

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF INDIANA
HAMMOND DIVISION

CITY OF HAMMOND, et al.,)	
)	
Plaintiffs,)	CASE NO. 2:21-cv-00160-PPS-JEM
)	
vs.)	
)	
LAKE COUNTY JUDICIAL)	
NOMINATING COMMISSION, et al.,)	
)	
Defendants.)	

STATEMENT OF MATERIAL FACTS NOT IN DISPUTE

Plaintiffs, City of Hammond, Thomas McDermott (“McDermott”), in his official and personal capacities, Eduardo Fontanez (“Fontanez”), and Lonnie Randolph (“Randolph”), by counsel, under Local Rule 56-1(a), respectfully submit their Statement of Material Facts Not in Dispute:

1. McDermott is the Mayor of Hammond, resides in Lake County, Indiana, and is a registered voter in Lake County. (McDermott Aff. ¶¶ 2-4.)
2. Fontanez is Hispanic, a member of a minority group, and is a registered voter in Lake County, Indiana. (Fontanez Aff. ¶¶ 2-4.)
3. Randolph is an Indiana Senator from Lake County, Indiana, is black, a member of a minority group, resides in Lake County, and is a registered voter in Lake County. (Randolph Aff. ¶¶ 2-5.)
4. Fontanez, Randolph, and McDermott previously had the right to vote for Lake County Superior Court judges of the county division, and they voted in those elections. (McDermott Aff. ¶ 5; Fontanez Aff. ¶ 5; Randolph Aff. ¶ 6.)

5. Fontanez, Randolph, and McDermott now only enjoy the lesser voting right of voting whether to retain Superior Court judges appointed by the Governor. (McDermott Aff. ¶ 7; Fontanez Aff. ¶ 6; Randolph Aff. ¶ 7.)

6. To vote in a full and open election for Superior Court judges, Fontanez, Randolph, and McDermott would have to move to another county that enjoys full voting rights and register to vote. (McDermott Aff. ¶ 9; Fontanez Aff. ¶ 9; Randolph Aff. ¶ 10.)

7. Moving to another county would be an extreme burden and expense for Fontanez, Randolph, and McDermott. (McDermott Aff. ¶ 10; Fontanez Aff. ¶ 10; Randolph Aff. ¶ 11.)

8. According to 2020 Census data, 193,504 black residents eighteen years of age or older reside in Marion County, Indiana. 2020 Census Data, Race for the Population 18 Years and Over, available at [https://data.census.gov/table?g=0400000US18,18\\$0500000&y=2020&d=DEC+Redistricting+Data+\(PL+94-171\)&tid=DECENNIALPL2020.P3](https://data.census.gov/table?g=0400000US18,18$0500000&y=2020&d=DEC+Redistricting+Data+(PL+94-171)&tid=DECENNIALPL2020.P3).¹ Also attached as Exhibit 10.

9. 89,806 black residents eighteen years of age or older reside in Lake County, Indiana. (*Id.*)

10. 25,176 black residents eighteen years of age or older reside in St. Joseph County, Indiana. (*Id.*)

11. The total number of black residents eighteen years of age or older that reside in Lake, Marion, and St. Joseph Counties is 308,486 (193,504 Marion County black residents eighteen years of age or older + 89,806 Lake County black residents eighteen years of age or older + 25,176 St. Joseph County black residents eighteen years of age or older = 308,486). (*Supra* ¶¶ 8-10.)

¹ “[F]ederal courts frequently have judicially noticed federal census data.” *Skolnick v. Bd. of Comm'rs of Cook Cnty.*, 435 F.2d 361, 363 (7th Cir. 1970)

12. Indiana's total population of black residents eighteen years of age or older is 467,861. (2020 Census Data, Race for the Population 18 Years and Over.)

13. 65.94% of Indiana's black residents eighteen years of age or older live in Lake, Marion, and St. Joseph Counties (308,486/467,861=65.94%). (*Supra* ¶¶ 11-12.)

14. Indiana's total population of white residents eighteen years of age or older is 4,137,310. (2020 Census Data, Race for the Population 18 Years and Over.)

15. Indiana's total population of residents eighteen years of age or older is 5,192,579. (*Id.*)

16. 80% of Indiana's residents eighteen years of age or older are white (4,137,310/5,192,579=.79677). (*Supra* ¶¶ 14-15.)

17. 20% of Indiana's residents are minorities. (*Supra* ¶ 16.)

