

STATE OF INDIANA	)	IN THE ALLEN COUNTY COURT SYSTEM
	)	ROOM NO.
COUNTY OF ALLEN	)	CAUSE NO.

FORT WAYNE WOMEN’S HEALTH, on )  
its own behalf and on behalf of its patients, )  
DR. ULRICH G. KLOPFER, on his )  
own behalf and on behalf of his patients, )  
) )  
Plaintiffs, )

v. )

HEALTH COMMISSIONER, FORT )  
WAYNE-ALLEN COUNTY )  
DEPARTMENT OF HEALTH; )  
FORT WAYNE-ALLEN COUNTY )  
DEPARTMENT OF HEALTH, )  
) )  
Defendants. )

**Plaintiffs’ Motion for Preliminary Injunction**

Come now plaintiffs, by their counsel, and state that:

1. The “Ordinance Concerning Public Safety,” Allen County Code Title 10, Article 8, that is challenged in this case is scheduled to go into effect on June 1, 2010, and will cause plaintiffs and their patients’ irreparable harm for which there is no adequate remedy at law.
2. Plaintiffs will prevail on the merits of their claims that the Ordinance violates Indiana law as well as the Indiana and United States Constitutions.
3. The harm that will be imposed on plaintiffs and their patients if a preliminary injunction against the Ordinance is not granted outweighs any harm that will be caused to defendants by the grant of a preliminary injunction.
4. The public interest will be served by the grant of a preliminary injunction.
5. The preliminary injunction should be issued without bond.

WHEREFORE, plaintiffs request that this Court, after hearing, enter a preliminary injunction, without bond, preventing defendants from enforcing the Ordinance at issue in this case, the “Ordinance Concerning Public Safety,” Allen County Code Title 10, Article 8, and for all other proper relief.

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Attorney for Plaintiffs

*Petition for Admission Pro Hac Vice to be  
filed:*

Suzanne Novak  
*Member of the New York Bar*  
Senior Staff Attorney  
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120 Wall St.  
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### **Certificate of Service**

I certify that a copy of the foregoing was submitted to the Clerk of this Court along with the complaint in this cause for service on all defendants. Additionally, a copy of the foregoing was served, by first class U.S. postage pre-paid, on the 27<sup>th</sup> day of May, 2010 on the following person(s):

Health Commissioner  
Fort-Wayne Allen County Department of Health  
1 East Main Street  
5<sup>th</sup> Floor  
Room 501

Fort Wayne, IN 46802

Fort-Wayne Allen County Department of Health  
1 East Main Street  
5<sup>th</sup> Floor  
Room 501  
Fort Wayne, IN 46802

G. William Fishing  
County Attorney  
BEERS MALLERS BACKS & SALIN LLP  
110 W. Berry Street  
Fort Wayne, IN 46802

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Attorney at Law