

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

PLANNED PARENTHOOD OF INDIANA )  
AND KENTUCKY, INC., )

Plaintiff, )

v. )

No. 1:18-CV-01219-RLY-DLP

COMMISSIONER, INDIANA STATE )  
DEPARTMENT OF HEALTH, *et al.*, )

Defendants. )

**DEFENDANTS’ MOTION FOR SUMMARY JUDGMENT**

Pursuant to Rule 56 of the Federal Rules of Civil Procedure, Defendants Commissioner of the Indiana State Department of Health, members of the Medical Licensing Board of Indiana, and Prosecutors of Lake, Marion, Monroe, and Tippecanoe Counties, respectfully move the Court to enter summary judgment against Plaintiff and in favor of Defendants on all of Plaintiff’s claims. In support of this motion, the Defendants assert as follows:

1. Defendants are entitled to judgment as a matter of law against all of Plaintiff’s claims, and no genuine issues of material fact preclude the entry of judgment in Defendants’ favor as to any claims.

2. In support of this motion, Defendants rely on the following documents and evidence:

- ECF No. 1, Complaint for Declaratory and Injunctive Relief/Notice of Challenge to Constitutionality of Indiana Statute;

- ECF No. 11, Motion for Preliminary Injunction;
- ECF No. 16, Plaintiff's memorandum in Support of Motion for Preliminary Injunction;
- ECF No. 16-2, Declaration of John William Stutsman, M.D., FACOG;
- ECF No. 24-1, Declaration, and attached exhibits, of Christina Francis, M.D., in Opposition to Plaintiff's Motion for Preliminary Injunction;
- ECF No. 25, Plaintiff's Reply in Support of Motion for Preliminary Injunction;
- ECF No. 30, Findings of Fact and Conclusions of Law;
- ECF No. 72, Stipulation;
- ECF No. 72-1, Table of Survey Frequencies & Priorities;
- ECF No. 73-1, Deposition of Matthew Foster;
- ECF No. 73-3, Declaration of Sabrina Holmquist, M.D., M.P.H., in Support of Plaintiff's Motion for Summary Judgment;
- ECF No. 73-4, Abortion Informed Consent Brochure;
- ECF No. 73-5, Second Declaration of Carol Dellinger, M.D.;
- ECF No. 74, Plaintiff's Memorandum in Support of Motion for Summary Judgment;
- Exhibit A to this Motion for Summary Judgment, American College of Obstetricians and Gynecologists, *Practice Bulletin: Medical Management of First Trimester Abortion* (2014);

- Exhibit B to this Motion for Summary Judgment, Declaration of James Studnicki, Sc. D., MPH, MBA;
- Exhibit C to this Motion for Summary Judgment, Excerpts from American Psychiatric Association, *Diagnostic and Statistical Manual of Mental Disorders* (5th ed. 2013).

Wherefore, pursuant to Rule 56 of the Federal Rules of Civil Procedure, Defendants respectfully move the Court to enter summary judgment against Plaintiff and in favor of Defendants on all of Plaintiff's claims.

Respectfully submitted,

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