

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Richmond Division

FALLS CHURCH MEDICAL CENTER, LLC,)	
d/b/a FALLS CHURCH HEALTHCARE)	
CENTER, et al.,)	
)	
Plaintiffs,)	Case No. 3:18-cv-428-HEH
)	
v.)	
)	
M. NORMAN OLIVER, Virginia Health)	
Commissioner, et al.,)	
)	
Defendants.)	

ANSWER TO AMENDED COMPLAINT

Defendants M. Norman Oliver, Robert Payne, Faye O. Prichard, Theophani Stamos, Shannon L. Taylor, Anton Bell, Michael N. Herring, Colin Stolle and Robert N. Tracci (“Defendants”), by counsel, and pursuant to Rule 12 of the Federal Rules of Civil Procedure, submit the following Answer to Plaintiffs’ Amended Complaint:

PRELIMINARY STATEMENT

1. The allegations set forth in Paragraph 1 constitute legal conclusions to which no response is required.
2. The allegations set forth in Paragraph 2 constitute legal conclusions to which no response is required.
3. Defendants deny the allegations set forth in Paragraph 3.
4. Defendants admit that Plaintiffs have challenged certain enumerated statutes and regulations and further state that such statutes, regulations, and Plaintiffs’ Amended Complaint speak for themselves. Defendants deny the allegations of Paragraph 4 to the extent they are

inconsistent with, misstate, or mischaracterize such statutes, regulations, and Plaintiffs' Amended Complaint. Defendants deny the remaining allegations set forth in Paragraph 4.

5. Defendants deny the allegations set forth in Paragraph 5.

6. The allegations set forth in Paragraph 6 constitute legal conclusions to which no response is required. To the extent a response is required, Defendants deny same.

7. The allegations set forth in Paragraph 7 constitute legal conclusions to which no response is required. To the extent a response is required, Defendants deny same.

8. Defendants deny the allegations set forth in Paragraph 8.

9. Defendants deny the allegations set forth in Paragraph 9.

10. Defendants admit that the number of medical facilities in Virginia providing abortions decreased from 2009 to 2016. The remaining allegations in Paragraph 10 are denied.

11. Defendants are without knowledge or information sufficient to admit or deny the allegation that only two facilities "regularly" provide second trimester abortion care. The remaining allegations in Paragraph 11 are denied.

12. The article regarding former Attorney General Cuccinelli's interview is a document which speaks for itself. The remaining allegations in Paragraph 12 are denied.

13. The allegations set forth in Paragraph 13 constitute legal conclusions to which no response is required. To the extent a response is required, Defendants deny same.

14. Defendants deny the allegations set forth in Paragraph 14.

15. Paragraph 15 states a legal conclusion to which no response is required. Defendants deny that Plaintiffs are entitled to the relief sought in the Amended Complaint.

JURISDICTION AND VENUE

16. The allegations set forth in Paragraph 16 constitute legal conclusions to which no response is required.

17. The allegations set forth in Paragraph 17 constitute legal conclusions to which no response is required.

18. The allegations set forth in Paragraph 18 constitute legal conclusions to which no response is required.

PARTIES

19. Defendants admit that Plaintiff Falls Church Medical Center d/b/a Falls Church Healthcare Center is licensed and inspected by the Virginia Department of Health. Defendants are without knowledge or information sufficient to admit or deny the remaining allegations in Paragraph 19 and therefore deny same.

20. Defendants admit that Plaintiff Whole Woman's Health of Charlottesville is licensed and inspected by the Virginia Department of Health. Defendants are without knowledge or information sufficient to admit or deny the remaining allegations in Paragraph 20 and therefore deny same.

21. Defendants admit that All Women's Richmond, Inc. d/b/a A Capital Women's Health Clinic is licensed and inspected by the Virginia Department of Health. Defendants are without knowledge or information sufficient to admit or deny the remaining allegations in Paragraph 21 and therefore deny same.

22. Defendants admit that Plaintiff Virginia League for Planned Parenthood is licensed and inspected by the Virginia Department of Health. Defendants are without knowledge or information sufficient to admit or deny the remaining allegations in Paragraph 22 and therefore deny same.

23. Defendants are without knowledge or information sufficient to admit or deny the allegations in Paragraph 23 and therefore deny same.

24. Admitted.

25. Admitted.

26. Admitted.

27. Admitted.

28. Admitted.

29. Admitted.

30. Admitted.

31. Admitted.

32. Admitted.

FACTUAL ALLEGATIONS

33. Defendants are without knowledge or information sufficient to admit or deny the allegations in Paragraph 33 and therefore deny same.

34. Defendants are without knowledge or information sufficient to admit or deny the allegations in Paragraph 34 and therefore deny same.

35. Defendants are without knowledge or information sufficient to admit or deny the allegations in Paragraph 35 and therefore deny same.

36. Defendants are without knowledge or information sufficient to admit or deny the allegations in Paragraph 36 and therefore deny same.

37. Defendants are without knowledge or information sufficient to admit or deny the allegations in Paragraph 37 and therefore deny same.

