

STATE OF INDIANA) IN THE MARSHALL CIRCUIT COURT
) SS:
COUNTY OF MARSHALL) CAUSE NO.:50C01-2210-PL-_____

THOMAS DIXON, in his capacity as the)
Republican Member of the St. Joseph)
County Election Board,)

INDIANA REPUBLICAN STATE)
COMMITTEE, INC.,)

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.)

VERIFIED MOTION FOR TEMPORARY RESTRAINING ORDER

COME NOW Plaintiffs Thomas Dixon, in his capacity as Member of the St. Joseph County Election Board (“Dixon”), Indiana Republican State Committee, Inc. (“IRSC”), and St. Joseph County Republican Party (“SJCRP”), and for their Motion for Temporary Restraining Order against Rita Glenn, in her official capacity as Clerk of the St. Joseph County Circuit Court and as Secretary of the St. Joseph County Election Board (“Glenn”), and Charles Leone, in his official capacity as Chair of the St. Joseph County Election Board (“Leone”), state as follows:

1. Plaintiffs adopt and incorporate by reference, pursuant to Ind. Trial Rule 10(C) their verified allegations and arguments contained in their Complaint for Declaratory and Injunctive Relief, including exhibits thereto, filed contemporaneously herewith.

2. Plaintiffs have no adequate remedy at law except declaratory and injunctive relief. There is no amount of damages, nor is there a civil damages enforcement mechanism, to correct the improper delegation of election board member duties.

3. The actions of Defendants and the enforcement of the Resolution will cause irreparable harm in that they violate the requirements of I.C. § 3-11.5-4-5 and I.C. § 3-11-10-10 and will only subvert the public's confidence in the election to have a one-party supervision of these duties and responsibilities.

4. There is no threatened harm to Defendants should they be unable to enforce the Resolution as it would only return the duties under I.C. § 3-11.5-4-5 and I.C. § 3-11-10-10 to the rightful election board member(s).

5. For the same reasons provided above, the grant of injunctive relief would not dissolve or harm the public interest.

6. No bond need issue under these facts.

7. As it stands, there are likely absentee ballots Glenn may access and approve without the statutorily required oversight of Dixon and so immediate and irreparable injury, loss, or damage will result before the adverse party or his or her attorney can be heard in opposition. Ind. Trial Rule 65(B)(1).

WHEREFORE. Plaintiffs ask the court to immediately enter an *ex parte* Temporary Restraining Order, without bond, restraining Defendants from adopting and enforcing the Resolution, holding the Resolution violates no less than two Indiana statutes and has no statutory authority to be made.

VERIFICATION

By my signature below, I verify that the foregoing factual allegations are true under pain and penalty of perjury.

/s/ Thomas M. Dixon
Thomas M. Dixon, Esq.

CERTIFICATION UNDER T.R. 65(B)(2)

The undersigned hereby certifies that he intends to effect service on Rita Glenn and Charles Leone by personal service of all documents filed contemporaneously herewith at their place of employment on October 11, 2022.

On the date and time of filing of said items, each will be immediately served by e-mail to the following addresses: Charles Leone (cleone@halpinslagh.com) and Rita Glenn (rglenn@sjcindiana.com). Mr. Leone is an Indiana attorney and his email address is that which is listed with the Indiana Roll of Attorneys.

Notice in this instance should not be required as this is an urgent matter affecting voting rights and a temporary restraining order does nothing except restore the status quo for the applicable law to be followed.

/s/ Andrew B. Jones
Andrew B. Jones (#29686-71)

Respectfully Submitted,

JONES LAW OFFICE LLC

/s/ Andrew B. Jones

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