

In the Indiana Supreme Court

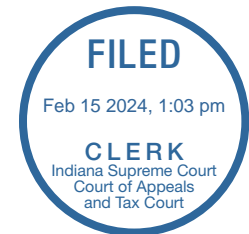
Diego Morales, et al.,
Appellants,

v.

John Rust,
Appellee.

Supreme Court Case No.
23S-PL-371

Trial Court Case No.
49D12-2309-PL-36487



Published Order

This matter is before us on direct appeal under Indiana Appellate Rule 4(A)(1)(b), which gives the Indiana Supreme Court mandatory and exclusive jurisdiction over appeals of final judgments that declare a state or federal statute unconstitutional. At issue is the constitutionality of Indiana Code section 3-8-2-7(a)(4) (the “Affiliation Statute”). Among other holdings, the trial court determined the Affiliation Statute violates: (1) Appellee’s First and Fourteenth Amendment rights under the U.S. Constitution; (2) the Seventeenth Amendment of the U.S. Constitution; and (3) Appellee’s Article 1, Section 23 rights under the Indiana Constitution. On December 7, 2023, the trial court issued an order enjoining the Affiliation Statute’s enforcement. On December 15, 2023, we issued an order expediting this appeal, setting a briefing schedule and scheduling oral argument, and holding in abeyance Appellants’ motion to stay enforcement of the trial court’s order. Oral argument in this matter was held on February 12, 2024.

Having considered the written submissions and having heard the arguments of counsel, a majority of the Court votes to STAY the trial court’s order enjoining enforcement of Indiana Code section 3-8-2-7(a)(4), pending this Court’s forthcoming opinion.

Done at Indianapolis, Indiana, on 2/15/2024.

A handwritten signature in black ink that reads "Loretta H. Rush".

Loretta H. Rush
Chief Justice of Indiana