38. Defendants are without knowledge or information sufficient to admit or deny the allegations in Paragraph 38 and therefore deny same.

39. Defendants are without knowledge or information sufficient to admit or deny the allegations in Paragraph 39 and therefore deny same.

40. Defendants are without knowledge or information sufficient to admit or deny the allegations in Paragraph 40 and therefore deny same.

41. Defendants are without knowledge or information sufficient to admit or deny the allegations in Paragraph 41 and therefore deny same.

42. Defendants are without knowledge or information sufficient to admit or deny the allegations in Paragraph 42 and therefore deny same.

43. The allegations set forth in Paragraph 43 constitute legal conclusions to which no response is required.

44. Defendants are without knowledge or information sufficient to admit or deny the allegations in Paragraph 44 and therefore deny same.

45. Defendants are without knowledge or information sufficient to admit or deny the allegations in Paragraph 45 and therefore deny same.

46. Defendants are without knowledge or information sufficient to admit or deny the allegations in Paragraph 46 and therefore deny same.

47. Defendants are without knowledge or information sufficient to admit or deny the allegations in Paragraph 47 and therefore deny same.

48. Defendants are without knowledge or information sufficient to admit or deny the allegations in Paragraph 48 and therefore deny same.

49. Defendants are without knowledge or information sufficient to admit or deny the allegations in Paragraph 49 and therefore deny same.

50. Defendants are without knowledge or information sufficient to admit or deny the allegations in Paragraph 50 and therefore deny same.

51. Defendants are without knowledge or information sufficient to admit or deny the allegations in Paragraph 51 and therefore deny same.

52. Defendants are without knowledge or information sufficient to admit or deny the allegations in Paragraph 52 and therefore deny same.

53. Defendants are without knowledge or information sufficient to admit or deny the allegations in Paragraph 53 and therefore deny same.

54. Defendants are without knowledge or information sufficient to admit or deny the allegations in Paragraph 54 and therefore deny same.

55. Defendants are without knowledge or information sufficient to admit or deny the allegations in Paragraph 55 and therefore deny same.

56. Defendants are without knowledge or information sufficient to admit or deny the allegations in Paragraph 56 and therefore deny same.

57. Defendants are without knowledge or information sufficient to admit or deny the allegations in Paragraph 57 and therefore deny same.

58. Defendants are without knowledge or information sufficient to admit or deny the allegations in Paragraph 58 and therefore deny same.

59. Defendants are without knowledge or information sufficient to admit or deny the allegations in Paragraph 59 and therefore deny same.

60. Defendants are without knowledge or information sufficient to admit or deny the allegations in Paragraph 60 and therefore deny same.

61. Defendants are without knowledge or information sufficient to admit or deny the allegations in Paragraph 61 and therefore deny same.

62. Defendants state that the Chief Medical Examiner's Annual Report is a document that speaks for itself. Defendants deny all allegations in Paragraph 62 that are inconsistent with, misstate, or mischaracterize the Report.

63. Defendants are without knowledge or information sufficient to admit or deny the allegations in Paragraph 63 and therefore deny same.

64. Defendants deny the allegations set forth in Paragraph 64.

65. Defendants deny the allegations set forth in Paragraph 65.

66. Defendants deny the allegations set forth in Paragraph 66.

67. Admitted.

68. Va. Code § 32.1-127(B)(1) is a statute that speaks for itself. Defendants deny all allegations in Paragraph 68 that are inconsistent with, misstate, or mischaracterize the statute. Defendants deny the remaining allegations set forth in Paragraph 68.

69. 12 Va. Admin. Code § 5-412 *et seq.* are regulations that speak for themselves. Defendants deny all allegations in Paragraph 69 that are inconsistent with, misstate, or mischaracterize the regulations. Defendants deny the remaining allegations set forth in Paragraph 69.

70. The allegations set forth in Paragraph 70 constitute legal conclusions to which no response is required. To the extent a response is required, Defendants deny same.

71. The allegations set forth in Paragraph 71 constitute legal conclusions to which no response is required.

72. Va. Code § 18.2-73 and 12 Va. Admin Code §§ 5-410-10-160, -1150-1380 speak for themselves. Defendants deny all allegations in Paragraph 72 that are inconsistent with, misstate, or mischaracterize the statute and regulations. Defendants deny the remaining allegations set forth in Paragraph 72.

73. Va. Code § 18.2-72 and 12 Va. Admin. Code §§ 5-412-190(B), -260(B) are a statute and regulations that speak for themselves. Defendants deny all allegations in Paragraph 73 that

are inconsistent with, misstate, or mischaracterize the statute and regulations. Defendants deny the remaining allegations set forth in Paragraph 73.

74. Va. Code § 18.2-76 is a statute that speaks for itself. Defendants deny all allegations in Paragraph 74 that are inconsistent with, misstate, or mischaracterize the statute. Defendants deny the remaining allegations set forth in Paragraph 74.

