

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

NATIONAL ASSOCIATION OF SOCIAL
WORKERS, et al.,

Plaintiffs,

v.

CITY OF LEBANON, OHIO, et al.,

Defendants.

Case No. 1:22-cv-00258-SJD

Judge Susan Dlott

STIPULATION OF DISMISSAL

The parties hereby acknowledge, agree, and stipulate as follows:

1. Article XVIII, Section 3 of Ohio’s Constitution states that “Municipalities shall have authority to exercise all powers of local self-government and to adopt and enforce within their limits such local police, sanitary and other similar regulations, as are not in conflict with general laws.”

2. The City of Lebanon does not claim authority to enforce its prohibitions against conduct that does not occur within the limits of the City of Lebanon and, thus, the City will not knowingly prosecute the Plaintiffs¹ for activity that occurs outside Lebanon’s city limits under Lebanon Code of Ordinances §§ 509.09-509.16.

3. An abortion where mifepristone and misoprostol are prescribed and dispensed to a pregnant woman outside Lebanon, and then she ingests the misoprostol in Lebanon, does not constitute an abortion in Lebanon prohibited by Section 509.10.

¹ As used herein, the “Plaintiffs” shall refer to the National Association of Social Workers and the Abortion Fund of Ohio, and their employees, members, and volunteers.

4. Moreover, as applied to Lebanon Code §§ 509.09-509.16, the City's general accomplice liability statute, *id.* § 509.06(A)(2), does not prohibit conduct outside of Lebanon's city limits. Thus, it does not reach conduct of the Plaintiffs outside Lebanon, even if that conduct aids or abets a drug-induced abortion in which the patient ingests misoprostol in Lebanon, and efforts taken by the Plaintiffs outside Lebanon to assist persons in obtaining abortifacients outside Lebanon do not violate any of the ordinance's provisions, even if the abortion patient or others later transport those abortifacients into Lebanon.

5. The City does not intend to, and will not, investigate or prosecute the Plaintiffs under Lebanon Code §§ 509.06, 509.09-509.16 for conduct that does not violate Lebanon Code §§ 509.06, 509.09-509.16, as interpreted by this stipulation, nor will it knowingly initiate any prosecution against any person under Lebanon Code §§ 509.06, 509.09-509.16 based on their providing donations to Plaintiffs or performing work for or with Plaintiffs to the extent that doing so does not violate Lebanon Code §§ 509.06, 509.09-509.16, as interpreted by this stipulation.

6. Plaintiffs the National Association of Social Workers and the Abortion Fund of Ohio (formerly known as Women Have Options – Ohio) hereby dismiss this matter without prejudice pursuant to Rule 41(a)(1)(A)(ii). Plaintiffs reserve the right to seek relief from this Court if Defendants, their officers, agents, servants, employees, attorneys, or anyone acting in concert with them, violates this Stipulation. However, Plaintiffs agree not to file a new lawsuit asserting any vagueness or First Amendment claims against the City based on their potential aiding and abetting liability under Lebanon Code §§ 509.09-509.16.

7. Each party will bear its own attorneys' fees and costs.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I, B. Jessie Hill, hereby certify that on this 12th day of January, 2023, I electronically filed the foregoing with the Clerk of Court for the United States District Court for the Southern District of Ohio, Western Division via the ECF system, which will send notification of such filing to all counsel of record.

/s/ B. Jessie Hill