IN THE IOWA DISTRICT COURT FOR POLK COUNTY

PLANNED PARENTHOOD OF THE HEARTLAND, INC., EMMA GOLDMAN CLINIC and **JILL MEADOWS, M.D.,** Petitioners, vs. **KIM REYNOLDS ex rel. STATE OF IOWA,** and **IOWA BOARD OF MEDICINE,** Respondents.	**Case No. EQCE083074** **RULING ON MOTION TO DISSOLVE PERMANENT INJUNCTION ISSUED JANUARY 22, 2019**

INTRODUCTION

Before the court is a Motion to Dissolve the Permanent Injunction filed by Respondents on August 11, 2022. A Resistance to the Motion was filed by Petitioners on September 12, 2022. Respondents filed a Reply on September 26, 2022. Petitioners filed a Surreply on October 13, 2022.

A hearing was held before the undersigned on October 28, 2022. After reviewing the court file, including the briefs filed by both parties and accompanying materials, the court now enters the following Ruling on Respondents' Motion to Dissolve the Permanent Injunction.

FACTUAL BACKGROUND

On May 2, 2018, the Iowa Legislature passed S.F. 359, also known as the "Fetal Heartbeat" Bill. Governor Reynolds signed the bill on May 4, 2018, and it was codified as Iowa Code chapter 146C. Iowa Code section 146C.2 prohibited an abortion[1] upon the detection of a fetal heartbeat [2] by means of an abdominal ultrasound, in cases that do not involve a medical emergency[3] or when the abortion is medically necessary[4]. The fetal heartbeat law altered the abortion law in Iowa from roughly twenty weeks down to as little as six weeks.

In May 2018, Petitioners, Planned Parenthood of the Heartland ("Planned Parenthood"), filed a lawsuit in the Iowa District Court for Polk County challenging the law's constitutionality under the Iowa Constitution. At the time of the law's passage, the *Casey* undue burden test under federal precedent was the applicable law under the Iowa Constitution in PPH I. *Planned Parenthood of the Heartland v. Iowa Bd. of Med.*, 865 N.W.2d 252, 262-63 (Iowa 2015) (*PPH I*). However, in June 2018, the Iowa Supreme Court in PPH II held that a fundamental right to abortion existed under the Iowa Constitution. *Planned Parenthood of the Heartland v. Reynolds ex rel. State*, 915 N.W.2d 206, 237, 241 (Iowa 2018) (*PPH II*).

[1] "Abortion" is defined in the statute as "the termination of a human pregnancy with the intent other than to produce a live birth or to remove a dead fetus." Iowa Code § 146C.1(1) (2019).
[2] "Fetal heartbeat" is defined as "cardiac activity, the steady and repetitive rhythmic contraction of the fetal heartbeat within the gestational sac." Iowa Code § 146C.1(2) (2019).
[3] "Medical emergency" is defined as "a situation in which an abortion is performed to preserve the life of the pregnant woman whose life is endangered by a physical disorder, physical illness, or physical injury, including a life-endangering physical condition caused by or arising from pregnancy, but not including psychological conditions, emotional conditions, familial conditions, or the woman's age; or when continuation of the pregnancy will create a serious risk of substantial or irreversible impairment of a major bodily function of the pregnant women. Iowa Code § 146A.1(6)(a) (2019); *see* Iowa Code § 146C.1(3) (2019).
[4] "Medically necessary" generally includes the following: rape, incest, miscarriage, or fetal abnormality. Iowa Code

As a result of PPH II, the district court entered summary judgment and a permanent injunction in favor of Planned Parenthood on January 22, 2019. The district court found:

> it is undisputed that the threshold for the restriction upon a woman's fundamental right to terminate a pregnancy (the detection of a fetal heartbeat) contained within Iowa Code chapter 146C constitutes a prohibition of previability abortions. As such, it is violative of both due process and equal protection provisions of the Iowa Constitution as not being narrowly tailored to serve the compelling state interest of promoting potential life.

Ruling on Motion for Summary Judgment (MSJ) filed Jan. 22, 2019, at 8.

The court ruled "Iowa Code chapter 146 [as] unconstitutional and therefore void." Ruling for Summary Judgment filed Jan. 22, 2019, at 8.

