



UNITED STATES DISTRICT COURT
Southern District of Indiana

Laura A. Briggs, Clerk of Court

Birch Bayh Federal Building
& U.S. Courthouse, Room 105
46 East Ohio Street
Indianapolis, IN 46204
(317) 229-3700

U.S. Courthouse, Room 104
921 Ohio Street
Terre Haute, IN 47807
(812) 231-1840

Winfield K. Denton Federal Building
& U. S. Courthouse, Room 304
101 NW Martin Luther King Blvd.
Evansville, IN 47708
(812) 434-6410

Lee H. Hamilton Federal Building
& U.S. Courthouse, Room 210
121 West Spring Street
New Albany, IN 47150
(812) 542-4510

January 23, 2017

Raymond L. Faust
NORRIS CHOPLIN & SCHROEDER LLP
101 West Ohio Street, Ninth Floor
Indianapolis, IN 46204

Megan L. Gehring
Richard A. Mann
RICHARD A. MANN, PC
3750 Kentucky Avenue
Indianapolis, IN 46221

William R. Groth
FILLENWARTH DENNERLINE GROTH & TOWE
429 E. Vermont Street, Suite 200
Indianapolis, IN 46202

Karen Celestino-Horseman
AUSTIN & JONES, PC
One North Pennsylvania, Suite 220
Indianapolis, IN 46204

Thomas M. Fisher
Cale A. Bradford
Lara K. Langeneckert
OFFICE OF THE ATTORNEY GENERAL
302 West Washington Street
IGCS - 5th Floor
Indianapolis, IN 46204

RE: ASHLEE HENDERSON, et al v. JEROME ADAMS, et al

CAUSE NO: 1:15-cv-00220-TWP-MJD

Dear Appellant and Appellee:

Please be advised that the Notice of Appeal filed in 1:15-cv-00220-TWP-MJD has been forwarded to the United States Court of Appeals for the Seventh Circuit. The Clerk of the Seventh Circuit will assign an appellate case number, docket the appeal, and notify case participants of the Seventh Circuit case number assigned to this matter.

Filing a "Designation of Record" in the U.S. District Court case helps ensure that the appropriate documents (*e.g.*, pleadings and attachments, briefs, exhibits) are effectively transmitted to the Seventh Circuit. A copy of the docket sheet in this case has been included for your convenience. The docket sheet may be annotated (by circling docket numbers, or highlighting electronically) to identify the docket entries that are to be included in the appellate record, then attached as an exhibit to the Designation of Record. The designation may also simply list the docket entry numbers (all attachments to each entry will be included) along with a description of the designated documents.

Please review [Southern District of Indiana Local Rule 76-1](#) and [Seventh Circuit Rule 10](#) (enclosed) for guidance regarding the designation of a record, and comply with the provisions of [Federal Rule of Civil Procedure 5](#) when filing the designation.

Please contact the Clerk's office with any questions or concerns.

Sincerely,
Laura A. Briggs,
Clerk of Court

By Laura Townsend, Deputy Clerk
812-542-4511

Selected Rules for Reference

Local Rule 76-1 - Designating Additional Items For Record on Appeal

An appellant designating items for the record on appeal under Circuit Rule 10(a) must serve a proposed joint designation on the appellee with the notice of appeal. The parties must then confer and, if they agree, prepare a joint designation, highlighting those entries on the court's docket sheet if it is practical to do so. The joint designation must be filed with the clerk within 14 days after the notice of appeal is filed. If the parties cannot reach agreement on a joint designation, each party must submit a separate designation within 14 days after filing the notice of appeal.

NOTE: The complete Local Rules for the U.S. District Court, Southern District of Indiana, are available at: <http://www.insd.uscourts.gov/local-rules>

CIRCUIT RULE 10. Preparation of Record in District Court Appeals

(a) *Record Preparation Duties*. The clerk of the district court shall prepare within 14 days of filing the notice of appeal the original papers, transcripts filed in the district court, and exhibits received or offered in evidence (with the exceptions listed below). The transcript of a deposition is "filed" within the meaning of this rule, and an exhibit is "received or offered," to the extent that it is tendered to the district court in support of a brief or motion, whether or not the rules of the district court treat deposition transcripts or exhibits as part of the record. These materials may be designated as part of the record on appeal without the need for a motion under Fed. R. App. P. 10(e). Counsel must ensure that exhibits and transcripts to be included in the record which are not in the possession of the district court clerk are furnished to the clerk within fourteen days after the filing of the notice of appeal. The following items will not be included in a record unless specifically requested by a party by item and date of filing within fourteen days after the notice of appeal is filed or unless specifically ordered by this court:

- briefs and memoranda,
- notices of filings,
- subpoenas,
- summonses,
- motions to extend time,
- affidavits and admissions of service and mailing,
- notices of settings,
- depositions and notices, and
- jury lists.

(b) *Correction or Modification of Record*. A motion to correct or modify the record pursuant to Rule 10(e), Fed. R. App. P., or a motion to strike matter from the record on the ground that it is not properly a part thereof shall be presented first to the district court. That court's order ruling on the motion will be transmitted to this court as part of the record.

(c) *Order or Certification with Regard to Transcript*. Counsel and court reporters are to utilize the form prescribed by this court when ordering transcripts or certifying that none will be ordered. For specific requirements, see Rules 10(b) and 11(b), Fed. R. App. P.

(d) *Ordering Transcripts in Criminal Cases*.

(1) *Transcripts in Criminal Justice Act Cases*. At the time of the return of a verdict of guilty or, in the case of a bench trial, an adjudication of guilt in a criminal case in which the defendant is represented by counsel appointed under the Criminal Justice Act (C.J.A.), counsel for the defendant shall request a transcript of testimony and other relevant proceedings by

completing a C.J.A. Form No. 24 and giving it to the district judge. If the district judge believes an appeal is probable, the judge shall order transcribed so much of the proceedings as the judge believes necessary for an appeal. The transcript shall be filed with the clerk of the district court within 40 days after the return of a verdict of guilty or, in the case of a bench trial, the adjudication of guilt or within seven days after sentencing, whichever occurs later. If the district judge decides not to order the transcript at that time, the judge shall retain the C.J.A. Form No. 24 without ruling. If a notice of appeal is filed later, appointed counsel or counsel for a defendant allowed after trial to proceed on appeal in forma pauperis shall immediately notify the district judge of the filing of a notice of appeal and file or renew the request made on C.J.A. Form No. 24 for a free transcript.

(2) *Transcripts in Other Criminal Cases.* Within 14 days after filing the notice of appeal in other criminal cases, the appellant or appellant's counsel shall deposit with the court reporter the estimated cost of the transcript ordered pursuant to Rule 10(b), Fed. R. App. P., unless the district court orders that the transcript be paid for by the United States. A non-indigent appellant must pay a pro rata share of the cost of a transcript prepared at the request of an indigent co-defendant under the Criminal Justice Act unless the district court determines that fairness requires a different division of the cost. Failure to comply with this paragraph will be cause for dismissal of the appeal.

(e) *Indexing of Transcript.* The transcript of proceedings to be transmitted to this court as part of the record on appeal (and any copies prepared for the use of the court or counsel in the case on appeal) shall be bound by the reporter in a volume or volumes, with the pages consecutively numbered throughout all volumes. The transcript of proceedings, or the first volume thereof, shall contain a suitable index, which shall refer to the number of the volume as well as the page, shall be cumulative for all volumes, and shall include the following information:

(1) An alphabetical list of witnesses, giving the pages on which the direct and each other examination of each witness begins.

(2) A list of exhibits by number, with a brief description of each exhibit indicating the nature of its contents, and with a reference to the pages of the transcript where each exhibit has been identified, offered, and received or rejected.

(3) A list of other significant portions of the trial such as opening statements, arguments to the jury, and instructions, with a reference to the page where each begins.

When the record includes transcripts of more than one trial or other distinct proceeding, and it would be cumbersome to apply this paragraph to all the transcripts taken together as one, the rule may be applied separately to each transcript of one trial or other distinct proceeding.

(f) *Presentence Reports.* The presentence report is part of the record on appeal in every criminal case. The district court should transmit this report under seal, unless it has already been placed in the public record in the district court. If the report is transmitted under seal, the report may not be included in the appendix to the brief or the separate appendix under Fed. R. App. P. 30 and Circuit Rule 30. Counsel of record may review the presentence report at the clerk's office but may not review the probation officer's written comments and any other portion submitted in camera to the trial judge.

(g) *Effect of Omissions from the Record on Appeal.* When a party's argument is countered by a contention of waiver for failure to raise the point in the trial court or before an agency, the party opposing the waiver contention must give the record cite where the point was asserted and also ensure that the record before the court of appeals contains the relevant document or transcript.

NOTE: The complete **Federal Rules of Appellate Procedure & Rules of the 7th Circuit Court of Appeals** are available at: <http://www.ca7.uscourts.gov/Rules/Rules/rules.pdf>

THE SETTLEMENT CONFERENCE PROGRAM
U.S. COURT OF APPEALS FOR THE SEVENTH CIRCUIT

Pursuant to Rule 33 of the Federal Rules of Appellate Procedure¹ and Circuit Rule 33, the Court conducts conferences with counsel and clients to encourage and facilitate the settlement of civil appeals. Rule 33 conferences are conducted in all types of fully-counseled civil appeals except immigration, social security, habeas corpus, prisoners' civil rights, sentencing, and mandamus cases. The Court spontaneously notices most eligible appeals for Rule 33 conferences. Attorneys for one or more parties may also request that a conference be conducted in any eligible case.

Counsel and clients are well-advised to explore opportunities for settlement at the appellate level. Regardless of how unlikely it may seem, the fact is that many cases can be settled at this stage, substituting a certain and acceptable outcome for the risk and expense of further litigation. The Court's Settlement Conference Office has assisted counsel in settling many appeals without unduly delaying the progress of those appeals which do not yield to settlement efforts. The following information is intended to assist practitioners and their clients in understanding how the Seventh Circuit's settlement conference program works and how they can make the best use of it to achieve favorable results.

▪ **How do counsel learn that a Rule 33 conference will be conducted in their appeal?**

A Notice of Rule 33 Settlement Conference is posted on the docket. The Notice is an order of the Court advising counsel of the date and time of the conference, whether it is to be in person or by telephone, and how they and their clients are expected to prepare.

▪ **How can a Rule 33 conference be requested?**

Counsel are invited to request a Rule 33 conference by contacting the Settlement Conference Office, U.S. Court of Appeals for the Seventh Circuit, 219 S. Dearborn, Room 1120, Chicago, Illinois 60604-1705 (Tel. (312) 435-6883/Fax (312) 435-6888/E-mail: settlement@ca7.uscourts.gov). At the request of any party or parties in an eligible appeal, the Settlement Conference Office will schedule a Rule 33 conference if its calendar permits. Counsel are then advised by notice that a conference will be held.

▪ **Do other parties have to be informed that a conference was requested?**

No. If a party prefers to keep its request confidential, the Settlement Conference Office will not disclose to other parties or to the Court that the conference was requested.

▪ **Is participation in Rule 33 conferences optional?**

No. When a Rule 33 conference is scheduled, participation is mandatory.

▪ **Are clients required to attend?**

Clients and insurance representatives are required to attend Rule 33 conferences whenever the Settlement Conference Office so directs. When clients or insurance representatives have not been directed to attend the initial conference, they must be available by phone – with full settlement authority – for the duration of the conference.

▪ **Is it mandatory to settle?**

No. Whether to settle is ultimately for the parties and their counsel to decide. However, counsel and parties are required to participate with the utmost diligence and good faith. Experience shows that settlements can often be achieved when neither side thought it possible.

¹ FRAP Rule 33 provides: "Appeal Conferences. The Court may direct the attorneys, and in appropriate cases the parties, to participate in one or more conferences to address any matter that may aid in the disposition of the proceedings, including the simplification of the issues and the possibility of settlement. A conference may be conducted in person or by telephone and be presided over by a judge or other person designated by the court for that purpose. Before a settlement conference, attorneys must consult with their clients and obtain as much authority as feasible to settle the case. As a result of a conference, the court may enter an order controlling the course of the proceedings or implementing any settlement agreement."

▪ **Who conducts Rule 33 conferences?**

The Court has delegated the responsibility for conducting Rule 33 conferences to three full-time conference attorneys: Joel N. Shapiro, Rocco J. Spagna, and Jillisa Brittan. All were civil litigators in private practice prior to their appointment by the Court.

▪ **Is there a fee for the services of the conference attorney?**

No. The assistance of the Settlement Conference Office is available to appellate litigants at no charge.

▪ **Must each party's lead attorney attend the Rule 33 conference?**

Yes. It is essential that each party be represented at the Rule 33 conference by an attorney who not only is conversant with the case but is the attorney on whose advice the party relies. If more than one attorney meets these criteria, either of them may represent the client in the Rule 33 conference.

▪ **How is it decided whether a Rule 33 conference will be conducted by telephone or in person?**

When all participants reside in the Chicago metropolitan area, Rule 33 conferences are usually held in the Settlement Conference Office at the United States Courthouse. Otherwise, conferences are generally conducted by telephone. The telephone equipment used in these conferences can accommodate more than a dozen separate lines and enables the conference attorney to speak privately with any combination of participants. Experience indicates that telephone conferences are generally as effective as in-person conferences in fostering settlements.

▪ **Are in-person conferences ever held outside Chicago?**

Because the resources of the settlement conference program are limited, in-person conferences cannot routinely be held throughout the Circuit. However, from time to time in-person conferences are conducted at locations other than Chicago. If the participants believe that an in-person conference outside Chicago would be more productive than a conference by telephone, they are welcome to suggest it.

▪ **Are Rule 33 conferences confidential?**

Yes. The Court requires all participants to keep what is said in these conferences strictly confidential. Communications, oral and written, which take place in the course of Rule 33 proceedings may not be disclosed to anyone other than the litigants, their counsel, and the conference attorney.

▪ **Do judges of the Court of Appeals learn what has happened at a Rule 33 conference?**

No. Participants in Rule 33 conferences, including the conference attorney, are forbidden to impart to any judge or other court personnel, in the Court of Appeals or elsewhere, what has been communicated in these conferences.

▪ **What occurs at a Rule 33 conference?**

Rule 33 conferences are official proceedings of the Court but are off-the-record and relatively informal. Discussion is conversational rather than argumentative. The focus is on realistically assessing the prospects of the appeal, the risks and costs of further litigation, the interests of the parties, and the benefits each side can gain through settlement. The conference attorney ordinarily meets with counsel both together and separately. Settlement proposals are discussed. A resolution may or may not be reached during the initial conference. Often, follow-up conferences or shuttle negotiations are conducted. Letters or draft proposals may be exchanged. By the conclusion of the Rule 33 process, the parties will have either reached an agreement to settle or learned how far apart they are and what are the remaining obstacles to settlement.

▪ **Is discussion of settlement limited to the appeal itself?**

Not necessarily. If settlement of the appeal will not dispose of the entire case, or if related litigation is pending in other forums, the parties are invited and encouraged to explore the possibility of a global settlement.

▪ **Is briefing deferred when a Notice of Rule 33 Conference is issued?**

Briefing is usually postponed until after the initial conference. If further modification of the briefing schedule would be conducive to settlement, an order to that effect may later be entered. What preparation is required of

counsel? In preparation for the initial Rule 33 conference, attorneys are required to consult rigorously with their clients and obtain as much authority as feasible to settle the case. Counsel must also review their legal and factual contentions with a view to being able to discuss candidly the prospects of the appeal and the case as a whole. If the conference attorney requests copies of pleadings, hearing transcripts, or other material in anticipation of the conference, counsel are expected to provide it promptly.

▪ **What is the role of the conference attorney?**

Because the format of Rule 33 conferences is flexible and each appeal is dealt with on its own terms, the conference attorney plays a variety of roles. He or she acts as moderator, facilitator, and intermediary. The conference attorney serves as a neutral evaluator and a reality check. He or she may suggest terms of settlement. Without being coercive, the conference attorney acts as a determined advocate for settlement.

▪ **What can counsel expect of the conference attorney?**

Before the initial conference, the conference attorney will have familiarized him or herself with the history of the litigation, the posture of the case, and the issues on appeal. During the conference, the conference attorney will seek additional information about the background of the dispute and the parties' interests, claims and defenses in order to explore all possibilities for a voluntary resolution. The conference attorney is strictly impartial. He or she does not advocate for any party and avoids making comments that could advantage one side or another in arguing the issues on appeal. The conference attorney will disclose any affiliation or prior representation of which he or she is aware that could call his or her neutrality into question. The conference attorney does not force any party to settle or to accept terms it is not willing to accept. While he or she urges parties to take advantage of opportunities to settle favorably, the conference attorney recognizes that settlement is not always possible.

▪ **How can counsel make best use of the Rule 33 conference to benefit their clients?**

Recognize that the Rule 33 conference is an opportunity to achieve a favorable outcome for your client. Without laying aside the advocate's responsibility, approach the conference as essentially cooperative rather than adversarial. Help your client make settlement decisions based not on overconfidence or wishful thinking, but on a realistic assessment of the case; not on emotion, however justified it may be, but on rational self-interest. Suggest terms of settlement that maximize the benefits of settlement for all parties. Take advantage of the opportunity to talk confidentially and constructively with counsel for the other parties and, if clients are present, to address them respectfully but convincingly. Let the conference attorney know how he or she can help you obtain a satisfactory resolution. Be candid. Don't posture. Listen closely to what other participants have to say. Give the process a chance to work.

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

ASHLEE and RUBY HENDERSON, a married)	
couple and L.W.C.H., <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	
vs.)	No. 1:15-cv-220-TWP-MJD
)	
DR. JEROME M. ADAMS, in his official capacity)	
as Indiana State Health Commissioner,)	
)	
Defendant.)	

NOTICE OF APPEAL TO THE SEVENTH CIRCUIT

Notice is hereby given that Defendant Dr. Jerome M. Adams, in his official capacity as Indiana State Health Commissioner, appeals to the United States Court of Appeals for the Seventh Circuit the following:

1. The Permanent Injunction Enjoining the Enforcement of Indiana Code §§ 31-9-2-15, 31-9-2-16, and 31-14-7-1 (ECF No. 117) entered by the District Court on June 30, 2016;
2. The Final Judgment Pursuant to Fed. R. Civ. Pro. 58 (ECF No. 118) entered by the District Court on June 30, 2016; and
3. The Entry on Defendant’s Motion to Alter or Amend Judgment (ECF No. 130) entered by the District Court on December 30, 2016.

Respectfully submitted,

CURTIS T. HILL, JR.
Attorney General of Indiana

January 20, 2017

By: s/ Thomas M. Fisher
 Thomas M. Fisher
 Solicitor General
 (Counsel of Record)
 Lara Langeneckert

Cale Addison Bradford
Deputy Attorneys General

Office of the Attorney General
302 W. Washington St.
IGC-South, Fifth Floor
Indianapolis, IN 46204-2770
Phone: (317) 232-6255
Fax: (317) 232-7979
Email: Tom.Fisher@atg.in.gov

CERTIFICATE OF SERVICE

I hereby certify that on January 20, 2017, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which sent notification of such filing to all counsel of record.

s/ Thomas M. Fisher
Thomas M. Fisher
Solicitor General

Office of the Attorney General
302 W. Washington St.
IGC-South, Fifth Floor
Indianapolis, IN 46204-2770
Phone: (317) 232-6255
Fax: (317) 232-7979
Email: Tom.Fisher[atg.in.gov]

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

ASHLEE and RUBY HENDERSON, a married)	
couple and L.W.C.H., <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	
vs.)	No. 1:15-cv-220-TWP-MJD
)	
DR. JEROME M. ADAMS, in his official capacity)	
as Indiana State Health Commissioner,)	
)	
Defendant.)	

DOCKETING STATEMENT OF DEFENDANT-APPELLANT

In compliance with Rule 3 of the Federal Rules of Appellate Procedure and Seventh Circuit Rule 3(c), Defendant-Appellant Dr. Jerome M. Adams, in his official capacity as Indiana State Health Commissioner, submits this docketing statement.

1. **Statement of District Court Jurisdiction:** Plaintiffs brought this action in the District Court under 28 U.S.C. § 1983 seeking a declaration that Indiana Code sections 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. ECF No. 1, Complaint. Accordingly, the District Court had federal question jurisdiction under 28 U.S.C. § 1331.

2. **Statement of Appellate Jurisdiction:** On June 30, 2016, the District Court issued a Final Judgment, stating as follows: “The Court having this made its Entry directing the entry of final judgment, the Court now enters **FINAL JUDGMENT.**” ECF No. 118, Final Judgment Pursuant to Fed. R. Civ. Pro. 58. On July 18, 2016, Defendant timely filed a Rule 59(e) Motion to Alter or Amend Judgment. ECF No. 119, Defendant’s Motion to Alter or Amend Judgment. In that motion, Defendant asserted the District Court lacked jurisdiction “to enter a declaration or

injunction governing enforcement of Indiana Code §§ 31-9-2-15 and 31-9-2-16” and asked the Court to alter or amend its judgment with respect to adjudication of the constitutionality of those statutes. *Id.*

In its Rule 59(e) Motion, Defendant also requested the District Court to alter or amend its judgment to clarify:

1. “[W]hether the Court ha[d] declared Indiana Code §§ 31-9-2-15, 31-9-2-16, and 31-14-7-1 facially invalid, or invalid only as applied”;
2. “[W]hether the Court intend[ed] for its judgment and injunction to apply to wives of all birth mothers or only to wives of birth mothers who conceived through artificial insemination by anonymous donor”; and
3. “[W]hether, as declared by the Court, the presumption of parenthood for wives of birth mothers is rebuttable under any circumstances, such as under Indiana Code § 31-14-7-1.”

Id.

On December 30, 2016, the District Court held it had proper jurisdiction and denied Defendant’s request to remove any declaration or injunction directed at Indiana Code sections 31-9-2-15 and 31-9-2-16. ECF No. 130. It granted each of Defendant’s requests for the District Court to alter or amend the judgment by clarifying its ruling, thereby completely disposing of Defendant’s motion. *Id.*

This is not a direct appeal from the decision of a magistrate judge. A Notice of Appeal is being filed contemporaneously with this Docketing Statement on January 20, 2017.

3. **Prior or Related Appellate Proceedings:** There are no prior or related appellate proceedings.

4. **Current Occupants of Offices Appearing in Their Official Capacities:** The Complaint names the Indiana State Health Commissioner in his official capacity. Dr. Jerome M. Adams currently holds that position.

