

IN THE CIRCUIT COURT OF THE SEVENTH JUDICIAL CIRCUIT
SANGAMON COUNTY, ILLINOIS

FILED

OCT 29 2025

PEOPLE OF THE STATE OF
CALIFORNIA *ex rel.* ROB BONTA,
ATTORNEY GENERAL,

Plaintiff,

v.

HEARTBEAT INTERNATIONAL,
INC., an Ohio Not-for-Profit
Corporation, and REALOPTIONS,
INC., a California Not-for-Profit
Corporation,

Defendants.

No. 2025MR000287

Joseph B. Poeschl 43
Clerk of the
Circuit Court

The Hon. Jack D. Davis II,
Judge Presiding

ORDER GRANTING DEFENDANTS' MOTION TO COMPEL

This cause came before the Court for hearing on October 23, 2025 on Defendants' Motion to Compel Compliance by the American College of Obstetricians and Gynecologists (ACOG) with Subpoenas. Having considered the motion, opposition, reply, the record, and the arguments of counsel, and being fully advised, the Court finds as follows:

This matter arises from pending litigation in the State of California filed by the Attorney General (Rob Bonta) of the State against Heartbeat International, a nationwide network of "pro-life" pregnancy help centers and RealOptions, a pregnancy help organization located in the San Francisco Bay area. The litigation alleges defendants engaged in false advertising and deceptive practices by their representations promoting "Abortion Pill Reversal".

ACOG (The American College of Obstetrics and Gynecology) is the largest professional organization of physicians practicing in these specialized fields of medicine. Bonta's Complaint relies, in part, upon ACOG's previously issued statements and position concerning Abortion Pill

Reversal to support the State's claim that Heartbeat International and RealOptions committed fraud and engaged in deceptive practices. ACOG is not a party to the California case.

Heartbeat International and RealOptions have filed this action seeking to compel discovery of ACOG regarding its statements and bases for its position concerning Abortion Pill Reversal. Heartbeat International and RealOptions issued an Illinois subpoena to ACOG for non-party discovery. The instant Motion seeks to compel ACOG to comply with the subpoena.

This Court has jurisdiction over the matter. Heartbeat International and RealOptions validly domesticated and served subpoenas on ACOG's registered agent for service of process in Sangamon County, on or about June 24 and September 18, 2025, and paid witness fee and mileage on or about September 24, 2025.

The court finds that the subpoenas seek relevant and discoverable information relative to the pending California litigation.

The State of California has sued Heartbeat International and RealOptions here for their statements about "Abortion Pill Reversal" (APR) under the California Unfair Competition Law and False Advertising Law. In its role as "the nation's premier professional membership organization for obstetrician-gynecologists," which "has been cited by courts across the country as an authority on evidence-based reproductive healthcare," ACOG's Opp., at 1 & n. 1, ACOG has made statements critical of APR. Defendants urge that the Attorney General is asserting the statements of ACOG against them, in the Attorney General's complaint and expert discovery, to show that Defendants' statements about APR are false or misleading. Defendants further urge that personnel of the Attorney General's office and personnel of the State of California were in communications with ACOG personnel about APR at various times, either before or during this lawsuit. At the hearing on this matter, counsel for the Attorney General did not dispute these

contentions, in relevant part, and conceded in argument that the Attorney General is using the statements of ACOG to show the views of the broader medical community on the practice of APR. ACOG's statements about APR are thus relevant to this case, and discovery relating to the drafting of and support for those statements and related communications is generally allowable under Illinois law.

The subpoenas do not infringe upon ACOG's First Amendment rights. The subpoenas do not seek any individually identifying information. ACOG has not shown a risk of harm or deterrence to its members, or to its or its members' speech, from complying with the subpoenas. As narrowed in this Order, there is no risk of harassment to individual ACOG members, and if sensitive materials are to be produced, ACOG may disclose information subject to a confidentiality protective order.

As narrowed in this Order, the subpoenas are proportionate. ACOG is a large not-for-profit, with significant assets. The underlying lawsuit here presents questions of national importance, on issues of substantial public interest. It is reasonable and proportionate to the needs of the underlying case and ACOG's institutional resources to allow targeted discovery into at least (1) the basis and validity of ACOG's statements on APR, (2) the process by which those statements were formed, and (3) communications relating to (1) and (2) and about this lawsuit.

It is thus **HEREBY ORDERED**:

(1) Within 28 days of the issuance of this order, ACOG shall produce all documents responsive to the following Defendants' Third Amended Requests for Production, as *modified and limited* by the Court:

- a. Requests 1-6, writings relating to ACOG statements, limited to seek only those writings related to the formation of the identified ACOG statements;

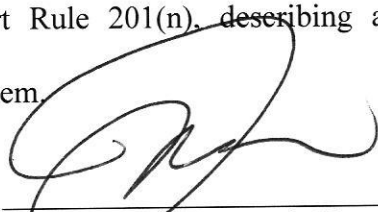
- b. Requests 7-8, communications with two researchers, limited to seek only those communications related to the formation of the identified ACOG statements; and,
- c. Request 13, communications with the Attorney General's Office related to this case, without modification.

(2) Within 14 days after production of the required documents, ACOG shall designate and present its representative(s) to testify on the following topics identified in Defendants' Third Amended Notice of Deposition, as ***modified and limited*** by the Court:

- a. Topics 1-3, general document production topics, without modification;
- b. Topics 4-9, ACOG statements and claims on APR, limited to the basis for the statements and claims and the formation of the statements and claims;
- c. Topic 10, ACOG's definition of "clinical standards" as used on its APR web page, without modification;
- d. Topics 11-17, ACOG's methodologies for evaluating evidence and issuing statements, limited to the identification, description, and application of the methodologies related to the formation of the identified ACOG statements; and
- e. Topic 20, communications with the Attorney General's Office related to this case, without modification.

(3) Contemporaneous with its document production, ACOG shall serve a privilege log compliant with Illinois Supreme Court Rule 201(n), describing any documents withheld and the basis for withholding them.

Entered this 29 day of October, 2025



The Hon. Jack D. Davis II
Judge Presiding