

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

ASHLEE and RUBY HENDERSON, a married)
couple and L.W.C.H., by his parent and next)
friend Ruby Henderson, *et al.*,)
)
Plaintiffs,)
)
vs.) No. 1:15-cv-220-TWP-MJD
)
DR. JEROME M. ADAMS, in his official capacity)
as Indiana State Health Commissioner, *et al.*,)
)
Defendants.)

**UNOPPOSED MOTION TO ENTER AN ORDER REFLECTING
THE PARTIES AGREEMENT REGARDING
SUMMARY JUDGMENT ORAL ARGUMENT, SUBSTITUTION OF PARTY AND
PAGE LIMITATIONS**

Plaintiffs, Cathy and Lyndsey Bannick and H.N.B., Donnica Barrett and Nikkole McKinley-Barrett and G.R.M.B., Elizabeth and Tonya Bush-Sawyer and I.J.B.-S., Ashlee and Ruby Henderson and L.W.C.H., Calle and Sarah Janson and Unborn Baby Doe, and Jennifer and Nicole Singley and H.S., by counsel and pursuant to the parties' Stipulated Agreement to Consolidate Actions, Withdraw Motion for Preliminary Injunction and Substitute Party (ECF No. 90), respectfully request that this Court enter an order reflecting the agreement of the parties. In support of this motion, plaintiffs state as follows:

1. On February 4, 2016, defendants and plaintiffs filed a stipulation, subject to this Court's approval, agreeing to oral argument on the cross-

motions for summary judgment, an extension of page lengths for defendants' and plaintiffs' response and reply briefs and the substitution of a party.

2. Specifically, all parties requested oral argument on the cross-motions for summary judgment. (ECF No. 90, ¶10).

3. All parties agreed that if the Court grants the motion for consolidation as requested by the parties, Plaintiffs would include a Statement of Material Facts in their response/reply brief regarding the Allens and Phillips-Stackmans and thereby be allowed up to three additional pages, if necessary.

4. F.G.J. was born to the Janson Plaintiffs in December 2015. The parties have agreed, subject to the Court's order, that F.G.J. will be substituted for Unborn Baby Doe.

WHEREFORE, Plaintiffs, by counsel, respectfully request that the Court enter an order that:

1. Sets a time and date for oral argument on the cross-motions for summary judgment;

2. Allows Plaintiffs three additional pages in their response/reply brief, if necessary, so as to incorporate their Statement of Undisputed Facts regarding the Allen and Phillips-Stackman Plaintiffs; and,

3. Substitutes F.G.J. for Unborn Baby Doe.

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing *Plaintiffs' Motion to Withdraw Motion for Preliminary Injunction* was filed electronically on February 4, 2016. Notice of this filing will be sent to counsel of record by operation of the Court's electronic filing system.

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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION**

ASHLEE and RUBY HENDERSON, a married couple)
and L.W.C.H., by his parent and next friend)
Ruby Henderson, *et al.*)
) 1:15-CV-220 TWP/MJD

Plaintiffs,)

-vs-)

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

-----)
NOELL and CRYSTAL ALLEN, a married couple,)
et al.)

Plaintiffs,) 1:15-cv-01929-TWP-MJD

-vs-)

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

Defendants.)

**ORDER GRANTING UNOPPOSED MOTION TO ENTER AN ORDER
REFLECTING THE PARTIES AGREEMENT REGARDING
SUMMARY JUDGMENT ORAL ARGUMENT, SUBSTITUTION OF PARTY
AND PAGE LIMITATIONS**

This matter comes before the Court upon Plaintiffs' Motion to Enter an Order Reflecting The Parties Agreement Regarding Summary Judgment Oral Argument, Substitution of Party and Page Limitations pursuant to the parties Stipulated Agreement to Consolidate Actions, Withdraw Motion for Preliminary Injunction and Substitute Party (ECF No. 90) and the Court, being duly advised in the premises hereby orders as follows:

1. A hearing on the Cross-Motions for Summary Judgment is set for _____, 2016 at _____.m.

2. As *Noell and Crystal Allen, et al. v. Dr. Jerome M. Adams, et al*, Cause No. 1:15-cv-01929 was consolidated with *Ashlee & Ruby Henderson, et al. v. Dr. Jerome M. Adams*, Cause No. 1:15-cv-01929 for all purposes, including resolution through a single judgment, the Plaintiffs' Response to the State's Motion for Summary Judgment may include a Statement of Undisputed Material Facts regarding the Allens and Phillips-Stackmans. Plaintiffs will each be allowed up to an additional three pages in their brief, if necessary.

3. F.G.J. is substituted for Unborn Baby Doe.

Date: _____

Judge, United States District Court
Southern District of Indiana

Copies to all Counsel of Record