

# **Exhibit 3**

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

AMY BRYANT, M.D., M.S.C.R., et al.,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	CIVIL ACTION
	)	
JIM WOODALL, et al.,	)	Case No. []
	)	
Defendants.	)	

**DECLARATION OF BEVERLY ALLEN GRAY, M.D., IN SUPPORT OF  
PLAINTIFFS’ MOTION FOR SUMMARY JUDGMENT**

BEVERLY ALLEN GRAY, M.D., declares and states the following:

1. I am a plaintiff in this case and I submit this declaration in support of Plaintiffs’ motion for summary judgment. I am a physician licensed to practice medicine in North Carolina and am board-certified in obstetrics and gynecology.

2. I am an Assistant Professor in the Department of Obstetrics and Gynecology at Duke University Medical Center (“Duke”), a position I have held since 2011. I also serve as the Residency Director for our Department of Obstetrics and Gynecology and am the Director of the Ryan Family Planning Residency Program. My responsibilities in these roles include recruiting and training residents, supervising residents’ research, and providing instruction in the classroom and on rotations.

3. I received my medical degree from the University of North Carolina at Chapel Hill in 2007. I completed my residency in obstetrics and gynecology at Duke in

2011. My *curriculum vitae*, which sets forth my experience and credentials in greater detail, is attached hereto as Exhibit A.

4. I am appearing as a plaintiff in this action in my personal capacity and am not appearing on behalf of Duke.

5. I have read and am familiar with North Carolina's ban on abortions after the twentieth week of pregnancy (the "ban"). Under the ban, it is a felony for a physician to perform an abortion after the twentieth week of pregnancy, subject only to an extremely limited exception for medical emergencies.

6. In my medical practice at Duke, I provide first- and second-trimester abortion services as part of the comprehensive spectrum of medical care that our patients require.

7. In order to comply with the ban, I do not provide abortions after the twentieth week of pregnancy, as measured from the woman's last normal menstrual period ("lmp"), but in the absence of the ban, I would provide previability abortion care after the twentieth week of pregnancy.

8. Viability is the point in a pregnancy at which the fetus has a reasonable chance for sustained survival outside of the womb, with or without medical intervention. It is commonly accepted in the field of obstetrics and gynecology that a healthy singleton fetus typically reaches viability at approximately 24 weeks lmp. However, not all fetuses attain viability at 24 weeks (as a result of factors such as maternal health and fetal abnormalities). And some fetuses, including those with lethal structural or genetic

anomalies, are never viable. Because viability will vary from pregnancy to pregnancy, based on factors like the health of the woman and the fetus, the determination of viability is an individualized medical determination to be made by the physician.


9. Under the ban, physicians are forced to stop performing abortions after the twentieth week of pregnancy. At that point in pregnancy, no fetus is viable.

10. As a result of the ban, I am forced to turn away women seeking prevaibility abortion care after the twentieth week of pregnancy.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 14<sup>th</sup> day of December, 2016

at Durham, NC.

  
\_\_\_\_\_  
BEVERLY ALLEN GRAY, M.D.

# **Exhibit A**

# Beverly Allen Gray, MD

246 Baker House  
Duke Department of Obstetrics and Gynecology  
Durham, NC 27710  
beverly.gray@duke.edu

## EDUCATION

*Duke University Medical Center, Durham NC; Resident: Department of Obstetrics and Gynecology Residency Program; July 2007 – June 2011*

*University of North Carolina at Chapel Hill School of Medicine: Chapel Hill, NC Aug 2003- May 2007 MD awarded May 2007*

*University of North Carolina at Chapel Hill; Chapel Hill, NC Aug 1995 - May 1999*  
B.S. degree in Psychology Awarded with Highest Honors based on completion of Undergraduate Honors Thesis and with Highest Distinction based on GPA (3.82). Also completed minor in Chemistry. Participated in Honors Exchange program Fall 1997 in Perth, Australia.

