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Individual Members of the Medical Licensing Board of Indiana, et al. v. Anonymous Plaintiff 1, et al.

Case Number	23A-PL-01313
Court	Court of Appeals
Type	PL - Civil Plenary
Filed	06/09/2023
Status	07/19/2023 , Closed
Reference	Original County Cause Number 49D012209PL31056
Related	Lower Trial Court Case 49D01-2209-PL-031056 Appellate Case 22A-PL-02938

Parties to the Case

Appellant Individual Members of the Medical Licensing Board of Indiana

Address

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W072
Indianapolis, IN 46204

Attorney

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Attorney

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Attorney

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Attorney

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Appellant Marion County Prosecutor (*Other*)

Removed

06/12/2023 - Other

Appellant Lake County Prosecutor (*Other*)

Removed

06/12/2023 - Other

Appellant St. Joseph County Prosecutor *(Other)*

Removed

06/12/2023 - Other

Appellant Monroe County Prosecutor *(Other)*

Removed

06/12/2023 - Other

Appellant Tippecanoe County Prosecutor *(Other)*

Removed

06/12/2023 - Other

Appellant Prosecutor, Lake County

Appellant Prosecutor, Marion County

Appellant Prosecutor, Monroe County

Appellant Prosecutor, St. Joseph County

Appellant Prosecutor, Tippecanoe County

Appellee 1, Anonymous Plaintiff

Attorney.

Kenneth Jay Falk

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ACLU of Indiana

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317-635-4059(W)

Attorney.

Stevie Jean Pactor

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317-759-6420(W)

Attorney.

Gavin Minor Rose

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1031 E Washington Street

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Appellee Hoosier Jews For Choice *(Other)*

Removed

06/12/2023 - Other

Appellee Plaintiff 2, Anonymous *(Other)*

Removed

06/12/2023 - Other

Appellee Plaintiff 3, Anonymous *(Other)*

Removed

06/12/2023 - Other

Appellee Plaintiff 4, Anonymous *(Other)*

Removed

06/12/2023 - Other

Appellee Plaintiff 5, Anonymous *(Other)*

Removed

06/12/2023 - Other

Appellee 2, Anonymous Plaintiff

Appellee 3, Anonymous Plaintiff

Appellee 4, Anonymous Plaintiff

Appellee 5, Anonymous Plaintiff

Appellee Hoosier Jews for Choice

Chronological Case Summary

06/12/2023	Received Document Receive Date: 06/09/23 Motion to Accept Jurisdiction and Hear Interlocutory Appeal Concerning Class Certification. An Appearance for T. Fisher, J. Barta, M. Holmes, and R. Lane was not tendered. The motion is also over the page limit and lacks a word count certificate. PostmarkDate: 06/09/2023
06/12/2023	Notice of Defect Issued Motion for Interlocutory Appeal Party: Individual Members of the Medical Licensing Board of Indiana Serve: Barta, James Allen Serve: Holmes, Melinda Rebecca Serve: Lane, Razi Siddiqui Serve: Fisher, Thomas Molnar Issue Date: 06/12/2023
06/12/2023	Appearance Certificate of Service- Electronically Served 06/12/23 Attorney: Barta, James Allen Attorney: Holmes, Melinda Rebecca Attorney: Lane, Razi Siddiqui Attorney: Fisher, Thomas Molnar Party: Individual Members of the Medical Licensing Board of Indiana Party: Prosecutor, Lake County Party: Prosecutor, Marion County Party: Prosecutor, Monroe County Party: Prosecutor, St. Joseph County Party: Prosecutor, Tippecanoe County File Stamp: 06/12/2023
06/12/2023	Document Transmitted
06/12/2023	Received Document Receive Date: 06/12/23 Motion to Accept Jurisdiction and Hear Interlocutory Appeal Concerning Class Certification. The certificate of service has not been updated to reflect service of corrected document. Defect has not been cured. PostmarkDate: 06/12/2023
06/12/2023	Notice of Defect Not Cured Letter Issued Clerk Comments: Motion to Accept Jurisdiction and Hear Interlocutory Appeal Concerning Class Certification. The certificate of service has not been updated to reflect service of corrected document. Defect has not been cured. Party: Individual Members of the Medical Licensing Board of Indiana Party: Prosecutor, Lake County Party: Prosecutor, Marion County Party: Prosecutor, Monroe County Party: Prosecutor, St. Joseph County Party: Prosecutor, Tippecanoe County Serve: Barta, James Allen Serve: Holmes, Melinda Rebecca Serve: Lane, Razi Siddiqui Serve: Fisher, Thomas Molnar Issue Date: 06/12/2023
06/12/2023	Corrected Entry Appearance for Thomas Fisher, et al. is being re-entered to include all parties.

