

IN THE  
COURT OF APPEALS OF INDIANA

No. 24A-MI-02396

VOICES FOR LIFE, INC.,  
*Appellant-Plaintiff,*

v.

INDIANA DEPARTMENT OF HEALTH,  
and DR. LINDSAY WEAVER, M.D., in her  
official capacity as Commissioner of the  
Indiana Department of Health, ,  
*Appellees-Defendants*

*and*

CAITLIN BERNARD, M.D., and  
CAROLINE ROUSE, M.D..  
*Appellees-Intervenors.*

Appeal from the  
Marion Superior Court,

No. 49D02-2405-MI-19876

The Honorable Timothy Oakes,  
Judge.

Filed: 1/17/

**JOINT MOTION TO DESIGNATE APPELLANT’S MOTION FOR  
EXTENSION OF TIME AS CONFIDENTIAL**

Appellant Voices for Life, Inc., and Appellees Indiana Department of Health, and Dr. Lindsay Weaver, M.D., in her official capacity as Commissioner of the Indiana Department of Health, respectfully request the Court designate VFL’s January 14, 2025 motion for extension of time as confidential and restrict public access to the document because it discloses the details of ongoing settlement negotiations between VFL and the Department.

**BACKGROUND**

On September 9, 2024, the trial court entered judgment dismissing VFL’s suit against the Indiana Department of Health under the Access to Public Records

Act. On October 4, 2024, VFL timely filed its notice of appeal. The clerk served the notice of completion of clerk's record on October 17 followed by the notice of completion of transcript on November 20. On December 16, this Court granted VFL's first motion for extension of time extending the deadline for the appellant's brief to January 21, 2025.

On January 14, 2025, counsel for VFL contacted counsel for IDOH to circulate a proposed second motion for extension of time. Unfortunately, before counsel for IDOH responded, VFL filed the motion disclosing the substance of ongoing settlement negotiations. The next day, intervenors objected to the motion, and on January 16, this Court granted VFL's motion and extended the deadline for the appellant's brief to February 5.

**THE COURT SHOULD DESIGNATE CONFIDENTIAL APPELLANT'S  
SECOND MOTION FOR EXTENSION OF TIME**

The Court should designate appellant's second motion for extension of time as confidential because it inappropriately discloses the substances of ongoing settlement negotiations between the parties. At this juncture the parties are still negotiating; no terms have been finalized and no settlement reached. Rule and precedent declare the substance of settlement negotiations confidential and inadmissible, and this Court should enforce that confidentiality by designating the appellant's motion confidential.

As the Supreme Court has regularly explained: "Indiana judicial policy strongly urges the amicable resolution of disputes." *Berg v. Berg*, 170 N.E.3d 224, 228 (Ind. 2021) (quoting *Horner v. Carter*, 981 N.E.2d 1210, 1212 (Ind. 2013)). To advance this policy, the courts have "embrace[d] 'a robust policy of confidentiality and

statements made during negotiation and mediation.” *Berg*, 170 N.E.3d at 228 (quoting *Horner*, 981 N.E.2d at 1212). And Evidence Rule 408 further “operates to foster an open exchange between the parties during settlement negotiations by excluding from evidence statements made or documents prepared for mediation” or settlement. *See Berg*, 170 N.E.3d at 228; Ind. Evidence Rule 408(a).

Despite the confidentiality afforded to parties during settlement negotiations, VFL’s motion for extension of time discloses the substance of ongoing settlement negotiations between the parties. *See Mot.* at 2. To protect the confidentiality of ongoing negotiations and to further the judicial policy of amicable resolution, VFL and IDOH respectfully request the Court grant this motion and designate as confidential VFL’s motion because it contains inadmissible evidence of ongoing settlement negotiations. Because ongoing settlement negotiations are confidential and otherwise inadmissible, the Court should mark appellant’s motion a confidential filing so that those settlement discussions remain excluded from public access.

### CONCLUSION

For the reasons set forth above, Appellant and Appellees Indiana Department of Health and Commissioner Weaver, respectfully request the Court designate VFL’s second motion for extension of time confidential, restrict public access to the motion, and grant the parties all other just and proper relief.

Respectfully submitted,

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in her official capacity as  
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/s/Benjamin Horvath (with  
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## VERIFICATION

I affirm under the penalties for perjury that the foregoing representations are true to the best of my knowledge and belief.

/s/ Benjamin M. L. Jones

Benjamin M.L. Jones

**CERTIFICATE OF FILING AND SERVICE**

I certify that on January 17, 2025, I electronically filed the foregoing using the Indiana Electronic Filing System (IEFS), and that on the same date the foregoing document was served upon the following person(s) via IEFS.

Benjamin Horvath  
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I further certify that on January 17, 2025, the foregoing document was served upon the following person(s) by First-Class U.S. Mail, postage prepaid.

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