

STATE OF INDIANA ) IN THE HAMILTON SUPERIOR COURT NO. 1  
 ) SS:  
COUNTY OF HAMILTON ) CAUSE NO. 29D01-1512-MI-10207

INDIANA FAMILY INSTITUTE, INC.; INDIANA FAMILY  
ACTION, INC.; AND THE AMERICAN FAMILY ASSOCIATION  
OF INDIANA, INC.;

PLAINTIFFS

V.

THE CITY OF CARMEL, INDIANA; CITY ATTORNEY FOR  
THE CITY OF CARMEL, INDIANA; DOUGLAS HANEY, IN  
HIS OFFICIAL CAPACITY AS CITY ATTORNEY FOR THE CITY  
OF CARMEL, INDIANA; THE CITY OF INDIANAPOLIS-MARION  
COUNTY, INDIANA; THE CITY OF INDIANAPOLIS—  
MARION COUNTY EQUAL OPPORTUNITY ADVISORY  
BOARD; JASON SONDHI, IN HIS OFFICIAL CAPACITY AS  
CHAIRMAN OF THE INDIANAPOLIS-MARION COUNTY,  
INDIANA, EQUAL OPPORTUNITY ADVISORY BOARD; RONALD  
COVINGTON, SARAH DILLINGER, JANAI DOWNS, JOSEPH  
FEENEY-RUIZ, DOUG HUNTSINGER, REMO MEZZETTA,  
JASON SPRINKLE, GREGORY STOWERS, SUE TEMPERO,  
TOD TOLSON, ALICE WATSON, ERICA WILLIAMS, AND  
MARSHAWN WOLLEY, IN THEIR OFFICIAL CAPACITIES AS  
MEMBERS OF THE CITY OF INDIANAPOLIS-MARION COUNTY  
EQUAL OPPORTUNITY ADVISORY BOARD; THE CITY OF  
BLOOMINGTON, INDIANA; THE CITY OF BLOOMINGTON  
HUMAN RIGHTS COMMISSION; BIRK BILLINGSLEY,  
BETH APPLGATE, PETE GIORDANO, CAROLYN  
CALLOWAY-THOMAS, WILLIAM MORRIS, VALERI  
HAUGHTON, AND BYRON BANGERT, IN THEIR OFFICIAL  
CAPACITIES AS MEMBERS OF THE CITY OF BLOOMINGTON  
HUMAN RIGHTS COMMISSION; THE CITY OF COLUMBUS,  
INDIANA; THE CITY OF COLUMBUS HUMAN RIGHTS  
COMMISSION; AND GIL A. PALMER, ANNETTEE  
BARNES, TRENA CARTER, IAN KOHEN, GREG LEWIS,  
TONY MCCLENDON, SAMEER SAMUDRA, JOHN STROH,  
AND RICHARD GOLD, IN THEIR OFFICIAL CAPACITIES AS  
COMMISSIONERS OF THE CITY OF COLUMBUS HUMAN  
RIGHTS COMMISSION;

DEFENDANTS

FILED

November 16, 2016



CLERK OF THE HAMILTON  
CIRCUIT COURT

**ORDER**

The Parties appeared by counsel on November 2, 2016 for a hearing on the following

Motions:

1. CARMEL DEFENDANTS' MOTION TO DISMISS PLAINTIFFS' AMENDED VERIFIED COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF filed on February 18, 2016;
2. CITY OF INDIANAPOLIS DEFENDANTS' MOTION TO DISMISS filed on February 18, 2016;
3. THE BLOOMINGTON DEFENDANT'S MOTION TO DISMISS filed on March 21, 2016; and
4. COLUMBUS DEFENDANTS' MOTION TO DISMISS PLAINTIFFS' AMENDED VERIFIED COMPLAINT FOR DECLARATORY AND INJUNCTIVE RELIEF filed on April 22, 2016.

Arguments were presented and completed. The Court having taken such matter under advisement does now FIND and ORDER as follows:

1. That as to the City of Carmel Defendants, the Court finds as follows:
  - a. That as to the Motion to Dismiss as to all the Plaintiffs under 12(B)(6), such Motion should be and is hereby DENIED.
  - b. That as to the Motion to Dismiss as to all the Plaintiffs under 12(B)(1), such Motion should be and is hereby DENIED.
  - c. That as to the Motion to Dismiss as to all the Plaintiffs under Trial Rule 8, such Motion should be and is hereby DENIED.
  - d. That as to the Motion to Dismiss as to all the Plaintiffs under Trial Rule 19(A), such Motion should be and is hereby GRANTED. Plaintiffs shall file a Second

Amended Complaint within twenty (20) days of the date of this Order by adding the State of Indiana and/or the appropriate State Officials as a party to this cause.