Respectfully submitted,
CURTIS T. HILL, JR.
Attorney General of Indiana

January 20, 2017

By: s/ Thomas M. Fisher
Thomas M. Fisher
Solicitor General
(Counsel of Record)
Lara Langeneckert
Cale Addison Bradford
Deputy Attorneys General

Office of the Attorney General
302 W. Washington St.
IGC-South, Fifth Floor
Indianapolis, IN 46204-2770
Phone: (317) 232-6255
Fax: (317) 232-7979
Email: Tom.Fisher@atg.in.gov

CERTIFICATE OF SERVICE

I hereby certify that on January 20, 2017, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which sent notification of such filing to all counsel of record.

s/ Thomas M. Fisher
Thomas M. Fisher
Solicitor General

Office of the Attorney General
302 W. Washington St.
IGC-South, Fifth Floor
Indianapolis, IN 46204-2770
Phone: (317) 232-6255
Fax: (317) 232-7979
Email: Tom.Fisher[atg.in.gov]

**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

ENTRY ON CROSS-MOTIONS FOR SUMMARY JUDGMENT

The disputes in this matter surround complex legal issues following the United States Supreme Court’s mandate that legally married same-sex couples in the United States are entitled to the same privileges and benefits as legally married heterosexual couples. The Plaintiffs in this case are female, same-sex married couples and their children whose birth certificates list only the birth mother as a parent with no second parent. The Plaintiffs seek injunctive relief to list both the birth mother and her same-sex spouse on their children’s birth certificates and to have their children recognized as children born in wedlock. They also seek declaratory judgment 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 Defendants assert that Plaintiffs’ claims must fail because the challenged statutes impinge no fundamental rights and in any event are narrowly tailored to vindicate compelling state interests.

Before the Court are cross-motions for summary judgment filed pursuant to Federal Rule of Civil Procedure 56. Plaintiffs 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, 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 (collectively “the Plaintiffs”) filed their motion on December 4, 2015 ([Filing No. 77](#)). Shortly thereafter, Tippecanoe County Defendants ([Filing No. 82](#)), and Marion County Defendants, Bartholomew County Defendants, Vigo County Defendants, and the State Defendant¹ ([Filing No. 84](#)), filed cross-motions for summary judgment.

The parties request summary judgment on the Plaintiffs’ claims for injunctive relief and declaratory judgment. For the following reasons, the Court **GRANTS** the Plaintiffs’ Motion for Summary Judgment against the State Defendant, **GRANTS** the Tippecanoe County Defendants’ Motion for Summary Judgment, and **DENIES** the State Defendant’s Motion for Summary Judgment.

¹ The State and County Defendants are (1) Dr. Jerome M. Adams in his official capacity as Commissioner of the Indiana State Department of Health (“State Defendant”); (2) 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 County (collectively “Marion County Defendants”); (3) 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 (collectively “Tippecanoe County Defendants”); (4) 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 (collectively “Bartholomew County Defendants”); and (5) 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 (collectively “Vigo County Defendants”).

I. BACKGROUND

The parties essentially do not dispute the key background facts. Where there is a disputed fact, the Court has construed all inferences in the light most favorable to the non-moving party.

A. The Plaintiffs

Plaintiffs Ashlee and Ruby Henderson were lawfully married in Tippecanoe County, Indiana on November 11, 2014. Prior to their marriage, the couple had been together for over eight years and decided they wanted a child in their family. After the couple's artificial conception of L.W.C.H., the Indiana statute prohibiting same-sex marriage was declared unconstitutional, so Ashlee and Ruby married.

During the week of November 2, 2014, the couple contacted IU Health Arnett Hospital, where L.W.C.H. would be born, to ask if both spouses would be listed on the birth certificate as parents of L.W.C.H. after the couple was married. The couple was told to contact the Tippecanoe County Health Department. On the same day, the couple contacted the Tippecanoe County Health Department and were told that Ashlee would not be listed on the birth certificate as a parent of L.W.C.H. without a court order.

L.W.C.H. was born on December 22, 2014, at IU Health Arnett Hospital in Lafayette, Indiana. After the child's birth, Ruby was asked to complete the Indiana Birth Worksheet. The couple revised each question asking for information regarding the father of the child by replacing the term "father" with the term "Mother #2." All information provided regarding "Mother #2" related to Ashlee, the legal spouse of Ruby who was the birth mother. On January 22, 2015, the Tippecanoe County Health Department issued L.W.C.H.'s birth certificate, which noted only Ruby Henderson as a parent.

Plaintiffs Elizabeth and Tonya Bush-Sawyer were lawfully married in Washington, D.C. in 2010. They artificially conceived I.J.B-S, who was born on January 10, 2014. When I.J.B-S was born, Elizabeth, the birth mother, completed the Indiana Birth Worksheet, providing Tonya's information for all the questions that asked about the father of the child. After returning home from the hospital with I.J.B-S, the couple received a birth confirmation letter that listed both women as the parents of I.J.B-S and that listed the child's name as a hyphenated version of both their last names. In March 2014, Elizabeth went to the Marion County Health Department to obtain I.J.B-S's birth certificate. At the health department, she was told there was something wrong, and she would need to return the next day. When she returned, Elizabeth was presented with a birth certificate that listed her as the only parent of I.J.B-S, and the child's name had been changed from I.J.B-S to I.J.B. Shortly thereafter, Elizabeth and Tonya received a new social security card for I.J.B-S, which listed the name as I.J.B.

Tonya is seeking a stepparent adoption. She is required to undergo fingerprinting and a criminal background check in addition to submitting her driving record, her financial profile, and the veterinary records for any pet living in the home. A home study is being conducted, which examines the relationship history of Elizabeth and Tonya, requires them to write an autobiography and to discuss their parenting philosophy, and requires them to open their home for inspection. The cost for their stepparent adoption is approximately \$4,200.00 ([Filing No. 79-1 at 3-4](#)).

Nicole and Jennifer Singley were lawfully married in January 2014. The couple artificially conceived a baby, and on March 29, 2015, H.S. was delivered by Jennifer. Nicole was not listed as a parent on the birth certificate of H.S. Nicole is an active duty member of the U.S. Army and is entitled to all the benefits available to members of the Army, including health insurance. Currently, her family is covered by military health insurance. H.S. is eligible for healthcare

coverage under the military insurance program because H.S. is considered to be the stepchild of Nicole. If Jennifer should predecease H.S., then H.S. will no longer be eligible for Nicole's health insurance and other military benefits (such as in-state tuition) because Nicole no longer will be considered his stepparent.

Lyndsey and Cathy Bannick were lawfully married in Iowa in October 2013. They decided to have a child, and Lyndsey was artificially inseminated. H.N.B. was born to the couple on May 8, 2015, in Bartholomew County, Indiana. Cathy's information was provided on the Indiana Birth Worksheet so that she could be listed as the second parent on H.N.B.'s birth certificate. However, Lyndsey was the only parent listed on the birth certificate.

Calle and Sarah Janson were lawfully married in Indianapolis on June 27, 2014. They decided to have a child, and through artificial conception, Calle became pregnant. F.G.J. was born to the couple on December 1, 2015; however, F.G.J.'s birth certificate does not list Sarah as a parent.

Nikkole McKinley-Barrett and Donnica Barrett were lawfully married on June 25, 2014, and they have been together for approximately twelve years. They decided to have a child together, and Donnica was artificially inseminated. G.R.M.B. was born to the couple on April 3, 2015, in Vigo County, Indiana. Nikkole's information was provided on the Indiana Birth Worksheet so that she could be listed as the second parent on G.R.M.B.'s birth certificate. However, Donnica was the only parent listed on the birth certificate.

Noell and Crystal Allen were lawfully married in New York City on November 22, 2013. They had already been together fourteen years. They have a daughter, E.A., who was conceived through artificial insemination and delivered by Noell. Crystal subsequently adopted E.A., and both Noell and Crystal are legal parents of E.A.

The couple decided that they wanted to add to their family, and Crystal also wanted the experience of giving birth. With the aid of intra-uterine insemination, Crystal became pregnant. Their twins, Ashton and Alivea Allen, were born prematurely on November 21, 2015, and died the same day. The following day, hospital staff informed the couple that Noell would not be listed on the twins' birth certificates. Noell was later informed by the Indiana State Department of Health ("ISDH") that the State was unwilling to add Noell to the birth certificates in the absence of a court order. Because the twins are deceased, Noell cannot adopt them to become their legal parent. While Noell is not listed as a parent on the birth certificates, she is listed as a parent on the twins' death certificates.

Jackie and Lisa Phillips-Stackman were lawfully married on October 5, 2015. Together, they decided to have a child with the assistance of in vitro fertilization. Jackie's egg was fertilized with sperm from a third-party donor and then implanted in Lisa. Lisa carried the baby and then delivered on October 21, 2015. While at the hospital, hospital staff completed the Indiana Birth Worksheet with the couple. It was explained that only Lisa could be listed as a parent on the birth certificate and that Jackie could not be listed as a parent without a court order even though Jackie was the biological parent. Although the couple was lawfully married at the time of their child's birth, Jackie and Lisa received a notice from the Marion County Health Department explaining how a parent could be added to the birth certificate of a child born out of wedlock.

Jackie is a detective with the Indianapolis Metropolitan Police Department, and her health insurance provides coverage for L.J.P-S, who is considered Jackie's stepchild. Unfortunately, L.J.P-S suffers from serious medical problems. If Lisa should predecease L.J.P-S, because Jackie is not legally recognized as a parent of L.J.P-S, L.J.P-S would no longer qualify for health care under Jackie's insurance.

Each of the Plaintiff female, same-sex married couples agreed to have children together and conceived through various forms of assisted reproduction, using sperm from third-party donors. In each instance, the birth mother was listed on the child's birth certificate, but the same-sex spouse was not listed on the birth certificate as a parent. The non-birth mothers seek to be listed on their child's birth certificate and to be recognized as a parent. Each of the children were born during the couples' marriage, and the couples want their children to be recognized as being born in wedlock. The married couples have been informed that the non-birth mother may become a legally recognized parent only if she goes through the legal adoption process to adopt her child.

B. Indiana Birth Certificates

When children are born in Indiana, the procedure for creating and processing birth certificates for these newborns begins with the hospital staff working with the birth mother to complete the State of Indiana's "Certificate of Live Birth Worksheet." The Indiana Birth Worksheet was created by the State of Indiana as part of the Indiana Birth Registration System. Staff at the hospital upload the information provided on the Indiana Birth Worksheet to a State database. The county health department then receives notification that birth information has been added to the database. A notification letter to the birth mother is generated in a form provided by the State, which indicates that information has been received by the county health department and requests that the mother notify the county health department if there is an error with respect to the child's identifying information. The notification letter also informs the mother that a certified copy of the record of birth is available from the local health office. If a person wants to obtain a birth certificate, the individual is required to complete an "Application for a Certified Birth Certificate." The birth certificate application requires the individual to provide information required by the State of Indiana. Upon successful completion of the application, the county health

department will generate a birth certificate based on the information available to it through the State's database.

When the hospital staff and the birth mother complete the Indiana Birth Worksheet, the responses to questions 37 through 52 determine whether and what information concerning the identity of the child's father will appear on the birth certificate. Question 37 asks, "are you married to the father of your child." If the answer is "no," the birth mother is asked to go to question 38, and if the answer is "yes," the birth mother proceeds to questions 39 through 52. Question 38 asks if a paternity affidavit has been completed for the child. If the answer is "yes," the birth mother proceeds to questions 39 through 52. If the answer is "no," the birth mother is asked to skip questions 39 through 52 and go to question 53. Questions 39 through 52 pertain to information about the father. Thus, if the birth mother indicates that she is not married to the father of the child and that a paternity affidavit has not been completed, there would be no information about the father provided on the Indiana Birth Worksheet and, consequently, no information about the father would be available when the birth certificate is generated.

Question 11 of the Indiana Birth Worksheet asks, "What will be your BABY'S legal name (as it should appear on the birth certificate)?" Regardless of how the birth mother answers question 11, Indiana law requires that a "child born out of wedlock" be given the mother's surname unless a paternity affidavit dictates to the contrary. Ind. Code § 16-37-2-13.

ISDH is statutorily charged with providing a system of vital statistics in Indiana. Among other things, ISDH prescribes information to be contained in each kind of application or certificate of vital statistics, administers the putative father registry, and establishes the Indiana Birth Registration System for recording in an electronic format all live births in Indiana. Records of

births submitted to the Indiana Birth Registration System are submitted by physicians, persons in attendance at birth, or local health departments using the electronic system created by ISDH.

Within five days of the birth, a certificate of birth or paternity affidavit must be filed using the Indiana Birth Registration System. The local health officer is required to make a permanent birth record of information from the certificate of birth. The record includes the child's name, sex, date of birth, place of birth, name of parents, birthplace of parents, date of filing the certificate of birth, the person in attendance at the birth, and the location of the birth. ISDH is charged with making corrections or additions to the birth certificate. Such additions or corrections can be made by ISDH upon receipt of adequate documentation, including the results of a DNA test or a paternity affidavit.

C. The Challenged Statutes

The Plaintiffs challenge the constitutionality of Indiana Code §§ 31-9-2-15, 31-9-2-16, and 31-14-7-1 under the Equal Protection Clause and Due Process Clause of the Fourteenth Amendment. Indiana Code §§ 31-9-2-15 and 31-9-2-16 define the terms "child born in wedlock" and "child born out of wedlock." Indiana Code § 31-14-7-1 establishes a presumption of paternity in a birth mother's husband.

Indiana Code § 31-9-2-15 states:

"Child born in wedlock", for purposes of IC 31-19-9, 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) or IC 31-14-7-1(2) unless the presumption is rebutted.

Indiana Code § 31-9-2-16 states:

"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).

Indiana Code § 31-14-7-1 states:

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.

The Plaintiffs assert that these statutes violate the Fourteenth Amendment's guarantees of equal protection and due process because they create a presumption of parenthood for men married to birth mothers but not for women married to birth mothers and because they stigmatize children born to same-sex married couples as children born out of wedlock.

On February 13, 2015, the Plaintiffs filed their Complaint, asking the Court for declaratory judgment that Indiana Code §§ 31-9-2-15, 31-9-2-16, and 31-14-7-1 are unconstitutional, for injunctive relief to list both the birth mother and her same-sex spouse on their children's birth certificates, and to recognize their children as being born in wedlock. The parties then filed cross-motions for summary judgment on the Plaintiffs' claims for injunctive relief and declaratory judgment. On April 8, 2016, the parties presented oral argument to the Court on the cross-motions for summary judgment.

II. SUMMARY JUDGMENT STANDARD

Federal Rule of Civil Procedure 56 provides that summary judgment is appropriate if “the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law.” *Hemsworth v. Quotesmith.com, Inc.*, 476 F.3d 487, 489–90 (7th Cir. 2007). In ruling on a motion for summary judgment, the court reviews “the record in the light most favorable to the non-moving party and draw[s] all reasonable inferences in that party’s favor.” *Zerante v. DeLuca*, 555 F.3d 582, 584 (7th Cir. 2009) (citation omitted). “However, inferences that are supported by only speculation or conjecture will not defeat a summary judgment motion.” *Dorsey v. Morgan Stanley*, 507 F.3d 624, 627 (7th Cir. 2007) (citation and quotation marks omitted). Additionally, “[a] party who bears the burden of proof on a particular issue may not rest on its pleadings, but must affirmatively demonstrate, by specific factual allegations, that there is a genuine issue of material fact that requires trial.” *Hemsworth*, 476 F.3d at 490 (citation omitted). “The opposing party cannot meet this burden with conclusory statements or speculation but only with appropriate citations to relevant admissible evidence.” *Sink v. Knox County Hosp.*, 900 F. Supp. 1065, 1072 (S.D. Ind. 1995) (citations omitted).

“In much the same way that a court is not required to scour the record in search of evidence to defeat a motion for summary judgment, nor is it permitted to conduct a paper trial on the merits of [the] claim.” *Ritchie v. Glidden Co.*, 242 F.3d 713, 723 (7th Cir. 2001) (citations and quotation marks omitted). “[N]either the mere existence of some alleged factual dispute between the parties nor the existence of some metaphysical doubt as to the material facts is sufficient to defeat a motion for summary judgment.” *Chiaromonte v. Fashion Bed Grp., Inc.*, 129 F.3d 391, 395 (7th Cir. 1997) (citations and quotation marks omitted).

These same standards apply when each party files a motion for summary judgment. The existence of cross-motions for summary judgment does not imply that there are no genuine issues of material fact. *R.J. Corman Derailment Serv., LLC v. Int'l Union of Operating Eng'rs.*, 335 F.3d 643, 647 (7th Cir. 2003). The process of taking the facts in the light most favorable to the non-moving party, first for one side and then for the other, may reveal that neither side has enough to prevail without a trial. *Id.* at 648. “With cross-motions, [the Court’s] review of the record requires that [the Court] construe all inferences in favor of the party against whom the motion under consideration is made.” *O’Regan v. Arbitration Forums, Inc.*, 246 F.3d 975, 983 (7th Cir. 2001) (citation and quotation marks omitted).

III. DISCUSSION

The Plaintiffs move for summary judgment, asking the Court for a declaratory judgment that Indiana Code §§ 31-9-2-15, 31-9-2-16, and 31-14-7-1 violate the Equal Protection and Due Process Clauses of the Fourteenth Amendment by not recognizing their children as being born in wedlock and by not granting a presumption of parenthood to the non-birth mother same-sex spouse. The Plaintiffs also request injunctive relief to list both same-sex spouses on their children’s birth certificates and to recognize their children as being born in wedlock. The Defendants argue that declaratory judgment and injunctive relief are inappropriate because the challenged statutes do not provide unequal treatment and are narrowly tailored to serve a compelling state interest. The Tippecanoe County Defendants further assert that Plaintiffs lack standing to sue the Tippecanoe County Defendants. The Court will address each argument, beginning with the standing issue.

A. The Plaintiffs' Standing to Sue County Defendants

The Tippecanoe County Defendants argue that Plaintiffs lack standing to sue them because the Plaintiffs' alleged injuries are not fairly traceable to the challenged action of the Tippecanoe County Defendants, and their alleged injuries will not be redressed by a favorable decision against the Tippecanoe County Defendants. These arguments apply equally to the Marion County Defendants, Bartholomew County Defendants, and Vigo County Defendants.

In order to establish standing, a plaintiff must show an injury in fact, a causal connection between the injury and the conduct complained of, and it must be likely (not just speculative) that the injury will be redressed by a favorable decision. *Lujan v. Defenders of Wildlife*, 504 U.S. 555, 560–61 (1992). The injury has to be fairly traceable to the challenged action of the defendant. *Id.* at 560. Citing Seventh Circuit case law, the Tippecanoe County Defendants explain that the suit should be brought against entities that have legal responsibility for the flaws Plaintiffs perceive in the system and from whom they ask something which would conceivably help their cause. *See Hearne v. Board of Education*, 185 F.3d 770, 777 (7th Cir. 1999) (plaintiffs' inability to show that the defendant bears any legal responsibility for the flaws they perceive in the system bars the plaintiffs' action).

The Tippecanoe County Defendants explain that their involvement with the Plaintiffs is purely ministerial, and the Plaintiffs' true conflict is with the laws of the State of Indiana and the State's administration of its birth records system. The Tippecanoe County Health Department produces birth certificates that are consistent with the information provided to it through the State's birth records database. ISDH prescribes the information that is required for birth certificates and for applications for birth certificates. Local hospitals collect the State prescribed information from birth mothers and submit that information to the State's database. The Tippecanoe County Health

Department then produces birth certificates based on that State prescribed information which is contained in the State's database. The Tippecanoe County Defendants have no authority to deviate from this procedure, to change the information in the State's database, to use different information to create birth certificates, or to place a Plaintiff non-birth mother on the birth certificate. The right to be listed on a birth certificate and the process of being listed are dictated by the State of Indiana, not by the county health departments. Therefore, there is no causal connection between the injury claimed by the Plaintiffs and the conduct of the Tippecanoe County Defendants. Additionally, the Tippecanoe County Defendants' role in the process does not in any way define children as being born in or out of wedlock under the Indiana statutes. Thus, the Tippecanoe County Defendants argue, the Plaintiffs' injuries cannot be fairly traceable to the challenged action of the Tippecanoe County Defendants. Consequently, the Plaintiffs lack standing to bring this action against the Tippecanoe County Defendants.

The Tippecanoe County Defendants also argue that the Plaintiffs' alleged injuries will not be redressed by a favorable decision against them because the contents of birth certificates are not discretionary for the county health departments; birth certificate information is dictated by ISDH. If the Tippecanoe County Defendants were to attempt to go outside the State's regulatory system for producing birth certificates, their actions would be *ultra vires* and would result in invalid birth certificates. They assert that,

[A] mandate from this Court requiring TCHD to add Mrs. Henderson to the birth certificate -- in the absence of an order altering the State's regulatory scheme -- would be outside TCHD's authority and, while TCHD would comply with the order of this court, a certificate issued by TCHD outside of the State's regulatory scheme would be of questionable value. The value in a birth certificate is founded upon the regulatory system underlying the certificate. Alternately, if this Court issued a mandate altering the State's regulatory scheme for issuing birth certificates, TCHD would be bound to comply with the new state system even in the absence of an order directed at TCHD.

([Filing No. 83 at 17.](#)) The Tippecanoe County Defendants assert that, for this additional reason, the Plaintiffs lack standing to bring this action against them.

In response to these arguments regarding a lack of standing, the Plaintiffs assert that their injuries are traceable to the County Defendants' actions because it is the County Defendants that actually issue the birth certificates that do not list both same-sex spouses as parents on the birth certificates. The Plaintiffs also assert that a favorable decision against the County Defendants will redress the Plaintiffs' injuries because the Tippecanoe County Defendants acknowledge that they would comply with an order from this Court mandating the issuance of birth certificates listing both spouses as parents.

The Court is convinced by the evidence and argument that the County Defendants do not have authority or discretion to deviate from the State's regulatory system for creating and issuing birth certificates in the State of Indiana. The State dictates what information is collected, the method by which information is collected, how information is stored, and how information can be used to generate birth certificates. The State also governs how information on a birth certificate may be modified. The real injury to the Plaintiffs stems from the State's regulatory framework and ISDH's control over the State's vital statistics system. Injury is not fairly traceable to the County Defendants. Additionally, the Plaintiffs ignore the Tippecanoe County Defendants' clear qualifier that it would comply with an order from the Court, but adhering to such an order would not redress the injuries suffered because the actions would be *ultra vires*, and the resulting birth certificates would be invalid and of questionable value.

Because the Plaintiffs' injuries are not fairly traceable to the challenged action of the County Defendants, and their injuries will not be redressed by a favorable decision against the

County Defendants, the Plaintiffs lack standing to sue the Tippecanoe County Defendants, Marion County Defendants, Bartholomew County Defendants, and Vigo County Defendants.

If a plaintiff lacks standing, the district court has no subject matter jurisdiction. *See Faibisch v. Univ. of Minn.*, 304 F.3d 797, 801 (8th Cir. 2002) (internal citation omitted). If the court lacks jurisdiction over the subject matter, its only proper course is to note the absence of jurisdiction and dismiss the case on that ground. *Steel Co. v. Citizens for a Better Environment*, 523 U.S. 83, 94 (1998). “A dismissal for lack of federal jurisdiction is without prejudice.” *Bovee v. Broom*, 732 F.3d 743 (7th Cir. 2013); *see also El v. AmeriCredit Fin. Servs., Inc.*, 710 F.3d 748, 751 (7th Cir. 2013) (“Dismissals because of absence of federal jurisdiction ordinarily are without prejudice . . . ‘because . . . once a court determines it lacks jurisdiction over a claim, it perforce lacks jurisdiction to make any determination of the merits of the underlying claim.’” (quoting *Brereton v. Bountiful City Corp.*, 434 F.3d 1213, 1217 (10th Cir. 2006))).