75. Va. Code § 18.2-76 is a statute that speaks for itself. Defendants deny all allegations in Paragraph 75 that are inconsistent with, misstate, or mischaracterize the statute. Defendants deny the remaining allegations set forth in Paragraph 75.

76. Va. Code § 18.2-71 is a statute that speaks for itself. Defendants deny all allegations in Paragraph 76 that are inconsistent with, misstate, or mischaracterize the statute. Defendants deny the remaining allegations set forth in Paragraph 76.

77. 12 Va. Admin. Code § 5-412-110(C), -130(A), -140(A)(2)-(3) are regulations that speak for themselves. Defendants deny all allegations in Paragraph 77 that are inconsistent with, misstate, or mischaracterize the regulations. Defendants deny the remaining allegations set forth in Paragraph 77.

78. The allegations set forth in Paragraph 78 constitute legal conclusions to which no response is required. To the extent a response is required, Defendants deny same.

79. Paragraph 79 does not state any facts to which a response is required.

80. Defendants deny the allegations set forth in Paragraph 80.

81. Defendants are without knowledge or information sufficient to admit or deny the allegations in Paragraph 81. To the extent a response is required, Defendants deny same.

82. Va. Code § 18.2-71 is a statute that speaks for itself. Defendants deny all allegations in Paragraph 82 that are inconsistent with, misstate, or mischaracterize the statute. Defendants deny the remaining allegations set forth in Paragraph 82.

83. Admitted.

84. Defendants are without knowledge or information sufficient to admit or deny the allegations in Paragraph 84. To the extent a response is required, Defendants deny same.

85. The allegations set forth in Paragraph 85 constitute legal conclusions to which no response is required. To the extent a response is required, Defendants deny same. Defendants are without knowledge or information sufficient to admit or deny the remaining allegations in Paragraph 85. To the extent a response is required, Defendants deny same.

86. The allegations set forth in Paragraph 86 constitute legal conclusions to which no response is required. To the extent a response is required, Defendants deny same. Defendants deny the remaining allegations set forth in Paragraph 86.

87. Defendants deny the allegations set forth in Paragraph 87.

88. Va. Code § 18.2-76 is a statute that speaks for itself. Defendants deny all allegations in Paragraph 88 that are inconsistent with, misstate, or mischaracterize the statute. Defendants deny the remaining allegations set forth in Paragraph 88.

89. Va. Code § 32.1-127(B)(1) is a statute that speaks for itself. Defendants deny all allegations in Paragraph 89 that are inconsistent with, misstate, or mischaracterize the statute. With respect to the remaining allegations in Paragraph 89, Defendants are without knowledge or information sufficient to form a belief as to their truth and therefore deny same.

90. Defendants are without knowledge or information sufficient to admit or deny the allegations in Paragraph 90 and therefore deny same.

91. Defendants admit that the Virginia Board of Health promulgated regulations governing abortion facilities pursuant to Virginia law. The remaining allegations constitute legal conclusions to which no response is required. To the extent a response is required, Defendants deny same.

92. Defendants are without knowledge or information sufficient to admit or deny the allegations in Paragraph 92 and therefore deny same.

93. Denied as stated.

94. Defendants admit Dr. Remley resigned in 2012 but are without information sufficient to admit or deny the remaining allegations in Paragraph 94 and therefore deny same.

95. Va. Code § 18.2-76 is a statute that speaks for itself. Defendants deny all allegations in Paragraph 95 that are inconsistent with, misstate, or mischaracterize the statute. Defendants deny the remaining allegations set forth in Paragraph 95.

96. Defendants admit that Governor McDonnell signed the Licensing Regulations in June of 2013. Defendants are without knowledge or information sufficient to admit or deny the allegations in Paragraph 96 and therefore deny same.

97. Defendants are without knowledge or information sufficient to admit or deny the allegations in Paragraph 97 and therefore deny same.

98. Defendants admit that Governor McAuliffe took office in January 2014 and that the VBH thereafter reexamined the 2013 Licensing Regulations. Defendants deny as stated the remaining allegations of Paragraph 98.

99. Defendants are without knowledge or information sufficient to admit or deny the allegations in Paragraph 99 and therefore deny same.

100. Defendants admit that the Virginia Board of Health approved certain amendments to regulations in 2016 and state that the agency documents speak for themselves. Defendants deny as stated the remaining allegations of Paragraph 100.

101. Defendants admit that Governor McAuliffe signed the amended regulations and that they took effect in March of 2017. The regulations speak for themselves. Defendants deny the remaining allegations set forth in Paragraph 101.

102. Defendants deny the allegations set forth in Paragraph 102.

103. Defendants deny the allegations set forth in Paragraph 103.

104. Defendants admit that doctors, nurses, and certain medical professionals are subject to Virginia licensure requirements, as well as any applicable health laws or regulations and general tort law. Defendants are without knowledge or information sufficient to admit or deny the allegations in Paragraph 104. To the extent a response is required, Defendants deny same.

