' APPLICATION

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MOTION FOR LEAVE TO FILE AMICUS CURIAE BRIEF

Movants are the States of Alabama, Arkansas, Georgia, Missouri, Nebraska, and South Carolina, and they respectfully request leave to file the accompanying brief as amici curiae in support of Petitioners' Petition for a Writ of Certiorari to the United States Court of Appeals for the Ninth Circuit.

IDENTITY AND INTERESTS OF MOVANTS

Movants are sovereign States within the United States of America. As their respective states' chief law enforcement or chief legal officers, *Amici* have a strong interest in ensuring that the public can freely communicate with law enforcement. Moreover, the particular facts of this case—that a trade association obtained injunctive relief restricting disclosure to law enforcement of communications occurring at its trade conferences—only underscores that the Ninth Circuit's decision affirming the District Court's permanent injunction has opened the door to a wide variety of prior restraints on communications with law enforcement.

REASONS TO GRANT THE MOTION FOR LEAVE TO FILE AMICI CURIAE BRIEF

Rule 37.2(a) provides that any party filing an *amicus curiae* brief must ensure that counsel of record for all parties receives notice of its intentional to file an *amicus curiae* brief at least ten days prior to the due date for the amicus curiae brief. *Amici* States provided notice to counsel of record of their intention to file an *amicus curiae* brief eight days prior to the due date for the brief and asked counsel of record if they would waive the ten-day notice given the eight-day notice. Counsel of record did not object to *Amici* States' request. *Amici* States, therefore, respectfully move that this Court waive the ten-day requirement and grant *Amici* states leave to file the attached brief in support of Petitioners' Petition for Writ of Certiorari with eight days' notice.

Movants *Amici* States respectfully submit that the proffered amicus brief will assist the Court on the following matters relevant to the Court's disposition of the application:

- First, *Amici* States' brief discusses Respondent National Abortion Federation's failure to demonstrate and the District Court's failure to consider that disclosure to law enforcement of material covered by the permanent injunction was unlikely to cause irreparable harm.

- Second, *Amici* States' brief discusses the strong public policy interests in protecting free communication between the public and law enforcement—especially when those matters are covered by confidentiality agreements.
- Third, *Amici* States' brief highlights the effects of the Ninth Circuit's decision to affirm the permanent injunction on current and future potential law-enforcement investigations and the threat prior restraints on disclosure pose to law enforcement and public safety.

These issues are relevant to the merits of the application for certiorari, and Movants respectfully submit that filing this *amicus* brief will aid the Court's decision on the application.

As noted above, no party opposes *Amici* States' request for this Court to grant leave for *Amici* States to file the attached brief in support of Petitioners' Petition for Writ of Certiorari. Further, granting this request will not prejudice any party. This Court already granted Respondent a 30-day extension to file a response to Petitioners' Petition for a Writ of Certiorari.

For the above reasons, *Amici* States respectfully request that this motion for leave to file the accompanying brief as amicus curiae supporting the application be granted.

Respectfully submitted,

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INTEREST OF AMICI CURIAE[1]

Amici curiae are the Attorneys General of Alabama, Arkansas, Georgia, Missouri, Nebraska, and South Carolina. As their respective states' chief law enforcement or chief legal officers, *Amici* have a strong interest in ensuring that the public can freely communicate with law enforcement. They therefore write separately to emphasize the harms from the District Court's permanent injunction restricting such communications. Moreover, the particular facts of this case—that a trade association obtained injunctive relief restricting disclosure to law enforcement of communications occurring at its trade conferences—only underscores that the decision below affirming the District Court's permanent injunction has opened the door to a wide variety of prior restraints on communications with law enforcement.[2] The Attorneys General therefore strongly urge this Court to grant certiorari to correct the district court's unprecedented decision.

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[1] Concurrent with the filing of this brief, undersigned counsel is filing a motion to waive the ten-day notice requirement to the parties under Rule 37.2. The motion is unopposed.

[2] It is undisputed that law enforcement was not involved in collecting the materials and information at issue, and this case solely involves persons who wish to communicate to law enforcement information pertinent to potential wrongdoing.

