

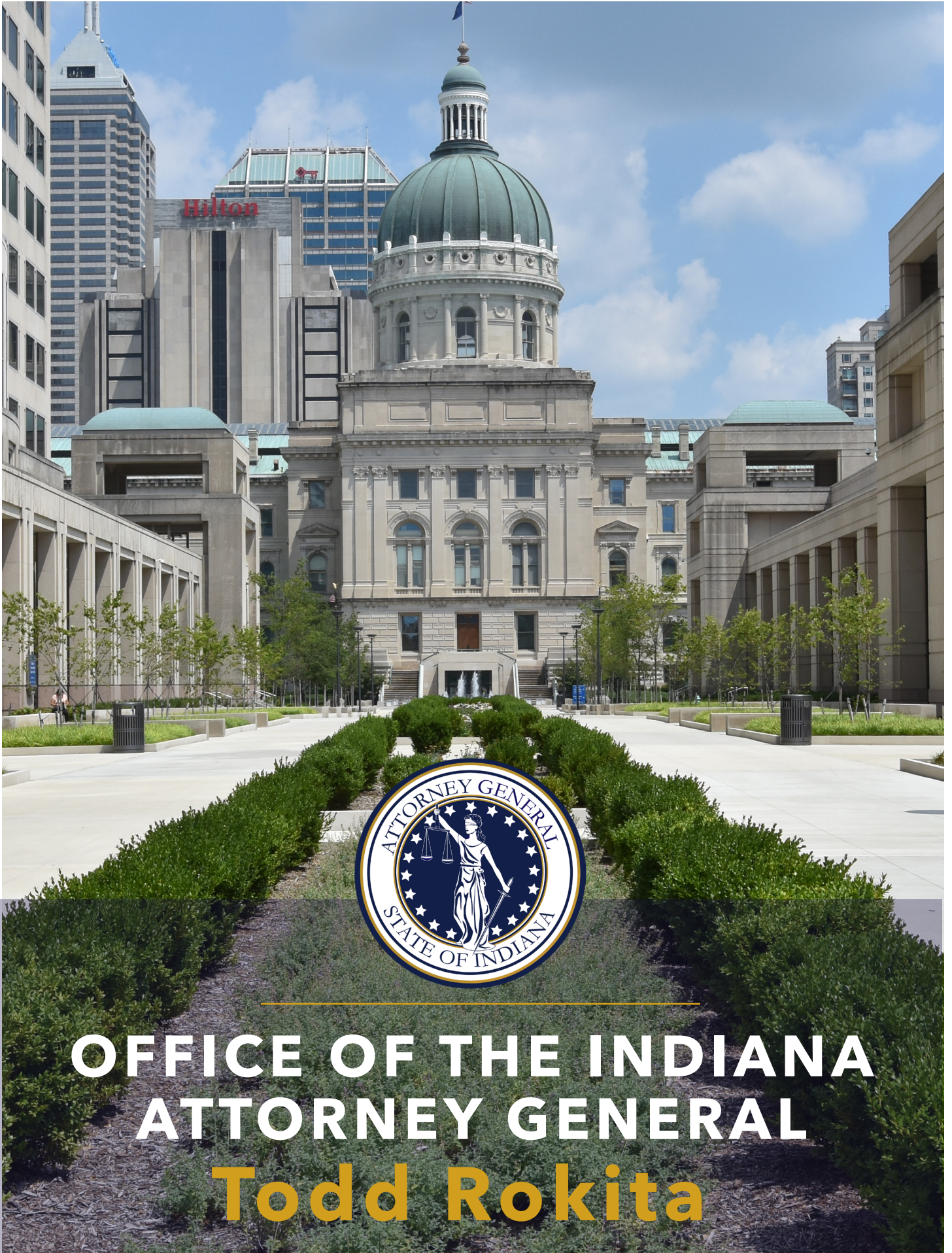


2022

ANNUAL REPORT

Office of the Indiana Attorney General

Todd Rokita



**OFFICE OF THE INDIANA
ATTORNEY GENERAL
Todd Rokita**



FROM THE ATTORNEY GENERAL

2022 Office of the Indiana Attorney General's Annual Report

Dear Fellow Hoosiers:

After two years as your Attorney General, I remain deeply grateful for the trust and confidence you placed in me to serve as Indiana's chief legal officer.

Every day, I encourage my team to work for all Hoosiers with servants' hearts, and together, we have taken strong actions to protect liberty and the rule of law in our great state.

Since the day I took office, I have committed to being accountable and transparent about our actions and achievements. This 2022 annual report allows you to review our work.



Employing approximately 400 staff members, the Office of the Indiana Attorney General focuses daily on accomplishing our key priorities to ensure Hoosier voices are heard — providing legal representation to the State of Indiana; protecting consumers from illicit business practices; investigating and prosecuting Medicaid fraud; collecting and returning unclaimed property; and challenging federal overreach where it may harm or infringe upon our citizens.

In 2022, we continued a pattern of accomplishment.

We protected Hoosiers from criminals, including by fulfilling our role serving as prosecutors at the appellate stage of all criminal cases. We successfully defended convictions and sentences in several murder cases, including cases in which the victims were children.

We further worked to keep Hoosiers safe by pressing federal officials to start enforcing immigration laws and securing the US-Mexico border. Within 48 hours of illegally crossing that national boundary, a cartel member can be right here in Indiana — selling fentanyl, trafficking girls and women, and unleashing other crimes in our communities. We became the first state not geographically adjacent to the border to sue the Biden administration over costs imposed on our taxpayers by federal failure to enforce the law.

We held drug companies and pharmacies accountable for their roles in the opioid epidemic — winning hundreds of millions of dollars for Hoosiers in settlements with opioid manufacturers, marketers and distributors.

We fought and won lawsuits against the Biden administration's mask mandates, vaccine requirements and transgender extremism. We also repudiated federal and other interference with parents' rights to educate and raise our own children — a God-given prerogative that we also have advanced through our office's publication of the Parents' Bill of Rights.