105. Defendants admit that Virginia abortion providers are subject to Virginia regulations. Defendants deny as stated the remaining allegations set forth in Paragraph 105.

106. The allegations set forth in Paragraph 106 constitute legal conclusions to which no response is required.

107. Va. Code §§ 54.1-2400, 54.1-2505, and 54.1-2506 *et seq.* are statutes that speak for themselves. Defendants deny all allegations in Paragraph 107 that are inconsistent with, misstate, or mischaracterize the statutes. Defendants deny the remaining allegations set forth in Paragraph 107.

108. Va. Code §§ 54.1-2400(7) and 54.1-2915(A)(6) are statutes that speak for themselves. Defendants deny all allegations in Paragraph 108 that are inconsistent with, misstate, or mischaracterize the statutes. Defendants deny the remaining allegations set forth in Paragraph 108.

109. 18 Va. Admin. Code § 85-20 *et seq.* are regulations that speak for themselves. Defendants deny all allegations in Paragraph 109 that are inconsistent with, misstate, or mischaracterize the regulations. Defendants deny the remaining allegations set forth in Paragraph 109.

110. The allegations set forth in Paragraph 110 constitute legal conclusions to which no response is required. To the extent a response is required, Defendants deny same. Defendants deny the remaining allegations set forth in Paragraph 110.

111. The allegations set forth in Paragraph 111 constitute legal conclusions to which no response is required. To the extent a response is required, Defendants deny same. Defendants deny the remaining allegations set forth in Paragraph 111.

112. The allegations set forth in Paragraph 112 constitute legal conclusions to which no response is required. To the extent a response is required, Defendants deny same. Defendants deny the remaining allegations set forth in Paragraph 112.

113. The allegations set forth in Paragraph 113 constitute legal conclusions to which no response is required. To the extent a response is required, Defendants deny same. Defendants deny the remaining allegations set forth in Paragraph 113.

114. Defendants deny the allegations set forth in Paragraph 114.

115. The allegations set forth in Paragraph 115 constitute legal conclusions to which no response is required. To the extent a response is required, Defendants deny same. Defendants deny the remaining allegations set forth in Paragraph 115.

116. Defendants deny the allegations set forth in Paragraph 116.

117. The allegations set forth in Paragraph 117 constitute legal conclusions to which no response is required. To the extent a response is required, Defendants deny same. Defendants deny the remaining allegations set forth in Paragraph 117.

118. The allegations set forth in Paragraph 118 constitute legal conclusions to which no response is required. To the extent a response is required, Defendants deny same. Defendants deny the remaining allegations set forth in Paragraph 118.

119. The allegations set forth in Paragraph 119 constitute legal conclusions to which no response is required. To the extent a response is required, Defendants deny same. Defendants deny the remaining allegations set forth in Paragraph 119.

120. The allegations set forth in Paragraph 120 constitute legal conclusions to which no response is required. To the extent a response is required, Defendants deny same. Defendants deny the remaining allegations set forth in Paragraph 120.

121. The allegations set forth in Paragraph 121 constitute legal conclusions to which no response is required. To the extent a response is required, Defendants deny same. Defendants deny the remaining allegations set forth in Paragraph 121.

122. Defendants deny the allegations set forth in Paragraph 122.

123. Defendants deny the allegations set forth in Paragraph 123.

124. Defendants admit that the OLC conducts inspections of providers which may include some Plaintiffs. The remaining allegations set forth in Paragraph 124 constitute legal conclusions to which no response is required. To the extent a response is required, Defendants deny same. Defendants deny the remaining allegations set forth in Paragraph 124.

125. Defendants deny the allegations set forth in Paragraph 125.

126. The allegations set forth in Paragraph 126 constitute legal conclusions to which no response is required. To the extent a response is required, Defendants deny same.

127. The allegations set forth in Paragraph 127 constitute legal conclusions to which no response is required. To the extent a response is required, Defendants deny same.

128. The allegations set forth in Paragraph 128 constitute legal conclusions to which no response is required. To the extent a response is required, Defendants deny same. Defendants deny the remaining allegations set forth in Paragraph 128.

129. The allegations set forth in Paragraph 129 constitute legal conclusions to which no response is required. To the extent a response is required, Defendants deny same.

130. Defendants are without knowledge or information sufficient to admit or deny the allegations in Paragraph 130 and therefore deny same. The remaining allegations set forth in Paragraph 130 constitute legal conclusions to which no response is required. To the extent a response is required, Defendants deny same. Defendants deny the remaining allegations set forth in Paragraph 130.

131. Defendants are without knowledge or information sufficient to admit or deny the allegations in Paragraph 131 and therefore deny same. Defendants deny the remaining allegations set forth in Paragraph 131.

132. Defendants are without knowledge or information sufficient to admit or deny the allegations in Paragraph 132.

133. With respect to the first sentence of Paragraph 133, Defendants are without knowledge or information sufficient to admit or deny the allegations and therefore deny same. The remaining allegations set forth in Paragraph 133 constitute legal conclusions to which no response is required. To the extent a response is required, Defendants deny same.