INTRODUCTION

This appeal involves a prior restraint—a gag order—imposed under penalty of the District Court's contempt powers. A party seeking the extraordinary relief of a permanent injunction must establish the elements for injunctive relief—irreparable injury, inadequate remedies available at law, that the balance of equities tips in favor of issuing the injunction, and that an injunction is in the public interest. *eBay Inc. v. MercExchange, L.L.C.*, 547 U.S. 388, 391 (2006). Moreover, when the injunctive relief restricts an individual or entity's rights under the First Amendment, the remedy must be narrowly tailored "to ensure that it restricts no more speech than necessary." *McCullen v. Coakley*, 573 U.S. 464, 492 (2014).

The District Court's permanent injunction is only the latest of a nearly eight-year saga in which the District Court has exercised judicial authority to limit, among other things, Petitioners' ability to share with law enforcement videos, photographs, or other information potentially relevant to law enforcement investigations. On July 31, 2015, National Abortion Federation ("NAF") sought, and the District Court granted, a temporary restraining order enjoining Petitioners from publishing or otherwise disclosing to any third party "any video, audio, photographic, or other recordings taken, or any confidential information learned, at any NAF annual meetings." (Dkt. No. 15 at 2–3). The District Court entered a

preliminary injunction to the same effect in February 2016. (Dkt. No. 354 at 42). The Ninth Circuit affirmed the District Court's preliminary injunction.

Approximately five years later, the District Court entered a permanent injunction enjoining Petitioners from "[p]ublishing or otherwise disclosing to any third party any video, audio, photographic, or other recordings taken, or any confidential information learned at the 2014 and 2015 NAF Annual Meetings." (Dkt. 720 at 22). The Ninth Circuit again affirmed the District Court's injunction.

NAF failed to meet its burden, at both the preliminary and permanent injunction stages, to obtain an injunction restricting communications between the Center for Medical Progress ("CMP") and law enforcement based on at least two of the necessary injunctive relief factors. ***First***, NAF did not prove—and neither the District Court nor the Ninth Circuit found—that there was a likelihood of irreparable harm from CMP's disclosure of the enjoined material to law enforcement. Nonetheless, the injunction restricts that very activity. ***Second***, NAF did not meet its burden to show that restricting CMP's communications with law enforcement is in the public interest. Law enforcement must be able to receive information from the public to investigate potential wrongdoing effectively. This interest includes not just investigations into criminal activity but any matter that law enforcement has an interest in investigating.

Further, this unprecedented injunction sets a dangerous precedent. The District Court's reasoning,

affirmed by the Ninth Circuit, allows persons or groups who wish to shut down whistleblowers and shield information from law enforcement to impede investigations by first requiring anyone privy to such information to enter into confidentiality agreements and later enforce those agreements through injunctive relief. A price-fixing cartel, for example, could make its members sign confidentiality agreements and then obtain a gag order to restrict disclosure to law enforcement. Judicial enforcement of these types of restrictions could delay, limit, or altogether prevent law enforcement from receiving important investigative leads.

ARGUMENT

I. The Ninth Circuit Erred in Affirming an Unprecedented Permanent Injunction Restricting CMP's Ability to Freely Communicate with Law Enforcement.

A. NAF Did Not Show a Likelihood of Irreparable Harm From CMP's Disclosure to Law Enforcement.

NAF did not show the required likelihood of irreparable harm required to justify enjoining disclosure to law enforcement. An injunction "must be narrowly tailored 'to affect only those persons over which [the Court] has power,' . . . and to remedy only the specific harms shown by the plaintiffs, rather than 'to enjoin all possible breaches of the law.'" *Price v.*

City of Stockton, 390 F.3d 1105, 1117 (9th Cir. 2004); *see also State of Nebraska Dep't of Health & Human Servs. v. Dep't of Health & Human Servs.*, 435 F.3d 326, 330 (D.C. Cir. 2006) (recognizing that "'[a]n injunction must be narrowly tailored to remedy the specific harm shown'" and collecting cases). NAF had to "prove a 'causal connection' between the irreparable injury [it] faces and the conduct [it] hopes to enjoin." *Garcia v. Google, Inc.*, 786 F.3d 733, 748 (9th Cir. 2015) (Watford, J., concurring in the judgment) (citing *Perfect 10, Inc. v. Google, Inc.*, 653 F.3d 976, 982 (9th Cir. 2011)); *cf. O'Shea v. Littleton*, 414 U.S. 488, 499 (1974) ("The Court has recently reaffirmed the basic doctrine of equity jurisprudence that courts of equity should not act . . . when the moving party has an adequate remedy at law and will not suffer irreparable injury if denied equitable relief.") (internal citation and quotation marks omitted).