For this reason, the Court **GRANTS** the Tippecanoe County Defendants’ Motion for Summary Judgment, and the claims against each of the County Defendants are **dismissed for lack of subject matter jurisdiction**.

B. Equal Protection

The Fourteenth Amendment provides that “[n]o state shall . . . deny to any person within its jurisdiction the equal protection of the laws.” This Amendment provides protection against discrimination on the basis of gender or sexual orientation. *See Baskin v. Bogan*, 766 F.3d 648 (7th Cir. 2014) (sexual orientation discrimination); *Hayden v. Greensburg Cmty. Sch. Corp.*, 743 F.3d 569, 576–82 (7th Cir. 2014) (gender discrimination).

The Plaintiffs assert that Indiana’s refusal to grant the status of parenthood to female spouses of artificially-inseminated birth mothers while granting the status of parenthood to male

spouses of artificially-inseminated birth mothers violates the Equal Protection Clause. The Plaintiffs explain that Indiana is required to recognize same-sex marriage as determined by *Baskin*, 766 F.3d 648. And the benefits conferred upon opposite-sex married couples must be equally conferred upon same-sex married couples. *Baskin v. Bogan*, 12 F. Supp. 3d 1144, 1165 (S.D. Ind. 2014). As the United States Supreme Court recently explained,

Indeed, while the States are in general free to vary the benefits they confer on all married couples, they have throughout our history made marriage the basis for an expanding list of governmental rights, benefits, and responsibilities. These aspects of marital status include: adoption rights; . . . birth and death certificates; . . . and child custody, support, and visitation rules.

Obergefell v. Hodges, 135 S. Ct. 2584, 2601 (U.S. 2015).

Based on these recent developments in constitutional jurisprudence, the Plaintiffs ask the Court for declaratory and injunctive relief, seeking to enjoin the Defendants from refusing to issue birth certificates listing the non-birth mother same-sex spouses as parents on their respective children's birth certificates "and to otherwise accord them all rights accorded to parents identified on a birth certificate." They also ask that the Defendants be enjoined from declining to recognize their children as being born in wedlock.

To make their case, the Plaintiffs provide the example of a man and a woman who are married and who become pregnant through the aid of a third-party sperm donor. The married woman then gives birth to a child who is not biologically related to her husband. Even though the mother, the husband, the doctor, and possibly the hospital staff know that the man is not the biological father of the child, the State of Indiana will presume parenthood of the child in the husband. This same presumption of parenthood is not afforded to the female, same-sex spouse of a birth mother who also becomes pregnant through the aid of a third-party sperm donor. The Plaintiffs assert that the State Defendant's refusal to apply the same presumption of parenthood to

the non-birth mother same-sex spouse as would apply to the husband of a birth mother who conceives by artificial insemination violates the Equal Protection Clause of the Fourteenth Amendment.

With respect to Indiana Code §§ 31-9-2-15 and -16, the Plaintiffs contend that these statutes are unconstitutional on their face and as applied to the Plaintiffs because Indiana law says that a child born to a husband and wife is a child born in wedlock, but because these birth mothers are married to women, their children are labeled as children born out of wedlock, are not allowed to carry their second parent's surname, and suffer the stigma of illegitimacy. The State Defendant responds that the purpose of these statutes is limited only for the purpose of determining who must be notified and given an opportunity as a biological father to consent to an adoption procedure; therefore, “[t]hese statutes do not disfavor anyone based on illegitimacy.” ([Filing No. 85 at 13.](#))

The Plaintiffs contend, and the Court agrees, that the “Parenthood Statutes” (Indiana Code §§ 31-9-2-15, 31-9-2-16, and 31-14-7-1) are reviewed under heightened “intermediate” scrutiny because of the gender and sexual orientation classifications at issue. *See Hayden*, 743 F.3d at 577 (“Gender is a quasi-suspect class that triggers intermediate scrutiny in the equal protection context; the justification for a gender-based classification thus must be exceedingly persuasive.”); *Baskin*, 766 F.3d at 671 (statutes that discriminate on the basis of sexual orientation are subject to heightened intermediate scrutiny). A statute survives intermediate scrutiny if it “serves important governmental objectives and that the discriminatory means employed are substantially related to the achievement of those objectives.” *Baskin*, 766 F.3d at 656.

The purposes and objectives of Indiana’s Parenthood Statutes are codified at Indiana Code § 31-10-2-1, which declares,

It is the policy of this state and the purpose of this title to:
(1) recognize the importance of family and children in our society;

- (2) recognize the responsibility of the state to enhance the viability of children and family in our society;
- (3) acknowledge the responsibility each person owes to the other;
- (4) strengthen family life by assisting parents to fulfill their parental obligations....

Courts in Indiana have repeatedly focused on the State's interest in protecting the best interests of the child when making determinations in the family law context. *See In re Adoption of K.S.P.*, 804 N.E.2d 1253, 1257 (Ind. Ct. App. 2004) (“... the guiding principle of statutes governing the parent-child relationship is the best interests of the child”).

The Plaintiffs argue that the challenged Parenthood Statutes do not serve these governmental objectives. It is undisputed that the State of Indiana wants to serve the best interests of children and to protect, promote, and preserve families. In light of the legal recognition of same-sex marriage, the Plaintiffs argue that there is no governmental interest in denying the presumption of parenthood to the same-sex spouse of a birth mother. Instead, applying the Parenthood Statutes undermines and discourages families that are required by the Supreme Court's decision in *Obergefell* to be recognized and strengthened.

An example offered by the Plaintiffs of unequal treatment resulting from application of the Parenthood Statutes is that the denial of a presumption of parenthood to same-sex spouses requires them to go through the lengthy and costly adoption process to secure parental rights, which is not required of similarly situated men married to birth mothers who conceive through artificial insemination. Additionally, not permitting both same-sex spouses to be listed as parents on birth certificates leaves children in a vulnerable position of having only one legal parent, which affects many daily activities and choices available to children and parents. Denial of a presumption of parenthood to the Plaintiffs does not serve the best interests of the Plaintiff Children or protect, promote, and preserve their families and numerous other similar families in Indiana.

In response to the Plaintiffs' equal protection arguments, the State Defendant explains that it has an important governmental interest in preserving the rights of biological fathers and recording and maintaining accurate records regarding the biological parentage of children born in Indiana. The State Defendant asserts that the Parenthood Statutes substantially relate to the achievement of these interests.

The State Defendant offers a litany of cases to support its position and argues that Indiana's long history of statutory and case law recognizes that an individual may become a parent only through biology or adoption. However, all of those cases precede *Baskin* and *Obergefell*. The State Defendant contends that there are only two ways by which a person becomes a parent in Indiana; therefore, the Plaintiffs must utilize the adoption process to become parents because the non-birth mother same-sex spouse cannot be biologically related to the child. Furthermore, the Parenthood Statutes do not violate the Equal Protection Clause because the statutes apply equally to all male and female spouses of birth mothers. The State Defendant argues that a husband who is not the biological father of the child should not be listed on the birth certificate because the birth mother should acknowledge that she is not married to the father of her child when she has been artificially inseminated. In such a case, the husband would have to adopt the child to be listed on the birth certificate and recognized as a parent.

Finally, the State Defendant asserts that the Parenthood Statutes do not apply at all to the creation and issuance of birth certificates. Rather, the Parenthood Statutes only apply in the adoption context. Therefore, challenging the Parenthood Statutes will not provide the relief that the Plaintiffs seek.

The Court first notes that when determining the appropriateness of summary judgment, it draws reasonable inferences in the non-moving party's favor, *Zerante*, 555 F.3d at 584, and when

doing so, the Court need not set aside common sense and logic. *News & Observer Publ'g Co. v. Raleigh-Durham Airport Auth.*, 597 F.3d 570, 580 n.7 (4th Cir. 2010). Moreover, the State Defendant has presented no evidence or affidavit to support its theory that a heterosexual couple who has conceived by artificial insemination would interpret the Indiana Birth Worksheet in the manner is explains.

The State Defendant's response does not account for or address the realities of the example provided by the Plaintiffs. A man and a woman are married, and the woman conceives through the aid of a third-party sperm donor. The child is not biologically related to the birth mother's husband. In completing the Indiana Birth Worksheet, the birth mother declares that she is married to the father of her child. The State of Indiana will presume parenthood of the child in the husband, and the husband is listed on the child's birth certificate despite the lack of biological or adoptive connection. This same presumption of parenthood is not afforded to the female, same-sex spouse of a birth mother who conceived through the aid of a third-party sperm donor. Thus, a husband who is not biologically related to the child born to his wife does not have to adopt the child to enjoy the status of a parent. In contrast, a female, same-sex spouse always has to adopt to enjoy the status of a parent.

The State Defendant's argument that the birth mother should acknowledge that she is not married to the father of her child when she has been artificially inseminated or else she is committing fraud is not consistent with the Indiana Birth Worksheet, Indiana law, or common sense.

The Indiana Birth Worksheet asks, "are you married to the father of your child," yet it does not define "father." This term can mean different things to different women. Common sense says that an artificially-inseminated woman married to a man who has joined in the decision for this

method of conception, and who intends to treat the child as his own, would indicate that she is married to the father of her child. Why would she indicate otherwise? The Indiana Birth Worksheet does not define “father,” it does not state that the father must be the biological father of the child, and it does not indicate that it is completed under penalties of perjury. There is no warning of fraud or criminal liability. The State Defendant points to Indiana Code § 16-37-1-12 to argue that an artificially-inseminated birth mother would be committing fraud if she were to falsify statements on the Indiana Birth Worksheet. However, the Indiana Birth Worksheet does not refer to Indiana Code § 16-37-1-12, and this code provision does not relate to when an individual provides information that leads to the creation of the birth certificate. Rather, this section relates to when an individual, with intent to defraud, applies to receive a certified copy of a birth certificate.

Next, the State Defendant’s argument that the Parenthood Statutes do not apply at all to the creation and issuance of birth certificates highlights the void that Indiana’s statutory framework has created that leads to the State’s discriminatory conduct when completing the Indiana Birth Worksheet and creating and issuing birth certificates. The Indiana Birth Worksheet was created by ISDH as part of the Indiana Birth Registration System. The Indiana Birth Worksheet asks birth mothers if they are married and then asks, “are you married to the father of your child.” As the husband is presumed to be the biological father of the birth mother’s child, the birth mother can affirmatively answer the question, and the husband will be listed on the birth certificate as the father of the child, even if he is not the actual biological father of the child. No such presumption, or question on the Indiana Birth Worksheet, exists for a non-birth mother same-sex spouse.

Some states have attempted to legislatively fill the statutory void similar to Indiana’s statutory shortcoming. As an example, Wisconsin has a more comprehensive statutory scheme to

address parentage, artificial insemination, and birth certificates. *See* Wis. Stat. §§ 69.14, 891.40, 891.41. These statutes dictate a presumption of paternity, parentage following artificial insemination, and the contents of birth certificates. However, even with the additional statutory protections and guidance, a similar challenge to Wisconsin's statutes is pending in *Torres v. Rhoades*, No. 15-cv-288-bbc (W.D. Wis.), because these statutes allegedly do not provide for equal protection to same-sex married couples. It is the lack of clarity and comprehensiveness in Indiana's statutory framework that has led to the State's discriminatory treatment of same-sex married couples when completing the Indiana Birth Worksheet and creating and issuing birth certificates.

Concerning the State's important governmental interests, the State Defendant points to its interests in preserving the rights of biological fathers and recording and maintaining accurate records regarding the biological parentage of children. The State Defendant asserts that the Parenthood Statutes substantially relate to the achievement of these interests. The State Defendant further claims that these interests are compelling, and the Parenthood Statutes are narrowly tailored to meet these interests.

The Court is not convinced that the challenged Parenthood Statutes are substantially related or narrowly tailored to meet the stated interests of preserving the rights of biological fathers and maintaining accurate records of biological parentage. Importantly, the legitimacy statutes do not refer to biology when they define the terms "child born in wedlock" and "child born out of wedlock."

In the example provided by the Plaintiffs, the biological father will not be listed on the birth certificate because he is simply a third-party sperm donor. His paternal rights will not be preserved or recognized. Rather, the birth mother's husband will be listed on the birth certificate, and he will

enjoy the status of a parent. In fact, it will be incorrectly recorded in the State's vital statistics records and incorrectly presumed that the husband is the biological father of the child when he actually has no biological connection to the child.

During oral argument, the State Defendant asserted that the birth mother should not name her husband as the father of the child when a third-party sperm donor is involved. However, as noted above, common sense says that she will name her husband as the father. Whether she names her husband as the father or states that she is not married to the father, the biological father's parental rights are not preserved and accurate records of biological parentage are not maintained. If the mother names her husband, the third-party sperm donor who is the biological father is not listed on the birth certificate. If the mother says she is not married to the father, the third-party sperm donor who is the biological father still is not listed on the birth certificate. In either event, the State's interests in preserving the rights of biological fathers and maintaining accurate records of biological parentage are not served.

Regarding the Supreme Court's decision in *Obergefell*, the State Defendant asserts that *Obergefell* actually decoupled marriage from parenthood because the right to marry cannot be conditioned on the capacity or commitment to procreate. It argues that, at most, the *Obergefell* decision stands for the proposition that any benefit of marriage must now be extended to same-sex married couples on an equal basis with opposite-sex married couples. But this is exactly what the Plaintiffs seek—the extension of a benefit of marriage on an equal basis.

When the State Defendant created and utilized the Indiana Birth Worksheet, which asks “are you married to the father of your child,” the State created a benefit for married women based on their marriage to a man, which allows them to name their husband on their child's birth certificate even when the husband is not the biological father. Because of *Baskin* and *Obergefell*,

this benefit—which is directly tied to marriage—must now be afforded to women married to women.

During oral argument, the Plaintiffs made this very point: The State has granted mothers the power to enter a legal fiction because the mother who conceived her child with the aid of a third-party sperm donor is allowed to claim that her husband is the father of her child. But birth mothers with same-sex spouses are not allowed to enter into the same legal fiction. That husband has no more relationship to the child than the same-sex spouse, yet the same-sex spouse cannot be listed as a parent on the birth certificate while the man can be listed simply because the birth mother says he is married to her.

Indiana’s statutory scheme leads to unequal treatment of same-sex married women who bring children into their families with the assistance of third-party sperm donors. This unequal treatment is based on the individual’s gender and sexual orientation. The Parenthood Statutes and the State of Indiana’s implementation of the statutes are not substantially related to, and do not accomplish, the State Defendant’s claimed governmental objectives. For these reasons, the Court determines that Indiana Code §§ 31-9-2-15, 31-9-2-16, and 31-14-7-1 violate the Equal Protection Clause of the Fourteenth Amendment.

C. Due Process

The Plaintiffs also challenge the Parenthood Statutes under the Due Process Clause of the Fourteenth Amendment, which provides that “[n]o state shall . . . deprive any person of life, liberty, or property, without due process of law.”

The fundamental liberties protected by this Clause include most of the rights enumerated in the Bill of Rights. See *Duncan v. Louisiana*, 391 U.S. 145, 147-149, 88 S. Ct. 1444, 20 L. Ed. 2d 491 (1968). In addition these liberties extend to certain personal choices central to individual dignity and autonomy, including intimate choices that define personal identity and beliefs. See, e.g., *Eisenstadt v. Baird*, 405

U.S. 438, 453, 92 S. Ct. 1029, 31 L. Ed. 2d 349 (1972); *Griswold v. Connecticut*, 381 U.S. 479, 484-486, 85 S. Ct. 1678, 14 L. Ed. 2d 510 (1965).

Obergefell, 135 S. Ct. at 2597–98. “Without doubt, it denotes not merely freedom from bodily restraint but also the right of the individual . . . to marry, establish a home and bring up children.” *Meyer v. Nebraska*, 262 U.S. 390, 399 (1923). “[F]reedom of personal choice in matters of marriage and family life is one of the liberties protected by the Due Process Clause of the Fourteenth Amendment.” *Moore v. East Cleveland*, 431 U.S. 494, 499 (1977).

The Plaintiffs assert their Due Process claim is reviewed under strict scrutiny because it involves a fundamental right. Fundamental rights, although generally limited, have long been deemed to include “matters relating to marriage, family, procreation, and the right to bodily integrity,” *Albright v. Oliver*, 510 U.S. 266, 272 (1994), and what has been described as “perhaps the oldest of the fundamental liberty interests recognized,” a parent’s liberty interest in the “care, custody, and control of their children.” *Troxel v. Granville*, 530 U.S. 57, 65 (2000). Under strict scrutiny, “when a statutory classification significantly interferes with the exercise of a fundamental right, it cannot be upheld unless it is supported by sufficiently important state interests and is closely tailored to effectuate only those interests.” *Zablocki v. Redhail*, 434 U.S. 374, 388 (1978). The Plaintiffs reassert their equal protection argument to explain that the State Defendant does not have a compelling governmental interest, and the Parenthood Statutes are not narrowly tailored to serve any compelling State interests, when it denies the presumption of parenthood to the Plaintiffs.

The State Defendant responds that the Constitution provides protection to fundamental rights of parents to direct the upbringing, education, and support of their children. However, there is no fundamental right to be a parent. Rather, in this context, constitutionally protected fundamental rights exist only after an individual has become a parent. Contrary to the Plaintiffs’

assertion, the State Defendant argues that the rational basis standard applies, not strict scrutiny. The State Defendant then explains that, under any level of constitutional review, the Parenthood Statutes satisfy constitutional standards. It asserts that Indiana has a compelling interest in protecting the parental rights of biological parents and maintaining accurate records of biological parentage, and the Parenthood Statutes are narrowly tailored to serve these interests.

The Supreme Court long ago recognized a fundamental liberty interest “to marry, establish a home and bring up children,” *Meyer*, 262 U.S. at 399, with the “freedom of personal choice in matters of marriage and family life.” *Moore*, 431 U.S. at 499. “[O]ur laws and tradition afford constitutional protection to personal decisions relating to marriage, procreation, contraception, family relationships, child rearing, and education.” *Lawrence v. Texas*, 539 U.S. 558, 574 (2003). At least one court has interpreted the Supreme Court’s decision in *Troxel v. Granville* to mean that there is an established fundamental liberty interest in being a parent. *State v. Renfro*, 40 Kan. App. 2d 447, 451 (Kan. Ct. App. 2008) (“the right to be a parent is a fundamental right recognized as a liberty interest to be protected by the Due Process Clause”).

The Parenthood Statutes and the State Defendant’s implementation of the statutes through the Indiana Birth Worksheet significantly interferes with the Plaintiffs’ exercise of the right to be a parent by denying them any opportunity for a presumption of parenthood which is offered to heterosexual couples. What Plaintiffs seek is for their families to be respected in their dignity and treated with consideration. During its discussion above concerning Equal Protection, the Court rejected as unpersuasive the State Defendant’s argument that it has compelling interests that are served by the narrowly tailored Parenthood Statutes. The Court will not repeat that analysis and discussion here. As previously stated, the Parenthood Statutes are not narrowly tailored to meet a compelling governmental interest. By refusing to grant the presumption of parenthood to same-

sex married women, the State Defendant violates the Plaintiffs' fundamental right to parenthood under the Due Process Clause.

D. Injunctive Relief

The Plaintiffs request that the Court permanently enjoin Defendants from enforcing Indiana Code § 31-14-7-1 in a way that differentiates between male and female spouses of women who give birth with the aid of artificial insemination by a third-party. Additionally, the Plaintiffs request that the children born of their same-sex unions be accorded the same equal protections of children born to a man and a woman using artificial insemination; therefore, the children should not be considered children born out of wedlock under Indiana Code §§ 31-9-2-15 and -16.

Where a permanent injunction has been requested at summary judgment, we must determine whether the plaintiff has shown: (1) success, as opposed to a likelihood of success, on the merits; (2) irreparable harm; (3) that the benefits of granting the injunction outweigh the injury to the defendant; and, (4) that the public interest will not be harmed by the relief requested.

Collins v. Hamilton, 349 F.3d 371, 374 (7th Cir. 2003). As discussed above, the Plaintiffs have been successful on the merits of their case under the Equal Protection and Due Process Clauses of the Fourteenth Amendment.

Irreparable harm is presumed for some kinds of constitutional violations. *See* 11A Charles Alan Wright et al., *Federal Practice & Procedure* § 2948.1 (2d ed. 1995) (“When an alleged deprivation of a constitutional right is involved, most courts hold that no further showing of irreparable injury is necessary.”). This has been true in the context of violations of the First and Second Amendments. *See Christian Legal Soc’y v. Walker*, 453 F.3d 853, 867 (7th Cir. 2006) (irreparable harm is presumed in First Amendment violation); *Ezell v. City of Chicago*, 651 F.3d 684, 699 (7th Cir. 2011) (irreparable harm is presumed in Second Amendment violation). The Equal Protection and Due Process Clauses of the Fourteenth Amendment similarly protect

intangible and unquantifiable interests. Infringement of these rights cannot be compensated by a damages award; thus, irreparable harm exists.

No injuries to the State Defendant have been shown that would result from the issuance of injunctive relief which would outweigh the benefits of the injunctive relief. The State Defendant argues that if Plaintiffs wish to create a third path to legal parenthood, whether through marriage or any other means, they should seek relief from the General Assembly—not this Court. The Supreme Court in *Obergefell* recognized that the initial inclination might be to await further legislation, litigation, and debate; however, *Obergefell* noted that the Plaintiffs’ stories show the urgency of the issues they present before the Court. This Court is hard-pressed to imagine an injury to the State Defendant if it is ordered to apply the Parenthood Statutes in a non-discriminatory way. In contrast, the injury to these Plaintiffs is unfeigned. The public interest in serving the best interests of the child will not be harmed by injunctive relief but actually will be furthered by legally recognizing two parents for children and providing stability for children and families. Therefore, injunctive relief is an appropriate remedy.

IV. CONCLUSION

Given Indiana’s long-articulated interest in doing what is in the best interest of the child and given that the Indiana legislature has stated the purpose of Title 31 is to protect, promote, and preserve Indiana families, there is no conceivable important governmental interest that would justify the different treatment of female spouses of artificially-inseminated birth mothers from the male spouses of artificially-inseminated birth mothers. As other district courts have noted, the holding of *Obergefell* will inevitably require “sweeping change” by extending to same-sex married couples *all* benefits afforded to opposite-sex married couples. *Campaign for Southern Equality v. Miss. Dep’t of Human Servs.*, 2016 U.S. Dist. LEXIS 43897, at *35 (S.D. Miss. Mar. 31, 2016).

Those benefits must logically and reasonably include the recognition sought by Plaintiffs in this action.