2. That as to the City of Indianapolis Defendants, the Court finds as follows:
  - a. That as to the Motion to Dismiss as to IFI and IFA under 12(B)(6), such Motion should be and is hereby GRANTED.
  - b. That as to the Motion to Dismiss as to AFA under 12(B)(6), such Motion should be and is hereby DENIED.
  - c. That as to the Motion to Dismiss as to AFA under 12(B)(1), such Motion should be and is hereby DENIED.
  - d. That as to the Motion to Dismiss as to all the Plaintiffs under Trial Rule 8, such Motion should be and is hereby DENIED.
  - e. That as to the Motion to Dismiss as to all the Plaintiffs under Trial Rule 19(A), such Motion should be and is hereby GRANTED. Plaintiffs shall file a Second Amended Complaint within twenty (20) days of the date of this Order by adding the State of Indiana and/or the appropriate State Officials as a party to this cause.
  - f. That as to all the Plaintiffs, the Motion to Dismiss concerning the Individual Members of the City of Indianapolis-Marion County Equal Opportunity Advisory Board who are named solely in their official capacities, should be and is hereby GRANTED as duplicative and such members would be bound by any determination in this cause as to the City Of Indianapolis and the City of Indianapolis-Marion County Equal Opportunity Advisory Board.
3. That as to the City of Bloomington Defendants, the Court finds as follows:

- a. That as to the Motion to Dismiss as to all the Plaintiffs under 12(B)(6), such Motion should be and is hereby DENIED.
  - b. That as to the Motion to Dismiss as to all the Plaintiffs under 12(B)(1), such Motion should be and is hereby DENIED.
  - c. That as to the Motion to Dismiss as to all the Plaintiffs under Trial Rule 8, such Motion should be and is hereby DENIED.
  - d. That as to the Motion to Dismiss as to all the Plaintiffs under Trial Rule 19(A), such Motion should be and is hereby GRANTED. Plaintiffs shall file a Second Amended Complaint within twenty (20) days of the date of this Order by adding the State of Indiana and/or the appropriate State Officials as a party to this cause.
  - e. That as to all the Plaintiffs, the Motion to Dismiss concerning the Bloomington Human Rights Commission, should be and is hereby DENIED.
  - f. That as to all the Plaintiffs, the Motion to Dismiss concerning the Individual Members of the Bloomington Human Rights Commission who are named solely in their official capacities, should be and is hereby GRANTED as duplicative and such members would be bound by any determination in this cause as to the City Of Bloomington and the Bloomington Human Rights Commission.
4. That as to the City of Columbus Defendants, the Court finds as follows:
- a. That as to the Motion to Dismiss as to all the Plaintiffs under 12(B)(6), such Motion should be and is hereby DENIED.
  - b. That as to the Motion to Dismiss as to all the Plaintiffs under 12(B)(1), such Motion should be and is hereby DENIED.

- c. That as to the Motion to Dismiss as to all the Plaintiffs under Trial Rule 8, such Motion should be and is hereby DENIED.
- d. That as to the Motion to Dismiss as to all the Plaintiffs under Trial Rule 19(A), such Motion should be and is hereby GRANTED. Plaintiffs shall file a Second Amended Complaint within twenty (20) days of the date of this Order by adding the State of Indiana and/or the appropriate State Officials as a party to this cause.
- e. That as to all the Plaintiffs, the Motion to Dismiss concerning the City of Columbus Human Rights Commission, should be and is hereby DENIED.
- f. That as to all the Plaintiffs, the Motion to Dismiss concerning the Individual Members of the City of Columbus Human Rights Commission who are named solely in their official capacities, should be and is hereby GRANTED as duplicative and such members would be bound by any determination in this cause as to the City Of Columbus and the City of Columbus Human Rights Commission.

SO ORDERED this 16 day of Nov, 2016.



JUDGE

Hamilton Superior Court No. 1

DISTRIBUTION:

James Bopp/Richard Coleson/Corrine Purvis  
Thomas Cameron  
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Thomas Cameron  
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