Any argument that NAF was likely to suffer irreparable harm from disclosure to law enforcement fails on this record both legally and factually. Legally, *S.E.C. v. Jerry T. O'Brien* forecloses a party from claiming irreparable injury from a government agency issuing subpoenas for information. *See Blinder, Robinson & Co. v. S.E.C.*, 748 F.2d 1415, 1419 (10th Cir. 1984) (citing *S.E.C. v. Jerry T. O'Brien, Inc.*, 467 U.S. 735,743–44 (1984)); *cf. Google, Inc. v. Hood*, 822 F.3d 212, 228 (5th Cir. 2016) (challenge to CID unripe). Indeed, the permanent injunction is unprecedented. Neither NAF, the District Court, nor the Ninth Circuit has cited a single case that supports

a finding of irreparable injury in these circumstances or supports enjoining disclosure of information to law enforcement under similar facts. Nevertheless, NAF still obtained this extraordinary relief.

Factually, the harm NAF identified was an increase in the "worry and concern" of NAF staff members and a "more than likely" "'significant' increase in harassment, threats, and violent incidents." (Dkt. No. 720 at 11). NAF claimed that it "had to divert significant resources that otherwise would have been used to support NAF members" to respond to these concerns. (*Id*.) The District Court accepted this showing in granting the permanent injunction. (*Id*. at 11–13).

However, NAF did not show, or even suggest, that "harassment and death threats" are likely to result from disclosure *to law enforcement*. Nor did the District Court ever find a likelihood of such harm from disclosure to law enforcement. (*Id.* at 11–13). Many states have statutes relating to the confidentiality of information provided to the Attorney General. *See, e.g.*, Ariz. Rev. Stat. § 44-1525; *see also City of Riviera Beach v. State*, 82 So. 3d 198, 199 (Fla. Dist. Ct. App. 2012) (refusing to quash Attorney General subpoena for confidential information from municipality because, in part, "[t]he issue here is not public disclosure); *Crowley Foods, Inc. v. Lefkowitz*, 428 N.Y.S.2d 81, 84 (N.Y. App. Div. 1980) (finding "no merit" to the claim that the Attorney General subpoena should be quashed "because it requires disclosure of trade secrets"); *In re Bd. of Med. Review*

Investigation, 463 A.2d 1373, 1375–76 (R.I. 1983) (affirming an agency subpoena to obtain otherwise-confidential information related to an unprofessional-conduct investigation of a physician because, in part, "preliminary investigations are confidential"). This Court, in other contexts, has similarly recognized the generally confidential nature of records produced or collected by law enforcement during the pendency of an investigation. *Fed. Bureau of Investigation v. Abramson*, 456 U.S. 615, 624–26 (1982). Law enforcement regularly handles highly sensitive materials, such as the identity of informants, information about gangs and organized crime, and the locations of domestic violence victims. If law enforcement cannot be trusted to handle information that risks bodily harm or death if it falls into the wrong hands, then law enforcement simply cannot do its job. No evidence in the record suggests that law enforcement cannot maintain this information's confidentiality and disclose it only pursuant to a legitimate government purpose. The District Court, in turn, did not suggest that disclosure to law enforcement could constitute an irreparable injury. Indeed, the District Court's analysis of irreparable injury does make any mention of disclosure to law enforcement whatsoever—despite prior arguments raised concerning the effects of the District Court's exercise of injunctive relief on law enforcement investigations. (Dkt. No. 720 at 11–13); (Dkt. No. 401 at 5–6).

For all of these reasons, NAF did not show that irreparable harm was likely and cannot justify enjoining disclosure by CMP to government officers or agencies that are empowered to investigate wrongdoing (whether pursuant to subpoenas or voluntarily).

