

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

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

Plaintiffs, )

-vs- )

DR. JEROME M. ADAMS, in his official capacity as )  
Indiana State Health Commissioner; )  
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, Vital Records )  
Registrar, Tippecanoe County Health Department )  
PAM AALTONEN, RN, DR. THOMAS C. PADGETT, )  
THOMETRA FOSTER, KAREN COMBS, )  
KATE NAIL, RN, DR. JOHN THOMAS and )  
DR. HSIN-YI WENG, all in their official capacities )  
as members of the Tippecanoe County )  
Board of Health, )

Cause No: 1:15-CV-220

Defendants. )

**COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF**

Plaintiffs Ashlee and Ruby Henderson, a married couple and  
L.W.C.H., by his parent and next friend Ruby Henderson, by counsel,  
hereby allege as follows:

## **INTRODUCTION**

1. Plaintiffs bring this action to challenge the constitutionality under the United States Constitution of Indiana Code provisions § 31-9-2-15 ("Child born in wedlock"), § 31-9-2-16 ("Child born out of wedlock") and § 31-14-7-1 ("Presumption of Paternity") ("Statutes"). These statutes bastardize L.W.C.H. by refusing to recognize that L.W.C.H. was born in wedlock to two lawfully married same-sex spouses; deny to L.W.C.H. the benefit and stability of presuming two parents obligated and responsible for L.W.C.H. upon his birth; and deny a presumption of parenthood and all the rights and responsibilities which are attendant to such a presumption to Ashlee Henderson because she is a woman married to L.W.C.H.'s biological mother. Said challenge to the Statutes is both facial and as applied to plaintiffs.

2. Indiana Code § 31-9-2-15 provides as follows:

"Child born in wedlock", for purposes of IC 31-19-9 [Consent to Adoption], means a child born to:

- (1) a woman; and
- (2) a man who is presumed to be the child's father under IC 31-14-7-1(1) [Presumption of Paternity] or IC 31-14-7-1(2) unless the presumption is rebutted.

3. Indiana Code § 31-9-2-16 provides as follows:

"Child born out of wedlock", for purposes of IC 31-19-3,

IC 31-19-4-4, and IC 31-19-9, means a child who is born to:

- (1) a woman; and
- (2) a man who is not presumed to be the child's father under IC 31-14-7-1(1) or IC 31-14-7-1(2).

4. Indiana Code § 31-14-7-1(1) provides as follows:

A man is presumed to be a child's biological father if:

- (1) the:
  - (A) man and the child's biological mother are or have been married to each other; and
  - (B) child is born during the marriage or not later than three hundred (300) days after the marriage is terminated by death, annulment, or dissolution

5. Indiana Code § 31-9-2-15 and § 31-9-2-16, which define a child born in and out of wedlock, bastardize L.W.C.H. because by statute, he was not born to a woman married to a man but instead was born to a woman married to another woman, despite the fact that Indiana now recognizes same-sex marriage.

6. To establish whether a baby born to two women who are married to each other is a baby born in wedlock, the couple must bear the additional cost and stigma of petitioning a court to determine whether the child was born in wedlock. *See*, I.C. § 31-13-2-1.

7. The only means by which parenthood will be granted to the female spouse of the birth mother is through adoption of the baby that she

planned for with her spouse.

8. In contrast, under I.C. § 31-14-7-1(1), a man is granted the presumption of parenthood by virtue of the fact that he is married to the biological mother of the child, regardless of whether the husband is biologically related to the child. For example, a third person can serve as sperm donor and the husband is still presumed to be the father of the child even though he is not biologically related to the child.

9. Opposite-sex couples to whom a baby is born during the course of the marriage do not have to bear the stigma and cost of having their baby declared to have been born in wedlock nor do they have to bear the stigma and cost of having the male spouse of a female declared the parent of the child as he is presumed to be the parent unless or until otherwise challenged.

10. Indiana's law restricting the presumption of parenthood to men and bastardizing children born to women in same-sex marriages publicly stigmatizes persons in a same-sex marriage and sends a hideous message to their children by implying that these children are somehow less deserving of the presumption of two parents and legitimacy.

11. Defendants' refusal to recognize Ashlee Henderson on the birth certificate of L.W.C.H. harms L.W.C.H. because a birth certificate is the official document that establishes a person's identity. A birth

certificate also establishes a baby's family. As the Seventh Circuit Court of Appeals has stated: "The [S]tate [of Indiana] recognizes that family is about raising children and not just about producing them." *Baskin v. Bogan*, 766 F.3d 648, 663 (7th Cir. 2014), *cert. den. Bogan v. Baskin*, 135 S. Ct. 316, 190 L. Ed. 2d 142, 2014 U.S. LEXIS 5797, 83 U.S.L.W. 3189 (U.S. 2014) (holding unconstitutional Indiana statute that prohibited and refused to recognize same-sex marriage).

### **JURISDICTION AND VENUE**

12. This Court has jurisdiction over this matter pursuant to 28 U.S.C. §§ 1331 and 1343 because this suit raises federal questions pursuant to 42 U.S.C. § 1983. Plaintiffs seek both injunctive relief and a declaratory judgment pursuant to 42 U.S.C. § 2201.

13. Venue is proper in the Indianapolis Division of the Southern District of Indiana under 28 U.S.C. § 139 1(b) because a defendant has his principal office in this district.

### **PARTIES**

14. Defendant Dr. Jeremy P. Adler is the Health Officer for the Tippecanoe County Health Department. Defendant Craig Rich is the Administrator of the Tippecanoe County Health Department. Defendant Glenda Robinette is the Vital Records Registrar for the Tippecanoe County Health Department. Defendants Pam Aaltonen, RN, Dr. Thomas C. Padgett, Thometra Foster, Karen Combs, Kate Nail, RN, Dr. John

Thomas and Dr. Hsin-Yi Weng are all members of the Board of Health of Tippecanoe County, Indiana. Pursuant to I.C. § 16-20-1-16(b), "The local health officer shall be the registrar of births" and "[a]fter making a birth . . . record, the local health officer shall, by the fourth day of each month, forward the original record to the state department." Pursuant to I.C. § 16-20-1-19, "Local health officers shall enforce the health laws, ordinances, orders, rules, and regulations of the officer's own and superior boards of health." Pursuant to I.C. § 16-20-2-3, the Tippecanoe Board of Health is charged with managing the Tippecanoe County Health Department. All of these defendants are persons within the meaning of 42 U.S.C. § 1983 who were acting under color of state law at all times relevant to this complaint.

