

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

PLANNED PARENTHOOD OF INDIANA)	
AND KENTUCKY, INC.,)	
)	
Plaintiff,)	
)	
v.)	No. 1:16-cv-01807-TWP-DML
)	
COMMISSIONER, INDIANA STATE)	
DEPARTMENT OF HEALTH, <i>et al.</i> ,)	
)	
Defendants.)	

Stipulation of the Parties

The parties, by their counsel, say that:

1. On March 31, 2017, this Court granted a preliminary injunction in this case, enjoining so much of Indiana Code § 16-34-2-1.1(a)(5) that requires that an ultrasound be performed at least 18 hours prior to an abortion. (Dkt. 42).
2. Defendants appealed the grant of the preliminary injunction and on July 25, 2018, the Seventh Circuit affirmed the grant of the preliminary injunction.
3. The defendants sought review of this decision in the United States Supreme Court and on July 2, 2020, the United States Supreme Court granted defendants’ petition for a writ of certiorari, vacated the decision of the Seventh Circuit, and remanded the case to the Seventh Circuit for further consideration in light of *June Medical Services, L.L.C. v.*

Russo, 591 U.S. ____, 2020 WL 3492640 (June 29, 2020). *Box v. Planned Parenthood of Indiana and Kentucky, Inc.*, __U.S. __, No. 18-1019 (July 2, 2020).

4. The Seventh Circuit has requested that the parties file statements as to their positions pursuant to Circuit Rule 54 on, or before, August 24, 2020.

5. Due to events that have occurred in the more than three years since this court entered the preliminary injunction—including, Plaintiff’s addition of a new ultrasound machine at a new clinic in Fort Wayne—the parties have conferred and agree that, on January 1, 2021, the preliminary injunction should be vacated and this case should be dismissed with each party to pay their own costs, including attorneys’ fees.

WHEREFORE, the parties hereby request that the Court enter the agreed-upon proposed Order filed along with this Stipulation, and for all other proper relief.

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