

MANDATE,CLOSED

**U.S. District Court
Southern District of Indiana (Indianapolis)
CIVIL DOCKET FOR CASE #: 1:14-cv-00404-RLY-TAB**

FUJII et al v. GOVERNOR, STATE OF INDIANA et al

Assigned to: Judge Richard L. Young

Referred to: Magistrate Judge Tim A. Baker

Related Cases: [4:14-cv-00015-RLY-TAB](#)

[1:14-cv-00406-RLY-MJD](#)

[1:14-cv-00355-RLY-TAB](#)

[1:14-cv-00405-RLY-TAB](#)

Case in other court: 7th Circuit, 14-02387 – Mandate

Cause: 42:1983 Civil Rights Act

Plaintiff

MIDORI FUJII

represented by **Chase Strangio**
American Civil Liberties Union
Foundation
125 Broad Street
18th Floor
New York, NY 1004
212-549-2627
Fax: 212-549-2651
Email: cstrangio@aclu.org
PRO HAC VICE
ATTORNEY TO BE NOTICED

James Esseks
AMERICAN CIVIL LIBERTIES UNION
FOUNDATION
125 Broad Street, 18th Floor
New York, NY 10004
212-549-2627
Fax: 212-549-2651
Email: jesseks@aclu.org
PRO HAC VICE
ATTORNEY TO BE NOTICED

Sean C. Lemieux
LEMIEUX LAW
23 E. 39th Street
Indianapolis, IN 46205
317-985-5809
Fax: 866-686-2901
Email: sean@lemieuxlawoffices.com
ATTORNEY TO BE NOTICED

Plaintiff

MELODY LAYNE

represented by **Chase Strangio**
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

James Esseks
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Sean C. Lemieux
(See above for address)

ATTORNEY TO BE NOTICED

Plaintiff

TARA BETTERMAN

represented by **Chase Strangio**
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

James Esseks
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Sean C. Lemieux
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

SCOTT MOUBRAY-CARRICO

represented by **Chase Strangio**
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

James Esseks
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Sean C. Lemieux
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

MONICA WEHRLE

represented by **Chase Strangio**
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Gavin Minor Rose
ACLU OF INDIANA
1031 E. Washington Street
Indianapolis, IN 46202
317-635-4059 ext.106
Fax: 317-635-4105
Email: grose@aclu-in.org
ATTORNEY TO BE NOTICED

James Esseks
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Kelly R. Eskew
ACLU OF INDIANA
1031 E. Washington St.
Indianapolis, IN 46202
(317) 635-4059
Fax: (317) 635-4105
Email: keskew@aclu-in.org
ATTORNEY TO BE NOTICED

Kenneth J. Falk
ACLU OF INDIANA

1031 East Washington Street
Indianapolis, IN 46202-3952
(317) 635-4059 x104
Fax: (317) 635-4105
Email: kfalk@aclu-in.org
ATTORNEY TO BE NOTICED

Plaintiff

HARRIET MILLER

represented by **Chase Strangio**
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Gavin Minor Rose
(See above for address)
ATTORNEY TO BE NOTICED

James Esseks
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Kelly R. Eskew
(See above for address)
ATTORNEY TO BE NOTICED

Kenneth J. Falk
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

GREGORY HASTY

represented by **Chase Strangio**
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Gavin Minor Rose
(See above for address)
ATTORNEY TO BE NOTICED

James Esseks
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Kelly R. Eskew
(See above for address)
ATTORNEY TO BE NOTICED

Kenneth J. Falk
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

CHRISTOPHER VALLERO

represented by **Chase Strangio**
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Gavin Minor Rose
(See above for address)
ATTORNEY TO BE NOTICED

James Esseks
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Kelly R. Eskew
(See above for address)
ATTORNEY TO BE NOTICED

Kenneth J. Falk
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

ROB MACPHERSON

represented by **Chase Strangio**
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Gavin Minor Rose
(See above for address)
ATTORNEY TO BE NOTICED

James Esseks
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Kelly R. Eskew
(See above for address)
ATTORNEY TO BE NOTICED

Kenneth J. Falk
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

STEVEN STOLEN

represented by **Chase Strangio**
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Gavin Minor Rose
(See above for address)
ATTORNEY TO BE NOTICED

James Esseks
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Kelly R. Eskew
(See above for address)
ATTORNEY TO BE NOTICED

Kenneth J. Falk
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

RODNEY MOUBRAY-CARRICO

represented by **Chase Strangio**
(See above for address)
PRO HAC VICE

ATTORNEY TO BE NOTICED

James Esseks
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Sean C. Lemieux
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

L. M.-C.
*by his next friends and parents, Scott and
Rodney Moubray-Carrico*

represented by **Chase Strangio**
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

James Esseks
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Sean C. Lemieux
(See above for address)
ATTORNEY TO BE NOTICED

Plaintiff

A. M.-S.
*by her next friends and parents, Rob
MacPherson and Steven Stolen*

represented by **Chase Strangio**
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Gavin Minor Rose
(See above for address)
ATTORNEY TO BE NOTICED

James Esseks
(See above for address)
PRO HAC VICE
ATTORNEY TO BE NOTICED

Kelly R. Eskew
(See above for address)
ATTORNEY TO BE NOTICED

Kenneth J. Falk
(See above for address)
ATTORNEY TO BE NOTICED

V.

