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|------------------|---|--------------------------------|
| STATE OF INDIANA | ) | IN THE MARION SUPERIOR COURT   |
|                  | ) | SS: CIVIL DIVISION, ROOM _____ |
| MARION COUNTY    | ) | CAUSE NO. _____                |

|   |   |
|---|---|
| CAITLIN BERNARD, M.D.; and              | ) |
| CAROLINE ROUSE, M.D.,                   | ) |
|   | ) |
| Plaintiffs,                             | ) |
| v.                                      | ) |
|   | ) |
| INDIANA STATE HEALTH                    | ) |
| COMMISSIONER, in the officer’s official | ) |
| capacity; and VOICES FOR LIFE, INC.,    | ) |
|   | ) |
| Defendants.                             | ) |

**PLAINTIFFS’ MOTION FOR IMMEDIATE TEMPORARY RESTRAINING ORDER  
AND PRELIMINARY INJUNCTION**

Pursuant to Indiana Trial Rule 65, Plaintiffs respectfully move the Court to enter a temporary restraining order and preliminary injunction: (1) prohibiting the Indiana State Health Commissioner, in her official capacity as director of the Indiana Department of Health, and her employees, agents, and successors in office, prior to entry of final judgment in this lawsuit, from disclosing or otherwise providing access to terminated pregnancy reports (“TPRs”) in response to any request made under Indiana’s Access to Public Records Act (“APRA”), Ind. Code §§ 5-14-3-1 to 5-14-3-10, and (2) directing Voices for Life, Inc. (“VFL”), to immediately return, delete, or destroy all paper and electronic copies within its possession, custody or control of any TPR it obtained pursuant to the mutual release and settlement agreement it entered this month with the Indiana Department of Health and the Indiana State Health Commissioner. Plaintiffs further ask that this relief be granted without requiring Plaintiffs to provide security because the requested relief will not cause Defendants any pecuniary harm.

In support of this motion, Plaintiffs submit a memorandum of law; the declaration of Caitlin Bernard, M.D.; the declaration of Caroline Rouse, M.D.; the declaration of Kathrine D. Jack, Esq; a proposed temporary restraining order; and a proposed preliminary injunction.

As further explained in the accompanying memorandum of law, the Court should grant Plaintiffs' motion because Plaintiffs are likely to succeed on the merits of their declaratory judgment claim seeking to establish that TPRs, which contain detailed information about abortion patients' demographics, medical history, and medical care, are exempt from disclosure under APRA; Plaintiffs and their patients will suffer irreparable harm if the Indiana Department of Health discloses TPRs to VFL or any other member of the public; and the balance of equities and public interest both favor entry of preliminary injunctive relief.

In addition, the Court should enter a temporary restraining order without notice to Defendants to prevent immediate and irreparable injury to Plaintiffs and their patients from an imminent disclosure of TPRs to VFL by the Indiana Department of Health.

WHEREFORE, Plaintiffs ask the Court to grant the requested injunctive relief without requiring Plaintiffs to provide security, and grant such other and further relief as the Court deems just, proper, and equitable.

Date: February 6, 2025

Respectfully submitted:

/s/ Kathrine D. Jack

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*Attorneys for Plaintiffs*

\*Petition for temporary admission forthcoming