

ADDENDUM

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Excerpts from Memorandum of Points and Authorities in Support of Plaintiffs' Motion for Preliminary Injunction in the District Court (Oct. 21, 2015)..... 1a

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UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF CALIFORNIA

NATIONAL INSTITUTE
OF FAMILY AND LIFE
ADVOCATES d/b/a NIFLA,
a Virginia corporation;
PREGNANCY CARE
CENTER d/b/a PREGNANCY
CARE CLINIC, a California
corporation; and FALLBROOK
PREGNANCY RESOURCE
CENTER, a California
corporation;

Plaintiffs,

v.

KAMALA HARRIS, in her
official capacity as Attorney
General for the State of
California; THOMAS
MONTGOMERY, in his
official capacity as County
Counsel for San Diego

Case No. 3:15-cv-02277-
JAH-DHB

MEMORANDUM OF
POINTS AND
AUTHORITIES IN
SUPPORT OF
PLAINTIFFS' MOTION
FOR PRELIMINARY
INJUNCTION

Accompanying papers:
Plaintiffs' Notice of
Motion and Motion for
Preliminary Injunction

County; MORGAN FOLEY, in his official capacity as City Attorney for the City of El Cajon, CA; and EDMUND G. BROWN, JR., in his official capacity as Governor of the State of California;
Defendants.

* * *

Here, the Act imposes compelled government messages on certain nonprofit pro-life organizations that provide information and free help to pregnant women to empower them to choose not to have abortions. It forces Plaintiffs to post certain disclosures in violation of their First Amendment right to free speech. It requires licensed medical centers, such as Plaintiff PCC and similar NIFLA members, to post a disclosure referring women and making arrangements for them to receive referrals for abortion. The Act requires unlicensed non-medical pregnancy centers, such as Plaintiff Fallbrook and similar NIFLA members, to place in all “digital” advertisements and post within their facilities disclosures telling women they have no medical licenses, even though those centers need no medical licenses since they are not offering medical services (and don’t pretend to).

In compelling this speech, the Act interferes with the heart of Plaintiffs’ freedom of speech. Forcing licensed Plaintiff centers to tell women where and how to arrange an abortion makes them promote the very

opposite of their message. Unlicensed centers, in turn, must clutter or preclude their advertising altogether due to posting the long and prominent disclaimers. Those disclaimers, both in ads and at their facilities, force the Plaintiffs to begin their expressive relationship with a client with an immediate negative message that Plaintiffs [pg. 10] would not express in that way at that time. The message strongly suggests that Plaintiffs are unqualified to provide their information because they are not licensed physicians. This is false, however, because the unlicensed Plaintiff centers need no license since they provide no medical services. They are fully competent to share their viewpoint and personal help to women to aid them in choosing better options than abortion. The Supreme Court recognized in *Riley* that forcing a speaker to begin his relationship with an unwanted disclosure imposes a severe harm to speech rights because it may end the communicative relationship before it begins. 487 U.S. at 799-800

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