Four years after PPH II, the Iowa Supreme Court in June 2022 issued *PPH IV*, which overruled *PPH II* and rejected "the proposition that there is a fundamental right to an abortion in Iowa's Constitution subjecting abortion to strict scrutiny." *Planned Parenthood of the Heartland, Inc. v. Reynolds ex rel. State*, 975 N.W.2d 710, 715 (Iowa 2022) (PPH IV). However, the Iowa Supreme Court did not decide what the constitutional standard should be to replace strict scrutiny and instead found "that the *Casey* undue burden test [the court] applied in PPH I remains the governing standard." *Id.* at 716. About a month after *PPH IV*, the United States Supreme in *Dobbs* overruled *Roe* and *Casey* along with nearly a half-century of constitutional precedent based on these holdings. *Dobbs v. Jackson Women's Health Organization*, 142 S. Ct. 2228, 2242 (2022). Under the United States Constitution, rational-basis review is the appropriate standard for constitutional challenges of state abortion regulations. *Id.* at 2283-84.

On August 11, 2022, Respondents, State of Iowa ("the State"), filed a Motion to Dissolve the Permanent Injunction issued on January 22, 2019. The State argues that

PPH IV and *Dobbs* constitute a substantial change in the law that justifies the dissolution of the existing permanent injunction because no right to an abortion exists under Iowa's Constitution or the federal constitution. (Respondents' Brief in Support at 8). Planned Parenthood resists and asserts that the State's argument fails because "(1) there is no basis in Iowa law to apply this doctrine to a permanent injunction, particularly a permanent injunction in place to protect a recognized constitutional right and (2) even if there were a basis, the State has not justified modifying this permanent injunction." (Petitioners' Brief in Opposition at 5).

DISCUSSION

I. There is Not a Basis to Dissolve this Permanent Injunction.

A. The Iowa Rules of Civil Procedure do not provide a path for vacating this judgment

The federal courts have long found a change in the law can allow a court to modify or vacate an injunction. However, the federal rule, upon which these holdings were made, is substantively different from Iowa rules and therefore, distinguishable.

There is not a specific federal rule on dissolving permanent injunctions. Federal courts, however, have used Federal Rule of Civil Procedure 60(b)(5), which allows a court to relieve a party from a final judgment when "the judgment . . . is based on an earlier judgment that has been reversed or vacated; or applying it prospectively is no longer equitable." Generally, it must be made no more than a year after entry of the judgment, however, the rule does not limit the court's power to "entertain an independent action to relieve a party from judgment, order, or proceeding." Fed. R. Civ. P. 60(c)(1), (d)(1).

Like the federal rules, there is no specific rule that allows for permanent injunctions to be dissolved under the Iowa Rules of Civil Procedure. *See generally* Iowa R. Civ. P. The Iowa rules only outline how a *temporary* injunction is to be dissolved. *See* Iowa R. Civ. P. 1.1509 ("a party against whom a temporary injunction is issued without notice may, at any time, move the court where the action is pending to dissolve, vacate or modify it") (emphasis added).

Iowa Rule of Civil Procedure 1.1012 is similar to rule 60(b), where "upon timely petition and notice under rule 1.1013 the court may correct, vacate or modify a final judgment or order, or grant a new trial on any of the following grounds." Yet, unlike its federal counterpart under rule 60(b)(5), none of the grounds in Iowa Rule of Civil Procedure 1.1012(1-6) allow a court to vacate a judgment because of an earlier judgment being reversed or vacated. Iowa Rule of Civil Procedure 1.1013, unlike the federal rule, also does not allow a specific exception to the one-year rule. *See* Iowa R. Civ. P. 1.1013; *see also In re Marriage of Hutchinson*, 974 N.W.2d 466, 474 (Iowa 2022) ("Iowa Rules of Civil Procedure 1.1012 and 1.1013 lack an explicit 'independent action' in equity exception to the one-year deadline as compared to Federal Rule of Civil Procedure 60 and similar state rules"); *Carter v. Carter*, 957 N.W.2d 623, 645 (Iowa 2021) (explaining "courts of equity may grant new trials independently of the statute of limitations set out in statutes and rules like rule 1.1013 when the grounds for the motion were not discovered within the year and the fraud authorizing the granting of a new trial was extrinsic or collateral to the matter directly involved in the original case"). As a result, this court is bound by to exercise more restraint in the Iowa Rules of Civil Procedure when presented

with a motion to dissolve a permanent injunction than its federal counterpart under Federal Rule 60(b).

Therefore, the court concludes Iowa Rule of Civil Procedure 1.1012 is substantially different and distinguishable from Federal Rule 60(b) with respect to its use in dissolving permanent injunctions. Thus, any arguments citing vacated judgments from federal courts are of little use in this instance.

