

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

PLANNED PARENTHOOD OF INDIANA)	
AND KENTUCKY, INC., <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	
v.)	Case No. 1:16-cv-00763-TWP-DML
)	
COMMISSIONER, INDIANA STATE)	
DEPARTMENT OF HEALTH, <i>et al.</i> ,)	
)	
Defendants.)	

**EXPEDITED MOTION TO VACATE
DECLARATORY JUDGMENT AND INJUNCTION**

Pursuant to Federal Rule of Civil Procedure 60(b)(5), Defendants Commissioner of the Indiana State Department of Health, Prosecutors of Marion, Lake, Monroe, and Tippecanoe Counties, and the individual members of the Medical Licensing Board of Indiana, respectfully request the Court to vacate the declaratory judgment and injunction against Indiana Code sections 16-34-4-4, 16-34-4-5, 16-34-4-6, 16-34-4-7, 16-34-4-8, and 16-34-2-1.1(a)(1)(K) entered on October 11, 2017, ECF No. 97, and amended on September 3, 2019, ECF No. 127.

As explained in the accompanying memorandum in support of this motion, after *Dobbs v. Jackson Women’s Health Organization*, 597 U.S. ___, No. 19-1392 (June 24, 2022), the declaratory judgment and injunction lack any legal basis. Leaving them in place would be contrary to law and impair compelling state interests. The Court should promptly grant the motion for the reasons in the accompanying brief in support.

The defendants understand that the plaintiff intends to oppose the motion. To facilitate prompt consideration, they ask that the Court require any response to be filed within 3 days.

WHEREFORE, defendants move this Court to vacate the declaratory judgment and injunction concerning Indiana Code sections 16-34-2-1.1(a)(1)(K), 16-34-4-4, 16-34-4-5, 16-34-4-6, 16-34-4-7, 16-34-4-8 entered in this action on October 11, 2017, ECF No. 97, and amended on September 3, 2019, ECF No. 127. They also ask that the Court require any response to be filed within 3 days.

Respectfully submitted,

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