

ORDER

Caitlin Bernard, M.D., on her own behalf and on behalf
Of her patients and Amy Caldwell, M.D., on her own behalf
And on behalf of her patients.

Plaintiffs,

CAUSE: 49C01-2211-MI-038101

VS.

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.

FILED
April 18, 2023
CLERK OF THE COURT
MARION COUNTY
RM

The Clerk will please enter the following Order:

Hearing on Motion to Strike

Bernard, M.D. and Caldwell, M.D., present by counsel Mr. Paul Rodney.
Attorney General Todd Rokita and Chief Counsel, Scott Barnhart present by counsel Mr. Bartolonucci.

The Court is only hearing evidence today on the Motion to Strike for two reasons.

1. First, procedurally, the Court has to address whether it will grant Defendant's Motion to Strike Plaintiff's Notice of Voluntary Dismissal prior to even considering the Motion to Reconsider. If the action remains dismissed, then neither Circuit Court nor the original Court can hear the Motion to Reconsider.
2. Second, pursuant to *Turner v. Turner*, the Court believes the Court that issued the original December 2, 2022 ruling is the proper Court to hear the Motion to Reconsider. Turner v. Turner 785 N.E.2d 261 (Ind. Ct. App. 2003).

The Court heard evidence and argument from both parties regarding the Motion to Strike.

The Court takes this matter under advisement.

Plaintiff and Defendant will submit proposed findings and a proposed Order to the Court by April 21, 2023.

The Court will issue and order by May 20, 2023.

Defendants request to submit briefs on the issue of which judicial officer is permitted to hear the Motion to Reconsider.

If the Court does not sustain the Notice of Voluntary Dismissal, the Court will allow both parties to file a brief on this issue.

Defendant's brief regarding which judicial officer should hear the Motion to Reconsider is to be due on or before May 12, 2023. Plaintiff's response to this issue to be submitted by June 9, 2023.

If still applicable, the Court will read the briefs and either issue an order on the briefs or issue an order for a hearing on the Motion to Reconsider issue.

So Ordered: April 11, 2023



Amber Collins-Gebrehiwet, Judge
Marion Circuit Court