



Toledo abortion clinic survives legal challenge



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The Blade

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A Lucas County judge this week rejected a religious group's attempt to shutter Toledo's last remaining abortion clinic.

Judge Lori Olender ordered the dismissal of the civil case against Capital Care, a Sylvania Avenue abortion clinic, that had been pending in the Lucas County Common Pleas Court. The case was filed by the Thomas More Society, a staunchly anti-abortion national public interest firm, on behalf of anti-abortion activist Jeffrey Barefoot and two religious anti-abortion groups with which Mr. Barefoot is affiliated.

Nine abortion clinics remain open in Ohio. Capital Care is the only clinic located northwest of Columbus.

The lawsuit, originally filed March 3 in the Wood County Common Pleas Court, alleged that Capital Care and its owner, Amelia Stower, were practicing medicine without medical licensing. The lawsuit was moved to

Lucas County, where Capital Care is located, after the initial filing location was found to be improper.

Ms. Stower, 22, of Findlay, is studying gender studies as an undergraduate at the University of Toledo. She is 13 credits away from completing her degree, she said through her attorney. Capital Care's previous owners signed the clinic over to Ms. Stower in August, 2020 when it became apparent they could no longer keep the clinic open for financial reasons. The undergraduate student, who was working for the clinic at the time, was unwilling to let the facility close.

Ms. Stower was not available for further comment Thursday evening.

Following Mr. Barefoot's initial complaint, Capital Care and Ms. Stower moved for dismissal, arguing that according to Ohio law, any complaints of unauthorized medical practice must be investigated by the State Medical Board of Ohio. It is the state medical board's responsibility to determine that a violation has occurred before the complaint is battled in court, their attorneys argued.

The Thomas More Society and Mr. Barefoot opted to sue Capital Care before notifying the medical board. When the initially presiding Wood County judge, Matthew Reger, pointed out the requirement, they retroactively filed a complaint and the state medical board initiated an investigation.

On July 19, the state medical board issued a letter confirming that Capital Care had committed no violation.

Ohio law dictates that an injunction against the unauthorized practice of medicine cannot come from "just anyone," Judge Olender ruled. Individuals are limited to filing with the state medical board, which then has authority to pursue legal recourse if necessary.

State law also allows licensed medical professionals to administer their services through a limited liability company. Those LLCs and their owners are not required to be licensed to practice medicine. The practitioners, naturally, are required to be medically licensed.

Judge Olender's dismissal order, filed Monday, stated it was "clear that the plaintiff lacks standing to bring suit."

Peter Pattakos, who represented Ms. Stower and Capital Care, called the lawsuit “frivolous” in a written statement.

“We’re grateful that Judge Olender upheld this common-sense principle in her ruling, which ultimately serves to protect all Ohioans’ access to health care and their rights to bodily autonomy. This case exemplifies the lows to which certain zealots who claim a higher moral authority will sink to abuse the truth and the court system to attack women’s rights,” Mr. Pattakos said.

Mr. Barefoot is a board member for Foundation for Life Toledo and its affiliate Greater Toledo Right to Life, one of the anti-abortion groups included in the Capital Care complaint. In March, [Foundation for Life Toledo bought a parking lot](#) across the street from Capital Care for \$35,000.

Mr. Barefoot is also the vice president-elect for the Right to Life Action Coalition of Ohio, which is included in the complaint. He did not respond to The Blade’s request for comment.

Ed Sitter, Foundation for Life Toledo and Greater Toledo Right to Life’s executive director, said its team plans to appeal Judge Olender’s decision. He declined to comment further.

The Foundation for Life and its affiliates’ efforts are part of a movement to try to end abortion in the United States.

Twelve states, including Ohio, have enacted Republican-led bans early in pregnancy. All had been blocked from taking effect until Thursday, when the Supreme Court voted 5-4 to uphold a Texas law that bans abortions once medical professionals can detect cardiac activity, usually around six weeks. This is before many women are aware they’re pregnant.

It’s the nation’s biggest curb to abortion rights since the court announced its landmark 1973 *Roe vs. Wade* decision granting women the right to abortion.

In the civil case against Capital Care, Judge Olender has agreed to hear arguments at a later date to determine the amount of attorneys’ fees that the plaintiffs should pay Capital Care related to costs incurred by moving the case from Wood County to Lucas County.

The defense argued in its motion to transfer that Mr. Barefoot and the anti-abortion groups he represents opted to file in Wood County believing it to

be “a friendlier forum for their transparently baseless effort to enjoin a women’s-health clinic from offering abortion-related medical services through its duly employed and licensed medical professionals.”

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