

**ARIZONA SUPERIOR COURT
GILA COUNTY**

Date: 07/22/2026

BRYAN B. CHAMBERS, JUDGE
Division One

G. QUINTANA
Judicial Assistant

THE ESTATE OF BABY VILLEGAS,
DECEASED, by and through MARIO
VILLEGAS; MARIO VILLEGAS on his
own behalf and on behalf of all survivors
of BABY VILLEGAS, Deceased,

Plaintiff,

vs.

JACKRABBIT FAMILY MEDICINE,
INC., an Arizona corporation dba
CAMELBACK FAMILY PLANNING,
GABRIELLE J. GOODRICK, M.D. and
“JANE DOE GOODRICK” a married
couple, and KRISTIN J. LIVINGSTON,
M.D. and “JOHN DOE
LIVINGSTON,” a married couple, et. al.,

Respondent.

CV202200007

TRIAL JUDGMENT

On February 10, 2026, and February 11, 2026, the court conducted a bench trial on all issues not previously resolved by pretrial motions. For the reasons that follow, this court finds that the pregnancy at issue in this case that was terminated in abortion was not the result of any criminal conduct on the part of the Plaintiff. Further, this court finds that the Plaintiff is entitled to \$5,000.00 in statutory damages for Defendants failure to comply with Arizona’s Informed Consent Law A.R.S. § 36-2153, and \$62,500.00 in compensatory damages for his psychological, emotional, and physical injuries resulting from Defendants violation of Arizona’s Informed Consent Law. Finally, as the prevailing party, Plaintiff is entitled to judgment for his attorney fees and costs, however, his recovery for attorney fees is limited to the fees incurred for the portions of this case where the Plaintiff prevailed. He is not entitled to recover attorney fees incurred in pursuit of claims that were rejected by the court in pretrial motions.

The court makes the following Findings of Fact and Conclusions of law adopted in large part but with some modifications from Plaintiff's proposed Findings of Fact and Conclusions of Law.

I. FINDINGS OF FACT

A. Stipulated Facts

1. Defendant Camelback Family Planning is an Arizona corporation. It operated an abortion clinic in Phoenix during the relevant time period. (JPTS A.1-A.2.)

2. Defendant Gabrielle Goodrick, D.O., is a licensed physician. She is the sole owner of Camelback Family Planning. (JPTS A.3-A.4.)

3. The Plaintiff and M.S.V. were married in July 2018. They were residents of Gila County, Arizona. (JPTS A.5.)

4. M.S.V. learned she was pregnant in July 2018. (JPTS A.6.)

5. M.S.V.'s pregnancy resulted from sexual intercourse between M.S.V. and the Plaintiff. (JPTS A.7.)

6. M.S.V. visited Camelback Family Planning on July 24 and July 26, 2018. (JPTS A.8.)

7. On July 26, 2018, Dr. Goodrick dispensed medications to induce an abortion. M.S.V. self-administered those medications. (JPTS A.9.)

B. The Statutory Violation

1. The Court has previously determined, as a matter of law, that Defendants failed to obtain valid informed consent from M.S.V. as required by A.R.S. § 36-2153 ("the Act") before performing the medication abortion on July 26, 2018.

2. The abortion violated the Act.

C. Whether The Plaintiff Intentionally Deceived M.S.V. About His Fertility

1. The Plaintiff had a vasectomy in 2004 and a vasectomy reversal in 2017. (Tr. Day 1, p. 149:1-5.)

2. The Plaintiff testified under oath that he never lied to his wife about being fertile:

Q: "The Plaintiff, did you ever lie to your wife about being fertile?"

A: "No."

(Tr. Day 1, p. 158:10-12.)

3. The Plaintiff testified to a specific conversation with M.S.V. in their kitchen. He told her he was getting a vasectomy reversal, and they would need to "be careful because we would have kids." M.S.V. responded, "whatever happens, happens." A song called "Ophelia" was playing. M.S.V. said she liked the name for a potential daughter. (Tr. Day 2, p. 181:22 - 182:3, 183:16-22.)

4. M.S.V. testified that the Plaintiff told her the procedure was "for insurance purposes" and was coded as a "vasectomy reversal, but that's not really what it was." (Tr. Day 1, p. 196:22 - 197:2.)

5. M.S.V. testified that her belief was: "he was still fixed. I wasn't worried about it." (Tr. Day 1, p. 197:15-17.) This was her own assumption. She did not testify that the Plaintiff made a specific, affirmative statement that she could not become pregnant.

