

IN THE CIRCUIT COURT OF KANAWHA COUNTY, WEST VIRGINIA

WOMEN'S HEALTH CENTER OF WEST  
VIRGINIA, on behalf of itself, its staff, its  
physicians, and its patients, *et al.*,

*Plaintiffs,*

v.

CHARLES T. MILLER, *et al.*,

*Defendants.*

Civil Action No.

Hon.

AFFIDAVIT OF KATIE QUIÑONEZ

I, Katie Quifonez, being duly sworn, state under penalty of perjury that the foregoing is true and correct.

1. I am over the age of 21.

2. I write this affidavit in support of Plaintiffs' Motion for Temporary Restraining Order and/or Preliminary Injunction against enforcement of West Virginia Code section 61-2-8 (the "Criminal Abortion Ban").

3. I am the Executive Director of Women's Health Center of West Virginia ("WHC" or the "Center"), a nonprofit corporation organized under the laws of the State of West Virginia. I am a Plaintiff in this action, as is WHC.

4. Until June 24, 2022, WHC was the only outpatient clinic providing abortion care in West Virginia. It was the first clinic to provide such care in West Virginia and had been providing safe, legal abortion care in Charleston, West Virginia, since 1976. WHC sues on behalf of itself, its staff, its physicians, and its patients.

5. The facts I state here are based on my experience, my review of WHC's business records, information obtained in the course of my duties at WHC, and personal knowledge that I have acquired through my service at WHC. If called and sworn as a witness, I could and would testify competently thereto.

### **Background**

6. I currently reside in Huntington, West Virginia.

7. I hold a Master's in Public Administration and a Bachelor of Arts in Print Journalism, both from Marshall University.

8. Prior to joining WHC, I was a Paraprofessional at Children First LLC, a nonprofit organization that advocates for the interests of children and their families in coordination with the West Virginia Child Protective Services. I also worked as the Assistant Director of Development

and the Director of Development and Communications at Facing Hunger Foodbank in Huntington, West Virginia.

9. Working at WHC was my dream job. I am a former abortion patient of the Center, where I received excellent care. In 2017, I saw that WHC was seeking to hire a Development Director and immediately applied.

10. I served as WHC's Development Director from September 2017 to January 2020. In that capacity, I oversaw all the Center's fundraising activities, managed WHC's social media presence and website, and oversaw advocacy and community engagement.

11. After serving as Development Director for over two years, I was promoted to Executive Director of WHC in January 2020. As Executive Director, I am responsible for managing WHC's administrative, financial, and clinical operations, and for developing, implementing, and reviewing WHC's policies and procedures. I organize and maintain personnel records; maintain all necessary insurance policies; respond to staff questions regarding benefits and personnel policies and procedures; supervise contractors; work with WHC's Board of Directors and related committees; oversee staff recruitment, onboarding, development, and management; oversee the completion of performance reviews; coordinate with an external auditing firm; maintain WHC's tax-exempt status and business license; and handle all fiscal management.

### **Women's Health Center of West Virginia**

12. WHC is a health center that has been providing quality reproductive health care to West Virginians since 1976.

13. WHC offers a wide range of health care services, including various gynecological and support services. For example, our "Right from the Start Program" provides pregnancy and parenting support services to high-risk, Medicaid-insured pregnant people and infants through aged one.

14. Until June 24, 2022, WHC also provided abortion care. WHC provided medication abortion from 28 days (4 weeks) through 77 days (11 weeks) of pregnancy, as measured from the first day of a patient's last menstrual period ("LMP"), and procedural abortion from 4 weeks and 0 days through 17 weeks and 6 days LMP. WHC provided abortion services two days per week.

15. In 2021, WHC performed 1,304 abortions. Of those, 693 were medication abortions and 611 were procedural abortions. 26% (363) occurred before 6 weeks LMP; 53% (694) occurred between 6 weeks and 9 weeks 6 days LMP; 10% (134) occurred between 10 weeks and 11 weeks 6 days LMP; 5% (66) occurred between 12 weeks and 13 weeks 6 days LMP; and 4% (47) occurred between 14 weeks and 16 weeks LMP. The vast majority of patients—87% (1129)—were from West Virginia, and the remainder were from other states, largely Ohio and Kentucky.

16. In the first five months of this year (January 1, 2022 through May 31, 2022), WHC performed 556 abortions. Of those, 302 were medication abortions and 254 were procedural abortions. 26% (142) occurred before 6 weeks LMP; 55% (305) occurred between 6 weeks and 9 weeks 6 days LMP; 12% (66) occurred between 10 weeks and 11 weeks 6 days LMP; 4% (23) occurred between 12 weeks and 13 weeks 6 days LMP; 3% (14) occurred between 14 weeks and 16 weeks LMP; 0,7% (4) occurred between 16 weeks 1 day and 16 weeks and 6 days LMP; and 0.4% (2) occurred between 17 weeks and 17 weeks 6 days. As in 2021, the vast majority of patients who received abortion care in the first five months of 2022—79% (442)—were from West Virginia.

