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LUCAS COUNTY

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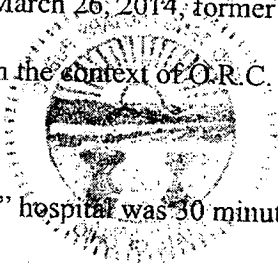
COMMON PLEAS COURT
BERNIE QUILLER
CLERK OF COURTS

IN THE COURT OF COMMON PLEAS
LUCAS COUNTY, OHIO

IN THE MATTER OF:	:	Case No. CI020143405
	:	
CAPITAL CARE NETWORK OF TOLEDO	:	
	:	
Appellant,	:	Judge Myron C. Duhart
	:	
vs.	:	
	:	
STATE OF OHIO	:	<u>AFFIDAVIT OF TERRIE</u>
DEPARTMENT OF HEALTH	:	<u>HUBBARD</u>
	:	
Appellee.	:	

I, Terrie Hubbard, do state that the following facts are true and I have personal knowledge of these facts.

1. Since 2010, I have been the owner of Capital Care Network, an ambulatory surgical facility which provides surgical abortion procedures.
2. At a hearing before the Ohio Department of Health on March 26, 2014, former Director of Health Wymyslo testified to that he defined "local" in the context of O.R.C. § 4702.303 as requiring a 30 minute or less transfer time.
3. After I learned during the hearing the radius for a "local" hospital was 30 minutes from Capital Care and I knew that no hospital within a 30 minute range would enter into a written transfer agreement with Capital Care, I began contacting group OB-GYN practices and independent OB-GYN doctors so that I could apply for a variance under O.R.C. § 3702.304 and ODH's internal variance processing procedure.
4. I contacted 23 group practices and independent doctors. None have agreed to be a backup doctor for Capital Care. Some refused to respond to my request. Others denied

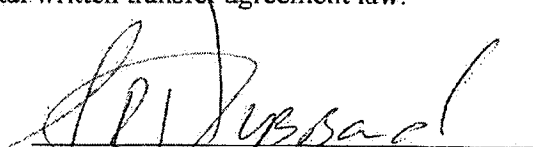


my request because they are opposed to abortion or are afraid of the consequences of becoming involved in a controversial situation.

5. One doctor told me that he could not be a backup doctor because the hospital threatened to cancel the malpractice insurance of any doctor who signed a backup doctor agreement

6. Until I locate a backup doctor with admitting privileges at a local hospital, Capital Care is unable to apply for a variance of the hospital written transfer agreement law.


Further Affiant Sayeth Naught.


Terrie Hubbard

STATE OF OHIO :
 : SS
COUNTY OF Franklin :

Subscribed and sworn to, before me, a Notary Public, in and for said County and State,
on this the 25 day of sept, 2014.




NOTARY PUBLIC

My Commission Expires: MAY 22, 2019