

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

NOELL and CRYSTAL ALLEN, *et al*, )  
 )  
 Plaintiffs, )  
 )  
 -vs- )  
 )  
 DR. JEROME M. ADAMS, in his official capacity as )  
 Indiana State Health Commissioner, *et al*, )  
 )  
 Defendants. )

**AFFIDAVIT OF NOELL & CRYSTAL ALLEN**

Noell and Crystal Allen, being of lawful age and being duly sworn state as follows:

1. We are over the age of eighteen, competent to testify in these proceedings and have personal knowledge of the facts and matters contained within this affidavit.
2. We were lawfully married on November 22, 2013 in New York City, New York. We have been together over 16 years.
3. Noell is an administrative law judge with the Indiana Civil Rights Commission. Crystal is a certified public accountant with the Department of Defense.
4. The couple has a five year old daughter, E.A., who was conceived through artificial insemination and delivered by Noell. Crystal subsequently adopted E.A. and both Noell and Crystal are the legal parents of E.A.

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5. Noell and Crystal decided they wanted to expand their family and Crystal wanted to experience the joy of giving birth so the couple agreed that Crystal would become pregnant with their next child. With Intrauterine Insemination performed by a licensed physician and a third party sperm donor, Crystal was able to conceive. The couple was joyous to learn that Crystal was carrying twins.

6. Crystal began to develop an infection which threatened both her life and the lives of the twins. Doctors advised her to induce labor or risk three fatalities. As a result, the twins, Ashton David Allen and Alivea Deon Allen, were born on November 21, 2015,, five weeks too early for them to have a chance. Because the babies were born prematurely, they passed away just moments after their birth .

7. On November 22, 2015, the day of their wedding anniversary, as the couple sat grieving together in Community Hospital North, a staff member came in and told Crystal that she needed information for the Indiana Birth Certificate Worksheet which Community would be completing on behalf of Crystal and the twins. When the staff member finished and started to leave, Crystal asked, "Don't you want to talk to my spouse, Noell?" Crystal and Noell were told that because Indiana does not recognize Noell as the parent of the twins, she would not be included on the birth certificate.

8. "The fact that we have to go through this process in the

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midst of such circumstances is extremely painful," said Crystal. "I could not help but think about the fact that Crystal could have died during those 10 days in the hospital and I would have been denied the right to memorialize OUR babies - a situation we cannot fathom." said Noell.

9. While the State of Indiana would not let Noell be joined with the twins in life, the Marion County Coroner's Office did allow Noell to be joined with the twins in death. A true and accurate copy of the death certificates is attached hereto as Attach. A. Both Noell and Crystal are listed on the death certificate. "It is clear to us that there is inconsistency in the procedural guidance throughout the state of Indiana and concise and objective guidance is needed," said Noell.

10. As public servants and taxpaying citizens, we are extremely disappointed in the state of Indiana. As we assess all the problems across our communities, we cannot help but think of the resources being used to address this through the courts. We have a duty to be good stewards of the state's resources, and we are currently failing.

11. As if the indescribable pain that accompanies the loss of children that were perfectly made in the image of God was not enough, this undue burden has made it even more difficult to move forward. The agony of this hurt is amplified by an obligation to fight this battle, to right this wrong for our family and families to come. This issue has interrupted time that should be for grieving and healing and has indeed

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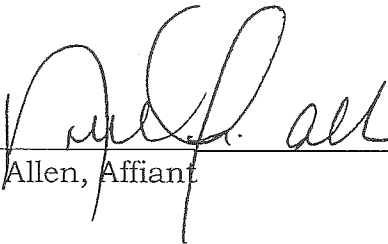
imposed a great deal of emotional distress on our entire family. It is clear that our marriage is still not recognized in the same manner as others. "My children were taken from me twice - once when they passed and the second time when the State of Indiana said I could not be recognized as mother to my babies," said Noell. "I will continue to feel that pain every day until I am recognized on their birth certificates."

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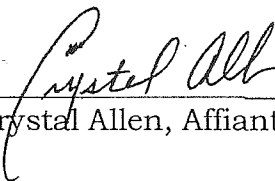
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I declare under penalty of perjury that the foregoing is true and correct.

Executed on December 9, 2015.

  
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Noell Allen, Affiant

I declare under penalty of perjury that the foregoing is true and correct. Executed on December 9, 2015.

  
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Crystal Allen, Affiant