Defendant

GOVERNOR, STATE OF INDIANA
in his official capacity

represented by **Thomas M. Fisher**
OFFICE OF THE ATTORNEY
GENERAL
302 West Washington Street
IGCS – 5th Floor
Indianapolis, IN 46204
(317) 232-6255
Fax: (317) 232-7979
Email: tom.fisher@atg.in.gov
ATTORNEY TO BE NOTICED

Defendant

**COMMISSIONER, INDIANA STATE
DEPARTMENT OF HEALTH**
in his official capacity

represented by **Thomas M. Fisher**
(See above for address)
ATTORNEY TO BE NOTICED

Defendant

CLERK, ALLEN COUNTY, INDIANA
in her official capacity

represented by **Thomas Alan Hardin**
SHINE & HARDIN LLP
2810 Beaver Ave.
Fort Wayne, IN 46807
(219) 745-1970
Fax: (219) 744-5411
Email: thardin@shineandhardin.com
ATTORNEY TO BE NOTICED

Defendant

**CLERK, HAMILTON COUNTY,
INDIANA**
in her official capacity

represented by **Darren J. Murphy**
HOWARD & ASSOCIATES
694 Logan Street
Noblesville, IN 46060
(317) 773-4212
Fax: (317) 776-2369
Email: dmurphy@ori.net
ATTORNEY TO BE NOTICED

Defendant

**COMMISSIONER, INDIANA STATE
DEPARTMENT OF REVENUE**

represented by **Thomas M. Fisher**
(See above for address)
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
03/14/2014	<u>1</u>	COMPLAINT against All Defendants, filed by All Plaintiffs. (Filing fee \$400, receipt number 0756-2989368) (Attachments: # <u>1</u> Attachment-Marriage License Application, # <u>2</u> Civil Cover Sheet, # <u>3</u> Proposed Summons)(Falk, Kenneth) Modified on 3/17/2014 for party text(DJH). (Entered: 03/14/2014)
03/14/2014	<u>2</u>	NOTICE of Appearance by Gavin Minor Rose on behalf of Plaintiffs GREGORY HASTY, A. M.-S., ROB MACPHERSON, HARRIET MILLER, STEVEN STOLEN, CHRISTOPHER VALLERO, MONICA WEHRLE. (Rose, Gavin) (Entered: 03/14/2014)
03/14/2014	<u>3</u>	NOTICE of Appearance by Kenneth J. Falk on behalf of Plaintiffs GREGORY HASTY, A. M.-S., ROB MACPHERSON, HARRIET MILLER, STEVEN STOLEN, CHRISTOPHER VALLERO, MONICA WEHRLE. (Falk, Kenneth) (Entered: 03/14/2014)
03/14/2014	<u>4</u>	NOTICE of Appearance by Sean C. Lemieux on behalf of Plaintiffs TARA BETTERMAN, MIDORI FUJII, MELODY LAYNE, L. M.-C., RODNEY MOUBRAY-CARRICO, SCOTT MOUBRAY-CARRICO. (Lemieux, Sean) (Entered: 03/14/2014)
03/17/2014	<u>5</u>	Summonses Issued as to All Defendants. (DJH) (Entered: 03/17/2014)
03/17/2014	<u>6</u>	MAGISTRATE JUDGE's NOTICE of Availability to Exercise Jurisdiction issued. (DJH) (Entered: 03/17/2014)
03/18/2014	<u>7</u>	ORDER REASSIGNING CASE. Clerk is directed to reassign case to Judge Richard L. Young and Magistrate Judge Tim A. Baker for all further proceedings. This case is related to 4:14-CV-15-RLY-TAB. Judge Tanya Walton Pratt and Magistrate Judge Denise K. LaRue no longer assigned to case. Signed by Judge Richard L. Young on 3/18/2014. (TMD) (Entered: 03/18/2014)