## AWARDS

CREOG National Faculty Teaching Award (2014)  
Baby Birkenstock Award – Awarded by Duke University Midwives (2011)  
Daniel T. Young Peace and Social Justice Award - UNC School of Medicine (2007)  
Order of the Old Well (2007)  
Alpha Omega Alpha (2006)  
Heusner Pupil Award - UNC School of Medicine (2006)  
Honorable Mention: Social Medicine Paper Award (2005)  
Johnston Scholar - UNC Undergraduate (1996-1999)  
Phi Beta Kappa (1999)  
Thompson Memorial Research Award (1998)  
Peele Memorial Research Award (1998)  
UNC Chapel Hill Undergraduate Honors Program (1996-1999)

## EXPERIENCE

*Assistant Professor, Duke University Medical Center, Department of Obstetrics and Gynecology, August 2011 – present*

*Associate Residency Director, July 2015- present*

*Director, Ryan Family Planning Residency Program, March 2014-present*

*Administrative Chief Resident, Duke Department of Obstetrics and Gynecology 2010-2011*

*Student Leader, Honduran Health Alliance, UNC School of Medicine Chapel Hill, NC and El Corpus, Honduras [www.med.unc.edu/hha](http://www.med.unc.edu/hha)— Jan 2004-May 2007*

*Chief Mentor, UNC School of Medicine — May 2006-May 2007*

*Student Leader/Volunteer/Translator, Student Health Action Coalition (SHAC), UNC School of Medicine [www.med.unc.edu/shac](http://www.med.unc.edu/shac) — August 2003-May 2007*

*Case Manager, Family Wellness and Recovery Services, Pittsboro, NC— Jan 2002 - June 2003*

*Health Extension Volunteer, US Peace Corps, Saraguro, Ecuador — July 1999-Sept 2001*

*Research Assistant*, Laboratories of Drs. Regina Carelli and Donald Lysle, UNC Department of Psychology — Jan 1997 - May 1999

*Laboratory Technician*, US EPA, RTP, NC, —May 1998-Aug 1998

## PUBLICATIONS

Lyerly AD, Namey E, **Gray B**, Swamy G, Faden R. 2012 *IRB* "Women's Views about participating in research while pregnant"

## ABSTRACTS

Nelson C, **Allen B**, How T, Ijames S, Fecho K, Carelli RM, and Lysle D.  
Comparison of the immunomodulatory effects of acute intravenous and self-administered heroin administration. The Psychoneuroimmunology Research Society Abstract, 1999.

## POSTERS

**Gray B**, Lyerly AD, Namey E, Swamy G. SGI Annual Meeting 2011. Miami Florida. "H1N1 Vaccine in Pregnancy: A Qualitative Study of Women's Decisions to Accept a Novel Vaccine".

Patterson L. **Gray B**. Women's Health 2016: 24<sup>th</sup> Annual Congress. Washington, DC. "OB-GYN Resident Physicians Recommendations for Long Acting Reversible Contraception and Possible Coercion"

Belch J. **Gray B**. Newcomb L. Poultin W. ACOG Annual Clinical Meeting 2016. Washington, DC. "Failure to receive desired postpartum sterilization – One year contraceptive and pregnancy outcomes."

## MENTORING

Jeremy Belch, MD, MPH, resident research	Failure to receive desired postpartum sterilization and one year reproductive outcomes: Which patients are at highest risk for short interval pregnancy?
Latoya Patterson, MD, MPH, resident research	Obstetrics and Gynecology Resident Physicians Recommendations for Long Acting Reversible Contraception (LARC) in Postpartum Patients and Possible Elements of Coercion: A Survey Study
Arlene Pak, MD, resident research	Usage characteristics and rules for social media among obstetrics and gynecology residents and students entering the profession

Class Mentor – Duke Obstetrics and Gynecology Residency Class of 2018

## PEER REVIEWER

- NC Medical Journal

## PRESENTATIONS

- Duke Medical Student Capstone Course Lecture March 2016 "OB/Gyn for the non-OB"
- APGO/CREOG - Social Media presentation
- MFM Fellows conference November 2015 "Family Planning Update"
- Grand Rounds September 2015 "Family Planning Update" Med/Peds Curriculum Duke
- Duke Resident Lecture Series July 2015 "Early Pregnancy Loss"
- Guest Lecture June 2014 "Fun with Contraception" Med/Peds Curriculum Duke
- Grand Rounds February 2014 "Intimate Partner Violence" Duke Department of OB/Gyn
- Grand Rounds April 2011 "Environmental Toxins and the Impact on Obstetrics and Gynecology" Duke Department of OB/Gyn
- Ongoing Lecturer for Duke Medical School Obstetrics and Gynecology curriculum "Family Planning and Abortion"

## SKILLS

Spanish Fluency