STATE OF INDIANA	)	IN THE MARION SUPERIOR COURT 13
	) SS:	
COUNTY OF MARION	)	CAUSE NO.: 49D13-2502-PL-006359

CAITLIN BERNARD, MD AND)
CAROLINE ROUSE, MD,)
)
Plaintiffs,)
)
v.)
)
INDIANA STATE DEPARTMENT OF)
HEALTH COMMISSIONER, ET AL.)
)
Defendants.)

ANSWER AND STATEMENT OF AFFIRMATIVE DEFENSES

Defendant Indiana Department of Health Commissioner submits her Answer and Affirmative Defenses to Plaintiffs' *Complaint* as follows:

1. Deny that the plaintiffs are entitled to any relief through their lawsuit and all other allegations requiring a response.

2. Deny.

3. Deny.

4. The legal conclusion in paragraph 4 does not require a response.

5. Deny that Caitlin Bernard, M.D., submits a TPR to the Department of Health as required by Indiana Code § 16-34-2-5 because the allegation contradicts testimony given by Dr. Bernard in this case. The defendant is without sufficient information to admit or deny the other assertions in paragraph 5.

6. The defendant is without sufficient information to admit or deny the other assertions in paragraph 6.

7. Admit.

8. Admit Voices for Life (VFL) is a nonprofit organization incorporated in Indiana; any lawsuit filed by VFL speaks for itself.

9. Admit.

10. The cited statute speaks for itself.

11. The cited statute speaks for itself.

12. The cited statute speaks for itself.

13. The cited statute speaks for itself.

14. The cited statute speaks for itself.

15. The cited statute speaks for itself.

16. VFL's request and the Department's response speak for themselves.

17. VFL's requests and the Department's response speak for themselves.

18. VFL's complaint speaks for itself.

19. Admit.

20. Admit.

21. Admit.

22. The motion to dismiss and settlement agreement speak for themselves.

23. The cited statute and former Public Access Counselor's opinion speak for themselves.

24. The former Public Access Counselor's opinion and cited case speak for themselves.

25. The Attorney General's advisory opinion speaks for itself. The other allegations are denied.

26. The Medical Board's determination disciplining Dr. Bernard speaks for itself.

27. The Medical Board's determination disciplining Dr. Bernard speaks for itself.

28. Defendant incorporates the previous responses.

29. Defendant denies that the plaintiffs are entitled to any relief.

30. Defendant denies that the plaintiffs are entitled to any relief.

31. Defendant denies that the plaintiffs are entitled to any relief.

32. Deny.

33. Deny.

General denial

The defendant Commissioner of the Indiana Department of Health denies all allegations not specifically denied above and denies that the plaintiffs are entitled to any relief.

Affirmative defenses

1. The plaintiffs fail to state a claim upon which relief can be granted.
2. The plaintiffs have not been harmed and can make no showing of harm.
3. The case is precluded because the same action was dismissed.
4. The plaintiffs' rights have not been violated by any alleged action or inaction of the defendant.
5. The defendant reserves the right to assert any additional defenses that may arise as discovery proceeds or otherwise during litigation.

WHEREFORE, Defendant Commissioner of the Indiana Department of Health asks that Plaintiffs take nothing by way of the Complaint, that judgment be entered in Defendants' favor, for the costs of this action, and for all other just and proper relief.

Respectfully submitted,

THEODORE E. ROKITA
Attorney General of Indiana
Attorney No. 18857-49

Date: April 1, 2025 By: *s/ Jefferson S. Garn*
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CERTIFICATE OF SERVICE

I certify that on April 1, 2025, the foregoing document was electronically filed using the Indiana Filing System (IEFS).

I further certify that on April 1, 2025, the foregoing document was served upon the following person(s) via IEFS, if Registered Users, or by depositing the foregoing document in the U.S. Mail, first class, postage prepaid, if exempt or non-registered user.

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