

IN THE IOWA DISTRICT COURT IN AND FOR POLK COUNTY

Planned Parenthood of the Heartland and
Dr. Sue Haskell

Case No. CV 8313

v.

PETITION

Citizens Information Center

FILED
POLK COUNTY IA
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CLERK DISTRICT COURT

COMES NOW Planned Parenthood of the Heartland, Inc. (hereinafter "Planned Parenthood") and Dr. Sue Haskell (hereinafter "Dr. Haskell"), who by and through their attorney filed this petition to enjoin the release of records to Citizens Information Center (hereinafter "CIC") by the Iowa Board of Medicine, and state the following:

Complaint

1. This action is brought under Iowa Code 22.8 to enjoin the release of the Medical License Application records of Dr. Haskell, and all other records pertaining to the Dr. Haskell's license to practice medicine and surgery in the State of Iowa, to CIC.
2. If the records at issue are examined and/or copied by CIC, Planned Parenthood and Dr. Haskell will suffer substantial, irreparable injury. To avoid such injury, petitioners seek an injunction against the examination and copying of such records by CIC.

Parties

3. Planned Parenthood is a nonprofit corporation incorporated in Iowa pursuant to the Iowa Nonprofit Corporation Act, Iowa Code 504.101 et seq. with its principle place of business in Iowa.
4. Dr. Haskell is a physician licensed to practice medicine and surgery in Iowa employed by Planned Parenthood. Dr. Haskell is domiciled in the State of Iowa.
5. Citizens Information Center is an organization utilizing an address of P.O. Box 961216, Boston, MA 02196, but without a record of its incorporation or other form of registration with the Secretary of State in Massachusetts.
6. Planned Parenthood and Dr. Haskell would be aggrieved or adversely affected by the examination or copying of the records at issue, within the meaning of Iowa Code 22.8(4)(e).

Jurisdiction and Venue

7. This court has jurisdiction over this action under Iowa Code 22.8.
8. Planned Parenthood's and Dr. Haskell's claims for injunctive relief are authorized by Iowa Code 22.8.
9. The principle place of business of the Iowa Board of Medicine, the entity that would be responsible for producing the record at issue, is in Des Moines, Iowa. Venue in Polk County District Court is proper.

Factual Allegations

10. Citizen's Information Center is an unincorporated anti-abortion group utilizing the mailing address P.O. Box 961216, Boston, MA 02196.
11. On or about July 16, 2010 Dr. Haskell and Planned Parenthood of the Heartland received notice that Citizen's Information Center had requested to examine records related to Dr. Haskell's license to practice medicine and surgery in Iowa.
12. The records pertaining to Dr. Haskell's license to practice medicine and surgery in Iowa are under the control of the Iowa Board of Medicine.
13. The copying and/or examination of the records pertaining to Dr. Haskell's license by CIC would represent a substantial risk of threats, harassment, slander or libel against Dr. Haskell and Planned Parenthood of the Heartland.
14. The copying and/or examination of the records pertaining to Dr. Haskell's license by CIC would cause Dr. Haskell substantial emotion distress, including increased levels of anxiety and fear for her security.
15. CIC has no legitimate interest in records pertaining to Dr. Haskell's license, and any interest CIC has in such records is not in the public interest.
16. CIC is not an Iowa citizen or taxpayer.
17. CIC is not aggrieved by an inability to examine or copy records pertaining to Dr. Haskell's license.

First Claim for Relief

18. The Petitioners re-allege and incorporate by reference the allegations contained in paragraphs 1-17.
19. The release of the records at issue would not be in the public interest.