For the reasons stated herein, the Court **GRANTS** the Tippecanoe County Defendants' Motion for Summary Judgment ([Filing No. 82](#)), and claims against each of the County Defendants are **dismissed for lack of jurisdiction**. The Court **GRANTS** the Plaintiffs' Motion for Summary Judgment against the State Defendant ([Filing No. 77](#)), and **DENIES** the State Defendant's Motion for Summary Judgment ([Filing No. 84](#)).

For the reasons set forth above, the Court **DECLARES** 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, and those acting in concert with them, including political subdivisions of the State of Indiana, 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.

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

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

The State Defendant and its officers, agents, servants, employees, and attorneys, and those acting in concert with them, including political subdivisions of the State of Indiana, are **ENJOINED** to recognize 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.

Final judgment will issue under separate order. A separate Permanent Injunction will also be issued as required by Rule 65(d) of the Federal Rules of Civil Procedure.

The Plaintiffs who have prevailed in securing relief are entitled to recover their costs.

The Plaintiffs have requested an award of costs and attorneys' fees under 42 U.S.C. § 1988. The Plaintiffs are ordered to file a bill of costs and a petition for attorneys' fees within **thirty (30) days** of the date of this Order. A **Response** may be filed within **fourteen (14) days** of such a submission. The Plaintiffs may file a **Reply** within **seven (7) days** of such Response.

SO ORDERED.

Date: 6/30/2016



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

DISTRIBUTION:

Karen Celestino-Horseman
AUSTIN & JONES, PC
karen@kchorseman.com

Richard A. Mann
RICHARD A. MANN, PC
rmann@mannlaw.us

Megan L. Gehring
RICHARD A. MANN, PC
mgehring@mannlaw.us

Raymond L. Faust
SKILES DETRUDE
rfaust@skilesdetrude.com

William R. Groth
FILLENWARTH DENNERLINE GROTH &
TOWE LLP
wgroth@fdgtlaborlaw.com

Douglas Joseph Masson
HOFFMAN LUHMAN & MASSON PC
djm@hlblaw.com

J. Grant Tucker
JONES PATTERSON BOLL & TUCKER
gtucker_2004@yahoo.com

Michael James Wright
WRIGHT SHAGLEY & LOWERY, PC
mwright@wslfirm.com

Lara K. Langeneckert
OFFICE OF THE ATTORNEY GENERAL
lara.langeneckert@atg.in.gov

Thomas M. Fisher
OFFICE OF THE ATTORNEY GENERAL
tom.fisher@atg.in.gov

Nikki G. Ashmore
OFFICE OF THE ATTORNEY GENERAL
Nikki.Ashmore@atg.in.gov

Betsy M. Isenberg
OFFICE OF THE ATTORNEY GENERAL
Betsy.Isenberg@atg.in.gov

Anna M. Konradi
FAEGRE BAKER DANIELS LLP
anna.konradi@Faegrebd.com

Anne Kramer Ricchiuto
FAEGRE BAKER DANIELS LLP
anne.ricchiuto@FaegreBD.com

Anthony Scott Chinn
FAEGRE BAKER DANIELS LLP
scott.chinn@faegrebd.com

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

**PERMANENT INJUNCTION ENJOINING THE ENFORCEMENT
OF INDIANA CODE §§ 31-9-2-15, 31-9-2-16, and 31-14-7-1**

Consistent with the Final Judgment entered this day,

Dr. Jerome M. Adams in his official capacity as Commissioner of the Indiana State Department of Health and officers, agents, servants, employees, and attorneys of the State of Indiana, including political subdivisions of Indiana, and those acting in concert with them are:

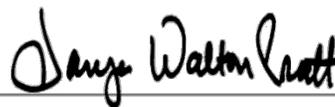
- **ENJOINED** from enforcing Indiana Code §§ 31-9-2-15, 31-9-2-16, and 31-14-7-1 in a manner that prevents the presumption of parenthood to be granted to female, same-sex spouses of birth mothers as to any child born during their marriage;
- **ENJOINED** to recognize children born to a birth mother who is married to a same-sex spouse as a child born in wedlock;
- **ENJOINED** to recognize each of the Plaintiff Children in this matter as a child born in wedlock; and

- **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.

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

Distribution:

Karen Celestino-Horseman
AUSTIN & JONES, PC
karen@kchorseman.com

Richard A. Mann
RICHARD A. MANN, PC
rmann@mannlaw.us

Megan L. Gehring
RICHARD A. MANN, PC
mgehring@mannlaw.us

Raymond L. Faust
SKILES DETRUDE
rfaust@skilesdetrude.com

William R. Groth
FILLENWARTH DENNERLINE GROTH &
TOWE LLP
wgroth@fdgtlaborlaw.com

Douglas Joseph Masson
HOFFMAN LUHMAN & MASSON PC
djm@hlblaw.com

Lara K. Langeneckert
OFFICE OF THE ATTORNEY GENERAL
lara.langeneckert@atg.in.gov

Thomas M. Fisher
OFFICE OF THE ATTORNEY GENERAL
tom.fisher@atg.in.gov

Nikki G. Ashmore
OFFICE OF THE ATTORNEY GENERAL
Nikki.Ashmore@atg.in.gov

Betsy M. Isenberg
OFFICE OF THE ATTORNEY GENERAL
Betsy.Isenberg@atg.in.gov

Anna M. Konradi
FAEGRE BAKER DANIELS LLP
anna.konradi@Faegrebd.com

Anne Kramer Ricchiuto
FAEGRE BAKER DANIELS LLP
anne.ricchiuto@FaegreBD.com

J. Grant Tucker
JONES PATTERSON BOLL & TUCKER
gtucker_2004@yahoo.com

Anthony Scott Chinn
FAEGRE BAKER DANIELS LLP
scott.chinn@faegrebd.com

Michael James Wright
WRIGHT SHAGLEY & LOWERY, PC
mwright@wslfirm.com

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.

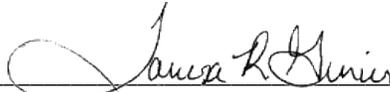
III.

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

Distribution:

Karen Celestino-Horseman
AUSTIN & JONES, PC
karen@kchorseman.com

Richard A. Mann
RICHARD A. MANN, PC
rmann@mannlaw.us

Megan L. Gehring
RICHARD A. MANN, PC
mgehring@mannlaw.us

Raymond L. Faust
SKILES DETRUDE
rfaust@skilesdetrude.com

William R. Groth
FILLENWARTH DENNERLINE GROTH &
TOWE LLP
wgroth@fdgtlaborlaw.com

Douglas Joseph Masson
HOFFMAN LUHMAN & MASSON PC
djm@hlblaw.com

J. Grant Tucker
JONES PATTERSON BOLL & TUCKER
gtucker_2004@yahoo.com

Lara K. Langeneckert
OFFICE OF THE ATTORNEY GENERAL
lara.langeneckert@atg.in.gov

Thomas M. Fisher
OFFICE OF THE ATTORNEY GENERAL
tom.fisher@atg.in.gov

Nikki G. Ashmore
OFFICE OF THE ATTORNEY GENERAL
Nikki.Ashmore@atg.in.gov

Betsy M. Isenberg
OFFICE OF THE ATTORNEY GENERAL
Betsy.Isenberg@atg.in.gov

Anna M. Konradi
FAEGRE BAKER DANIELS LLP
anna.konradi@Faegrebd.com

Anne Kramer Ricchiuto
FAEGRE BAKER DANIELS LLP
anne.ricchiuto@FaegreBD.com

Anthony Scott Chinn
FAEGRE BAKER DANIELS LLP
scott.chinn@faegrebd.com

**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.)

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

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

Defendants.)

**ENTRY ON DEFENDANT’S MOTION
TO ALTER OR AMEND JUDGMENT**

This matter is before the Court on a Motion to Alter or Amend Judgment (“Motion to Amend Judgment”) filed pursuant to Federal Rule of Civil Procedure 59(e) by Defendant Dr. Jerome Adams in his official capacity as the Indiana State Health Commissioner (“State Defendant”) ([Filing No. 119](#)). The Plaintiffs in this case are a number of female, same-sex married couples and their children whose birth certificates list only the birth mother as a parent with no second parent. The Plaintiffs initiated this lawsuit, seeking injunctive relief to list both the birth mother and her same-sex spouse on their children’s birth certificate and to have their children recognized as children born in wedlock. They also sought a declaratory judgment that Indiana Code §§ 31-9-2-15, 31-9-2-16, and 31-14-7-1 violate the Equal Protection and Due Process Clauses of the Fourteenth Amendment to the United States Constitution.

Following cross-motions for summary judgment, the Court granted the County Defendant’s motion for summary judgment, granted the Plaintiffs’ motion for summary judgment against the State Defendant, and denied the State Defendant’s motion for summary judgment

([Filing No. 116](#)). The Court entered declaratory relief and a permanent injunction in favor of the Plaintiffs as well as a Rule 58 final judgment ([Filing No. 117](#); [Filing No. 118](#)). The State Defendant then filed its Motion to Amend Judgment, asking the Court to clarify aspects of the declaratory relief and permanent injunction and to remove any declaration or injunction that the children are “born in wedlock”, as defined in the Wedlock Statutes, Indiana Code §§ 31-9-2-15 and 31-9-2-16 ([Filing No. 119 at 1](#)). For the following reasons, the State Defendant’s Motion to Amend Judgment is **granted in part and denied in part**.

I. **BACKGROUND**

Plaintiffs 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, 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 (collectively “Plaintiffs”) are female, same-sex married couples and their children whose birth certificates list only the birth mother as a parent with no second parent.

Plaintiffs Elizabeth and Tonya Bush-Sawyer were married in 2010 in Washington, D.C. They artificially conceived I.J.B-S, who was born on January 10, 2014. When I.J.B-S was born, Elizabeth, the birth mother, completed the Indiana Birth Worksheet and provided Tonya’s information for all the questions that asked about the father of the child. After returning home from the hospital with I.J.B-S, the couple received a birth confirmation letter that listed both women as the parents of I.J.B-S and that listed the child’s name as a hyphenated version of both their last names. In March 2014, Elizabeth went to the Marion County Health Department to obtain a birth certificate for I.J.B-S. At the health department, she was told there was something wrong, and she would need to return the next day. When she returned, Elizabeth was presented with a birth

certificate that listed her as the only parent of I.J.B-S, and the child's name had been changed from I.J.B-S to I.J.B. Shortly thereafter, Elizabeth and Tonya received a new social security card for I.J.B-S, which listed the name as I.J.B.

Because of this incident, Tonya sought a stepparent adoption, which required her to undergo fingerprinting and a criminal background check in addition to submitting her driving record, her financial profile, and the veterinary records for any pet living in the home. A home study was required, which examines the relationship history of Elizabeth and Tonya, requires them to write an autobiography and to discuss their parenting philosophy, and requires them to open their home for inspection. The cost for their stepparent adoption was approximately \$4,200.00. This same costly and time-consuming adoption process is not required of opposite-sex married couples who artificially conceive a child. Instead, the non-biological father who is married to the birth mother is listed on the birth certificate and recognized as the child's father.

Plaintiffs Ashlee and Ruby Henderson were married on November 11, 2014, in Tippecanoe County, Indiana. They had been together as a couple for over eight years prior to their marriage, and they decided that they wanted a child in their family. After the couple's artificial conception of L.W.C.H., the Indiana statute prohibiting same-sex marriage was declared unconstitutional, so Ashlee and Ruby married.

During the week of November 2, 2014, the couple contacted IU Health Arnett Hospital, where L.W.C.H. would be born, to ask if both spouses would be listed on the birth certificate as parents of L.W.C.H. after the couple was married. They were told to contact the Tippecanoe County Health Department, which they did the same day. They were informed that Ashlee would not be listed on the birth certificate as a parent of L.W.C.H. without a court order.

On December 22, 2014, L.W.C.H. was born at IU Health Arnett Hospital in Lafayette, Indiana. After the child's birth, Ruby was asked to complete the Indiana Birth Worksheet. The couple revised each question asking for information regarding the father of the child by replacing the term "father" with the term "Mother #2." All information provided regarding "Mother #2" related to Ashlee, the legal spouse of Ruby who was the birth mother. On January 22, 2015, the Tippecanoe County Health Department issued L.W.C.H.'s birth certificate, which noted only Ruby Henderson as a parent.

The other Plaintiff female, same-sex married couples have had similar experiences as Elizabeth and Tonya Bush-Sawyer and Ashlee and Ruby Henderson and their children. Only the birth mother has been recognized as a parent of the couples' children, and only the birth mother's name has appeared on the birth certificate of the child. Because of this result, the Plaintiffs filed this action and requested declaratory and injunctive relief. They asked the Court to direct the State Defendant to recognize both Plaintiff spouses as a parent of their children and to list both Plaintiff spouses as a parent on their children's birth certificate. They also asked the Court for a declaration that Indiana Code §§ 31-9-2-15, 31-9-2-16, and 31-14-7-1 violate the Equal Protection and Due Process Clauses of the Fourteenth Amendment.

The parties filed cross-motions for summary judgment on the Plaintiffs' claims, and the Court granted the County Defendant's motion, granted the Plaintiffs' motion against the State Defendant, and denied the State Defendant's motion ([Filing No. 116](#)). The Court determined that the challenged statutes and the State Defendant's implementation of the statutes through the Indiana Birth Worksheet resulted in the State's discriminatory treatment of female, same-sex married couples when creating and issuing birth certificates, thereby violating the Equal Protection Clause. The Court further determined that the Plaintiffs' due process rights were violated.

The Court entered a permanent injunction enjoining the State Defendant (1) 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; (2) to recognize children born to a birth mother who is legally married to a same-sex spouse as a child born in wedlock; (3) to recognize the Plaintiff children in this matter as a child born in wedlock; and (4) to recognize 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 ([Filing No. 117](#)). The State Defendant filed its Motion to Amend Judgment, seeking clarification and modification of the declaratory judgment and permanent injunction.

II. LEGAL STANDARD

A motion to alter or amend a judgment under Rule 59(e) “must be filed no later than 28 days after the entry of the judgment.” Fed. R. Civ. P. 59(e). The purpose of a motion to alter or amend a judgment under Rule 59(e) is to ask the Court to reconsider matters “properly encompassed in a decision on the merits.” *Osterneck v. Ernst & Whinney*, 489 U.S. 169, 174 (1989). “A Rule 59(e) motion will be successful only where the movant clearly establishes: (1) that the court committed a manifest error of law or fact, or (2) that newly discovered evidence precluded entry of judgment.” *Cincinnati Life Ins. Co. v. Beyrer*, 722 F.3d 939, 954 (7th Cir. 2013) (citation and quotation marks omitted). Relief pursuant to a Rule 59(e) motion to alter or amend is an “extraordinary remed[y] reserved for the exceptional case.” *Foster v. DeLuca*, 545 F.3d 582, 584 (7th Cir. 2008). A Rule 59(e) motion may be used “to draw the district court’s attention to a manifest error of law or fact or to newly discovered evidence.” *United States v. Resnick*, 594 F.3d 562, 568 (7th Cir. 2010). A manifest error “is not demonstrated by the disappointment of the losing party. It is the wholesale disregard, misapplication, or failure to recognize controlling precedent.”

Oto v. Metro. Life Ins. Co., 224 F.3d 601, 606 (7th Cir. 2000) (citation and quotation marks omitted). Furthermore, “a Rule 59(e) motion is not an opportunity to relitigate motions or present arguments, issues, or facts that could and should have been presented earlier.” *Brownstone Publ’g, LLC v. AT&T, Inc.*, 2009 U.S. Dist. LEXIS 25485, at *7 (S.D. Ind. Mar. 24, 2009).

III. DISCUSSION

The State Defendant asks the Court to modify and clarify the declaratory judgment and permanent injunction. First, it asserts that the Court lacks jurisdiction to enter a declaration or injunction governing enforcement of Indiana Code §§ 31-9-2-15 and 31-9-2-16, concerning whether children are “born in wedlock” or “born out of wedlock.” It asks the Court to remove any declaration or injunction directed at these two statutes. The State Defendant argues that the Plaintiffs lack Article III standing to challenge the statutes because the statutes only apply to adoption proceedings, and thus, the Plaintiffs are not injured by the statutes because their alleged injuries do not arise within the adoption context. The State Defendant asserts the challenged statutes simply have no relevance to the Plaintiffs; therefore, they have no standing, resulting in a lack of jurisdiction in this Court.

In one cursory paragraph in its opening summary judgment brief, the State Defendant alleged that the Plaintiffs lack standing to challenge the statutes (*see* [Filing No. 85 at 22](#)). Then, in three pages of its reply brief, the State Defendant more fully addressed its standing argument ([Filing No. 108 at 9–12](#)). The State Defendant now again advances this same argument that the Plaintiffs lack standing to challenge the statutes because the statutes only apply to adoption proceedings, and thus, the Plaintiffs are not injured by the statutes. However, the State Defendant has failed to point out a manifest error of law or fact. Furthermore, a Rule 59(e) motion is not an opportunity to relitigate motions.

In the Court's summary judgment order, the Court explained that it was convinced by the evidence and argument that the State's regulatory system for creating and issuing birth certificates in the State of Indiana is dictated and implemented by the State Defendant, and thus, the real injury to the Plaintiffs came from the State Defendant's implementation of the statutes ([Filing No. 116 at 15](#)). The Court also addressed the void that Indiana's statutory framework has created that has led to the State's discriminatory conduct when completing the Indiana Birth Worksheet and creating and issuing birth certificates ([Filing No. 116 at 22](#)).

Because the State Defendant has failed to point out a manifest error of law or fact and seems to simply relitigate its argument from its summary judgment reply brief, the Court **DENIES** the Motion to Amend Judgment regarding the request to remove any declaration or injunction directed at Indiana Code §§ 31-9-2-15 and 31-9-2-16.

Next, the State Defendant asks the Court to clarify the declaratory judgment regarding the constitutionality of the statutes, whether they are unconstitutional facially or as applied. The Court **GRANTS** the State Defendant's request to clarify the judgment, not to modify the judgment but to simply provide clarification. As discussed throughout the Court's summary judgment Order, the constitutionality of the challenged statutes were analyzed in the context of the "benefits being afforded to female, same-sex married couples," "applying the same rights to female, same-sex married couples," "applying the statutes," "application of the statutes," and "implementation of the statutes." (*See* [Filing No. 116](#).) The Court's declaratory judgment that Indiana Code §§ 31-9-2-15, 31-9-2-16, and 31-14-7-1 violate the Equal Protection and Due Process Clauses is a declaration of unconstitutionality as applied to female, same-sex married couples who have children during their marriage.

The State Defendant also asks the Court to clarify the permanent injunction regarding whether it applies to wives of all birth mothers or only to wives of birth mothers who conceived through artificial insemination by an anonymous donor. Again, the Court **GRANTS** the State Defendant's request to clarify the judgment, not to modify the judgment but to simply provide clarification. The State Defendant seems to advance new argument to apply further limitations to the Court's already-issued permanent injunction. Again, "a Rule 59(e) motion is not an opportunity to relitigate motions or present arguments, issues, or facts that could and should have been presented earlier." *Brownstone Publ'g*, 2009 U.S. Dist. LEXIS 25485, at *7. Nowhere in the Court's Orders were "anonymous donors" discussed or considered. The Court's permanent injunction provides relief to "female, same-sex spouses of birth mothers" and "children born to a birth mother who is married to a same-sex spouse." ([Filing No. 117 at 1.](#)) The Order means what it says and says what it means. It applies to female, same-sex spouses of birth mothers and children born to a birth mother who is married to a same-sex spouse. It does not apply additional limitations as the State Defendant questions.

Finally, the State Defendant asks the Court to clarify the permanent injunction regarding whether the presumption of parenthood is conclusive or rebuttable. The Court **GRANTS** the State Defendant's request to clarify the judgment. The State Defendant notes that "[t]he Court appears to intend to give wives of birth mothers comparable rights to husbands of birth mothers." ([Filing No. 120 at 11.](#)) The State Defendant's observation is correct. The Court's Orders did not modify or limit the rebuttable nature of the presumption of parenthood. Thus, the same methods for rebutting the presumption of parenthood of the husband of a birth mother are available for rebutting the presumption of parenthood of the wife of a birth mother.

IV. CONCLUSION

For the reasons discussed above, the State Defendant's Motion to Amend Judgment ([Filing No. 119](#)), seeking to clarify and modify the Court's declaratory judgment and permanent injunction, is **granted in part and denied in part**.

SO ORDERED.

