

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION**

AMERICAN COUNCIL OF THE BLIND OF
INDIANA, INDIANA PROTECTION AND
ADVOCACY SERVICES COMMISSION,
KRISTIN FLESCHNER, RITA KERSH, and
WANDA TACKETT,

Plaintiffs,

v.

INDIANA ELECTION COMMISSION; THE
INDIVIDUAL MEMBERS of the INDIANA
ELECTION COMMISSION, in their official
capacities; INDIANA SECRETARY OF STATE,
in her official capacity, THE INDIANA
ELECTION DIVISION; and THE CO-
DIRECTORS OF THE INDIANA ELECTION
DIVISION, in their official capacities.

Defendants.

Case No. 1:20-cv-3118-JMS-MJD

UNOPPOSED MOTION TO CONTINUE SETTLEMENT CONFERENCE

Plaintiffs, through counsel, move the Court to continue the settlement conference now set for Wednesday, August 10, 2022, for 60 days. ECF 151. There is good cause to grant this motion because doing so will allow the parties to discuss settlement options more substantively and avoid needless delays should the conference continue as scheduled. Counsel for Plaintiffs have conferred with counsel for Defendants. Defendants do not oppose this motion.

A telephonic settlement conference in this matter was held on July 11, 2022. ECF 143. This Court ordered the parties to continue to negotiate the details of a possible resolution in advance of the reconvened conference on August 10, 2022. ECF 151. The parties have engaged in those communications. However, as Defendants have not yet settled on detailed options, Plaintiffs

do not currently have enough information about a proposed resolution for a settlement conference to be productive.

On July 13, 2022, Plaintiffs' counsel sent Defendants' counsel a letter memorializing Plaintiffs' understanding of topics discussed at the July 11, 2022, settlement conference and requesting a telephonic meet-and-confer so that the parties may further discuss the items set forth and explore possible settlement. Defendants' counsel responded the same day stating they would be happy to continue discussing the possibility of settlement by phone. They additionally informed that Defendants were meeting internally for a demonstration of a proposed resolution the following day, which should shed light on additional details. Plaintiffs' counsel responded on July 14, 2022, and requested a call on July 19, 2022, to discuss what Defendants' counsel learned during the demonstration. On July 18, 2022, Defendants' counsel stated that there were several questions and concerns that arose during the demonstration and Defendants would be working to obtain more information by the end of that week; as such, a call the following day would be premature. Defendants' counsel stated that they would reach out once they have answers to share. On July 26, 2022, Plaintiffs' counsel followed-up to check on any further updates and, to the extent there have been updates since the prior week, to set a time to convene over the phone. Plaintiffs' and Defendants' counsel ultimately conferred over the phone on Friday, July 29th. During that call Defendants' counsel provided further information about the additional difficulties Defendants had encountered while further exploring the possible resolution over the preceding days.

Beyond not yet having enough information to substantially discuss the proposed resolution in detail, which is paramount, Plaintiffs will also need their expert to review any detailed proposed resolution to ensure that it would resolve all outstanding concerns.

The parties intend to continue to negotiate the details of a possible resolution of this matter but do not believe a reconvened settlement conference on August 10, 2022, would yet be productive. For this reason, Plaintiffs respectfully move the Court to continue the settlement conference now set for August 10, 2022 for 60 days to allow time for Defendants to obtain the information needed to make detailed proposal, and for Plaintiffs to review the proposal with their expert.

Dated: August 2, 2022.

Respectfully submitted,
s/ Jelena Kolic
Jelena Kolic
DISABILITY RIGHTS ADVOCATES
10 South LaSalle Street, 18th Floor
Chicago, IL 60613
jkolic@dralegal.org

Thomas Crishon
Samuel M. Adams
INDIANA DISABILITY RIGHTS
4701 North Keystone Avenue, Suite 222
Indianapolis, Indiana 46205
Tel: (317) 722-5555
tcrishon@indianadisabilityrights.org
samadams@indianadisabilityrights.org

Stuart Seaborn
Rosa Lee Bichell
DISABILITY RIGHTS ADVOCATES
2001 Center Street, 4th Floor
Berkeley, CA 94704
Tel: (510) 665-8644
Fax: (510) 665-8511
sseaborn@dralegal.org
rbichell@dralegal.org

Attorneys for Plaintiffs