

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

WHOLE WOMAN’S HEALTH ALLIANCE,	)	
<i>et al.</i> ,	)	
	)	
Plaintiffs,	)	
	)	
v.	)	Case No. 1:18-cv-01904-SEB-MJD
	)	
CURTIS T. HILL, JR., Attorney General of the	)	
State of Indiana, in his official capacity, <i>et al.</i> ,	)	
	)	
Defendants.	)	

**DEFENDANTS’ MOTION FOR SUMMARY JUDGMENT**

Pursuant to Rule 56 of the Federal Rules of Civil Procedure, Defendants Curtis T. Hill, Jr., Attorney General of the State of Indiana, in his official capacity; Kristina Box, M.D., Commissioner of the Indiana State Department of Health, in her official capacity; John Strobel, M.D., President of the Medical Licensing Board of Indiana, in his official capacity; and Kenneth P. Cotter, St. Joseph County Prosecutor, in his official capacity, respectfully move the Court to enter summary judgment in favor of Defendants on all of Plaintiffs’ 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 Plaintiffs’ 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

- ECF No. 77, Memorandum of Law in Support of Plaintiff Whole Woman’s Health Alliance’s Motion for Preliminary Injunction
- ECF No. 92-2, Declaration of Matthew Foster in Support of Defendants’ Opposition to Preliminary Injunction
- ECF No. 93, Declaration of Trent Fox in Opposition to Plaintiffs’ Motion for Preliminary Injunction
- ECF No. 96-1, Declaration of Leslie Wolbert in Opposition to Plaintiffs’ Motion for Preliminary Injunction
- ECF No. 96-2, Declaration of Tammi Morris in Opposition to Plaintiffs’ Motion for Preliminary Injunction
- ECF No. 97, Declaration of Christen Castor in Opposition to Plaintiffs’ Motion for Preliminary Injunction
- ECF No. 97-1, Declaration of Kristen Rinehart in Opposition to Plaintiffs’ Motion for Preliminary Injunction
- ECF No. 116, Order on Motion for Preliminary Injunction
- ECF No. 203, Plaintiffs’ Statement of Claims
- Exhibit 1, Expert Report of Christopher Stroud, M.D
- Exhibit 2, Expert Report of Nancy Goodwine-Wozniak, M.D.
- Exhibit 3, Expert Report of Byron C. Calhoun, M.D.
- Exhibit 4, Expert Report of Donna Harrison, M.D.
- Exhibit 5, Declaration of Taylor Darnell in Support of Defendants’ Motion for Summary Judgment
- Exhibit 6, Expert Report of Priscilla K. Coleman, Ph.D.

- Exhibit 7, Excerpts from Deposition of Jeffrey D. Glazer, M.D.
- Exhibit 8, Excerpts from Deposition of Daniel Grossman, M.D.
- Exhibit 9, Expert Report of Farr A. Curlin, M.D.
- Exhibit 10, American College of Surgeons, *Patient Safety Principles for Office-Based Surgery* (2003)
- Exhibit 11, Federation of State Medical Boards, *Report of the Special Committee on Outpatient (Office-Based) Surgery* (2002)
- Exhibit 12, Excerpts from Deposition of Nancy Goodwine-Wozniak, M.D.
- Exhibit 13, Excerpts from Deposition of Byron Craig Calhoun, M.D.
- Exhibit 14, Expert Report of Aaron Kheriaty, M.D.
- Exhibit 15, American College of Obstetricians & Gynecologists, *Report of the Presidential Task Force on Patient Safety in the Office Setting* (2010)
- Exhibit 16, Excerpts from Deposition of Matthew Wallace Foster
- Exhibit 17, Excerpts from 30(b)(6) Deposition of Matthew Wallace Foster
- Exhibit 18, Chris Sikich, *More Fetal Remains Found in Mercedes-Benz Owned by Indiana Abortion Doctor*, Indianapolis Star (Oct. 10, 2019)
- Exhibit 19, Lincoln Wright, *Pro-Choice and Anti-Abortion Advocates Express Shock at the Discovery of Fetal Remains at Dr. Ulrich “George” Klopfer’s Home*, South Bend Tribune (Sept. 15, 2019)
- Exhibit 20, Excerpts from Deposition of Aaron Kheriaty, M.D.
- Exhibit 21, Declaration of Serena Dyksen in Support of Defendants’ Motion for Summary Judgement

- Exhibit 22, Indiana State Department of Health, *Abortion Informed Consent Brochure* (July 11, 2018)
- Exhibit 23, Excerpts from Deposition of Ellyn Stecker, M.D.
- Exhibit 24, Excerpts from Deposition of William Mudd Martin Haskell, M.D.
- Exhibit 25, Expert Report of Maureen L. Condic, Ph.D.
- Exhibit 26, Excerpts from Deposition of Elizabeth Katherine Gillette
- Exhibit 27, American College of Obstetricians and Gynecologists, *Committee Opinion: Methods for Estimating the Due Date* (May 2017)
- Exhibit 28, Excerpts from Deposition of Christopher B. Stroud, M.D.
- Exhibit 29, Expert Report and Declaration of Judge Mary Beth Bonaventura
- Exhibit 30, Excerpts from Deposition of Serena Dyksen
- Exhibit 31, Excerpts from Deposition of Mary Beth Bonaventura
- Exhibit 32, Rule 26(a)(2)(B) Expert Report of James Studnicki, M.P.H., M.B.A., Sc.D.
- Exhibit 33, Excerpts from Deposition of Heidi S. Moseson Lidow, M.P.H., Ph.D.
- Exhibit 34, Rule 26(a)(2)(B) Expert Report of Heidi Moseson, M.P.H., Ph.D.
- Exhibit 35, Expert Report and Declaration of Judge Charles F. Pratt
- Exhibit 36, Expert Report of Daniel Grossman, M.D.
- Exhibit 37, U.S. Census Bureau, *American Community Survey Questionnaire* (2019)
- Exhibit 38, Rule 26(a)(2)(B) Expert Report of Lucia D. Wocial, Ph.D., R.N., F.A.A.N.

- Exhibit 39, American College of Obstetricians & Gynecologists, *Facts Are Important: Fetal Pain* (July 2013)
- Exhibit 40, Indiana State Department of Health, Abortion Center Directory (Oct. 24, 2019)
- Exhibit 41, Excerpts from Deposition of Caitlin Bernard, M.D.
- Exhibit 42, Expert Report and Declaration of Matthew Foster
- Exhibit 43, Rule 26(a)(2)(B) Expert Report of Allison A. Cowett, M.D., M.P.H.

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

Office of the Indiana Attorney General  
IGC-South, Fifth Floor  
302 West Washington Street  
Indianapolis, Indiana 46204-2770  
Telephone: (317) 232-6255  
Fax: (317) 232-7979  
Email: Tom.Fisher@atg.in.gov

Respectfully submitted,

CURTIS T. HILL, JR.  
Indiana Attorney General

By: THOMAS M. FISHER  
Solicitor General  
KIAN J. HUDSON  
Deputy Solicitor General  
DIANA MOERS  
CHRISTOPHER M. ANDERSON  
JULIA C. PAYNE  
ROBERT A. ROWLETT  
Deputy Attorneys General