

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF NORTH CAROLINA
DURHAM DIVISION**

AMY BRYANT, MD,)	
)	
Plaintiff,)	
)	
v.)	
)	Case No. 1:23-cv-77
JOSHUA H. STEIN, <i>et al.</i> ,)	
)	NOTICE OF APPEAL
Defendants,)	
)	
and)	
)	
PHILIP E. BERGER, <i>et al.</i> ,)	
)	
Intervenor-)	
Defendants.)	

Intervenor-Defendants Timothy K. Moore, Speaker of the North Carolina House of Representatives, and Philip E. Berger, President Pro Tempore of the North Carolina Senate, hereby appeal the portion of the Judgment and Permanent Injunction (ECF No. 105)—entered on June 3, 2024—holding that certain “provisions of North Carolina law are preempted by federal law” and enjoining the State from enforcing those provisions to the United States Court of Appeals for the Fourth Circuit.

This notice of appeal is limited to the portion of the Judgment and Injunction that enters judgment against Intervenor-Defendants and enjoins the following provisions of North Carolina law:

- a. N.C. Gen. Stat. § 90-21.83A, § 90-21.83B, § 90-21.93, and any other provisions of North Carolina law, to the extent they prohibit any healthcare provider other than a licensed physician from providing mifepristone;
- b. N.C. Gen. Stat. § 14-44.1, §90-21.83A, §90-21.83B, and any other provisions of North Carolina law, to the extent they require that mifepristone be provided in person;
- c. N.C. Gen Stat. § 90-21.83A, §90-21.83B, § 90-21.93, and any other provision of North Carolina law, to the extent they require scheduling an in-person follow-up visit after providing mifepristone or efforts to ensure such a follow-up appointment; and
- d. N.C. Gen. Stat. § 90-21.93, and any other provisions of North Carolina law, to the extent

they require reporting of non-fatal adverse events related to mifepristone to the FDA.

Judgment at 1-3. Intervenor-Defendants do not appeal the remaining portion of the Judgment and Injunction, which grants partial judgment to Intervenor Defendants and dismisses Plaintiff's remaining claims with prejudice.

Respectfully submitted this 20th day of June, 2024.

/s/ W. Ellis Boyle

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*** Special Appearance

* This email address must be used in order to effectuate service under Rule 5 of the North Carolina Rules of Civil Procedure.

** Email address to be used for all communications other than service.

Attorneys for Intervenor-Defendants

CERTIFICATE OF SERVICE

I hereby certify that on June 20, 2024, I electronically filed the foregoing with the Clerk of Court by using the CM/ECF system which will send a notice of electronic filing to all counsel of record.

s/Erin M. Hawley
Erin M. Hawley

Attorney for Intervenor-Defendants