

**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, <i>et al.</i> ,)	
)	
Defendants.)	

DEFENDANTS' FINAL WITNESS AND EXHIBIT LIST

Defendants Dr. Jerome M. Adams, in his official capacity as Indiana State Health Commissioner, *et al.*, by counsel, respectfully submit this Final Witness and Exhibit List pursuant to the Case Management Plan dated May 13, 2015 (ECF No. 31) and amended September 28, 2015 (ECF No. 72):

Witnesses

1. The following Plaintiffs may be called at trial to testify as to the facts and circumstances giving rise to their purported claims:
 - a. Ashlee Henderson;
 - b. Ruby Henderson;
 - c. Captain Nicole Singley;
 - d. Jennifer Singley;
 - e. Elizabeth Bush-Sawyer;

- f. Tonya Bush-Sawyer;
- g. Lyndsey Bannick;
- h. Cathy Bannick;
- i. Calle Janson;
- j. Sarah Janson;
- k. Nikkole McKinley-Barrett;
- l. Donnica Barrett.

2. Defendant Dr. Jerome M. Adams, Indiana State Health Commissioner, or his designee, may be called to testify about: (1) the administrative process and procedures used to record parentage in Indiana, including but not limited to, explaining the Indiana Birth Registration System and affiliated forms; (2) the administrative process and procedures used to maintain reliable and comprehensive statistics of all vital events for purposes of public-health programming and research; (3) the importance of accurate records in identifying public health trends and determining government funding for public health; (4) the practice of disclosing this data to public health officials and researchers to study important health issues; and (5) the process of sharing this data with other federal and state agencies necessary to carry out the official duties of such agencies.

3. Hilari Sautbine, Staff Attorney at the Indiana State Department of Health, or her designee, may be called to testify about: (1) the administrative process and procedures used to record parentage in Indiana, including but not limited to, explaining the Indiana Birth Registration System and affiliated forms;

(2) the administrative process and procedures used to maintain reliable and comprehensive statistics of all vital events for purposes of public-health programming and research; (3) the importance of accurate records in identifying public health trends and determining government funding for public health; (4) the practice of disclosing this data to public health officials and researchers to study important health issues; and (5) the process of sharing this data with other federal and state agencies necessary to carry out the official duties of such agencies.

4. Defendant Dr. Jeremy P. Adler, Health Officer for the Tippecanoe County Health Department, or his designee, may be called to testify about the administrative process and procedures used to record parentage, issue birth certificates, and maintain birth records in Tippecanoe County.

5. Defendant Glenda Robinette or her replacement Ashley Shide, Vital Records Registrar for the Tippecanoe County Health Department, or their designee, may be called to testify about the administrative process and procedures for issuing birth certificates and maintaining birth records in Tippecanoe County.

6. Brinna Meyers, office manager and death registrar for the Tippecanoe County Health Department, or her designee, may be called to testify about issuing and maintaining vital records in Tippecanoe County.

7. Defendant Craig Rich, Administrator of the Tippecanoe County Health Department, or his designee, may be called to testify about the administrative process and procedures for issuing birth certificates, maintaining birth records, and recording parentage in Tippecanoe County.

8. Jennifer McClain and Dr. Noel Wallace, members of I.U. Arnett, may be called to testify about the completion and submission of birth worksheets and related information to the State.

9. Defendant Dr. Virginia A. Caine, Director and Health Officer of the Marion County Health Department, or her designee, may be called to testify about the administrative process and procedures used to record parentage in Marion County.

10. Defendant Darren Klinger, Administrator of Vital Records at Marion County Health Department, or his designee, may be called to testify about the procedures for maintaining vital records in Marion County.

11. Defendant Dr. Brian Niedbalski, Health Officer in Bartholomew County, or his designee, may be called to testify about the administrative process and procedures used to record parentage in Bartholomew County.

12. Defendant Beth Lewis, Registrar of Vital Records at the Bartholomew County Health Department, or her designee, may be called to testify about the procedures for maintaining vital records in Bartholomew County.

13. Defendant Terri Manning, Supervisor of Vital Statistics at the Vigo County Health Department, or her designee, may be called to testify about the recordkeeping procedures for maintaining vital records in Vigo County.