Date: 12/30/2016



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

DISTRIBUTION:

Karen Celestino-Horseman
AUSTIN & JONES, PC
karen@khorseman.com

Lara K. Langeneckert
OFFICE OF THE ATTORNEY GENERAL
lara.langeneckert@atg.in.gov

Richard A. Mann
RICHARD A. MANN, PC
rmann@mannlaw.us

Thomas M. Fisher
OFFICE OF THE ATTORNEY GENERAL
tom.fisher@atg.in.gov

Megan L. Gehring
RICHARD A. MANN, PC
mgehring@mannlaw.us

Nikki G. Ashmore
OFFICE OF THE ATTORNEY GENERAL
Nikki.Ashmore@atg.in.gov

Raymond L. Faust
NORRIS CHOPLIN & SCHROEDER LLP
rfaust@ncs-law.com

Betsy M. Isenberg
OFFICE OF THE ATTORNEY GENERAL
Betsy.Isenberg@atg.in.gov

William R. Groth
FILLENWARTH DENNERLINE GROTH &
TOWE LLP
wgroth@fdgtlaborlaw.com

Anna M. Konradi
FAEGRE BAKER DANIELS LLP
anna.konradi@Faegrebd.com

Douglas Joseph Masson
HOFFMAN LUHMAN & MASSON PC
djm@hlblaw.com

Anne Kramer Ricchiuto
FAEGRE BAKER DANIELS LLP
anne.ricchiuto@FaegreBD.com

J. Grant Tucker
JONES PATTERSON BOLL & TUCKER
gtucker_2004@yahoo.com

Anthony Scott Chinn
FAEGRE BAKER DANIELS LLP
scott.chinn@faegrebd.com

Michael James Wright
WRIGHT SHAGLEY & LOWERY, PC
mwright@wslfirm.com

***** PUBLIC DOCKET *****

APPEAL,CMP,CLOSED

**U.S. District Court
Southern District of Indiana (Indianapolis)
CIVIL DOCKET FOR CASE #: 1:15-cv-00220-TWP-MJD**

HENDERSON et al v. ADAMS, et al.
Assigned to: Judge Tanya Walton Pratt
Referred to: Magistrate Judge Mark J. Dinsmore
Cause: 42:1983 Civil Rights Act

Date Filed: 02/13/2015
Date Terminated: 06/30/2016
Jury Demand: None
Nature of Suit: 950 Constitutional -
State Statute
Jurisdiction: Federal Question

Plaintiff

ASHLEE HENDERSON
a married couple

represented by **Megan L. Gehring**
RICHARD A. MANN, PC
3750 Kentucky Avenue
Indianapolis, IN 46221
317-388-5600
Fax: 317-388-5633
Email: mgehring@mannlaw.us
ATTORNEY TO BE NOTICED

Raymond L. Faust
NORRIS CHOPLIN & SCHROEDER
LLP
101 West Ohio Street
Ninth Floor
Indianapolis, IN 46204
317-269-9330
Fax: 317-269-9338
Email: rfaust@ncs-law.com
ATTORNEY TO BE NOTICED

Richard A. Mann
3750 Kentucky Ave
Indianapolis, IN 46221
317-388-5600
Fax: 317-388-5622
Email: rmann@mannlaw.us
ATTORNEY TO BE NOTICED

William R. Groth
FILLENWARTH DENNERLINE

GROTH & TOWE LLP
429 E. Vermont Street, Suite 200
Indianapolis, IN 46202
(317)353-9363
Fax: (317)351-7232
Email: wgroth@fdgtlaborlaw.com
ATTORNEY TO BE NOTICED

Karen Celestino-Horseman
OF COUNSEL, AUSTIN & JONES,
PC
One North Pennsylvania
Suite 220
Indianapolis, IN 46204
(317) 632-5633
Fax: (317) 630-1040
Email: karen@kchorseman.com
ATTORNEY TO BE NOTICED

Plaintiff

RUBY HENDERSON
a married couple

represented by **Megan L. Gehring**
(See above for address)
ATTORNEY TO BE NOTICED

Raymond L. Faust
(See above for address)
ATTORNEY TO BE NOTICED

Richard A. Mann
(See above for address)
ATTORNEY TO BE NOTICED

William R. Groth
(See above for address)
ATTORNEY TO BE NOTICED

Karen Celestino-Horseman
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

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

represented by **Megan L. Gehring**
(See above for address)
ATTORNEY TO BE NOTICED

Raymond L. Faust
(See above for address)
ATTORNEY TO BE NOTICED

Richard A. Mann
(See above for address)
ATTORNEY TO BE NOTICED

William R. Groth
(See above for address)
ATTORNEY TO BE NOTICED

Karen Celestino-Horseman
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

H.S.
BY HIS MOTHER AND NEXT FRIEND
JENNIFER SINGLEY

represented by **Megan L. Gehring**
(See above for address)
ATTORNEY TO BE NOTICED

Raymond L. Faust
(See above for address)
ATTORNEY TO BE NOTICED

Richard A. Mann
(See above for address)
ATTORNEY TO BE NOTICED

William R. Groth
(See above for address)
ATTORNEY TO BE NOTICED

Karen Celestino-Horseman
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

ELIZABETH BUSH-SAWYER
a married couple
also known as
NICKI

represented by **Megan L. Gehring**
(See above for address)
ATTORNEY TO BE NOTICED

Raymond L. Faust
(See above for address)
ATTORNEY TO BE NOTICED

Richard A. Mann
(See above for address)
ATTORNEY TO BE NOTICED

William R. Groth

(See above for address)
ATTORNEY TO BE NOTICED

Karen Celestino-Horseman
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

JENNIFER SINGLEY
a married couple

represented by **Megan L. Gehring**
(See above for address)
ATTORNEY TO BE NOTICED

Raymond L. Faust
(See above for address)
ATTORNEY TO BE NOTICED

Richard A. Mann
(See above for address)
ATTORNEY TO BE NOTICED

William R. Groth
(See above for address)
ATTORNEY TO BE NOTICED

Karen Celestino-Horseman
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

TONYA BUSH-SAWYER
a married couple

represented by **Megan L. Gehring**
(See above for address)
ATTORNEY TO BE NOTICED

Raymond L. Faust
(See above for address)
ATTORNEY TO BE NOTICED

Richard A. Mann
(See above for address)
ATTORNEY TO BE NOTICED

William R. Groth
(See above for address)
ATTORNEY TO BE NOTICED

Karen Celestino-Horseman
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

NICOLE SINGLEY
a married couple

represented by **Megan L. Gehring**
(See above for address)
ATTORNEY TO BE NOTICED

Raymond L. Faust
(See above for address)
ATTORNEY TO BE NOTICED

Richard A. Mann
(See above for address)
ATTORNEY TO BE NOTICED

William R. Groth
(See above for address)
ATTORNEY TO BE NOTICED

Karen Celestino-Horseman
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

I. J. B.
*by his parent and next friend Nicki
Bush-Sawyer
also known as
I.J.B-S*

represented by **Megan L. Gehring**
(See above for address)
ATTORNEY TO BE NOTICED

Raymond L. Faust
(See above for address)
ATTORNEY TO BE NOTICED

Richard A. Mann
(See above for address)
ATTORNEY TO BE NOTICED

William R. Groth
(See above for address)
ATTORNEY TO BE NOTICED

Karen Celestino-Horseman
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

H.N.B.
*BY HIS PARENT AND NEXT FRIEND,
LYNDSEY BANNICK*

represented by **Megan L. Gehring**
(See above for address)
ATTORNEY TO BE NOTICED

Raymond L. Faust

(See above for address)
ATTORNEY TO BE NOTICED

Richard A. Mann
(See above for address)
ATTORNEY TO BE NOTICED

William R. Groth
(See above for address)
ATTORNEY TO BE NOTICED

Karen Celestino-Horseman
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

DONNICA BARRETT
A MARRIED COUPLE

represented by **Megan L. Gehring**
(See above for address)
ATTORNEY TO BE NOTICED

Raymond L. Faust
(See above for address)
ATTORNEY TO BE NOTICED

Richard A. Mann
(See above for address)
ATTORNEY TO BE NOTICED

William R. Groth
(See above for address)
ATTORNEY TO BE NOTICED

Karen Celestino-Horseman
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

CALLE JANSON

represented by **Megan L. Gehring**
(See above for address)
ATTORNEY TO BE NOTICED

Raymond L. Faust
(See above for address)
ATTORNEY TO BE NOTICED

Richard A. Mann
(See above for address)
ATTORNEY TO BE NOTICED

William R. Groth
(See above for address)
ATTORNEY TO BE NOTICED

Karen Celestino-Horseman
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

CATHY BANNICK
A MARRIED COUPLE

represented by **Megan L. Gehring**
(See above for address)
ATTORNEY TO BE NOTICED

Raymond L. Faust
(See above for address)
ATTORNEY TO BE NOTICED

Richard A. Mann
(See above for address)
ATTORNEY TO BE NOTICED

William R. Groth
(See above for address)
ATTORNEY TO BE NOTICED

Karen Celestino-Horseman
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

LYNDSEY BANNICK
A MARRIED COUPLE

represented by **Megan L. Gehring**
(See above for address)
ATTORNEY TO BE NOTICED

Raymond L. Faust
(See above for address)
ATTORNEY TO BE NOTICED

Richard A. Mann
(See above for address)
ATTORNEY TO BE NOTICED

William R. Groth
(See above for address)
ATTORNEY TO BE NOTICED

Karen Celestino-Horseman

(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

SARAH JANSON

represented by **Megan L. Gehring**
(See above for address)
ATTORNEY TO BE NOTICED

Raymond L. Faust
(See above for address)
ATTORNEY TO BE NOTICED

Richard A. Mann
(See above for address)
ATTORNEY TO BE NOTICED

William R. Groth
(See above for address)
ATTORNEY TO BE NOTICED

Karen Celestino-Horseman
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

G.R.M.B.

*BY HIS MOTHER AND NEXT FRIEND
DONNICA BARRETT*

represented by **Megan L. Gehring**
(See above for address)
ATTORNEY TO BE NOTICED

Raymond L. Faust
(See above for address)
ATTORNEY TO BE NOTICED

Richard A. Mann
(See above for address)
ATTORNEY TO BE NOTICED

William R. Groth
(See above for address)
ATTORNEY TO BE NOTICED

Karen Celestino-Horseman
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

NIKKOLE MCKINLEY-BARRETT
A MARRIED COUPLE

represented by **Megan L. Gehring**
(See above for address)

ATTORNEY TO BE NOTICED

Raymond L. Faust
(See above for address)
ATTORNEY TO BE NOTICED

Richard A. Mann
(See above for address)
ATTORNEY TO BE NOTICED

William R. Groth
(See above for address)
ATTORNEY TO BE NOTICED

Karen Celestino-Horseman
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

F.G.J.

represented by **Megan L. Gehring**
(See above for address)
ATTORNEY TO BE NOTICED

Raymond L. Faust
(See above for address)
ATTORNEY TO BE NOTICED

Richard A. Mann
(See above for address)
ATTORNEY TO BE NOTICED

William R. Groth
(See above for address)
ATTORNEY TO BE NOTICED

Karen Celestino-Horseman
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

JACKIE PHILLIPS-STACKMAN

represented by **Karen Celestino-Horseman**
(See above for address)
ATTORNEY TO BE NOTICED

Megan L. Gehring
(See above for address)
ATTORNEY TO BE NOTICED

Raymond L. Faust

(See above for address)

ATTORNEY TO BE NOTICED

Richard A. Mann

(See above for address)

ATTORNEY TO BE NOTICED

William R. Groth

(See above for address)

ATTORNEY TO BE NOTICED

Plaintiff

LISA PHILLIPS-STACKMAN

*Consolidated Plaintiff 1:15-cv-01929-
TWP-MJD*

represented by **Karen Celestino-Horseman**

(See above for address)

ATTORNEY TO BE NOTICED

Megan L. Gehring

(See above for address)

ATTORNEY TO BE NOTICED

Raymond L. Faust

(See above for address)

ATTORNEY TO BE NOTICED

Richard A. Mann

(See above for address)

ATTORNEY TO BE NOTICED

William R. Groth

(See above for address)

ATTORNEY TO BE NOTICED

V.

Defendant

DR. JEROME ADAMS

*in his official capacity as Indiana State
Health Commissioner*

represented by **Cale Addison Bradford**

INDIANA OFFICE OF THE

ATTORNEY GENERAL

302 West Washington Street

Indianapolis, IN 46204

317-232-6201 x7154

Email: cale.bradford@atg.in.gov

ATTORNEY TO BE NOTICED

Lara K. Langeneckert

INDIANA ATTORNEY GENERAL

302 West Washington Street,

Indiana Government Center South
Fifth Floor
Indianapolis, IN 46204
317-234-6683
Fax: 317-232-7979
Email: lara.langeneckert@atg.in.gov
ATTORNEY TO BE NOTICED

Thomas M. Fisher
OFFICE OF THE ATTORNEY
GENERAL
302 West Washington Street
IGCS - 5th Floor
Indianapolis, IN 46204
(317) 232-6255
Fax: (317) 232-7979
Email: tom.fisher@atg.in.gov
ATTORNEY TO BE NOTICED

Defendant

PAM AALTONEN
RN

represented by **Douglas Joseph Masson**
HOFFMAN LUHMAN & MASSON
PC
200 Ferry Street, Suite C
P.O. Box 99
Lafayette, IN 47902
765-423-5404
Fax: 765-742-6448
Email: djm@hlblaw.com
ATTORNEY TO BE NOTICED

Defendant

DR. JEREMY P. ADLER
*in his official capacity as Health Officer
for the Tiptecanoe County Health
Department*

represented by **Douglas Joseph Masson**
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

CRAIG RICH
*in his official capacity as Administrator
of the Tiptecanoe County Health
Department*

represented by **Douglas Joseph Masson**
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

GLENDA ROBINETTE
*Vital Records Registrar, Tiptecanoe
County Health Department*

represented by **Douglas Joseph Masson**
(See above for address)
ATTORNEY TO BE NOTICED

Defendant**DR. THOMAS C. PADGETT**represented by **Douglas Joseph Masson**
(See above for address)
*ATTORNEY TO BE NOTICED***Defendant****KAREN COMBS**represented by **Douglas Joseph Masson**
(See above for address)
*ATTORNEY TO BE NOTICED***Defendant****KATE NAIL***RN*represented by **Douglas Joseph Masson**
(See above for address)
*ATTORNEY TO BE NOTICED***Defendant****DR. JOHN THOMAS***official capacity as a members of the
Tippecanoe County Board of Heal*represented by **Douglas Joseph Masson**
(See above for address)
*ATTORNEY TO BE NOTICED***Defendant****HSIN-YI WENG***official capacity as a member of the
Tippecanoe County Board of Health*represented by **Douglas Joseph Masson**
(See above for address)
*ATTORNEY TO BE NOTICED***Defendant****THOMETRA FOSTER**represented by **Douglas Joseph Masson**
(See above for address)
*ATTORNEY TO BE NOTICED***Defendant****DR. VIRGINIA CAINE***official capacity as Director and Health
Officer of the Marion County Health
Department*represented by **Anna M. Konradi**
FAEGRE BAKER DANIELS LLP
(Indianapolis)
300 North Meridian Street
Suite 2700
Indianapolis, IN 46204
317-237-1016
Fax: 317-237-1000
Email: anna.konradi@Faegrebd.com
*ATTORNEY TO BE NOTICED***Anne Kramer Ricchiuto**
FAEGRE BAKER DANIELS LLP
(Indianapolis)
300 North Meridian Street
Suite 2700
Indianapolis, IN 46204

317-237-1420
Fax: 317-237-1000
Email: anne.ricchiuto@FaegreBD.com
ATTORNEY TO BE NOTICED

Anthony Scott Chinn
FAEGRE BAKER DANIELS LLP
(Indianapolis)
300 North Meridian Street
Suite 2700
Indianapolis, IN 46204
(317) 237-0300
Fax: (317) 237-1000
Email: scott.chinn@faegrebd.com
ATTORNEY TO BE NOTICED

Defendant

DARREN KLINGLER
*Administrator, Vital Records, Marion
County Health Department*

represented by **Anna M. Konradi**
(See above for address)
ATTORNEY TO BE NOTICED

Anne Kramer Ricchiuto
(See above for address)
ATTORNEY TO BE NOTICED

Anthony Scott Chinn
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

DR. JAMES MINER
*official capacity as a Trustee, Health &
Hospital Corporation of Marion County*

represented by **Anna M. Konradi**
(See above for address)
ATTORNEY TO BE NOTICED

Anne Kramer Ricchiuto
(See above for address)
ATTORNEY TO BE NOTICED

Anthony Scott Chinn
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

GREGORY S. FEHRIBACH
*official capacity as a Trustee, Health &
Hospital Corporation of Marion County*

represented by **Anna M. Konradi**
(See above for address)
ATTORNEY TO BE NOTICED

Anne Kramer Ricchiuto

(See above for address)
ATTORNEY TO BE NOTICED

Anthony Scott Chinn
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

DEBORAH J. DANIELS
*official capacity as a Trustee, Health &
Hospital Corporation of Marion County*

represented by **Anna M. Konradi**
(See above for address)
ATTORNEY TO BE NOTICED

Anne Kramer Ricchiuto
(See above for address)
ATTORNEY TO BE NOTICED

Anthony Scott Chinn
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

LACY M. JOHNSON
*official capacity as a Trustee, Health &
Hospital Corporation of Marion County*

represented by **Anna M. Konradi**
(See above for address)
ATTORNEY TO BE NOTICED

Anne Kramer Ricchiuto
(See above for address)
ATTORNEY TO BE NOTICED

Anthony Scott Chinn
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

CHARLES S. EBERHARDT, II
*official Capacity as a Trustee, Health &
Hospital Corporation of Marion County*

represented by **Anna M. Konradi**
(See above for address)
ATTORNEY TO BE NOTICED

Anne Kramer Ricchiuto
(See above for address)
ATTORNEY TO BE NOTICED

Anthony Scott Chinn
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

DR. DAVID F. CANAL

represented by **Anna M. Konradi**

*official capacity as Trustee, Health &
Hospital Corporation of Marion County*

(See above for address)
ATTORNEY TO BE NOTICED

Anne Kramer Ricchiuto
(See above for address)
ATTORNEY TO BE NOTICED

Anthony Scott Chinn
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

JOYCE Q. ROGERS
*official capacity as Trustee, Health &
Hospital Corporation of Marion County*

represented by **Anna M. Konradi**
(See above for address)
ATTORNEY TO BE NOTICED

Anne Kramer Ricchiuto
(See above for address)
ATTORNEY TO BE NOTICED

Anthony Scott Chinn
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

DR. BRIAN NIEDBALSKI
*IN HIS OFFICIAL CAPACITY AS
HEALTH OFFICER OF THE
BARTHOLOMEW COUNTY HEALTH
DEPARTMENT*

represented by **J. Grant Tucker**
JONES PATTERSON BOLL &
TUCKER
PO Box 67
330 Franklin St.
Columbus, IN 47202-0067
(812) 376-8266
Fax: (812) 376-0981
Email: gtucker_2004@yahoo.com
ATTORNEY TO BE NOTICED

Defendant

COLLIS MAYFILED
*IN HIS OFFICIAL CAPACITY AS
DIRECTOR OF THE
BARTHOLOMEW COUNTY HEALTH
DEPARTMENT*

represented by **J. Grant Tucker**
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

BETH LEWIS
*REGISTRAR OF VITAL RECORDS
BARTHOLOMEW COUNTY HEALTH
DEPARTMENT*

represented by **J. Grant Tucker**
(See above for address)
ATTORNEY TO BE NOTICED

Defendant**DENNIS STARK**represented by **J. Grant Tucker**
(See above for address)
*ATTORNEY TO BE NOTICED*Defendant**DR. MICHAEL CHADWICK**represented by **J. Grant Tucker**
(See above for address)
*ATTORNEY TO BE NOTICED*Defendant**DR. SUSAN SAWIN-JOHNSON**represented by **J. Grant Tucker**
(See above for address)
*ATTORNEY TO BE NOTICED*Defendant**MICHAEL MEYER**represented by **J. Grant Tucker**
(See above for address)
*ATTORNEY TO BE NOTICED*Defendant**DR. CHARLES HATCHER**represented by **J. Grant Tucker**
(See above for address)
*ATTORNEY TO BE NOTICED*Defendant**DR. BROOKE F. CASE**represented by **J. Grant Tucker**
(See above for address)
*ATTORNEY TO BE NOTICED*Defendant**CINDY BOLL**represented by **J. Grant Tucker**
(See above for address)
*ATTORNEY TO BE NOTICED*Defendant**JIM REED***ALL IN THEIR OFFICIAL
CAPACITIES AS MEMBERS OF THE
BARTHOLOMEW COUNTY BOARD
OF HEALTH*represented by **J. Grant Tucker**
(See above for address)
*ATTORNEY TO BE NOTICED*Defendant**DR. DARREN BRUCKEN***IN HIS OFFICIAL CAPACITY AS
HEALTH OFFICER FOR THE VIGO
COUNTY HEALTH DEPARTMENT*represented by **Michael James Wright**
WRIGHT SHAGLEY & LOWERY,
PC
500 Ohio Street

PO Box 9849
Terre Haute, IN 47808
812-232-3388
Fax: 812-232-8817
Email: wrightlawfirm812@gmail.com
ATTORNEY TO BE NOTICED

Defendant

JONI WISE
*ADMINISTRATOR VIGO COUNTY
HEALTH DEPARTMENT*

represented by **Michael James Wright**
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

TERRI MANNING
*IN HIS OFFICIAL CAPACITY AS
SUPERVISOR OF VITAL STATISTICS
VIGO COUNTY HEALTH
DEPARTMENT*

represented by **Michael James Wright**
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

JEFFERY DEPASSE

represented by **Michael James Wright**
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

DORA ABEL

represented by **Michael James Wright**
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

DR. IRVING HABER

represented by **Michael James Wright**
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

BRIAN GARCIA

represented by **Michael James Wright**
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

MICHAEL ELDRED

represented by **Michael James Wright**
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

DR. JAMES TURNER

represented by **Michael James Wright**
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

DR. ROBERT BURKLE
*ALL IN THEIR OFFICIAL
CAPACITIES AS MEMBERS OF THE
VIGO COUNTY BOARD OF HEALTH*

represented by **Michael James Wright**
(See above for address)
ATTORNEY TO BE NOTICED

V.

Consol Plaintiff

NOELL ALLEN
*Consolidated Plaintiff 1:15-cv-01929-
TWP-MJD*

represented by **Karen Celestino-Horseman**
(See above for address)
ATTORNEY TO BE NOTICED

Megan L. Gehring
(See above for address)
ATTORNEY TO BE NOTICED

Raymond L. Faust
(See above for address)
ATTORNEY TO BE NOTICED

Richard A. Mann
(See above for address)
ATTORNEY TO BE NOTICED

William R. Groth
(See above for address)
ATTORNEY TO BE NOTICED

Consol Plaintiff

CRYSTAL ALLEN
*Consolidated Plaintiff 1:15-cv-01929-
TWP-MJD*

represented by **Karen Celestino-Horseman**
(See above for address)
ATTORNEY TO BE NOTICED

Megan L. Gehring
(See above for address)
ATTORNEY TO BE NOTICED

Raymond L. Faust
(See above for address)
ATTORNEY TO BE NOTICED

Richard A. Mann
(See above for address)
ATTORNEY TO BE NOTICED

William R. Groth

(See above for address)
ATTORNEY TO BE NOTICED

Consol Plaintiff

L.J.P.S.

*by her mother and next friend, Lisa
Phillips-Stackman - Consolidated
Plaintiff 1:15-cv-01929-TWP-MJD*

represented by **Karen Celestino-Horseman**
(See above for address)
ATTORNEY TO BE NOTICED

Megan L. Gehring
(See above for address)
ATTORNEY TO BE NOTICED

Raymond L. Faust
(See above for address)
ATTORNEY TO BE NOTICED

Richard A. Mann
(See above for address)
ATTORNEY TO BE NOTICED

William R. Groth
(See above for address)
ATTORNEY TO BE NOTICED

V.

