

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

ASHLEE HENDERSON and	)	
RUBY HENDERSON a married couple, and	)	
L.W.C.H. by his parent and next friend Ruby	)	
Henderson, <i>et al.</i> ,	)	
	)	
Plaintiffs,	)	Case No. 1:15-cv-00220-TWP-MJD
	)	
v.	)	
	)	
DR. JEROME ADAMS in his official capacity	)	
as Indiana State Health Commissioner, <i>et al.</i> ,	)	
	)	
Defendants.	)	

**DEFENDANT’S MOTION TO ALTER OR AMEND JUDGMENT**

Pursuant to Rule 59(e) of the Federal Rules of Civil Procedure, Defendant Dr. Jerome Adams, in his official capacity as Indiana State Health Commissioner, respectfully moves the Court to alter or amend the judgment entered in this action on June 30, 2016. This motion is made on the following grounds and respectfully requests relief as described below:

(1) The Court lacks jurisdiction to enter a declaration or injunction governing enforcement of Indiana Code §§ 31-9-2-15 and 31-9-2-16 (concerning whether children are “born in wedlock”); Defendant respectfully moves the Court to alter or amend the judgment to remove any declaration or injunction directed at these statutes.

(2) It is unclear whether the Court has declared Indiana Code §§ 31-9-2-15, 31-9-2-16, and 31-14-7-1 facially invalid, or invalid only as applied to wives of birth mothers; Defendant respectfully moves the Court to alter or amend the judgment to clarify whether these statutes are facially invalid.

(3) It is unclear whether the Court intends for its judgment and injunction to apply to wives of *all* birth mothers or only to wives of birth mothers who conceived through artificial insemination by anonymous donor; Defendant respectfully moves the Court to alter or amend the judgment to clarify its scope in this respect.

(4) It is unclear whether, as declared by the Court, the presumption of parenthood for wives of birth mothers is rebuttable under any circumstances, such as under Indiana Code § 31-14-7-1; Defendant respectfully moves the Court to alter or amend the judgment to state whether the presumption of parenthood is rebuttable, and if so under what circumstances.

Defendant has contemporaneously filed herewith a memorandum in support of this motion.

WHEREFORE, Defendant respectfully requests this Court grant its Motion to Alter or Amend the Judgment as described in the preceding paragraphs.

Respectfully submitted,

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Indiana Attorney General

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*Counsel for State Defendant Dr. Jerome Adams*

**CERTIFICATE OF SERVICE**

I hereby certify that on this 18th day of July, 2016, the foregoing was electronically filed with the Clerk of the Court using the CM/ECF system which sent notification of such filing to all counsel of record.

*s/ Thomas M. Fisher* \_\_\_\_\_

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