

**In the
Indiana Supreme Court**

Jane DOE, <i>et al.</i> ,)	Supreme Court Cause No.
Appellants,)	49S02-0509-CV-436
)	
v.)	Court of Appeals Cause No.
)	49A02-0408-CV-674
J. David DONAHUE, in his official)	
capacity as Commissioner of the Indiana)	
Department of Correction,)	
Appellee.)	

**PUBLISHED ORDER VACATING
PRIOR ORDER GRANTING TRANSFER**

By order dated September 28, 2005, the Court granted a petition seeking transfer of jurisdiction of this appeal from the Court of Appeals to this Court. After further review, including oral argument, a majority of the Court has determined that transfer was improvidently granted. Accordingly, the order granting transfer is VACATED and transfer is DENIED. The Court of Appeals opinion reported as Doe v. Donahue, 829 N.E.2d 99 (Ind. Ct. App. 2005), is no longer vacated under Appellate Rule 58(A) and is reinstated as Court of Appeals precedent. Pursuant to Appellate Rule 58(B), this appeal is at an end.

The Court DIRECTS the Clerk to certify this order as final and to send copies of this order to the Hon. Robyn L. Moberly, Judge of the Marion Superior Court; the Hon. James S. Kirsch, Chief Judge of the Court of Appeals; Steve Lancaster, Court of Appeals Administrator; Kent Zepick, staff counsel to the Court of Appeals; and all counsel of record.

The Court further DIRECTS the Clerk to send a copy of this Order to LexisNexis and to West Group for publication on-line and in the bound volumes of this Court's decisions.

Done at Indianapolis, Indiana, this 21st day of November, 2005.

/s/ Randall T. Shepard
Chief Justice of Indiana

All Justices concur, except Boehm and Rucker, JJ., who believe transfer was properly granted.