Considering the plain language in 1.1012 and 1.1013, there is no applicable authority to support a motion to modify or vacate a permanent injunction more than one year after judgment based on a change in law.

As a result, the court can only conclude the State cannot rely on the Iowa Rules of Civil Procedure to forge them a path forward.

B. The State failed to show that the court has any inherent authority to dissolve the permanent injunction

The State argues the court has inherent authority to modify or vacate an injunction if there has been a substantial change in the law. In this case, the change in the law is that *PPH II*, *Roe*, and *Casey* have been overruled by *PPH IV* and *Dobbs*.

In Iowa, "a final judgment, one that conclusively determines the rights of the parties and finally decides the controversy, creates a right of appeal and also removed the district court the power or authority to return the parties to their original positions." *Franzen v. Deere and Co.*, 409 N.W.2d 672, 674 (Iowa 1987). "While a district court retains jurisdiction during and after appeal from its final judgment to enforce the judgment itself, the district court does not have the authority to revisit and decide differently issues already

concluded by that judgment." *Id.* (citing *Kern v. Woodbury Cty.*, 14 N.W.2d 687, 688 (1944) (after affirmance of final judgment the district court has inherent power to enforce judgment but not to render a new judgment); *see also Carter*, 957 N.W.2d 623, 636 (Iowa 2021) (stating "jurisdiction . . . is purely a matter of statute . . . [and as such,] the petition must be filed and the notice must be served within one year"). Therefore, jurisdiction is decided by statute and any inherent authority of the court beyond the statute would only be for enforcement.

There is little caselaw, or caselaw germane to this purported inherent authority, that allows a court to modify or vacate a permanent injunction in Iowa. Generally, a permanent injunction, "unless specified otherwise in the order, is unlimited in respect of time." *Bear v. Iowa Dist. Ct.*, 540 N.W.2d 439, 441 (Iowa 1995). The State attempts to draw support for their proposition this court has the authority to dissolve permanent injunctions from *Helmkamp v. Clark Ready Mix Co.*, 249 N.W.2d 655 (Iowa 1977) and *Bear v. Iowa Dist. Ct.*, 540 N.W.2d 439 (Iowa 1995).

In *Helmkamp*, the Iowa Supreme Court affirmed the trial court's decision to vacate the permanent injunction based on changed conditions. *Helmkamp*, 249 N.W.2d at 657. In *Helmkamp*, the changed conditions were not based on a change in law, but a change in facts. *Id.* at 656. The basis for the court's holding was that "the law is clear that a court may modify or vacate an injunction, otherwise the party restrained might be held in bondage of a court order no longer having a *factual basis*." *Id.* (emphasis added). However, nowhere in *Helmkamp* did the court rule that a change in the law would allow a court to modify or vacate an injunction. *See id.*

In *Bear*, the case did not involve the question of whether to modify or vacate a permanent injunction. The question before the court was whether it was established by proof beyond a reasonable doubt that the plaintiff was in contempt for violating a permanent injunction. *Bear*, 540 N.W.2d at 440-41. The court noted when providing a summary of the law on permanent injunctions that "the court which rendered the injunction may modify or vacate the injunction if, over time, there has been a substantial change in the facts or law." *Id.* at 441. However, the support for the court's assertion regarding a substantial change in the law was not based on precedent from *Helmkamp* but was based on 42 Am.Jur.2d *Injunctions* §§ 317, 318, 334 (1969). *Bear*, 540 N.W.2d at 441. Further, it cannot be said that the statement of law summarized in *Bear* was germane to the case, and the portion the State relies upon is dicta rather than a substantive holding. *See id.* at 441-42; *see also Rush v. Reynolds*, No. 19-1109, 946 N.W.2d 543 (Table), 2020 WL 825953, at *17 n.26 (Iowa Ct. App. Feb. 19, 2020) (Danilson, Senior Judge, concurring in part).

In addition to *Helmkamp* and *Bear*, the State cites *Wilcox v. Miner*, 205 N.W. 847 (Iowa 1925), *Iowa Elect. Light and Power Co. v. Inc. Town of Grand Junction*, 264 N.W. 84 (Iowa 1935), and *Spiker v. Spiker*, 708 N.W.2d 347 (Iowa 2006).

