

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

BRIAN VALENTI, on his own behalf and)	
on behalf of a class of those similarly)	
situated,)	
)	
Plaintiffs,)	
)	
v.)	No. 1:15-cv-1304-WTL-TAB
)	
INDIANA SECRETARY OF STATE, in her)	
official capacity; THE INDIVIDUAL MEMBERS)	
of the INDIANA ELECTION COMMISSION,)	
in their official capacities; THE)	
SUPERINTENDENT of the INDIANA STATE)	
POLICE, in his official capacity; THE)	
BLACKFORD COUNTY PROSECUTOR, in his)	
official capacity,)	
)	
Defendants.)	

Motion for Preliminary Injunction

COME NOW Plaintiffs, by their counsel, and, pursuant to Rule 65 of the Federal Rules of Civil Procedure, move for a preliminary injunction enjoining the defendants from enforcing Indiana Code § 35-42-4-14 (effective July 1, 2015) (“the Statute”) as applied to the plaintiffs, who wish to vote in person at their precinct polling places. In support of this Motion, the plaintiffs state as follows:

1. The plaintiffs are likely to prevail on the merits of their legal claims in this case.
2. Absent a preliminary injunction, the plaintiffs are being or will be caused irreparable harm for which there is no adequate remedy at law.
3. The harm caused to the plaintiffs outweighs any harm that an injunction would cause the defendants. The next municipal election is scheduled for November 3, 2015.

4. The public interest favors the grant of a preliminary injunction.
5. The plaintiffs intend to separately submit documentary or other evidence in support of this Motion prior to or at the preliminary injunction hearing in this cause.
6. Additionally, the plaintiffs will timely submit their memorandum of law in support of this Motion in accordance with a briefing schedule set by this Court. This memorandum is hereby incorporated by reference.
7. Inasmuch as the grant of a preliminary injunction will not expose defendants to any monetary liability or expense, it should be granted without bond.

WHEREFORE, the plaintiffs respectfully request that this Court issue the above-described preliminary injunction in this cause, without bond, and request all other proper relief.

/s/ Jan P. Mensz

Jan P. Mensz
ACLU of Indiana
1031 E. Washington St.
Indianapolis, IN 46202
317.635.4059, x107
fax: 317.635.4105
<jmensz@aclu-in.org>

/s/ Kenneth J. Falk

Kenneth J. Falk
ACLU of Indiana
1031 E. Washington St.
Indianapolis, IN 46202
317.635.4059, x104
fax: 317.635.4105
<kfalk@aclu-in.org>

Attorneys for the plaintiff

CERTIFICATE OF SERVICE

I hereby verify that on this 2nd day of September 2015, a copy of the foregoing was filed electronically with the Clerk of this Court. I also mailed on this date to the following parties by U.S. postage, pre-paid.

Indiana Secretary of State
201 State House
200 W. Washington St.
Indianapolis, IN 46204

The Individual Members of the Indiana Election Commission
c/o Office of the Secretary of State
201 State House
200 W. Washington St.
Indianapolis, IN 46204

Superintendent
Indiana State Police
Indiana Government Center - North
100 N. Senate Ave.
Indianapolis, IN 46204

Blackford County Prosecutor
111 N. High St.
Hartford City, IN 47348

/s/ Jan P. Mensz
Jan P. Mensz
Attorney at Law

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

BRIAN VALENTI, on his own behalf and)
on behalf of a class of those similarly)
situated,)

Plaintiffs,)

v.)

No. 1:15-cv-1304-WTL-TAB

INDIANA SECRETARY OF STATE, in her)
official capacity; THE INDIVIDUAL MEMBERS)
of the INDIANA ELECTION COMMISSION,)
in their official capacities; THE)
SUPERINTENDENT of the INDIANA STATE)
POLICE, in his official capacity; THE)
BLACKFORD COUNTY PROSECUTOR, in his)
official capacity,)

Defendants.)

Order

The plaintiffs have filed their Motion for Preliminary Injunction (“Motion”), and the Court, having read said Motion and being duly advised, finds that good cause exists to establish a briefing schedule and hearing date in this matter.

IT IS THEREFORE ORDERED that the following briefing schedule is established concerning the plaintiff’s Motion for Preliminary Injunction:

Plaintiffs shall file their memorandum in support by _____

Defendants shall file their response in opposition by _____

Plaintiffs shall file their reply memorandum by _____

IT IS FURTHER ORDERED that this matter is set for a hearing on plaintiffs' Motion for Preliminary Injunction on the _____ day of _____, 2015, at _____ o'clock _____.m.

SO ORDERED.

Date

Judge, United States District Court

cc:

Jan P. Mensz
ACLU of Indiana
jmensz@aclu-in.org

Kenneth J. Falk
ACLU of Indiana
kfalk@aclu-in.org

Indiana Secretary of State
201 State House
200 W. Washington St.
Indianapolis, IN 46204

The Individual Members of the Indiana Election Commission
c/o Office of the Secretary of State
201 State House
200 W. Washington St.
Indianapolis, IN 46204

Superintendent
Indiana State Police
Indiana Government Center - North
100 N. Senate Ave.
Indianapolis, IN 46204

Blackford County Prosecutor
111 N. High St.
Hartford City, IN 47348