B. NAF Did Not Show That the Public Interest Favors Restricting CMP's Disclosure to Law Enforcement.

Restricting communications and disclosure to law enforcement agencies is also contrary to the public interest. In light of this, there are three reasons the Ninth Circuit erred by affirming the District Court's unprecedented permanent injunction. First, public policy strongly favors an unimpeded flow of communication and information between the public and law enforcement. Second, the permanent injunction meaningfully restricts CMP's ability to disclose information to law enforcement. And third, the Ninth Circuit's decision not only affirmed an unprecedented injunction, but in doing so also placed practically no limitations on courts' ability to enjoin disclosure to law enforcement based on contractual provisions. For each of these reasons, the permanent injunction should be reversed or at least narrowed. *See Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 23 (2008) (reversing injunction where "any [likelihood of irreparable] injury is outweighed by the public interest.").

1. Public Policy Strongly Favors Free Communication Between the Public and Law Enforcement

Law enforcement's ability to effectively investigate potential wrongdoing is often dependent on the public's willingness and ability to freely communicate and share information. This Court recognized as such almost forty years ago. *See O'Brien*, 467 U.S. at 743 ("It is established that, when a person communicates information to a third party even on the understanding that the communication is confidential, he cannot object if the third party conveys that information or records thereof to law enforcement authorities.").

Here, the District Court's preliminary injunction order enjoining Petitioners from disclosing the materials at issue, recognized that "public policy may well support the release" of records to "law enforcement agencies." (Dkt. No. 354 at 33); *see also Lachman v. Sperry-Sun Well Surveying Co.*, 457 F.2d 850, 853 (10th Cir. 1972) ("It is public policy . . . everywhere to encourage the disclosure of criminal activity . . . ."). Despite recognizing the strong public policy interests in providing the information to law enforcement agencies, the District Court concluded that a boilerplate confidentiality provision defeats this strong public interest. (*Id.* at 34). The District

Court's order permanently enjoining Petitioners did not provide any further analysis.

Given this strong public policy, it is unsurprising that neither the Ninth Circuit nor the District Court has cited a single case that supports enjoining disclosure to law enforcement under similar facts. (Dkt. No. 720 at 15–16); (Dkt. No. 776 at 4–5).

The Ninth Circuit, in turn, erred by affirming the District Court's decision to issue a permanent injunction preventing the disclosure of the information at issue to law enforcement agencies (among other third parties) in contravention of clear public interest. (Dkt. No. 776 at 4–5). The policy interest here goes beyond criminal activity and includes any matter—civil or criminal—in which a government agency has a legitimate investigatory interest. *See Ctr. for Competitive Politics v. Harris*, 784 F.3d 1307, 1317 (9th Cir. 2015) (noting that "The Attorney General has a compelling interest in enforcing the laws of California"); *United States v. Inst. For College Access & Success*, 27 F. Supp. 3d 106, 115, n.8 (D.D.C. 2014) (presuming compelling interest exists where "agency seeking the information is conducting an investigation pursuant to its statutory authority"). Indeed, *O'Brien* itself involved an investigation by the S.E.C., which is by definition civil, not criminal. *See* 467 U.S. at 737–38 (discussing procedural history of investigation).

This Court should grant Petitioners' Petition for Writ of Certiorari to recognize the important public

interests contravened by restricting CMP's free communication with law enforcement.

2. The Permanent Injunction Restricts CMP's Communications with Law Enforcement.

The District Court's permanent injunction permanently enjoined Petitioners, as well as all people or entities acting in concert with Petitioners, from "[p]ublishing or otherwise disclosing to any third party any video, audio, photographic, or other recordings taken, or any confidential information learned at the 2014 and 2015 NAF Annual Meetings." (Dkt. No. 720 at 22). The permanent injunction, in effect, precludes law enforcement from receiving and evaluating the full slate of information CMP would otherwise disclose.

But this Court has recognized that outside parties should not be able to interfere with disclosures made pursuant to a law enforcement subpoena. In *O'Brien*, the Court stated it is "[e]specially debatable" that a person "may obtain a restraining order preventing voluntary compliance by a third party with an administrative subpoena" and noted that it has "never before expressly so held." 467 U.S. at 749; *see also Chen Ci Wang v. United States*, 757 F.2d 1000, 1004 (9th Cir. 1985) ("[There is no constitutional requirement that a federal administrative agency notify 'targets' of nonpublic investigations when the agency issues subpoenas to third parties.").