We continued our strong defense of the right to bear arms — publishing the Gun Owners' Bill of Rights to help ensure that Indiana citizens understand the constitutional provisions and other laws that safeguard their Second Amendment liberties.

We protected job creators and the overall Hoosier economy by opposing leftist efforts to stall free enterprise with red-tape obstructionism. This includes our continued leadership of multistate amicus briefs against local governments that, based on climate-change concerns, lodge common-law public nuisance claims in state courts against fossil-fuel companies.

We kept standing up for the sanctity of life — winning such legal battles as defending state laws outlawing dismemberment abortions and discriminatory abortions (destroying unborn babies because of their race, sex, or disability). Now, we are doing our duty to defend the most pro-life law in recent Indiana history — SB1, passed last summer by the Indiana General Assembly.



FROM THE ATTORNEY GENERAL

2022 Office of the Indiana Attorney General's Annual Report

We targeted the abuses of Big Tech — winning a \$20 million settlement with Google to resolve our lawsuit over deceptive location tracking practices. We also filed two separate lawsuits against TikTok — both related to false claims made by the Chinese company about its video-sharing app.

We went after robocallers and other scammers — winning historic settlements with several telecommunications companies accused of facilitating illegal robocalls from overseas. We also announced that Indiana is leading a nationwide Anti-Robocall Litigation Task Force.

We protected Hoosiers' religious liberties — successfully supporting the legal efforts of two Catholic schools, for example, to defend their rights to require ministerial staff to uphold church doctrine in the area of traditional marriage.

On all these fronts and many more, we won significant victories in 2022 on Hoosiers' behalf.

With 2023 upon us, my staff and I remain fully committed to keep doing the hard work necessary to produce such positive results.

Please do not hesitate to contact our office with comments or questions — either through our website at [in.gov/attorneygeneral/](https://www.in.gov/attorneygeneral/) or by calling (317) 232-6201.

Thank you again for the honor of asking me to serve as your attorney general.

May God bless you and Indiana in the year ahead.

Yours in service,

A handwritten signature in blue ink that reads "Todd Rokita".

Todd Rokita





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FINANCIAL STEWARDSHIP

2022 Office of the Indiana Attorney General's Annual Report

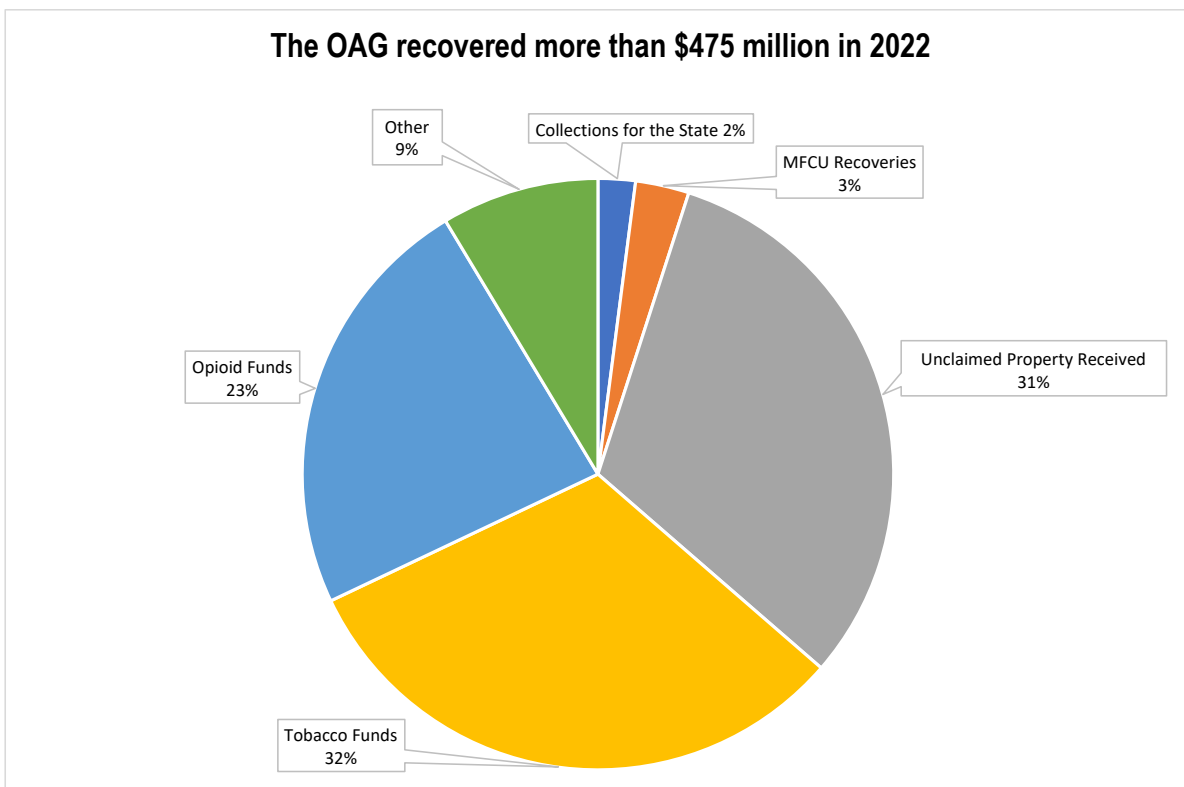
Staffed by servant leaders, our office is mindful to maximize Hoosiers' return on taxpayer dollars.

