

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE

PLANNED PARENTHOOD OF NORTHERN)	
NEW ENGLAND, CONCORD FEMINIST)	
HEALTH CENTER, FEMINIST HEALTH)	
CENTER OF PORTSMOUTH, and)	
WAYNE GOLDNER, M.D.,)	
)	
Plaintiffs,)	
)	
v.)	No. C-03-491-JD
)	
KELLY AYOTTE, Attorney General of)	
New Hampshire, in her official capacity,)	
)	
Defendant.)	
)	

**PLAINTIFFS' ASSENTED-TO MOTION FOR LEAVE TO SUBMIT A REPLY
MEMORANDUM IN SUPPORT OF THEIR MOTION TO SUPPLEMENT THE
COMPLAINT**

Plaintiffs seek leave to file a reply memorandum (attached hereto) in support of Plaintiffs' Motion for Leave to Supplement the Complaint. Plaintiffs believe that Defendant's Response misapprehends, in part, the nature of Plaintiffs' Motion to Supplement. Plaintiffs seek leave to file a reply memorandum of law in order to clarify matters.

MEMORANDUM STATEMENT (LR 7.1(a)(2))

The grounds for this motion are stated herein, so no separate memorandum is being submitted.

CONCURRENCE STATEMENT (LR 7.1(c))

Counsel for Defendant concurs in the relief requested in this motion.

Date: July 10, 2006

Respectfully submitted,

/s/ Martin P. Honigberg

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Counsel for Plaintiffs, Concord Feminist Health
Center, Feminist Health Center of Portsmouth, and
Wayne Goldner, M.D.

CERTIFICATE OF SERVICE

I hereby certify that on July 10, 2006, the foregoing motion was served through the ECF system.

/s/ Martin P. Honigberg
Martin P. Honigberg

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WAYNE GOLDNER, M.D.,)

Plaintiffs,)

v.)

No. C-03-491-JD

KELLY AYOTTE, Attorney General of)
New Hampshire, in her official capacity,)

Defendant.)

**PLAINTIFFS' REPLY MEMORANDUM IN SUPPORT OF THEIR
MOTION FOR LEAVE TO SUPPLEMENT THE COMPLAINT**

Plaintiffs file this reply memorandum in order to clarify issues raised by Defendant's Response to Plaintiffs' Motion for Leave to Supplement the Complaint. Contrary to Defendant's implicit suggestion, nowhere in Plaintiffs' Motion for Leave to Supplement the Complaint do Plaintiffs seek to relitigate issues decided by the United States Supreme Court. Rather, Plaintiffs have asked for permission to supplement the complaint based on the procedures and forms approved by the New Hampshire Supreme Court for administration of the judicial bypass to do two, and only two, things. First, Plaintiffs seek to add allegations concerning the failure of the judicial bypass to protect minors' confidentiality. Second, Plaintiffs seek to add a new claim regarding New Hampshire's administration of the judicial bypass, which requires minors to elect between seeking a judicial bypass on maturity *or* best interest grounds, not both.

Defendant states that she has no objection to adding allegations regarding the protection for minors' confidentiality in judicial bypass proceedings, Def's Resp. at 1, 6. Defendant has not presented any rationale for denying Plaintiffs' motion as it relates to the other claim; nor could she. See Pls.' Mot. Supp. Compl. at 4-5; see also LaSalvia v. United Dairymen of Arizona, 804 F.2d 1113, 1119 (9th Cir. 1986); Keith v. Volpe, 858 F.2d 467, 473 (9th Cir. 1988).

Date: July 10, 2006

Respectfully submitted,

/s/ Martin P. Honigberg _____

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I hereby certify that on July 10, 2006, the foregoing reply memorandum of law
was served through the ECF system.

/s/ Martin P. Honigberg
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