17. In my experience, WHC patients seek abortion for a multitude of personal reasons. For example, some patients decide that it is not the right time in their life to have a child or to expand their family. Others desire more financial, professional, or familial stability before having

a child or additional children. Still others may have preexisting medical conditions that put them at higher-than-average risks of complications from continuing a pregnancy.

18. While our patients generally seek abortion care as soon as they are able, many face obstacles that can delay access to care. Some patients may not discover they are pregnant until later in their pregnancies, and others may experience difficulties navigating the medical system, including finding a provider and scheduling an appointment.

19. Many WHC patients are also struggling financially. Indeed, approximately 40% of our patients have Medicaid as their health insurance, though they generally cannot use Medicaid to cover the cost of the abortion.

**Impact of *Dobbs v. Jackson Women's Health Organization* and Enforcement of West Virginia's Criminal Abortion Ban**

20. I understand that the Criminal Abortion Ban was never explicitly repealed by the West Virginia legislature and therefore the Attorney General or Kanawha Prosecuting Attorney may try to enforce the Criminal Abortion Ban against physicians who provide abortion care in West Virginia, and against anyone who helps or attempts to help a pregnant person obtain an abortion now that the Supreme Court has overruled *Roe v. Wade* in *Dobbs v. Jackson Women's Health Organization*. This decision has forced us to stop providing necessary abortion care to our patients.

21. Now that the Supreme Court has overruled *Roe v. Wade*, I fear that people involved in providing abortion care under West Virginia Code § 61-2-8, the Criminal Abortion Ban, will be criminally prosecuted. If WHC continues to provide abortion care in light of *Dobbs*, I am worried that I will face possible criminal prosecution under the Criminal Abortion Ban, either directly or as an accomplice. I have the same concern for WHC and its officers, directors, and staff. Accordingly, WHC has ceased providing abortion care.

22. Shutting down WHC's abortion services will harm WHC's operations and the health of our patients in profound and disturbing ways.

23. To start, WHC has already suffered financially and operationally and will continue to if this Court does not act imminently. Since the Center stopped providing abortion care on June 24, 2022, we have already laid off counselors, physicians, and nurse anesthetists, all of whom are dedicated to supporting our abortion patients. We may need to lay off more staff members and counselors. We simply have no other choice—abortion care accounts for 40% of WHC's annual revenue, and suspending abortion services will leave us with a significant budget deficit. We have only budgeted enough to keep on full-time staff through the end of 2022.

24. Moreover, I am extremely concerned that the longer we are unable to provide abortion services, the more difficult it will be for us to resume. I am concerned that the out-of-state physicians who currently travel to West Virginia to provide abortions at WHC will begin providing services elsewhere, and it may be difficult to get them back on the schedule, or for them to come as often as they previously did. It is very difficult to recruit out-of-state physicians to come to West Virginia to provide abortion care, and now that we have had to stop employing our current providers for that purpose, there is no guarantee we will be able to recruit them or others to return to WHC in the future. Essentially, the longer the Criminal Abortion Ban remains enforceable, the more precarious the Center's ability to provide abortion care in the future becomes.

25. Having to stop providing abortion care also frustrates WHC's ability to fulfill its mission, which is to provide reproductive health care that respects patients' choices. If we cannot provide abortion care to pregnant people who want it, then we are not honoring their choice. Our staff members have broken down in tears because we are not able to provide abortion care to

patients who need it.

26. I am especially concerned for our most vulnerable patients who come to us seeking an abortion. For example, I recall a pre-teen patient from one of our poorest counties, who made the arduous journey to our clinic to seek an abortion after she was abused and raped by an older man she knew and trusted. Now that the prospect of prosecution under the Criminal Abortion Ban has forced us to stop providing abortion care, I do not know how vulnerable patients like this girl will be able to obtain the health care that they need. I worry they will be forced to endure pregnancy and childbirth against their will, without any regard for the consequences to them.

27. On the day *Dobbs* was issued, the Center staff called approximately 60 to 70 patients who had scheduled appointments to receive abortions at the Center in the coming weeks to cancel their appointments. Some patients broke down and could not speak through their sobbing. Some patients were stunned and didn't know what to say. Some patients did not understand. Some staff members at the Center cried so hard they were unable to continue working. Managers had to pull through to call the abortion patients we had scheduled. At the end of the day, we all had to turn our phones off to give staff time to just breathe and grieve.

28. Since a draft *Dobbs* opinion was leaked to the public in April 2022, WHC has been operating in a constant state of extreme stress. That stress has amplified exponentially since *Dobbs* was issued on June 24, 2022. Just the prospect of being unable to provide abortion services for our patients was physically and emotionally devastating for my staff and myself. Now that nightmare has become a reality.

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**AFFIANT FURTHER SAYETH NAUGHT.**

  
KATIE QUINONEZ

SWORN TO AND subscribed before me this 27<sup>th</sup> day of June, 2022.

  
Notary Public

