

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

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| NATIONAL INSTITUTE OF FAMILY AND LIFE ADVOCATES, et al., |) | |
| |) | |
| Plaintiffs, |) | Case No. 16-cv-50310 |
| |) | |
| v. |) | Hon. Rebecca R. Pallmeyer |
| |) | |
| BRYAN A. SCHNEIDER, et al., |) | Magistrate Judge Lisa A. Jensen |
| |) | |
| Defendant. |) | |

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|------------------------------|---|---------------------------------|
| RONALD L. SCHROEDER, et al., |) | |
| |) | |
| Plaintiffs, |) | Case No. 17-cv-04663 |
| |) | |
| v. |) | Hon. Rebecca R. Pallmeyer |
| |) | |
| BRYAN A. SCHNEIDER, et al., |) | Magistrate Judge Lisa A. Jensen |
| |) | |
| Defendant. |) | |

**MOTION FOR LEAVE TO FILE BRIEF OF AMICI CURIAE
AMERICAN COLLEGE OF OBSTETRICIANS AND GYNECOLOGISTS,
ILLINOIS ACADEMY OF FAMILY PHYSICIANS, ET AL., IN
OPPOSITION TO PLAINTIFFS' MOTIONS FOR SUMMARY JUDGMENT**

Amici curiae American College of Obstetricians and Gynecologists, Illinois Academy of Family Physicians, and leading medical ethicists and professionals, respectfully move this Court for leave to file a Brief of Amici Curiae in Opposition to Plaintiffs' Motions for Summary Judgment. A copy of the Brief of Amici Curiae is attached hereto as Exhibit A, and a full list of the proposed amici is attached to the Brief as Exhibit 1. Counsel for all parties in *Schroeder v. Schneider*, and counsel for defendant in *NIFLA v. Schneider*, have authorized amici to state that they have no objection to the filing of this brief.

In support of this Motion, proposed amici submit their brief and state as follows:

1. Amici seek to provide the Court with the medical, ethical, and legal context for the patient protections enacted in the 2017 amendments to the Illinois Health Care Right of Conscience Act (“HCRCA”), 745 ILCS 70/1, *et seq.*, which Plaintiffs’ seek to enjoin. Pub. Act 990-690 (“2017 Amendments”). In *Schroeder*, counsel for defendants and plaintiffs have indicated that they do not object to the filing of amici’s brief. In *NIFLA*, counsel for defendants also do not object, and counsel for plaintiffs have not responded.

2. District courts have broad discretion to decide whether to accept amicus briefs. *See Chamberlain Grp., Inc. v. Interlogix, Inc.*, No. 01 C 6157, 2004 WL 1197258, at *1 (N.D. Ill. May 28, 2004), *citing Nat’l Org. for Women, Inc.*, 223 F.3d 615, 616-17 (7th Cir. 2000). Some of the factors to be considered in deciding whether to accept such briefs include whether it will “assist the judge . . . by presenting ideas, arguments, theories, insights, facts, or data” not presented by the parties and whether “the *amicus* has a unique perspective or specific information that can assist the court. . .” *Id.*; *see also United States v. Bd. of Educ. of City of Chicago*, No. 80 C 5124, 1993 WL 408356, at *3, 4 (N.D. Ill. Oct. 12, 1993) (exercising its discretion to grant *amicus* status to organizations that presented “information and concerns [that] may be useful in the resolution of the matter.”)

3. Amici include leading professional medical organizations that promote quality health care and informed, autonomous medical decision making by patients through the creation and implementation of evidence based practice guidelines and ethical standards for the practice of medicine. Amici also include physicians who have treated patients harmed as a result of the denial of standard of care medical information by other health care providers based on religious objections. Finally, some of the amici were directly involved in the legislative process leading up to the enactment of the statutory amendments.

4. When medical professionals withhold information necessary for a patient to make autonomous medical decisions, they violate the most basic ethical principles governing the patient provider relationship and medical practice. They also put their patients at risk of serious harm. The 2017 Amendments were enacted to ensure that when health care providers assert religious objections to care, they fulfill their ethical obligations of ensuring that patients have the information they need to make informed medical decisions and access care.

5. Amici offer an important perspective on (1) the medical harms that may result from denying patients basic information; (2) the ethical requirements to provide such information; and (3) the legislative history of the statutory amendments before the Court. From this perspective, amici offer ideas, arguments, insights, and information that will be helpful to the resolution of this case beyond those offered by the parties. *See id.* The information and perspective that proposed amici offer is critical to an understanding of the medical, ethical, and legal context that compelled the Illinois General Assembly to amend the HCRCA, and amici respectfully submit that this context will help the Court to apply whatever First Amendment standards the Court deems appropriate.

WHEREFORE, amici respectfully request that this Court grant them leave to file their brief attached hereto as Exhibit A, to assist in the resolution of this matter.

Dated: November 21, 2019

Respectfully Submitted,

/s/ Rebecca K. Glenberg
Counsel for Amici Curiae

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