

IN THE
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

RICHARD STANLEY, JR)	
and TIM CLARK)	
)	Cause No. 25-1482
Plaintiffs,)	
)	
vs.)	
)	
BROWN COUNTY ELECTION)	
BOARD)	
)	
Defendant.)	
)	

CASE MANAGEMENT PLAN

I. Parties and Representatives

- A. The parties are:
Plaintiff Richard Stanley, Jr.
Plaintiff Tim Clark
Defendant Brown County Election Board

- B. Plaintiffs' Counsel
Richard E. Stanley, Jr.
4356 Lanam Ridge Rd.
Nashville, IN 47448
312-310-4279
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- C. Defendant's Counsel
Samantha E. DeWester
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609 E. 23rd Street
Indianapolis, IN 46205
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Counsel shall promptly file a notice with the Clerk if there is any change in this information.

II. Jurisdiction and Statement of Claims

- A. The basis for subject matter jurisdiction in this case is 28 U.S.C. § 1331; 28 U.S.C. § 2201 and 42 U.S.C. § 1983. Defendant's position on lack of jurisdiction is outlined in paragraph B of this section.
- B. Defendant has detailed its legal theories and the facts upon which its defense is based in Defendant's Motion to Dismiss filed on 8/13/25 (Doc. # 9). Defendant believes that neither subject matter or personal jurisdiction exists in this case. Defendant has not taken any action violative of any federal or state law that the court can address at this time. There is no claim that has been outlined by the Plaintiffs, in any of their pleadings, which the Court can grant relief. The Plaintiffs have not articulated any action by the Defendant to warrant Court involvement. Plaintiffs are asking for an advisory opinion or injunction from the Court regarding actions the Defendant has not taken, only what the Plaintiffs think the Defendant might do at some unknown time in the foreseeable future. This matter is not ripe nor are there any controversies or damage to the Plaintiffs, pled by the Plaintiffs. There has been no action taken or policy adopted by the Defendant that would allow for or warrant injunctive relief that the Plaintiff is seeking.
- C. Plaintiffs have detailed their legal theories and the facts upon which their claims are based in their Brief in Support of Plaintiffs' Motion for Summary Judgment filed on 8/13/25 (Doc. # 11).

III. Pretrial Pleadings and Disclosures

- A. Plaintiffs do not anticipate the need to serve initial disclosures pursuant to Fed. R. Civ. P. 26 since all relevant evidence has already been filed with the Court (e.g., Plaintiffs' Exhibits 1-13).
- B. Plaintiffs do not anticipate the need for witnesses or amended pleadings.
- C. Defendant shall serve their initial disclosures on or before November 25, 2025.
- D. Defendant shall file preliminary witness and exhibit lists on or before December 9, 2025.
- E. All motions for leave to amend the pleadings and/or to join additional parties shall be filed on or before December 25, 2025.
- F. Defendant shall serve on the Plaintiffs a response to any special damages on or before January 26, 2026 after the filing of a statement of special damages by the Plaintiffs due on or before December 25, 2025.

- G. Except where governed by paragraph (G) below, expert witness disclosure deadlines shall conform to the following schedule: Plaintiff(s) shall disclose the name, address, and vita of any expert witness, and shall serve the report required by Fed. R. Civ. P. 26(a)(2) on or before July 25, 2026. Defendant(s) shall disclose the name, address, and vita of any expert witness, and shall serve the report required by Fed. R. Civ. P. 26(a)(2) 30 days after Plaintiff(s) serves its expert witness disclosure; or if Plaintiff has disclosed no experts, Defendant(s) shall make its expert disclosure on or before August 25, 2026.
- H. Notwithstanding the provisions of paragraph (F), above, if a party intends to use expert testimony in connection with a motion for summary judgment to be filed by that party, such expert disclosures must be served on opposing counsel no later than 90 days prior to the dispositive motion deadline. If such expert disclosures are served the parties shall confer within 7 days to stipulate to a date for responsive disclosures (if any) and completion of expert discovery necessary for efficient resolution of the anticipated motion for summary judgment. The parties shall make good faith efforts to avoid requesting enlargements of the dispositive motions deadline and related briefing deadlines. Any proposed modifications of the CMP deadlines or briefing schedule must be approved by the Court.
- I. Any party who wishes to limit or preclude expert testimony at trial shall file any such objections no later than 120 days prior to the proposed trial month. Any party who wishes to preclude expert witness testimony at the summary judgment stage shall file any such objections with their responsive brief within the briefing schedule established by S.D. Ind. L.R. 56-1.
- J. All parties shall file and serve their final witness and exhibit lists on or before September 25, 2026. This list should reflect the specific potential witnesses the party may call at trial. It is not sufficient for a party to simply incorporate by reference “any witness listed in discovery” or such general statements. The list of final witnesses shall include a brief synopsis of the expected testimony.
- K. Any party who believes that bifurcation of discovery and/or trial is appropriate with respect to any issue or claim shall notify the Court as soon as practicable.
- L. Discovery of electronically stored information (“ESI”). If either party is seeking the production of a substantial volume of ESI, then complete the [ESI Supplement to the Report of the Parties’ Planning Meeting](#) (also available in MS Word on the court’s website at <http://www.insd.uscourts.gov/case-management-plans>).

