

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, <i>et al.</i> ,)	
)	No. 1:15-cv-220-TWP-MJD
Plaintiffs)	
)	
v.)	
)	
DR. JEROME M. ADAMS, in his official capacity as)	
Indiana State Health Commissioner, <i>et al.</i> ,)	
)	
Defendants.)	

UNOPPOSED MOTION TO EXTEND TIME TO FILE FOR
ATTORNEYS' FEES AND COSTS

Ashlee and Ruby Henderson, a married couple and L.W.C.H., by his parent and next friend Ruby Henderson; Nicole and Jennifer Singley and H.S., by his parent and next friend, Jennifer Singley; Nicki and Tonya Bush-Sawyer and I.J.B-S by his mother and next friend Nicki Bush-Sawyer; Lyndsey and Cathy Bannick, a married couple and H.N.B. by his parent and next friend, Lyndsey Bannick; Calle and Sarah Janson and Unborn Baby Doe by his/her next friend and mother-to-be Calle Janson; Nikkole McKinley-Barrett and Donnica Barrett, a married couple and G.R.M.B., by his mother and next friend, Donnica Barrett; Noell and Crystal Allen, a married couple; and, Jackie and Lisa Phillips-Stackman, a married couple and L.J.P-S, by her mother and next friend, Lisa-Phillips-Stackman, (all hereinafter "Plaintiffs") by counsel, hereby state as follows:

1. On June 30, 2016, this Court entered final judgment in favor of Plaintiffs.

2. On July 18, 2016, Defendants, Indiana State Health Commissioner filed a motion to alter or amend the Court's judgment.

3. Plaintiffs are entitled to an award of their reasonable attorneys' fees and costs as the prevailing parties in this case.

4. The Court's entry of June 30, 2016 allows the plaintiffs to file their petition for attorneys' fees within 30 days of the entry.

5. The State has indicated to counsel for plaintiffs that it is intending to appeal the Court's decision. Therefore, absent an extension of time, Plaintiffs will have to file for their fees and costs during the pendency of Defendant's appeal.

6. It will promote judicial economy to extend the time for plaintiffs to file for costs and fees until after all appellate remedies are completed.

7. Plaintiffs therefore request that the time to file for fees and costs be extended until a) 30 days after the time to file a Notice of Appeal has run, if no notice has been filed; b) if an appeal is filed, 95 days after the Seventh Circuit issues its decision in this case or the case is otherwise resolved in the Seventh Circuit, or c) 35 days after any proceedings in the United States Supreme Court are resolved, whichever is later.

8. Counsel has consulted with Thomas Fisher, Solicitor

General and lead counsel for the Defendants, and Heather McVeigh, Deputy Attorney General, and has been advised that there is no objection to this motion.

9. This motion is not made for any dilatory purpose, nor should it have any such effect.

WHEREFORE, Plaintiffs, by counsel, request that the time for filing for reasonable attorneys' fees be extended, as noted above, and for all other proper relief.

Respectfully submitted,

/s/ Karen Celestino-Horseman

Karen Celestino-Horseman
Of Counsel, Austin & Jones, P.C.
One N. Pennsylvania St.
Suite 220
Indianapolis, IN 46204
Tel: (317) 632-5633
Fax: (317) 630-1040
E-mail: karen@kchorseman.com

/s/ William R. Groth

William R. Groth
Fillenwarth Dennerline Groth &
& Towe, LLP
429 E. Vermont St.
Suite 200
Indianapolis, IN 46202
Tel: (317) 353-9363
Fax: (317) 351-7232
E-mail: wgroth@fdgtlaborlaw.com

/s/ Raymond L. Faust

Raymond L. Faust
House Reynolds & Faust LLP
11711 North Pennsylvania St.
Suite 190
Carmel, IN 46032
Tel: (317) 564-8490
Fax: (317) 564-8499
Email: rfaust@housereynoldsfaust.com

/s/ Richard A. Mann

Richard A. Mann
Richard A. Mann, P.C.
3750 Kentucky Ave.
Indianapolis, IN 46221
Tel: (317) 388-5600
Fax: (317) 388-5630
E-mail: RMann@mannlaw.us

/s/ Megan Gehring

Richard A. Mann, P.C.
3750 Kentucky Ave.
Indianapolis, IN 46221
Tell: (317) 388-5600
Fax: (317) 388-5630
Email: MGehring@mannlaw.us

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing *Unopposed Motion To Extend Time To File For Attorneys' Fees And Costs* was filed electronically on the 20th day of July, 2016. Notice of this filing will be sent to all counsel of record by operation of the Court's electronic filing system.

/s/Karen Celestino-Horseman

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, *et al.*,)

Plaintiffs)

v.)

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

Defendants.)

No. 1:15-cv-220-TWP-MJD

ORDER GRANTING UNOPPOSED MOTION TO EXTEND TIME TO FILE
FOR ATTORNEYS' FEES AND COSTS

Plaintiffs having filed their Unopposed Motion to Extend Time to File for Attorneys' Fees and Costs, and the Court having read the motion, and being duly advised, finds that good cause exists to GRANT it.

IT IS THEREFORE ORDERED that Plaintiffs are granted an extension of time to file for their reasonable attorneys' fees and costs until a) 30 days after the time to file a Notice of Appeal has run, if no notice has been filed; b) if an appeal is filed, 95 days after the Seventh Circuit issues its decision in this case or the case is otherwise resolved in the Seventh Circuit, or c) 35 days after any proceedings in the United States Supreme Court are resolved, whichever is later.

Date

Judge, U.S. District Court

Copies to all counsel of record via CM/ECF