

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.)	
)	

PLAINTIFFS' MOTION FOR PRELIMINARY INJUNCTION

This lawsuit has been pending in this Court just shy of five months, and the Brown County Election Board has yet to even file an answer in the case. It is now only a month and a half from the deadline (February 6, 2026) for political candidates to file their declarations of candidacy for major political party primary nomination. (Plaintiffs' Exhibit 16). Mr. Stanley has already taken affirmative steps to run in the 2026 primary as a Republican (Doc. # 22-2 ¶¶ 2, 6), but as it stands now, the Brown County Election Board will bar Mr. Stanley from being on the Republican primary ballot when candidate challenges are entertained by the Board shortly after the deadline for candidacy declarations. Although there is nothing at this stage that would prevent the Court from issuing a final decision in this lawsuit prior to the February 6, 2026 candidacy declaration deadline, Plaintiffs are filing the present motion out of an abundance of caution to ensure that at least a preliminary ruling is issued prior to that deadline.

The test in the Seventh Circuit for whether a preliminary injunction should be granted involves "two distinct phases: a threshold phase and a balancing phase."

Valencia v. City of Springfield, Illinois, 883 F.3d 959, 965 (7th Cir. 2018); *see also* *Grubhub Inc. v. Relish Labs LLC*, 80 F.4th 835, 844-845 (7th Cir. 2023).

Threshold Phase

In the threshold phase, the movant must “show that: (1) absent a preliminary injunction, it will suffer irreparable harm in the interim period prior to final resolution of its claims; (2) traditional legal remedies would be inadequate; and (3) its claim has some likelihood of succeeding on the merits.” *Valencia*, 883 F.3d at 965.

(1) Absent a preliminary injunction, Mr. Stanley will suffer irreparable harm in the interim period prior to final resolution of Plaintiffs’ claims

Mr. Stanley is suffering ongoing harm right now by the Brown County Election Board’s voluntary choice to litigate this matter in Court and the lack of a Court decision in this matter. For example, Mr. Stanley will soon have to pay for newspaper advertising that he has reserved for the 2026 primary. It is likely that Mr. Stanley is going to end up accepting the risk on that advertising expense without any Court decision in this case, and if it later turns out that Plaintiffs are wrong about their interpretation of the law such that Mr. Stanley’s removal from the Republican primary ballot is legal (which is unlikely but theoretically possible), Mr. Stanley will be unable to recover that expense and will suffer an irrecoverable financial loss.

Similarly, Mr. Stanley is currently holding off on other campaign expenses (e.g., ordering campaign materials) and campaign efforts (e.g., publicizing a website) that would help his campaign because of the uncertainty of this legal dispute. Although the campaign season has not officially started yet, Mr. Stanley is running the risk of falling behind in his campaign right now at this moment because of the uncertainty of this lawsuit.

The pendency of this case is also harming Mr. Stanley's campaign messaging because he feels obligated to keep informing Brown County voters that his intention to run for Brown County Commissioner is contingent upon the outcome of this case. For example, the first paragraph of his campaign announcement speech which he made at the October 20, 2025 Brown County Council meeting stated: "My name is Rich Stanley, and I intend to run for county commissioner in the next election despite the attempt of the Republican Party and the Brown County Election Board to prevent me from running. I am currently litigating a federal lawsuit against the Brown County Election Board over this illegitimate effort to deprive me of my Constitutional rights. If that lawsuit is resolved in my favor, I will be running for county commissioner in the 2026 election." (Doc. 22-2 ¶ 2). Mr. Stanley recently took a public position on another local political issue and felt the need to qualify his intention to run again in a similar fashion by stating: "As many of you know, I am planning to run for County Commissioner in the 2026 election. Currently, I'm not eligible to run as a Republican because of an effort by the Indiana Republican Party to exclude me from the party, but I am hopeful that this will be overturned in my federal lawsuit that is currently pending over this." (Plaintiffs' Exhibit 17, Dec. 10, 2025 Brown County Democrat). Although Mr. Stanley feels obligated to be honest with Brown County voters about this matter, the ongoing uncertainty about this lawsuit is undoubtedly having an effect on Mr. Stanley's campaign which should not be happening and is unfair to Mr. Stanley and the voters of Brown County.

The ultimate harm will occur shortly after February 6, 2026 when the Brown County Election Board removes Mr. Stanley from the Republican primary ballot if no

Court decision is issued prior to February 6, 2026. At that point, it is uncertain whether Plaintiffs will be able to obtain appellate review in a timely fashion to ensure that Mr. Stanley is placed on the 2026 Republican primary ballot. And, even if appellate review is successful in forcing the Brown County Election Board to place Mr. Stanley on the 2026 Republican primary ballot, Mr. Stanley's chances of winning the primary will be severely damaged by the questions that will be left in the minds of Brown County voters.