6. On cross-examination, the defense asked M.S.V. about her feelings regarding children. M.S.V.'s testimony showed ambivalence, not the absolute refusal Defendants claim. (Tr. Day 1, p. 151:19 - 152:8.)

7. The Plaintiff's testimony regarding the kitchen conversation is credible and specific. It contains incidental detail, the song on the radio, the name Ophelia, that indicates genuine recollection rather than fabrication.

8. M.S.V. had the label "vasectomy reversal" available to her. She chose to accept an alternative explanation rather than investigate further.

9. The Court finds that Defendants have not proven by a preponderance of the evidence that the Plaintiff intentionally deceived M.S.V. about his fertility.

10. The Plaintiff's Day 2 testimony further supports this finding. When given the opportunity to clarify, the Plaintiff confirmed: he told M.S.V. about the reversal. (Tr. Day 2, p. 179:17-21.)

D. The IPV/Coercive Control Evidence

1. Defendants' expert Dr. Shauna Rae Taylor opined that the evidence supported a finding of coercive control and reproductive coercion. (Tr. Day 2, p. 45:1-46:5.)

2. Dr. Taylor explicitly disclaimed any opinion on whether the Plaintiff actually lied about his fertility: "Correct, that's beyond the scope of my role." (Tr. Day 2, p. 61:9-10.) She stated: "I believe the Judge decides that." (Tr. Day 2, p. 61:24.)

3. Dr. Taylor conceded that the validity of her opinions depends on the validity of the facts she relied upon. (Tr. Day 2, p. 89:20-22.)

4. Dr. Taylor admitted that if specific factual foundations were found false, her opinions on those elements would change. (Tr. Day 2, p. 71:3 - 77:14.)

5. The Plaintiff's rebuttal testimony contradicted the factual bases of Dr. Taylor's opinions:

- He did not prevent M.S.V. from working. He encouraged her to get a job. (Tr. Day 2, p. 169:6-8.)
- M.S.V. admitted that during the marriage she held jobs at Fry's, Haven Health, Circle K, and Holiday Inn. (Tr. Day 1, pp. 226, 238-241.)
- The Plaintiff helped M.S.V. get the Fry's job through his sister-in-law's mother, encouraged her to work, and encouraged her to go to school to become a dental assistant. (Tr. Day 2, pp. 169-170.)
- M.S.V. had access to vehicles, including a Kia Soul and a pickup truck. (Tr. Day 2, p. 170:9 - 171:25.)
- M.S.V. visited friends and family freely. Her parents lived within a three-minute walk. (Tr. Day 2, p. 175:11 - 176:66.)
- On direct, M.S.V. was asked, "Q. Did the Plaintiff control your ability to travel or get transportation? A. No, I wouldn't say that." (Tr. Day 1, p. 177:12-14.)

- M.S.V. did not need or ask permission to leave the house. (Tr. Day 2, p. 176:7-11.)

6. M.S.V. never testified that she was coercively controlled. Those words, and the framework behind them, came from Dr. Taylor who never met M.S.V. or the Plaintiff, and who only reviewed materials selected by the Defendants. (Tr. Day 2, pp. 33, 44)

7. M.S.V.'s conduct is inconsistent with the coercive control theory. Despite the alleged coercive control, M.S.V. independently decided to obtain an abortion over the Plaintiff's strong opposition and carried that decision through to completion. She testified: "I was a hundred percent certain. I was going to make it happen, I just didn't know how." (Tr. Day 1, p. 201:4-5.) She added that "nothing would change [her] mind." (Tr. Day 1, p. 202:1-3.)

8. The Plaintiff drove M.S.V. to the clinic. Defendants point to this as evidence of control. It is the opposite. A man who drives his wife to obtain an abortion he opposes is honoring her autonomy, not exercising control over it.

9. On cross examination, Dr. Taylor admitted: "My opinion is based on her [M.S.V.'s] testimony that he did lie." (Tr. Day 2, p. 92:2-3.) Consequently, Dr. Taylor's testimony assumes a contested fact that is the court's to determine.

10. Defendants' coercive control theory does not survive their own proposed findings, which recite that M.S.V. decided on an abortion "the second" she saw the test, was "a hundred percent certain," never wavered, and prevailed over her husband whose "significant influence was unsuccessful." Such independence and assertiveness in making the most consequential decision of her marriage over her husband's opposition is inconsistent with the opinion that the Plaintiff asserted coercive control over M.S.V.

