

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA**

MARILYN RAE BASKIN and ESTHER)
FULLER; BONNIE EVERLY and LINDA)
JUDKINS; DAWN CARVER and PAMELA)
EANES; HENRY GREENE and GLENN)
FUNKHOUSER, individually and as parents)
and next friends of C.A.G.; NIKOLE)
QUASNEY and AMY SANDLER,)
individually and as parents and next friends of)
A.Q.-S. and M.Q.-S.,)

Plaintiffs,)

v.)

Civil Action No. 1:14-cv-00355-RLY-
TAB

PENNY BOGAN, in her official capacity as)
BOONE COUNTY CLERK; KAREN M.)
MARTIN, in her official capacity as)
PORTER COUNTY CLERK; MICHAEL)
A. BROWN, in his official capacity as LAKE)
COUNTY CLERK; PEGGY BEAVER, in her)
official capacity as HAMILTON COUNTY)
CLERK; WILLIAM C. VANNESS II, M.D.,)
in his official capacity as the)
COMMISSIONER, INDIANA STATE)
DEPARTMENT OF HEALTH; and GREG)
ZOELLER, in his official capacity as)
INDIANA ATTORNEY GENERAL,)

Defendants.)

SUPPLEMENTAL DECLARATION OF NIKOLE RAI QUASNEY

I, Nikole Rai Quasney (“Niki”), declare and state as follows:

1. Over the past several days, I have been experiencing a great amount of pain in the lower left quadrant of my abdomen. In addition to the increased pain in that area, it has also moved to the lower left side of my back as well as below my ribcage. Three weeks ago I had my CA-125 tested, which is a blood test to check the tumor marker for ovarian cancer. My oncologist decided that we would recheck this marker every three

weeks until further notice. The hope is that the tumor marker would stay stable (it was 37 three weeks ago) and I would hopefully get a “break” from chemotherapy. This “break” was unpredictable as to how long it would last, but the hope was at least a few months.

2. Today, Wednesday, April 9, I was supposed to get the tumor marker checked for the three week routine follow up that I mentioned above. Because I was in more pain than usual, I asked to have my blood work checked on Monday, April 7. On Monday evening I received bad news: the tumor marker went from 37 to 106. This is especially concerning to me because in the past, when my tumor marker has increased, it has done so gradually over time. The 106 is considered a huge increase in a short period (three weeks) of time.

3. The normal range is between 0-35. When I was first diagnosed with stage four cancer, my CA 125 was 176. My doctors usually look for an upward trend. In other words, a slight increase may not mean it is important to get back on chemotherapy immediately, but it would be an indication that the cancer is again active. This 69 point increase is alarming to me because my CA125 has never increased this much in such a short period of time, especially after just completing platinum-based chemotherapy (considered the gold-standard for ovarian cancer). Because of the increased pain I had been experiencing over the past several days, I had a feeling that the number may increase, but the amount of the increase is frightening.

4. Today Amy and I met with my oncologist and we discussed what the next step should be. Next Wednesday, I am scheduled to begin a new chemotherapy, one that I have not tried yet. Like all chemotherapy drugs, it will come with side effects such as hair loss, nausea, fatigue, skin rashes, and it could be “heart damaging”, as my oncologist

stated today. The short “break” I got from chemotherapy was just four weeks; way too short.

5. Right before I begin another bout of chemotherapy, my mind is a busy place. Why did this number rise so fast? Will I ever get a “break” from chemotherapy again? Am I going to have an allergic reaction to this new chemotherapy because I had an allergic reaction to the last one (resulting in having to be hospitalized overnight for my last three cycles)? Is the pain plus rapid rise an indicator of significant cancer growth? Is the cancer spreading so rapidly that no future chemotherapies will help me? I just want to be alive for my children to see our family treated equally in Indiana.

6. Because often times standard chemotherapy drugs stop working with ovarian cancer I continue to hope that I may be a candidate for clinical trials in the future. Clinical trials are often not available, or difficult to qualify for, as I have experienced countless times over the past year. For example, I have been excluded due to specific prior treatments, the inability to remove fresh tumor tissue (for a vaccine trial I applied for), and limited openings.

7. In light of this new medical information this week, I wish to make additionally clear why I have decided to seek relief through this lawsuit. That the State considers me a legal stranger to Amy causes me tremendous sadness and stress. I want us to be understood as a married family in Indiana *while I am still alive*. *My sister watched our daughters today while Amy and I were at the hospital. She sent Amy the following email this evening*, “You and Niki are doing something right.....A.Q-S. is super smart and sooooo kind to everyone. We were watching a few minutes of the movie Frozen before I left and a character in the movie mentioned getting married. A.Q-S. gasped and said

"married!?! " I said, "yes!" She said "you mean like mommy and mama?!" I said "yes!"
And she had this huge knowing smile.....Made my heart smile!"

8. I want the state that I was born & raised in, and where we have chosen to raise our daughters, to recognize my marriage to the love of my life. If my life is cut short because of ovarian cancer, I want our children to know that their parents were treated like other married couples in their home state, and to be proud of this. I want to know what it feels like to be a legally recognized family in our community, together with Amy and our daughters. I find the uncertainty and indignity of our legal status inexpressibly hurtful. I wish to live the rest of my life as respected, in a legal and valid marriage to the woman I fell in love with over 13 years ago, who is everything to me. In our kitchen there is a plaque sitting by a window that I bought for Amy several years ago. It says, "I love that you're my soulmate". Regardless of what my future holds, one of my biggest hopes is that my marriage to Amy is legally recognized in Indiana, my home state. That is what this case means to me.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this _____ day of April, 2014

Nikole Rai Quasney