

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.)	

**MOTION OF STATE DEFENDANT AND DEFENDANTS OF BARTHOLOMEW,
MARION, AND VIGO COUNTIES FOR SUMMARY JUDGMENT**

Pursuant to Rule 56 of the Federal Rules of Civil Procedure, the following Defendants (“Moving Defendants”) respectfully request that this Court enter summary judgment against the Plaintiffs on all of their claims: Dr. Jerome M. Adams, Dr. Virginia A. 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, Dr. Brian Niedbalski, Collis Mayfield, Beth Lewis, Dennis Stark, Dr. Michael Chadwick, Dr. Susan Sawin-Johnson, Michael Meyer, Dr. Charles Hatcher, Dr. Brooke F. Case, Cindy Boll, Jim Reed, Dr. Darren Brucken, Joni Wise, Terri Manning, Jeffery Depasse, Dora Abel, Dr. Irving Haber, Brian Garcia, Michael Eldred, Dr. James Turner, and Dr. Robert Burkle.

In support of this motion, the Moving Defendants assert as follows:

1. There are no genuine issues of material fact that would preclude the entry of judgment as a matter of law in the Moving Defendants’ favor as to any of Plaintiffs’ claims.

2. This motion is based on the Moving Defendants' contemporaneously filed Memorandum of State Defendant and Defendants of Bartholomew, Marion, and Vigo Counties in Support of their Motion for Summary Judgment and in Opposition to Plaintiffs' Motion for Summary Judgment.

3. Moving Defendants designate the following evidence in support of this motion:

- a. Exhibit 1: Declaration of Bryan Carnes in Opposition to Plaintiffs' Motion for Summary Judgment and in Support of Defendants' Motion for Summary Judgment, and attachments;
 - i. Attachment 1: Certificate of Live Birth Worksheet;
 - ii. Attachment 2: L.F. Ross, *Good Ethics Requires Good Science: Why Transplant Programs Should NOT Disclose Misattributed Parentage*, 10 Am. J. of Transplantation 742 (2010);
 - iii. Attachment 3: Fee Schedule, DNA Paternity Testing, LLC;
 - iv. Attachment 4: Lab Services, Relationship Testing, Indiana Blood Center;
- b. Exhibit 2: Responses to Defendant's First Set of Interrogatories to Bannick Plaintiffs;
- c. Exhibit 3: Responses to Defendant's First Set of Interrogatories to Barrett Plaintiffs;
- d. Exhibit 4: Responses to Defendant's First Set of Interrogatories to Bush-Sawyer Plaintiffs;
- e. Exhibit 5: Responses to Defendant's First Set of Interrogatories to Henderson Plaintiffs;

- f. Exhibit 6: Responses to Defendant's First Set of Interrogatories to Janson Plaintiffs;
- g. Exhibit 7: Responses to Defendant's First Set of Interrogatories to Singley Plaintiffs;
- h. Exhibit 8: Henderson Donor Insemination Agreement Excerpts;
- i. Exhibit 9: NW Cryobank Therapeutic Donor Insemination (TDI) Donor Consent, Testing, and Compensation Agreement.

Wherefore, Moving Defendants respectfully request that this Court enter judgment in their favor and against Plaintiffs pursuant to Rule 56 of the Federal Rules of Civil Procedure.

Respectfully submitted,

GREGORY F. ZOELLER
Indiana Attorney General

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CERTIFICATE OF SERVICE

I hereby certify that on this 8th day of January, 2016, 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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