

WOMEN'S LAW PROJECT

Safeguarding Rights, Creating Opportunities

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ALLENTOWN WOMEN'S CENTER WINS ABORTION PROTEST CASE

Federal Judge Dismisses Anti-Abortion Conspiracy Claim

PITTSBURGH—Calling it “a victory for women,” Women’s Law Project Senior Staff Attorney Susan Frietsche announced today that Judge James Knoll Gardner threw out a First Amendment lawsuit that three anti-abortion protesters brought against the Allentown Women’s Center three years ago. The ruling, in *Kuhns v. City of Allentown*, granted summary judgment to the Women’s Center and its executive director as well as the city of Allentown and Allentown Police on all federal claims. A pendant state claim of public nuisance was withdrawn by stipulation of the parties.

“This is a great victory and it’s been long time coming,” Frietsche said. “Allentown Women’s Center can now focus fully on its core mission of providing compassionate, high-quality health care to women in a safe environment.”

On June 4, 2008, anti-abortion protesters Kathleen Kuhns, Joyce Mazalewski and Kathleen Teay filed a lawsuit in the U.S District Court for the Eastern District of Pennsylvania alleging that the Allentown Women’s Center was engaged in a conspiracy with the city of Allentown and the Allentown Police Department to deprive the protesters of their First Amendment rights to protest and practice religion. The protesters claimed that the Women’s Center and police were permitting volunteer escorts to interfere with protests by using tarps to shield patients from harassment and obstruction as they entered the clinic.

The Women’s Law Project represented the clinic and its executive director together with Thomas E. Zemaitis and Nicole Aiken of Pepper Hamilton LLP and David S. Cohen of the Earle Mack School of Law at Drexel University.

On March 17, 2011, Judge Gardner dismissed the protesters’ claims, citing no evidence of a conspiracy between the clinic and the city.

“It’s really a shame that in this day and age, clinic volunteers must use tarps to protect patients from harassment and intimidation as they seek access to constitutionally-protected medical care,” said Frietsche.

The protesters’ attorney has indicated that the ruling may be appealed.

About the Women’s Law Project:

The Women's Law Project, with offices in Philadelphia and Pittsburgh, PA, creates a more just and equitable society by advancing the rights and status of all women throughout their lives.

To this end, we engage in high-impact litigation, advocacy, and education.

For more information, visit www.womenslawproject.org.

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