Wilcox and *Iowa Electric* both preceded the promulgation of Iowa Rules of Civil Procedure, which occurred in 1943. *See Lawson v. Kurtzhals*, 792 N.W.2d 251, 256 (Iowa 2010). What is now rule 1.1012 and 1.1013, would have been rule 252 and rule 253 respectively when the Iowa Rules of Civil Procedure were enacted in 1943. Iowa R. Civ. P. 1.1012 official cmt. With the promulgation of the current rules of civil procedure in 1943, it is hard to find precedential value in the two cases, especially when both *Wilcox* and

Iowa Electric do not in cite any rule of law or authority to support its decision to modify or dissolve the permanent injunction. *See generally Wilcox*, 205 N.W. 847; *Iowa Elec.*, 264 N.W. 84. Without stating the basis for its authority, the court cannot determine if the cases were based on superseded rules of procedure that were substantially changed with the promulgation of the current rule of civil procedure regarding vacating or modifying a judgment. *See Lawson*, 792 N.W.2d at 256 (stating "a review of the legislative history surrounding voluntary dismissals reveals that, prior to the enactment of the Iowa Rules of Civil Procedure in 1943, plaintiffs had the absolute right to dismiss lawsuits at any time up to the moments before 'final submission to [the] jury or court' "); *Furnald v. Hughes*, No. 10-0180, 795 N.W.2d 99 (Table), 2010 WL 5050586, at *7 (Iowa Ct. App. Dec. 8, 2010) (Doyle, J., dissenting).

Regardless, even if *Wilcox* and *Iowa Electric* are based on a court's inherent authority under the common law, both cases are distinguishable from this case and do not offer any guidance to the court. The district court in *Wilcox* on April 18, 1924, entered a decree that permanently enjoined the county treasurer from collecting certain taxes being levied under the authority of chapter 48. *Wilcox*, 205 N.W. at 847. Less than a year later, on October 3, 1924, the county treasurer filed a motion to modify the above decree to allow him to carry out the provisions of the curative act. *Id.* Unlike the case at hand, which was filed three years after the injunction was entered, the motion to modify filed in *Wilcox*, if under Iowa Rule of Civil Procedure 1.1012, would be within the one-year limitations period under rule 1.1013. *See id*; *see also* Iowa R. Civ. P. 1.1012-13. The modification in *Iowa Electric* also occurred within one year of the original judgment. *Iowa Electric*, 264 N.W. 84 at 85.

Additionally, both *Wilcox* and *Iowa Electric* deal with motions to modify after the legislature subsequently passed a "legalizing act" or "curative act." *Wilcox*, 205 N.W. at 847; *Iowa Elec.*, 264 N.W. at 85. The case at hand does not deal with a subsequent legislative act "curating" or "legalizing" the fetal heartbeat bill. Instead, the State is asking this court to dissolve a permanent injunction and, in essence, revive a statute that was found unconstitutional and void. *See* Iowa Const., Art. XII, § 1 ("This constitution shall be the supreme law of the state, and any law inconsistent therewith, shall be void"); *see also PPH II*, 915 N.W.2d at 213 ("No law that is contrary to the constitution may stand").

Likewise, *Spiker* on its face may support the assertion that a court may modify or vacate a final judgment after the jurisdictional time limitations. In *Spiker*, the grandparents petitioned the district court for grandparent visitation under Iowa Code § 598.35 (2001). *Spiker*, 708 N.W.2d at 350. The mother of the children and the grandparents entered into a stipulation agreement in August 2001 that provided the grandparents with visitation of the children. *Id.* When the parties could not agree as to the length of the visitation, the district court granted the grandparents visitation with the children on the first weekend of every month. *Id.* In 2004, the mother of the children refused to allow the visitation with the grandparents and the grandparents initiated contempt proceedings against the mother in February 2004. *Id.* at 350-51. The mother argued that the grandparent visitation statute was unconstitutional and the enforcement of the order would violate her due process rights. *Id*. The district court found the mother in contempt and reasoned that the mother "should have challenged the constitutionality of the visitation order at or before trial, not as a defense in contempt proceedings." *Id.* Later, the mother filed a petition to modify, vacate, or stay the visitation order because it was unconstitutional. *Id.* The district court

granted the mother's motion for summary judgment and vacated the visitation order. *Id.* The Iowa Supreme Court concluded that "the district court was correct that res judicata did not bar [the mother's] petition to modify. The court also concluded that the unconstitutionality of section 598.35(1), as pronounced *In re Marriage of Howard*, was a substantial change in circumstances that justified terminating the grandparent visitation order. *Id.* at 358-59.

