

*In the
Indiana Court of Appeals*

No. 24A-MI-02396

VOICES FOR LIFE, INC.,

Appellant (Plaintiff below),

v.

INDIANA DEPARTMENT OF HEALTH, and
Dr. Lindsay Weaver, M.D., in her official capacity
as Health Commissioner of Indiana Department of
Health,

Appellee (Defendants below).

Appeal from the

Marion Superior Court

Cause No. 49D02-2405-MI-019876

The Honorable Tim Oakes, Judge

**VERIFIED MOTION FOR
EXTENSION OF TIME TO FILE BRIEF OF APPELLANT**

Appellant, Voices for Life, Inc., by counsel, respectfully petitions this Court for a final extension of time within which to file the Brief of the Appellant under Appellate Rule 35 and states as follows:

1. I am an attorney who is licensed to practice in law in Indiana, a member of the board for the Appellant, Voices For Life, Inc. (VFL), a non-profit organization incorporated in the State of Indiana, and I have served as local counsel in this case.

2. On December 16, 2024, this Court issued an order directing that VFL's opening brief be filed on January 21, 2025. That time has not passed, and this motion is being filed at least seven (7) days before the brief is due.
3. VFL has been contacted by the Indiana Office of the Indiana Attorney General (OAG) and has been informed and believes the following:
 - a. The Indiana Department of Health (IDOH) has changed its position on whether the Termination of Pregnancy Report (TPR) required by Indiana Law are public records subject to disclosure under Indiana's Access to Public Records Act (APRA).
 - b. More specifically, the IDOH now concedes that the TPR is a public record subject to disclosure under APRA.
 - c. VFL is in discussions with the OAG that would settle this litigation and if the agreement is formalized, VFL will voluntarily dismiss this appeal.
 - d. It may take some time to achieve this result, and the extension will facilitate proper treatment of this matter.
4. In addition, despite due diligence, VFL's appellate counsel has not been unable to give attention to this matter in keeping with the importance and complexity of the legal question presented due to work in pending litigation in: (1) Jim Havens, et. al v. Letitia A. James, et. al, 6:19-cv-06482 (U.S.D.C. WD N.Y.); (2) Ronald L. Schroeder et. al, v. Thomas Price, 1:17-cv-04663 (U.S.D.C. ND IL); (3) Gertrude Perez-Poveda v. Google, LLC, et. al, 3:24-cv-0090 (Fourth Judicial Circuit, Duval County Florida); in addition to investigation and related work involving apparent violations of First Amendment rights arising in Del Rio,

Texas, and Detroit, Michigan, and apparent incident of sex discrimination in violation of federal law by a private institution of post-secondary education located in Wisconsin.

5. For these reasons, counsel seeks a final 15 day extension from Tuesday, January 21, 2025 to and including Wednesday, February 15, 2025.
6. I affirm under penalty of perjury that the representations above are true to the best of my own personal knowledge, information, and belief.

Respectfully submitted,

s/ Benjamin D. Horvath

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*Attorney for Appellant
Voices for Life, Inc.*

CERTIFICATE OF SERVICE

I certify that on January 14, 2025, I electronically filed the foregoing document using the Indiana E-Filing System (IEFS). I also certify that on that same date the foregoing document was served upon the following person(s) via IEFS:

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s/ Benjamin D. Horvath
Benjamin D. Horvath,