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February 18, 2016

Kenneth P. Cotter, Prosecuting Attorney  
County-City Building  
227 West Jefferson Blvd. 10<sup>th</sup> Floor  
South Bend, IN 46601

Re: *Admitted Violations of Informed Consent Law by Dr. George Klopfer*  
*Sexual Harassment Claims against Dr. George Klopfer*  
*Evidence of Continuing Illegal Activity at Women's Pavilion*

Dear Mr. Cotter:

As you are aware, I represent The Life Center (TLC), the TLC Advocates who filed the informed consent complaints with the Indiana State Department of Health ("ISDH), leading to the revocation of the Women's Pavilion's license, participants in the "Answer the C.A.L.L." campaign that began last February 18, 2015 (now up to 850 petitioners), and victimized mothers, as set forth in the witness statement I attached to my December 24, 2015 correspondence. In that same correspondence, I asked you to state the reason for your delay in bringing charges against Dr. Klopfer for his admitted violations of the informed consent law in St. Joseph County. In the past, you claimed to prosecute based upon "the law and the facts," but thus far, it appears that only politics guide your discretion. Indeed, there appears to be no discretion in this matter, and you have yet to respond to the very straightforward legal analysis that places responsibility for enforcing infractions of the informed consent law in St. Joseph County squarely on your shoulders:

- I.C. § 34-28-5-1(b): "An action to enforce a statute defining an infraction shall be brought in the name of the state of Indiana by the prosecuting attorney for the judicial circuit in which the infraction allegedly took place."
- I.C. § 16-34-2-1 (a) states that "[a]bortion shall in all instances be a **criminal act**" except when performed under certain listed circumstances. One of the listed exceptions is when the abortion is performed on a pregnant woman who has informed consent. § 16-34-2-1.1.
- To violate the informed consent law is a Class A infraction, I.C. § 16-34-2-7(c), which is listed under "CHAPTER 2: REQUIREMENTS FOR PERFORMANCE OF ABORTION; **CRIMINAL PENALTIES.**"

Embarrassingly, even though ISDH responded to our complaints and audio evidence, conducted the investigation, found the violations, solicited the admissions, and revoked the Women's Pavilion's license, and even though the Indiana Attorney General has added these same informed consent violations to the Medical License Board complaint against Dr. Klopfer, you have refused to uphold the oaths attendant to the Office of Prosecutor, refused to protect the citizens of St. Joseph County, and refused to follow the specific mandates of the legislature. This dereliction of duty defies not only the public policy of the state related to performance of abortions, but it encourages this out-of-town abortionist as well as others to commit crimes in St. Joseph County. Accordingly, we are again asking that St. Joseph County no longer be an island of lawlessness in

Indiana as it concerns this critical issue.<sup>1</sup>

As citizens concerned with the rampant lawlessness by the abortionist, my clients desire that you be made aware of sexual harassment claims and evidence of other illegal activities at Women's Pavilion. As you know, actions that the ISDH characterizes as "harassment and/or sexual harassment" are likely to run afoul of criminal statutes depending upon the severity of the misconduct. The sexual harassment allegations as well as harassment of the surveyors who were responding to our complaints (regarding the informed consent violations) need immediate investigation by you if you have not started such an investigation already. For how long will the citizens and visitors to this county be subject to this lawlessness? As you can see by the attached pleadings and correspondence, there was going to be testimony on the issue so your evidence has been prepared for you (once again).

Lastly, two more items of recent evidence of continuing illegal activity at the Women's Pavilion. My clients reported to the ISDH and the Attorney General suspicious activity that appeared to be a counseling session or a medical abortion last week. The report was based on the same years of experience that led to the identification of the numerous informed consent violations. If you desire further information, our data will be turned over to you. Moreover, there was data in the TPR's indicating that an abortion was conducted on a 15 year old. That is worth investigation to determine if it is a case of child abuse. You have the same TPR's, but if this matter needs further discussion from us, please advise.

All of the matters above – the possibility of underage abortions we reported to you, the illegal abortions our clients witnessed after the Women's Pavilion's license was revoked (November 9, 2015 for instance), the 50+ informed consent violations reported to you, the audio evidence demonstrating that Dr. Klopfer was purposefully operating an enterprise designed to violate the criminal laws of Indiana – deserve the prosecutor's investigation and prosecution. Under any standard of discretion, leniency is long gone and even a regime hell-bent on protecting the abortionist has to enforce the criminal violations by Dr. Klopfer the past year.

How long must Dr. Klopfer's rap sheet be before the prosecutor breaks from protectionist mode? The obvious bias was already startlingly obvious when the prosecutor created pretrial diversion protection for out-of-state defendant, who is a multiple-jurisdiction offender, and who is in continuous violation of Indiana's laws related to abortion. Not only did Dr. Klopfer have a history of malpractice actions and regulatory infractions as codified in the ISDH inspections of 2006, 2008, 2010, 2012 and 2014, but the Medical Licensing Board had publicly accused him of seven such violations at his Fort Wayne clinic before it closed in 2014 and Dr. Klopfer was charged with the same failure-to-report misdemeanor in Lake County. But then to dismiss your misdemeanor case, State of Indiana v. Klopfer, (No. 71004-1406-CM-002439), this past December 2015, even knowing of all the above cases, admissions, and allegations demonstrates an obliteration of the Rule

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<sup>1</sup> As you are acutely aware, these are not the only violations of the law that we have brought to your attention since this past summer. They are simply the focus of our request because they are the easiest to prosecute given that they are admitted, the state has made itself clear on the need to enforce this law, and mothers in this County are among the victims from these many violations.

of Law in favor of political expediency.

We again request that the Rule of Law be applied to Dr. Klopfer. The continued failure to hold the abortionist responsible for his flagrant violations of the law will lead to catastrophic consequences.

Respectfully,  
**Attorney for TLC Advocates and those similarly situated**

A handwritten signature in black ink that reads "Shawn F. Sullivan". The signature is written in a cursive style with a horizontal line underneath it.

Shawn F. Sullivan, IN Attorney No. 21472-71  
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