15. Dr. Jerome M. Adams is the commissioner of the Indiana State Department of Health ("ISDH"). ISDH maintains the Indiana Birth Registration System and authors the affiliated forms including, among other things, the Indiana Birth Worksheet used to capture information for the birth registry, all pursuant to I.C. § 16-37-1, *et seq.*

16. All defendants named herein are sued in their official capacities. Each of the defendants, and those subject to their supervision, direction, and control, intentionally performed, participated in, aided and/or abetted in some manner the acts alleged herein, proximately caused the harm alleged herein, and will continue to injure

plaintiffs irreparably if not enjoined from enforcing I. C. §§ 31-9-2-15 and -16.

### **FACTUAL ALLEGATIONS**

17. On November 11, 2014, plaintiffs Ashlee and Ruby Henderson were lawfully married in Tippecanoe County, Indiana. Prior to their marriage, the couple had been together for over eight years and decided they wanted a child in their family. Subsequent to the conception of L.W.C.H., the Indiana statute prohibiting same-sex marriage was declared unconstitutional and Ashlee and Ruby Henderson married, desiring that their child be born to a wedded couple.

18. During the week of November 2, 2014, the couple contacted IU Health Arnett Hospital where it was anticipated that L.W.C.H. will be born, to ask if both spouses would be listed on the birth certificate as parents of L.W.C.H., once they were married. The couple was informed that they would need to contact the Tippecanoe County Health Department.

19. On the same day, the couple contacted the Tippecanoe Department of Health and were told that Ashlee Henderson would not be listed on the birth certificate as a parent of L.W.C.H. without a court order.

20. On or about December 2, 2014, Glenda Robinette, Vital Records Registrar, Tippecanoe County Health Department, informed Ashlee Henderson that only Ruby Henderson would be listed on the birth certificate of L.W.C.H. Attached as Exhibit A is the explanation of why Ashlee

Henderson would not be presumed to be the parent of L.W.C.H. that was forwarded by Ms. Robinette.

21. L.W.C.H. was born at I.U. Health Arnett Hospital in Lafayette, Indiana. Subsequent to his birth, Ruby Henderson was asked to complete the Indiana Birth Worksheet, version 27, 05/25/12. See, Exhibit B, pertinent pages included. The couple marked through each question asking for information regarding the father and in lieu of the word "father" inserted the term "Mother #2". All information provided regarding "Mother #2" related to Ashlee Henderson, the legal spouse of the birth mother.

22. I.U. Health Arnett informed the couple that the software they were required by the State of Indiana to use regarding birth certificates would not allow the entry of information regarding Ashlee Henderson as a parent of L.W.C.H.

23. On January 22, 2015, the Tippecanoe County Health Department issued the certificate of birth, a redacted copy of which is attached hereto as Exhibit C. On the birth certificate, L.W.C.H. is listed as the child of Ruby L. Henderson.

24. "The goal of the Indiana Birth Registration System is to enable the participants of the birth registration process to electronically file birth records with local and state registrars." <http://www.state.in.us/isdh/23575.htm> (Last visited Jan. 26, 2015). The Indiana Birth Worksheet was created by the State of Indiana as part of the Indiana Birth Registration

System. *Id.* Mothers are asked if they are married and then asked, "Are you married to the father of your child?" (Ex. B, Indiana Birth Worksheet, questions 35 and 37). Under Indiana law, as the birth mother's husband is presumed to be the father of her child, even if he is not the actual biological father of the child by her own admission, the husband remains the presumed father of the child.

**COUNT I**  
**Defendants' Refusal to Recognize L.W.C.H. as born in Wedlock**  
**Violates the Equal Protection Clause**  
**of the Fourteenth Amendment to the United States Constitution**

25. Plaintiffs incorporate by reference the allegations of paragraphs 1- 24.

26. The Equal Protection Clause of the Fourteenth Amendment to the United States Constitution provides that "no State shall . . . deny to any person within its jurisdiction the equal protection of the laws."

27. By refusing to recognize that L.W.C.H. was born in wedlock, Defendants bastardize the children born to a married couple consisting of two women, including L.W.C.H. Such bastardization stigmatizes children born to two women who are married.

28. Defendants' refusal to recognize the marriage of Ashlee and Ruby Henderson for purposes of presuming that L.W.C.H. was born to a marriage infringes on protections offered by the Equal Protection Clause of the Fourteenth Amendment and treats L.W.C.H. differently solely because his married parents are of the same-sex instead of the opposite-

sex.

29. Defendants' refusal to recognize the lawful marriage of Ruby and Ashlee Henderson pursuant to I.C. § 31-9-2-15 and § 31-9-2-16, disadvantages, harms and stigmatizes L.W.C.H. solely because his family is headed by two women versus a family headed by a man and a woman.

30. I. C. § 31-9-2-15 and § 31-9-2-16 tells L.W.C.H. that his family is not valued in the same manner as families headed by two persons of the opposite-sex.

31. To ensure that L.W.C.H. is recognized as a child born in wedlock, Ashlee and Ruby Henderson will be required to spend additional dollars securing a court order formally recognizing that their child was born to a married couple.

32. A child born during the course of a marriage between a married man and woman is defined as being a child born in wedlock and the opposite-sex parents are not required to seek a court order declaring their child as having been born during the course of their marriage.

33. If another party seeks to adopt a child born in wedlock, Indiana law protects the man who is presumed to be the father even if he is not biologically related to the child through notice and other requirements. *See, e.g.*, I.C. § 31-19-9-1(a)(1) (adoption petition can only

be granted if written consent is given by the "man who is presumed to be the child's biological father"). If the child is born out of wedlock, then there are other requirements to be satisfied. *See, e.g.*, I.C. § 31-19-9-1(a)(2) (consent for adoption of child born out of wedlock must be given by man for whom paternity is established). Indiana laws do not address what is required if a child is born to two women married to each other. L.W.C.H.'s parental relationship with Ashlee Henderson is not protected by the requirements of I.C. § 31-19-9-1, should something happen to Ruby Henderson and someone other than Ashlee should seek to adopt L.W.C.H.. Children born to a married man and woman are afforded such protections should a third party seek to adopt the child under similar circumstances, even if the father is not biologically related to the child.

