

**U.S. District Court
Southern District of Indiana (Indianapolis)
CIVIL DOCKET FOR CASE #: 1:20-cv-02007-SEB-TAB**

COMMON CAUSE INDIANA et al v. LAWSON et al	Date Filed: 07/30/2020
Assigned to: Judge Sarah Evans Barker	Date Terminated: 01/26/2021
Referred to: Magistrate Judge Tim A. Baker	Jury Demand: None
Case in other court: 7th Circuit, 20-02911 - Mandate	Nature of Suit: 441 Civil Rights:
Cause: 42:1983 Civil Rights Act	Voting
	Jurisdiction: Federal Question

Plaintiff

COMMON CAUSE INDIANA

represented by **Ami Gandhi**
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Plaintiff

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William R. Groth
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Mark W. Sniderman
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V.

Defendant

CONNIE LAWSON
*in her official capacity as Indiana
Secretary of State*

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Defendant

PAUL OKESON
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Julia Catherine Payne
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ATTORNEY TO BE NOTICED

Kian J. Hudson
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Thomas M. Fisher
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Defendant

S. ANTHONY LONG
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Thomas M. Fisher

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Defendant

**SUZANNAH WILSON
OVERHOLT**
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Defendant

ZACHARY E. KLUTZ
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Thomas M. Fisher
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Date Filed	#	Docket Text
07/30/2020	<u>1</u>	COMPLAINT <i>for Declaratory and Injunctive Relief</i> , against All Defendants, filed by All Plaintiffs. (Filing fee \$400, receipt number 0756-6106971) (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Proposed Summons)(Sniderman, Mark) (Entered: 07/30/2020)
07/30/2020	<u>2</u>	NOTICE of Appearance by Mark W. Sniderman on behalf of Plaintiffs COMMON CAUSE INDIANA, INDIANA STATE CONFERENCE OF THE NAACP. (Sniderman, Mark) (Entered: 07/30/2020)
07/31/2020	<u>3</u>	Summons Issued as to ZACHARY E. KLUTZ, CONNIE LAWSON, S. ANTHONY LONG, PAUL OKESON, SUZANNAH WILSON OVERHOLT. (AKH) (Entered: 07/31/2020)
07/31/2020	<u>4</u>	MAGISTRATE JUDGE's NOTICE of Availability to Exercise Jurisdiction issued. (AKH) (Entered: 07/31/2020)
07/31/2020	<u>5</u>	NOTICE of Appearance by William R. Groth on behalf of Plaintiffs COMMON CAUSE INDIANA, INDIANA STATE CONFERENCE OF THE NAACP. (Groth, William) (Entered: 07/31/2020)
08/17/2020	<u>6</u>	RETURN of Service by CMRRR, filed by All Plaintiffs. CONNIE LAWSON served on 8/6/2020. (Groth, William) (Entered: 08/17/2020)
08/17/2020	<u>7</u>	RETURN of Service by CMRRR, filed by All Plaintiffs. ZACHARY E. KLUTZ served on 8/7/2020; S. ANTHONY LONG served on 8/7/2020; PAUL OKESON served on 8/7/2020; SUZANNAH WILSON OVERHOLT served on 8/7/2020. (Groth, William) (Entered: 08/17/2020)
08/17/2020	<u>8</u>	NOTICE of Appearance by Jefferson S. Garn on behalf of Defendants ZACHARY E. KLUTZ, CONNIE LAWSON, S. ANTHONY LONG, PAUL OKESON, SUZANNAH WILSON OVERHOLT. (Garn, Jefferson) (Entered: 08/17/2020)
08/17/2020	<u>9</u>	MOTION for Preliminary Injunction , filed by Plaintiffs COMMON CAUSE INDIANA, INDIANA STATE CONFERENCE OF THE NAACP. (Attachments: # <u>1</u> Exhibit 1 - Letter to Secretary of State Connie Lawson from USPS General Counsel Thomas J. Marshall, July 29, 2020, # <u>2</u> Exhibit 2 - Letter from Connie Lawson, Ind. Sec. of State, to Myla A. Eldridge, Marion County Clerk, May 29, 2020, # <u>3</u> Exhibit E 3 -