134. Defendants deny the allegations set forth in Paragraph 134.

135. Defendants are without knowledge or information sufficient to admit or deny the allegations in Paragraph 135. To the extent a response is required, Defendants deny same.

136. Defendants are without knowledge or information sufficient to admit or deny the allegations in the first and last sentences of Paragraph 136. To the extent a response is required, Defendants deny same. The remaining allegations set forth in Paragraph 136 constitute legal conclusions to which no response is required. To the extent a response is required, Defendants deny same.

137. Defendants are without knowledge or information sufficient to admit or deny the allegations in Paragraph 137 and therefore deny same.

138. Defendants are without knowledge or information sufficient to admit or deny the allegations in Paragraph 138 and therefore deny same.

139. Defendants are without knowledge or information sufficient to admit or deny the allegations in Paragraph 139 and therefore deny same.

140. Defendants deny the allegations set forth in Paragraph 140.

141. The allegations set forth in Paragraph 141 constitute legal conclusions to which no response is required. To the extent a response is required, Defendants deny same. Defendants deny the remaining allegations set forth in Paragraph 141.

142. The allegations set forth in Paragraph 142 constitute legal conclusions to which no response is required. To the extent a response is required, Defendants deny same.

143. The allegations set forth in Paragraph 143 constitute legal conclusions to which no response is required. To the extent a response is required, Defendants deny same.

144. Defendants deny the allegations set forth in Paragraph 144.

145. Defendants are without knowledge or information sufficient to admit or deny the allegations in Paragraph 145 and therefore deny same.

146. Defendants deny the allegations set forth in Paragraph 146.

147. The allegations set forth in Paragraph 147 constitute legal conclusions to which no response is required. To the extent a response is required, Defendants deny same.

148. The allegations set forth in Paragraph 148 constitute legal conclusions to which no response is required. To the extent a response is required, Defendants deny same.

149. The allegations set forth in Paragraph 149 constitute legal conclusions to which no response is required. To the extent a response is required, Defendants deny same.

150. The allegations set forth in Paragraph 150 constitute legal conclusions to which no response is required. To the extent a response is required, Defendants deny same.

151. The allegations set forth in Paragraph 151 constitute legal conclusions to which no response is required. To the extent a response is required, Defendants deny same.

152. The allegations set forth in Paragraph 152 constitute legal conclusions to which no response is required. To the extent a response is required, Defendants deny same.

153. The allegations set forth in Paragraph 153 constitute legal conclusions to which no response is required. To the extent a response is required, Defendants deny same.

154. The allegations set forth in Paragraph 154 constitute legal conclusions to which no response is required. To the extent a response is required, Defendants deny same.

155. The allegations set forth in Paragraph 155 constitute legal conclusions to which no response is required. To the extent a response is required, Defendants deny same.

156. The allegations set forth in Paragraph 156 constitute legal conclusions to which no response is required. To the extent a response is required, Defendants deny same.

157. Defendants deny the allegations set forth in Paragraph 157.

158. Defendants are without knowledge or information sufficient to admit or deny the allegations in Paragraph 158. To the extent a response is required, Defendants deny same.

159. Defendants are without knowledge or information sufficient to admit or deny the allegations in Paragraph 159. To the extent a response is required, Defendants deny same.

160. Defendants are without knowledge or information sufficient to admit or deny the allegations in Paragraph 160. To the extent a response is required, Defendants deny same.

161. Defendants are without knowledge or information sufficient to admit or deny the allegations in Paragraph 161. To the extent a response is required, Defendants deny same.

162. Defendants are without knowledge or information sufficient to admit or deny the allegations contained in the first sentence of Paragraph 162 and therefore deny same. Defendants deny all remaining allegations of Paragraph 162.

163. Defendants are without knowledge or information sufficient to admit or deny the allegations in Paragraph 163 and therefore deny same.

164. Defendants are without knowledge or information sufficient to admit or deny the allegations in Paragraph 164 and therefore deny same.

165. Defendants are without knowledge or information sufficient to admit or deny the allegations in Paragraph 165 and therefore deny same.

166. Defendants are without knowledge or information sufficient to admit or deny the allegations in Paragraph 166 and therefore deny same.

167. Defendants deny the allegations set forth in Paragraph 167.

168. Defendants deny the allegations set forth in Paragraph 168.

169. Defendants deny the allegations set forth in Paragraph 169.

170. The allegations set forth in Paragraph 170 constitute legal conclusions to which no response is required. To the extent a response is required, Defendants deny same.

171. The allegations set forth in Paragraph 171 constitute legal conclusions to which no response is required. To the extent a response is required, Defendants deny same.

172. Defendants are without knowledge or information sufficient to admit or deny the allegations in Paragraph 172 and therefore deny same.

173. Defendants are without knowledge or information sufficient to admit or deny the allegations in Paragraph 173 and therefore deny same.

174. The allegations set forth in Paragraph 174 constitute legal conclusions to which no response is required. To the extent a response is required, Defendants deny same.

