

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF ARKANSAS**

PLANNED PARENTHOOD OF ARKANSAS  
& EASTERN OKLAHOMA, d/b/a PLANNED  
PARENTHOOD GREAT PLAINS; JANE  
DOE #1; JANE DOE #2; and JANE DOE #3,  
on their behalf and all others similarly situated,

Plaintiffs,

v.

CINDY GILLESPIE, Director, Arkansas  
Department of Human Services, in her Official  
Capacity,

Defendant.

No. 4:15-cv-00566-KGB

**JOINT STIPULATION OF VOLUNTARY DISMISSAL**

Pursuant to Federal Rules of Civil Procedure 41 and 23, Plaintiffs Planned Parenthood of Arkansas & Eastern Oklahoma and Jane Does #1–3 and Defendant Cindy Gillespie respectfully and jointly submit this Stipulation of Voluntary Dismissal. The parties stipulate as follows:

- 1) Pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure, the parties agree to dismiss this action without prejudice, with each party to bear its own costs and fees.
- 2) Rule 23(e) of the Federal Rules of Civil Procedure requires that “[t]he claims, issues, or defenses of a certified class . . . may be settled, voluntarily dismissed, or compromised only with the court’s approval.” The parties respectfully request that the Court approve this stipulated dismissal.
- 3) The parties agree that the Court need not give notice of the proposed voluntary dismissal to the class under Rule 23(e)(1) because if class members were to determine that they had claims to pursue they would not be bound by the parties’ voluntary dismissal without

prejudice. Further, the class was certified under Rule 23(b)(2) and notice was not issued upon class certification; lack of notice of voluntary dismissal will not prejudice absent class members, who did not receive actual notice of this action. As the Court is aware, patients insured through the Medicaid program have not been able to access Medicaid services at Plaintiff Planned Parenthood of Arkansas & Eastern Oklahoma since January of 2018. Dismissal of the case thus presents no practical change in their circumstances, and absent class members will not be prejudiced by dismissal.

- 4) The parties agree that a hearing is not necessary and respectfully request the Court approve dismissal without holding such a hearing. Rule 23(e)(2) authorizes the Court to hold a hearing if the stipulated dismissal would bind class members. For the reasons stated above, class members are not bound and no hearing is needed.
- 5) The parties agree that Rule 23(e)(3)'s requirement that the "parties seeking approval [] file a statement identifying any agreement made in connection with their proposal" is satisfied by this Stipulation. No separate agreement or settlement has been made in connection with the voluntary dismissal, rather the entirety of the parties' agreement is contained in this stipulation.<sup>1</sup>

The parties respectfully submit this Stipulation and request that the Court approve dismissal without prejudice and find that a hearing and notice of dismissal are not necessary under Rule 23(e).

---

<sup>1</sup> The parties also agree that the remaining procedures outlined in Rule 23(e) do not apply here. *See* Fed. R. Civ. P. 23(e)(4)–(5).

Respectfully submitted,

Dated: July 7, 2022  
New York, NY

/s/ Jennifer Sandman  
Jennifer Sandman\*  
Planned Parenthood Federation of America  
123 William St.  
New York, NY 10038  
(212) 261-4584  
jennifer.sandman@ppfa.org

Bettina E. Brownstein (85019)  
Bettina E. Brownstein Law Firm  
904 West Second Street  
Little Rock, Arkansas 72201  
(501) 920-1764  
bettinabrownstein@gmail.com

*Attorneys for Plaintiffs*  
\*Admitted *pro hac vice*

/s/ Dylan L. Jacobs  
LESLIE RUTLEDGE  
Arkansas Attorney General  
NICHOLAS J. BRONNI (2016097)  
Arkansas Solicitor General  
DYLAN L. JACOBS (2016167)  
Deputy Solicitor General  
Arkansas Attorney General's Office  
323 Center Street, Suite 200  
Little Rock, AR 72201  
Phone: (501) 682-2007  
Fax: (501) 682-2591  
Email: Dylan.Jacobs@ArkansasAG.gov

*Attorneys for Defendant*