14. Any witnesses listed in Plaintiffs' Final Witness and Exhibit List or called by Plaintiffs at trial.

15. Any witnesses needed to identify or authenticate documents.

16. Any witnesses necessary for rebuttal or impeachment.

Exhibits

1. Plaintiffs' Second Amended Complaint (ECF No. 38), and all exhibits thereto, including:

- a. Exhibit A (ECF No. 38-1), IVRA Newsletter concerning "Same Sex Marriage and the Filing of Birth Certificates";

- b. Exhibit B (ECF No. 38-2), Indiana Certificate of Live Birth worksheet (Version 27 dated 5/25/2012).

2. All documents produced by Defendants in response to Plaintiffs' discovery requests (which are not yet due), including:

- a. Certificate of Live Birth form for L.W.C.H.;

- b. Certificate of Live Birth Worksheet for L.W.C.H.;

- c. Application for a Certified Birth Certificate;

- d. Tippecanoe County Health Department Procedure for Obtaining a Birth Certificate;

- e. Tippecanoe County Health Department Procedure for New Births;

- f. Tippecanoe County Health Department Policy for Paternity Affidavit;

- g. Letter from Randall Vonderheide to Karen Celestino-Horseman;

- d. Barrett Plaintiffs' responses to Defendants' first request for production, including Vigo County birth certificate for G.R.M.-B. (redacted);
- e. Bush-Sawyer Plaintiffs' response to Defendants' first set of interrogatories;
- f. Bush-Sawyer Plaintiffs' response to Defendants' first request for production, including:
 - i. Marion County birth certificate for I.J.B.-S. (redacted);
 - ii. Indiana University Health birth confirmation letter for I.J.B.-S.;
- g. Henderson Plaintiffs' response to Defendants' first set of interrogatories;
- h. Henderson Plaintiffs' response to Defendants' first request for production, including:
 - i. Tippecanoe County birth certificate for L.W.C.H. (redacted);
 - ii. All documents produced by Henderson Plaintiffs in response to Defendants' Request for Production No. 4 (marked attorney's eyes only);
- i. Janson Plaintiffs' response to Defendants' first set of interrogatories;
- j. Janson Plaintiffs' response to Defendants' first request for production.

- k. Singley Plaintiffs' response to Defendants' first set of interrogatories;
 - l. Singley Plaintiffs' response to Defendants' first request for production, including Marion County birth certificate for H.D.S. (redacted);
5. California Cryobank Donor Consent Agreement (redacted and subject to protective agreement);
6. California Cryobank Anonymous Donor Contact Policy;
7. California Cryobank sample Authorization for release of semen form;
8. Affidavit of Tammy Zimmer, Managing Director and co-owner of Cryo, L.L.C. (NW Cryobank) and attached exhibits, including:
- a. Exhibit A, NW Cryobank sample client agreement;
 - b. Exhibit B, NW Cryobank sample Therapeutic Donor Insemination, Donor Consent, Testing and Compensation Agreement;
 - c. Exhibit C, NW Cryobank sample Disclosure/Anonymity Agreement.
9. Written deposition responses of NW Cryobank;
10. Fairfax Cryobank, Sperm Donor FAQs;
11. Fairfax Cryobank, Sperm Banking Background Fundamentals sheet;
12. Fairfax Cryobank, Privacy Policy;
13. Fairfax Cryobank, Donor Insemination Brochure;
14. Fairfax Cryobank, Donor Sperm Services Brochure;
15. Fairfax Cryobank, Identity Option Birth Registration form;

16. Fairfax Cryobank, Semen Specimen Use and Release Authorization form;
17. Fairfax Cryobank, Terms of Use letter;
18. Fairfax Cryobank, Identity Option Agreement;
19. Any exhibits listed in Plaintiffs' Final Witness and Exhibit List or introduced by Plaintiffs at trial.

The Defendants reserve the right to amend or supplement this Final Witness and Exhibit List.

Respectfully submitted,

GREGORY F. ZOELLER
Attorney General of Indiana

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CERTIFICATE OF SERVICE

I hereby certify that on this 30th day of October, 2015, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which sent notification of such filing to the following:

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