

STATE OF INDIANA
IN THE MARION COUNTY SUPERIOR COURT

VOICES FOR LIFE, INC.)	SS:	
)		
Plaintiff,)		49D02-2405-MI-019876
vs.)		
)		
INDIANA DEPARTMENT OF))		
HEALTH, and Dr Lindsay)		
Weaver, M.D.,)		
in her official capacity as)		
Health Commissioner of)		
of Indiana Department of)		
Health)		
Defendants.)		

FILED
September 10, 2024
CLERK OF THE COURT
MARION COUNTY
CS

ORDER ON MOTION TO DISMISS

Defendant, Indiana Department of Health (“IDOH”), having filed its Motion to Dismiss on June 24, 2024, Plaintiff, Voices for Life (“VFL”), having filed its response on July 24, 2024, with IDOH filing its reply on August 23, 2024, and oral argument heard on September 6, 2024, the Court, being duly advised in the premises, now GRANTS IDOH’s Motion to Dismiss.

At the outset, the Court recognizes and notes its appreciation for the well written briefs and well-presented oral arguments on both sides. Usually,

these make a Court's job easier. However, as with most cases of statutory interpretation, legislative intent, word choice, placement, and other interpretive analyses and arguments, make this decision a little less clear. Here, we have a clear Congressional and legislative intent to protect medical information. Similarly, we have a long history of demanding that our governmental actions be transparent.

In the end, the Courts are obligated to follow the law as written, regardless of personal beliefs, electoral pressures, or potential non-judicial consequences or outcomes. Thus, this Court is not persuaded that the law, as written, makes the Termination of Pregnancy Reports ("TPRs") public records. Plaintiff may very well find relief in an appellate Court's analysis or, more likely, at the Indiana legislature. This Court simply makes its decision on the statutory language before it after its own analysis of the legislative history, the statutes as written, the legal briefs of both sides, and oral argument.

It is THEREFORE ORDERED, ADJUDGED, and DECREED that Defendants' Motion to Dismiss pursuant to Indiana Trial Rule 12(B)(6) is GRANTED.

Date: September 9, 2024

A handwritten signature in black ink that reads "Jim Oakes". The signature is written in a cursive style with a horizontal line underneath the name.

Judge, Marion Superior Court 2