Consol Defendant

JEROME M. ADAMS

*Dr., in his official capacity as Indiana
State Health Commissioner -
Consolidated Defendant 1:15-cv-
01929-TWP-MJD*

represented by **Betsy M. Isenberg**
OFFICE OF THE ATTORNEY
GENERAL
302 West Washington Street
IGCS - 5th Floor
Indianapolis, IN 46204
(317) 232-6231
Fax: (317) 232-7979
Email: Betsy.Isenberg@atg.in.gov
ATTORNEY TO BE NOTICED

Lara K. Langeneckert
(See above for address)
ATTORNEY TO BE NOTICED

Nikki G. Ashmore
INDIANA ATTORNEY GENERAL
302 West Washington Street,
Indiana Government Center South
Fifth Floor
Indianapolis, IN 46204

317-232-6291

Email: Nikki.Ashmore@atg.in.gov

ATTORNEY TO BE NOTICED

Thomas M. Fisher

(See above for address)

ATTORNEY TO BE NOTICED

Consol Defendant

DR. VIRGINIA CAINE

*Dr., in her official capacity as Director
and Health Officer of the Marion
County Health Department*

represented by **Anna M. Konradi**

(See above for address)

ATTORNEY TO BE NOTICED

Anne Kramer Ricchiuto

(See above for address)

ATTORNEY TO BE NOTICED

Anthony Scott Chinn

(See above for address)

ATTORNEY TO BE NOTICED

Consol Defendant

DARREN KLINGLER

*Administrator, Vital Records, Marion
County Health Department -
Consolidated Defenant 1:15-cv-01929-
TWP-MJD*

represented by **Anna M. Konradi**

(See above for address)

ATTORNEY TO BE NOTICED

Anne Kramer Ricchiuto

(See above for address)

ATTORNEY TO BE NOTICED

Anthony Scott Chinn

(See above for address)

ATTORNEY TO BE NOTICED

Consol Defendant

DR. JAMES MINER

*Dr., - Consolidated Defendant 1:15-cv-
01929*

represented by **Anna M. Konradi**

(See above for address)

ATTORNEY TO BE NOTICED

Anne Kramer Ricchiuto

(See above for address)

ATTORNEY TO BE NOTICED

Anthony Scott Chinn

(See above for address)

ATTORNEY TO BE NOTICED

Consol Defendant

GREGORY S FEHRIBACH
Consolidated Defendant 1:15-cv-01929-TWP-MJD

represented by **Anna M. Konradi**
(See above for address)
ATTORNEY TO BE NOTICED

Anne Kramer Ricchiuto
(See above for address)
ATTORNEY TO BE NOTICED

Anthony Scott Chinn
(See above for address)
ATTORNEY TO BE NOTICED

Consol Defendant

LACY M. JOHNSON
Consolidated Defendant 1:15-cv-01929

represented by **Anna M. Konradi**
(See above for address)
ATTORNEY TO BE NOTICED

Anne Kramer Ricchiuto
(See above for address)
ATTORNEY TO BE NOTICED

Anthony Scott Chinn
(See above for address)
ATTORNEY TO BE NOTICED

Consol Defendant

CHARLES S. EBERHARDT, II
Consolidated Defendant 1:15-cv-01929-TWP-MJD

represented by **Anna M. Konradi**
(See above for address)
ATTORNEY TO BE NOTICED

Anne Kramer Ricchiuto
(See above for address)
ATTORNEY TO BE NOTICED

Anthony Scott Chinn
(See above for address)
ATTORNEY TO BE NOTICED

Consol Defendant

DEBORAH J. DANIELS
Consolidated Defendant 1:15-cv-01929

represented by **Anna M. Konradi**
(See above for address)
ATTORNEY TO BE NOTICED

Anne Kramer Ricchiuto
(See above for address)
ATTORNEY TO BE NOTICED

Anthony Scott Chinn

(See above for address)
ATTORNEY TO BE NOTICED

Consol Defendant

DR. DAVID F. CANAL

Consolidated Defendant 1:15-cv-01929

represented by **Anna M. Konradi**
 (See above for address)
ATTORNEY TO BE NOTICED

Anne Kramer Ricchiuto
 (See above for address)
ATTORNEY TO BE NOTICED

Anthony Scott Chinn
 (See above for address)
ATTORNEY TO BE NOTICED

Consol Defendant

JOYCE Q. ROGERS

Consolidated Defendant 1:15-cv-01929

represented by **Anna M. Konradi**
 (See above for address)
ATTORNEY TO BE NOTICED

Anne Kramer Ricchiuto
 (See above for address)
ATTORNEY TO BE NOTICED

Anthony Scott Chinn
 (See above for address)
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
02/13/2015	1	COMPLAINT against All Defendants, filed by All Plaintiffs. (Filing fee \$400, receipt number 0756-3354181) (Attachments: # 1 Exhibit A - IA - explanation regarding same sex spouses on birth certificate, # 2 Exhibit B - Certificate of Live Birth Worksheet, # 3 Exhibit Redacted Birth Certificate, # 4 Civil Cover Sheet, # 5 Proposed Summons)(Celestino-Horseman, Karen) (Entered: 02/13/2015)
02/13/2015	2	NOTICE of Appearance by Karen Celestino-Horseman on behalf of Plaintiffs L.W.C.H. BY HIS PARENT AND NEXT FRIEND RUBY HENDERSON, ASHLEE HENDERSON, RUBY HENDERSON. (Celestino-Horseman, Karen) (Entered: 02/13/2015)
02/13/2015	3	NOTICE of Appearance by Richard A. Mann on behalf of Plaintiffs L.W.C.H. BY HIS PARENT AND NEXT FRIEND RUBY HENDERSON, ASHLEE HENDERSON, RUBY HENDERSON. (Mann, Richard) (Entered: 02/13/2015)
02/16/2015	4	Proposed Summons submitted for issuance by the clerk as to Pam Aaltonen.

		(Celestino-Horseman, Karen) (Entered: 02/16/2015)
02/17/2015	5	NOTICE of Appearance by William R. Groth on behalf of Plaintiffs ASHLEE HENDERSON, RUBY HENDERSON, L.W.C.H.. (Groth, William) (Entered: 02/17/2015)
02/17/2015	6	Summons Issued as to All Defendants. (AAM) (Entered: 02/17/2015)
02/17/2015	7	MAGISTRATE JUDGE's NOTICE of Availability to Exercise Jurisdiction issued. (AAM) (Entered: 02/17/2015)
02/18/2015	8	Summons Issued as to KAREN COMBS. (DJH) (Entered: 02/18/2015)
02/20/2015	9	AFFIDAVIT of Service for Summons, Complaint with Exhibits, Appearance, Civil Cover Sheet <i>personally</i> served on Dr. Jerome M. Adams on 02/20/2015, filed by All Plaintiffs. (Attachments: # 1 Exhibit Ex A - Proof of Service) (Celestino-Horseman, Karen) (Entered: 02/20/2015)
03/09/2015	10	NOTICE of Appearance by Lara K. Langeneckert on behalf of Defendant JEROME ADAMS. (Langeneckert, Lara) (Entered: 03/09/2015)
03/09/2015	11	NOTICE of Appearance by Thomas M. Fisher on behalf of Defendant JEROME ADAMS. (Fisher, Thomas) (Entered: 03/09/2015)
03/09/2015	12	NOTICE of Automatic Initial Extension of Time to Respond to Complaint, filed by Defendant JEROME ADAMS, re 1 Complaint. (Fisher, Thomas) (Entered: 03/09/2015)
03/10/2015	13	NOTICE of Appearance by Douglas Joseph Masson on behalf of Defendants PAM AALTONEN, JEREMY P. ADLER, KAREN COMBS, THOMETRA FOSTER, KATE NAIL, THOMAS C. PADGETT, CRAIG RICH, GLENDA ROBINETTE, JOHN THOMAS, HSIN-YI WENG. (Masson, Douglas) (Entered: 03/10/2015)
03/10/2015	14	WAIVER OF SERVICE Returned Executed, filed by THOMAS C. PADGETT, KATE NAIL, JOHN THOMAS, KAREN COMBS, PAM AALTONEN, JEREMY P. ADLER, THOMETRA FOSTER, GLENDA ROBINETTE, CRAIG RICH, HSIN-YI WENG. THOMAS C. PADGETT waiver sent on 2/18/2015; KATE NAIL waiver sent on 2/18/2015; JOHN THOMAS waiver sent on 2/18/2015; KAREN COMBS waiver sent on 2/18/2015; PAM AALTONEN waiver sent on 2/18/2015; JEREMY P. ADLER waiver sent on 2/18/2015; THOMETRA FOSTER waiver sent on 2/18/2015; GLENDA ROBINETTE waiver sent on 2/18/2015; CRAIG RICH waiver sent on 2/18/2015; HSIN-YI WENG waiver sent on 2/18/2015. (Masson, Douglas) (Entered: 03/10/2015)
03/11/2015	15	AMENDED COMPLAINT against All Defendants, filed by All Plaintiffs. (Attachments: # 1 Exhibit A - explanation regarding same sex spouses on birth certificate, # 2 Exhibit B - Certificate of Live Birth Worksheet, # 3 Exhibit C - Redacted Birth Certificate)(Celestino-Horseman, Karen) (Entered: 03/11/2015)
03/11/2015	16	Proposed Summons submitted for issuance by the clerk as to VIRGINIA

		CAINE, DAVID F. CANAL, DEBORAH J. DANIELS, CHARLES S. EBERHARDT, II, GREGORY S. FEHRIBACH, LACY M. JOHNSON, DARREN KLINGLER, JAMES MINER, JOYCE Q. ROGERS. (Celestino-Horseman, Karen) (Entered: 03/11/2015)
03/13/2015	17	Summons Issued as to All Defendants. (MGG) (Entered: 03/13/2015)
03/26/2015	18	AFFIDAVIT of Service for Summons, Complaint with Exhibits, Appearance, Civil Cover Sheet served on Dr. Virginia Caine, Darren Klingler, Dr. James Miner, Gregory S. Fehribach, Lacy M. Johnson, Charles s. Eberhardt II, Deborah J. Daniels, Dr. David F. Canal, Joyce Q. Rogers on March 16, 2015, filed by All Plaintiffs. (Attachments: # 1 Exhibit A - Proof of Service for Marion County Health Department and the Health & Hospital Corporation) (Celestino-Horseman, Karen) (Entered: 03/26/2015)
04/06/2015	19	NOTICE of Appearance by Anthony Scott Chinn on behalf of Defendants VIRGINIA CAINE, DAVID F. CANAL, DEBORAH J. DANIELS, CHARLES S. EBERHARDT, II, GREGORY S. FEHRIBACH, LACY M. JOHNSON, DARREN KLINGLER, JAMES MINER, JOYCE Q. ROGERS. (Chinn, Anthony) (Entered: 04/06/2015)
04/06/2015	20	NOTICE of Appearance by Anne Kramer Ricchiuto on behalf of Defendants VIRGINIA CAINE, DAVID F. CANAL, DEBORAH J. DANIELS, CHARLES S. EBERHARDT, II, GREGORY S. FEHRIBACH, LACY M. JOHNSON, DARREN KLINGLER, JAMES MINER, JOYCE Q. ROGERS. (Ricchiuto, Anne) (Entered: 04/06/2015)
04/06/2015	21	NOTICE of Appearance by Anna M. Konradi on behalf of Defendants VIRGINIA CAINE, DAVID F. CANAL, DEBORAH J. DANIELS, CHARLES S. EBERHARDT, II, GREGORY S. FEHRIBACH, LACY M. JOHNSON, DARREN KLINGLER, JAMES MINER, JOYCE Q. ROGERS. (Konradi, Anna) (Entered: 04/06/2015)
04/06/2015	22	NOTICE of Parties' First Extension of Time, filed by Defendants VIRGINIA CAINE, DAVID F. CANAL, DEBORAH J. DANIELS, CHARLES S. EBERHARDT, II, GREGORY S. FEHRIBACH, LACY M. JOHNSON, DARREN KLINGLER, JAMES MINER, JOYCE Q. ROGERS. (Konradi, Anna) (Entered: 04/06/2015)
04/07/2015	23	SCHEDULING ORDER - This matter is scheduled for a telephonic initial pretrial conference on Tuesday, May 12, 2015 at 4:20 p.m. Counsel shall attend the conference by calling the designated telephone number, to be provided by the court via email. The parties shall file a proposed Case Management Plan ("CMP") no fewer than seven days before the pretrial conference. Signed by Magistrate Judge Mark J. Dinsmore on 4/7/2015. (MGG) (Entered: 04/07/2015)
04/07/2015	24	NOTICE of Appearance by Raymond L. Faust on behalf of Plaintiffs I. J. B., ELIZABETH BUSH-SAWYER, TONYA BUSH-SAWYER, UNBORN BABY DOE, ASHLEE HENDERSON, RUBY HENDERSON, L.W.C.H., JENNIFER SINGLEY, NICOLE SINGLEY. (Faust, Raymond) (Entered: 04/07/2015)

		04/07/2015)
04/09/2015	25	ANSWER to 15 Amended Complaint , filed by JEROME ADAMS.(Fisher, Thomas) (Entered: 04/09/2015)
04/16/2015	26	<i>Tippecanoe County Defendants'</i> ANSWER to 15 Amended Complaint , filed by PAM AALTONEN, JEREMY P. ADLER, KAREN COMBS, THOMETRA FOSTER, KATE NAIL, THOMAS C. PADGETT, CRAIG RICH, GLENDA ROBINETTE, JOHN THOMAS, HSIN-YI WENG. (Masson, Douglas) (Entered: 04/16/2015)
05/04/2015	27	<i>JOINTLY PREPARED CASE MANAGEMENT PLAN TENDERED</i> , filed by Plaintiffs I. J. B., ELIZABETH BUSH-SAWYER, TONYA BUSH-SAWYER, UNBORN BABY DOE, ASHLEE HENDERSON, RUBY HENDERSON, L.W.C.H., JENNIFER SINGLEY, NICOLE SINGLEY . (Celestino-Horseman, Karen) (Entered: 05/04/2015)
05/04/2015	28	ANSWER to 15 Amended Complaint <i>for Declaratory Judgment and Injunctive Relief</i> , filed by VIRGINIA CAINE, DAVID F. CANAL, DEBORAH J. DANIELS, CHARLES S. EBERHARDT, II, GREGORY S. FEHRIBACH, LACY M. JOHNSON, DARREN KLINGLER, JAMES MINER, JOYCE Q. ROGERS.(Konradi, Anna) (Entered: 05/04/2015)
05/13/2015	30	MINUTE ORDER for proceedings held before Magistrate Judge Mark J. Dinsmore: Initial Pretrial Conference held on 5/12/2015. The Court will approve the Case Management Plan, by separate order, with the changes to which the parties have agreed. In addition, the parties shall submit their agreement regarding the format in which any electronically stored information will be produced as a proposed amendment to the Case Management Plan, within fourteen (14) days of the date of this Order. Settlement Conference set for 3/11/2016 at 09:00 AM in room #257, United States Courthouse, 46 E. Ohio Street, Indianapolis, Indiana before Magistrate Judge Mark J. Dinsmore. Status Conference set for 6/19/2015 at 04:30 PM in Telephonic before Magistrate Judge Mark J. Dinsmore. *see order for additional information*. Signed by Magistrate Judge Mark J. Dinsmore. (NLR) (Entered: 05/13/2015)
05/13/2015	31	ORDER: CASE MANAGEMENT PLAN APPROVED AS AMENDED - Discovery due by 11/6/2015. Dispositive Motions due by 12/4/2015. Signed by Magistrate Judge Mark J. Dinsmore on 5/13/2015.(CKM) (Entered: 05/13/2015)
05/20/2015	32	SCHEDULING ORDER- Bench Trial set for 9/19/2016 09:00 AM in room #344, United States Courthouse, before Judge Tanya Walton Pratt. Final Pretrial Conference set for 8/24/2016 01:30 PM in room #330, United States Courthouse, 46 E. Ohio Street, Indianapolis, Indiana before Judge Tanya Walton Pratt. The final pretrial conference is for attorneys only. At the final pretrial conference, Counsel shall be prepared to discuss the status of the action, including all matters requiring completion preparatory to trial. Signed by Judge Tanya Walton Pratt on 5/20/2015.(CBU) (Entered: 05/21/2015)
05/20/2015	33	COURTROOM PROCEDURES AND TRIAL PRACTICE before Judge

		Tanya Walton Pratt (CBU) (Entered: 05/21/2015)
05/26/2015	34	First MOTION to File a Second Amended Complaint, filed by Plaintiffs I. J. B., ELIZABETH BUSH-SAWYER, TONYA BUSH-SAWYER, UNBORN BABY DOE, ASHLEE HENDERSON, RUBY HENDERSON, L.W.C.H., JENNIFER SINGLEY, NICOLE SINGLEY. (Attachments: # 1 Exhibit Proposed Second Amended Complaint, # 2 Exhibit A - Exhibit to Amended Complaint, # 3 Exhibit B- Exhibit to Amended Complaint, # 4 Text of Proposed Order)(Celestino-Horseman, Karen) Modified on 5/27/2015 (BGT). (Entered: 05/26/2015)
05/27/2015	35	ORDER re 34 BRIEFING SCHEDULE on Plaintiffs' motion to file second amended complaint. Signed by Magistrate Judge Mark J. Dinsmore on 5/27/2015.(CBU) (Entered: 05/27/2015)
05/29/2015	36	STIPULATION <i>by all parties adding ESI section to 27 CMP</i> , filed by Plaintiffs I. J. B., ELIZABETH BUSH-SAWYER, TONYA BUSH-SAWYER, UNBORN BABY DOE, ASHLEE HENDERSON, RUBY HENDERSON, L.W.C.H., JENNIFER SINGLEY, NICOLE SINGLEY. (Celestino-Horseman, Karen) Modified on 6/1/2015 (MGG). (Entered: 05/29/2015)
06/04/2015	37	ORDER granting 34 Motion to file Second Amended Complaint and it shall be deemed filed and served upon all counsel of record as of the date of entry of this order. Signed by Magistrate Judge Mark J. Dinsmore on 6/4/2015. (CBU) (Entered: 06/05/2015)
06/04/2015	38	AMENDED COMPLAINT against PAM AALTONEN, JEROME ADAMS, JEREMY P. ADLER, VIRGINIA CAINE, DAVID F. CANAL, KAREN COMBS, DEBORAH J. DANIELS, CHARLES S. EBERHARDT, II, GREGORY S. FEHRIBACH, THOMETRA FOSTER, LACY M. JOHNSON, DARREN KLINGLER, JAMES MINER, KATE NAIL, THOMAS C. PADGETT, CRAIG RICH, GLENDA ROBINETTE, JOYCE Q. ROGERS, JOHN THOMAS, HSIN-YI WENG, H.N.B., DONNICA BARRETT, CALLE JANSON, CATHY BANNICK, LYNDSEY BANNICK, SARAH JANSON, G.R.M.B., NIKKOLE MCKINLEY-BARRETT, UNBORN BABY DOE, BRIAN NIEDBALSKI, COLLIS MAYFILED, BETH LEWIS, DENNIS STARK, MICHAEL CHADWICK, SUSAN SAWIN-JOHNSON, MICHAEL MEYER, CHARLES HATCHER, BROOKE F. CASE, CINDY BOLL, JIM REED, DARREN BRUCKEN, JONI WISE, TERRI MANNING, JEFFERY DEPASSE, DORA ABEL, IRVING HABER, BRIAN GARCIA, MICHAEL ELDRED, JAMES TURNER, ROBERT BURKLE, filed by UNBORN BABY DOE, I. J. B., RUBY HENDERSON, ASHLEE HENDERSON, ELIZABETH BUSH-SAWYER, JENNIFER SINGLEY, NICOLE SINGLEY, L.W.C.H., TONYA BUSH-SAWYER, H.N.B., DONNICA BARRETT, CALLE JANSON, CATHY BANNICK, LYNDSEY BANNICK, SARAH JANSON, G.R.M.B., NIKKOLE MCKINLEY-BARRETT, UNBORN BABY DOE (Ordered filed this date) (Attachments: # 1 Exhibit A-IVRA Newsletter pg 8 Same Sex Marringae and Filing of Birth Certificates, # 2 Exhibit B- Certificate of Live Birth Worksheet)(CBU) (Entered: 06/05/2015)

06/08/2015	39	Proposed Summons submitted for issuance by the clerk as to DORA ABEL, DARREN BRUCKEN, ROBERT BURKLE, JEFFERY DEPASSE, MICHAEL ELDRED, BRIAN GARCIA, IRVING HABER, TERRI MANNING, JAMES TURNER, JONI WISE. (Celestino-Horseman, Karen) (Entered: 06/08/2015)
06/08/2015	40	Proposed Summons submitted for issuance by the clerk as to CINDY BOLL, BROOKE F. CASE, MICHAEL CHADWICK, CHARLES HATCHER, BETH LEWIS, COLLIS MAYFILED, MICHAEL MEYER, BRIAN NIEDBALSKI, JIM REED, SUSAN SAWIN-JOHNSON, DENNIS STARK. (Celestino-Horseman, Karen) (Entered: 06/08/2015)
06/09/2015	41	Summons Issued as to DORA ABEL, DARREN BRUCKEN, ROBERT BURKLE, JEFFERY DEPASSE, MICHAEL ELDRED, BRIAN GARCIA, IRVING HABER, TERRI MANNING, JAMES TURNER, JONI WISE. (MGG) (Entered: 06/09/2015)
06/09/2015	42	Summons Issued as to CINDY BOLL, BROOKE F. CASE, MICHAEL CHADWICK, CHARLES HATCHER, BETH LEWIS, COLLIS MAYFILED, MICHAEL MEYER, BRIAN NIEDBALSKI, JIM REED, SUSAN SAWIN-JOHNSON, DENNIS STARK. (MGG) (Entered: 06/09/2015)
06/12/2015	44	***ORDERED STRICKEN PER 45 ***NOTICE of Service of Initial Disclosures <i>Pursuant to Rule 26(a)(1)</i> , filed by Defendants VIRGINIA CAINE, DAVID F. CANAL, DEBORAH J. DANIELS, CHARLES S. EBERHARDT, II, GREGORY S. FEHRIBACH, LACY M. JOHNSON, DARREN KLINGLER, JAMES MINER, JOYCE Q. ROGERS. (Konradi, Anna) Modified on 6/15/2015 (MAC). (Entered: 06/12/2015)
06/15/2015	45	ENTRY Striking Initial Disclosure 44 (See Entry). Signed by Magistrate Judge Mark J. Dinsmore on 6/15/2015.(MAC) (Entered: 06/15/2015)
06/16/2015	46	NOTICE of Service of Initial Disclosures , filed by Defendants VIRGINIA CAINE, DAVID F. CANAL, DEBORAH J. DANIELS, CHARLES S. EBERHARDT, II, GREGORY S. FEHRIBACH, LACY M. JOHNSON, DARREN KLINGLER, JAMES MINER, JOYCE Q. ROGERS. (Konradi, Anna) (Entered: 06/16/2015)
06/19/2015	47	Special Damages by All Plaintiffs. (Groth, William) (Entered: 06/19/2015)
06/19/2015	48	Witness List <i>/Preliminary</i> , filed by Plaintiffs I. J. B., CATHY BANNICK, LYNDSY BANNICK, DONNICA BARRETT, ELIZABETH BUSH-SAWYER, TONYA BUSH-SAWYER, G.R.M.B., H.N.B., H.S., ASHLEE HENDERSON, RUBY HENDERSON, CALLE JANSON, SARAH JANSON, L.W.C.H., NIKKOLE MCKINLEY-BARRETT, JENNIFER SINGLEY, NICOLE SINGLEY, UNBORN BABY DOE, Exhibit List <i>/Preliminary</i> , filed by Plaintiffs I. J. B., CATHY BANNICK, LYNDSY BANNICK, DONNICA BARRETT, ELIZABETH BUSH-SAWYER, TONYA BUSH-SAWYER, G.R.M.B., H.N.B., H.S., ASHLEE HENDERSON, RUBY HENDERSON, CALLE JANSON, SARAH