The *O'Brien* Court also squarely rejected the notion that prior notice to persons other than the investigative subpoena recipient is a workable requirement, as this would permit investigative targets to impede investigations. *O'Brien*, 467 U.S. at 749–51.[3] By barring CMP from disclosing any information to law-enforcement officials, the permanent injunction allows NAF to control, through boilerplate contractual language in a nondisclosure agreement, what information law enforcement agencies receive from whistleblowers—a result directly contrary to *O'Brien*.

The Ninth Circuit's decision failed to acknowledge the broad policy against court orders restraining voluntary information sharing with law enforcement that *O'Brien* plainly recognized. (Dkt. No. 776 at 4–5). In contexts involving whistleblowers or confidential informants, injunctive relief empowering a party to inhibit information sharing with law enforcement, particularly through boilerplate

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[3] Attorney General investigations regularly seek materials from sources other than investigative targets. A More expansive approach is essential for gathering evidence, following leads, and corroborating claims. *See, e.g.*, *CUNA Mut. Ins. Soc. v. Attorney General*, 404 N.E.2d 1219, 1222 (Mass. 1980) (rejecting the "argument that the Attorney General may issue a C.I.D. only to a person being investigated); *Wilson Corp. v. State ex rel. Udall*, 916 P.2d 1344, 1348 (N.M. Ct. App. 1996) (noting that New Mexico's civil investigative demands "enable the Attorney General to obtain information without first accusing anyone of violating the Antitrust Act").

contractual provisions, would severely harm law enforcement's ability to investigate effectively.

The District Court's permanent injunction allows NAF to directly control, through boilerplate NDA language, what information is provided to government investigations. Wielding the power granted by the District Court's injunction, NAF unilaterally consented to certain information being provided or obtained by the FBI and the California Department of Justice, yet objected to disclosures of other potentially relevant information pursuant to a congressional subpoena and subpoenas from Arizona and Louisiana. (Dkt. No. 164 at 19). Allowing NAF to choose which government agencies may access CMP's information (and what information they can get) directly conflicts with this Court's reasoning in *O'Brien*, 467 U.S. at 749–51, and imperils the effectiveness of law enforcement's investigative process.

3. The Ninth Circuit's Decision Opens Up a Wide Range of Prior Restraints on Disclosure to Law Enforcement.

The Ninth Circuit's decision creates a harmful precedent on a topic of great importance because it not only affirmed an unprecedented injunction, but also opened the door to a wide range of prior restraints on disclosure to law enforcement by whistleblowers. The Ninth Circuit articulated few, if any, limitations on its

ruling, and the District Court's stated limitations do not limit the harmful future effects of its analysis.

First, the Ninth Circuit's decision should have focused on whether the District Court properly issued a prior restraint on speech, particularly one that relates to disclosure to law enforcement. Instead, the panel majority simply relied on the boilerplate language of the confidentiality agreement to conclude "that First Amendment rights may be waived upon clear and convincing evidence that the waiver is knowing, voluntary, and intelligent." (Dkt. No. 776 at 4). But that is not the pertinent issue as it concerns the permanent injunction's restrictions on CMP's information sharing with law enforcement. A party cannot use a contractual waiver as a sword to prevent another party from sharing information with law enforcement. Indeed, if anything, the facts of this case—a trade association obtaining injunctive relief restricting disclosure to law enforcement of communications occurring at its trade conferences—shows the breadth of this injunction. Communications at trade conferences (which are necessarily industry-wide affairs) are hardly the type of information that is generally recognized as the most private, and the Ninth Circuit's decision therefore opens the door to a wide variety of prior restraints on disclosure to law enforcement.

Second, the Ninth Circuit's decision again focused on the wrong issue when it affirmed the District Court's Judgment issuing the permanent injunction restricting Petitioners from, among other

things, sharing the material at issue with law enforcement. (Dkt. No. 776 at 4–5). The permanent injunction places direct restrictions on CMP. (Dkt. No. 720 at 22). As discussed at length above, those restrictions are meaningful limitations, which *O'Brien* specifically rejected. *See supra* Part I(B)(2). It was therefore emphatically NAF's burden to meet the test for injunctive relief, which it clearly did not with respect to enjoining disclosure to law enforcement.