34. By refusing to recognize the marriage of Ashlee and Ruby Henderson, defendants, acting under color of I. C. § 31-9-2-15 and § 31-9-2-16, deprive L.W.C.H. of the rights secured by the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution.

## **COUNT II**

### **Indiana's Refusal to Grant The Presumption Of Parenthood to Ashlee Henderson Violates the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution**

35. Plaintiffs incorporate by reference the allegations of paragraphs 1- 34.

36. By refusing to grant the presumption of parenthood to Ashlee Henderson upon the birth of L.W.C.H., Defendants are depriving L.W.C.H. of the numerous legal protections afforded by having a second parent. These protections include but are not limited to:

- a. Having two people obligated to financially and emotionally provide and care for L.W.C.H, *See, e.g.*, I.C. §31-16-6-1, *Matter of S.T.*, 621 N.E.2d 371, 373 (Ind. Ct. App. 1993);
- b. Right of inheritance (I.C. § 29-1-2-1); and,
- d. The right to have his parental relationship with Ashlee Henderson protected by law.

37. By refusing to grant the presumption of parenthood to Ashlee Henderson upon the birth of L.W.C.H., Defendants are depriving Ashlee Henderson of the legal protections afforded a person presumed to be a parent of a child. These protections include the right to:

- a. Make decisions regarding the medical care of L.W.C.H., *See, e.g.*, I.C. 31-17-2-17;
- b. Visitation by and custody of L.W.C.H. in the event of divorce, *See, e.g.*, I.C. 37-17-4-1; and,
- c. Make personal and private decisions regarding the raising of L.W.C.H., *See, e.g.*, *Troxel v. Granville*, 530 U.S. 57, 65 (2000) ("The interest of parents in the care

custody and control of their children [is] perhaps the oldest of the fundamental liberty interest recognized by the court").

38. Regarding children, the ultimate objective of Indiana's laws is to do what is in the best interest of the child. Maintaining a biological relationship over a familial relationship is not always in the best interest of the child. For example, the State will seek to terminate a biological parent's rights if it is in the best interests of the child. (*See e.g.*, I.C. 31-35-12, *et seq.*) If a man who was presumed to be the father of a child subsequently tests the child and discovers that he is not the biological father of the child, the State will not necessarily allow him to be released from his obligations and responsibilities as parent of the child. *In re Paternity of M.M.B. and A.W.T.*, 877 N.E.2d 1239 (Ind. Ct. App. 2007).

39. Defendants' refusal to recognize the marriage of Ashlee and Ruby Henderson for purposes of presuming that L.W.C.H. was born to a marriage infringes on protections offered by the Equal Protection Clause of the Fourteenth Amendment and treats L.W.C.H. differently because his married parents are of the same-sex instead of the opposite-sex.

40. By refusing to recognize the marriage of Ashlee and Ruby Henderson and grant the presumption of parenthood to Ashlee Henderson, defendants, acting under color of Indiana law, deprive L.W.C.H. of the rights secured by the Equal Protection Clause of the

Fourteenth Amendment to the United States Constitution.

41. The granting of a presumption of parenthood to male spouses who are not biologically related to the offspring of their wives who were artificially inseminated and refusing to grant the same presumption of parenthood to the female spouses of birth mothers who are not biologically related to the child, is also gender-based discrimination in violation of the Equal Protection Clause of the Fourteenth Amendment.

### **COUNT III**

#### **Indiana's Refusal to Recognize that L.W.C.H. was Born in Wedlock and to Grant the Presumption of Parenthood to Ashlee Henderson Violates the Due Process Clause of the Fourteenth Amendment to the United States Constitution**

42. Plaintiffs incorporate by reference the allegations of paragraphs 1- 41.

43. The Fourteenth Amendment to the United States Constitution guarantees to all citizens due process of law.

44. Decision-making regarding child rearing is a central part of the liberty protected by the Due Process Clause.

45. As the spouse of Ruby Henderson, Ashlee Henderson has the fundamental right to the care, custody and control of L.W.D.H., a child born to her marriage, just like the same parental rights accorded to male spouses who are not biologically related to children born in the marriage.

46. L.W.C.H. has the fundamental familial right to be raised and

nurtured by both of his parents. *See, e.g., Berman v. Young*, 291 F.3d 976, 983 (7th Cir. 2002) (citing *Troxel*, 530 U.S. at 65-66 (2008)).

47. Ashlee and Ruby Henderson and L.W.C.H. have a protected property interest in maintaining their lawful familial status and the comprehensive protections and mutual obligations that are provided to families under Indiana law.

48. The failure of Indiana's laws to recognize L.W.C.H. as a child born in wedlock to a married couple denies L.W.C.H. the same right accorded to children born to a married man and woman.

49. The failure of Indiana's laws to presume parenthood for Ashlee Henderson, the spouse of Ruby Henderson, at the time of L.W.C.H.'s birth, denies the plaintiffs their fundamental right to live as a legal familial unit and denies them due process and the myriad benefits, privileges and rights accorded to parents and children under Indiana law.

50. Defendants' refusal to recognize the marriage of Ashlee and Ruby Henderson for purposes of determining whether L.W.C.H. was born in or out of wedlock and their refusal to presume parenthood for Ashlee Henderson while presuming parenthood for men who are not biologically related to the children born to their wives, violates the Due Process Clause of the U.S. Constitution.

**DECLARATORY AND INJUNCTIVE RELIEF**  
**28 U.S.C. §§ 2201 and 2202;**  
**Federal Rules of Civil Procedure, Rules 57 and 65**

51. Plaintiffs incorporate by reference the allegations of paragraphs 1- 49.

52. This case presents an actual controversy because defendants' present and ongoing denial of equal treatment to plaintiffs; the infringement of plaintiffs' fundamental rights; and the denial of due process to plaintiffs, subjects them to serious and immediate harms, including ongoing emotional distress and stigma, warranting the issuance of a judgment declaring that I. C. § 31-9-2-15, § 31-9-2-16 and § 31-14-7-1 violate the Equal Protection Clause and/or the Due Process Clause of the Fourteenth Amendment to the United States Constitution.

