

STATE OF INDIANA)
) SS:
COUNTY OF HAMILTON)

IN THE HAMILTON SUPERIOR COURT 1
CAUSE NO. 29D01-1512-MI-010207

INDIANA FAMILY INSTITUTE, INC.;)
INDIANA FAMILY ACTION, INC.; AND)
THE AMERICAN FAMILY ASSOCIATION)
OF INDIANA, INC.,)

Plaintiffs)

v.)

THE CITY OF CARMEL, INDIANA; CITY)
ATTORNEY FOR THE CITY OF CARMEL,)
INDIANA, DOUGLAS HANEY, IN HIS)
OFFICIAL CAPACITY AS CITY ATTORNEY)
FOR THE CITY OF CARMEL, INDIANA;)
THE CITY OF INDIANAPOLIS-MARION)
COUNTY, INDIANA; THE CITY OF)
INDIANAPOLIS-MARION COUNTY)
EQUAL OPPORTUNITY ADVISORY)
BOARD; THE CITY OF BLOOMINGTON,)
INDIANA; THE CITY OF BLOOMINGTON)
HUMAN RIGHTS COMMISSION; THE CITY)
OF COLUMBUS, INDIANA; THE CITY OF)
COLUMBUS HUMAN RIGHTS COMMISSION;)
THE STATE OF INDIANA; ATTORNEY)
GENERAL GREG ZOELLER, IN HIS OFFICIAL)
CAPACITY AS ATTORNEY GENERAL OF)
THE STATE OF INDIANA,)

Defendants.)

FILED

NOV 22 2019

Henry Kwag Williams
CLERK
HAMILTON COUNTY COURTS

ORDER

All Parties appeared by counsel for a hearing on October 3, 2019 on the following pending motions:

1. PLAINTIFF'S REQUEST FOR JUDICIAL NOTICE filed on January 28, 2019 and DEFENDANTS' JOINT RESPONSE TO PLAINTIFFS' REQUEST FOR JUDICIAL NOTICE AND JOINT MOTION TO STRIKE PORTIONS OF

29D01-1512-MI-010207
ORD
Order Issued
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- PLAINTIFFS' DESIGNATION OF EVIDENCE AND MEMORANDUM IN SUPPORT OF THEIR MOTION FOR SUMMARY JUDGMENT filed on March 29, 2019;
2. PLAINTIFFS' SUMMARY JUDGMENT MOTION filed on January 28, 2019;
 3. CARMEL'S MOTION TO DISMISS FOR LACK OF SUBJECT MATTER JURISDICTION OR, IN THE ALTERNATIVE, CROSS-MOTION FOR SUMMARY JUDGMENT filed on March 29, 2019;
 4. INDIANAPOLIS DEFENDANTS' CROSS-MOTION FOR SUMMARY JUDGMENT filed on March 29, 2019;
 5. COLUMBUS DEFENDANTS' CROSS-MOTION FOR SUMMARY JUDGMENT filed on March 29, 2019;
 6. BLOOMINGTON'S CROSS-MOTION FOR SUMMARY JUDGMENT AND MOTION TO DISMISS filed on March 29, 2019;
 7. STATE OF INDIANA'S CROSS-MOTION FOR SUMMARY JUDGMENT filed on March 29, 2019;
 8. the designated evidence, briefs, responses, replies, and supplemental authority submitted by the parties as to the above pleadings.

Arguments were presented and completed.

The Court having taken such matters under advisement, does now FIND and ORDER as follows:

1. As to Plaintiffs' Request for Judicial Notice, the Court finds that such Motion should be and is hereby GRANTED IN PART as to: Item 1- Constitution of the United States; Item 2 - Religious Freedom Restoration Act ("RFRA"), codified at 42

U.S.C. § 20000bb et seq.; Item 3 - "City Nondiscrimination Policy," Carmel City Code § 6-8; Item 4 - Human Relations; Equal Opportunity, Marion County Code (Indianapolis Ordinance) §581; Item 5 - Department of Law, Bloomington Municipal Code §2.21; Item 6 - Discrimination Generally, Columbus City Code §9.24. As to Items 7-26, the Court finds that such Motion should be and is hereby DENIED.

2. As to Defendants' Joint Motion to Strike Portions of Plaintiffs' Designated Evidence and Memorandum in Support of their Motion for Summary Judgment, the Court finds that such Motion should be and is hereby GRANTED.
3. As to Plaintiffs' Motion for Summary Judgment, the Court finds that such Motion should be and is hereby DENIED.
4. As to Carmel's Motion to Dismiss for Lack of Subject Matter Jurisdiction, the Court finds that such Motion should be and is hereby DENIED. As to Carmel's Alternative Motion for Summary Judgment, the Court finds that such Motion should be and is hereby GRANTED on the basis of this Court finding that Plaintiffs' have neither standing nor ripe claims.
5. As to Columbus Defendants' Cross-Motion for Summary Judgment, such Motion should be and is hereby GRANTED on the basis of this Court finding that Plaintiffs' have neither standing nor ripe claims.
6. As to Indianapolis Defendants' Cross-Motion for Summary Judgment, such Motion should be and is hereby GRANTED on the basis of this Court finding that Plaintiffs' have neither standing nor ripe claims.

7. As to Bloomington's Motion to Dismiss, the Court finds that such Motion should be and is hereby DENIED. As to Bloomington's Cross-Motion for Summary Judgment, such Motion should be and is hereby GRANTED on the basis of this Court finding that Plaintiffs' have neither standing nor ripe claims.
8. As to State of Indiana's Cross-Motion for Summary Judgment, such Motion should be and is hereby GRANTED on the basis of this Court finding that Plaintiffs' have neither standing nor ripe claims.

Accordingly, this Court cannot and does not address Plaintiffs' claims asserted in their Second Amended Complaint filed November 29, 2016 challenging the legality and constitutionality of the local ordinances and state statutes at issue in this matter.

This Order having disposed of all claims before the Court in this matter, the Court hereby VACATES the Bench Trial dates of February 18 – 21, 2020 that were previously set.

SO ORDERED this 21st day of November, 2019.



Michael A. Casati, Judge
Hamilton Superior Court 1

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Per CCS