03/19/2014	<u>8</u>	NOTICE of Reassignment of Case to Judge Richard L. Young and Magistrate Judge Tim A. Baker. Judge Tanya Walton Pratt, Magistrate Judge Denise K. LaRue no longer assigned to the case. Please include the new case number, 1:14-cv-0404-RLY-TAB , on all future filings in this matter. (AAM) (Entered: 03/19/2014)
03/19/2014	<u>9</u>	NOTICE of Reassignment of Case to Judge Richard L. Young and Magistrate Judge Tim A. Baker. Judge Richard L. Young, Magistrate Judge Tim A. Baker no longer assigned to the case. Please include the new case number, 1:14-cv-0404-RLY-TAB , on all future filings in this matter. (AAM) (Entered: 03/19/2014)
03/24/2014	<u>10</u>	MOTION <i>for Attorneys' Conference</i> , filed by Plaintiffs TARA BETTERMAN, MIDORI FUJII, GREGORY HASTY, MELODY LAYNE, L. M.-C., A. M.-S., ROB MACPHERSON, HARRIET MILLER, RODNEY MOUBRAY-CARRICO, SCOTT MOUBRAY-CARRICO, STEVEN STOLEN, CHRISTOPHER VALLERO, MONICA WEHRLE. (Attachments: # <u>1</u> Text of Proposed Order)(Falk, Kenneth) (Entered: 03/24/2014)
03/26/2014	<u>11</u>	NOTICE of Appearance by Thomas M. Fisher on behalf of Defendant GOVERNOR, STATE OF INDIANA. (Fisher, Thomas) (Entered: 03/26/2014)
03/27/2014	<u>12</u>	SCHEDULING ORDER: A Telephonic Conference is set for 4/4/2014 at 2:00 PM (EST) before Judge Richard L. Young. The information needed to participate in this telephonic conference will be provided by a separate notification. Signed by Judge Richard L. Young on 3/27/2014.(TMD) (Entered: 03/27/2014)
03/28/2014	<u>14</u>	NOTICE of Appearance by Thomas M. Fisher on behalf of Defendant COMMISSIONER, INDIANA STATE DEPARTMENT OF HEALTH. (Fisher, Thomas) (Entered: 03/28/2014)
03/28/2014	<u>15</u>	RETURN of Service by CMRRR, filed by All Plaintiffs. GOVERNOR, STATE OF INDIANA served on 3/21/2014. (Falk, Kenneth) (Entered: 03/28/2014)
03/28/2014	<u>16</u>	RETURN of Service by CMRRR, filed by All Plaintiffs. COMMISSIONER, INDIANA STATE DEPARTMENT OF HEALTH served on 3/19/2014. (Falk, Kenneth) (Entered: 03/28/2014)
03/28/2014	<u>17</u>	RETURN of Service by CMRRR, filed by All Plaintiffs. CLERK, HAMILTON COUNTY, INDIANA served on 3/21/2014. (Falk, Kenneth) (Entered: 03/28/2014)
03/28/2014	<u>18</u>	RETURN of Service by CMRRR, filed by All Plaintiffs. CLERK, ALLEN COUNTY, INDIANA served on 3/19/2014. (Falk, Kenneth) (Entered: 03/28/2014)
03/28/2014	<u>19</u>	MOTION for Attorney(s) James Esseks to Appear pro hac vice (Filing fee \$30.00, receipt number IP040125), filed by Plaintiffs TARA BETTERMAN, MIDORI FUJII, GREGORY HASTY, MELODY LAYNE, L. M.-C., A. M.-S., ROB MACPHERSON, HARRIET MILLER, RODNEY MOUBRAY-CARRICO, SCOTT MOUBRAY-CARRICO, STEVEN STOLEN, CHRISTOPHER VALLERO, MONICA WEHRLE. (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Envelope)(NMT) (Entered: 03/31/2014)
03/28/2014	<u>20</u>	MOTION for Attorney(s) Chase Strangio to Appear pro hac vice (Filing fee \$30.00, receipt number IP040126), filed by Plaintiffs TARA BETTERMAN, MIDORI FUJII, GREGORY HASTY, MELODY LAYNE, L. M.-C., A. M.-S., ROB MACPHERSON, HARRIET MILLER, RODNEY MOUBRAY-CARRICO, SCOTT MOUBRAY-CARRICO, STEVEN STOLEN, CHRISTOPHER VALLERO, MONICA WEHRLE. (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Envelope)(NMT) (Entered: 03/31/2014)
04/01/2014	<u>21</u>	REPORT <i>by Counsel</i> by All Plaintiffs. (Falk, Kenneth) (Entered: 04/01/2014)
04/02/2014	<u>26</u>	ORDER granting <u>19</u> Motion to Appear pro hac vice. Attorney James Esseks for ALL PLAINTIFFS added. Copy to James Esseks and Chase Strangio via US Mail. Signed by Magistrate Judge Tim A. Baker on 4/2/2014. (SWM) (Entered: 04/03/2014)