Accomplishments

Unclaimed Property returned \$62,116,202 directly to Hoosiers.	\$62,116,202
The State received \$115.8 million from consumer settlements.	\$115,722,718

Actuals 2022

The OAG recovered more than \$475.2 million in 2022.	\$475,222,186	
Collections for the State	\$9,705,617	2%
Medicaid Fraud Control Unit (MFCU) Recoveries	\$13,933,774	3%
Unclaimed Property Received	\$149,223,838	31%
Tobacco Settlement Funds	\$150,067,532	32%
Opioid Settlement Funds	\$111,318,566	23%
Other (Consumer Litigation Settlements, Homowner Protection, ID Theft Recoveries, Solicitation and Real Estate Fees)	\$40,972,859	9%





POLICY WINS

2022 Office of the Indiana Attorney General's Annual Report

Accomplishments

Abortion

After the Supreme Court overturned *Roe v. Wade*, Attorney General Todd Rokita worked together with the Indiana General Assembly to pass Senate Enrolled Act 1 outlawing abortion in the State of Indiana with some exceptions.

Title IX

Attorney General Todd Rokita led multiple multistate efforts concerning the radical rewrites of Title IX rules. Indiana obtained an injunction through its joint suit with Tennessee challenging the Department of Education's Title IX guidance. Indiana also submitted comments in response to Department of Education's Proposed Rule completely rewriting Title IX.

Parents Bill of Rights

Attorney General Todd Rokita released a new installment of the Parents' Bill of Rights focused on Liberty in Education and School Choice.

Woke Corporations

Attorney General Todd Rokita issued an advisory opinion affirming that Indiana law requires Indiana Public Retirement System (INPRS) investments to be based solely on the financial interests of Hoosier public employees and retirees. Such investments may not, under state law, be based upon any so-called "Environmental, Social and Governance" (ESG) considerations. These are activist-driven agendas intend to achieve radical environmental and social policies.

TikTok

Attorney General Todd Rokita led two lawsuits against TikTok. The first lawsuit alleges that TikTok has lured children onto the platform through a variety of misleading representations indicating that the app contains only "infrequent/mild" sexual content, profanity, or drug references — when in reality the app is rife with extreme examples of such material. An essential part of TikTok's business model is presenting the application as safe and appropriate for children ages 13 to 17. The second lawsuit asserts that TikTok has reams of highly sensitive data and personal information about Indiana consumers and has deceived those consumers to believe that this information is protected from the Chinese government and Communist Party.

Protecting Girls' Sports

Attorney General Todd Rokita defended House Enrolled Act 1041 against the ACLU to protect Girls Sports. HEA 1041 provides a new safeguard for girls' equal opportunity in sports by requiring only biological females may participate in sports designated for females, and it does so to ensure biological girls and women have the same opportunities in sports as biological boys and men, including respect and safety.

Immigration

A record number of immigrants have entered the United States on a daily basis, some with nefarious intentions such as drug trafficking. There has been a 4,000 percent increase in fentanyl seizures at the southern border. Attorney General Todd Rokita has initiated numerous challenges to the Biden Administration's immigration policies to combat illegal immigration and defend against the attack at the southern border.

China

Three weeks after Attorney General Todd Rokita announced an investigation into Valparaiso University's association with the Confucius Institutes, which are alleged to function as a propaganda arm of the Chinese Communist Party. The university went on to end its relationship with the Confucius Institute which ultimately closed its door.



SOLICITOR GENERAL

2022 Office of the Indiana Attorney General's Annual Report

The Solicitor General represents the State of Indiana in litigation before the United States Supreme Court and in dozens of other significant and high-profile matters.

Accomplishments

Amicus Briefs

The SG Division provided national leadership by writing and filing fifteen multi-state amicus briefs in high-profile cases pending before the U.S. Supreme Court, lower federal courts, and state supreme courts. These briefs spanned a variety of cutting-edge legal issues, including:

- Constitutional law, where the State filed an amicus brief inviting the U.S. Supreme Court to hold that Spending Clause statutes do not include an implied private right of action. The Solicitor General argued before the Court on behalf of the *amici* States in November 2022.
- Public safety, where the State filed an amicus brief inviting the U.S. Supreme Court to restore the States' police authority to fine railroads that block grade crossings for over five minutes.
- Criminal justice, where the State filed an amicus brief asking the Illinois Supreme Court to affirm a judgment that permitted law enforcement to compel a prisoner to provide the passcode to his encrypted device.
- Energy and climate, where the State filed amicus briefs supporting defendant oil companies' efforts to remove to federal court lawsuits designed to hold them liable for the costs of global climate change under a common-law public-nuisance theory.

Ongoing Appeals

- Indiana appealed a decision enjoining enforcement of state statutes requiring public school students to use restrooms and locker rooms consistent with their biological sex. Briefing is complete at the Seventh Circuit.

Other Important Victories

- Indiana, with Louisiana and Mississippi, persuaded the Fifth Circuit to stay President Biden's vaccine mandates for federal contractors and children participating in the Head Start program.
- Indiana and Tennessee obtained an injunction against a Biden Administration policy that would reimagine Title IX to prohibit discrimination for sexual orientation and gender identity.
- The U.S. Supreme Court vacated an injunction that barred enforcement of the State's Medicaid-driven Healthy Indiana Plan (HIP).



SOLICITOR GENERAL

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Accomplishments

Abortion

In the wake of the U.S. Supreme Court's decision in *Dobbs v. Jackson Women's Health Center*, which overturned the right to abortion recognized in *Roe v. Wade* and *Planned Parenthood v. Casey*, the SG Division secured favorable decisions in multiple federal abortion cases, including the following:

- *Doe v. Ind. Att'y Gen.*: The State appealed an order enjoining Indiana's statutes requiring burial or cremation of aborted fetal remains. The SG Division persuaded the Seventh Circuit to vacate the injunction with costs and mandate a judgment for the State on the merits, closing the case.
- *All Options v. Ind. Att'y Gen.*: Despite a preliminary injunction against a statute requiring that women seeking abortion be told that mifeprax alone may not yield a chemical abortion, the State reached settlement allowing the requirement to go into effect in 2023.
- *Bernard v. Medical Lic. Bd., et al.*: The State secured vacatur of an injunction barring enforcement of its dismemberment abortion ban.
- *Whole Women's Health v. Ind. Att'y Gen.*: The State persuaded the Seventh Circuit to vacate an injunction barring Indiana from enforcing a series of abortion restrictions, including its tele-medicine ban and abortion facility safety requirements.

