

IN THE  
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS, INDIANA

PLANNED PARENTHOOD OF INDIANA,	)	
INC., <i>et al.</i> ,	)	
Plaintiffs—Appellees,	)	
	)	
v.	)	No. 1:11-cv-0630-TWP-DKL
	)	
COMMISSIONER OF THE INDIANA STATE	)	
DEPARTMENT OF HEALTH, <i>et al.</i> ,	)	
Defendants—Appellants.	)	

**DOCKETING STATEMENT OF DEFENDANTS-APPELLANTS**

Defendants-Appellants, by counsel Gregory F. Zoeller, Attorney General of Indiana, Thomas M. Fisher, Solicitor General (counsel of record), Ashley Tatman Harwel, Deputy Attorney General, Heather Hagan McVeigh, Deputy Attorney General, and Adam Clay, Deputy Attorney General, submit this Docketing Statement pursuant to Circuit Rule 3:

**(1) Jurisdiction of District Court.** The District Court has subject matter jurisdiction of this action under 28 U.S.C. § 1331, because the complaint and motion for preliminary injunction raise questions arising under “laws of the United States,” including 42 U.S.C. § 1396 et seq., the First Amendment, 42 U.S.C. § 1983, and *Shaw v. Delta Airlines, Inc.*, 463 U.S. 85, 96 n.14 (1983), though Defendants-Appellants argue that Plaintiffs lack a right of action for at least some of their claims.

**(2) Jurisdiction of Court of Appeals.** The Court of Appeals has jurisdiction under 28 U.S.C. § 1292(a)(1), as this is an appeal from a district court order granting a preliminary injunction, as follows:

(a) On June 24, 2011, the District Court granted Plaintiffs' Motion for Preliminary Injunction with respect to Indiana Code § 5-22-17-5.5 (termed the "defunding provision" by the district court) and, as applied to Plaintiffs only, with respect to Indiana Code § 16-34-2-1.1(a)(1)(G).

(b) Defendants filed a Notice of Appeal on June 28, 2011.

**(3) Related Appeal.** There are no prior or related appellate proceedings.

Respectfully submitted,

GREGORY F. ZOELLER  
Attorney General of Indiana

By: /s/ Thomas M. Fisher  
Thomas M. Fisher  
Solicitor General

Heather Hagan McVeigh  
Ashley Tatman Harwel  
Adam Clay  
Deputy Attorneys General

**CERTIFICATE OF SERVICE**

I hereby certify that on June 28, 2011, a copy of the foregoing Docketing Statement was filed electronically. Notice of this filing will be sent to the following parties by operation of the Court's CM/ECF system:

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Notice of this filing will be sent to the following parties by U.S. Mail:

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