04/03/2014	<u>22</u>	AMENDED COMPLAINT <i>for Declaratory and Injunctive Relief</i> against All Defendants, filed by All Plaintiffs. (Attachments: # <u>1</u> Exhibit 1 (Application for Marriage License), # <u>2</u> Exhibit 2 (Dep't of Revenue Tax Filing Guidance), # <u>3</u> Proposed Summons)(Rose, Gavin) (Entered: 04/03/2014)
04/03/2014	<u>23</u>	MOTION for Preliminary Injunction , filed by Plaintiffs TARA BETTERMAN, MIDORI FUJII, GREGORY HASTY, MELODY LAYNE, L. M.-C., A. M.-S., ROB MACPHERSON, HARRIET MILLER, RODNEY MOUBRAY-CARRICO, SCOTT MOUBRAY-CARRICO, STEVEN STOLEN, CHRISTOPHER VALLERO, MONICA WEHRLE. (Rose, Gavin) (Entered: 04/03/2014)
04/03/2014	<u>24</u>	MOTION <i>to Consolidate Preliminary Injunction Proceedings with Final Trial on the Merits</i> , filed by Plaintiffs TARA BETTERMAN, MIDORI FUJII, GREGORY HASTY, MELODY LAYNE, L. M.-C., A. M.-S., ROB MACPHERSON, HARRIET MILLER, RODNEY MOUBRAY-CARRICO, SCOTT MOUBRAY-CARRICO, STEVEN STOLEN, CHRISTOPHER VALLERO, MONICA WEHRLE. (Rose, Gavin) (Entered: 04/03/2014)
04/03/2014	<u>25</u>	NOTICE of Appearance by Thomas Alan Hardin on behalf of Defendant CLERK, ALLEN COUNTY, INDIANA. (Hardin, Thomas) (Entered: 04/03/2014)
04/04/2014	<u>27</u>	Summons Issued as to COMMISSIONER, INDIANA STATE DEPARTMENT OF REVENUE. (NMT) (Entered: 04/04/2014)
04/04/2014	<u>28</u>	MINUTE ORDER for Scheduling Conference held 4/04/2014 before Judge Richard L. Young. Dispositive Motions due by 4/21/2014. Signed by Judge Richard L. Young. (Court Reporter Judy Mason.)(TMD) (Entered: 04/04/2014)
04/07/2014	<u>29</u>	Amended MOTION for Attorney Chase Strangio to Appear pro hac vice (Filing fee \$30.00, receipt number IP040126), filed by Plaintiffs TARA BETTERMAN, MIDORI FUJII, GREGORY HASTY, MELODY LAYNE, L. M.-C., A. M.-S., ROB MACPHERSON, HARRIET MILLER, RODNEY MOUBRAY-CARRICO, SCOTT MOUBRAY-CARRICO, STEVEN STOLEN, CHRISTOPHER VALLERO, MONICA WEHRLE. (Attachments: # <u>1</u> Text of Proposed Order, # <u>2</u> Envelope)(NMT) (Entered: 04/07/2014)
04/08/2014	<u>30</u>	ORDER granting <u>20</u> Motion to Appear pro hac vice. Attorney Chase Strangio for Plaintiffs added. Signed by Magistrate Judge Tim A. Baker on 4/8/2014. (copies via US Mail to Chase Strangio and James Esseks) (JKS) (Entered: 04/08/2014)
04/09/2014	<u>31</u>	NOTICE of Appearance by Thomas M. Fisher on behalf of Defendant COMMISSIONER, INDIANA STATE DEPARTMENT OF REVENUE. (Fisher, Thomas) (Entered: 04/09/2014)
04/11/2014	<u>32</u>	ORDER SETTING INITIAL PRETRIAL CONFERENCE: This case is assigned for an initial pretrial conference before United States Magistrate Judge Tim A. Baker on May 27, 2014, at 3 p.m. in Room 234, Birch Bayh Federal Building and United States Courthouse, 46 East Ohio Street, Indianapolis, Indiana. All persons entering the United States Courthouse must have photo identification ***SEE ORDER FOR ADDITIONAL INFORMATION***. Signed by Magistrate Judge Tim A. Baker on 4/11/2014.(DW) (Entered: 04/11/2014)
04/11/2014	<u>33</u>	MOTION for Summary Judgment , filed by Plaintiffs TARA BETTERMAN, MIDORI FUJII, GREGORY HASTY, MELODY LAYNE, L. M.-C., A. M.-S., ROB MACPHERSON, HARRIET MILLER, RODNEY MOUBRAY-CARRICO, SCOTT MOUBRAY-CARRICO, STEVEN STOLEN, CHRISTOPHER VALLERO, MONICA WEHRLE. (Attachments: # <u>1</u> Exhibit 1 (Aff. of Fujii), # <u>2</u> Exhibit 2 (Aff. of Layne & Betterman), # <u>3</u> Exhibit 3 (Aff. of Moubray-Carricos), # <u>4</u> Exhibit 4 (Aff. of MacPherson & Stolen), # <u>5</u> Exhibit 5 (Aff. of A.M.-S.), # <u>6</u> Exhibit 6 (Aff. of Wehrle & Miller), # <u>7</u> Exhibit 7 (Aff. of Hasty & Vallero))(Rose, Gavin) (Entered: 04/11/2014)
04/11/2014	<u>34</u>	BRIEF/MEMORANDUM in Support re <u>33</u> MOTION for Summary Judgment , filed by Plaintiffs TARA BETTERMAN, MIDORI FUJII, GREGORY HASTY, MELODY LAYNE, L. M.-C., A. M.-S., ROB MACPHERSON, HARRIET MILLER, RODNEY MOUBRAY-CARRICO, SCOTT MOUBRAY-CARRICO, STEVEN STOLEN, CHRISTOPHER VALLERO, MONICA WEHRLE. (Rose, Gavin) (Entered: 04/11/2014)

