

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. 25-CV-01482-TWP-MKK

**DEFENDANT BROWN COUNTY ELECTION BOARD’S RESPONSE IN OPPOSITION
TO MOTION FOR PRELIMINARY INJUNCTION**

Plaintiffs, two potential candidates who want to file to be placed on the Republican ballot, are asking this Court to grant an extraordinary relief based upon their best guess of what the Brown County Election Board (“Brown County”) might do at some point in the future and out of an “abundance of caution”. However, nowhere within the Plaintiffs’ Motion for Preliminary Injunction do they outline or even state what actions they are asking this Court to compel or enjoin Brown County from doing or not doing under the Preliminary Injunction outside of the final sentence in their pleading stating, “...preventing the Brown County Election Board from removing Mr. Stanley from the 2026 Primary ballot”. This statement, alone, gives no insight as to what the Plaintiffs specifically are asking this Court to do, how to do it, and under what authority via a Preliminary Injunction. Respectfully, this Court doesn’t have the authority to arbitrarily mandate candidates must appear on a ballot and blindly bar a local election board from acting under *any or every* circumstance known or unknown to the Court. There is a plethora of reasons why someone may not qualify to appear on a ballot pursuant to Title 3 of the Indiana Code and the Defendants should not have to guess what the Plaintiffs are asserting.

Pursuant to the Federal Rules of Civil Procedure, specifically Federal Rule 65(d), a preliminary injunction issued must include the following:

- (1) *Contents*. Every order granting an injunction and every restraining order must:
 - (A) state the reasons why it issued;
 - (B) state its terms specifically; and
 - (C) describe in reasonable detail—and not by referring to the complaint or other document—the act or acts restrained or required.

It is unclear how this Court would be able to identify any of these requirements based upon the Plaintiffs' Motion for Preliminary Injunction in order to comply with the Rule. Accordingly, in *Patriot Homes, Inc. v. Forest River Housing, Inc.*, 512 F.3d 412 (7th Cir. 2008) the 7th Circuit vacated a Preliminary Injunction because its terms were "impermissibly vague and failed to satisfy Rule 65(d), which requires any injunction to "state its terms specifically" and "describe in reasonable detail – the act or acts restrained". Rule 65(d) of the Federal Rules of Civil Procedure requires that the injunction set "forth the reasons for its issuance; . . . be specific in terms; . . . [and] describe in reasonable detail, and not by reference to the complaint or other document, the act or acts sought to be restrained." [*See also Marseilles Hydro Power, LLC v. Marseilles Land and Water Co.*, 299 F.3d 643, 646](#) (7th Cir. 2002) (stating that any injunction issued by a federal district court must be detailed and specific to ensure proper enforcement through contempt proceedings or otherwise); [*PMC, Inc. v. Sherwin-Williams Co.*, 151 F.3d 610, 619](#) (7th Cir. 1998) (finding that an injunction must "be precise and self-contained, so that a person subject to it who reads it and nothing else has a sufficiently clear and exact knowledge of the duties it imposes on him that if he violates it he can be adjudged guilty of criminal contempt"). This requirement of specificity spares courts and litigants from struggling over an injunction's scope and meaning by informing those who are enjoined of "the specific conduct regulated by the injunction and subject to contempt." [*Marseilles Hydro Power*, 299 F.3d at 647](#) (citing [*Consumers Gas Oil, Inc. v. Farmland Indus., Inc.*, 84 F.3d 367, 371](#) (10th Cir. 1996)); [*Hispanics United of DuPage County v. Village of Addison*, 248 F.3d 617, 620](#) (7th Cir. 2001).

While Plaintiffs spend nearly seven (7) pages opining about Brown County, its filings in this case, what they think Brown County might do in the future, the case chronology, what type of candidates they might make and harms that will be caused by an unknown action of Brown

County, the Plaintiffs have failed to outline anything specific or state exactly what type of relief they are seeking from this Court via a Preliminary Injunction. Therefore, Brown County has no idea how to respond to their vague Motion for Preliminary Injunction nor wishes to guess at what the Plaintiffs are seeking or asking this Court to order via this extraordinary measure.

Additionally, this Court, based upon the Plaintiffs' filing, would also not be able to clearly and specifically interpret the substance of their request in order to issue a clear and concise Preliminary Injunction pursuant to Fed. Rule Civ. Pro. 65(d). Therefore, this request for a Preliminary Injunction should be denied.

WHEREFORE, Brown County respectfully requests the Court deny Plaintiffs' Motion for Preliminary Injunction.

Respectfully submitted,

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CERTIFICATE OF SERVICE

The undersigned counsel hereby certifies that a copy of the forgoing Response in Opposition was filed electronically on January 6, 2026. Notice of this filing will be sent to the following parties by operation of the Court's electronic filing system.

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