11. The Court does not find Dr. Taylor's opinions persuasive on the issue of whether the Plaintiff exercised coercive control or reproductive coercion because the factual foundations of those opinions are inconsistent with the evidence admitted at trial, and M.S.V.'s demonstrated autonomy contradicts them.

E. Causation

1. Dr. Goodrick performed the medication abortion on M.S.V. on July 26, 2018, without obtaining valid informed consent. (Finding 8.)

2. The abortion terminated M.S.V.'s pregnancy and destroyed the embryo. Defendants' own expert, Dr. Isaacson, confirmed: "The abortion ended the pregnancy." (Tr. Day 2, p. 158:19.)

3. The destruction of the embryo directly caused the Plaintiff's psychological, emotional, and physical injuries.

4. M.S.V. testified that nothing would have changed her mind about obtaining the abortion. (Tr. Day 1, p. 201:4-5, 202:1-3.) M.S.V. never received the information the statute required. She cannot reliably testify about what she would have done with information she never had.

4. The "violation" that caused the Plaintiff's injuries was the abortion performed without proper consent, not merely the failure to provide information. The abortion directly destroyed the embryo. That destruction directly caused The Plaintiff's injuries.

F. Viability of the Embryo

1. At the time of the abortion, M.S.V. was approximately 8 weeks pregnant. The embryo had a detectable heartbeat. (Tr. Day 1, p. 41:24 - 42:11.)

2. Dr. Eric Hazelrigg, a board-certified OB/GYN with over 30 years of experience who has delivered over 10,000 babies, testified that at 8 weeks gestation with a fetal heartbeat, there is a greater than 95% likelihood of successful delivery to term. (Tr. Day 1, p. 41:24 - 42:11.)

3. Dr. Paul Isaacson, Defendants' expert, conceded that "most pregnancies carry to term." (Tr. Day 2, p. 151:17-19.) He acknowledged that only 20% of clinically recognized pregnancies miscarry. (Tr. Day 2, p. 152:8-11.)

4. Although Defendants argue that the opposing expert opinions on viability of unborn children are contradictory, the court finds that they are largely consistent. Dr. Isaacson's testimony that 20% of clinically recognized pregnancies end in miscarriage in the first nine weeks of pregnancy may be entirely consistent with Dr. Hazelrigg's testimony that at eight weeks gestation there is a 95% likelihood of successful delivery to term. No doubt some clinically recognized pregnancies miscarry before 8 weeks gestation and some terminate between 8 and 9 weeks gestation. There was no expert testimony from Dr. Isaacson on how many of the 20% of the clinically recognized pregnancies miscarry at 8 weeks gestation or before and how many miscarry between 8 and 9 weeks. However, if the number that miscarry by 8 weeks or before were just half of the total number of pregnancies that miscarry by 9 weeks, then at 8 weeks Dr. Isaacson's numbers would result in 90% of viable pregnancies resulting in successful delivery. 90% is relatively close to Dr. Hazelrigg's opinion of 95%. If the number that miscarry by 8 weeks was 75% of the total that miscarry by 9 weeks, then Dr. Isaacson's numbers would result in a 95% successful delivery rate at 8 weeks gestation which is exactly what Dr. Hazelrigg opined it to be. The only way Dr. Isaacson's 80% figure at 9 weeks would not get closer to Dr. Hazelrigg's 95% figure at 8 weeks would be to assume that all miscarriages of clinically recognized pregnancies that occur by week 9 occur between 8-9 weeks gestation, and there is nothing in either expert's testimony to suggest that miscarriages in clinically recognized pregnancies between birth and 9 weeks all come between week 8 and 9. Neither side asked Dr. Isaacson to try to break down his 9-week statistic between conception to 8 weeks and 8-9 weeks. Consequently, it is impossible to fully break down his opinion as to viability for an unborn child at 8 weeks gestation. Regardless, the opposing expert opinions on this issue are not necessarily inconsistent, and both experts agree that at 8 weeks gestation, it is much more likely than not that a pregnancy will result in a successful delivery.

5. No expert identified any specific risk factor, chromosomal abnormality, maternal health issue, or other condition, that would have reduced this particular embryo's viability.

6. The Court finds that, more probably than not, the embryo would have been carried to term and born alive.

G. Two Distinct Injuries

1. The Plaintiff suffered two distinct categories of harm. The first is pre-violation distress. The Plaintiff learned of M.S.V.'s decision to abort before the procedure occurred. He experienced immediate emotional distress, including a breakdown, inability to eat, and disruption to his professional life. (Tr. Day 1, p. 104:24-25, 105:14-16, 107:7-9.) This distress flowed from M.S.V.'s decision, which she had every right to make.