Meanwhile, the State continues to appeal the judgment and injunction with respect to certain laws enjoined by district courts, including:

- *Planned Parenthood Great Northwest, Haw., Alaska, Ind., Ky., Inc., et al. v. Medical Lic. Bd., et al.*: The State persuaded the Indiana Supreme Court to hear its appeal from an order enjoin-ing Indiana's 2022 abortion ban under the Indiana Constitution. Oral argument has been set for January 19, 2022.
- *Anonymous Plaintiff 1, et al. v. Medical Lic. Bd., et al.*: The State appealed a district court order enjoining enforcement of Indiana's abortion ban as applied to five individual plaintiffs under the State's Religious Freedom Restoration Act. Briefing is currently underway at the Indiana Court of Appeals.
- *Planned Parenthood Great Northwest, Haw., Alaska, Ind., Ky., Inc., et al. v. Commissioner, Ind. Dep't of Health, et al.*: The State now litigates at summary judgment a challenge to state statutes requiring (a) physicians to identify and attest that the adult consenting to a pregnant minor's abortion is a parent or legal guardian and (b) prohibiting aiding or assisting minors in their efforts to circumvent Indiana criminal law by obtaining an abortion in another state



ADVISORY

2022 Office of the Indiana Attorney General's Annual Report

The Attorney General's Advisory Division provides guidance to public officials in their efforts to understand state statutes, policies, procedures and the law. It does this by helping research and craft official advisory opinions, memoranda of guidance and informal legal counsel; advising state government in the review and creation of administrative rules and regulations; reviewing and approving the form and legality of all state contracts; acting as legal advisor to Indiana's licensing boards and commissions.

Accomplishments

- Access to Public Records Act Requests Completed = 257
- Active MOUs = 32
- Administrative Rules = 41
- Boards & Commissions Advised = 54

Contracts :

- For 2022 = 4,701 (4,558 electronic 118 paper, and 23 CNTS, and 2 interlocal agmts)

Covenants Not to Sue = 23

Form Approvals = 88

Interlocal Agreements = 2

Memorandums of Legal Guidance = 11

Official Opinions = 3

2022-1 RE: Off-label prescription of medications for treatment and prevention of COVID-19

2022-2 RE: School liability for COVID policies

2022-3 RE: Indiana Public Retirement System and ESG Investments



CONSUMER PROTECTION

2022 Office of the Indiana Attorney General’s Annual Report

In our current economy, everyone is essentially a consumer. The Indiana Consumer Protection Division (“CPD”) is responsible for preventing business practices in Indiana that are unlawful, unfair, abusive, or deceptive, through education or litigation, if necessary, and doing so without unduly burdening legitimate business endeavors. Consumers in Indiana face perpetual choices as to where and how to spend their finite, and hard-earned money. Those Hoosiers often encounter unscrupulous or illegitimate businesses or business tactics aimed at separating consumers from their money or their data. CPD’s various Sections including Intake, Data Privacy and Identity Theft Unit, Consumer Litigation and Tobacco Enforcement, Mediation, Licensing Enforcement, and the Homeowner Protection Unit are charged with protecting Hoosiers from illegitimate businesses and tactics.

Accomplishments

Intake

The Intake Section receives all of the calls and complaints filed by consumers. They are responsible for reviewing and directing those calls and complaints to the appropriate Section or agency.

Calls: 20,166	Referred to mediation: 7,750
Complaints Received: 14,525	Referred to Data Privacy: 3,405
Caller satisfaction rate for telephone intake staff: 80%	Referred to Licensing Enforcement: 3,370

Written feedback from customer surveys:

“The person who answered the phone was cheerful, helpful and very positive. She directed me to the right place, I really appreciate that. She was professional as well. Thank you.”

“I just want to say that I’m thoroughly satisfied with the help I’m getting from you guys. I literally have no place else to turn except you guys. You are at least getting on it and I do appreciate it. Ya know, there is right and wrong and you guys are right. Jackson Hewitt Tax Services is wrong and they just won’t live up to their promise. Thank you all for getting on them. I’m sure this is going to resolve because there nothing really to resolve. So thank you very much and I appreciate your help getting my return tax refund. It’s almost November. So thanks again and I’ll get off your ear and let you all get back to work. Thanks for all you do.”

“Everyone was very pleasant and helpful. I didn’t have to wait long to speak with somebody. Thank you.”

“Very um, professional and conscientious and she was very friendly. She was able to answer the question even though I haven’t had the response yet, she was very nice to point out how many more days I can expect to wait. All around very nice. Now hopefully, the rest of the process goes as well and I can either get my money back or the product I originally purchased.”



CONSUMER PROTECTION

2022 Office of the Indiana Attorney General's Annual Report

Mediation

CPD has four full time mediators who work to try to resolve consumer complaints in an effort to avoid further investigation or protracted litigation.

In 2022, there were approximately **4,461** matters mediated, which resulted in approximately **\$6,540,318.44** in value returned to consumers.

Consumer Litigation and Tobacco Enforcement

The Consumer Litigation Section investigates and litigates allegations of unfair, deceptive, or abusive trade practices under state and federal law. It also investigates and litigates antitrust lawsuits, allegations against nonprofits and involving charitable trusts, and allegations involving fraud or deception directed toward senior consumers. Consumer Litigation opened 225 cases and 574. In 2022, through litigation or by agreement, Consumer Litigation recovered the following:

Type of Relief	2021 Totals	2022 Totals	Grand Total
Penalties	\$7,496,038.70	\$2,891,893.83	\$10,387,932.53
Restitution	\$4,959,549.82	\$10,083,064.83	\$15,042,614.65
Contract/Loan Cancellation	\$9,807,547.00	\$26,328,205.00	\$36,135,752.00
Costs	\$8,100.00	\$82,775.92	\$90,875.92
Tobacco	\$146,262,255.84	\$150,067,532.33	\$296,329,788.17
Grand Totals	\$168,533,491.36	\$189,453,471.91	\$357,986,963.27

Highlights of Consumer Litigation's lawsuits include:

Navient Settlement: 29C01-2201-PL-000221

- This case resulted in a \$1.7 billion multistate settlement with student loan servicer Navient to resolve allegations of unfair and deceptive student loan servicing practices. The alleged misconduct included abuses in originating predatory subprime student loans and steering struggling student loan borrowers into costly long-term forbearances instead of counseling them about the benefits of more affordable income-driven repayment plans. Under the settlement, Indiana borrowers received more than \$31 million in relief. That includes \$26.3 million in the form of loan forgiveness for 1,189 consumers and \$4.3 million in restitution payments for 16,304 consumers. Navient also paid the State of Indiana an additional \$688,871.

