

**FILED**

**United States Court of Appeals  
Tenth Circuit**

**UNITED STATES COURT OF APPEALS**

**FOR THE TENTH CIRCUIT**

**December 30, 2015**

**Elisabeth A. Shumaker  
Clerk of Court**

PLANNED PARENTHOOD  
ASSOCIATION OF UTAH,

Plaintiff – Appellant,

v.

GARY R. HERBERT, in his official  
capacity as Governor of the State of  
Utah; JOSEPH K. MINER, M.D., in his  
official capacity as Executive Director of  
the Utah Department of Health,

Defendants – Appellees.

No. 15-4189  
(D.C. No. 2:15-CV-00693-CW)  
(D. Utah)

---

**ORDER**

---

Before **BRISCOE** and **HOLMES**, Circuit Judges.

---

Planned Parenthood Association of Utah (PPAU) filed an appeal from the district court’s denial of its motion for a preliminary injunction. It also filed an emergency motion for an injunction pending appeal under Fed. R. App. P. 8 and 10th Cir. R. 8. PPAU receives federal funds administered through the Utah Department of Health (UDOH) to provide non-abortion-related services to the citizens of Utah. Following the release of a controversial videotape by the Center for Medical Progress, the Governor of Utah declared UDOH would no longer serve as a “pass-through” for federal funds to PPAU and directed UDOH to terminate, or

decline to renew, the contracts for those services. Funding to PPAU is set to end on December 31, 2015.

This court considers four factors in determining whether to issue an injunction pending an appeal: (1) the likelihood of the movant's success on appeal; (2) the threat of irreparable harm to the movant if the injunction is not granted; (3) the absence of harm to the opposing parties if the injunction is granted; and (4) the risk of harm to the public interest. *See* 10th Cir. R. 8.1; *Homans v. City of Albuquerque*, 264 F.3d 1240, 1243 (10th Cir. 2001). Based on our evaluation of those factors, we conclude an injunction is appropriate pending the court's determination of the merits.

PPAU's motion is granted. The appeal will be expedited, and the parties will be advised of the briefing schedule by separate order.

Entered for the Court



ELISABETH A. SHUMAKER, Clerk