

STATE OF INDIANA )  
 ) SS:  
MARSHALL COUNTY )

IN THE MARSHALL CIRCUIT COURT  
CAUSE NO. 50C01-2210-PL-000031

THOMAS DIXON, in his capacity as the )  
Republican Member of the St. Joseph County )  
Election Board, )  
 )  
INDIANA REPUBLICAN STATE COMMITTEE, INC., )  
and )  
ST. JOSEPH COUNTY REPUBLICAN PARTY, )  
 )  
Plaintiffs, )

v. )

RITA GLENN, in her official capacity as Clerk of )  
the St. Joseph County Circuit Court and )  
Secretary of the St. Joseph County Election )  
Board, and )  
 )  
CHARLES LEONE, in his official capacity as the )  
Chair of the St. Joseph County Election Board )  
(Democrat), )  
 )  
Defendants. )

**DEFENDANTS' MOTION TO DENY  
PLAINTIFFS' MOTION FOR LEAVE TO FILE AMENDED COMPLAINT**

Defendants **Rita Glenn** and **Charles Leone**, by counsel, move the Court to deny Plaintiffs' Motion for Leave to File Amended Complaint on the grounds that the Court has granted Defendants' objection to venue and has ordered that this case be transferred to St. Joseph County. The Court is without jurisdiction to rule on the Plaintiffs' motion.

**Basis for Motion**

At the hearing on October 14, 2022 held by telephone, this Court granted Defendants' objection to venue and ordered that this case be transferred to St. Joseph County, which is the

county of preferred venue. Once a party files a motion to transfer the case to a county of preferred venue, the trial court must transfer the case to the county selected by the moving party if the county in which the suit was filed is not a county of preferred venue. Ind. Trial Rule 75(A). When a motion to transfer venue has been filed, the court can only rule on emergency matters pending the transfer of venue. Ind. Trial Rule 78. Amendment of the complaint is not an emergency matter. It is error for a trial court to grant a motion to amend the complaint after a motion to transfer venue has been filed. *Bd. of Trustees of Purdue Univ. v. Severson*, 729 N.E.2d 1020, 1024 (Ind. Ct. App. 2000).

### **Conclusion**

For the foregoing reasons, Defendants Rita Glenn and Charles Leone move the Court to deny Plaintiffs' Motion for Leave to File Amended Complaint.

Respectfully submitted,

/s/ **James A. Masters**

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Rita Glenn and Charles Leone

## CERTIFICATE OF SERVICE

The undersigned certifies that service of a true and complete copy of the above and foregoing pleading was made upon the parties herein by the e-filing system and by e-mail to counsel of record shown below on October 14, 2022:

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Attorney for Plaintiffs

*/s/ James A. Masters*

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