

IN THE UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

_____	)	
<b>DR. BARRY EPPLEY, MD, DMD,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	<b>Cause No. 1:09-cv-386 SEB-JMS</b>
	)	
<b>LUCILLE IACOVELLI,</b>	)	
	)	
<b>Defendant.</b>	)	
_____	)	

**ORDER GRANTING MOTION FOR TEMPORARY RESTRAINING ORDER**  
(Docket No. 9)

Plaintiff, Dr. Barry Eppley, by counsel, having filed his Motion for Temporary Restraining Order and Certification of Reasons for Not Providing Notice, and the Court having reviewed Plaintiff’s Motion, Verified Complaint, and Plaintiff’s Brief in Support of Motion for Temporary Restraining Order, now concludes as follows:

1. It appears that the Defendant, Lucille Iacovelli, and those in active concert and participation with her, intend to publicize her previously announced suicide plans and, based on Defendant’s past conduct, further intend to publish disparaging statements about the Plaintiff, Dr. Barry Eppley, including his efforts to forestall Defendant’s self-destructive actions;
2. Publication of such suicide plans or disparaging statements about Plaintiff and his efforts to forestall those announced plans threatens irreparable harm to Plaintiff in his reputation and that of his medical practice through publicity generated by Defendant

- relating to her planned suicide based on her claims of being a dissatisfied former patient;
3. Restraining the acts of Defendant as to the further publication of such plans may remove an incentive from Defendant to carry out such acts;
  4. Furthermore, the circumstances warrant issuance of this Temporary Restraining Order without notice to Defendant because Defendant's acts indicate a significant danger that she may take immediate action to commit suicide, further publicize her suicide plans, and/or publicize disparaging and defamatory statements concerning Defendant's efforts to prevent such publication upon notification of this proceeding;
  5. The potential harm to Defendant based on the issuance of this Order are minimal and outweighed by those posed by Defendant to Plaintiff;
  6. Defendant will not suffer any undue financial hardship as a result of the Temporary Restraining Order, and therefore no security is required from Plaintiff.

IT IS THEREFORE ORDERED, ADJUDGED AND DECREED by the Court, pursuant to Federal Rule of Civil Procedure 65(b):

1. That Defendant, Lucille Iacovelli, those in active concert and participation with her, and her agents shall take no action whatsoever to make, authorize or issue public statements, oral or written, on the Internet or otherwise, including but not limited to:
  - a. Further oral and written expressions, videos or related depictions related to statements concerning Defendant Lucille Iacovelli's planned suicide, including, but not limited to descriptions of preparatory actions, plans for autopsies, plans for recording the event, and plans for publication and display

of the above named activities to the extent that they are tied, directly or indirectly to Plaintiff, Dr. Barry Eppley; and

- b. Disparaging oral and written statements and related publicity concerning the prior treatment of Defendant by Plaintiff, including the aftermath of such treatment and any steps Plaintiff may have taken to prevent Defendant from carrying out her suicide plans by alerting mental health authorities and to forestall publication and dissemination of such plans by seeking relief from this Court.

IT IS FURTHER ORDERED that Defendant, Lucille Iacovelli, shall appear and show cause at a hearing to be held on Tuesday, April 7, 2009, at 2:30 p.m. in Room 216 of the United States Courthouse at 46 East Ohio Street in Indianapolis, Indiana, why a preliminary injunction should not be issued to preliminary enjoin her, and those acting in active concert and participation with her, during the pendency of this action as described above.

This Order was issued at 6:20 p.m. on March 30, 2009.

Date: 03/30/2009



SARAH EVANS BARKER, JUDGE  
United States District Court  
Southern District of Indiana

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