

IN THE CIRCUIT COURT OF THE  
NINTH JUDICIAL CIRCUIT, IN AND  
FOR OSCEOLA COUNTY, FLORIDA

MMB PROPERTIES, a Florida general  
partnership,

CASE NO.: 2014-CA1636 OC

Plaintiff,

vs.

PLANNED PARENTHOOD OF GREATER  
ORLANDO, INC., a Florida non-profit  
corporation,

Defendant.

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**AFFIDAVIT OF MERRI BETH MORRIS, M.D.**

STATE OF FLORIDA  
COUNTY OF OSCEOLA

BEFORE ME, the undersigned authority, personally appeared Merri Beth Morris, who after first being duly sworn on oath, deposes and says as follows:

1. My name is Merri Beth Morris. I am over the age of 18 and otherwise fully competent to testify in these proceedings. Unless indicated to the contrary, all statements made in this Affidavit are true and correct based on my own personal knowledge.

2. I am a board certified obstetrician and gynecologist ("OBGYN") fully licensed to practice medicine in the state of Florida.

3. Since September 2012 I have served as the medical director of the Defendant in the above-styled lawsuit, Planned Parenthood of Greater Orlando, Inc. ("PLANNED PARENTHOOD").

4. PLANNED PARENTHOOD operates two health centers in Orlando, Florida. On July 10, 2014, PLANNED PARENTHOOD opened a third health center located at 610 Oak Commons Boulevard in Kissimmee, Florida (“the Kissimmee health center”).

5. As medical director, I oversee all patient care at the three PLANNED PARENTHOOD health centers and supervise all the PLANNED PARENTHOOD medical professionals working with me to provide that patient care. This means that I am responsible for all medical services provided to patients at PLANNED PARENTHOOD’s health centers, whether I provide those services personally or if they are provided by other physicians or nurse practitioners. Even though I am not physically present at each health center all of the time, the other clinicians at that health center can and do regularly consult with me and keep me updated concerning any patient care issues.

6. My role and responsibilities as medical director described above extend to the Kissimmee health center. Since its opening this month, I have overseen and been responsible for all patient care provided there in Kissimmee. Moreover, I have personally begun providing medical services at this health center.

7. My medical practice is currently spread between the three PLANNED PARENTHOOD health centers, and the Planned Parenthood of North Florida health center in Jacksonville, Florida. I still also regularly work at the All Women’s Health Center in Orlando, but intend to soon stop providing services there so as to enable me to devote more time to the Kissimmee health center.

8. Once the Kissimmee health center begins its full range of patient services, I anticipate being at the Kissimmee health center approximately one or two days a week. On the

infrequent occasions when I am traveling for work or on vacation, the medical director of Planned Parenthood of Southwest and Central Florida will cover for me.

9. In addition to myself, there will be three other physicians who also provide medical services at the Kissimmee health center. Between me and these three other physicians, the health center will have a physician present there at least three days a week. Whenever services are provided to patients regardless of the actual presence of a physician, there will be an advanced registered nurse practitioner (“ARNP”), who I also supervise, in attendance at Kissimmee.

10. The way in which I practice medicine at PLANNED PARENTHOOD’s Kissimmee health center is closely akin to the way a physician in the private practice of medicine practices today.

11. Nearly ten years ago, I owned a private OBGYN practice in which I provided OBGYN-related care to patients in an office setting. While my practice at that time was as a solo physician, the circumstances of that practice were very similar to the way I practice medicine today in order to provide care to patients at the Kissimmee health center. In my solo practice, there were several days every week in which I was not physically present at the office. Instead, those days I was on call and ready to address patient care issues as necessary whenever my office contacted me. In my absence, patients could see a nurse midwife who was always available to treat all medical issues that did not require my personal attention.

12. At the Kissimmee health center, the other three physicians and I rotate days when we are physically present there to see the patients. Similar to my private solo practice, I am always on call and available for consultation even if I am not present at the health center. During

times when no physician is in attendance at the Kissimmee health center, an advanced registered nurse practitioner is always available to see patients.

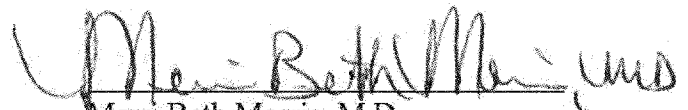
13. The medical services that I will provide at the Kissimmee health center, including well woman care, family planning, STI testing and treatment, evaluations for abnormal pap smears, and abortion services, are services that I currently routinely provide. These services have all been part of my medical practice for many years. Neither I, nor the other clinicians at the Kissimmee health center, will be "heavily involved with various educational, advocacy, and community outreach activities" as I understand the Court concluded in the Order it has entered in this case. My focus and that of the health professionals working under me at the Kissimmee health center is the medical needs of our patients; our mission is to provide appropriate treatment and care to PLANNED PARENTHOOD's patients.

14. The following procedures, which are among those we offer at the Kissimmee health center, may or must require the use of ultrasound diagnostics: endometrial biopsy, insertion or removal of IUDs, evaluation of pelvic pain, evaluation of abnormal bleeding, medication abortions, and surgical abortions. Ultrasounds will be provided at the Kissimmee health center only to our patients; no women who come to PLANNED PARENTHOOD's health center will do so for any diagnostic imaging services alone. On the other hand, if we are precluded from performing ultrasounds then we will likely be unable to provide any of the services I just listed. All of those are routinely done in the offices of any OBGYN. While in private practice, I had and routinely used in-office ultrasound equipment. In fact, nearly every OBGYN office of which I am aware has ultrasound equipment. It is my professional opinion that neither PLANNED PARENTHOOD's Kissimmee health center, nor all the OBGYNs'

offices that use ultrasounds in conjunction with these procedures can properly be understood to be a "diagnostic imaging center."

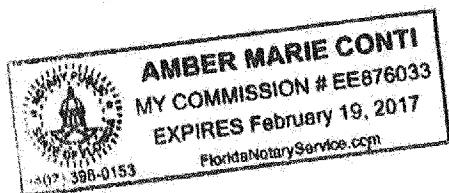
15. Similarly, although some procedures that will be provided at the Kissimmee health center might be characterized as surgical in nature, such as Essure tubal sterilizations and colposcopies, it is my professional opinion that the provision of these services – all of which are routinely performed in OBGYN's offices as well – does not make PLANNED PARENTHOOD's Kissimmee facility an "outpatient surgical center." Surgeries are not the primary or even the most significant purpose of the health center. Most of the family planning and women's primary and preventative care services we provide are in no way surgical. Ours is like a typical OBGYN's office in private practice. Moreover, a surgical abortion does not also involve what is typically thought of as surgery. During a surgical abortion no incisions are made. No cutting into any body cavity or membrane. No major opening of any body cavity occurs. Rather, a physician uses instruments to evacuate the contents of the uterus.

FURTHER AFFIANT SAITH NAUGHT.

  
Merri Beth Morris, M.D.

SWORN TO AND SUBSCRIBED before me this 27<sup>th</sup> day of July, 2014, by Merri Beth Morris, M.D. who is  personally known to me, or  who produced \_\_\_\_\_ as identification.

[SEAL]



  
Notary Public

Amber Marie Conti  
Printed Name

My commission expires: \_\_\_\_\_

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on July 28, 2014, I electronically filed the foregoing with the Clerk of the Court by using the E-Portal system which will serve a copy via email on:

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/s/ Donald E. Christopher  
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