

8. Admit Voices for Life is a nonprofit organization incorporated in Indiana. Admit it filed suit to gain access to TPRs. Admit the suit resulted in a settlement agreement ensuring VFL's access to TPRs.
9. Admit.
10. The cited law speaks for itself.
11. The cited law speaks for itself.
12. The cited law speaks for itself.
13. The cited law speaks for itself.
14. The cited law speaks for itself.
15. The cited law speaks for itself.
16. VFL did submit a request to IDOH under APRA for TPRs as alleged. Defendant is without information sufficient to admit or deny whether that request encompassed TPRs submitted by Plaintiffs. IDOH initially denied the request. Later, IDOH agreed to provide TPRs requested under APRA in its settlement agreement with VFL. Except as admitted, the allegations of this paragraph are denied.
17. VFL did submit a request to IDOH under APRA for TPRs as alleged. Defendant is without information sufficient to admit or deny whether that request encompassed TPRs submitted by Plaintiffs. IDOH initially denied the request. Later, IDOH agreed to provide TPRs requested under APRA in its settlement agreement with VFL. Except as admitted, the allegations of this paragraph are denied.
18. Admit.
19. Admit.
20. Admit.

21. Admit.
22. The motion to dismiss and settlement agreement speak for themselves. VFL admits it is entitled to release of TPRs under APRA as well as under its settlement agreement.
23. The cited law and opinion of the former Public Access Counselor speak for themselves. The Public Access Counselor's opinions are non-binding authority.
24. The cited law and opinion of the former Public Access Counselor speak for themselves. The Public Access Counselor's opinions are non-binding authority.
25. The Attorney General's legal opinion speaks for itself. The remainder of the allegations are denied.
26. The Medical Board's determination disciplining Dr. Bernard speaks for itself. Dr. Bernard was not disciplined for filing a TPR.
27. The Medical Board's determination disciplining Dr. Bernard speaks for itself. Dr. Bernard was not disciplined for filing a TPR.
28. Defendant incorporates its previous responses to the Plaintiffs' allegations.
29. The cited law speaks for itself.
30. The Plaintiffs' Complaint speaks for itself. Defendant denies that the Plaintiffs are entitled to the relief requested.
31. The Plaintiffs' Complaint speaks for itself. Defendant denies that the Plaintiffs are entitled to the relief requested.
32. Deny.
33. Deny.

GENERAL DENIAL, DEFENSES AND AFFIRMATIVE DEFENSES

1. Defendant, Voices for Life, denies all allegations above except to the extent they are admitted and denies that the Plaintiffs are entitled to any relief based on VFL's exercise of its statutory rights under APRA and its rights under the settlement agreement.
2. The Plaintiffs' Complaint does not allege sufficient grounds for the exercise of judicial power because the Plaintiffs lack standing.
3. The Plaintiffs seek a judicial decision that violates the separation of powers required by the Constitution of Indiana.
4. The Plaintiffs fail to state a claim under APRA or any other law.
5. The Defendant has not violated any right of the Plaintiffs by any action or inaction on its part.
6. Defendant reserves the right to assert any additional defenses that may arise during this litigation as a result of discovery or otherwise.

Therefore, Defendant, Voices for Life, respectfully asks that this Court dismiss the Plaintiffs' Complaint, that judgment be entered in favor of the Defendant, that this Court award to Defendant, Voices for Life, costs and fees to the extent allowed by law as well as such other relief as this Court deems just and proper.

Respectfully submitted, this 2nd day of April, 2025.

s/Benjamin D. Horvath
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Attorney for Voices for Life, Inc.

CERTIFICATE OF SERVICE

I certify that on April 2nd, 2025, 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 upon the following person(s) via IEFS:

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