In re: ImmediaDent of Indiana, P.C. Settlement: 49D05-2208-MI-02654

- A chain of dental practices failed to refund consumers amounts they had prepaid for services that they never received because of the practices' sudden closures. After receiving consumer information in response to our Civil Investigative Demand, the Office negotiated an Assurance of Voluntary Compliance in which ImmediaDent agreed to hire a settlement administrator to repay over \$2 million dollars in refunds it identified as being owed to more than 22,000 Indiana consumers.



CONSUMER PROTECTION

2022 Office of the Indiana Attorney General's Annual Report

Frontier Communications Settlement: 49D11-2209-PL-30483

- Following a lawsuit alleging that Frontier misrepresented internet speeds and reliability to consumers, the company entered into an Assurance of Voluntary Compliance and agreed to certain terms including:
 - Agreeing to invest \$15 million over a period of four years to improve internet infrastructure in Indiana.
 - A requirement to review service speeds and provide options to consumers to reduce service plans (and costs) if their current plans promise higher speeds than those provided.
 - Change its advertising efforts to accurately represent to Indiana consumers both the availability and reliability of their internet service.

Juul multistate settlement

- Juul - E-cigarette maker Juul Labs agreed to pay nearly \$440 million to 33 states after an investigation revealed the company marketed its products to underage teens. The money will be paid out over a period of six to 10 years and is expected to go toward vaping prevention and education efforts.

Licensing Enforcement and the Homeowner Protection Unit (“HPU”)

The Licensing Enforcement Section and the Homeowner Protection Unit investigates and prosecutes consumer complaints against licensed professionals. There are approximately thirty-five boards that LE and HPU appear before including, but not limited to physicians, nurses, pharmacists, veterinarians, real estate professionals, appraisers, plumbers, and architects. The Section seek sanctions for licensees who have violated practice standards, acted dishonestly, or acted unethically and pursues litigation in Hoosier courtrooms, when necessary.

In 2022, Licensing Enforcement opened 2,172 investigations and closed 1,913. They opened 378 litigation matters and closed 561. That Section sought the emergency suspensions of approximately 20 individuals or entities and obtained suspensions in 80% of those cases.

Noteworthy cases for Licensing Enforcement and HPU include:

Lankford Funeral Home

Licensee allowed 31 bodies to decompose in his funeral home located in Jeffersonville, Indiana, without refrigeration or function air conditioning. Licensee also allegedly mixed up or divided up cremains which he gave to the wrong families. His license and funeral home's license have been revoked.

Cresthaven

After receiving multiple complaints from families regarding deteriorating conditions at a cemetery mausoleum in Bedford, Indiana, our office conducted site visits. Before the Professional Licensing Agency, our office successfully secured a ruling against the owner, requiring him to submit an action plan. Our office continues to monitor the owner to ensure that he is carrying out this plan.

Dr. Shareef

Dr. Faizuddin Shareef's license was originally suspended in 2019 after the OAG demonstrated significant incompetency in prescribing opioids. After four failed reinstatement hearings, the OAG asked for and received a revocation of his license.

State of Indiana v. Aloft, et. al

Property managers failed to meet their basic obligation to provide tenants with safe and secure housing. The properties were sold to a new owner who made a commitment to invest the necessary capital to improve the conditions for tenants, including \$7.25 million in repairs.



CONSUMER PROTECTION

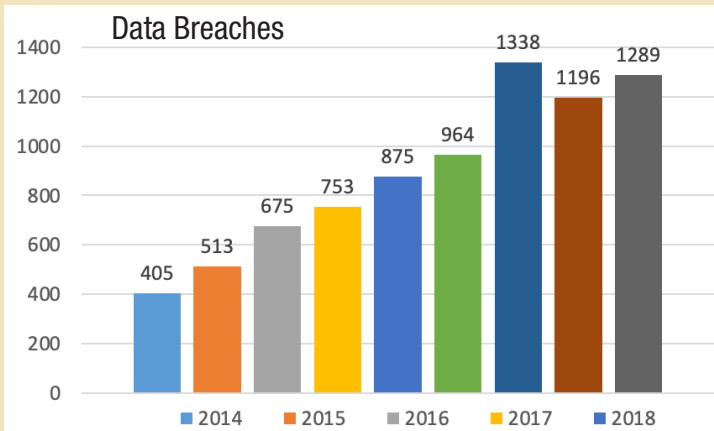
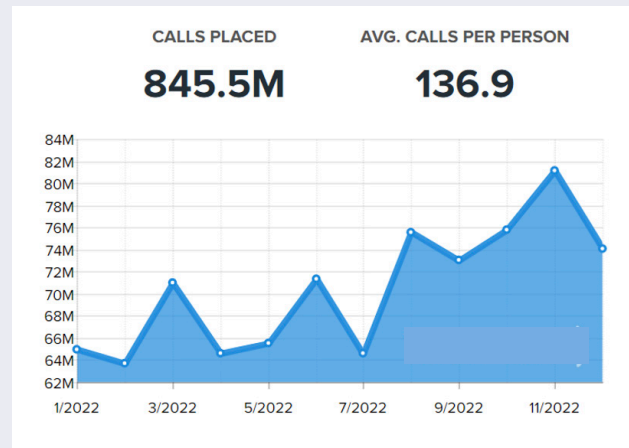
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Data Privacy