However, *Spiker* is distinguishable from this case. The application of res judicata and specifically, claim preclusion, to bar the court from dissolving the current injunction would not "result in the State's continuing violation of an individual's fundamental constitutional rights." *Spiker*, 708 N.W.2d at 358. In *Spiker*, the court feared that "if the visitation order [had] turned into 'an instrument of wrong' . . . a court should have the power to modify it, particularly because its enforcement is violating [the mother's] fundamental *constitutional* right to direct the upbringing of her children . . ." *Id.* Here, the issuance of the permanent injunction was to prevent *the State* from enforcing Iowa Code chapter 146C, which was found to have violated what was an individual's fundamental constitutional right under the Iowa Constitution to an abortion.

Additionally, Iowa's prior law concerning res judiciata outside of custody modifications cited in *Spiker*, held that "the res judicata consequences of a final, unappealed judgment on the merits are not altered by the fact the judgment may have been wrong or rested on a legal principle subsequently overruled in another case." *Gail v. W. Convenience Stores*, 434 N.W.2d 862, 863 (Iowa 1989). "Where a court has jurisdiction over the person and the subject matter of a case, no error in the judgment can make it void." *Id.* at 863. "A judgment merely voidable because based upon an erroneous

view of the law is not open to collateral attack, but can be corrected only by a direct review. *Id.* However, the *Spiker* court analyzed whether there was an exception to the general rule that a change in the law would not prevent the application of res judiciata. *Spiker*, 708 N.W.2d at 356. It stated "claim preclusion does not apply when '[t]he judgment in the first action was plainly inconsistent with the fair and equitable implementation of a statutory or constitutional scheme . . . .' " *Id.* at 356-57 (citing *Restatement (Second) of Judgments* § 26 (1)(d), at 234 & cmt. *e*, illus. 6, at 240).

At the time of the permanent injunction in this case, the order to permanently enjoin was consistent with the fair and equitable implementation of a constitutional scheme. In January 2019, the federal constitutional scheme was – and had been for nearly half a century – that laws unduly restricting abortion were unconstitutional. *See Roe v. Wade*, 410 U.S. 113, 153 (1973) (the constitutional right of privacy, "founded in the Fourteenth Amendment's concept of personal liberty and restrictions upon state action [is] broad enough to encompass a woman's decision whether or not to terminate her pregnancy"); *Planned Parenthood v. Casey*, 505 U.S. 833, 846 (1992) (reaffirming "the right of the woman to choose to have an abortion before viability and to obtain it without undue influence from the State"). Also, in January 2019, Iowa's constitutional scheme was that a woman's right to decide whether to terminate a pregnancy before pre-viability is a fundamental right and any governmental limits on that right are to be analyzed using strict scrutiny. *PPH II*, 915 N.W.2d at 237, 241.

As a result, Iowa Code chapter 146C was unconstitutional and the legislative act was void. Iowa Const., Art. XII, §1; *PPH II*, 915 N.W.2d at 213. "An unconstitutional legislative act that 'is not a law; it confers no right; it imposes no duties; it affords no

protection; it creates no office; it is, in legal contemplation, as inoperative as though it had never been passed.' " *Sec. Sav. Bank of Valley Junction v. Connell*, 200 N.W. 8, 10 (Iowa 1924). There is no caselaw to support, and none has been given by the State, that a permanent injunction being issued based on a finding that a statute was unconstitutional and void at the time it was passed may later be modified or vacated because of the inherent authority of the issuing court to modify or vacate the permanent injunction based on a change in the law.

The Court in *Spiker* also specifically addressed the inherent authority issue. They found that their holding was "… consistent with our general view that courts have inherent authority to modify decrees concerning custody and visitation of children based on a substantial change in circumstances." *Spiker,* 708 N.W.2d at 355. Thus, inherent authority arises from the courts' valid concern with best interests of children and therefore is limited to these types of exceptional circumstances. There is nothing in the current case which would indicate a similar compelling circumstance which would allow it to find an exception to a jurisdictional limitation.

C. The State failed to show there has been a substantial change in the law

Even if the court has jurisdiction to dissolve the permanent injunction, the State has failed to show that there has been a substantial change in the law.