04/11/2014	<u>35</u>	ORDER VACATING INITIAL PRETRIAL CONFERENCE: The Court, on its own motion, hereby VACATES the initial pretrial conference set for May 27, 2014. Copy to James Esseks via US Mail. Signed by Magistrate Judge Tim A. Baker on 4/11/2014.(SWM) (Entered: 04/11/2014)
04/17/2014	<u>36</u>	NOTICE of Appearance by Darren J. Murphy on behalf of Defendant CLERK, HAMILTON COUNTY, INDIANA. (Murphy, Darren) (Entered: 04/17/2014)
04/18/2014	<u>37</u>	SCHEDULING ORDER: TELEPHONIC Status Conference is set for 4/21/2014 at 12:45 PM before Judge Richard L. Young. Signed by Judge Richard L. Young on 4/18/2014.(TMD) (Entered: 04/18/2014)
04/21/2014	<u>41</u>	Minute Entry for telephonic conference held 4/21/2014 before Judge Richard L. Young. (Court Reporter Judy Mason.) (TMD) (Entered: 04/28/2014)
04/25/2014	<u>39</u>	STIPULATION <i>Concerning Case Status and Briefing Schedule</i> , filed by Plaintiffs TARA BETTERMAN, MIDORI FUJII, GREGORY HASTY, MELODY LAYNE, L. M.-C., A. M.-S., ROB MACPHERSON, HARRIET MILLER, RODNEY MOUBRAY-CARRICO, SCOTT MOUBRAY-CARRICO, STEVEN STOLEN, CHRISTOPHER VALLERO, MONICA WEHRLE. (Attachments: # <u>1</u> Text of Proposed Order)(Falk, Kenneth) (Entered: 04/25/2014)
04/25/2014	<u>40</u>	NOTICE of Parties' First Extension of Time, filed by Defendants COMMISSIONER, INDIANA STATE DEPARTMENT OF HEALTH, COMMISSIONER, INDIANA STATE DEPARTMENT OF REVENUE, GOVERNOR, STATE OF INDIANA. (Fisher, Thomas) (Entered: 04/25/2014)
05/02/2014	<u>42</u>	ORDER approving <u>39</u> Stipulation filed by RODNEY MOUBRAY-CARRICO, L. M.-C., CHRISTOPHER VALLERO, HARRIET MILLER, MELODY LAYNE, TARA BETTERMAN, GREGORY HASTY, MONICA WEHRLE, STEVEN STOLEN, SCOTT MOUBRAY-CARRICO, MIDORI FUJII, A. M.-S., ROB MACPHERSON. Signed by Judge Richard L. Young on 5/2/2014.(TMD) (Entered: 05/02/2014)
05/02/2014	<u>43</u>	RETURN of Service by CMRRR, filed by All Plaintiffs. COMMISSIONER, INDIANA STATE DEPARTMENT OF REVENUE served on 4/7/2014. (Falk, Kenneth) (Entered: 05/02/2014)
05/07/2014	<u>44</u>	MOTION for Summary Judgment , filed by Defendants COMMISSIONER, INDIANA STATE DEPARTMENT OF HEALTH, COMMISSIONER, INDIANA STATE DEPARTMENT OF REVENUE, GOVERNOR, STATE OF INDIANA. (Fisher, Thomas) (Entered: 05/07/2014)
05/07/2014	<u>45</u>	BRIEF/MEMORANDUM in Support re <u>44</u> MOTION for Summary Judgment <i>AND IN OPPOSITION TO PLAINTIFFS MOTION FOR SUMMARY JUDGMENT</i> , filed by Defendants COMMISSIONER, INDIANA STATE DEPARTMENT OF HEALTH, COMMISSIONER, INDIANA STATE DEPARTMENT OF REVENUE, GOVERNOR, STATE OF INDIANA. (Fisher, Thomas) (Entered: 05/07/2014)
05/08/2014	<u>46</u>	RESPONSE in Opposition re <u>44</u> MOTION for Summary Judgment , <u>33</u> MOTION for Summary Judgment (<i>Reply in Supp. of Pltfs.' SJ Mot. & Response in Opp. to Dfts.' SJ Mot.</i>), filed by Plaintiffs TARA BETTERMAN, MIDORI FUJII, GREGORY HASTY, MELODY LAYNE, L. M.-C., A. M.-S., ROB MACPHERSON, HARRIET MILLER, RODNEY MOUBRAY-CARRICO, SCOTT MOUBRAY-CARRICO, STEVEN STOLEN, CHRISTOPHER VALLERO, MONICA WEHRLE. (Attachments: # <u>1</u> Exhibit 1 (Decl. of Shawn Antell), # <u>2</u> Exhibit 2 (614 Reasons Why Marriage Equality Matters in Indiana))(Rose, Gavin) (Entered: 05/08/2014)
05/20/2014	<u>47</u>	Unopposed MOTION for Extension of Time to 06/03/2014 <i>IN WHICH TO RESPOND TO PLAINTIFFS AMENDED COMPLAINT</i> , filed by Defendants COMMISSIONER, INDIANA STATE DEPARTMENT OF HEALTH, COMMISSIONER, INDIANA STATE DEPARTMENT OF REVENUE, GOVERNOR, STATE OF INDIANA. (Attachments: # <u>1</u> Text of Proposed Order Proposed Order)(Fisher, Thomas) (Entered: 05/20/2014)

