

STATE OF INDIANA)
) SS:
COUNTY OF MARION)
) IN THE MARION SUPERIOR COURT
) CAUSE NO. 49D13-2211-MI-038101

CAITLIN BERNARD, M.D., on her own behalf)
and on behalf of her patients; AMY CALDWELL,)
M.D., on her own behalf and on behalf of her)
patients,)
)
) Plaintiffs,)
)

v.)
)

TODD ROKITA, in his official capacity as)
Attorney General of the State of Indiana; SCOTT)
BARNHART, in his official capacity as Chief)
Counsel and Director of the Consumer Protection)
Division of the Office of the Attorney General of)
the State of Indiana,)
)
) Defendants.)

MOTION FOR AUTOMATIC CHANGE OF VENUE FROM THE JUDGE

Plaintiffs Dr. Caitlin Bernard and Dr. Amy Caldwell (collectively, “Plaintiffs”), by and through counsel, respectfully move for an Automatic Change of Venue from the Judge in the above matter pursuant to Ind. T.R. 76(B). In support of his Motion, Plaintiffs state:

1. This matter was commenced by the filing of the Complaint on November 3, 2022, in the Indiana Commercial Court, Marion County.
2. On November 10, 2022, Defendants Todd Rokita and Scott Barnhart moved for a change of venue from the judge.
3. The Court granted Defendants’ motion on November 15, 2022.
4. The parties did not reach an agreement on an alternative judicial assignment in accordance with T.R. 79(D).

5. On December 2, 2022, upon the clerk's filing of a Notice of Special Judge appointment and pursuant to T.R.79(H) and Local Rule 49-TR79-223, the case was reassigned to the Honorable James Joven as Special Judge.

6. Plaintiffs have not previously requested a change of venue from the judge and therefore qualify for an automatic change.

7. Defendants have not filed an Answer to the Complaint.

WHEREFORE, Plaintiffs respectfully request that the Court grant their Motion for Automatic Change of Venue from the Judge.

Dated: February 23, 2023

Respectfully submitted,

/s/ Kathleen A. DeLaney

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CERTIFICATE OF SERVICE

I certify that on February 23, 2023, I electronically filed the foregoing document using the Indiana E-Filing system and served the document through IEFS upon the following counsel:

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