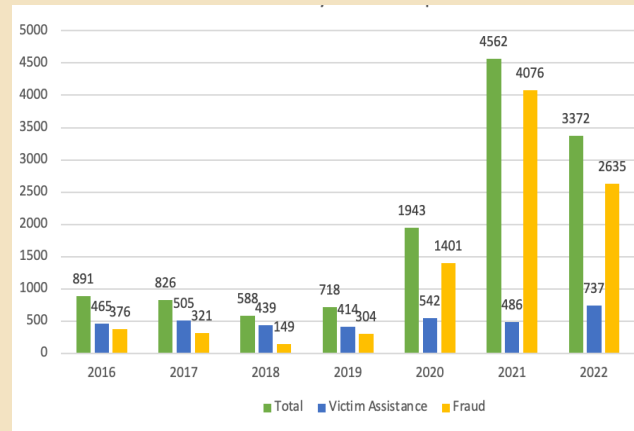
The Data Privacy & Identity Theft Unit oversees issues related to consumer privacy, identity theft, and information security. It enforces statutes related to telephone use such as autodialers, “Do Not Call” and misleading caller IDs. The Unit also monitors data privacy matters governed by the Fair Credit Reporting Act of 1970 (FCRA), the Children’s Online Privacy Protection Act (COPPA), the Genetic Information Nondiscrimination Act of 2008, the Communications Decency Act of 1996 (DCA), Health Insurance Portability and Accountability Act of 1996 (HIPAA), Indiana Deceptive Consumer Sales Act and many others.

Data Privacy also assists consumer victims to correct false information in their credit report or credit records. It has a duty to coordinate with federal, state, and local Law enforcement in investigation and prosecution of crimes including identity deception, synthetic identity deception, fraud, and related crimes.

- In 2022, there were approximately 845.5 million calls placed, which averages 136.9 calls per person.
- In 2022, Indiana has seven active cases against entities responsible for over 1 billion robocalls.
- Indiana is a leader of a 50 state robocall task force along with Ohio and North Carolina.
- Indiana leads a national working group that includes international regulators, federal agencies, and state agencies.



Total Indiana residents impacted 2020 = 641,342
 Total Indiana residents impacted 2021 = 2,081,087
 Total Indiana residents impacted 2022 = 1,875,758



Identity Theft Complaints



LITIGATION

2022 Office of the Indiana Attorney General's Annual Report

The Litigation Division serves as the State's law firm. Our dedicated litigators represent the State and its agencies, officials, and employees in state and federal courts in complex and significant interest cases in almost every substantive area of the law. The Litigation Division has four Sections – each with their own area of expertise.

Accomplishments

Protecting the legal interests of the State and its citizens
Defending the rule of law
Fighting fraud and public corruption
Recouping monies owed to the State and saving taxpayer dollars

- During 2022, the Litigation Division successfully and efficiently managed a growing docket of 6,144 cases
- Litigation opened 4,005 cases - a 25% increase from 2021
- Litigation closed 3,429 cases - a 14% increase from 2021
- Litigation saved considerable taxpayer monies through its representation and advocacy and recouped more than \$13.4 million.

Administrative and Regulatory Enforcement Litigation Section (AREL)

This Section represents the State and its agencies in a wide variety of civil cases. The Section is also responsible for affirmative litigation on behalf of state regulatory agencies seeking to enforce state laws and regulations to protect the State and its citizens. The Section litigates cases involving the enforcement of administrative orders, election law, environmental law, IOSHA Whistleblower complaints, the judicial review of final agency decisions, mental health law, qui tams, requests for specialized driving privileges, subpoena enforcement, and tax law.

- Successfully defended the State's interest in high-profile and significant cases involving important issues such as sovereign immunity, separation of powers, and statutory interpretation. The team has continued to litigate in such complex areas as election law, alcohol regulation, and health and safety law.
- Recouped \$1,527,500.00 for the state through court ordered assessments of fines or through negotiation.
- Successfully defended in the U.S. District Court a challenge to HEA 1300, the Indiana law governing nonprofit organizations that crowdsource funding for bail. This matter is currently in front of the Seventh Circuit.
- Representing the Secretary of State and other defendants, the team successfully defended a challenge to Indiana's campaign finance rules, noting that for-profit corporations may contribute to political action committees for the purposes of independent expenditures. This matter is now in front of the Seventh Circuit.
- In an election integrity case, successfully defended Indiana's ability to maintain its absentee ballot requirements. This case is in front of the Seventh Circuit.
- Achieved a state trial court victory involving a challenge to Indiana's mechanism to offer unused public-school buildings to charter schools.
- In response to an effort by plaintiffs to force federal court control over FSSA's efforts to shorten detention time for those who are found not competent to stand trial, the AREL team successfully argued that FSSA is not violating the rights of those who are incompetent to stand trial.