05/23/2014	<u>48</u>	ORDER granting <u>47</u> Defendant's Motion for Extension of Time to File to 06/03/2014 to file their response to Plaintiffs' Amended Complaint for Declaratory and Injunctive Relief. Signed by Magistrate Judge Tim A. Baker on 5/23/2014. (MRI) (Entered: 05/23/2014)
06/03/2014	<u>49</u>	ANSWER to <u>22</u> Amended Complaint , filed by COMMISSIONER, INDIANA STATE DEPARTMENT OF HEALTH, COMMISSIONER, INDIANA STATE DEPARTMENT OF REVENUE, GOVERNOR, STATE OF INDIANA.(Fisher, Thomas) (Entered: 06/03/2014)
06/25/2014	<u>50</u>	**STAYED PENDING APPEAL PER <u>62</u> USCA ORDER** ORDER granting in part and denying in part Plaintiffs' <u>33</u> Motion for Summary Judgment and granting in part and denying in part Defendants' <u>44</u> Motion for Summary Judgment. Order also denies as moot Plaintiffs' <u>23</u> Motion for Preliminary Injunction and denies as moot Plaintiffs' <u>24</u> Motion to Consolidate Preliminary Injunction Proceedings with Final Trial on the Merits. (SEE ENTRY FOR DETAILS). Signed by Judge Richard L. Young on 6/25/2014. (TMD) Modified on 6/30/2014 (LBT). (Entered: 06/25/2014)
06/25/2014	<u>51</u>	CLOSED JUDGMENT in favor of Plaintiffs and Governor Pence and against Defendants Commissioner of the Indiana State Department of Health; Clerk of Allen County, Indiana; Clerk of Hamilton County, Indiana; and the Commissioner of the Indiana State Department of Revenue. Signed by Judge Richard L. Young on 6/25/2014.(TMD) (Entered: 06/25/2014)
06/25/2014	<u>52</u>	NOTICE of Appearance by Kelly R. Eskew on behalf of Plaintiffs GREGORY HASTY, A. M.–S., ROB MACPHERSON, HARRIET MILLER, STEVEN STOLEN, CHRISTOPHER VALLERO, MONICA WEHRLE. (Eskew, Kelly) (Entered: 06/25/2014)
06/25/2014	<u>53</u>	NOTICE OF APPEAL as to <u>50</u> Order on Motion for Preliminary Injunction and Order on Motion for Summary Judgment and <u>51</u> Final Judgment, filed by Defendants COMMISSIONER, INDIANA STATE DEPARTMENT OF REVENUE, CLERK, ALLEN COUNTY, INDIANA, and CLERK, HAMILTON COUNTY, INDIANA. (No fee paid with this filing) (Fisher, Thomas) Modified on 6/26/2014 to link to judgment and to correctly identify parties included in NOA (LBT). (Entered: 06/25/2014)
06/25/2014	<u>54</u>	DOCKETING STATEMENT by COMMISSIONER, INDIANA STATE DEPARTMENT OF HEALTH, COMMISSIONER, INDIANA STATE DEPARTMENT OF REVENUE, CLERK, ALLEN COUNTY, INDIANA, and CLERK, HAMILTON COUNTY, INDIANA re <u>53</u> Notice of Appeal (Fisher, Thomas) Modified on 6/26/2014 to correctly identify parties filing document (LBT). (Entered: 06/25/2014)
06/25/2014	<u>55</u>	Emergency MOTION to Stay <i>Pending Appeal</i> , filed by Defendants COMMISSIONER, INDIANA STATE DEPARTMENT OF HEALTH, COMMISSIONER, INDIANA STATE DEPARTMENT OF REVENUE, CLERK, HAMILTON COUNTY, INDIANA, and CLERK, ALLEN COUNTY, INDIANA. (Fisher, Thomas) Modified on 6/26/2014 to correctly identify parties filing document (LBT). (Entered: 06/25/2014)
06/26/2014	<u>56</u>	SEVENTH CIRCUIT APPEAL INFORMATION SHEET re <u>53</u> Notice of Appeal – Instructions for Attorneys – Parties' Short Record, Instructions, and Designation of Record information attached. (LBT) (Entered: 06/26/2014)
06/26/2014	<u>57</u>	Transmission of Notice of Appeal and Docket Sheet to US Court of Appeals re <u>53</u> Notice of Appeal. – for Court of Appeals Use Only. (LBT) (Entered: 06/26/2014)
06/26/2014	<u>58</u>	USCA Case Number 14–2387 for <u>53</u> Notice of Appeal filed by CLERK, ALLEN COUNTY, INDIANA, COMMISSIONER, INDIANA STATE DEPARTMENT OF REVENUE, CLERK, HAMILTON COUNTY, INDIANA. (Attachments: # <u>1</u> Circuit Rule 3(b) Notice)(LBT) (Entered: 06/26/2014)
06/26/2014	<u>59</u>	USCA Appeal Fees received \$505.00 receipt number IP041374 re <u>53</u> Notice of Appeal filed by CLERK, ALLEN COUNTY, INDIANA, COMMISSIONER, INDIANA STATE DEPARTMENT OF REVENUE, CLERK, HAMILTON COUNTY, INDIANA (USCA #14–2387) (DJH) (Entered: 06/26/2014)