175. Defendants are without knowledge or information sufficient to admit or deny the allegations in Paragraph 175 and therefore deny same.

176. As to the first part of Paragraph 176, Defendants are without information sufficient to admit or deny the allegation contained therein, and therefore deny same. The second half of Paragraph 176 constitutes legal conclusions to which no response is required. To the extent a response is required, Defendants deny same.

177. Defendants deny the allegations set forth in Paragraph 177.

178. Defendants are without knowledge or information sufficient to admit or deny the allegations in Paragraph 178 and therefore deny same.

179. Defendants deny the allegations set forth in Paragraph 179.

180. Defendants deny the allegations set forth in Paragraph 180.

181. The allegations set forth in Paragraph 181 constitute legal conclusions to which no response is required. To the extent a response is required, Defendants deny same. Defendants deny the remaining allegations set forth in Paragraph 181.

182. Defendants admit that Plaintiffs may be subject to OLC inspections, and deny as stated the remaining allegations of Paragraph 182.

183. The first sentence of Paragraph 183 constitutes a legal conclusion to which no response is required. To the extent a response is required, Defendants deny same. Defendants deny the remaining allegations of Paragraph 183.

184. Defendants admit that OLC inspectors conduct investigations that may require more than one day and questioning of staff. Defendants deny the remaining allegations set forth in Paragraph 184.

185. Defendants deny the allegations set forth in Paragraph 185.

186. Defendants deny the allegations set forth in Paragraph 186.

187. Defendants admit that OLC inspectors are permitted to observe abortion procedures with patient consent. The remaining allegations set forth in Paragraph 187 are denied.

188. With respect to the first sentence of Paragraph 188, Defendants admit that OLC inspectors have continued an inspection from one day to the next in order to complete their work. The remaining allegations of Paragraph 188 are denied.

189. Defendants are without knowledge or information sufficient to admit or deny the allegations in Paragraph 189 and therefore deny same.

190. The allegations set forth in Paragraph 190 constitute legal conclusions to which no response is required. To the extent a response is required, Defendants deny same.

191. The allegations set forth in Paragraph 191 constitute legal conclusions to which no response is required. To the extent a response is required, Defendants deny same. Defendants deny the remaining allegations set forth in Paragraph 191.

192. The allegations set forth in Paragraph 192 constitute legal conclusions to which no response is required. To the extent a response is required, Defendants deny same. Defendants deny the remaining allegations set forth in Paragraph 192.

193. The allegations set forth in Paragraph 193 constitute legal conclusions to which no response is required. To the extent a response is required, Defendants deny same. Defendants deny the remaining allegations set forth in Paragraph 193.

194. Defendants deny the allegations set forth in Paragraph 194.

195. Defendants are without knowledge or information sufficient to admit or deny the allegations in Paragraph 195. To the extent a response is required, Defendants deny same.

196. Defendants are without knowledge or information sufficient to admit or deny the allegations in Paragraph 196 and therefore deny same.

197. The allegations set forth in Paragraph 197 constitute legal conclusions to which no response is required. To the extent a response is required, Defendants deny same. Defendants deny the remaining allegations set forth in Paragraph 197.

198. Defendants deny the allegations as set forth in Paragraph 198.

199. The allegations set forth in Paragraph 199 constitute legal conclusions to which no response is required. To the extent a response is required, Defendants deny same. Defendants deny the remaining allegations set forth in Paragraph 199.

200. Defendants are without knowledge or information sufficient to admit or deny the allegations in Paragraph 200 and therefore deny same.

201. Defendants are without knowledge or information sufficient to admit or deny the allegations in Paragraph 201 and therefore deny same.

202. Defendants deny the allegations set forth in Paragraph 202.

203. Defendants are without knowledge or information sufficient to admit or deny the allegations in Paragraph 203 and therefore deny same.

204. Defendants deny the allegations set forth in Paragraph 204.

205. Defendants are without knowledge or information sufficient to admit or deny the allegations in Paragraph 205 and therefore deny same.

206. Defendants are without knowledge or information sufficient to admit or deny the allegations in Paragraph 206 and therefore deny same.

207. The allegations set forth in Paragraph 207 constitute legal conclusions to which no response is required. To the extent a response is required, Defendants deny same. Defendants deny the remaining allegations set forth in Paragraph 207.

208. The allegations set forth in Paragraph 208 constitute legal conclusions to which no response is required. To the extent a response is required, Defendants deny same. Defendants deny the remaining allegations set forth in Paragraph 208.

209. The allegations set forth in Paragraph 209 constitute legal conclusions to which no response is required. To the extent a response is required, Defendants deny same. Defendants deny the remaining allegations set forth in Paragraph 209.

210. The allegations set forth in Paragraph 210 constitute legal conclusions to which no response is required. To the extent a response is required, Defendants deny same. Defendants deny the remaining allegations set forth in Paragraph 210.

211. Defendants are without knowledge or information sufficient to admit or deny the allegations in Paragraph 211 and therefore deny same.