53. A favorable decision enjoining defendants from further constitutional violations, and mandating them to recognize the marriage of Ashlee and Ruby Henderson, would redress and prevent the irreparable injuries to plaintiffs which they have identified, and for which they have no adequate remedy at law or in equity.

**PRAYER FOR RELIEF**

WHEREFORE, plaintiffs respectfully request that this Court:

a. Enter a declaratory judgment that § I. C. § 31-9-2-15, § 31-9-2-16 and § 31-14-7-1 on their face and as applied to plaintiffs violate

the Equal Protection Clause of the Fourteenth Amendment to the United States Constitution;

b. Enter a declaratory judgment that I. C. § 31-9-2-15, § 31-9-2-16 and § 31-14-7-1 on their face and as applied to plaintiffs violates the Due Process Clause of the Fourteenth Amendment to the United States Constitution;

c. Enter a permanent injunction directing defendants to recognize L.W.C.H. as a child born in wedlock within the State of Indiana and to administer all laws so as to provide the same benefit for all children born to two women who are married to each other;

d. Enter a permanent injunction directing defendants to presume that Ashlee Henderson is the parent of L.W.C.H. by identifying her as a parent on the birth certificate;

e. Award plaintiffs the costs of suit, including reasonable attorneys' fees under 42 U.S.C. § 1988; and,

f. Enter all further relief to which plaintiffs may be justly entitled.

Respectfully submitted,

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**EXHIBIT A**

## Same Sex Marriage and the Filing of Birth Certificates

The same sex marriage ruling does not change the way a birth is filed. In order for a non-biological parent to be placed on the birth certificate, an adoption must take place. The Indiana Codes below are evidence to this fact.

A parent is defined as either *biological* or *adoptive*, it is impossible for two be people of the same sex to be biological parents of the same child.

### IC 31-9-2-88 "Parent"

Sec. 88. (a) "Parent", for purposes of the juvenile law, means a biological or an adoptive parent. Unless otherwise specified, the term includes both parents, regardless of their marital status.

(b) "Parent", for purposes of IC 31-34-1, IC 31-34-8, IC 31-34-16, IC 31-34-19, IC 31-34-20 and IC 31-35-2, includes an alleged father. *As added by P.L.1-1997, SEC.1. Amended by P.L.162-2011, SEC.8.*

Some will argue that they are married there is a presumption of parenthood, however below it is very clear that a "man" is married to the "biological mother" this specifically excludes two people of the same gender using marriage as an automatic presumption of parenthood.

### IC 31-14-7-1

#### Presumptions; child's biological father

Sec. 1. A man is presumed to be a child's biological father if:

- (1) the:
  - (A) man and the child's biological mother are or have been married to each other; and
  - (B) child is born during the marriage or not later than three hundred (300) days after the marriage is terminated by death, annulment, or dissolution;
- (2) the:
  - (A) man and the child's biological mother attempted to marry each other by a marriage solemnized in apparent compliance with the law, even though the marriage:
    - (i) is void under IC 31-11-8-2, IC 31-11-8-3, IC 31-11-8-4, or IC 31-11-8-6; or
    - (ii) is voidable under IC 31-11-9; and
  - (B) child is born during the attempted marriage or not later than three hundred (300) days after the attempted marriage is terminated by death, annulment, or dissolution; or
- (3) the man undergoes a genetic test that indicates with at least a ninety-nine percent (99%) probability that the man is the child's biological father.

*As added by P.L.1-1997, SEC.6. Amended by P.L.138-2001, SEC.6.*

Finally, only a "man" who could reasonably be the biological father can execute a Paternity Affidavit.

### IC 16-37-2-2.1

#### Paternity affidavits; requirements; forms; joint legal custody agreement; penalty; effect of paternity affidavit; genetic test; opportunity to consult

Sec. 2.1. (a) A paternity affidavit may be executed as provided in this section through:

- (1) a hospital; or
- (2) a local health department.

(b) Immediately before or after the birth of a child who is born out of wedlock, a person who attends or plans to attend the birth, including personnel of all public or private birthing hospitals, shall:

- (1) provide an opportunity for:
    - (A) the child's mother; and
    - (B) a man who reasonably appears to be the child's biological father;
- to execute an affidavit acknowledging paternity of the child;

**EXHIBIT B**

Mother's Name _____ Mother's Medical Record # _____
--

## CERTIFICATE OF LIVE BIRTH WORKSHEET

The information you provide below will be used to create your child's birth certificate. The birth certificate is a document that will be used for legal purposes to prove your child's age, citizenship and parentage. This document will be used by your child throughout his/her life. State laws provide protection against the unauthorized release of identifying information from the birth certificates to ensure the confidentiality of the parents and their child.

It is very important that you provide complete and accurate information to all of the questions. In addition to information used for legal purposes, other information from the birth certificate is used by health and medical researchers to study and improve the health of mothers and newborn infants. Items such as parent's education, race, and smoking will be used for studies but will not appear on copies of the birth certificate issued to you or your child.

### TYPE OF BIRTH - PICK ONE:

- Born at Facility     
  Born En-Route to Facility     
  Born at Non Participating Facility  
 Born En-Route to Non Participating Facility     
  Home Birth     
  Foundling

1. Facility name:\* \_\_\_\_\_

(If not institution, give street and number)

2. City, Town or Location of birth: \_\_\_\_\_

3. County of birth: \_\_\_\_\_

### 4. Place of birth:

- Hospital   
  Freestanding birthing center ( freestanding birthing center is one that has no direct physical connection to a hospital)  
 Home birth     
 Planned to deliver at home?   
 Yes     
 No  
 Clinic/ Doctor's Office   
 Other (specify, e.g., taxi cab, train, plane \_\_\_\_\_)

\*Facilities may wish to have pre-set responses (hard-copy and/or electronic) to questions 1-5 for births which occur at their institutions.