		JANSON, L.W.C.H., NIKKOLE MCKINLEY-BARRETT, JENNIFER SINGLEY, NICOLE SINGLEY, UNBORN BABY DOE. (Groth, William) (Entered: 06/19/2015)
06/22/2015	49	MINUTE ORDER for proceedings held before Magistrate Judge Mark J. Dinsmore: Status Conference held on 6/19/2015. The parties discussed the status of and future plans for discovery. The parties expect to move for entry on an agreed protective order in the near future. The Court is in receipt of the parties' Electronically Stored Information Provision to Supplement Case Management Plan. [Dkt. 36.] The parties' approved Case Management Plan [Dkt. 31] is hereby amended as follows: Unless otherwise agreed by the parties or ordered by the Court, all electronically stored information will be produced in.pdf format. Status Conference set for 8/21/2015 at 04:30 PM in Telephonic before Magistrate Judge Mark J. Dinsmore. *see order for additional information* Signed by Magistrate Judge Mark J. Dinsmore. (NLR) (Entered: 06/22/2015)
06/22/2015	50	<i>Marion County Defendants'</i> ANSWER to 38 Amended Complaint (<i>Second</i>), filed by VIRGINIA CAINE, DAVID F. CANAL, DEBORAH J. DANIELS, CHARLES S. EBERHARDT, II, GREGORY S. FEHRIBACH, LACY M. JOHNSON, DARREN KLINGLER, JAMES MINER, JOYCE Q. ROGERS. (Konradi, Anna) (Entered: 06/22/2015)
06/22/2015	51	<i>Tippecanoe County Defendants'</i> ANSWER to 38 Amended Complaint , filed by PAM AALTONEN, JEREMY P. ADLER, KAREN COMBS, THOMETRA FOSTER, KATE NAIL, THOMAS C. PADGETT, CRAIG RICH, GLENDA ROBINETTE, JOHN THOMAS, HSIN-YI WENG. (Masson, Douglas) (Entered: 06/22/2015)
06/22/2015	52	<i>DEFENDANT DR. JEROME M. ADAMS'</i> ANSWER to 38 Amended Complaint (<i>Second</i>), filed by JEROME ADAMS.(Fisher, Thomas) (Entered: 06/22/2015)
06/24/2015	53	WAIVER OF SERVICE Returned Executed, filed by All Plaintiffs. DORA ABEL waiver sent on 6/18/2015; DARREN BRUCKEN waiver sent on 6/18/2015; ROBERT BURKLE waiver sent on 6/18/2015; JEFFERY DEPASSE waiver sent on 6/18/2015; MICHAEL ELDRED waiver sent on 6/18/2015; BRIAN GARCIA waiver sent on 6/18/2015; IRVING HABER waiver sent on 6/18/2015; TERRI MANNING waiver sent on 6/18/2015; JAMES TURNER waiver sent on 6/18/2015; JONI WISE waiver sent on 6/18/2015. (Celestino-Horseman, Karen) (Entered: 06/24/2015)
06/26/2015	54	Witness List <i>Preliminary</i> , filed by Defendants PAM AALTONEN, JEREMY P. ADLER, KAREN COMBS, THOMETRA FOSTER, KATE NAIL, THOMAS C. PADGETT, CRAIG RICH, GLENDA ROBINETTE, JOHN THOMAS, HSIN-YI WENG. (Masson, Douglas) (Entered: 06/26/2015)
06/26/2015	55	Witness List <i>Preliminary Witness and Exhibit List</i> , filed by Defendant JEROME ADAMS. (Fisher, Thomas) (Entered: 06/26/2015)
06/26/2015	56	Witness List <i>Preliminary witness and exhibit list</i> , filed by Defendants

		VIRGINIA CAINE, DAVID F. CANAL, DEBORAH J. DANIELS, CHARLES S. EBERHARDT, II, GREGORY S. FEHRIBACH, LACY M. JOHNSON, DARREN KLINGLER, JAMES MINER, JOYCE Q. ROGERS. (Konradi, Anna) (Entered: 06/26/2015)
08/05/2015	57	ANSWER to 38 Amended Complaint <i>FOR DECLARATORY AND INJUNCTIVE RELIEF</i> , filed by DR. BRIAN NIEDBALSKI, COLLIS MAYFILED, BETH LEWIS, DENNIS STARK, DR. MICHAEL CHADWICK, DR. SUSAN SAWIN-JOHNSON, MICHAEL MEYER, DR. CHARLES HATCHER, DR. BROOKE F. CASE, CINDY BOLL, JIM REED.(Tucker, J.) Modified on 8/5/2015 (DW). (Entered: 08/05/2015)
08/05/2015	58	NOTICE of Appearance by J. Grant Tucker on behalf of Defendants DR. BRIAN NIEDBALSKI, COLLIS MAYFILED, BETH LEWIS, DENNIS STARK, DR. MICHAEL CHADWICK, DR. SUSAN SAWIN-JOHNSON, MICHAEL MEYER, DR. CHARLES HATCHER, DR. BROOKE F. CASE, CINDY BOLL, JIM REED. (Tucker, J.) Modified on 8/5/2015 (DW). (Entered: 08/05/2015)
08/17/2015	60	<i>Vigo County Defendants'</i> ANSWER to 38 Amended Complaint , filed by DORA ABEL, DARREN BRUCKEN, ROBERT BURKLE, JEFFERY DEPASSE, MICHAEL ELDRED, BRIAN GARCIA, IRVING HABER, TERRI MANNING, JAMES TURNER, JONI WISE.(Wright, Michael) (Entered: 08/17/2015)
08/17/2015	61	NOTICE of Appearance by Michael James Wright on behalf of Defendants DORA ABEL, DARREN BRUCKEN, ROBERT BURKLE, JEFFERY DEPASSE, MICHAEL ELDRED, BRIAN GARCIA, IRVING HABER, TERRI MANNING, JAMES TURNER, JONI WISE. (Wright, Michael) (Entered: 08/17/2015)
08/18/2015	62	Joint MOTION for Continuance of <i>Telephonic Status Conference</i> , filed by Defendant JEROME ADAMS. (Attachments: # 1 Text of Proposed Order proposed order)(Fisher, Thomas) (Entered: 08/18/2015)
08/19/2015	63	ORDER granting Parties' 62 Joint Motion for Continuance of Telephonic Status Conference. Status Conference RESET for 8/26/2015 10:00 AM in Telephonic before Magistrate Judge Mark J. Dinsmore. In all other respects the Court's Minute Entry of June 19, 2015 (Dkt. 49) remains unchanged. Signed by Magistrate Judge Mark J. Dinsmore on 8/19/2015.(SWM) (Entered: 08/20/2015)
08/20/2015	64	MOTION <i>to be excused from status conference</i> 63 , filed by Defendants PAM AALTONEN, JEREMY P. ADLER, KAREN COMBS, THOMETRA FOSTER, KATE NAIL, THOMAS C. PADGETT, CRAIG RICH, GLENDA ROBINETTE, JOHN THOMAS, HSIN-YI WENG. (Masson, Douglas) (Entered: 08/20/2015)
08/21/2015	66	Submission of Proposed Order , re 64 MOTION <i>to be excused from status conference</i> 63 , filed by Defendants PAM AALTONEN, JEREMY P. ADLER, KAREN COMBS, THOMETRA FOSTER, KATE NAIL, THOMAS

		C. PADGETT, JOHN THOMAS, HSIN-YI WENG. (Masson, Douglas) (Entered: 08/21/2015)
08/21/2015	67	ORDER granting 64 Motion for Tippecanoe County Defendants to be excused from status conference. Signed by Magistrate Judge Mark J. Dinsmore on 8/21/2015. (CBU) (Entered: 08/24/2015)
08/26/2015	68	MINUTE ORDER for proceedings held before Magistrate Judge Mark J. Dinsmore: Status Conference held on 8/26/2015. Counsel for the Tippecanoe County Defendants was excused from attendance. The parties reported on the status of discovery. Status Conference set for 10/2/2015 at 04:00 PM in Telephonic before Magistrate Judge Mark J. Dinsmore. *see order for additional information* Signed by Magistrate Judge Mark J. Dinsmore. (NLR) (Entered: 08/26/2015)
08/26/2015	69	ORDER Regarding Protective Orders (see Order). Signed by Magistrate Judge Mark J. Dinsmore on 8/26/2015.(SWM) (Entered: 08/27/2015)
09/25/2015	71	First MOTION for Extension of Time to <i>Extend Discovery Deadlines</i> , filed by Defendant JEROME ADAMS. (Attachments: # 1 Text of Proposed Order) (Fisher, Thomas) (Entered: 09/25/2015)
09/28/2015	72	ORDER granting in part and denying in part Defendant Dr. Jerome M. Adams' 71 Motion for Extension of discovery deadlines. Dispositive motions due by 12/4/2015. Discovery due by 11/17/2015 (see Order for other established deadlines). Signed by Magistrate Judge Mark J. Dinsmore on 9/28/2015. (SWM) (Entered: 09/29/2015)
10/02/2015	73	MINUTE ORDER for proceedings held before Magistrate Judge Mark J. Dinsmore: Status Conference held on 10/2/2015. The parties discussed the status of and future plans for discovery and were reminded that discovery closes on November 17, 2015. Status Conference set for 2/11/2016 at 10:30 AM in Telephonic before Magistrate Judge Mark J. Dinsmore. *see order for additional information*. Signed by Magistrate Judge Mark J. Dinsmore. (NLR) (Entered: 10/05/2015)
10/30/2015	74	Exhibit List , filed by Defendants PAM AALTONEN, DORA ABEL, JEROME ADAMS, JEREMY P. ADLER, CINDY BOLL, DARREN BRUCKEN, ROBERT BURKLE, VIRGINIA CAINE, DAVID F. CANAL, BROOKE F. CASE, MICHAEL CHADWICK, KAREN COMBS, DEBORAH J. DANIELS, JEFFERY DEPASSE, CHARLES S. EBERHARDT, II, MICHAEL ELDRED, GREGORY S. FEHRIBACH, THOMETRA FOSTER, BRIAN GARCIA, IRVING HABER, CHARLES HATCHER, LACY M. JOHNSON, DARREN KLINGLER, BETH LEWIS, TERRI MANNING, COLLIS MAYFILED, MICHAEL MEYER, JAMES MINER, KATE NAIL, BRIAN NIEDBALSKI, THOMAS C. PADGETT, JIM REED, CRAIG RICH, GLENDA ROBINETTE, JOYCE Q. ROGERS, SUSAN SAWIN-JOHNSON, DENNIS STARK, JOHN THOMAS, JAMES TURNER, HSIN-YI WENG, JONI WISE, Witness List , filed by Defendants PAM AALTONEN, DORA ABEL, JEROME ADAMS, JEREMY P. ADLER, CINDY BOLL, DARREN BRUCKEN, ROBERT BURKLE, VIRGINIA

		CAINE, DAVID F. CANAL, BROOKE F. CASE, MICHAEL CHADWICK, KAREN COMBS, DEBORAH J. DANIELS, JEFFERY DEPASSE, CHARLES S. EBERHARDT, II, MICHAEL ELDRED, GREGORY S. FEHRIBACH, THOMETRA FOSTER, BRIAN GARCIA, IRVING HABER, CHARLES HATCHER, LACY M. JOHNSON, DARREN KLINGLER, BETH LEWIS, TERRI MANNING, COLLIS MAYFILED, MICHAEL MEYER, JAMES MINER, KATE NAIL, BRIAN NIEDBALSKI, THOMAS C. PADGETT, JIM REED, CRAIG RICH, GLENDA ROBINETTE, JOYCE Q. ROGERS, SUSAN SAWIN-JOHNSON, DENNIS STARK, JOHN THOMAS, JAMES TURNER, HSIN-YI WENG, JONI WISE. (Fisher, Thomas) (Entered: 10/30/2015)
10/30/2015	75	Exhibit List , filed by Plaintiffs I. J. B., CATHY BANNICK, LYNDSEY BANNICK, DONNICA BARRETT, ELIZABETH BUSH-SAWYER, TONYA BUSH-SAWYER, G.R.M.B., H.N.B., H.S., ASHLEE HENDERSON, RUBY HENDERSON, CALLE JANSON, SARAH JANSON, L.W.C.H., NIKKOLE MCKINLEY-BARRETT, JENNIFER SINGLEY, NICOLE SINGLEY, UNBORN BABY DOE, Witness List , filed by Plaintiffs I. J. B., CATHY BANNICK, LYNDSEY BANNICK, DONNICA BARRETT, ELIZABETH BUSH-SAWYER, TONYA BUSH-SAWYER, G.R.M.B., H.N.B., H.S., ASHLEE HENDERSON, RUBY HENDERSON, CALLE JANSON, SARAH JANSON, L.W.C.H., NIKKOLE MCKINLEY-BARRETT, JENNIFER SINGLEY, NICOLE SINGLEY, UNBORN BABY DOE. (Celestino-Horseman, Karen) (Entered: 10/30/2015)
11/11/2015	76	Statement of <i>Claims</i> by All Plaintiffs. (Mann, Richard) (Entered: 11/11/2015)
12/04/2015	77	First MOTION for Summary Judgment , filed by Plaintiffs I. J. B., CATHY BANNICK, LYNDSEY BANNICK, DONNICA BARRETT, ELIZABETH BUSH-SAWYER, TONYA BUSH-SAWYER, G.R.M.B., H.N.B., H.S., ASHLEE HENDERSON, RUBY HENDERSON, CALLE JANSON, SARAH JANSON, L.W.C.H., NIKKOLE MCKINLEY-BARRETT, JENNIFER SINGLEY, NICOLE SINGLEY, UNBORN BABY DOE. (Celestino-Horseman, Karen) (Entered: 12/04/2015)
12/04/2015	78	Appendix of Exhibits in Support of Motion re 77 First MOTION for Summary Judgment , filed by Plaintiffs I. J. B., CATHY BANNICK, LYNDSEY BANNICK, DONNICA BARRETT, ELIZABETH BUSH-SAWYER, TONYA BUSH-SAWYER, G.R.M.B., H.N.B., H.S., ASHLEE HENDERSON, RUBY HENDERSON, CALLE JANSON, SARAH JANSON, L.W.C.H., NIKKOLE MCKINLEY-BARRETT, JENNIFER SINGLEY, NICOLE SINGLEY, UNBORN BABY DOE. (Attachments: # 1 Exhibit Ex A - Process for gathering information, # 2 Exhibit B - Interrogatory responses of the Tippecanoe County Health Department, # 3 Exhibit C - Interrogatory responses of the Marion Health Department, # 4 Exhibit D - Indiana Birth Worksheet for 2015, # 5 Affidavit Ex E - Affidavit of Ashlee and Ruby Henderson, # 6 Affidavit Henderson Attach 1 - IVRA Newsletter, # 7 Affidavit Henderson Attach 2 - Certificate of Live Birth Worksheet, # 8 Affidavit Henderson Attach 3 - Birth Certificate, # 9 Affidavit Ex F - Affidavit of Captain Nicole and Jennifer Singley, # 10 Affidavit Singley

		Attach. 1 - Birth Certificate, # 11 Affidavit Singley Attach. 2 - Letter from the Marion County Health Department and Notice, # 12 Affidavit Ex G - Affidavit of Nikkole Sawyer-Barrett and Donnica Barrett, # 13 Affidavit Barrett Attach. 1 - Electronic Birth Certificate Worksheet, # 14 Affidavit Barrett Attach. 2 - Birth Certificate)(Celestino-Horseman, Karen) (Entered: 12/04/2015)
12/04/2015	79	Appendix of Exhibits in Support of Motion re 77 First MOTION for Summary Judgment , filed by Plaintiffs I. J. B., CATHY BANNICK, LYNDSEY BANNICK, DONNICA BARRETT, ELIZABETH BUSH-SAWYER, TONYA BUSH-SAWYER, G.R.M.B., H.N.B., H.S., ASHLEE HENDERSON, RUBY HENDERSON, CALLE JANSON, SARAH JANSON, L.W.C.H., NIKKOLE MCKINLEY-BARRETT, JENNIFER SINGLEY, NICOLE SINGLEY, UNBORN BABY DOE. (Attachments: # 1 Affidavit Ex H - Affidavit of Elizabeth and Tonya Bush-Sawyer, # 2 Affidavit Bush-Sawyer Attach. 1 - Information for Birth Certificate, # 3 Affidavit Bush-Sawyer Attach. 2 - Birth Confirmation Letter, # 4 Affidavit Bush-Sawyer Attach. 3 - Birth Certificate, # 5 Affidavit Bush-Sawyer Attach. 4 - Part 1 - Stepparent Adoption Information, # 6 Affidavit Bush-Sawyer Attach. 4 - Part 2 - - Stepparent Adoption Information, # 7 Affidavit Bush-Sawyer Attach. 4 - Part 3 - Stepparent Adoption Information, # 8 Affidavit Ex I - Affidavit of Calle and Sarah Janson, # 9 Affidavit Ex J - Affidavit of Cathy and Lyndsey Bannick, # 10 Affidavit Bannick Attach. 1 - Birth Certificate Worksheet, # 11 Affidavit Bannick Attach. 2 - Verification of Birth Facts, # 12 Affidavit Bannick Attach. 3 - Birth Confirmation Letter, # 13 Affidavit Bannick Attach. 4 - Letter from the Bartholomew County Health Department and Notice, # 14 Exhibit K - Interrogatory responses of the Vigo County Health Department, # 15 Exhibit L - Interrogatory responses of the Bartholomew County Health Department, # 16 Exhibit Utah Stipulated Judgment, # 17 Exhibit Interrogatory responses of Dr. Jerome Adams, Indiana State Department of Health)(Celestino-Horseman, Karen) (Entered: 12/04/2015)
12/04/2015	80	BRIEF/MEMORANDUM in Support re 77 First MOTION for Summary Judgment , filed by Plaintiffs I. J. B., CATHY BANNICK, LYNDSEY BANNICK, DONNICA BARRETT, ELIZABETH BUSH-SAWYER, TONYA BUSH-SAWYER, G.R.M.B., H.N.B., H.S., ASHLEE HENDERSON, RUBY HENDERSON, CALLE JANSON, SARAH JANSON, L.W.C.H., NIKKOLE MCKINLEY-BARRETT, JENNIFER SINGLEY, NICOLE SINGLEY, UNBORN BABY DOE. (Celestino-Horseman, Karen) (Entered: 12/04/2015)
12/09/2015	81	NOTICE of Appearance by Megan L. Gehring on behalf of Plaintiffs I. J. B., CATHY BANNICK, LYNDSEY BANNICK, DONNICA BARRETT, ELIZABETH BUSH-SAWYER, TONYA BUSH-SAWYER, G.R.M.B., H.N.B., H.S., ASHLEE HENDERSON, RUBY HENDERSON, CALLE JANSON, SARAH JANSON, L.W.C.H., NIKKOLE MCKINLEY-BARRETT, JENNIFER SINGLEY, NICOLE SINGLEY, UNBORN BABY DOE. (Gehring, Megan) (Entered: 12/09/2015)
01/08/2016	82	Cross MOTION for Summary Judgment <i>by Tippecanoe County Defendants,</i>

		filed by Defendants PAM AALTONEN, JEREMY P. ADLER, KAREN COMBS, THOMETRA FOSTER, KATE NAIL, THOMAS C. PADGETT, CRAIG RICH, GLENDA ROBINETTE, JOHN THOMAS, HSIN-YI WENG. (Masson, Douglas) (Entered: 01/08/2016)
01/08/2016	83	BRIEF/MEMORANDUM in Support re 82 Cross MOTION for Summary Judgment <i>by Tippecanoe County Defendants</i> , filed by Defendants PAM AALTONEN, JEREMY P. ADLER, KAREN COMBS, THOMETRA FOSTER, KATE NAIL, THOMAS C. PADGETT, CRAIG RICH, GLENDA ROBINETTE, HSIN-YI WENG. (Masson, Douglas) (Entered: 01/08/2016)
01/08/2016	84	MOTION for Summary Judgment , filed by Defendant JEROME ADAMS. (Fisher, Thomas) (Entered: 01/08/2016)
01/08/2016	85	BRIEF/MEMORANDUM in Support re 84 MOTION for Summary Judgment , filed by Defendant JEROME ADAMS. (Attachments: # 1 Exhibit Ex 1 - Declaration of Bryan Carnes, # 2 Exhibit Ex 2 - Responses to Defendant's First Set of Interrogatories to Bannick Plaintiffs, # 3 Exhibit Ex 3 - Responses to Defendant's First Set of Interrogatories to Barrett Plaintiffs, # 4 Exhibit Ex 4 - Responses to Defendant's First Set of Interrogatories to Bush-Sawyer Plaintiffs, # 5 Exhibit Ex 5 - Responses to Defendant's First Set of Interrogatories to Henderson Plaintiffs, # 6 Exhibit Ex 6 - Responses to Defendant's First Set of Interrogatories to Janson Plaintiffs, # 7 Exhibit Ex 7 - Responses to Defendant's First Set of Interrogatories to Singley Plaintiffs, # 8 Exhibit Ex 8 - Henderson Donor Insemination Agreement Excerpts, # 9 Exhibit Ex 9 - NW Cryobank Therapeutic Donor Insemination (TDI) Donor Consent Testing and Compensation Agreement)(Fisher, Thomas) (Entered: 01/08/2016)
01/18/2016	86	MOTION to Consolidate Cases , filed by Plaintiffs I. J. B., CATHY BANNICK, LYNDSEY BANNICK, DONNICA BARRETT, ELIZABETH BUSH-SAWYER, TONYA BUSH-SAWYER, G.R.M.B., H.N.B., H.S., ASHLEE HENDERSON, RUBY HENDERSON, CALLE JANSON, SARAH JANSON, L.W.C.H., NIKKOLE MCKINLEY-BARRETT, JENNIFER SINGLEY, NICOLE SINGLEY, UNBORN BABY DOE. (Attachments: # 1 Text of Proposed Order)(Faust, Raymond) (Entered: 01/18/2016)
01/29/2016	87	Joint MOTION to Vacate <i>Settlement Conference</i> , filed by Defendant JEROME ADAMS. (Attachments: # 1 Text of Proposed Order proposed order)(Fisher, Thomas) (Entered: 01/29/2016)
02/01/2016	88	*** WITHDRAWN PER ORDER DATED 2/5/2016 *** RESPONSE in Opposition re 86 MOTION to Consolidate Cases , filed by Defendant JEROME ADAMS. (Fisher, Thomas) Modified on 2/8/2016 (SWM). (Entered: 02/01/2016)
02/02/2016	89	ORDER granting Defendants' 87 Motion to Vacate the Settlement Conference set for 3/11/2016. Signed by Magistrate Judge Mark J. Dinsmore on 2/2/2016. (SWM) (Entered: 02/02/2016)
02/04/2016	90	STIPULATION <i>BY DEFENDANTS AND PLAINTIFFS AGREEING TO</i>