06/12/2023	Appearance Certificate of Service- Electronically Served 06/12/23 Attorney: Barta, James Allen Attorney: Holmes, Melinda Rebecca Attorney: Lane, Razi Siddiqui Attorney: Fisher, Thomas Molnar Party: Individual Members of the Medical Licensing Board of Indiana Party: Prosecutor, Lake County Party: Prosecutor, Marion County Party: Prosecutor, Monroe County Party: Prosecutor, St. Joseph County Party: Prosecutor, Tippecanoe County File Stamp: 06/12/2023
06/14/2023	Motion for Interlocutory Appeal Certificate of Service- Electronically Served 06/14/23 Attorney: Barta, James Allen Attorney: Holmes, Melinda Rebecca Attorney: Lane, Razi Siddiqui Attorney: Fisher, Thomas Molnar Party: Individual Members of the Medical Licensing Board of Indiana Party: Prosecutor, Lake County Party: Prosecutor, Marion County Party: Prosecutor, Monroe County Party: Prosecutor, St. Joseph County Party: Prosecutor, Tippecanoe County File Stamp: 06/14/2023
06/14/2023	Notice of Defect Cured Clerk Comments: Motion for Interlocutory Appeal Party: Individual Members of the Medical Licensing Board of Indiana Party: Prosecutor, Lake County Party: Prosecutor, Marion County Party: Prosecutor, Monroe County Party: Prosecutor, St. Joseph County Party: Prosecutor, Tippecanoe County Serve: Barta, James Allen Serve: Holmes, Melinda Rebecca Serve: Lane, Razi Siddiqui Serve: Fisher, Thomas Molnar File Stamp: 06/14/2023
06/14/2023	Document Transmitted
06/19/2023	Appearance -K. Falk, S. Pactor, and G. Rose Certificate of Service- Electronically Served 06/19/23 Attorney: Falk, Kenneth Jay Attorney: Pactor, Stevie Jean Attorney: Rose, Gavin Minor Party: 1, Anonymous Plaintiff Party: 2, Anonymous Plaintiff Party: 4, Anonymous Plaintiff Party: 5, Anonymous Plaintiff Party: Hoosier Jews for Choice File Stamp: 06/19/2023
06/26/2023	Response to Interlocutory Appeal Certificate of Service- Electronically Served 06/23/23 Attorney: Falk, Kenneth Jay Attorney: Pactor, Stevie Jean Attorney: Rose, Gavin Minor Party: 1, Anonymous Plaintiff File Stamp: 06/23/2023

07/19/2023

Order Filed by Instruction of Court

Having reviewed the matter, the Court finds and orders as follows: 1. Appellants' Corrected Motion to Accept Jurisdiction and Hear Interlocutory Appeal Concerning Class Certification is granted. 2. Appellants are ordered to file their Notice of Appeal within five (5) days of the date of this order. 3. Pursuant to Indiana Appellate Rule 38(B), the Court consolidates Cause Number 23A-PL-1313 under Cause Number 22A-PL-2938. 4. All further filings are to be made under Cause Number 22A-PL-2938. 5. The transcript is due within thirty (30) days of the date of this order. 6. No extensions of time will be granted for the preparation of the transcript. 7. Appellants' Brief is due within twenty-one (21) days of the service of the Notice of Completion of Transcript. 8. Appellees' Brief is due within twenty-one (21) days of the service of Appellants' Brief. 9. Appellants' Reply Brief, if any, is due within seven (7) days of the service of Appellees' Brief. 10. No extensions of time will be granted for the preparation of the parties' briefs. 11. The oral argument scheduled for September 12, 2023 is postponed and will be rescheduled in a forthcoming order. 12. The Clerk of the Court is directed to file this order in Cause Numbers 22A-PL-2938 and 23A-PL-1313. 13. The Clerk of the Court is directed to send this order to the parties, the trial court, the Court Reporter for Cause Number 49D01-2209-PL-31056, and the Marion Circuit and Superior Courts Clerk. 14. The Marion Circuit and Superior Courts Clerk is directed to file this order under Cause Number 49D01-2209-PL-31056, and, pursuant to Indiana Trial Rule 77(D), the Clerk shall place the contents of this order in the Record of Judgments and Orders. May, Weissmann, JJ., concur. Bailey, J., concurs in granting Appellants' Corrected Motion to Accept Jurisdiction and Hear Interlocutory Appeal Concerning Class Certification but dissents as to the remainder of the order.

Judicial Officer:

Brown, Elaine B.

File Stamp:

07/19/2023

07/19/2023

Note

Per the order issued on 07/19/23, this case has been consolidated under 22A-PL-2938. All filings from this cause number have been transferred to 22A-PL-2938. All future filings for lower cause number 49D01-2209-PL-31056 should be filed under 22A-PL-2938. This docket is now closed.

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