

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WISCONSIN

TAMARA M. LOERTSCHER,

Plaintiff,

CIVIL ACTION

v.

Case No. 14-cv-870

J.B. VAN HOLLEN, in his official capacity as
ATTORNEY GENERAL OF THE
STATE OF WISCONSIN, and

ELOISE ANDERSON, in her official capacity as
SECRETARY OF THE DEPARTMENT OF
CHILDREN AND FAMILIES,

Defendants.

PLAINTIFF'S MOTION FOR PRELIMINARY INJUNCTION

Plaintiff Tamara M. Loertscher hereby respectfully moves this Court to issue a preliminary injunction that (1) declares that 1997 Wisconsin Act 292, amending multiple section of, *inter alia*, Chapter 48, Wis. Stat. § 48.01 *et seq.*, ("the Act") is unconstitutional on its face; (2) enjoins enforcement of the Act throughout the State of Wisconsin until this Court issues its final judgment regarding Plaintiff's request that the Act be permanently enjoined; and (3) orders Defendants to release Ms. Loertscher immediately from state supervision and control.

As set forth in Plaintiff's Brief in Support of Motion for Preliminary Injunction, filed herewith, there is an urgent need for preliminary injunctive relief in this case. Without such relief, Ms. Loertscher, a 30-year-old pregnant woman, will be prevented from making her own medical decisions, forced to submit to regular drug testing, and subjected to continued supervision by local officials—all in violation of the United States Constitution. Because her

child is due near the end of this month—on January 29, 2015—she faces the prospect, absent preliminary injunctive relief, of giving birth under the supervision of state actors authorized to enforce the Act against her, including a guardian ad litem who is empowered by the Act to override her medical decisions based on his subjective judgment as to what decisions are in the best interests of Ms. Loertscher’s fetus.

Accordingly, for the reasons set forth in the accompanying brief, Ms. Loertscher respectfully requests that the Court adopt Plaintiff’s Proposed Findings of Fact and issue a preliminary injunction declaring that the Act is unconstitutional on its face; enjoining enforcement of the Act; and ordering Defendants to release Ms. Loertscher immediately from state supervision and control.

Dated this 7th day of January, 2015.

Respectfully submitted,

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