LITIGATION

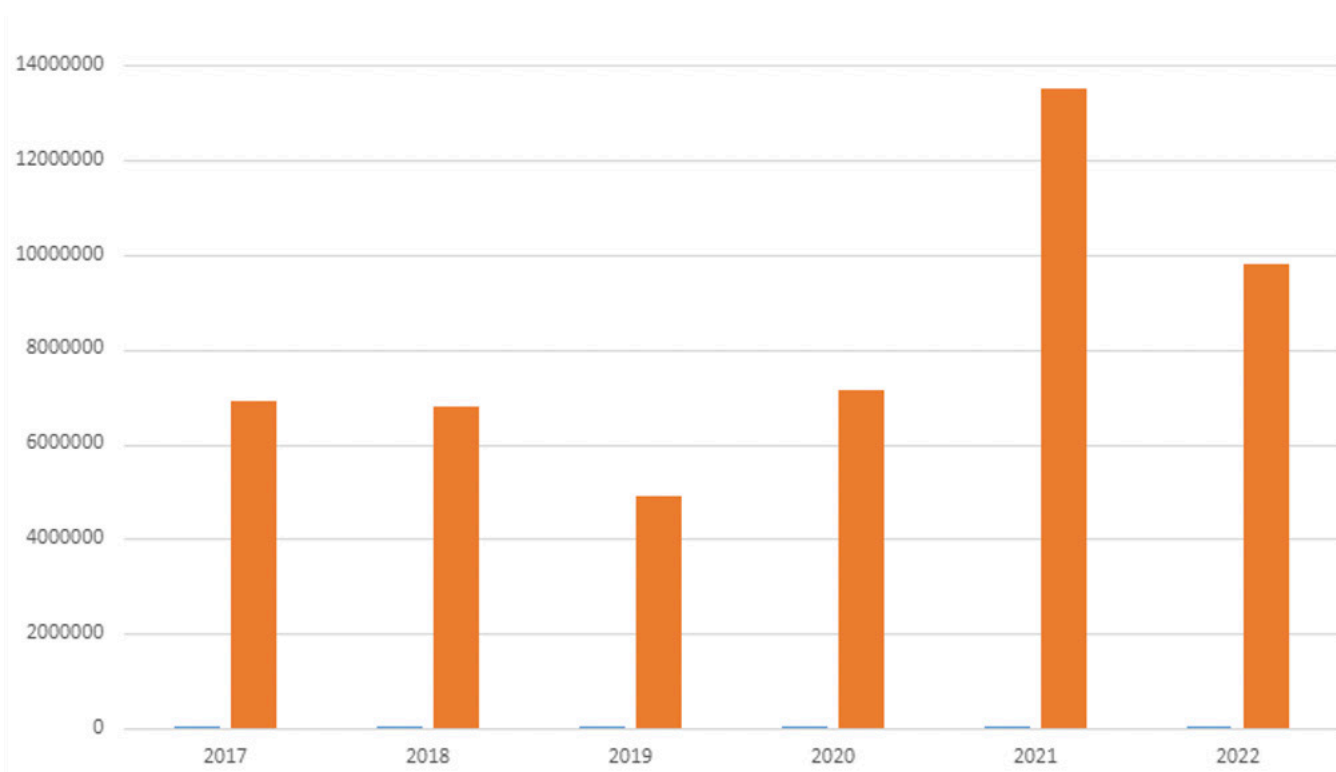
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Accomplishments

Asset Recovery and Bankruptcy Litigation Section

This Section handles cases where state agencies are owed monies. The case types range from damage to state property to enforcement of contracts or fines and penalties to collection of monies misappropriated or diverted by public officials through malfeasance, misfeasance or nonfeasance. The litigation performed by the Section covers all phases of litigation, from initial demand letter to post-judgment collection efforts. Additionally, the Section handles bankruptcy work for the State. That can include filing and pursuing adversary proceedings to ensure debts are not discharged in bankruptcy or working through issues for agencies in Chapter 11 cases.

- ARB obtained judgments and settlements of over \$30M, which is a 110% protection rate of the referred amounts.
- ARB continued its fight on behalf of the State against fraudsters. Those efforts include pursuing unemployment benefits received through fraud in both State and Bankruptcy courts; also pursuing cases involving fraudulently obtained SNAP or other welfare benefits.
- ARB continues to work to ensure that public corruption is not allowed to run rampant, and the perpetrators of the corruption are held accountable for their actions. Those actions include pursuing the public officials and employees that misappropriated or diverted public funds, those who might have received those funds, and others who are liable. Those liable are pursued to recover the monies lost due to the official's and employee's actions as well as the costs of the investigations, and also penalties for their actions.
- Recouped \$9,795,616.87 for the state through court ordered assessments or through negotiation fines, restitution, recoupments, and penalties.
- Successfully recovered more than \$3 million for INDOT to pay for repairs to damage to State property.





LITIGATION

2022 Office of the Indiana Attorney General's Annual Report

Accomplishments

Government Litigation Section

This Section represents the State of Indiana and its officials, agencies, and employees in a wide variety of civil cases. For example, the Section handles civil lawsuits involving constitutional challenges, civil rights and employment claims, contract disputes, and petitions for habeas corpus and post-conviction relief.

- Successfully defended hundreds of Section 1983 civil rights, employment, and other claims through jury and bench trials, mediations, settlement conferences, and dispositive motions including saving taxpayers millions of dollars by way of successful jury verdicts, motion practice, and negotiations.
- Government litigation tried nine successful federal jury trials in 2022, including a finding of not liable in an excessive force case involving the Indiana State Police.
- Government Litigation effectuated a federal filing ban against an abusive filer following a hearing uncovering the frequent filer's perjury across several cases.
- Summary judgments were granted in favor of the State on issues including deliberate indifference by Correctional staff, wrongful termination, due process in usage of restrictive disciplinary housing, and judicial immunity.

Real Estate Litigation Section

This Section handles eminent domain matters, quiet title actions, mortgage foreclosures, and other real estate-related litigation for state agencies. This Section also handles administrative matters and provides state agencies with transactional real estate advice to ensure that the State is obtaining good title through various real estate transactions.

- Represented the State in all eminent domain cases, which assisted INDOT in meeting its construction deadlines.
- Obtained jury verdicts in favor of the State and consistent with the "just compensation" requirement set forth by the Indiana Constitution.
- Represented the State in mortgage foreclosure cases, which assisted IDOR in recouping unpaid tax warrants.
- Negotiated real estate acquisitions and handled the review and approval of 1,323 secured real estate parcels, representing a 24% increase over 2022.



MEDICAID FRAUD CONTROL UNIT

2022 Office of the Indiana Attorney General's Annual Report

The Medicaid Fraud Control Unit investigates Medicaid provider fraud and patient abuse or neglect.