212. Defendants are without knowledge or information sufficient to admit or deny the allegations in Paragraph 212 and therefore deny same. Defendants deny the allegations contained in the last sentence of Paragraph 212.

213. The allegations set forth in Paragraph 213 constitute legal conclusions to which no response is required. To the extent a response is required, Defendants deny same. Defendants deny the remaining allegations set forth in Paragraph 213.

214. The allegations set forth in Paragraph 214 constitute legal conclusions to which no response is required. To the extent a response is required, Defendants deny same. Defendants deny the remaining allegations set forth in Paragraph 214.

215. The first sentence of Paragraph 215 constitutes a legal conclusion to which no response is required. To the extent a response is required, Defendants deny same. Defendants deny all remaining allegations set forth in Paragraph 215.

216. The allegations set forth in Paragraph 216 constitute legal conclusions to which no response is required.

217. The allegations set forth in Paragraph 217 constitute legal conclusions to which no response is required. Defendants deny all allegations in Paragraph 217 that are inconsistent with, misstate, or mischaracterize the Virginia Code. To the extent a response is required, Defendants deny same.

218. Defendants deny the allegations set forth in Paragraph 218.

219. Defendants deny the allegations set forth in Paragraph 219.

220. Defendants are without knowledge or information sufficient to admit or deny the allegations in Paragraph 220 and therefore deny same.

221. The document “Abortion – Making an Informed Decision” is a document that speaks for itself. Defendants deny all allegations in Paragraph 221 that are inconsistent with, misstate, or mischaracterize the document. The remaining allegations of Paragraph 221 are denied.

222. The document “Abortion – Making an Informed Decision” is a document that speaks for itself. Defendants deny all allegations in Paragraph 222 that are inconsistent with, misstate, or mischaracterize the document. The remaining allegations of Paragraph 222 are denied.

223. The document “Abortion – Making an Informed Decision” is a document that speaks for itself. Defendants deny all allegations in Paragraph 223 that are inconsistent with, misstate, or mischaracterize the document. With respect to the second and third sentences of Paragraph 223, Defendants are without knowledge or information sufficient to admit or deny the allegations therein. To the extent a response is required, Defendants deny same. Defendants deny the remaining allegations set forth in Paragraph 223.

224. The document “Abortion – Making an Informed Decision” is a document that speaks for itself. Defendants deny all allegations in Paragraph 224 that are inconsistent with,

misstate, or mischaracterize the document. With respect to the second and third sentences of Paragraph 224, Defendants are without knowledge or information sufficient to admit or deny the allegations contained therein and therefore deny same. Defendants deny the remaining allegations set forth in Paragraph 224.

225. The document “Abortion – Making an Informed Decision” is a document that speaks for itself. Defendants deny all allegations in Paragraph 225 that are inconsistent with, misstate, or mischaracterize the document. The remaining allegations set forth in Paragraph 225 constitute legal conclusions to which no response is required.

226. The document “Abortion – Making an Informed Decision” is a document that speaks for itself. Defendants deny all allegations in Paragraph 226 that are inconsistent with, misstate, or mischaracterize the document. With respect to the second sentence of Paragraph 226, Defendants are without knowledge or information sufficient to admit or deny the allegations contained therein and therefore deny same.

227. The allegations set forth in Paragraph 227 constitute legal conclusions to which no response is required. To the extent a response is required, Defendants deny same. Defendants deny the remaining allegations set forth in Paragraph 227.

228. Defendants are without knowledge or information sufficient to admit or deny the allegations in Paragraph 228 and therefore deny same.

229. Defendants are without knowledge or information sufficient to admit or deny the allegations in Paragraph 229 and therefore deny same.

230. Defendants deny the allegations of Paragraph 230 as stated. With respect to the last sentence of Paragraph 230, Defendants are without knowledge or information sufficient to admit or deny the allegations contained therein and therefore deny same.

231. Defendants deny the allegations set forth in Paragraph 231.

232. Defendants deny the allegations set forth in Paragraph 232.

233. Defendants are without knowledge or information sufficient to admit or deny the allegations in Paragraph 233 and therefore deny same.

234. Defendants are without knowledge or information sufficient to admit or deny the allegations in Paragraph 234 and therefore deny same.

235. Defendants are without knowledge or information sufficient to admit or deny the remaining allegations in Paragraph 235 and therefore deny same.

236. Defendants are without knowledge or information sufficient to admit or deny the allegations in Paragraph 236 and therefore deny same.

237. Defendants are without knowledge or information sufficient to admit or deny the allegations in Paragraph 237 and therefore deny same.

238. Defendants are without knowledge or information sufficient to admit or deny the allegations in Paragraph 238 and therefore deny same.

239. Defendants are without knowledge or information sufficient to admit or deny the allegations in Paragraph 239 and therefore deny same.

240. Defendants are without knowledge or information sufficient to admit or deny the allegations in Paragraph 240 and therefore deny same.

241. Defendants are without knowledge or information sufficient to admit or deny the allegations in Paragraph 241 and therefore deny same.