		<i>CONSOLIDATE ACTIONS, WITHDRAW MOTION FOR PRELIMINARY INJUNCTION AND SUBSTITUTE PARTY</i> , filed by Plaintiffs I. J. B., CATHY BANNICK, LYNDSEY BANNICK, DONNICA BARRETT, ELIZABETH BUSH-SAWYER, TONYA BUSH-SAWYER, G.R.M.B., H.N.B., H.S., ASHLEE HENDERSON, RUBY HENDERSON, CALLE JANSON, SARAH JANSON, L.W.C.H., NIKKOLE MCKINLEY-BARRETT, JENNIFER SINGLEY, NICOLE SINGLEY, UNBORN BABY DOE. (Celestino-Horseman, Karen) (Entered: 02/04/2016)
02/04/2016	91	MOTION to Withdraw 88 Response in Opposition to Motion , filed by Defendant JEROME ADAMS. (Attachments: # 1 Text of Proposed Order) (Fisher, Thomas) (Entered: 02/04/2016)
02/04/2016	92	Unopposed MOTION <i>TO ENTER AN ORDER REFLECTING THE PARTIES AGREEMENT REGARDING SUMMARY JUDGMENT ORAL ARGUMENT, SUBSTITUTION OF PARTY AND PAGE LIMITATIONS</i> , filed by Plaintiffs I. J. B., CATHY BANNICK, LYNDSEY BANNICK, DONNICA BARRETT, ELIZABETH BUSH-SAWYER, TONYA BUSH-SAWYER, G.R.M.B., H.N.B., H.S., ASHLEE HENDERSON, RUBY HENDERSON, CALLE JANSON, SARAH JANSON, L.W.C.H., NIKKOLE MCKINLEY-BARRETT, JENNIFER SINGLEY, NICOLE SINGLEY, UNBORN BABY DOE. (Attachments: # 1 Exhibit Proposed Order)(Celestino-Horseman, Karen) (Entered: 02/04/2016)
02/04/2016	93	SCHEDULING ORDER: Status Conference set for 2/8/2016 02:20 PM (Eastern) in Telephonic before Magistrate Judge Mark J. Dinsmore. Counsel shall attend the status conference by calling the designated telephone number, to be provided by the Court via email generated by the Court's ECF system. Signed by Magistrate Judge Mark J. Dinsmore on 2/4/2016.(SWM) (Entered: 02/05/2016)
02/05/2016	95	ORDER granting Defendants' 91 Motion to Withdraw Objection to Plaintiff's Motion to Consolidate Actions (Dkt. 88). Signed by Magistrate Judge Mark J. Dinsmore on 2/5/2016. (SWM) (Entered: 02/08/2016)
02/08/2016	96	ORDER granting Plaintiffs' 86 Motion to Consolidate Cases: IT IS THEREFORE ORDERED that the above-captioned cases be, and they are hereby, consolidated for all purposes pursuant to Fed. R. Civ. P. 42(a). The Clerk is directed to file a copy of this order in Case No. 1:15- cv-01929-TWP-MJD and to close that case. All future filings in the consolidated matter will be made in Case No. 1:15-cv-220-TWP-MJD (see Order for additional information). Signed by Magistrate Judge Mark J. Dinsmore on 2/8/2016. (SWM) (Entered: 02/08/2016)
02/08/2016	97	<i>Marion County Defendants'</i> ANSWER to Complaint <i>for Declaratory and Injunctive Relief</i> , filed by VIRGINIA CAINE, DAVID F. CANAL, DEBORAH J. DANIELS, CHARLES S. EBERHARDT, II, GREGORY S. FEHRIBACH, LACY M. JOHNSON, DARREN KLINGLER, JAMES MINER, JOYCE Q. ROGERS.(Konradi, Anna) (Entered: 02/08/2016)
02/08/2016	98	ANSWER to Complaint for Declaratory and Injunctive Relief (filed in case

		1:15-cv-1929-TWP-MJD), filed by JEROME M. ADAMS.(Fisher, Thomas) Modified on 2/9/2016 (TRG). (Entered: 02/08/2016)
02/09/2016	99	MINUTE ORDER for proceedings held before Magistrate Judge Mark J. Dinsmore: Status Conference held on 2/8/2016. The parties discussed the consolidated cases. The Plaintiffs requested a one day enlargement of the remaining briefing deadlines. At the parties' request, and without objection, paragraph IV(B) of the approved Case Management Plan [Dkt. 31] is amended as follows: B. All discovery shall be completed by November 6, 2015. Plaintiffs shall file any dispositive motion on or before December 4, 2015. Defendants shall respond to Plaintiffs' dispositive motion and assert any cross-dispositive motion on or before January 8, 2016. Plaintiffs shall respond to Defendants' cross-dispositive motion, to include a reply in support of Plaintiff's dispositive motion on or before February 9, 2016. Defendants shall file any reply in support of their cross-dispositive motion on or before February 23, 2016. All other requirements of the approved Case Management Plan [Dkt. 31] remain in effect. The telephonic status conference scheduled for February 11, 2016 at 10:30 a.m. [Dkt. 73] is hereby VACATED. Signed by Magistrate Judge Mark J. Dinsmore. (NLR) (Entered: 02/09/2016)
02/09/2016	100	RESPONSE in Opposition re 77 First MOTION for Summary Judgment , 84 MOTION for Summary Judgment <i>and Reply in Support of Plaintiffs' Motion for Summary Judgment</i> , filed by Plaintiffs I. J. B., CATHY BANNICK, LYNDSEY BANNICK, DONNICA BARRETT, ELIZABETH BUSH-SAWYER, TONYA BUSH-SAWYER, G.R.M.B., H.N.B., H.S., ASHLEE HENDERSON, RUBY HENDERSON, CALLE JANSON, SARAH JANSON, L.W.C.H., NIKKOLE MCKINLEY-BARRETT, JACKIE PHILLIPS-STACKMAN, LISA PHILLIPS-STACKMAN, JENNIFER SINGLEY, NICOLE SINGLEY, UNBORN BABY DOE. (Attachments: # 1 Exhibit 0 - Allen Affidavit, # 2 Exhibit Allen Attach. 1 - Death Certificates, # 3 Exhibit P - Phillips-Stackman Aff., # 4 Exhibit Phillips-Stackman Attach 1 - Birth Confirmation Letter, # 5 Exhibit Phillips-Stackman Attach. 2 - Birth Info Letter, # 6 Exhibit Phillips-Stackman Attach. 3 - Notice, # 7 Exhibit Q - Employee Manual of Indianapolis and Marion County, # 8 Exhibit R - Study regarding same sex families)(Celestino-Horseman, Karen) (Entered: 02/09/2016)
02/09/2016	101	RESPONSE in Opposition re 82 Cross MOTION for Summary Judgment <i>by Tippecanoe County Defendants</i> , filed by Plaintiffs I. J. B., CATHY BANNICK, LYNDSEY BANNICK, DONNICA BARRETT, ELIZABETH BUSH-SAWYER, TONYA BUSH-SAWYER, G.R.M.B., H.N.B., H.S., ASHLEE HENDERSON, RUBY HENDERSON, CALLE JANSON, SARAH JANSON, L.W.C.H., NIKKOLE MCKINLEY-BARRETT, JACKIE PHILLIPS-STACKMAN, LISA PHILLIPS-STACKMAN, JENNIFER SINGLEY, NICOLE SINGLEY, UNBORN BABY DOE. (Celestino-Horseman, Karen) (Entered: 02/09/2016)
02/09/2016	102	MOTION to Substitute Party <i>As Agreed to by all Parties</i> , filed by Plaintiffs I. J. B., CATHY BANNICK, LYNDSEY BANNICK, DONNICA BARRETT, ELIZABETH BUSH-SAWYER, TONYA BUSH-SAWYER, G.R.M.B.,

		H.N.B., H.S., ASHLEE HENDERSON, RUBY HENDERSON, CALLE JANSON, SARAH JANSON, L.W.C.H., NIKKOLE MCKINLEY-BARRETT, JACKIE PHILLIPS-STACKMAN, LISA PHILLIPS-STACKMAN, JENNIFER SINGLEY, NICOLE SINGLEY, UNBORN BABY DOE. (Attachments: # 1 Text of Proposed Order)(Celestino-Horseman, Karen) (Entered: 02/09/2016)
02/09/2016	103	MOTION <i>As Agreed to by all Parties</i> , filed by Plaintiffs I. J. B., CATHY BANNICK, LYNDSEY BANNICK, DONNICA BARRETT, ELIZABETH BUSH-SAWYER, TONYA BUSH-SAWYER, G.R.M.B., H.N.B., H.S., ASHLEE HENDERSON, RUBY HENDERSON, CALLE JANSON, SARAH JANSON, L.W.C.H., NIKKOLE MCKINLEY-BARRETT, JACKIE PHILLIPS-STACKMAN, LISA PHILLIPS-STACKMAN, JENNIFER SINGLEY, NICOLE SINGLEY, UNBORN BABY DOE. (Attachments: # 1 Text of Proposed Order)(Celestino-Horseman, Karen) (Entered: 02/09/2016)
02/12/2016	104	ORDER: This matter comes before the Court on the parties' unopposed motion to enter an order reflecting the parties' agreement regarding summary judgment oral argument, substitution of party and page limitations. [Dkt. 92.] With regard to the portion of the motion requesting enlargement of the page limitations relating to the parties' remaining summary judgment briefing, the Court was advised that such enlargement was no longer required, so that portion of the motion is DENIED AS MOOT. With regard to the portion of the motion seeking oral argument on the pending motions for summary judgment, that portion of the motion is DENIED without prejudice to its resubmission and the parties are directed to file, and have now filed, a separate motion requesting oral argument if so desired, along with a proposed order. With regard to the portion of the motion seeking substitution of a party, that portion of the motion is also DENIED without prejudice to its resubmission and the parties are directed to file, and have now filed, a separate motion requesting substitution of the party, along with a proposed order. Signed by Magistrate Judge Mark J. Dinsmore on 2/12/2016. (SWM) (Entered: 02/12/2016)
02/12/2016	105	ORDER granting Plaintiffs' 102 Motion to substitute a party. IT IS HEREBY ORDERED that F.G.J., born to Calle and Sarah Janson on December 1, 2015, be substituted for Unborn Baby Doe. Signed by Magistrate Judge Mark J. Dinsmore on 2/12/2016. (SWM) Modified on 2/24/2016 (SWM). (Entered: 02/12/2016)
02/12/2016	106	ORDER SETTING ORAL ARGUMENT - This matter comes before the Court upon the Motion by Plaintiffs for oral argument on the Motion for Summary Judgment and Cross-Motions for Summary Judgment, pursuant to the Stipulated Agreement of the parties of February 4, 2016. The Court, hereby GRANTS said motion. The Motion for Summary Judgment shall be heard on April 8th 2016 at 10:00 a.m. Counsel are allotted thirty minutes each side, for a total of one hour.. Signed by Judge Tanya Walton Pratt on 2/12/2016.(JLS) (Entered: 02/12/2016)
02/23/2016	107	REPLY in Support of Motion re 82 Cross MOTION for Summary Judgment

		<i>by Tippecanoe County Defendants</i> , filed by Defendants PAM AALTONEN, JEREMY P. ADLER, KAREN COMBS, THOMETRA FOSTER, KATE NAIL, THOMAS C. PADGETT, CRAIG RICH, GLENDA ROBINETTE, JOHN THOMAS, HSIN-YI WENG. (Masson, Douglas) (Entered: 02/23/2016)
02/23/2016	108	REPLY in Support of Motion re 84 MOTION for Summary Judgment <i>and in Opposition to Plaintiffs' Motion for Summary Judgment</i> , filed by Defendant JEROME ADAMS. (Fisher, Thomas) (Entered: 02/23/2016)
04/05/2016	109	NOTICE OF SUPPLEMENTAL AUTHORITY IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT, filed by Plaintiffs I. J. B., CATHY BANNICK, LYNDSEY BANNICK, DONNICA BARRETT, ELIZABETH BUSH-SAWYER, TONYA BUSH-SAWYER, F.G.J., G.R.M.B., H.N.B., H.S., ASHLEE HENDERSON, RUBY HENDERSON, CALLE JANSON, SARAH JANSON, L.W.C.H., NIKKOLE MCKINLEY-BARRETT, JACKIE PHILLIPS-STACKMAN, LISA PHILLIPS-STACKMAN, JENNIFER SINGLEY, NICOLE SINGLEY (Groth, William) (Entered: 04/05/2016)
04/07/2016	110	NOTICE of Change of Attorney Information. Consistent with Local Rule 5-3, Raymond L. Faust hereby notifies the Clerk of the court of changed contact information. (Faust, Raymond) (Entered: 04/07/2016)
04/07/2016	111	NOTICE of Change of Attorney Information. Consistent with Local Rule 5-3, Raymond L. Faust hereby notifies the Clerk of the court of changed contact information. (<i>court form</i>) (Faust, Raymond) (Entered: 04/07/2016)
04/08/2016	112	RESPONSE TO PLAINTIFFS NOTICE OF SUPPLEMENTAL AUTHORITY IN SUPPORT OF MOTION FOR SUMMARY JUDGMENT, re 109 Notice (Other), filed by Defendant JEROME ADAMS. (Fisher, Thomas) (Entered: 04/08/2016)
04/08/2016	113	MINUTE ENTRY for oral argument held before Judge Tanya Walton Pratt on 4/8/2016: Parties appeared by counsel. Oral argument held. This matter was taken under advisement. Signed by Judge Tanya Walton Pratt. (Court Reporter David Moxley.)(TRG) (Entered: 04/08/2016)
06/07/2016	114	NOTICE of Supplemental Authority, filed by Plaintiffs I. J. B., CATHY BANNICK, LYNDSEY BANNICK, DONNICA BARRETT, ELIZABETH BUSH-SAWYER, TONYA BUSH-SAWYER, F.G.J., G.R.M.B., H.N.B., H.S., ASHLEE HENDERSON, RUBY HENDERSON, CALLE JANSON, SARAH JANSON, L.W.C.H., NIKKOLE MCKINLEY-BARRETT, JACKIE PHILLIPS-STACKMAN, LISA PHILLIPS-STACKMAN, JENNIFER SINGLEY, NICOLE SINGLEY, re 77 First MOTION for Summary Judgment . (Mann, Richard) (Entered: 06/07/2016)
06/29/2016	115	RESPONSE TO PLAINTIFFS NOTICE OF SUPPLEMENTAL AUTHORITY, re 114 Notice (Other), filed by Defendant JEROME ADAMS. (Fisher, Thomas) (Entered: 06/29/2016)
06/30/2016	116	ENTRY ON CROSS-MOTIONS FOR SUMMARY JUDGMENT - The Court

		GRANTS the Tippecanoe County Defendants' Motion for Summary Judgment (Filing No. 82), and claims against each of the County Defendants are dismissed for lack of jurisdiction. The Court GRANTS the Plaintiffs' Motion for Summary Judgment against the State Defendant (Filing No. 77), and DENIES the State Defendant's Motion for Summary Judgment (Filing No. 84). (See Entry for details). Signed by Judge Tanya Walton Pratt. (TRG) (Entered: 06/30/2016)
06/30/2016	117	PERMANENT INJUNCTION ENJOINING THE ENFORCEDMENT OF INDIANA CODE §§ 31-9-2-15, 31-9-2-16, and 31-14-7-1 - The State Defendant is: 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; ENJOINED to recognize children born to a birth mother who is married to a same-sex spouse as a child born in wedlock; ENJOINED to recognize each of the Plaintiff Children in this matter as a child born in wedlock; and 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. Signed by Judge Tanya Walton Pratt on 6/30/2016.(TRG) (Entered: 06/30/2016)
06/30/2016	118	FINAL JUDGMENT PURSUANT TO FED. R. CIV. PRO. 58 - All claims asserted against the County Defendants are dismissed for lack of subject matter jurisdiction. Judgment is entered for the prevailing Plaintiffs. Judgment is entered accordingly, and this action is TERMINATED. Signed by Judge Tanya Walton Pratt on 6/30/2016.(TRG) (Entered: 06/30/2016)
07/18/2016	119	MOTION <i>TO ALTER OR AMEND JUDGMENT</i> , filed by Defendant JEROME ADAMS. (Fisher, Thomas) (Entered: 07/18/2016)
07/18/2016	120	BRIEF/MEMORANDUM in Support re 119 MOTION <i>TO ALTER OR AMEND JUDGMENT</i> , filed by Defendant JEROME ADAMS. (Attachments: # 1 Exhibit Exh. A - Declaration of Brian Carnes)(Fisher, Thomas) (Entered: 07/18/2016)
07/20/2016	121	First MOTION for Extension of Time to to file <i>Petition for Attorneys' Fees</i> , filed by Plaintiffs I. J. B., CATHY BANNICK, LYNDSEY BANNICK, DONNICA BARRETT, ELIZABETH BUSH-SAWYER, TONYA BUSH-SAWYER, F.G.J., G.R.M.B., H.N.B., H.S., ASHLEE HENDERSON, RUBY HENDERSON, CALLE JANSON, SARAH JANSON, L.W.C.H., NIKKOLE MCKINLEY-BARRETT, JACKIE PHILLIPS-STACKMAN, LISA PHILLIPS-STACKMAN, JENNIFER SINGLEY, NICOLE SINGLEY. (Attachments: # 1 Text of Proposed Order)(Celestino-Horseman, Karen) (Entered: 07/20/2016)
07/21/2016	122	ORDER GRANTING UNOPPOSED MOTION TO EXTEND TIME TO FILE FOR ATTORNEYS' FEES AND COSTS - 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. Signed by Judge Tanya Walton Pratt on 7/21/2016. (JLS) (Entered: 07/21/2016)
07/21/2016	123	**PLEASE DISREGARD, AMENDED MOTION FILED AT DKT 124** First MOTION for Extension of Time to File Response to 08/01/2016 re 119 MOTION <i>TO ALTER OR AMEND JUDGMENT</i> , filed by Plaintiffs I. J. B., CATHY BANNICK, LYNDSEY BANNICK, DONNICA BARRETT, ELIZABETH BUSH-SAWYER, TONYA BUSH-SAWYER, F.G.J., G.R.M.B., H.N.B., H.S., ASHLEE HENDERSON, RUBY HENDERSON, CALLE JANSON, SARAH JANSON, L.W.C.H., NIKKOLE MCKINLEY-BARRETT, JACKIE PHILLIPS-STACKMAN, LISA PHILLIPS-STACKMAN, JENNIFER SINGLEY, NICOLE SINGLEY. (Attachments: # 1 Text of Proposed Order)(Faust, Raymond) Modified on 7/22/2016 (JLS). (Entered: 07/21/2016)
07/21/2016	124	First MOTION for Extension of Time to File Response to 08/15/2016 re 119 MOTION <i>TO ALTER OR AMEND JUDGMENT (Amended to Correct Filing Error)</i> , filed by Plaintiffs I. J. B., CATHY BANNICK, LYNDSEY BANNICK, DONNICA BARRETT, ELIZABETH BUSH-SAWYER, TONYA BUSH-SAWYER, F.G.J., G.R.M.B., H.N.B., H.S., ASHLEE HENDERSON, RUBY HENDERSON, CALLE JANSON, SARAH JANSON, L.W.C.H., NIKKOLE MCKINLEY-BARRETT, JACKIE PHILLIPS-STACKMAN, LISA PHILLIPS-STACKMAN, JENNIFER SINGLEY, NICOLE SINGLEY. (Attachments: # 1 Text of Proposed Order) (Faust, Raymond) (Entered: 07/21/2016)
07/22/2016	125	ORDER ON PLAINTIFFS' AMENDED UNOPPOSED MOTION FOR EXTENSION OF TIME TO RESPOND TO DEFENDANT, JEROME ADAMS'S, MOTION TO ALTER OR AMEND JUDGMENT - IT IS THEREFORE ORDERED by the Court that the plaintiffs' time for response to defendant, Jerome Adams's, Motion to Alter or Amend Judgment, be, and is hereby, extended through and including August 15, 2016. Signed by Judge Tanya Walton Pratt on 7/22/2016. (JLS) (Entered: 07/22/2016)
08/13/2016	126	RESPONSE in Opposition re 119 MOTION <i>TO ALTER OR AMEND JUDGMENT</i> , filed by Plaintiffs I. J. B., CATHY BANNICK, LYNDSEY BANNICK, DONNICA BARRETT, ELIZABETH BUSH-SAWYER, TONYA BUSH-SAWYER, F.G.J., G.R.M.B., H.N.B., H.S., ASHLEE HENDERSON, RUBY HENDERSON, CALLE JANSON, SARAH JANSON, L.W.C.H., NIKKOLE MCKINLEY-BARRETT, JACKIE PHILLIPS-STACKMAN, LISA PHILLIPS-STACKMAN, JENNIFER SINGLEY, NICOLE SINGLEY. (Celestino-Horseman, Karen) (Entered: 08/13/2016)
08/16/2016	127	NOTICE of <i>Supplemental Authority</i> , filed by Plaintiffs I. J. B., CATHY BANNICK, LYNDSEY BANNICK, DONNICA BARRETT, ELIZABETH BUSH-SAWYER, TONYA BUSH-SAWYER, F.G.J., G.R.M.B., H.N.B.,

		H.S., ASHLEE HENDERSON, RUBY HENDERSON, CALLE JANSON, SARAH JANSON, L.W.C.H., NIKKOLE MCKINLEY-BARRETT, JACKIE PHILLIPS-STACKMAN, LISA PHILLIPS-STACKMAN, JENNIFER SINGLEY, NICOLE SINGLEY (Groth, William) (Entered: 08/16/2016)
08/22/2016	128	REPLY in Support of Motion re 119 MOTION <i>TO ALTER OR AMEND JUDGMENT</i> , filed by Defendant JEROME ADAMS. (Fisher, Thomas) (Entered: 08/22/2016)
09/26/2016	129	NOTICE of Change of Attorney Information. Consistent with Local Rule 5-3, Raymond L. Faust hereby notifies the Clerk of the court of changed contact information. (Faust, Raymond) (Entered: 09/26/2016)
12/30/2016	130	ENTRY On Defendant's Motion to Alter or Amend Judgment - For the reasons discussed above, the State Defendant's Motion to Amend Judgment (Filing No. 119), seeking to clarify and modify the Court declaratory judgment and permanent injunction, is granted in part and denied in part. (See Entry.) Signed by Judge Tanya Walton Pratt on 12/30/2016.(JLS) (Entered: 12/30/2016)
01/20/2017	131	NOTICE of Appearance by Cale Addison Bradford on behalf of Defendant JEROME ADAMS. (Bradford, Cale) (Entered: 01/20/2017)
01/20/2017	132	NOTICE OF APPEAL as to 116 Entry on Cross Motions for Summary Judgment, 118 Closed Judgment, 130 Entry, and 117 Permanent Injunction, filed by Defendant JEROME ADAMS. (No fee paid with this filing) (Fisher, Thomas) Modified on 1/23/2017 to create link to add'l document (LBT). (Entered: 01/20/2017)
01/20/2017	133	DOCKETING STATEMENT by JEROME ADAMS re 132 Notice of Appeal (Fisher, Thomas) (Entered: 01/20/2017)
01/20/2017	134	DESIGNATION of Record on Appeal by JEROME ADAMS re 132 Notice of Appeal (Attachments: # 1 Exhibit A)(Fisher, Thomas) (Entered: 01/20/2017)

Case #: 1:15-cv-00220-TWP-MJD