5. Time of birth: \_\_\_\_\_

- AM     
 PM     
 NOON     
 MIDNIGHT

6. Date of birth: \_\_\_\_/\_\_\_\_/\_\_\_\_ M M D D Y Y Y Y

7. Plurality (Specify SINGLE, TWIN, TRIPLET, QUADRUPLET, QUINTUPLET, SEXTUPLET, SEPTUPLET, or OCTUPLET for 8 or more. (Include all live births and fetal losses resulting from this pregnancy.): \_\_\_\_\_

8. If not single birth (Order delivered in the pregnancy, specify 1st, 2nd, 3rd, 4th, 5th, 6th, 7th, etc.) (Include all live births and fetal losses resulting from this pregnancy): \_\_\_\_\_

9. If not single birth, specify number of infants in this delivery born alive: \_\_\_\_\_

10. Sex (Male, Female, or Not yet determined): \_\_\_\_\_

**11. What will be your BABY'S legal name (as it should appear on the birth certificate)?**

\_\_\_\_\_  
First Middle Last Suffix (Jr., III, etc.)

**12. MOTHER: What is your current legal name?**

\_\_\_\_\_  
First Middle Last Suffix (Jr., III, etc.)

**13. MOTHER: Where do you usually live--that is--where is your household/residence located?**

Building number: \_\_\_\_\_ Pre-directional \_\_\_\_\_  
Name of street \_\_\_\_\_  
Street Designator, eg Street, Avenue, etc. \_\_\_\_\_  
Post Directional \_\_\_\_\_ Apartment Number \_\_\_\_\_  
State: \_\_\_\_\_ (or U.S. Territory, Canadian Province)  
If not United States, Country \_\_\_\_\_  
City, Town, or Location: \_\_\_\_\_ County: \_\_\_\_\_ Zip: \_\_\_\_\_

**14. Is this household inside city limits (inside the incorporated limits of the city, town or location where you live)?**  Yes  No  Don't know

**15. MOTHER: What is your mailing address?**  Same as residence [Go to next question]

Building number: \_\_\_\_\_ Pre-directional \_\_\_\_\_  
Name of street \_\_\_\_\_  
Street Designator, eg Street, Avenue, etc. \_\_\_\_\_  
Post Directional \_\_\_\_\_ Apartment Number \_\_\_\_\_  
State: \_\_\_\_\_ (or U.S. Territory, Canadian Province)  
If not United States, Country \_\_\_\_\_  
City, Town, or Location: \_\_\_\_\_ County: \_\_\_\_\_ Zip: \_\_\_\_\_

**16. MOTHER: What is your date of birth? (Example: 03-04-1977)**

\_\_\_\_/\_\_\_\_/\_\_\_\_ M M D D Y Y Y Y AGE: \_\_\_\_\_

**17. MOTHER: In what State, U.S. territory, or foreign country were you born? Please specify one of the following:**

State \_\_\_\_\_ County \_\_\_\_\_ City \_\_\_\_\_  
OR U.S. territory, i.e., Puerto Rico, U.S. Virgin Islands, Guam, American Samoa or Northern Marianas  
\_\_\_\_ OR Foreign country \_\_\_\_\_  
 UNKNOWN

**18. MOTHER: What is your Social Security Number?**

\_\_\_\_-\_\_\_\_-\_\_\_\_-\_\_\_\_-\_\_\_\_-\_\_\_\_

**19. Do you want a Social Security Number issued for your baby?**

Yes (Please sign request below)  No (Continue)

I request that the Social Security Administration assign a Social Security number to the child named on this form and authorize the State to provide the Social Security Administration with the information from this form which is needed to assign a number. (Either parent, or the legal guardian, may sign.)

Signature of infant's mother or father \_\_\_\_\_  
Date: \_\_\_\_/\_\_\_\_/\_\_\_\_ M M D D Y Y Y Y

**20. Will infant be placed for Adoption?**

- Yes
- No

**21. MOTHER: What is the highest level of schooling that you will have completed at the time of delivery? (Check the box that best describes your education. If you are currently enrolled, check the box that indicates the previous grade or highest degree received).**

- 8th grade or less
- High school graduate or GED completed
- Associate degree (e.g. AA, AS)
- Master's degree (e.g. MA, MS, MEng, MEd, MSW, MBA)
- Doctorate (e.g. PhD, EdD) or Professional degree (e.g. MD, DDS, DVM, LLB, JD)
- 9th - 12th grade, no diploma
- Some college credit but no degree
- Bachelor's degree (e.g. BA, AB, BS)

**22. MOTHER: What is your usual occupation or industry in which you work? Please fill in below. For example your occupation is Teacher, CPA, Waitress, Clerk, etc., and the industry in which you work is Department Store, Law Firm, Hospital, Factory, etc.**

Usual Occupation: \_\_\_\_\_

Usual Industry: \_\_\_\_\_

- Unemployed
- Unknown

**23. MOTHER: Are you Spanish/Hispanic/Latina? If not Spanish/Hispanic/Latina, check the "No" box. If Spanish/Hispanic/Latina, check the appropriate box.**

- No, not Spanish/ Hispanic/ Latina
- Yes, Mexican, Mexican American, Chicana
- Yes, Puerto Rican
- Yes, Cuban
- Yes, other Spanish/ Hispanic/ Latina (e.g. Spaniard, Salvadoran, Dominican, Columbian)  
(specify) \_\_\_\_\_

**24. MOTHER: What is your race? (Please check all that apply).**

- White
- Black or Af rican American
- American Indian or Alaska Native (name of enrolled or principal tribe(s))  
\_\_\_\_\_
- Asian Indian
- Chinese
- Filipino
- Japanese
- Korean
- Vietnamese
- Other Asian (specify) \_\_\_\_\_
- Native Hawaiian
- Guamanian or Chamorro
- Samoan
- Other Pacific Islander (specify) \_\_\_\_\_
- Other (specify) \_\_\_\_\_

**MOTHER: Additional Information To Be Filled In IF A PATERNITY AFFIDAVIT IS TO BE FILED FOR THIS BIRTH If Not Filing Paternity Affidavit skip to question 30.**

**25. What is Your Phone Number? Required** \_\_\_\_\_

**26. What is the name of your Employer (Company name)? Optional**  
\_\_\_\_\_

**27. What is your Employer's address? Optional**  
\_\_\_\_\_

**28. What is the name of your Medical Insurance Company? Optional**  
\_\_\_\_\_

**29. What is your Medical Insurance Policy number? Optional**  
\_\_\_\_\_



**41. FATHER:** In what State, U.S. territory, or foreign country was he born? Please specify one of the following:

State \_\_\_\_\_ County \_\_\_\_\_ City \_\_\_\_\_  
 OR U.S. territory, i.e., Puerto Rico, U.S. Virgin Islands, Guam, American Samoa or Northern Marianas  
 \_\_\_\_\_ OR Foreign country \_\_\_\_\_  
 UNKNOWN