06/27/2014	<u>60</u>	RESPONSE in Opposition re <u>55</u> Emergency MOTION to Stay <i>Pending Appeal</i> , filed by Plaintiffs TARA BETTERMAN, MIDORI FUJII, GREGORY HASTY, MELODY LAYNE, L. M.-C., A. M.-S., ROB MACPHERSON, HARRIET MILLER, RODNEY MOUBRAY-CARRICO, SCOTT MOUBRAY-CARRICO, STEVEN STOLEN, CHRISTOPHER VALLERO, MONICA WEHRLE. (Attachments: # <u>1</u> Exhibit Slip opinion DeBoer v. Snyder, # <u>2</u> Exhibit Supreme Court Order – Natl Org. for Marriage v. Geiger, # <u>3</u> Exhibit Emergency Motion-Geiger v. Kitzhaber)(Falk, Kenneth) (Entered: 06/27/2014)
06/27/2014	<u>61</u>	NOTICE of Correction and Filing of Corrected Memorandum in Opposition to <i>Emergency Motion for Stay Pending Appeal</i> , filed by Plaintiffs TARA BETTERMAN, MIDORI FUJII, GREGORY HASTY, MELODY LAYNE, L. M.-C., A. M.-S., ROB MACPHERSON, HARRIET MILLER, RODNEY MOUBRAY-CARRICO, SCOTT MOUBRAY-CARRICO, STEVEN STOLEN, CHRISTOPHER VALLERO, MONICA WEHRLE (Attachments: # <u>1</u> Corrected Memorandum, # <u>2</u> Exhibit to Memorandum– Slip opinion DeBoer v. Snyder, # <u>3</u> Exhibit to Memorandum– U.S. Sup. Court Order – Nat'l Org for Marriage v. Geiger, # <u>4</u> Exhibit to Memorandum – Emergency Motion Geiger v. Kitzhaber) (Falk, Kenneth) (Entered: 06/27/2014)
06/27/2014	<u>62</u>	ORDER of USCA as to <u>53</u> Notice of Appeal filed by CLERK, ALLEN COUNTY, INDIANA, COMMISSIONER, INDIANA STATE DEPARTMENT OF REVENUE, CLERK, HAMILTON COUNTY, INDIANA (USCA #14-2387) – Upon consideration of the Emergency Motion for Stay Pending Appeal, filed on 6/27/2014, by counsel for the appellants, it is ORDERED that the motion is GRANTED. The district court's order dated 6/25/2014 is STAYED pending resolution of this appeal. (LBT) (Entered: 06/30/2014)
07/02/2014	<u>63</u>	Unopposed MOTION for Extension of Time to <i>File for Attorneys' Fees and Costs</i> , filed by Plaintiffs TARA BETTERMAN, MIDORI FUJII, GREGORY HASTY, MELODY LAYNE, L. M.-C., A. M.-S., ROB MACPHERSON, HARRIET MILLER, RODNEY MOUBRAY-CARRICO, SCOTT MOUBRAY-CARRICO, STEVEN STOLEN, CHRISTOPHER VALLERO, MONICA WEHRLE. (Attachments: # <u>1</u> Text of Proposed Order)(Falk, Kenneth) (Entered: 07/02/2014)
07/03/2014	<u>64</u>	ORDER: IT IS THEREFORE ORDERED that plaintiffs are granted an extension of time to file for their reasonable attorneys' fees and costs until 95 days after the Seventh Circuit issues its mandate in this case or the case is otherwise resolved in the Seventh Circuit, or 35 days after any proceedings in this case in the United States Supreme Court are resolved, whichever is later. Signed by Magistrate Judge Tim A. Baker on 7/3/2014. (DW) (Entered: 07/03/2014)
07/08/2014	<u>65</u>	DESIGNATION of Record on Appeal by COMMISSIONER, INDIANA STATE DEPARTMENT OF HEALTH, COMMISSIONER, INDIANA STATE DEPARTMENT OF REVENUE, GOVERNOR, STATE OF INDIANA re <u>53</u> Notice of Appeal (Fisher, Thomas) (Entered: 07/08/2014)
07/23/2014	<u>66</u>	Appeal Remark re <u>53</u> Notice of Appeal (USCA #14-2387): Long Record and Supplemental Long Record transmitted to USCA under Cause No. 1:14-cv-355-RLY-TAB. See that docket for transmittal information. (Attachments: # <u>1</u> Notice to Transmit Record)(LBT) (Entered: 07/23/2014)
07/24/2014	67	Appeal Remark re (53 in 1:14-cv-00404-RLY-TAB) Notice of Appeal, (91 in 1:14-cv-00355-RLY-TAB) Notice of Appeal, (60 in 1:14-cv-00406-RLY-MJD) Notice of Appeal (USCA #14-2386, 14-2387, 14-2388): Original record on appeal filed electronically by USCA. Contents of record : 4 vol. of pleadings and 1 unrestricted transcript. (LBT) (Entered: 07/24/2014)
07/25/2014	68	Appeal Remark re (53 in 1:14-cv-00404-RLY-TAB) Notice of Appeal, (91 in 1:14-cv-00355-RLY-TAB) Notice of Appeal, (60 in 1:14-cv-00406-RLY-MJD) Notice of Appeal (USCA #14-2386, 14-2387, 14-2388): Supplemental record on appeal filed electronically by USCA. Contents of record : 3 sealed documents and 1 restricted transcripts. (LBT) (Entered: 07/25/2014)