2. The second category is post-violation loss. On July 26, 2018, Defendants performed an abortion without valid informed consent. That act destroyed the embryo. The loss of the embryo, and the parent-child relationship the Plaintiff would have had, is the injury caused by Defendants' violation of the Act.

3. The distinction matters. The Plaintiff is not entitled to seek damages for the distress of learning his wife wanted an abortion. However, he may seek damages for the destruction of an embryo that Defendants had no legal authority to destroy without first complying with the Act.

H. Damages

1. The Plaintiff experienced immediate and severe emotional distress upon learning of M.S.V.'s decision to abort. He had a breakdown. He could not eat. He could not function. (Tr. Day 1, p. 104:24-25.) He testified: "I had never thought that she would want abort our child or kill our baby." (Tr. Day 1, p. 105:14-16.)

2. The Plaintiff was at a professional conference (CAP convention) when he learned of M.S.V.'s intent. He could not focus. He had to leave early. (Tr. Day 1, p. 107:7-9, 111:24-25.)

3. The Plaintiff attempted to persuade M.S.V. not to proceed with the abortion. He had no say. He accepted the reality that she was going through with it.

4. The Plaintiff filed for divorce on August 9, 2018. He "couldn't get over the abortion part of our marriage." (Tr. Day 1, p. 142:2-4.)

5. The Plaintiff had been running for Justice of the Peace. He gathered petition signatures. He quit his federal job. This all happened before Defendants failed to provide M.S.V. the informed consent required by A.R.S. § 36-2153.

6. The Plaintiff experienced guilt: "My baby was no longer living, and was there anything else I could have did to change the outcome." (Tr. Day 1, p. 144:13-15). He experienced grief: "feeling of loss, I lost an opportunity to have somebody in my life." (Tr. Day 1, p. 144:17-18.)

7. The Plaintiff's ability to parent his other children was impaired: "I probably could have did a little bit better job if I wasn't so distracted and overcome with emotion." (Tr. Day 1, p. 145:14-16.)

8. The Plaintiff continues to carry the ultrasound image of the embryo everywhere he goes, including to his child's Fort Benning graduation. (Tr. Day 1, p. 146:3-10.)

9. The Plaintiff's injuries are ongoing: "I could have a seven-year-old, I'd be playing with a 7, a 5 and a newborn. I mean, the thought -- you never forget it." (Tr. Day 1, p. 147:16-19.)

10. The Plaintiff's emotional distress testimony was credible, specific, and corroborated by objective evidence of life disruption: divorce filing, campaign withdrawal, job difficulties.

II. CONCLUSIONS OF LAW

A. The Criminal Conduct Defense Does Not Apply

1. The criminal conduct bar of the Act, A.R.S. § 36-2153(K)(2), prohibits a married father from bringing a civil action under the Act if the pregnancy resulted from his criminal conduct.

2. Defendants bear the burden of proving the (K)(2) defense by a preponderance of the evidence.

3. Defendants' theory is that The Plaintiff committed sexual assault under A.R.S. § 13-1406(A) by engaging in sexual intercourse "without consent" as defined in A.R.S. § 13-1401(A)(7)(c), where "the victim is intentionally deceived as to the nature of the act."

4. The phrase "deceived as to the nature of the act" refers to fraud in the factum, where the victim does not know that sexual intercourse is occurring, not fraud in the inducement, where the victim knows the act is sexual intercourse but is deceived about surrounding circumstances. *Boro v. Superior Court*, 163 Cal.App.3d 1224 (1985); *People v. Babaali*, 171 Cal.App.4th 982 (2009).

5. Alleged deception about fertility is fraud in the inducement, not fraud in the factum. M.S.V. knew she was having sexual intercourse with her husband. She was not deceived about the nature of the act. At most, she was deceived about a potential consequence (pregnancy risk).

6. No published Arizona decision holds that fertility deception constitutes deception "as to the nature of the act." No published appellate decision in any American jurisdiction has so held. On the other hand, there is an analogous Vermont Supreme Court opinion holding that a man's deception about his HIV status did not vitiate complainant's consent to have sexual intercourse with him. *See State v. Doe*, 2020 VT 78, 213 Vt. 205, 249 A.3d 658 (2020).

