

**MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

**PLANNED PARENTHOOD OF KANSAS AND MID-MISSOURI, INC.,  
APPELLANT**

**vs.**

**MARGARET DONNELLY, et al.,  
RESPONDENTS**

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DOCKET NUMBER WD69749

DATE: JULY 31, 2009

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Appeal from:

Jackson County Circuit Court  
The Honorable Jay A. Daugherty, Judge

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Appellate Judges:

Court En Banc: Thomas H. Newton, Chief Judge, Harold L. Lowenstein, Joseph M. Ellis, Victor C. Howard, Lisa White Hardwick, James E. Welsh, and Alok Ahuja, JJ.

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Attorneys:

Jennifer Sandman, for Appellant

James Layton, for Respondent

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**MISSOURI APPELLATE COURT OPINION SUMMARY**

**MISSOURI COURT OF APPEALS  
WESTERN DISTRICT**

**PLANNED PARENTHOOD OF KANSAS AND MID-MISSOURI, INC., APPELLANT**

**v.**

**MARGARET DONNELLY, et al., RESPONDENTS**

WD69749

Jackson County, Missouri

Before Court En Banc: Thomas H. Newton, Chief Judge, Harold L. Lowenstein, James E. Smart, Jr., Joseph M. Ellis, Victor C. Howard, Lisa White Hardwick, James E. Welsh, and Alok Ahuja, JJ.

Planned Parenthood of Kansas and Mid-Missouri, Inc. ("Planned Parenthood") appeals from a summary judgment entered in favor of the Director of the Missouri Department of Health and Senior Services, the Attorney General of Missouri, and the Prosecuting Attorney of Jackson County, Missouri (together, "Respondents") on Planned Parenthood's petition for declaratory judgment seeking interpretation of a Missouri statute pertaining to licensing of abortion facilities.

**AFFIRMED.**

**Court En Banc holds:**

- (1) Where an action involving the same parties, the same statutory provisions, and the same general issues was first filed in federal district court and the federal court denied Planned Parenthood's motion for abstention finding the statute at issue was not reasonably susceptible of an interpretation that would render it unnecessary for the federal court to adjudicate the federal constitutional issues, the trial court properly dismissed this declaratory judgment action as being duplicative and barred by the doctrine of abatement and because Planned Parenthood had an adequate existing remedy in federal court.

**Opinion by: Joseph M. Ellis, Judge**

Date: July 31, 2009

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