

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

**COMMON CAUSE INDIANA,**

**Plaintiff,**

**v.**

**INDIANA SECRETARY OF STATE, in her  
official capacity; THE INDIVIDUAL  
MEMBERS of the INDIANA ELECTION  
COMMISSION, in their official capacities;  
GOVERNOR of the STATE OF INDIANA,  
in his official capacity,**

**Defendants.**

**Case No. 1:12-cv-1603-RLY-DML**

**PETITION FOR INTERLOCUTORY  
APPEAL, MOTION TO AMEND  
ORDER, AND MOTION TO STAY  
PROCEEDINGS PENDING APPEAL**

**STATE DEFENDANTS' PETITION FOR CERTIFICATION OF INTERLOCUTORY  
APPEAL UNDER 28 U.S.C. § 1292(b) AND MOTIONS TO AMEND ORDER AND STAY  
PROCEEDINGS PENDING APPEAL**

State Defendants, in their official capacities, by counsel, Deputy Attorneys General Dino L. Pollock and Kenneth L. Joel, respectfully submit their Petition for Certification of Interlocutory Appeal under 28 U.S.C. § 1292(b) and Motions to Amend Order and Stay Proceedings Pending Appeal.

1. Pursuant to 28 U.S.C. § 1292(b), State Defendants petition this Court to certify an interlocutory appeal to the Seventh Circuit Court of Appeals from its September 6, 2013, entry denying State Defendants' Motion to Dismiss Plaintiff's Amended Complaint.
2. Should the Court grant permission to seek interlocutory appeal, State Defendants also move this Court to amend its September 6, 2013, Order to include statutory findings pursuant to Federal Rule of Appellate Procedure 5(a)(3).

3. Should the Court grant permission to seek interlocutory appeal, State Defendants also move this Court to stay all proceedings in the this Court until the Seventh Circuit disposes of the appeal.

Respectfully submitted,

GREGORY F. ZOELLER  
Attorney General of Indiana  
Atty. No. 1958-98

Date: September 16, 2013

By: /s/ Dino L. Pollock  
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**CERTIFICATE OF SERVICE**

I hereby certify that on September 16, 2013, a copy of the foregoing *State Defendants' Petition for Certification for Interlocutory Appeal* was filed electronically. Notice of this filing will be sent to the following parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

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