

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION**

ASHLEE HENDERSON and)
RUBY HENDERSON a married couple, and)
L.W.C.H. by his parent and next friend Ruby)
Henderson, *et al.*,)

Plaintiffs,)

v.)

DR. JEROME ADAMS in his official capacity)
as Indiana State Health Commissioner, *et al.*,)

Defendants.)

Case No. 1:15-cv-00220-TWP-MJD

FINAL JUDGMENT PURSUANT TO FED. R. CIV. PRO. 58

The Court having this day made its Entry directing the entry of final judgment, the Court now enters **FINAL JUDGMENT**.

I.

All claims asserted against the County Defendants **are dismissed for lack of subject matter jurisdiction**. As just used, the term “County Defendants” refers to: Dr. Virginia A. Caine in her official capacity as Director and Health Officer of the Marion County Health Department; Darren Klingler in his official capacity as Administrator of Vital Records of the Marion County Health Department; and Dr. James D. Miner, Gregory S. Fehribach, Lacy M. Johnson, Charles S. Eberhardt, II, Deborah J. Daniels, Dr. David F. Canal, and Joyce Q. Rogers in their official capacities as Trustees of Health & Hospital Corporation of Marion; Dr. Jeremy P. Adler in his official capacity as Health Officer for the Tippecanoe County Health Department; Craig Rich in his official capacity as Administrator of the Tippecanoe County Health Department; Glenda Robinette in her official capacity as Registrar of Vital Records of the Tippecanoe County Health

Department; and Pam Aaltonen, Dr. Thomas C. Padgett, Thometra Foster, Karen Combs, Kate Nail, Dr. John Thomas, and Dr. Hsin-Yi Weng in their official capacities as members of the Tippecanoe County Board of Health; Dr. Brian Niedbalski in his official capacity as Health Officer of the Bartholomew County Health Department; Collis Mayfield in his official capacity as Director of the Bartholomew County Health Department; Beth Lewis in her official capacity as Registrar of Vital Records of the Bartholomew County Health Department; and Dennis Stark, Dr. Michael Chadwick, Dr. Susan Sawin-Johnson, Michael Meyer, Dr. Charles Hatcher, Dr. Brooke F. Case, Cindy Boll, and Jim Reed in their official capacities as members of the Bartholomew County Board of Health; Dr. Darren Brucken in his official capacity as Health Officer of the Vigo County Health Department; Joni Wise in her official capacity as Administrator of the Vigo County Health Department; Terri Manning in his official capacity as Supervisor of Vital Statistics of the Vigo County Health Department; and Jeffery DePasse, Dora Abel, Dr. Irving Haber, Brian Garcia, Michael Eldred, Dr. James Turner, and Dr. Robert Burkle in their official capacities as members of the Vigo County Board of Health.

II.

Judgment is entered for Ashlee Henderson, Ruby Henderson, L.W.C.H., Nicole Singley, Jennifer Singley, H.S., Elizabeth Bush-Sawyer, Tonya Bush-Sawyer, I.J.B-S., Cathy Bannick, Lyndsey Bannick, H.N.B., Nikkole McKinley-Barrett, Donnica Barrett, and G.R.M.B., Calle Janson, Sarah Janson, F.G.J., Jackie Phillips-Stackman, Lisa Phillips-Stackman, L.J.P-S., Noell Allen, and Crystal Allen (“prevailing plaintiffs”) and against Defendant Dr. Jerome M. Adams in his official capacity as Commissioner of the Indiana State Department of Health (“State Defendant”) as to claims asserted by such plaintiffs against the State Defendant, as follows:

It is **DECLARED** that Indiana Code §§ 31-9-2-15, 31-9-2-16, and 31-14-7-1 **violate** the Equal Protection Clause and Due Process Clause of the Fourteenth Amendment to the United States Constitution.

The State Defendant and its officers, agents, servants, employees, and attorneys, including political subdivisions of the State of Indiana, and those acting in concert with them are **ENJOINED** from enforcing Indiana Code §§ 31-9-2-15, 31-9-2-16, and 31-14-7-1 in a manner that prevents the presumption of parenthood to be granted to female, same-sex spouses of birth mothers as to any child born during their marriage.

The State Defendant and its officers, agents, servants, employees, and attorneys, including political subdivisions of the State of Indiana, and those acting in concert with them are **ENJOINED** to recognize children born to a birth mother who is married to a same-sex spouse as a child born in wedlock.

The State Defendant and its officers, agents, servants, employees, and attorneys, including political subdivisions of the State of Indiana, and those acting in concert with them are **ENJOINED** to recognize each of the Plaintiff Children in this matter as a child born in wedlock.

The State Defendant and its officers, agents, servants, employees, and attorneys, including political subdivisions of the State of Indiana, and those acting in concert with them are **ENJOINED** to recognize each of the Plaintiff Spouses in this matter as a parent to their respective Plaintiff Child and to identify both Plaintiff Spouses as parents on their respective Plaintiff Child's birth certificate.

A Permanent Injunction setting forth the relief awarded to the prevailing plaintiffs against the State Defendant shall issue as required by Rule 65(d) of the Federal Rules of Civil Procedure.

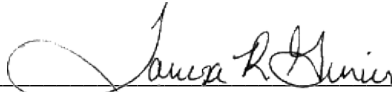
III.

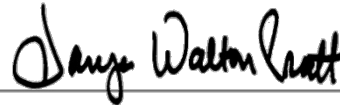
Judgment is entered accordingly, and this action is **TERMINATED**.

The prevailing plaintiffs' costs are assessed against the State Defendant.

Dated: 6/30/2016

Laura A. Briggs, Clerk

BY: 
Deputy Clerk, U. S. District Court



TANYA WALTON PRATT, JUDGE
United States District Court
Southern District of Indiana

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