

*In the
Indiana Court of Appeals*

No. 24A-MI-_____

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

**NOTICE OF APPEAL
(Appearance)**

Appellant, Voices for Life, Inc. ("Appellant"), by counsel, pursuant to Indiana Appellate Rule 9, respectfully gives notice of the following information for purposes of this appeal:

Party Information

1. The name and address of the parties initiating the appeal:

Voices for Life, Inc.
2307 Edison Rd, Floor #3
South Bend, IN 46615

In forma pauperis:

☐ Yes

☒ No

2. The name, address, attorney number, fax number, telephone number and electronic mail address of the attorney representing the party initiating the appeal:

Benjamin D. Horvath, No. 37299-71
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Each attorney specified above:

(a) certifies that the contact information listed on the Indiana Supreme Court Roll of Attorneys for each attorney is current and correct as of the date of this Notice of Appeal.

(b) acknowledges that all orders, opinions, and notices in this matter will be sent to the email address(es) specified by the attorney on the Roll of Attorneys regardless of contact information listed on the Notice of Appeal.

(c) understands that he/she is solely responsible for keeping his/her Roll of Attorneys contact information accurate per Ind. Admis. Disc. R. 2(A).

Information for Judgment/Order Being Appealed

Date / Title of Judgment/Order being appealed:

- September 9, 2024 (Ex. A): Order on Motion to Dismiss

If case was heard by a magistrate, date trial judge approved judgment or order:
N/A (see I.C. § 33-23-5-8.5)

Basis for Appellate Jurisdiction:

- ☒ Appeal from a Final Judgment, as defined by App. R. 2(H) and 9(I)
- ☐ Appeal from an interlocutory order, taken as of right pursuant to App. R. 14(A),(C),(D)
- ☐ Appeal from an interlocutory order, accepted by discretion pursuant to App. R. 14(B)(3)
- ☐ Expedited Appeal, taken pursuant to App. R. 14.1

This appeal will be taken to:

- ☒ Court of Appeals of Indiana, pursuant to Appellate Rule 5
- ☐ Indiana Supreme Court, pursuant to Appellate Rule 4
- ☐ This is an appeal in which a sentence of death or life imprisonment without parole is imposed under Ind. Code § 35-50-2-9 or a post conviction relief case in which the sentence was death
- ☐ This is an interlocutory appeal authorized under Rule 14 involving the death penalty or a life without parole case raising a question of interpretation of Ind. Code § 35-50-2-9
- ☐ This is an appeal from an order declaring a statute unconstitutional
- ☐ This is an appeal involving a waiver of parental consent to abortion under Rule 62
- ☐ This is an appeal involving mandate of funds

Trial Court Clerk/Administrative Agency/Court Reporter Instructions

Pursuant to Appellate Rule 10 or 14.1(C), the Clerk of the Marion County Courts is requested to assemble the Clerk's Record as defined in Appellate Rule 2(E).

Pursuant to Appellate Rule 11 or 14.1(C), the Court Reporter of the Marion Superior Court No. 2 is requested to transcribe, certify, and file with the Clerk of Marion County Courts the following conferences and hearings of record, including exhibits: the hearings conducted on the record on the following dates:

- **September 6, 2024 (Hearing on Motion to Dismiss)**

Public Access

Was the entire trial court or agency record sealed or excluded from public access?

☐ Yes ☒ No

Was a portion of the trial court or agency record sealed or excluded from public access?

☐ Yes ☒ No

If yes, which provision in Administrative Rule 9(G) provides the basis for this exclusion:

If Administrative Rule 9(G)(1)(c) provides the basis for this exclusion, was the trial court or agency order issued in accordance with the requirements of Administrative Rule 9(H)? **N/A**

☐ Yes ☐ No

Appellate Alternative Dispute Resolution

If civil case, is Appellant willing to participate in Appellate Dispute Resolution?

☐ Yes ☒ No

If yes, provide a brief statement of the facts of the case:

Attachments

The following SHALL be attached to Notice of Appeal:

☒ Copy of judgment or order being appealed. (Ex. A) (“Order on Motion to Dismiss”)

☐ Copy of judgment or order being appealed.

☐ Copy of judgment or order being appealed.

The following SHALL be attached to this Notice of Appeal if applicable (check if applicable):

☐ Copy of trial court or Administrative Agency’s findings and conclusions (in civil cases)

☐ Copy of sentencing order (in criminal cases)

☐ Order denying Motion to Correct Error or, if deemed denied, copy of Motion to Correct Error

☐ Copy of all orders and entries relating to the trial court or agency’s decision to seal or exclude information from public access

☐ If proceeding pursuant to Appellate Rule 14(B)(3), copy of Order from Court of Appeals accepting jurisdiction over interlocutory appeal

☐ Documents required by Rule 40(C), if proceeding *in forma pauperis*

Certification

By signing below, I certify that:

(1) This case ☐ does ☒ does not involve an interlocutory appeal; issues of child custody, support, visitation, adoption, paternity, determination that a child is in need of services, termination of parental rights; or an appeal entitled to priority by rule or statute.

(2) I have reviewed and complied, and will continue to comply, with the requirements of Appellate Rule 9(J) and Administrative Rule 9(G)(4) on appeal; and

(3) I will make satisfactory payment arrangements for any Transcripts ordered in this Notice of Appeal, as required by Appellate Rule 9(H).

Respectfully submitted,

s/ Patrick T. Gillen

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*Attorneys for Appellant
Voices for Life, Inc.*

CERTIFICATE OF SERVICE

I certify that on October 4, 2024, 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 to the following persons using the IEFS:

Josh T. Martin: martin@lewisandwilkins.com
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s/ Benjamin D. Horvath
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