07/30/2014	<u>69</u>	ORDER of USCA as to (53 in 1:14-cv-00404-RLY-TAB) Notice of Appeal filed by CLERK, ALLEN COUNTY, INDIANA, COMMISSIONER, INDIANA STATE DEPARTMENT OF REVENUE, CLERK, HAMILTON COUNTY, INDIANA (USCA #14-2386) and (91 in 1:14-cv-00355-RLY-TAB) Notice of Appeal filed by PENNY BOGAN, WILLIAM C. VANNESS, GREG ZOELLER, PEGGY BEAVER (USCA #14-2387) – Upon consideration of the Appellant Hamilton County Clerk Peggy Beaver's Motion for a Voluntary Dismissal of her Appeal, filed on 7/30/2014, by counsel for appellant Hamilton County Clerk Peggy Beaver, it is ORDERED that appellant Peggy Beaver is voluntarily DISMISSED from appeal nos. 14-2386 and 14-2387 pursuant to Fed. R. App. R. 42(b). These appeals remain active with respect to the other appellants. (LBT) (Entered: 07/30/2014)
08/07/2014	<u>70</u>	MANDATE of USCA as to <u>53</u> Notice of Appeal filed by CLERK, ALLEN COUNTY, INDIANA, COMMISSIONER, INDIANA STATE DEPARTMENT OF REVENUE, CLERK, HAMILTON COUNTY, INDIANA (USCA #14-2387) – It is ORDERED that appellant Peggy Beaver, Clerk of Hamilton County, is voluntarily DISMISSED from appeal nos. 14-2386 and 14-2387 pursuant to Fed. R. App. P. 42(b). These appeals remain active with respect to the other appellants. (LBT) (Entered: 08/07/2014)
09/15/2014	<u>71</u>	ORDER of USCA as to (53 in 1:14-cv-00404-RLY-TAB) Notice of Appeal filed by CLERK, ALLEN COUNTY, INDIANA, COMMISSIONER, INDIANA STATE DEPARTMENT OF REVENUE, CLERK, HAMILTON COUNTY, INDIANA [USCA No. 2387], (91 in 1:14-cv-00355-RLY-TAB) Notice of Appeal filed by PENNY BOGAN, WILLIAM C. VANNESS, GREG ZOELLER, PEGGY BEAVER [USCA No. 14-2386], (60 in 1:14-cv-00406-RLY-MJD) Notice of Appeal filed by MICHAEL PINKHAM, CHRIS ATKINS, BRET SWANSON, BRIAN ABBOTT, KEN COCHRAN, JODI GOLDEN, KYLE ROSEBROUGH, STEVE DANIELS, STEVE RUSSO [USCA No. 14-2388]: IT IS ORDERED that the Motion for Stay of Mandate Pending Final Disposition of Petition for Writ of Certiorari is GRANTED. The mandate in appeals 142386, 142387, and 142388 is STAYED pending final disposition of petition for writ of certiorari. The stay will terminate automatically if the certiorari petition is denied or will terminate upon the judgment of the Supreme Court if the certiorari petition is granted. (LBT) (Entered: 09/16/2014)
10/07/2014	<u>72</u>	MANDATE of USCA as to <u>53</u> Notice of Appeal filed by CLERK, ALLEN COUNTY, INDIANA, COMMISSIONER, INDIANA STATE DEPARTMENT OF REVENUE, CLERK, HAMILTON COUNTY, INDIANA (USCA #14-2387) – The judgment of the District Court is AFFIRMED, with costs, in accordance with the decision of this court entered on this date. The petition for writ of certiorari is DENIED by the U.S. Supreme Court. (LBT) (Entered: 10/07/2014)

Case #: 1:14-cv-00404-RLY-TAB