Third, the Ninth Circuit's panel opinion failed to address the permanent effects the injunction has on the ability of law enforcement officials to conduct investigations related to the material at issue.[4]

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[4] The only instance in which the Ninth Circuit addressed the effects an injunction against Petitioners would have on the ability of law enforcement to conduct an investigation occurred in its review of the District Court's order issuing a preliminary injunction enjoining Petitioners, subject to any lawful subpoena, from publishing or otherwise disclosing any recordings or pictures taken, or any other confidential information learned, at any NAF meeting. (Dkt. No. 401 at 5–6). The majority opinion rejected the argument that the preliminary injunction restricts the ability of law enforcement to conduct investigations, stating that "[t]he preliminary injunction places no direct restriction on law enforcement activities" and "[r]ather, it enjoins the defendants from disclosing information to anyone except in response to a subpoena." (*Id*. at 6); *but see* (Dkt. No. 401-1, at 1–4) (Callahan, J., dissenting). The Ninth Circuit did not analyze the District Court's permanent injunction in this way. Furthermore, the Panel majority's factual distinctions regarding *O'Brien* do not persuasively distinguish the case. (Dkt. No. 401 at 6). The analysis in *O'Brien* applies more broadly than just

Fourth, the District Court's review of the recordings provides no adequate basis for overriding the strong public policy of permitting open communication with law enforcement. (Dkt. No. 720 at 15–16). The District Court summarily dismissed the argument that disclosure of the materials in question to law enforcement is in the public's interest by stating that the Court's "personal review of the NAF recordings . . . and other information defendants secured at the 2014 and 2015 NAH Annual Meetings, disclosed no criminal activity." (*Id.* at 16). The District Court's own conclusions about what may or may not be relevant to a civil or criminal investigation by law enforcement does not affect the strong public policy interests for providing potentially relevant information to law enforcement. The District Court (like NAF) lacked full knowledge of what law enforcement is confidentially investigating (civilly or criminally). The authority of State Attorneys General and other officers to protect the public extends well beyond simply bringing prosecutions and includes the

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"investigations in which a target is unaware of an ongoing investigation and still possesses materials that would be subject of a subpoena or potential investigation. (*Id.*) This Court in *O'Brien* focused on 1) the "burdensome[ness]" of a disclosure requirement on both the administrative agency and the courts and 2) the "substantial[] increase [in] the ability of persons who have something to hide to impede legitimate investigations" by "discourage[ing] the recipients from complying" and then "further delay[ing] disclosure . . . by seeking intervention." 467 U.S. at 749–50. These concerns apply here, and *O'Brien* is on point.

authority to investigate whether any civil or criminal violation of the law has occurred. Indeed, this Court has recognized that "[w]hen investigative and accusatory duties are delegated by statute to an administrative body, it, too, may take steps to inform itself as to whether there is probable violation of the law." *United States v. Morton Salt Co.*, 338 U.S. 632, 643 (1950). The materials at issue are potentially relevant to numerous investigations under local, state, or federal law, and individuals charged with law-enforcement responsibilities have the authority to inform themselves about whether a violation of the law has taken place. In fact, the District Court itself acknowledged that the limited disclosure of information by Petitioners prompted a number of federal, state, and local investigations. (Dkt. No. 720 at 15 n. 19). The District Court's judgment about the relevance of the material at issue cannot supplant these investigations.

In sum, the permanent injunction establishes a harmful precedent that invites third parties to insert themselves improperly into law enforcement investigations. By enforcing the confidentiality agreements and restricting CMP's ability to freely communicate with law enforcement, the permanent injunction placed NAF in the position of negotiating with law enforcement about the relevance of information a third party (CMP) wishes to disclose. The reasoning in the Ninth Circuit and District Court decisions would allow any group desiring to shield its communications from law enforcement (and, in

particular, conspiring bad actors) to merely (1) enter into confidentiality agreements; and (2) use the courts to enforce the agreements and thereby short circuit or otherwise delay government investigations. A price-fixing cartel, for example, could make its members sign confidentiality agreements and then seek to enforce those agreements if a member sought to share information with law enforcement. This is an absurd result and contrary to the public interest law enforcement is sworn to protect. Accordingly, this Court should recognize that the permanent injunction conflicts with an important public interest and reverse.

CONCLUSION

For the reasons stated herein, the Attorneys General urge this Court to grant Center for Medical Progress, Biomax Procurement Services, LLC, and David Daleiden's Petition for Writ of Certiorari.

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