		Declaration of Edward Prein, # 4 Exhibit 4 - Declaration of Marilyn Tawney, # 5 Exhibit 5 - Declaration of Crystal Hammon, # 6 Exhibit 6 - Declaration of Diana Smith, # 7 Exhibit 7 - Affidavit of Julia Vaughn, # 8 Exhibit 8 - Affidavit of Barbara Bolling-Williams)(Sniderman, Mark) Modified on 8/18/2020 (CKM). (Entered: 08/17/2020)
08/17/2020	10	BRIEF/MEMORANDUM in Support re 9 MOTION for Preliminary Injunction , filed by Plaintiffs COMMON CAUSE INDIANA, INDIANA STATE CONFERENCE OF THE NAACP. (Sniderman, Mark) (Entered: 08/17/2020)
08/17/2020	11	*** WITHDRAWN PER DKT. 28 *** MOTION <i>Requesting Oral Argument on Their Motion for Preliminary Injunction</i> , filed by Plaintiffs COMMON CAUSE INDIANA, INDIANA STATE CONFERENCE OF THE NAACP. (Attachments: # 1 Text of Proposed Order)(Sniderman, Mark) Modified on 9/29/2020 (SWM). (Entered: 08/17/2020)
08/18/2020	12	NOTICE of Appearance by Courtney Lyn Abshire on behalf of Defendants ZACHARY E. KLUTZ, CONNIE LAWSON, S. ANTHONY LONG, PAUL OKESON, SUZANNAH WILSON OVERHOLT. (Abshire, Courtney) (Entered: 08/18/2020)
08/18/2020	13	NOTICE of Filing <i>Motion to Consolidate</i> by ZACHARY E. KLUTZ, CONNIE LAWSON, S. ANTHONY LONG, PAUL OKESON, SUZANNAH WILSON OVERHOLT (Garn, Jefferson) (Entered: 08/18/2020)
08/20/2020	14	NOTICE of <i>Opposition to Motion to Consolidate</i> , filed by Plaintiffs COMMON CAUSE INDIANA, INDIANA STATE CONFERENCE OF THE NAACP (Sniderman, Mark) (Entered: 08/20/2020)
08/21/2020	15	SCHEDULING ORDER: Status Conference set for 8/26/2020 11:00 AM in Telephonic before Magistrate Judge Tim A. Baker. Parties shall appear by counsel. The information needed by counsel of record to participate in this telephonic conference will be provided by separate notification. The purpose of this conference is to set a briefing schedule. Signed by Magistrate Judge Tim A. Baker on 8/21/2020.(SWM) (Entered: 08/24/2020)
08/26/2020	17	NOTICE of Parties' First Extension of Time, filed by Defendants ZACHARY E. KLUTZ, CONNIE LAWSON, S. ANTHONY

		LONG, PAUL OKESON, SUZANNAH WILSON OVERHOLT. (Garn, Jefferson) (Entered: 08/26/2020)
08/27/2020	<u>18</u>	MOTION for Attorney(s) Aneel L. Chablani, Ami Gandhi, Jennifer Terrell, Ezra D. Rosenberg, Bradley S. Phillips, and Ryan Snow to Appear pro hac vice (Filing fee \$600, receipt number 0756-6151690), filed by Plaintiffs COMMON CAUSE INDIANA, INDIANA STATE CONFERENCE OF THE NAACP. (Attachments: # <u>1</u> Exhibit 1 - Certification of Aneel L. Chablani, # <u>2</u> Exhibit 2 - Certification of Ami Gandhi, # <u>3</u> Exhibit 3 - Certification of Jennifer Terrell, # <u>4</u> Exhibit 4 - Certification of Ezra D. Rosenberg, # <u>5</u> Exhibit 5 - Certification of Bradley S. Phillips, # <u>6</u> Exhibit 6 - Certification of Ryan Snow, # <u>7</u> Text of Proposed Order)(Sniderman, Mark) (Entered: 08/27/2020)
08/28/2020	<u>19</u>	ORDER granting <u>18</u> Motion to Appear pro hac vice. Attorney Aneel L. Chablani, Ami Gandhi, Jennifer Terrell, Ezra D. Rosenberg and Ryan Snow for COMMON CAUSE INDIANA and INDIANA STATE CONFERENCE OF THE NAACP added. Counsel shall register for electronic filing, as required by Local Rule 5-3, within 7 days. Copies via US Mail. Signed by Magistrate Judge Tim A. Baker on 8/28/2020. (SWM) (Entered: 08/28/2020)
09/02/2020	<u>20</u>	ORDER ON AUGUST 26, 2020, TELEPHONIC STATUS CONFERENCE - Parties appeared by counsel August 26, 2020, for a telephonic status conference. The Court set the following briefing schedule: (1) Defendants shall file a response to Plaintiffs' motion for preliminary injunction by September 16, 2020; and (2) Plaintiffs shall file any reply brief by September 23, 2020. Copy Mailed. Signed by Magistrate Judge Tim A. Baker. (MGG) (Entered: 09/02/2020)
09/16/2020	<u>21</u>	NOTICE of Appearance by Thomas M. Fisher on behalf of Defendants ZACHARY E. KLUTZ, CONNIE LAWSON, S. ANTHONY LONG, PAUL OKESON, SUZANNAH WILSON OVERHOLT. (Fisher, Thomas) (Entered: 09/16/2020)
09/16/2020	<u>22</u>	NOTICE of Appearance by Kian J. Hudson on behalf of Defendants ZACHARY E. KLUTZ, CONNIE LAWSON, S. ANTHONY LONG, PAUL OKESON, SUZANNAH WILSON OVERHOLT. (Hudson, Kian) (Entered: 09/16/2020)
09/16/2020	<u>23</u>	NOTICE of Appearance by Julia Catherine Payne on behalf of Defendants ZACHARY E. KLUTZ, CONNIE LAWSON, S. ANTHONY LONG, PAUL OKESON, SUZANNAH WILSON OVERHOLT. (Payne, Julia) (Entered: 09/16/2020)

09/16/2020	<u>24</u>	RESPONSE in Opposition re <u>9</u> MOTION for Preliminary Injunction , filed by Defendants ZACHARY E. KLUTZ, CONNIE LAWSON, S. ANTHONY LONG, PAUL OKESON, SUZANNAH WILSON OVERHOLT. (Attachments: # <u>1</u> Exhibit Brandon Clifton declaration, # <u>2</u> Exhibit Brad King declaration)(Garn, Jefferson) (Entered: 09/16/2020)
09/23/2020	<u>25</u>	REPLY in Support of Motion re <u>9</u> MOTION for Preliminary Injunction , filed by Plaintiffs COMMON CAUSE INDIANA, INDIANA STATE CONFERENCE OF THE NAACP. (Attachments: # <u>1</u> Exhibit Common Cause Ind. v. Lawson, No. 1:20-CV-01825-RLY-TAB (S.D. Ind. Sept. 22, 2020) Entry on Plaintiff's' Motion for Preliminary Injunction)(Sniderman, Mark) (Entered: 09/23/2020)
09/24/2020	<u>26</u>	<i>Defendant's</i> ANSWER to <u>1</u> Complaint , filed by ZACHARY E. KLUTZ, CONNIE LAWSON, S. ANTHONY LONG, PAUL OKESON, SUZANNAH WILSON OVERHOLT.(Garn, Jefferson) (Entered: 09/24/2020)
09/26/2020	<u>27</u>	Unopposed MOTION to Withdraw <u>11</u> MOTION <i>Requesting Oral Argument on Their Motion for Preliminary Injunction</i> , filed by Plaintiffs COMMON CAUSE INDIANA, INDIANA STATE CONFERENCE OF THE NAACP. (Attachments: # <u>1</u> Text of Proposed Order)(Sniderman, Mark) (Entered: 09/26/2020)
09/28/2020	<u>28</u>	ORDER granting Plaintiff's <u>27</u> Motion to Withdraw Filing No. 11; withdrawing Plaintiff's <u>11</u> Motion Requesting Oral Argument on Their Motion for Preliminary Injunction. Signed by Magistrate Judge Tim A. Baker on 9/28/2020. (SWM) (Entered: 09/29/2020)
09/29/2020	<u>29</u>	ORDER GRANTING <u>9</u> Plaintiff's Motion for Preliminary Injunction - Defendants are preliminarily enjoined from enforcing the noon Election Day receipt deadline for mail-in absentee ballots, codified at Indiana Code §§ 3-11.5-4-3 and 3-11.5-4-10, in the November 3, 2020 election. The specific language of the injunction will be set forth in a separate order as required by the Seventh Circuit. (See Order for Details.) Signed by Judge Sarah Evans Barker on 9/29/2020. (LDH) (Entered: 09/29/2020)
09/29/2020	<u>30</u>	PRELIMINARY INJUNCTION - 1. Defendants and their respective agents, officers, employees, and successors, and all persons acting in concert with each or any of them or under their

		direction or control are hereby PRELIMINARYLY ENJOINED from implementing, enforcing, administering, invoking, or giving any effect to the noon Election Day receipt deadline for mail-in absentee ballots, codified at Indiana Code §§ 3-11.5-4-3 and 3-11.5-4-10, in the November 3, 2020 general election; and 2. Defendants Okeson, Long, Wilson Overholt, and Klutz, in their official capacities as members of the Indiana Election Commission and pursuant to the powers and duties of the Indiana Election Commission, as defined in Indiana Code § 3-6-4.1-14, are hereby ORDERED to adopt rules, or emergency rules, requiring all county election boards and their respective agents, officers, employees, and successors, and all persons acting in concert with each or any of them or under their direction or control, not to reject mail-in ballots postmarked on or before November 3, 2020 and received on or before November 13, 2020, and to ensure that such ballots are counted if otherwise valid. Signed by Judge Sarah Evans Barker on 9/29/2020.(LDH) (Entered: 09/29/2020)
09/30/2020	31	NOTICE of Change of Attorney Information. Consistent with Local Rule 5-3, William R. Groth hereby notifies the Clerk of the court of changed contact information. (Groth, William) (Entered: 09/30/2020)
10/02/2020	32	NOTICE OF APPEAL as to 30 Preliminary Injunction, 29 Order on Motion for Preliminary Injunction, filed by Defendants ZACHARY E. KLUTZ, CONNIE LAWSON, S. ANTHONY LONG, PAUL OKESON, SUZANNAH WILSON OVERHOLT. (Filing fee \$505, receipt number 0756-6210301) (Garn, Jefferson) (Entered: 10/02/2020)
10/02/2020	33	DOCKETING STATEMENT by ZACHARY E. KLUTZ, CONNIE LAWSON, S. ANTHONY LONG, PAUL OKESON, SUZANNAH WILSON OVERHOLT re 32 Notice of Appeal (Garn, Jefferson) (Entered: 10/02/2020)
10/02/2020	34	MOTION to Stay <i>Pending Appeal</i> , filed by Defendants ZACHARY E. KLUTZ, CONNIE LAWSON, S. ANTHONY LONG, PAUL OKESON, SUZANNAH WILSON OVERHOLT. (Garn, Jefferson) (Entered: 10/02/2020)
10/05/2020	35	PARTIES' SHORT RECORD re 32 Notice of Appeal - Instructions for Attorneys/Parties attached. (LBT) (Entered: 10/05/2020)

10/05/2020	<u>36</u>	Transmission of Notice of Appeal and Docket Sheet to US Court of Appeals re <u>32</u> Notice of Appeal. - for Court of Appeals Use Only. (LBT) (Entered: 10/05/2020)
10/05/2020	<u>37</u>	USCA Case Number 20-2911 for <u>32</u> Notice of Appeal filed by SUZANNAH WILSON OVERHOLT, S. ANTHONY LONG, CONNIE LAWSON, PAUL OKESON, ZACHARY E. KLUTZ. (LBT) (Entered: 10/05/2020)
10/05/2020	<u>38</u>	NOTICE of Supplemental Authority, filed by Defendants ZACHARY E. KLUTZ, CONNIE LAWSON, S. ANTHONY LONG, PAUL OKESON, SUZANNAH WILSON OVERHOLT (Attachments: # <u>1</u> Exhibit A) (Garn, Jefferson) (Entered: 10/05/2020)
10/06/2020	<u>39</u>	RESPONSE in Opposition re <u>34</u> MOTION to Stay <i>Pending Appeal</i> , filed by Plaintiffs COMMON CAUSE INDIANA, INDIANA STATE CONFERENCE OF THE NAACP. (Attachments: # <u>1</u> Exhibit 1, Democratic National Committee v. Bostelmann, No. 20-2835, 2020 WL __ (7th Cir. Oct. 2, 2020))(Sniderman, Mark) (Entered: 10/06/2020)
10/06/2020	<u>40</u>	ORDER - GRANTING IN PART DEFENDANT'S MOTION TO STAY <u>34</u> ; Given the critical time period during which this appeal will be under review, and in order to avoid providing absentee voters with a false sense of security regarding the extended absentee ballot receipt deadline as the Seventh Circuit has this appeal under review, we hereby STAY our order granting Plaintiffs' request for preliminary injunctive relief for one week to allow the Seventh Circuit to consider Defendants' appeal and determine whether an additional stay is warranted. In the interim, "lest they effectively lose their right to do so by the vagaries of COVID-19, mail processing, or other, unforeseen developments leading up to the November election. Indiana voters eligible to and desirous of voting by absentee ballot are encouraged to submit their applications well in advance of Indiana's October 22, 2020 deadline, and, upon receipt, to promptly complete and return their absentee ballots without delay. *** SEE ORDER ***. Signed by Judge Sarah Evans Barker on 10/6/2020. (CKM) (Entered: 10/06/2020)

11/04/2020	<u>41</u>	MANDATE of USCA as to <u>32</u> Notice of Appeal filed by SUZANNAH WILSON OVERHOLT, S. ANTHONY LONG, CONNIE LAWSON, PAUL OKESON, ZACHARY E. KLUTZ (USCA #20-2911) - The state's motion for a stay is GRANTED. Because recent decisions such as <i>Tully</i> and <i>Democratic National Committee</i> do not leave room for ongoing debate about the issue in this case, the injunction issued by the district court is summarily REVERSED, with costs, in accordance with the decision of this court entered on 10/13/2020. (LBT) (Entered: 11/04/2020)
11/10/2020	<u>42</u>	ORDER - The appellate mandate No. 20-2911 has been received. The preliminary injunction ordered by the District Court was reversed on appeal. The parties shall confer with one another regarding the status of this litigation and the parties' intentions consistent with the requirements of Local Rule 16-2 forthwith no later than November 25, 2020. Signed by Judge Sarah Evans Barker on 11/10/2020. (CKM) (Entered: 11/10/2020)
11/25/2020	<u>43</u>	NOTICE of Defendant's Position Statement, filed by Defendants ZACHARY E. KLUTZ, CONNIE LAWSON, S. ANTHONY LONG, PAUL OKESON, SUZANNAH WILSON OVERHOLT (Garn, Jefferson) (Entered: 11/25/2020)
11/25/2020	<u>44</u>	Statement of Position, by All Plaintiffs. (Sniderman, Mark) (Entered: 11/25/2020)
12/28/2020	<u>45</u>	MOTION to Dismiss , filed by Plaintiffs COMMON CAUSE INDIANA, INDIANA STATE CONFERENCE OF THE NAACP. (Attachments: # <u>1</u> Text of Proposed Order)(Sniderman, Mark) (Entered: 12/28/2020)
01/11/2021	<u>46</u>	RESPONSE to Motion re <u>45</u> MOTION to Dismiss , filed by Defendants ZACHARY E. KLUTZ, CONNIE LAWSON, S. ANTHONY LONG, PAUL OKESON, SUZANNAH WILSON OVERHOLT. (Garn, Jefferson) (Entered: 01/11/2021)
01/26/2021	<u>47</u>	CLOSED DISMISSED without prejudice. Signed by Judge Sarah Evans Barker on 1/26/2021.(CBU) (Entered: 01/26/2021)

Case #: 1:20-cv-02007-SEB-TAB

PACER Service Center

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