

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

RICHARD STANLEY, JR)	
and TIM CLARK)	
)	Cause No. 1:25-cv-1482-TWP-MKK
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
stanleyiplaw@yahoo.com

- C. Defendant's Counsel
Samantha E. DeWester
DeWester Law, LLC
609 E. 23rd Street
Indianapolis, IN 46205
317-435-0696
sdewester@gmail.com

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. The parties shall serve initial disclosures pursuant to Fed. R. Civ. P. 26 on or before **November 25, 2025**.
- B. Plaintiffs shall file preliminary witness and exhibit lists on or before **December 2, 2025**.
- C. Defendant shall file preliminary witness and exhibit lists on or before **December 9, 2025**.
- D. All motions for leave to amend the pleadings and/or to join additional parties shall be filed on or before **December 29, 2025**.
- E. Plaintiffs shall serve Defendant (but not file with the Court) a statement of special damages, if any, and make a settlement proposal, on or before **December 29, 2025**. Defendant shall serve on the Plaintiffs (but not file with the Court) a response thereto within 30 days after receipt of the proposal. The parties shall submit (not file) courtesy copies of their respective demand and response at the time of service via email to mjklump@insd.uscourts.gov. There is no need to follow the email with a hard copy.
- F. Except for initial disclosures and preliminary witness and exhibit lists, discovery is STAYED pending a ruling on the Motion to Dismiss, (Dkt. 9).

- G. Expert disclosure deadlines shall be set after the Court rules on the pending Motion to Dismiss, (Dkt. 9).
- 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. The deadline for final witness and exhibit lists deadlines shall be set after the Court rules on the pending Motion to Dismiss, (Dkt. 9). The final witness 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>).

Unless otherwise agreed to by the parties or ordered by the Court, any ESI shall be produced in its native format.

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 November 7, 2025, and consistent with the certification provisions of Fed. 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. Following discovery, a party may seek leave to supplement or amend said statement.
- C. Select the track that best suits this case:

Track 2: Plaintiffs have filed a motion for summary judgment. Following the Court's ruling on the Motion to Dismiss, (Dkt. 9), the Court will issue additional deadlines for discovery and, if appropriate, cross-motions for summary judgment.

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.

Upon approval, this Plan constitutes an Order of the Court. Failure to comply with an Order of the Court may result in sanctions for contempt, or as provided under Fed. R. Civ. P. 16(f), to and including dismissal or default.

APPROVED AS AMENDED AND SO ORDERED.

Date: 10/7/2025



M. Kendra Klump
United States Magistrate Judge
Southern District of Indiana