- a. CIC is a Boston, MA organization without a place of business in Iowa. It has no legitimate interest in any records pertaining to Dr. Haskell.
 - b. Even if CIC has an interest in Iowa records, its interest does not represent the public interest in that it is requesting the records solely for purposes that are arbitrary, capricious, unlawful, or are the result of animus toward or desire to harass or otherwise harm Dr. Haskell and Planned Parenthood.
20. The release of the records at issue would substantially and irreparably injure Dr. Haskell and Planned Parenthood.
- a. Dr. Haskell has a privacy interest in the information contained within the records at issue, examination and copying of those records would constitute an injury to her right to privacy.
 - b. CIC's purpose in examining and/or copying the records is to harass, humiliate, or otherwise damage the brand and/or reputation of Planned Parenthood and Dr. Haskell.
 - c. The examination and/or copying of the records by CIC represents a risk to the security and safety of Dr. Haskell, Planned Parenthood, and other Planned Parenthood employees and volunteers, including a substantial risk of threats, harassment, slander and libel.
 - d. The examination and/or copying of the records by CIC would cause Dr. Haskell emotional distress, including increased anxiety and a fear for her security.

Second Claim for Relief

21. The Petitioners re-allege and incorporate by reference the allegations contained in paragraphs 1-17.
22. CIC is not entitled to enforce the open records requirements of Iowa Code Chapter 22. Civil enforcement of Iowa Code Chapter 22 is limited to aggrieved persons, Iowa citizens and taxpayers, and the Iowa Attorney General and County Attorneys. CIC is not aggrieved by an inability to examine or copy the records at issue, and CIC is not an Iowa citizen or taxpayer. No enforcement action has been brought on behalf of CIC by the Attorney General or any County Attorney. CIC is not entitled to examine or copy public records under Iowa Code Chapter 22.

Request for Relief


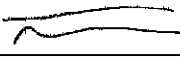
WHEREFORE, Petitioners ask this court:

- A. To declare that CIC is not an entity entitled to rights under Iowa Code Chapter 22,

- B. To enjoin the examination and copying by CIC of records pertaining to Dr. Haskell's license to practice medicine and surgery in the State of Iowa,
- C. To issue interim injunctive relief as necessary to maintain the status quo pending final judgment,
- D. To award other such relief as the Court deems just and proper.

Date: August 9, 2010

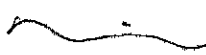

BY: Planned Parenthood of the Heartland and
Dr. Sue Haskell, D.O., Petitioners

BY:  

Michael Falkstrom, AT0010207
Attorney for the Petitioners
1168 6th Street
Des Moines, IA 50314
Phone: (515) 235-0444
Email: Mike.Falkstrom@ppheartland.org

CERTIFICATE OF SERVICE

I hereby certify that service of the foregoing Petition has been made to Citizen's Information Center, at PO Box 961216, Boston, MA 02196 by certified mail, and to the Iowa Board of Medicine at 400 SW 8th St. Suite C, Des Moines, IA 50309.

8-9-2010

Mike Falkstrom
1168 6th Street, Des Moines, IA 50314

August 9, 2010

IN THE IOWA DISTRICT COURT IN AND FOR POLK COUNTY

PLANNED PARENTHOOD OF
THE HEARTLAND AND
SUE HASKELL, D.O.

Petitioners

v.

CITIZEN'S INFORMATION CENTER

Respondent

Case No. _____

AFFIDAVIT OF
KRISTA NOAH

STATE OF IOWA)
) ss.
COUNTY OF POLK)

Krista Noah, being duly sworn under oath, hereby states the following:

1. I am the Director of Security and Facilities at Planned Parenthood of the Heartland. I have been employed as Director of Security since November 1, 2005.

2. As Director of Security, my duties include ensuring the security of our patients, clinics, and providers against harassment, threats, and other disruptive activities. To that end I conduct employee training on security, recognizing suspicious behavior, and avoiding/reacting to threats or harassment, and reporting of those instances when they occur. I also receive and review incident reports regarding security concerns, and make determinations and recommendations regarding potential threats and harassment, and appropriate action by employees or the organization as a whole to ensure the security of the organization, its employees and patients.

