

In the Indiana Supreme Court

Linda Gierек, et al.,
Appellants,

v.

Anonymous 1, et al.,
Appellees.

Supreme Court Case No.
23S-CT-00277

Court of Appeals Case No.
22A-CT-01225

Trial Court Case No.
20D02-1911-CT-243



Published Order for Supplemental Briefing and Inviting Amicus Curiae Briefing

The Court of Appeals issued an opinion in *Gierек, et al. v. Anonymous 1, et al.*, 212 N.E.3d 208 (Ind. Ct. App. 2023), *vacated*. This Court granted appellees' transfer petitions and heard oral argument on November 29, 2023. At oral argument, the Court asked the parties to address whether any of the appellants' claims are for a "bodily injury," as that term is used in the Medical Malpractice Act, I.C. § 34-18-8-1. The Court now invites the parties to file supplemental briefs on that question and the question of whether the appellants have waived any argument that the Medical Malpractice Act does not apply because they have not claimed a "bodily injury."

Opening supplemental briefs shall not exceed 4,200 words each, excluding the items listed in Appellate Rule 44(C), and shall be filed on or before **January 31, 2024**. Opening briefs must be accompanied by a verified statement of word count. *See* App. R. 44(F).

We also invite amicus curiae briefing. Pursuant to Appellate Rule 41, any entity wishing to prepare and file a brief as amicus curiae must file a motion for leave to appear as amicus and tender its proposed brief on or before **January 31, 2024**. The Court encourages the submission of joint briefs if similarly aligned entities seek to appear as amici. Any amicus brief must not exceed 4,200 words, exclusive of the items listed in Appellate Rule 44(C), and must also contain a word count certificate compliant with App. R. 44(F).

The parties may file a single response brief, not exceeding 4,200 words, responding to an opposing party's opening supplemental brief and addressing any and all amicus brief(s) whose arguments they oppose. Any such response brief must be filed on or before **February 14, 2024**, and must comply with Appellate Rules 44(C) and (F).

Done at Indianapolis, Indiana, on 12/4/2023 .

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

Loretta H. Rush
Chief Justice of Indiana

All Justices concur.