**42. What is the father's Social Security Number? If you are not married, or if a paternity acknowledgment has not been completed, leave this item blank.**

\_\_\_\_\_

**43. What is the highest level of schooling that the FATHER will have completed at the time of delivery? (Check the box that best describes his education. If he is currently enrolled, check the box that indicates the previous grade or highest degree received).**

- 8th grade or less
- High school graduate or GED completed
- Associate degree (e.g. AA, AS)
- Master's degree (e.g. MA, MS, MEng, MEd, MSW, MBA)
- Doctorate (e.g. PhD, EdD) or Professional degree (e.g. MD, DDS, DVM, LLB, JD)
- 9th - 12th grade, no diploma
- Some college credit but no degree
- Bachelor's degree (e.g. BA, AB, BS)

**44. What is the father's usual occupation or industry. Please fill in below. For example his occupation is Photographer, Farmer, Nurse, etc., and the industry in which he works is Factory, Skating Rink, Army, etc.**

Usual Occupation: \_\_\_\_\_

Usual Industry: \_\_\_\_\_

- Unemployed
- Unknown

**45. Is the father Spanish/Hispanic/Latino? If not Spanish/Hispanic/Latino, check the "No" box. If Spanish/Hispanic/Latino, check all that apply.**

- No, not Spanish/ Hispanic/ Latino
- Yes, Mexican, Mexican American, Chicano
- Yes, Puerto Rican
- Yes, Cuban
- Yes, other Spanish/ Hispanic/ Latino (e.g. Spaniard, Salvadoran, Dominican, Columbian)  
 (specify) \_\_\_\_\_

**46. What is the father's race? Please check one or more races to indicate what he considers himself to be.**

- White
- Black or African American
- American Indian or Alaska Native (name of enrolled or principal tribe)  
 \_\_\_\_\_
- Asian Indian
- Chinese
- Filipino
- Japanese
- Korean
- Vietnamese
- Other Asian (specify) \_\_\_\_\_
- Native Hawaiian
- Guamanian or Chamorro
- Samoan
- Other Pacific Islander (specify) \_\_\_\_\_
- Other (specify) \_\_\_\_\_

**FATHER Additional Information To Be Filled In If A PATERNITY AFFIDAVIT IS TO BE FILED FOR THIS BIRTH If Not Filing Paternity Affidavit skip to question 53**

47. What is Your Phone Number? Information is required \_\_\_\_\_

48. What is Your Current Address Number, Street, City, State and Zip Information is required  
\_\_\_\_\_

49. What is the name of your Employer (Company name)? Information is optional  
\_\_\_\_\_

50. What is your Employer's address? Information is optional  
\_\_\_\_\_

51. What is the name of your Medical Insurance Company? Information is optional  
\_\_\_\_\_

52. FATHER What is your Medical Insurance Policy Number Information is optional  
\_\_\_\_\_

53. DID MOTHER RECEIVE PRENATAL CARE?  
 YES  NO  UNKNOWN

54. Date of first prenatal care visit (prenatal care begins when a Physician or other health professional first examines and/ or counsels the pregnant woman as part of an ongoing program of care for the pregnancy) \_\_\_\_\_  
\_\_\_\_ M M D D Y Y Y Y

55. Date of last prenatal care visit (Enter the date of the last visit recorded in the mother's prenatal records)  
\_\_\_\_\_ M M D D Y Y Y Y

56. Source of pre-natal care?  
 MD  DO  Clinic  Other, Specify: \_\_\_\_\_

57. Total number of prenatal care visits for this pregnancy (Count only those visits recorded in the record. If none enter "0"): \_\_\_\_\_

58. Date last normal menses began: \_\_\_\_\_ M M D D Y Y Y Y

59. Number of previous live births now living (Do not include this child. For multiple deliveries, do not include the 1st born in the set if completing this worksheet for that child): Enter number or 0 for none.  
\_\_\_\_\_

60. Number of previous live births now dead (Do not include this child. For multiple deliveries, do not include the 1st born in the set if completing this worksheet for that child):  
Enter number or 0 for none. \_\_\_\_\_

61. Date of last live birth \_\_\_\_\_ / \_\_\_\_\_ M M Y Y Y Y

62. Total number of other pregnancy outcomes (Include fetal losses of any gestational age-spontaneous losses, induced losses, and/ or ectopic pregnancies. If this was a multiple delivery, include all fetal losses delivered before this infant in the pregnancy) .)  
Enter number or 0 for none.: \_\_\_\_\_

63. Date of last other pregnancy outcome (Date when last pregnancy which did not result in a live birth ended):

\_\_\_\_/\_\_\_\_ M M Y Y Y Y

**EXHIBIT C**

CERTIFICATE OF BIRTH

# TIPPECANOE COUNTY HEALTH DEPARTMENT

LAFAYETTE, TIPPECANOE COUNTY, INDIANA 47901

## CERTIFICATE OF BIRTH

**This Certifies,** that according to the records of the **HEALTH DEPARTMENT**

Name:

Gender: **MALE**

Was born in: **TIPPECANOE COUNTY, INDIANA**

On:

Child of: **RUBY L. HENDERSON**

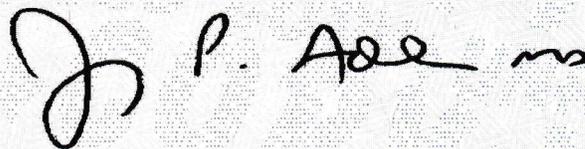
Birthplace of Mother: **MARYLAND**

Birthplace of Father: **NOT STATED**

Date filed: **December 29, 2014**

Recorded Locally:

Date issued: **January 22, 2015**



Health Officer

**WARNING:** ORIGINAL DOCUMENT HAS A MULTICOLORED BACKGROUND ON SPECIAL WHITE SECURITY PAPER AND THE GREAT SEAL OF THE STATE OF INDIANA ON BACK THAT TURNS FROM ORANGE TO YELLOW WHEN RUBBED. ORIGINAL DOCUMENT HAS HIDDEN VOID ON FRONT THAT APPEARS WHEN PHOTOCOPIED.