18. Lake County has a total population of residents eighteen years of age or older of 380,651. (2020 Census Data, Race for the Population 18 Years and Over.)

19. Lake County has a total population of white residents eighteen years of age or older of 222,325. (*Id.*)

20. Lake County has a total population of non-white residents eighteen years of age or older of 158,326 (380,651 total Lake County residents -222,325 white Lake County residents = 158,326 non-white Lake County residents). (*Supra* ¶¶ 18-19.)

21. 41.59% of Lake County residents over the age of eighteen are minorities (158,326 non-white Lake County population /380,651 total Lake County Population). (*Supra* ¶¶ 18, 20.)

22. Marion County has a total population of residents eighteen years of age or older of 742,442. (2020 Census Data, Race for the Population 18 Years and Over.)

23. Marion County has a total population of white residents eighteen years of age or older of 423,140. (*Id.*)

24. Marion County has a total population of non-white residents eighteen years of age or older of 319,302 (742,442 total Marion County residents -423,140 white Marion County residents = 319,302 non-white Marion County residents). (*Supra* ¶¶ 22-23.)

25. 44% of Marion County residents over the age of eighteen are minorities (319,302 non-white Marion County population /724,441 total Marion County Population= .44). (*Supra* ¶¶ 22, 24.)

26. St. Joseph County has a total population of residents eighteen years of age or older of 210,201. (2020 Census Data, Race for the Population 18 Years and Over.)

27. St. Joseph County has a total population of white residents eighteen years of age or older of 157,821. (*Id.*)

28. St. Joseph has a total population of non-white residents eighteen years of age or older of 52,380 (210,201 total St. Joseph County residents -157,821 white St. Joseph County residents = 52,380 non-white St. Joseph County residents). (*Supra* ¶¶ 26-27.)

29. 24.9% of St. Joseph County residents over the age of eighteen are minorities (52,380 non-white St. Joseph County population /210,201 total St. Joseph County Population= .249). (*Supra* ¶¶ 26, 28.)

30. Allen County has a total population of residents eighteen years of age or older of 287,203. (2020 Census Data, Race for the Population 18 Years and Over.)

31. Allen County has a total population of white residents eighteen years of age or older of 216,585. (*Id.*)

32. Allen has a total population of non-white residents eighteen years of age or older of 70,618 (287,203 total Allen County residents - 216,585 white Allen County residents = 70,618 non-white Allen County residents). (*Supra* ¶¶ 30-31.)

33. 24.58% of Allen County residents over the age of eighteen are minorities (70,618 non-white Allen County population / 287,203 total Allen County Population = .2458). (*Supra* ¶¶ 30, 32.)

34. Indiana's total population of white residents eighteen years of age or older is 4,137,310 (*supra* ¶ 14); Lake County has a total population of white residents eighteen years of age or older of 222,325 (*supra* ¶ 14); Marion County has a total population of white residents eighteen years of age or older of 423,140 (*supra* ¶ 23); St. Joseph County has a total population of white residents eighteen years of age or older of 157,821 (*supra* ¶ 27).

35. 803,286 white residents over 18 years of age live in Lake, Marion, and St. Joseph Counties (222,325 white residents 18 years of age or older in Lake County + 423,140 white residents 18 years of age or older in Marion County + 157,821 white residents 18 years of age or older in St. Joseph County = 803,286). (*Supra* ¶ 34.)

36. 3,334,024 of Indiana's white residents 18 years of age or older live in Counties other than Lake, Marion, St. Joseph Counties (4,137,310 white residents 18 years of age or older in Indiana – 803,286 white residents 18 years of age or older in Lake, Marion, and St. Joseph Counties = 3,334,024). (*Supra* ¶¶ 14, 34-35.)

37. 81% of Indiana's white residents reside in Counties other than Lake, Marion, and St. Joseph Counties (3,334,024 white residents in counties other than Lake, Marion, and St. Joseph Counties / 4,137,310 Indiana's total population of white residents 18 years of age or older = .8058). (*Supra* ¶¶ 34, 36.)

38. Marion County has a voting age population of 742,442, Lake County has a voting age population of 380,651, Allen County has a voting age population of 287,203, Hamilton County has a voting age population of 253,195, and St. Joseph County has a voting age population of 210,201. (2020 Census Data, Race for the Population 18 Years and Over; *supra* ¶ 8.)

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on June 5, 2023, a copy of the foregoing document was filed electronically. Notice of this filing will be sent to the following parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

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