7. Arizona's Sexual Assault Statutes and the "without consent" provisions described in A.R.S. § 13-1401(A)(7)(c) are gender neutral. Any person, regardless of sexual classification, can be a perpetrator or a victim. If the deception "as to the nature of the act" included a man's deception regarding his fertility because of a vasectomy or vasectomy reversal, it would also apply to deception by a woman regarding false statements about tubal ligations or the use of birth control pills or other contraception.

8. The (K)(2) bar extinguishes a private right of action created by the Legislature. It must be narrowly construed. Arizona is a code state. No statute prescribes fertility deception as a crime. "Defining criminal behavior and establishing penalties for violating criminal laws are functions of the legislature, not the judiciary." *State v. Womack*, 174 Ariz. 108, 112, 847

P.2d 609, 613 (App. 1992) citing *State v. Wagstaff*, 164 Ariz. 485, 490, 794 P.2d 118, 123 (1990); A.R.S. § 13-103(A)

9. Even if fertility deception could constitute deception about the nature of the act, the trial evidence does not establish deception by a preponderance. The Plaintiff denied lying. (Tr. Day 1, p. 158:10-12.) He testified to a specific conversation in which he disclosed the vasectomy reversal. (Tr. Day 2, p. 181:22 - 182:3, 183:16-22.) M.S.V.'s own testimony shows she had access to the truth. (Tr. Day 1, p. 196:22 - 197:2.) The record also shows that MSV drove The Plaintiff to his vasectomy reversal surgery and signed a release form that stated that due to the surgery the Plaintiff would then become fertile.

10. Defendants have failed to carry their burden. The K(2) bar does not apply.

B. Causation Is Established

1. The Act, A.R.S. § 36-2153(L)(1), provides for damages for "all psychological, emotional and physical injuries resulting from the violation of this section."

2. The "violation of this section" is the abortion performed without valid informed consent, not merely the failure to provide information. The statute prohibits performing the abortion until all consent requirements are satisfied. A.R.S. § 36-2153(A)-(B).

3. The direct causal chain from violation to injury is undisputed. The improper abortion destroyed the embryo. The destruction of the embryo caused The Plaintiff's psychological and emotional injuries.

4. The statute does not require proof that M.S.V. would have made a different decision had she been fully informed. The common law "but-for" causation standard from *Shetter v. Rochelle*, 2 Ariz.App. 358 (1965), and *Gorney v. Meaney*, 214 Ariz. 226 (App. 2007), applies to common law informed consent claims, not to a statutory cause of action under the Act.

5. The Court previously ruled that proximate cause is not required for Plaintiff's claims. Defendants' argument that M.S.V.'s independent decision breaks the causal chain is a proximate cause argument. It is foreclosed by the Court's prior ruling.

6. Causation has been established.

7. The Plaintiff has established that he suffered injuries as a result from the violation of the Act.

C. A.R.S. § 36-2153(L)(1) and L(2) Are Independent, Cumulative Damage Provisions

1. The Act creates two separate damage provisions. A.R.S. § 36-2153(L)(1) provides compensatory damages for "all psychological, emotional and physical injuries resulting from the violation." A.R.S. § 36-2153(L)(2) provides statutory damages of "not less than five thousand dollars."

2. These provisions are independent and cumulative. L(1) compensates for actual harm suffered. L(2) imposes a statutory floor. The Legislature created both. There is no textual basis to read one as subsuming the other.

3. A plaintiff who proves a violation and resulting injuries is entitled to recover under both A.R.S. § 36-2153(L)(1) and (L)(2).

D. Damages

1. Under A.R.S. § 36-2153(L)(1), The Plaintiff is entitled to recover "all psychological, emotional and physical injuries resulting from the violation of this section."

2. As cited by the Defendants, "[t]he appropriate amount of damages in a case of intangible harm lies within the discretion of the trial court." *Roberts v. City of Phoenix*, 225 Ariz. 112, 123, ¶ 41, 235 P.3d 265, 276 (App. 2010).

3. The embryo more probably than not would have been carried to term and born alive. Dr. Hazelrigg testified to a greater than 95% probability. (Tr. Day 1, p. 41:24 - 42:11.) Dr. Isaacson conceded that "most pregnancies carry to term." (Tr. Day 2, p. 151:17-19.)

4. The Plaintiff has established severe and ongoing psychological and emotional injuries resulting from the violation:

- Severe emotional distress, grief, and guilt;
- Loss of the parent-child relationship he would have had with his child;
- Disruption to his marriage;¹ and
- Continuing emotional harm that persists to the present.