If the parties believe that a substantial volume of ESI will not be produced in the case, the parties should include herein a brief description of the information anticipated to be sought in discovery in the case and include (1) the parties’ agreement regarding the format in which ESI will be produced (including whether the production will include metadata), (2) a description of any other issues the parties believe may be relevant to discovery in the case, and (3) either the

following claw back provision or the language of any alternative provision being proposed:

In the event that a document protected by the attorney-client privilege, the attorney work product doctrine or other applicable privilege or protection is unintentionally produced by any party to this proceeding, the producing party may request that the document be returned. In the event that such a request is made, all parties to the litigation and their counsel shall promptly return all copies of the document in their possession, custody, or control to the producing party and shall not retain or make any copies of the document or any documents derived from such document. The producing party shall promptly identify the returned document on a privilege log. The unintentional disclosure of a privileged or otherwise protected document shall not constitute a waiver of the privilege or protection with respect to that document or any other documents involving the same or similar subject matter.

IV. Discovery and Dispositive Motions

- A. The Parties believe this matter is appropriate for a dispositive motion or a motion for summary judgment. Both have already been filed in this matter and are awaiting a decision from the Court.
- B. On or before June 1, 2026 and consistent with the certification provisions of Fed. R. Civ. P. 11(b), the party with the burden of proof shall file a statement of the claims or defenses it intends to prove at trial, stating specifically the legal theories upon which the claims or defenses are based.
- C. Select the track that best suits this case:
- D. Defendant believes that Track #2 is most appropriate in this action.
 - a. Track 2: Dispositive motions are expected and shall be filed by July 25, 2026; non-expert witness discovery and discovery relating to liability issues shall be completed by May 25, 2026; expert witness discovery and discovery relating to damages shall be completed by October 25, 2026. All remaining discovery shall be completed by November 25, 2026.
- E. Plaintiffs do not anticipate the need for discovery in this case.
- F. Defendant has timely filed Defendant's Motion to Dismiss on 8/13/25 (Doc. # 9). Defendant contends the following. Defendant's Motion to Dismiss outlines Defendant's position and belief that there is no claim stated upon which relief can be granted by the Court. Plaintiffs repeatedly cite to a decision made by the Indiana Republican Party who is not named in this action. Plaintiffs fail to cite

any action, policy, decision, or inaction that implicates Plaintiffs constitutional rights or violation of state or federal code. Defendant has taken zero steps or actions against Plaintiffs. This legal action is not ripe nor states any claim in which the Court can grant any relief to Plaintiffs. Plaintiffs Motion for Summary Judgment was prematurely filed and therefore Defendant has not filed a formal response. Instead, Defendant timely filed its Motion to Dismiss outlining why the Court should dismiss this matter. Plaintiffs disagree with Defendant's contentions above. Plaintiffs have opposed this motion in Plaintiffs' Response to Defendant's Motion to Dismiss filed 8/25/25 (Doc. # 12).

- G. Plaintiffs have filed Plaintiffs' Motion for Summary Judgment and a Brief in Support of Plaintiffs' Motion for Summary Judgment on 8/13/25 (Doc. # 10, 11). Defendant has not yet opposed this motion.
- H. In view of Defendant's and Plaintiffs' pending dispositive motions, this case is ready for decision by the Court.
- I. Plaintiffs believe that the Court should issue a detailed written opinion in this case despite Defendant's choice to not oppose Plaintiffs' Motion for Summary Judgment, since the facts and law of this case establish important legal precedence. In particular, this case presents an important legal clarification on the scope of *Hero v. Lake County Election Board*, 42 F.4th 768 (7th Cir. 2022), which would benefit future litigants. In that regard, Plaintiffs would like to clarify here that upon reflection Plaintiffs believe that sections VII and VIII in their Brief in Support of Plaintiffs' Motion for Summary Judgment (Doc. #11) should have been characterized as due process violations instead of "non-Constitutional grounds" since errors and vagueness in an underlying ruling are more appropriately characterized as due process deficiencies.¹

V. Pre-Trial/Settlement Conferences

The parties recommend a settlement conference in June 2026.

VI. Trial Date

The parties request a trial date in July 2026. The trial is by Court and is anticipated to take one day. The Parties believe this matter should be resolved by a dispositive motion or a motion for summary judgment but have outlined the proposed case management plan.

¹ Plaintiffs would have offered this clarification in their reply brief to their summary judgment motion but did not have the opportunity to do so in the briefing schedule since Defendant did not oppose Plaintiffs' summary judgment motion.

Dated: September 29, 2025

By: Richard E. Stanley, Jr.
Richard E. Stanley, Jr. (IN Atty No. 31838-49)
Representative for Complainant
4356 Lanam Ridge Rd.
Nashville, IN 47448
312-310-4279

Dated: September 29, 2025

By: _____
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CERTIFICATE OF SERVICE

I certify that on September 29, 2025, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system. A copy of this filing will be sent to counsel of record by operation of the Court's electronic filing system.

By: Rich Stanley
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