3. I have been trained through Planned Parenthood of the Heartland and Planned Parenthood Federation of America to handle security concerns, including those specific to health care clinics and abortion providers, as per the duties of my job. I also have substantial experience in handling clinic, physician and patient security concerns, including clinic protesting, residential protesting, aggressive behavior, building strong law enforcement relationships, event security and researching/recognizing tactics of anti-abortion organizations.

4. In the course of my employment at Planned Parenthood, I have had numerous encounters with anti-abortion groups and individuals. These encounters have included the protest and other activities of groups and individuals exhibiting behavior ranging from peaceful legal protests to threatening or unlawful behavior such as verbal threats, harassment, trespass or other behavior that has put myself or other Planned Parenthood employees in stressful or anxiety inducing situations, up to and including situations inducing fear of bodily harm. These encounters have been with groups and individuals including Iowa Right to Life, Stand True, Nebraskans for Life, Missionaries to the Pre-Born, Nebraska Right to Life, Crossroads, Truth Truck, Ron Brock, Daniel Holman, Donna Holman, David Leach and David Shedlock.

5. Due to my training and experience, I am able to recognize the patterns and profiles common to anti-abortion groups, and I am able to recognize when those groups' activities are likely to pose a threat to the security, tranquility or well-being of our employees or patients; including recognizing when there is an increased likelihood of threats or harassment.

6. Citizen's Information Center fits the profile of an anti-abortion group whose activities represent the potential of threats toward or harassment of our physicians. It is unincorporated, uses a P.O. Box for an address, and is unlisted in the Yellow Pages. Oftentimes, when anti-abortion groups have sought to harass our employees they have often use deception or otherwise attempted to conceal their identities or purposes and/or those of their members. As Director of Security, I consider organizations that utilize these tactics in interacting with us, our patients or employees to be highly suspicious and I regard them as potential sources of threats or harassment.

7. Anti-abortion groups that seek to threaten or harass have consistently used the tactic of seeking information that they can later distort to threaten, harass, slander or libel abortion providers. Given this history, as a professional I regard as highly suspicious any group seeking information on an abortion provider that has no clear medical, professional, patient or similar legitimate relationship to that provider. In carrying out my duties, I always regard such groups as potential sources of threats or harassment.

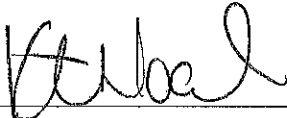
8. On or about July 16, 2010, Planned Parenthood of the Heartland received notice from the Iowa Board of Medicine that a group called Citizen's Information Center requested records from the Board relating to the license of one of Planned Parenthood of the Heartland's physicians, Dr. Sue Haskell, D.O. The request listed the group's address as PO Box 961216, Boston, MA 02196.

9. Citizen's Information Center is not related to any medical group, patient group, or other group known to me in the States of Iowa and Nebraska. Because of my extensive experience in dealing with anti-choice groups and how they operate, and conversations I have had with other Planned Parenthood employees who have knowledge of the group, I believe that Citizen's Information Center is an anti-choice activist group likely to use any information they receive on an abortion provider for the purposes of threatening, harassing, slandering or libeling that provider.

10. If Citizen's Information Center obtained Dr. Haskell's licensing records, I would feel it would be my professional duty recommend that Planned Parenthood of the Heartland and Dr. Haskell be on heightened alert for potential threats or harassment from this or potentially related groups or individuals.

11. Some of the most effective ways for employees to maintain their security is through caution in their interactions with others and privacy in their personal and professional lives. If an anti-abortion activist group obtained Dr. Haskell's licensure records, their examination of those records would damage Dr. Haskell's ability to maintain her security in this manner.

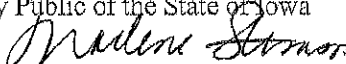
FURTHER, AFFIANT SAYETH NOT



Subscribed and sworn to before me this 9th day of August, 2010.



