

**UNITED STATES COURT OF APPEALS  
FOR THE EIGHTH CIRCUIT**

No: 09-3231

Planned Parenthood Minnesota, North Dakota, South Dakota and Carol E. Ball, M.D.

Appellees

v.

Mike Rounds, Governor and Marty J. Jackley, Attorney General, in their official capacities

Appellants

Alpha Center, et al.

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Christian Medical & Dental Associations, et al.

Amici on Behalf of Appellant

No: 09-3233

Planned Parenthood Minnesota, North Dakota, South Dakota and Carol E. Ball, M.D.

Appellees

v.

Mike Rounds, Governor

Marty J. Jackley, Attorney General, in their official capacities, et al.

Appellants

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Christian Medical & Dental Associations, et al.

Amici on Behalf of Appellant

No: 09-3362

Planned Parenthood Minnesota, North Dakota, South Dakota and Carol E. Ball

Appellants

v.

Mike Rounds, Governor, et al.

Appellees

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Family Research Council, et al.

Amici on Behalf of Appellant

Eagle Forum Education and Legal Defense Fund, et al.

Amici on Behalf of Appellee

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Appeal from U.S. District Court for the District of South Dakota - Sioux Falls  
(4:05-cv-04077-KES)  
(4:05-cv-04077-KES)

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**ORDER**

The court's order of December 5, 2011 granting rehearing en banc and vacating the court's opinion and judgment of September 2, 2011 is vacated.

The State Appellants'/Cross-Appellees' September 30, 2011 petition for rehearing en banc is granted. Rehearing en banc is limited to the issue of whether the district court erred in enjoining the provisions of South Dakota Century Law 34-23A-10.1(1)(e)(ii) dealing with the suicide advisory. It is further ordered that Part II.C of the court's September 2, 2011 opinion is vacated. The court's September 2, 2011 judgment is also vacated.

The clerk is directed to set this case for oral argument at 10:00 a.m. on Monday, January 9, 2012 in St. Louis, Missouri. Counsel shall, within ten days, submit 30 additional copies of previously filed briefs and 8 additional copies of the appendix.

December 06, 2011

Order Entered at the Direction of the Court:  
Clerk, U.S. Court of Appeals, Eighth Circuit.

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/s/ Michael E. Gans