STATE OF INDIANA

VOID IF ALTERED OR ERASED

VOID IF ALTERED OR ERASED

JS 44 (Rev 09/10)

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA****CIVIL COVER SHEET**

This automated JS-44 conforms generally to the manual JS-44 approved by the Judicial Conference of the United States in September 1974. The data is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. The information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law.

**Plaintiff(s):****First Listed Plaintiff:**

Ashlee Henderson ;  
**County of Residence:** Tippecanoe County

**Additional Plaintiff(s):**

Ruby Henderson ;  
L.W.C.H. by his parent and next friend Ruby Henderson ;

**Defendant(s):****First Listed Defendant:**

Dr. Jerome Adams ;  
**County of Residence:** Marion County

**Additional Defendants(s):**

Dr. Jeremy Adler ;  
Craig Rich ;  
Pam Aaltonen ;  
Dr. Thomas Padgett ;  
Thometra Foster ;  
Karen Combs ;  
Kate Nail ;  
Dr. John Thomas ;  
Dr. Hsin-Yi Weng ;  
Glenda Robinette ;

**County Where Claim For Relief Arose:** Tippecanoe County**Plaintiff's Attorney(s):**

Karen Celestino-Horseman (Ashlee Henderson)  
Austin & Jones, P.C.  
One North Pennsylvania, Suite 220  
Indianapolis, Indiana 46204  
**Phone:** 3176325633  
**Fax:** 3176301040  
**Email:** karen@kchorseman.com

William R. Groth  
Fillenwarth Dennerline Groth & Towe  
429 E. Vermont St., Suite 200  
Indianapolis, Indiana 46202  
**Phone:** 3173539363  
**Fax:** 3173517232  
**Email:** wgroth@fdgtlaborlaw.com

Richard A. Mann  
Richard A. Mann, P.C.  
3750 Kentucky Ave.  
Indianapolis, Indiana 46221  
**Phone:** 3173885600  
**Fax:** 3173885630  
**Email:** RMann@mannlaw.us

**Defendant's Attorney(s):**

Raymond L. Faust  
House Reynolds & Faust LLP  
11711 North Pennsylvania St., suite 190  
Carmel, Indiana 46032  
**Phone:** 3175648490  
**Fax:** 3175648499  
**Email:** rfaust@houserenoldsfaust.com

**Basis of Jurisdiction:** 3. Federal Question (U.S. not a party)

**Citizenship of Principal Parties** (Diversity Cases Only)

**Plaintiff:** N/A

**Defendant:** N/A

**Origin:** 1. Original Proceeding

**Nature of Suit:** 950 Constitutionality of State Statutes

**Cause of Action:** Brought under 42 U.S.C. 1983 for the violation of plaintiffs' constitutional rights as promised by the Equal Protection and Due Process clauses of the United States Constitution.

**Requested in Complaint**

**Class Action:** Not filed as a Class Action

**Monetary Demand (in Thousands):**

**Jury Demand:** No

**Related Cases:** Is NOT a refiling of a previously dismissed action

---

**Signature:** Karen Celestino-Horseman

**Date:** Feb. 13, 2015

If any of this information is incorrect, please close this window and go back to the Civil Cover Sheet Input form to make the correction and generate the updated JS44. Once corrected, print this form, sign and date it, and submit it with your new civil action.



Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
was received by me on *(date)* \_\_\_\_\_ .

I personally served the summons on the individual at *(place)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
\_\_\_\_\_, a person of suitable age and discretion who resides there,  
on *(date)* \_\_\_\_\_ , and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* \_\_\_\_\_ , who is  
designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

I returned the summons unexecuted because \_\_\_\_\_ ; or

Other *(specify)*: \_\_\_\_\_ .

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_ .

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Southern District of Indiana

ASHLEE AND RUBY HENDERSON, et al.

Plaintiff(s)

v.

Civil Action No. 1:15-cv-220

DR. JEREMY P. ADLER, et al.

Defendant(s)

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address)

Dr. Jeremy Adler, Health Officer
Tippecanoe County Health Department
629 N. 6th St.
Lafayette, IN 47901

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Karen Celestino-Horseman Telephone: 317/632-5633
Of Counsel, Austin & Jones, P.C.
One North Pennsylvania, Suite 220
Indianapolis, IN 46204

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: February 13, 2015

Signature of Clerk or Deputy Clerk

Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE**

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\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
\_\_\_\_\_, a person of suitable age and discretion who resides there,  
on *(date)* \_\_\_\_\_ , and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* \_\_\_\_\_ , who is  
designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

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Other *(specify)*: \_\_\_\_\_ .

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_ .

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Southern District of Indiana

ASHLEE AND RUBY HENDERSON, et al.

Plaintiff(s)

v.

Civil Action No. 1:15-cv-220

DR. JEREMY P. ADLER, et al.

Defendant(s)

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address)

Glenda Robinette, Vital Records Registrar
Tippecanoe County Health Department
629 N. 6th St.
Lafayette, IN 47901

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Karen Celestino-Horseman Telephone: 317/632-5633
Of Counsel, Austin & Jones, P.C.
One North Pennsylvania, Suite 220
Indianapolis, IN 46204

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: February 13, 2015

Signature of Clerk or Deputy Clerk

Civil Action No. \_\_\_\_\_

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\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
\_\_\_\_\_, a person of suitable age and discretion who resides there,  
on *(date)* \_\_\_\_\_ , and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* \_\_\_\_\_ , who is  
designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

I returned the summons unexecuted because \_\_\_\_\_ ; or

Other *(specify)*: \_\_\_\_\_ .

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_ .

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:



Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE**

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\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

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\_\_\_\_\_, a person of suitable age and discretion who resides there,  
on *(date)* \_\_\_\_\_, and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* \_\_\_\_\_, who is  
designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

I returned the summons unexecuted because \_\_\_\_\_; or

Other *(specify)*: \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_.

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Southern District of Indiana

ASHLEE AND RUBY HENDERSON, et al.

Plaintiff(s)

v.

