

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

**PLANNED PARENTHOOD SOUTHWEST
OHIO REGION, *et al.*,**

Plaintiffs,

v.

RICHARD HODGES, *et al.*,
*In his official capacity as the Director of
the Ohio Department of Health*

Defendants.

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: Case No. 1:15-CV-568
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: Judge Michael R. Barrett
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**DEFENDANT RICHARD HODGES’ ANSWER AND AFFIRMATIVE DEFENSES
TO PLAINTIFF PLANNED PARENTHOOD SOUTHWEST OHIO’S
SUPPLEMENTAL COMPLAINT [Doc. 23]**

For his answer to Plaintiff Planned Parenthood Southwest Ohio’s (“PPSWO”) Supplemental Complaint, Defendant Richard Hodges states as follows:

FIRST DEFENSE

1. In response to paragraph 1 of Plaintiff’s Supplemental Complaint, Defendant Hodges incorporates by reference each answer contained in his Answer and Affirmative Defenses to Plaintiffs’ Complaint.
2. Defendant Hodges admits the allegations contained in paragraph 2 of Plaintiff’s Supplemental Complaint.
3. Defendant Hodges admits the allegations contained in paragraph 3 of Plaintiffs’ Supplemental Complaint.

4. In response to paragraph 4 of Plaintiff's Supplemental Complaint, the variance denial speaks for itself. Defendant Hodges denies any remaining allegations in paragraph 4.
5. In response to paragraph 5 of Plaintiff's Supplemental Complaint, the variance denial speaks for itself. Defendant Hodges denies any remaining allegations in paragraph 5.
6. In response to paragraph 6 of Plaintiff's Supplemental Complaint, Defendant Hodges admits that PPSWO requested variances in 2013, 2014, and 2015. Defendant denies any remaining allegations in paragraph 6.
7. Defendant Hodges denies the allegations contained in paragraph 7 for lack of knowledge.
8. In response to paragraph 8 of Plaintiff's Supplemental Complaint, Defendant Hodges admits that PPSWO submitted a new variance request to the Ohio Department of Health on September 28, 2015 and that request is currently pending. Further answering, PPSWO's September 28, 2015 variance request speaks for itself. Defendant Hodges denies any remaining allegations in paragraph 8.
9. In response to paragraph 9 of Plaintiff's Supplemental Complaint, Defendant Hodges admits that HB 64 became effective on September 29, 2015. The remaining allegations in Paragraph 9 are legal conclusions to which no response is required. To the extent any further response is necessary, Defendant Hodges states that HB 64, O.R.C § 3702.304, and O.R.C. § 737.13 speak for themselves and denies any remaining allegations in paragraph 9.

10. The allegations contained in paragraph 10 of Plaintiff's Supplemental Complaint call for a legal conclusions to which no response is required. Further answering, O.R.C. §§ 3702.304, 3702.309, and 3702.30(E)(1) and Ohio Admin Code 3701-83-03 speak for themselves. Defendant Hodges denies any remaining allegations in paragraph 10.
11. Defendant Hodges incorporates by reference each answer contained in paragraphs 1-10.
12. Defendant Hodges denies the allegations contained in paragraph 12 of Plaintiff's Supplemental Complaint.
13. Defendant Hodges denies the allegations set forth in the Prayer for relief and specifically denies that Plaintiff is entitled to any relief.
14. Defendant Hodges denies each allegation in Plaintiff's Supplemental Complaint not otherwise expressly admitted herein.

AFFIRMATIVE DEFENSES

Defendant Hodges incorporates by reference all affirmative defenses set forth in his Answer and Affirmative Defenses to Plaintiffs Complaint.

15. Defendant Hodges reserves the right to amend his Answer to assert any defenses which may become apparent or available during the course of litigation.

WHEREFORE, having fully answered Plaintiff PPSWO's Supplemental Complaint, Defendant Hodges respectfully request that this Court dismiss Plaintiff's Supplemental Complaint and that Defendant Hodges receive his reasonable costs and fees expended in defending this suit.

Respectfully submitted,

MIKE DEWINE
Ohio Attorney General

s/ Nicole M. Koppitch

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*Counsel for Defendant Richard Hodges, in his
official capacity as the Director of the Ohio
Department of Health*

CERTIFICATE OF SERVICE

I hereby certify that the foregoing was electronically filed with the U.S. District Court, Southern District of Ohio, on November 2, 2015, and served upon all parties of record via the court's electronic filing system.

s/ Nicole M. Koppitch

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