In June 2022, the Iowa Supreme Court overruled *PPH II* and held that there no longer was a fundamental right to abortion subjecting abortion regulation to strict scrutiny under Iowa's Constitution. *PPH IV*, 975 N.W.2d at 715. The constitutional standard to apply after *PPH II* was overruled in *PPH IV,* however, was not predicated on *Dobbs*. The

Iowa Supreme Court has consistently held that it "zealously guard[s] [its] ability to interpret the Iowa Constitution independently of the Supreme Court's interpretation of the Federal Constitution." *Id.* at 716, 745-46. The "duty to independently interpret the Iowa Constitution holds even 'though the two provisions may contain nearly identical language and have identical language and have the same general scope, import, and purpose.' " *State v. Wright*, 961 N.W.2d 396, 403 (quoting *State v. Brooks*, 888 N.W.2d 406, 410-11 (Iowa 2016)). "On questions of state constitutional law, the Supreme Court 'is, in law and in fact, inferior in authority to the courts of the States.' " *Id.* (quoting *McClure v. Owen*, 26 Iowa 243, 249 (1868). "The level of protection of rights under the state constitutions can be the same as, higher than, or lower than that provided by the federal constitution." *Id.* (quoting *Malyon v. Pierce Cty.*, 935 P.2d 1272, 1281 n.30 (Wash. 1997).

PPH IV explicitly did not find that the standard of review for abortion regulations would be rational basis like the Supreme Court in *Dobbs*. *See id.* at 716. Instead, the court was clear in its holding that "for now, this means that the *Casey* undue burden test [the court] applied in *PPH I* remains the governing standard. On remand, the parties should marshal and present evidence under that test, although the legal standard may also be litigated further." *Id.* With "for now" meaning it could change in the future, not necessarily predicated on *Dobbs*, but after there is further litigation on remand from the parties. *Id.* Additionally, it is not in the district court where the standard should be further litigated. *See id.* at 749 (McDermott, J, concurring in part) ("But it's *our* [supreme court's] duty to decide and declare the applicable law in state constitutional matters"); *see also State v. Ochoa*, 792 N.W.2d 260, 267 (Iowa 2010) (stating "a state supreme court cannot delegate to any other court the power to engage in authoritative constitutional

interpretation under the state constitution"). Instead, at the district court "the parties should marshal and present evidenced under that [*Casey* undue burden] test." *Id.* at 716.

The ban on nearly all abortions under Iowa Code chapter 146C would be an undue burden and, therefore, the statute would still be unconstitutional and void. *See Casey*, 550 U.S. at 878-79 ("an undue burden exists, and therefore a provision of law is invalid, if its purpose or effect is to place a substantial obstacle in the path of a woman seeking an abortion before the fetus attains viability"); Iowa Const., Art. XII, § 1 ("This constitution shall be the supreme law of the state, and any law inconsistent therewith, shall be void"). In fact, the district court in its ruling on the summary judgment and the permanent injunction held this as much when the court stated the threshold for a restriction upon an abortion was the detection of a fetal heartbeat "contained within Iowa Code chapter 146C [and it] constitutes a prohibition of previability abortions." (Ruling on MSJ, issued Jan. 22, 2019 at 7-8). Therefore, under the undue burden test, there has not been a substantial change in the law. *See Bear*, 540 N.W.2d at 441. As a result, the State has failed to show a change in the law that would warrant dissolving the permanent injunction issued on January 22, 2019.

CONCLUSION

The court is bound by the law, its "the values that stare decisis promotes concerning stability in the law, judicial restraint, the public's faith in the judiciary, and the legitimacy of judicial review." *PPH IV*, 975 N.W.2d at 751 (Christensen, C.J., concurring in part). The court following the law is "vital to maintaining public faith in the judiciary as

a source of impersonal and reasoned judgments" *Id.* (internal quotations and citations omitted). Thus, this court must hold itself and the parties to these standards and rule only based upon the law and its authority as specifically granted by the same.

In conclusion, it has not been established that the court has any authority, inherent or based on the rules of civil procedure, which allows it to retain jurisdiction in order to dissolve the permanent injunction in this case. Additionally, even if the court had jurisdiction to dissolve the permanent injunction, the State has failed to show that there has been a substantial change in the law under the Iowa Constitution that would change the circumstances.

Accordingly, Respondent State of Iowa's Motion to Dissolve the Permanent Injunction filed January 22, 2019 is **DENIED**.

SO ORDERED.

State of Iowa Courts

Case Number	**Case Title**
EQCE083074	PLANNED PARENTHOOD ET AL VS GOVERNOR KIMBERLY REYNOLDS ET AL
Type:	OTHER ORDER

So Ordered

Celene Gogerty, District Judge
Fifth Judicial District of Iowa

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