242. Defendants deny the allegations set forth in Paragraph 242.

243. The allegations set forth in Paragraph 243 constitute legal conclusions to which no response is required. To the extent a response is required, Defendants deny same.

244. Defendants deny the allegations set forth in Paragraph 244.

245. The allegations set forth in Paragraph 245 constitute legal conclusions to which no response is required. To the extent a response is required, Defendants deny same.

246. The allegations set forth in Paragraph 246 constitute legal conclusions to which no response is required. To the extent a response is required, Defendants deny same.

247. Defendants deny the allegations set forth in Paragraph 247.

248. Defendants deny the allegations set forth in Paragraph 248.

249. Defendants deny the allegations set forth in Paragraph 249.

250. Defendants deny the allegations set forth in Paragraph 250.

251. Defendants deny the allegations set forth in Paragraph 251.

COUNT I

(Substantive Due Process – Rights to Liberty and Privacy – Licensing Statute)

252. Defendants' responses to the allegations contained in Paragraphs 1 through 251 are incorporated as if fully set forth herein.

253. The allegations set forth in Paragraph 253 constitute legal conclusions to which no response is required. To the extent a response is required, Defendants deny same.

COUNT II

(Substantive Due Process – Rights to Liberty and Privacy – Licensing Regulations)

254. Defendants' responses to the allegations contained in Paragraphs 1 through 251 are incorporated as if fully set forth herein.

255. The allegations set forth in Paragraph 255 constitute legal conclusions to which no response is required. To the extent a response is required, Defendants deny same.

COUNT III

(Substantive Due Process – Rights to Liberty and Privacy – Hospital Requirement)

256. Defendants' responses to the allegations contained in Paragraphs 1 through 251 are incorporated as if fully set forth herein.

257. The allegations set forth in Paragraph 257 constitute legal conclusions to which no response is required. To the extent a response is required, Defendants deny same.

258. The allegations set forth in Paragraph 258 constitute legal conclusions to which no response is required. To the extent a response is required, Defendants deny same.

COUNT IV
(Substantive Due Process – Rights to Liberty and Privacy – Physician-Only Law)

259. Defendants' responses to the allegations contained in Paragraphs 1 through 251 are incorporated as if fully set forth herein.

260. The allegations set forth in Paragraph 260 constitute legal conclusions to which no response is required. To the extent a response is required, Defendants deny same.

COUNT V
**(Substantive Due Process – Rights to Liberty and Privacy –
Two-Trip Mandatory Delay Law)**

261. Defendants' responses to the allegations contained in Paragraphs 1 through 251 are incorporated as if fully set forth herein.

262. The allegations set forth in Paragraph 262 constitute legal conclusions to which no response is required. To the extent a response is required, Defendants deny same.

COUNT VI
(Dismissed)

263. Defendants' responses to the allegations contained in Paragraphs 1 through 251 are incorporated as if fully set forth herein.

264. Count VI of the Amended Complaint has been dismissed pursuant to this Court's Order dated September 26, 2018.

COUNT VII
(Due Process – Vagueness – Hospital Requirement)

265. Defendants' responses to the allegations contained in Paragraphs 1 through 251 are incorporated as if fully set forth herein.

266. The allegations set forth in Paragraph 266 constitute legal conclusions to which no response is required. To the extent a response is required, Defendants deny same.

COUNT VIII
(Fourth Amendment – Protection Against Unreasonable Searches – Licensing Regulations)

267. Defendants' responses to the allegations contained in Paragraphs 1 through 251 are incorporated as if fully set forth herein.

268. The allegations set forth in Paragraph 268 constitute legal conclusions to which no response is required. To the extent a response is required, Defendants deny same.

269. Defendants deny that Plaintiffs are entitled to the relief requested in Paragraph 269.

270. Defendants deny that Plaintiffs are entitled to the relief sought in the paragraphs 1 through 4 following Paragraph 269 of the Amended Complaint.

271. Any allegations of the Amended Complaint not expressly admitted herein are denied.

AFFIRMATIVE DEFENSES

272. Plaintiffs fail to state claims for which relief may be granted.

273. Defendants reserve the right to identify additional affirmative defenses as discovery in this case proceeds.

WHEREFORE, Defendants, by counsel, respectfully request that the Court dismiss the Complaint, *with prejudice*, and award Defendants such other and further relief as the Court deems appropriate.

Respectfully submitted,

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FAYE O. PRICHARD, THEOPHANI STAMOS,
SHANNON L. TAYLOR, ANTON BELL,
MICHAEL N. HERRING, COLIN STOLLE,
and ROBERT N. TRACCI**

/s/ Emily M. Scott

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CERTIFICATE OF SERVICE

I hereby certify that on this 10th day of October 2018, I caused a true and correct copy of the foregoing to be electronically filed with the Clerk of Court for the Eastern District of Virginia, Richmond Division, using the Court's CM/ECF system, which thereby caused the above to be served electronically on all registered users of the Court's CM/ECF system.

/s/ Emily M. Scott

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