Accomplishments

- Recovered 13,933,774 from various civil and criminal cases involving either fraud or the abuse or neglect of patients receiving Medicaid benefits
- Achieved 32 criminal convictions in State and Federal courts
- Achieved 29 federal criminal indictments in State and Federal courts

The Indiana Medicaid Fraud Control Unit receives 75 percent of its funding from the U.S. Department of Health and Human Services under a federal grant. The remaining 25 percent is funded by the State of Indiana.





UNCLAIMED PROPERTY

2022 Office of the Indiana Attorney General's Annual Report

The Unclaimed Property Division collects, safeguards, and returns unclaimed property to rightful owners.

Accomplishments

- Returned over \$62 million
- Reviewed over 51,000 claims
- Average claim amount was \$1,021.50
- Received and processed over \$147 million and over 840,000 properties
- Sold 1,327 items on 300+ eBay auctions for over \$172,000
- Launched a chat bot on the website to assist constituents 24/7. Over 2,067 inquiries answered
- Answered 21,886 calls from constituents

Check www.IndianaUnclaimed.gov to see if the Office of the Attorney General has funds for you!





COMPLEX LITIGATION

2022 Office of the Indiana Attorney General's Annual Report

The Complex Litigation Division handles unique cases requiring specialized expertise.

Accomplishments

- In conjunction with the Finance Division distributed payments totaling \$111,285,625.69 to the State and cities, counties, and towns in Indiana from the settlement with the three largest drug distributors (Cardinal Health, McKesson, and AmerisourceBergen) and the settlement with Johnson & Johnson and its subsidiary Janssen regarding opioids.
- Continued investigations regarding issues that significantly impact Hoosiers, including the nationwide opioid crisis to determine whether additional action could be pursued to obtain relief.
- Participated in discussions with other states that resulted in tentative settlements with Walmart, CVS, and Walgreens regarding their distribution and dispensing of opioids. The settlements would bring an additional \$187.9 million to the State and its cities, counties, and towns.
- Continued assisting Consumer Protection Division in its investigation of Amazon, Apple, Facebook, and Twitter to determine whether those businesses have engaged in abusive deceptive or unfair practices that have negatively affected Hoosiers.
- Assisted the Consumer Protection Division in prosecuting and settling the lawsuit against Google for \$20 million related to Google's deceptive location tracking practices.
- Assisted the Consumer Protection Division in recouping approximately \$56,000 in costs for the State of Indiana related to the prosecution of the non-profit Wildlife in Need.
- Continued assisting the Consumer Litigation Section in the continued prosecution of three cases in the Eastern District of Pennsylvania alleging price fixing in generic drugs in violation of federal and state anti-trust and consumer protection laws.
- Assisted the Consumer Protection Division in the investigation and prosecution of two cases against TikTok. The first complaint alleges violations of the Deceptive Consumer Sales Act for misrepresentations made to obtain a 12+ rating in app stores. The second lawsuit alleges TikTok misleads consumers about the security of their data from the Chinese government or Chinese Communist Party.
- Initiated prosecution of federal government challenging immigration policy issued by the Department of Homeland Security that permits the release of immigrants violating the federal law.



APPEALS

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The Appeals Division represents the State's interests before the Indiana Supreme Court, U.S. Courts of Appeals, and the Court of Appeals of Indiana. This includes serving as prosecutors at the appellate stage of all criminal cases, as well as litigating appellate cases in a wide range of civil matters. Its attorneys also represent State officials in habeas corpus challenges to criminal convictions and prison disciplinary sanctions that are filed by prisoners in the U.S. District Courts. The Division also operates several programs to assist crime victims, including Indiana's Address Confidentiality Program, which protects victims from future abuse by helping conceal their whereabouts.

Accomplishments

Criminal Appeals

- Successfully defended convictions and sentences in several murder cases, including defeating Jeffrey Weisheit's habeas corpus petition in the U.S. District Court that attacked his murder convictions and capital sentence for the 2010 murders of his girlfriend's two young children, and convincing the Indiana Supreme Court to reinstate the life without parole sentence of 17-year-old Andrew Conley, who murdered his 10-year-old brother in 2009, and to affirm the murder and two attempted murder convictions of Marquis Young that were initially reversed by the Court of Appeals.
- Secured clarification from the Indiana Supreme Court that recent changes to court rules do not prevent trial courts from considering a defendant's future dangerousness when setting bail or pretrial release conditions.
- Successfully defended several statutes related to criminal law and procedure, including the legislature's authority to pass and the constitutionality of statute protecting child victims from being deposed by their alleged abusers (*Church v. State*); constitutionality of the crime of dealing a controlled substance resulting in death (*Yeary v. State*); constitutionality of the distribution of an intimate image, known as the "revenge porn" statute (*State v. Katz*); and validity of juvenile statutes authorizing waiver of jurisdiction to criminal courts (*Kedrowitz v. State*).

Civil Appeals

- Successfully defended the constitutionality of a state law that facilitates public education by requiring public schools to offer unused school buildings to charter schools and state universities for \$1 because public schools are political subdivisions of the State and thus cannot assert a takings claim under the Indiana and United States Constitutions against the State.
- Convinced the Seventh Circuit to dismiss a case brought by lakefront homeowners seeking to exclude the public from the state-owned beach property in front of their homes, and convinced the U.S. Supreme Court to deny review of the Seventh Circuit's decision.
- Persuaded the Seventh Circuit that the appropriate defendant-employer in a Title VII action brought by legislative employees is the General Assembly, not the State itself or the Executive Branch.
- Won important appeals concerning the ability of trial courts to impose dispositive-motion deadlines through case-management plans, reversing a contempt sanction entered against a state agency, enforcing the requirement that a prisoner exhaust the prison's internal-review process before filing a federal civil rights suit and subjecting the state to liability, confirming a licensing board's ability to maintain previously imposed discipline on a professional's license even after the professional has obtained expungement of a conviction, and prohibiting one who has obtained a generous severance package from his former employer to also dip into the funds used to provide unemployment benefits.



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ANNUAL REPORT

Office of the Indiana Attorney General

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