



CITY OF OAKLAND  
**newsrelease**  
Office of the City Attorney

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## **Judge Denies Injunction of Oakland Ordinance Protecting Reproductive Rights**

OAKLAND, CA – A federal judge has denied an application for an injunction against an Oakland law that protects reproductive rights and unimpeded access to health care.

Two months ago, Judge Charles Breyer upheld Oakland's "Bubble Ordinance," which prevents harassment of women entering health clinics by preventing anyone from approaching closer than eight feet without consent. The ordinance was challenged in court by Walter Hoye, a frequent anti-abortion demonstrator from Union City, who in January was convicted by a jury of two misdemeanor counts for violating Oakland's law.

"We are committed to upholding the right to free speech," Oakland City Attorney John Russo said. "We are also committed to protecting the right of women to access health care without running a gauntlet of bullying and harassment."

On Wednesday, Breyer denied the plaintiff's request for an injunction pending appeal. "(T)he public interest lies in balancing the right to free speech and expression with the right to access reproductive health care; granting an injunction would skew that balance," he wrote.

Anti-choice demonstrators in Oakland have a long history of intimidating women and health care providers, blocking patients from getting out of their cars and even chasing women to the door of clinics. The City Council adopted the Bubble Ordinance after more than a decade of complaints about the conduct of protestors at Oakland health clinics. The city argued in court that existing federal and state laws do not adequately protect the rights of those seeking or providing health care services.

"The women of our community are fortunate that Judge Breyer ruled to protect access to quality reproductive health care services in Oakland," said Barbara Hoke, Coordinator for Clinic Escorts of the East Bay. "We are grateful to the City of Oakland for its continued defense of the Bubble Ordinance."

Wednesday's denial was another in a series of courtroom losses for Hoye's attorney Katie Short, legal director for an anti-choice outfit called the Life Legal Defense Foundation. The Napa-based group, which fights against reproductive rights and embryonic stem cell research, among other things, says it plans to appeal.

City Attorney Russo also praised attorney Angela Padilla from the law firm Orrick, Herrington and Sutcliffe for her pro bono work on the case.

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