

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

CAITLIN BERNARD, M.D., et al.	)	
	)	
Plaintiffs,	)	
	)	
v.	)	
	)	Case No.: 1:19-cv-01660-SEB-MJD
THE INDIVIDUAL MEMBERS OF THE	)	
INDIANA MEDICAL LICENSING BOARD,	)	
in their official capacities;	)	
THE MARION COUNTY PROSECUTOR,	)	
	)	
Defendants.	)	
	)	

**Motion to Strike Notice of Appearance of Daniel Bowman**

Defendants the Marion County Prosecutor and the individual members of the Indiana Medical Licensing Board respectfully submit this Motion to Strike the Appearance of Daniel Bowman. Only the Indiana Attorney General has authority to represent the defendants in this case. Notwithstanding clear statutory authority, an attorney with the City of Indianapolis entered his appearance for the Marion County Prosecutor. The defendants ask the Court to strike Mr. Bowman's appearance, stating the following in support:

1. This lawsuit is a challenge to the constitutionality of an Indiana State statute, brought against the individual members of the Indiana Medical Licensing Board and the Marion County Prosecutor. Dkt. 1. The Marion County Prosecutor was sued in his official capacity and designated by his official title under Federal Rule of Civil Procedure 17(d). Dkt. 1 at 3.
2. On May 8, 2019, the Indiana Attorney General, through Thomas M. Fisher (dkt. 17), Julia C. Payne (dkt. 18), Diana Moers (dkt. 15), and Christopher M. Anderson (dkt. 16),

all of the Indiana Attorney General's Office, filed notices of appearance for the defendants.

3. On May 10, 2019, Daniel Bowman, Assistant Corporation Counsel from the Office of Corporation Counsel of the City of Indianapolis, filed a notice of appearance for the Marion County Prosecutor. Dkt. 19.
4. Daniel Bowman's notice of appearance should be stricken because only the Attorney General has authority to represent the prosecutor in this case. Only the Attorney General represents the State of Indiana through his representation of the Marion County Prosecutor and the members of the Indiana Medical Licensing Board.
5. Indiana Code Section 4-6-2-1 provides in part: "[the] attorney-general shall prosecute and defend all suits that may be instituted by or against the state of Indiana."
6. This means that the Attorney General is charged with the responsibility of defending the State and its officers and employees when sued in their official capacities. Ind. Code § 4-6-2-1; *see also State ex rel. Sendak v. Marion County Superior Court, Room No. 2*, 373 N.E.2d 145, 149 (Ind. 1978) (holding that the legislature has chosen to vest the responsibility for the legal representation of the State in the Attorney General).
7. Because attorney Daniel Bowman has no authority to represent the Marion County Prosecutor in his official capacity, the Notice of Appearance of Daniel Bowman should be stricken.

WHEREFORE, Defendants, Marion County Prosecutor and the members of the Indiana Medical Licensing Board respectfully request that the Court strike the Notice of Appearance of Daniel Bowman on behalf of the Marion County Prosecutor, Dkt. 19, and all other appropriate relief.

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