(2) traditional legal remedies would be inadequate

Plaintiffs are not seeking any financial compensation in this case other than their costs and attorney fees pursuant to 42 U.S.C. § 1988. However, the costs and attorney fees that Plaintiffs legitimately deserve for having to sue the Brown County Election Board to protect their Constitutional rights is not the reason that this lawsuit was filed. The only reason that this lawsuit was filed was because Mr. Stanley and Mr. Clark intend to run for elected offices as Republicans, and as it stands now, the Brown County Election Board is going to unconstitutionally remove Mr. Stanley from the Republican primary ballot shortly after February 6, 2026. No traditional legal remedy will be able to compensate Mr. Stanley for the harm he will suffer if a decision is not issued by the Court before February 6, 2026 preventing the Board from removing Mr. Stanley from the 2026 Republican primary ballot.

(3) Plaintiffs' claim has some likelihood of succeeding on the merits

Plaintiffs have been extremely diligent in litigating this dispute. Plaintiffs provided notice to the Brown County Election Board of a potential lawsuit over this matter a month and a half after receiving the final decision of the Indiana Republican Party. (Doc. # 1 ¶¶ 4, 8). Plaintiffs filed their first summary judgment motion the same day that the Board's attorney filed an appearance. Plaintiffs also filed their second summary

judgment motion on the same day that the Court ruled that Plaintiff's first summary judgment motion was moot.

By contrast, the Brown County Election Board has filed two completely meritless motions to dismiss and did not file a response to either of Plaintiffs' summary judgment motions. The deadline to respond to Plaintiffs' first summary judgment motion expired three months ago on September 10, 2025. S.D. Ind. L.R. 56-1(b). (Doc. # 10). The deadline to respond to Plaintiffs' second summary judgment motion expired more than a week ago on December 10, 2025. S.D. Ind. L.R. 56-1(b). (Doc. # 25). Previously, the Brown County Election Board argued that Plaintiffs' first summary judgment motion was premature. (Doc. # 15 at 4-5 ¶ F). However, like every other argument that the Board has presented in this case, the Board is blatantly wrong once again. The law is crystal clear that a summary judgment motion can be filed and considered "at any time". Fed. R. Civ. P. 56(b); *F.C. Bloxom Co. v. Tom Lange Co. Int'l, Inc.*, 109 F.4th 925, 935-936 (7th Cir. 2024); *Waterloo Furniture Components, Ltd. v. Haworth, Inc.*, 467 F.3d 641, 648 (7th Cir. 2006).

It is hard to see how the Brown County Election Board has any chance whatsoever in ultimately winning this lawsuit when they have been unable or unwilling to file a response to either of Plaintiffs' timely filed summary judgment motions. And yet, that is not even the proper standard that should be applied to this case. The Seventh Circuit merely requires that the likelihood of success be "better than negligible". *Valencia*, 883 F.3d at 966. Plaintiffs have satisfied that standard by a mile.

Balancing Phase

In the balancing phase, “the court weighs the irreparable harm that the moving party would endure without the protection of the preliminary injunction against any irreparable harm the nonmoving party would suffer if the court were to grant the requested relief. In so doing, the court employs a sliding scale approach: the more likely the plaintiff is to win, the less heavily need the balance of harms weigh in his favor; the less likely he is to win, the more need it weigh in his favor. Where appropriate, this balancing process should also encompass any effects that granting or denying the preliminary injunction would have on nonparties (something courts have termed the public interest).” *Valencia*, 883 F.3d at 966 (internal quotations and citations removed for clarity).

As noted above, Plaintiffs have demonstrated a very high likelihood of success as well as ongoing irreparable harm to Mr. Stanley and the foreseeable irreparable harm that Mr. Stanley will be removed from the 2026 Republican primary ballot by the Brown County Election Board shortly after February 6, 2026. On the other hand, the Brown County Election Board will suffer no real harm itself if the Court orders the Board to allow Mr. Stanley to be on 2026 Republican primary ballot as long as he satisfies all other requirements. Although the Board administers elections in Brown County, it has no real interest itself in the outcome of such elections. If Mr. Stanley is allowed to be on the 2026 Republican primary ballot by order of the Court, the Brown County Election Board will suffer no harm itself from that decision.

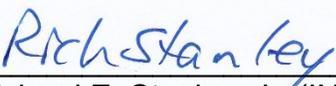
Who will suffer, however, are the voters of Brown County who will not be allowed to vote for Mr. Stanley in the 2026 Republican primary. Frankly, the voters of Brown

County do not need the Brown County Election Board to make the decision for them about whether Mr. Stanley would be a good county commissioner or not. The voters of Brown County have the ability to make that choice themselves at the ballot box without the Election Board's illegitimate interference with Mr. Stanley's campaign. Moreover, it is an insult to Brown County voters that the Election Board is currently spending their own tax money fighting this lawsuit when the voters could decide this matter themselves at the ballot box without wasting taxpayer dollars. Mr. Stanley's campaign platform is "good governance", and the Brown County Election Board's actions in this matter fall far short of that standard.

Conclusion

There is nothing preventing the Court from issuing a final dispositive decision in this case on Plaintiff's second summary judgment motion prior to February 6, 2026. However, if for some reason the Court views that alternative to be ill-advised, then Plaintiffs submit that they are entitled to a preliminary injunction prior to February 6, 2026 preventing the Brown County Election Board from removing Mr. Stanley from the 2026 Republican primary ballot.

Dated: December 19, 2025

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CERTIFICATE OF SERVICE

I certify that on December 19, 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.

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