Civil Action No. 1:15-cv-220

DR. JEREMY P. ADLER, et al.

Defendant(s)

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address)

Thometra Foster, Tippecanoe County Board of Health
Tippecanoe County Health Department
629 N. 6th St.
Lafayette, IN 47901

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Karen Celestino-Horseman Telephone: 317/632-5633
Of Counsel, Austin & Jones, P.C.
One North Pennsylvania, Suite 220
Indianapolis, IN 46204

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: February 13, 2015

Signature of Clerk or Deputy Clerk

Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE**

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\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

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\_\_\_\_\_, a person of suitable age and discretion who resides there,  
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designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

I returned the summons unexecuted because \_\_\_\_\_; or

Other *(specify)*: \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_.

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Southern District of Indiana

ASHLEE AND RUBY HENDERSON, et al.

Plaintiff(s)

v.

Civil Action No. 1:15-cv-220

DR. JEREMY P. ADLER, et al.

Defendant(s)

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address)

Kate Nail, Tippecanoe County Board of Health
Tippecanoe County Health Department
629 N. 6th St.
Lafayette, IN 47901

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Karen Celestino-Horseman Telephone: 317/632-5633
Of Counsel, Austin & Jones, P.C.
One North Pennsylvania, Suite 220
Indianapolis, IN 46204

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: February 13, 2015

Signature of Clerk or Deputy Clerk

Civil Action No. \_\_\_\_\_

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\_\_\_\_\_, a person of suitable age and discretion who resides there,  
on *(date)* \_\_\_\_\_, and mailed a copy to the individual's last known address; or

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designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_; or

I returned the summons unexecuted because \_\_\_\_\_; or

Other *(specify)*: \_\_\_\_\_.

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_.

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Southern District of Indiana

ASHLEE AND RUBY HENDERSON, et al.

Plaintiff(s)

v.

Civil Action No. 1:15-cv-220

DR. JEREMY P. ADLER, et al.

Defendant(s)

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address)

Dr. Thomas C. Padgett, Tippecanoe County Board of Health
Tippecanoe County Health Department
629 N. 6th St.
Lafayette, IN 47901

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Karen Celestino-Horseman Telephone: 317/632-5633
Of Counsel, Austin & Jones, P.C.
One North Pennsylvania, Suite 220
Indianapolis, IN 46204

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: February 13, 2015

Signature of Clerk or Deputy Clerk

Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE**

*(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for *(name of individual and title, if any)* \_\_\_\_\_  
was received by me on *(date)* \_\_\_\_\_ .

I personally served the summons on the individual at *(place)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

I left the summons at the individual's residence or usual place of abode with *(name)* \_\_\_\_\_  
\_\_\_\_\_, a person of suitable age and discretion who resides there,  
on *(date)* \_\_\_\_\_ , and mailed a copy to the individual's last known address; or

I served the summons on *(name of individual)* \_\_\_\_\_ , who is  
designated by law to accept service of process on behalf of *(name of organization)* \_\_\_\_\_  
\_\_\_\_\_ on *(date)* \_\_\_\_\_ ; or

I returned the summons unexecuted because \_\_\_\_\_ ; or

Other *(specify)*: \_\_\_\_\_ .

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ \_\_\_\_\_ .

I declare under penalty of perjury that this information is true.

Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Southern District of Indiana

ASHLEE AND RUBY HENDERSON, et al.

Plaintiff(s)

v.

Civil Action No. 1:15-cv-220

DR. JEREMY P. ADLER, et al.

Defendant(s)

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address)

Craig Rich, Administrator
Tippecanoe County Health Department
629 N. 6th St.
Lafayette, IN 47901

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Karen Celestino-Horseman Telephone: 317/632-5633
Of Counsel, Austin & Jones, P.C.
One North Pennsylvania, Suite 220
Indianapolis, IN 46204

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CLERK OF COURT

Date: February 13, 2015

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*Server's signature*

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*Printed name and title*

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Additional information regarding attempted service, etc:

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Southern District of Indiana

ASHLEE AND RUBY HENDERSON, et al.

Plaintiff(s)

v.

DR. JEREMY P. ADLER, et al.

Defendant(s)

Civil Action No. 1:15-cv-220

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address)

Glenda Robinette, Vital Records Registrar
Tippecanoe County Health Department
629 N. 6th St.
Lafayette, IN 47901

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Karen Celestino-Horseman Telephone: 317/632-5633
Of Counsel, Austin & Jones, P.C.
One North Pennsylvania, Suite 220
Indianapolis, IN 46204

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

Date: February 13, 2015

Signature of Clerk or Deputy Clerk

Civil Action No. \_\_\_\_\_

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*Server's signature*

\_\_\_\_\_  
*Printed name and title*

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Additional information regarding attempted service, etc:

AO 440 (Rev. 06/12) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Southern District of Indiana

ASHLEE AND RUBY HENDERSON, et al.

Plaintiff(s)

v.

Civil Action No. 1:15-cv-220

DR. JEREMY P. ADLER, et al.

Defendant(s)

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address)

Dr. John Thomas, Tippecanoe County Board of Health
Tippecanoe County Health Department
629 N. 6th St.
Lafayette, IN 47901

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Karen Celestino-Horseman Telephone: 317/632-5633
Of Counsel, Austin & Jones, P.C.
One North Pennsylvania, Suite 220
Indianapolis, IN 46204

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

CLERK OF COURT

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Signature of Clerk or Deputy Clerk

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\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

\_\_\_\_\_  
*Server's address*

Additional information regarding attempted service, etc:

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UNITED STATES DISTRICT COURT

for the

Southern District of Indiana

ASHLEE AND RUBY HENDERSON, et al.

Plaintiff(s)

v.

Civil Action No. 1:15-cv-220

DR. JEREMY P. ADLER, et al.

Defendant(s)

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address)

Dr. Hsin-Yi Weng, Tippecanoe County Board of Health
Tippecanoe County Health Department
629 N. 6th St.
Lafayette, IN 47901

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

Karen Celestino-Horseman Telephone: 317/632-5633
Of Counsel, Austin & Jones, P.C.
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Date: \_\_\_\_\_

\_\_\_\_\_  
*Server's signature*

\_\_\_\_\_  
*Printed name and title*

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*Server's address*

Additional information regarding attempted service, etc: