

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF INDIANA  
INDIANAPOLIS DIVISION

INDIANA STATE CONFERENCE OF )  
THE NATIONAL ASSOCIATION FOR )  
THE ADVANCEMENT OF COLORED )  
PEOPLE (NAACP) and LEAGUE OF )  
WOMEN VOTERS OF INDIANA, )

Plaintiffs, )

v. )

Case No.: 1:17-cv-02897-TWP-MPB

CONNIE LAWSON, in her official )  
capacity as Secretary of State of )  
Indiana, )  
J. BRADLEY KING, in his official )  
capacity as Co-Director of the Indiana )  
Election Division, ANGELA )  
NUSSMEYER, in her official capacity )  
as Co-Director of the Indiana Election )  
Division, et al., )

Defendants.

**DEFENDANTS' POSITION STATEMENT**

Defendants, by counsel, in accordance with the Court's order in Dkt. 170 and Local Rule 16-2, respectfully submit their position statement and state the following:

1. On July 19, 2021, the Seventh Circuit Court of Appeals issued an opinion affirming the grant of summary judgment to Plaintiffs, but vacating in part the Court's permanent injunction and remanding for further proceedings.

2. The deadline for seeking certiorari of this opinion is October 18, 2021. This date has not yet passed. Defendants are finalizing their assessment of options

with respect to any further review, but expect to make a decision well before the October deadline.

3. The Court also requested that the parties include a proposed revised injunction in their statements. Because Defendants are finalizing their review, Defendants are not yet prepared to provide proposed language for the injunction because of possible waiver implications.

4. Undersigned counsel has communicated with Plaintiffs' counsel and understands that Plaintiffs expect to file a proposed amended injunction. Undersigned counsel expressed to Plaintiffs' counsel Defendants' expectation to be able to discuss with them the possibility of agreeing to language for a proposed amended injunction and their expectations with respect to any further review. Defendants also expect to be able to notify the Court of its position on a proposed amended preliminary injunction no later than September 15, 2021.

Respectfully submitted,

THEODORE E. ROKITA  
Indiana Attorney General

Date: September 1, 2021

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