

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

RICHARD STANLEY, JR. )  
and TIM CLARK, )  
 )  
Plaintiffs, )  
 )  
vs. )  
 )  
BROWN COUNTY ELECTION )  
BOARD, )  
 )  
Defendant. )

CAUSE NO. 1:25-cv-01482-TWP-MKK

**MEMORANDUM IN SUPPORT OF DEFEDANT BROWN COUNTY ELECTION BOARD’S MOTION TO DISMISS PLAINTIFFS’ AMENDED COMPLAINT PURSUANT TO FED. R. CIV. P. 12(b)(6)**

Defendant Brown County Election Board (“Brown County”), by counsel Samantha E. DeWester, request that this Honorable Court enter an Order dismissing Plaintiffs’ Amended Complaint (“Complaint”) in its entirety and with prejudice pursuant to Fed. R. Civ. P. 12(b)(6). Brown County further states in support of its motion, as follows:

**I. INTRODUCTION**

Plaintiffs have filed suit against Brown County and have requested declarative and injunctive relief from this Court against Brown County for actions it has not taken or has yet to take. Plaintiffs claim a violation of their civil and legal rights will occur at some point in the future by Brown County pursuant to a decision rendered by the Indiana Republican Party. That decision, according to the Plaintiffs, held they are not “Republicans in good standing” and are therefore unable to run as Republicans for elected office. (Plaintiffs’ Complaint #2, #5).

Absent from Plaintiffs’ Complaint are *any* allegations of actions taken, policies made, decisions upheld or denial of candidate filings that involve the Plaintiffs or Brown County. Brown County has taken zero action against or involving Plaintiffs desire to run for elected office. In fact, the

candidate filing window has yet to open for the 2026 elections. Additionally, the Plaintiffs spend thirteen paragraphs within their Complaint enumerating what they believe are constitutional violations by the *Indiana Republican Party*. The Indiana Republican Party is not a party in this lawsuit. They outline zero violations made by Brown County.

The Plaintiffs are asking this Court to permanently enjoin Brown County from enforcing a decision made by the Indiana Republican Party, before any action has even been taken by Brown County. Oddly, Plaintiffs have not asked any Court to determine the validity of the decision from the Indiana Republican Party, including this Court, nor have they included the decision or evidence regarding the decision within their Complaint. Instead, they are asking this Court, ad hoc, to unconditionally and permanently bar a local unit of government from following the law for the foreseeable future.

## II. LEGAL STANDARD

### **Fed. R. Civ. P. 12(b)(6) – Failure to State a Claim**

“A Rule 12(b)(6) motion tests the ‘legal sufficiency of a complaint,’ as measured against the standards of Rule 8(a).” *Gunn v. Cont’l Cas. Co.*, 968 F.3d 802, 806 (7<sup>th</sup> Cir. 2020) (quoting *Runnion v. Girl Scouts of Greater Chi. And Nw. Ind.*, 786 F.3d 510, 526 (7<sup>th</sup> Cir. 2015)). Rule 8(a) requires that the complaint contain a short and plain statement showing that the pleader is entitled to relief. Fed. R. Civ. P. 8(a)(2). “Only a complaint that states a plausible claim for relief survives a motion to dismiss.” *Ashcroft v. Iqbal*, 556 U.S. 662, 679 (2009). When reviewing the sufficiency of a Complaint, the Court must accept as true all well-pleaded factual allegations. *McCauley v. City of Chicago*, 671 F.3d 611, 616 (7<sup>th</sup> Cir.2011). However, legal conclusions and “conclusory allegations merely reciting the elements of a claim are not entitled to this presumption of truth.” *Id.* The Plaintiff must provide “more than labels” or a “formulaic recitation of a cause of action’s elements.” *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 545 (2007).

A complaint must “contain either direct or inferential allegations respecting all the material elements necessary to sustain recovery under some viable legal theory.” *Id.* At 562. Or, as the Seventh Circuit has emphasized, to survive dismissal, “the complaint *must* contain ‘factual content that allows the Court to draw the reasonable inference that the defendant is liable for the misconduct alleged...at a minimum it ‘must give enough details about the subject matter of the

case to present a story that holds together.” *Vanzant v. Hill’s Pet Nutrition, Inc.*, 934 F.3d 730, 736 (7<sup>th</sup> Cir. 2023).

Because the defendant must ultimately be liable, “Rule 12(b)(6) authorizes a court to dismiss a claim on the basis of a dispositive issue of law.” *Neitzke v. Williams*, 490 U.S. 319, 326 (1989). That applies “without regard to whether [the claim] is based on an outlandish legal theory or on a close but ultimately unavailing one.” *Id.* At 327.

### III. ARGUMENT

The Plaintiffs argue that their rights *might* be violated by Brown County at some point in the future if an injunction isn’t granted by this Court. They are asking the Court to enjoin a decision that is outside of the purview of this case and to which the decisionmaker is not a party. The Plaintiffs fail to outline any harm or action by Brown County that has violated their rights or has done anything at all. Under federal notice pleading, a complaint need only set out some plausible allegations that, if true, allow for legal relief. Here, Plaintiffs have failed to allege even the bare minimum required for pleadings pursuant to Fed. R. Civ. P. (8)(a). What relief is to be given when no harm has been done? Plaintiffs hope the Court intuitively understands the decision by the Indiana Republican Party and somehow, without reviewing it, deems it unconstitutional and therefore Brown County should be enjoined from following that decision and the law.

### IV. CONCLUSION

For the reasons set forth above, the Plaintiffs’ Complaint should be dismissed, in its entirety, and with prejudice.

Respectfully submitted,

/s/ Samantha E. DeWester  
DeWester Law, LLC  
609 E. 23<sup>rd</sup> Street  
Indianapolis, IN 46205  
317-435-0696  
sdewester@gmail.com

**CERTIFICATE OF SERVICE**

The undersigned counsel hereby certifies that a copy of the forgoing Memorandum in Support of Defendant's Motion to Dismiss was filed electronically on December 12, 2025. Notice of this filing will be sent to the following parties by operation of the Court's electronic filing system.

Richard Stanley, Jr.  
4356 Lanam Ridge Road  
Nashville, IN 47448  
Stanleyiplaw@yahoo.com

By: /s/ Samantha E. DeWester  
DeWester Law, LLC