5. The Plaintiff's damages testimony was credible, specific, and corroborated by objective evidence of life disruption.

6. The Plaintiff acknowledges suffering two distinct injuries: 1) pre-violation distress based upon M.S.V.'s initial decision to obtain an abortion and 2) his post violation loss.

7. Defendants argue that Plaintiff's injuries all flow from M.S.V.'s decision to get an abortion, which they argue she was determined to have regardless of Defendant's failure to comply with the informed consent provisions of the Act. Hence, they argue that any pain and suffering or any other injury Plaintiff received was inevitable because she would not have changed her mind even if the Defendants had fully complied with the Act.

8. The problem with Defendant's argument is that it is impossible to know after the abortion what M.S.V. would have done before the abortion if Defendants had complied with the Act. M.S.V. testified that she still would have aborted the unborn child, but that testimony only affirms and justifies her pre-violation decision to receive the abortion. To admit otherwise could be construed as admitting that a mistake was made that resulted in the termination of a pregnancy that likely would have resulted in the birth of a child.

9. It is likely impossible for even M.S.V. to know what she would have chosen had Defendants complied with the Act because they did not comply with the Act.

10. It is impossible for the Plaintiff to know now or at any time in the future what M.S.V. would have chosen had the Defendants complied with the Act because they did not comply with the Act.

11. Although much of Plaintiff's pain and suffering comes from M.S.V.'s initial decision to abort their unborn child, some of his post violation suffering is a direct result of

¹ Plaintiff also argues the court should find that Defendants actions caused damage to his "career, and public life." Plaintiff chose to quit his federal job and run for public office before MSV ever approached Defendants for an abortion. The court finds no evidence to show that losing his election had anything to do with Defendants' failure to provide the informed consent required by A.R.S. § 36-2153.

never being able to definitively know if compliance with the Informed Consent Provisions of the Act could have made a difference in M.S.V.'s decision to abort.

12. Plaintiff is left with the knowledge that the legislature acknowledged that a husband could suffer damages if an abortion provider performed an abortion on his wife without first providing her statutorily defined informed consent. He knows that the Defendants failed to provide statutorily defined and mandated informed consent to his wife M.S.V. He knows that Defendants had an obligation to provide that statutory defined informed consent, and that they were the only ones who could have provided it. So, he is left to wonder for the rest of his life whether it would have made a difference. Maybe it would not have made a difference, but after the violation, no one can ever know for sure. Certainly, Plaintiff can never know, and that uncertainty justifies a finding of pain and suffering that is separate from the pain and suffering that he suffered as a result of M.S.V.'s pre-violation decision to seek an abortion.

13. Additionally, the Legislature determined that “[a]n abortion **shall not be performed or induced without the voluntary and informed consent of the woman on whom the abortion is to be performed or induced**. A.R.S. § 36-2153(A)(emphasis added). The Legislature added “consent to an abortion is voluntary and informed **only if all of the following are true**: . . .” *Id.* (emphasis added). The statute then includes the specific items that must be disclosed each of which is necessary to comply with the informed consent mandate.

14. Nothing in the Act suggests that substantial compliance with the consent provisions is all that is necessary. Nothing in the Act allows the statute's mandate to be overridden by another abortion provider reviewing the case and opining at trial, as Dr. Issacson did here, that the abortion doctors adequately obtained the patient's informed consent from a medical standpoint.

15. This court previously found in summary judgment that Defendants did not comply with this statute. Consequently, Defendants performed or induced an abortion on M.S.V. without informed consent. In other words, the abortion should not have been performed, it was essentially an illegal abortion.

16. Plaintiff's pain and suffering damages are also a direct result of Defendants performing an illegal abortion on M.S.V.

17. The Court awards Plaintiff \$62,500.00 in compensatory damages under A.R.S. § 36-2153(L)(1) for the Plaintiff's psychological, emotional, and physical injuries resulting from Defendants' violation of the Act.

18. The Court awards \$5,000 in statutory damages under A.R.S. § 36-2153(L)(2).

19. Under A.R.S. § 36-2153(L)(3), The Plaintiff is entitled to recover reasonable attorney fees and costs for the claims that he has prevailed on. He is not entitled to attorney fees for claims that were dismissed by the Court in pretrial Motions. Plaintiff will be awarded an award of attorney fees in an amount to be determined upon submission of a fee application. Plaintiff will have until August 21, 2026, to submit a fee application.

DATED the 22nd day of July, 2026.



JUDGE OF THE SUPERIOR COURT

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