

Exhibit 4 -
Responses to
Defendant's First
Set of
Interrogatories to
Bush-Sawyer
Plaintiffs

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

ASHLEE and RUBY HENDERSON, a married)	
couple and L.W.C.H., by his parent and next)	
friend Ruby Henderson, <i>et al.</i> ,)	
)	
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.)	

DEFENDANT’S FIRST SET OF INTERROGATORIES
TO BUSH-SAWYER PLAINTIFFS

Defendant, Indiana State Health Commissioner Dr. Jerome M. Adams, by counsel, Attorney General Gregory F. Zoeller, Solicitor General Thomas M. Fisher, and Deputy Attorney General Lara Langeneckert, hereby requests Plaintiffs Elizabeth “Nicki” and Tonya Bush-Sawyer and I.J.B. a/k/a I.J.B.-S. (Bush-Sawyer Plaintiffs) to answer in writing and under oath the interrogatories set forth herein in accordance with Rule 33 of the Federal Rules of Civil Procedure. Defendant requests that Bush-Sawyer Plaintiffs respond within 14 days of the date of service.

Definitions and Instructions

1. “Plaintiff,” “you,” and “your(s),” means the Bush-Sawyer Plaintiffs and includes their past or present attorneys, agents, and all other persons acting, or purporting to act, on their behalf.

2. “Defendant” means the Indiana State Health Commissioner.

3. “Document(s)” shall be defined as that term is used in FRCP 34.

4. “Person(s)” means any natural person, group of natural persons, partnership, corporation, firm, association, joint venture, or any other business, governmental, public, social, or legal entity, and their respective divisions, subdivisions, control persons, attorneys, agents, officers, directors, partners, employees, affiliates, parent companies, subsidiaries, or other persons acting or purporting to act on behalf of any of them.

5. “Identify” and “state the identity of” mean, in the case of:

(a) an individual person means to state the person’s name, address, telephone number, occupation or profession, job title, and the name, address, and telephone number of that person’s employer;

(b) an organization means to state the organization’s name, the type of organization, the address and telephone number of the organization, the State in which it is organized, and the identity of its principal officers or directors;

(c) a document means to state the date, author, addressee, or recipient, the type of document, and the name, address, and telephone number of each person having possession, custody, or control of the document or any copies of the document; and

(d) a fact means to state the fact, the names of all persons with knowledge of the fact, and the documents which support or negate the existence of the fact.

6. Whenever appropriate, the singular form of a word should be interpreted in the plural. “And” as well as “or” should be construed as disjunctive or conjunctive as necessary to bring within the scope of these interrogatories any information which might otherwise be construed to be outside the scope of these interrogatories.

7. “Complaint” means the most recent Amended Complaint filed in this action by the Plaintiffs.

8. “Biological parent” means the man who supplied the sperm or the woman who supplied the egg which interacted for the child’s conception.

9. “Birth mother” means the woman who physically carried and gave birth to the child, whether or not she is genetically related to the child.

10. “Parental rights” means all rights, powers, privileges, immunities, duties, and obligations, including any rights to custody, control, parenting time, or support of the child.

11. If you object or otherwise decline to respond to any interrogatory, provide all information requested by any portion of the interrogatory to which you do not object or with which you do not otherwise decline to comply.

12. If you object to an interrogatory on the ground that to provide the requested information would be unduly burdensome, provide all requested information that can be supplied without undertaking that which you claim to be an undue burden.

13. If you object or otherwise decline to respond to any interrogatory on a claim of privilege or attorney work product, explain the nature of the claim of privilege, state all facts relied upon in support of the claim of privilege, identify all documents related to the claim or privilege, state the name of all persons having knowledge of any facts related to the claim of privilege, and identify all events, transactions, or occurrences related to the claim of privilege.

Interrogatories

GENERAL OBJECTION TO ALL INTERROGATORIES: For each interrogatory contained herein, plaintiffs object to the extent that defendants are seeking information that is not duly calculated to lead to the discovery of admissible evidence because the information sought is irrelevant to the legal issues presented. Specifically, plaintiffs decline to produce the following information;

- Information regarding the men who donated sperm for the conception of the minor children who are parties to this action;
- Information regarding the processes by which the minor children were conceived; and,
- Information regarding the fertility status of the plaintiffs.

Not only is this information not calculated to lead to the discovery of admissible evidence but requests seeking such information are overly broad and unduly burdensome as the disclosure of such information removes from plaintiffs their right to determine when, how, and what information should be released to their children and families.

Without waiving their objections, plaintiffs state as follows:

INTERROGATORY NO. 1: Identify each person who provided information used in answering any of these interrogatories, and for each person identified, please indicate for which answers each person provided information.

ANSWER: Elizabeth (Nicki) Bush-Sawyer ("ENB-S"); Tonya Lea Bush-Sawyer ("TLB-S")

INTERROGATORY NO. 2: Identify each person who has, who claims to have, or who you believe may have any knowledge or information relevant to any allegation contained in your Complaint, and for each person identified, please describe the substance of each person's knowledge or information.

ANSWER: ENB-S and TLB-S are both parents (legal and non-legal, respectively) to the IJB-S; hospital employees; county health department employees and State of Indiana.

INTERROGATORY NO. 3: Describe in detail all final injunctive decrees you ultimately will seek in this matter.

ANSWER: Inclusion of TLB-S's information as parent on IJB-S's birth certificate.

INTERROGATORY NO. 4: Identify I.J.B.-S.'s two biological parents and the document or record that states this information.

ANSWER: Biological parent 1: ENB-S per the birth certificate of I.J.B.-S.; Biological "parent" 2: anonymous sperm donor.

INTERROGATORY NO. 5: Identify I.J.B.-S.'s birth mother and the document or record that states this information.

ANSWER: ENB-S (birth certificate)

INTERROGATORY NO. 6: Identify all persons who: (a) have parental rights to I.J.B.-S., including the source of those rights and any document or record that states this information; (b) are currently seeking parental rights to I.J.B.-S., including the source of those rights and any document or record that states this information; (c) formerly had parental rights to I.J.B.-S., including the source of those rights and the document or record that states this information.


ANSWER: ENB-S is biological parent and has all rights associated therein per the birth certificate; TLB-S is currently seeking second parent adoptive rights. No parent has given up any parental rights (sperm donor was never provided any rights).

INTERROGATORY NO. 7: Describe the circumstances of I.J.B.-S.'s conception and birth, including the identity of any medical professionals or facilities


involved, including any sperm banks and their staff, and the document or record that states this information.

ANSWER: I.J.B.-S. was conceived via artificial insemination. *See*, General Objections. TLB-S was part of the sperm selection process, payment, and was present for all appointments leading up to and including the insemination.

I affirm under penalties of perjury that the foregoing representations are true to the best of my knowledge.


Elizabeth (Nicki) Bush-Sawyer

I affirm under penalties of perjury that the foregoing representations are true to the best of my knowledge.


Tonya Lea Bush-Sawyer

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing responses to Defendant's First Set of Interrogatories was duly served upon the counsel listed below on June 17, 2015 via first class mail, postage prepaid:

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Of Counsel, Austin & Jones, P.C.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing responses to Defendant's First Set of Interrogatories was duly served upon the counsel listed below by electronic mail on _____, 2015:

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Defendant's First Set of Interrogatories to Bush-Sawyer Plaintiffs was duly served upon the counsel listed below by electronic mail on May 27, 2015:

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