Notary Public of the State of Iowa



IN THE IOWA DISTRICT COURT IN AND FOR POLK COUNTY

PLANNED PARENTHOOD OF)	Case No. _____
THE HEARTLAND AND)	
SUE HASKELL, D.O.)	
Petitioners)	
v.)	AFFIDAVIT OF
)	SUE HASKELL, D.O.
CITIZEN'S INFORMATION CENTER)	
Respondent)	
)	
)	

STATE OF IOWA)
) ss.
COUNTY OF POLK)

Dr. Sue Haskell, D.O., being duly sworn under oath, hereby states the following:

1. I am a Doctor of Osteopathic Medicine, licensed to practice medicine and surgery in the States of Iowa and Nebraska. I am board certified by the American Osteopathic Board of Family Physicians.
2. I have been an employee of Planned Parenthood of the Heartland since 1991 (then Planned Parenthood of Greater Iowa). My duties as an employee have included Medical Director, Physician Director of Surgical Services, Preceptor for Medical Students and Director of Telemedicine Services, and the performance of First and Second Trimester surgical abortions.
3. In the course of my practice as an employee of Planned Parenthood, I have had numerous encounters with anti-abortion groups and individuals. These encounters have occurred outside of clinics where I work, in public places, and at my home. These individuals yell and scream at me entering and leaving the clinic, calling me a murderer among other epithets. I have been accosted in public when I was recognized by an anti-abortion activist, who confronted me and screamed epithets at me once he realized who I was. This same individual also came to my house and attempted to confront me, and walked to my neighbors' homes to confront them.

4. I was a friend to Dr. George Tiller, a Kansas physician who performed abortions, who was murdered by Scott Roeder, an anti-abortion activist, on May 31, 2009. George's death has impacted me emotionally, and caused me to feel greater anxiety about threats and harassment related to me and my family.

5. I am a mother and grandmother. Because of this, I attempt to keep a low profile in public in order to avoid any additional harassment or threats. If I or my family or neighbors were subject to an escalation in harassment, slander, libel or threats it would cause me significant anxiety and emotional distress.

6. No one has ever before requested information regarding my licensure. In my long experience as an abortion provider, I have never known anyone other than patients, medical groups or anti-choice activists to seek the kind of information that would be contained in these licensure records. Patients and medical groups seeking information regarding me or my practice have always sought it directly.

7. On or about July 16, 2010, both I and Planned Parenthood of the Heartland received notice from the Iowa Board of Medicine that a group called Citizen's Information Center requested records from the Board relating to my license. The request listed the group's address as PO Box 961216, Boston, MA 02196.

8. Citizen's Information Center is not related to any medical group, patient group, or other group known to me in the States of Iowa and Nebraska. Because of my extensive experience in dealing with anti-choice groups and how they operate, and conversations I have had with other Planned Parenthood employees who have knowledge of the group, I believe that Citizen's Information Center is an anti-choice activist group.

9. In my experience, anti-choice groups have previously used information they obtain about doctors who perform abortions to conduct campaigns of harassment, libel, slander, and threats (both explicit and implicit) against those doctors regarding whom they obtain information. I fear that Citizen's

Information Center would attempt to put any information they obtained about me through the examination of my licensure records to such uses.

10. If Citizen's Information Center obtained my licensure records, I would be put in a state of heightened fear and intense anxiety. In such a case, I would have no choice but to inform my family, friends, and neighbors of the increased potential for threats and harassment and to advise them to be alert for anything out of the ordinary.

11. As a physician who provides abortion, I have always utilized caution and privacy as ways to maintain the safety and tranquility of myself, my friends, my neighbors, and my family. Loss of the ability to use that privacy to protect myself against harassment by anti-choice would significantly limit my ability to protect the safety and tranquility of myself and my loved ones.

FURTHER, AFFLIANT SAYETH NOT

She Haselle Do

Subscribed and sworn to before me this 9 day of August, 2010.



Notary Public of the State of Iowa

Marlene Stimson