

19TH JUDICIAL DISTRICT COURT
EAST BATON ROUGE PARISH
STATE OF LOUISIANA

NO. C-755217

DIVISION 33

BIRTHMARK DOULA COLLECTIVE, LLC, a Louisiana LLC d/b/a BIRTHMARK, on behalf of itself and its clients, NANCY DAVIS, on behalf of herself, EMILY HOLT, DO, MPH, on behalf of herself and her patients, KAITLYN JOSHUA, on behalf of herself, and KAYLEE SELF, PharmD, on behalf of herself and her patients, TONYA HUNTER, MD, on behalf of herself and her patients, SARAH LAMOTHE, CNM, on behalf of herself and her patients, REBECCA PERRET, MD, on behalf of herself and her patients, VIBHA RAO, MD, on behalf of herself and her patients, STEPHANIE SCHWARTZMANN, MD, on behalf of herself and her patients, ERIC SIEGEL, MD, on behalf of himself and his patients.

VERSUS

STATE OF LOUISIANA, ELIZABETH MURRILL, in her
official capacity as Attorney General of the State of Louisiana,
LOUISIANA BOARD OF PHARMACY and LOUISIANA
STATE BOARD OF MEDICAL EXAMINERS

FILED: _____
DEPUTY CLERK

JUDGMENT

This matter came before the Court on May 15, 2025, on the Peremptory Exceptions of No Right of Action filed by Defendant Liz Murrill and Defendant State of Louisiana seeking dismissal of the claims of Plaintiffs Birthmark Doula Collective, LLC, on behalf of itself and its clients; Nancy Davis; Dr. Emily Holt, on behalf of herself and her patients; Kaitlyn Joshua, on her own behalf; Pharmacist Kaylee Self, on behalf of herself and her patients; Dr. Tonya Hunter, on behalf of herself and her patients; Dr. Sarah Lamothe, on behalf of herself and her patients; Dr. Rebecca Perret, on behalf of herself and her patients; Dr. Vibha Rao, on behalf of herself and her patients; Dr. Stephanie Schwartzmann, on behalf of herself and her patients; and Dr. Eric Siegel, on behalf of himself and his patients (collectively, “Plaintiffs”).

Present in Court on these Exceptions were Allison Zimmer, Jamila Johnson, and Ellie Schilling, on behalf of Plaintiffs; Hunter Farrar and David Jeddie Smith Jr., on behalf of Defendant State of Louisiana and Defendant Liz Murrill, in her official capacity as Attorney General; Celia Cangelosi on behalf of Defendant Louisiana Board of Pharmacy; and Lauryn Sudduth, on behalf of Defendant Louisiana State Board of Medical Examiners.

The Court, having considered the pleadings, memoranda, evidence presented, the arguments of counsel, and applicable law, [REDACTED]

[REDACTED]

[REDACTED]

IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that the Peremptory Exceptions of No Right of Action filed by Defendants Liz Murrill, in her official capacity as Attorney General, and State of Louisiana are hereby DENIED.

JUDGMENT RENDERED in open court on May 15, 2025; JUDGMENT READ AND
10th day of June
SIGNED on this 10th day of June, 2025.

s/ Judge Jewel E. "Duke" Welch, Jr.
HONORABLE JUDGE, 19th JUDICIAL DISTRICT

Judgment Prepared and Submitted By:

/s/ Allison Zimmer
Jamila Johnson, 37593
Allison Zimmer, 38455
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**I HEREBY CERTIFY THAT ON THIS DAY A COPY OF
THE WRITTEN REASONS FOR JUDGMENT /
JUDGMENT / ORDER / COMMISSIONER'S
RECOMMENDATION WAS MAILED BY ME WITH
SUFFICIENT POSTAGE AFFIXED.
SEE ATTACHED LETTER FOR LIST OF RECIPIENTS.**

DONE AND MAILED ON June 13, 2025


DEPUTY CLERK OF COURT

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*Admitted *pro hac vice*

RULE 9.5(b) CERTIFICATE

I certify that I circulated this proposed judgment to counsel for all parties and/or to self-represented parties by electronic mail on May 16, and that:

___no opposition was received; or

X the following opposition was received:

The Attorney General and State objects to the following language, as reflected in Exhibit A: “finds that Plaintiffs have a right of action to bring the claims asserted against Defendant State of Louisiana and Defendant Liz Murrill, in her official capacity as Attorney General.”

I have allowed at least five (5) working days before presentation to the court.

Certified this 23rd day of May, 2025.

/s/ Allison Zimmer

EXHIBIT A

Allison Zimmer

From: Smith, Jeddie <SmithDa@ag.louisiana.gov>
Sent: Monday, May 19, 2025 9:31 AM
To: Allison Zimmer; Farrar, Hunter; Jones, Carey
Cc: Jamila Johnson; Ronelle Tshiela; Alex Moody; Ellie Schilling; celia cangelosi; pwilton@lsbme.la.gov; lsudduth@lsbme.la.gov
Subject: RE: Birthmark Doula Collective, LLC, et al. v. State of Louisiana (19th Judicial District Court, Parish of East Baton Rouge, Docket No. 755,217) Judgment on No Right of Action

Caution: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe. When in doubt, contact the IT department.

Good morning, Allison.

We object to the following language being included in your draft judgment: “finds that Plaintiffs have a right of action to bring the claims asserted against Defendant State of Louisiana and Defendant Liz Murrill, in her official capacity as Attorney General.”

Findings and reasons for ruling at not properly part of the judgment and this language therefore does not belong in the judgment. We request that you strike that bit from the draft judgment.
Jeddie.



David Jeddie Smith, Jr.
Deputy Director, Civil Division
Office of Attorney General Liz Murrill
Phone: (225) 326-6019 Fax: (225) 326-6098
www.AGLizMurrill.com



From: Allison Zimmer <azimmer@lawyeringproject.org>
Sent: Friday, May 16, 2025 5:11 PM
To: Farrar, Hunter <FarrarH@ag.louisiana.gov>; Jones, Carey <JonesCar@ag.louisiana.gov>; Smith, Jeddie <SmithDa@ag.louisiana.gov>
Cc: Jamila Johnson <jjohnson@lawyeringproject.org>; Ronelle Tshiela <rtshiela@lawyeringproject.org>; Alex Moody <alex@liftlouisiana.org>; Ellie Schilling <ellie@semmlaw.com>; celia cangelosi <celiacan@bellsouth.net>; pwilton@lsbme.la.gov; lsudduth@lsbme.la.gov

Subject: Birthmark Doula Collective, LLC, et al. v. State of Louisiana (19th Judicial District Court, Parish of East Baton Rouge, Docket No. 755,217) Judgment on No Right of Action

Dear Counsel,
Attached is a judgment denying the Louisiana Attorney General and the State’s exceptions of No Right of Action following yesterday’s hearing. Please let us know if you have any objections.

Thank you,
Allison



Allison Zimmer (she/her/hers)
Litigation Counsel
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