

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

INDIANA DEMOCRATIC PARTY,)
et al.,)

Plaintiffs,)

v.)

TODD ROKITA, et al.,)

Defendants,)

No. 1:05-CV-00634 SEB-VSS

WILLIAM CRAWFORD, et al.,)

Plaintiffs,)

v.)

MARION COUNTY ELECTION BOARD,)

Defendant,)

and)

STATE OF INDIANA,)

Intervenor.)

**Motion for Summary Judgment by Plaintiffs William Crawford, United Senior
Action of Indiana, Indianapolis Resource Center for Independent Living,
Concerned Clergy of Indianapolis, Indianapolis Branch of the NAACP, Indiana
Coalition of Housing and Homeless Issues, Joseph Simpson**

Come now plaintiffs William Crawford, United Senior Action of Indiana,
Indianapolis Resource Center for Independent Living, Concerned Clergy of Indianapolis,

Indianapolis Branch of the NAACP, Indiana Coalition of Housing and Homeless Issues and Joseph Simpson and move for summary judgment in this cause, and say that:

1. There are no contested issues of material fact in this cause.
2. The law is with the plaintiffs and against the defendants in this cause.
3. Accordingly, the Court should enter a permanent injunction enjoining defendant Marion County Election Board and Intervenor-Defendant from enforcing the provisions of SEA 483 requiring that voters present identification, as defined by SEA 483, prior to voting in any election or primary.
4. In support of this motion the plaintiffs rely on the following evidentiary materials, as more specifically noted in their Statement of Material Facts Not in Dispute in their Memorandum of Law that is separately submitted and is incorporated by reference.
 - a. Deposition of Doris Sadler (excerpts) – Attachment 1 to this Motion
 - b. Deposition of J. Bradley King (excerpts with an exhibit) – Attachment 2 to this Motion
 - c. Deposition of Carol Redman (complete text without all exhibits)- Attachment 3 to this Motion
 - d. Deposition of Michael Reinke - Attachment 4 to this Motion
 - e. Affidavit of Robert Andrew Ford – Attachment 5 to this Motion.
 - f. Affidavit of Brenda Thompson- Attachment 6 to this Motion.
 - g. Deposition of Michelle Niemier (complete text without all attachments to exhibits) –Attachment 7 to this Motion
 - h. Declaration of June Lyle with attached survey- Attachment 8 to this Motion
 - i. Deposition of Melissa Madill (complete text without all attachments to exhibits) – Attachment 9 to this Motion

- j. Deposition of Roderick Bohannon (complete text without all attachments to exhibits) – Attachment 10 to this Motion
 - k. Declaration of Gregory J. Ullrich – Attachment 11 to this Motion
 - l. Deposition of Kristi Robertson (excerpts) – Attachment 12 to this Motion
 - m. Deposition of Margie Oakley (complete text without all attachments to exhibits) – Attachment 13 to this Motion
 - n. Affidavit of Aaron E. Haith – Attachment 14 to this Motion
 - o. Affidavit of Kristjan Kogerma – Attachment 15 to this Motion
 - p. Deposition of Joseph Simpson (complete text without all attachments to exhibits) – Attachment 16 to this Motion
 - q. Deposition of William Crawford (complete text without all attachments to exhibits) Attachment 17 to this Motion
 - r. Marion County Election Board’s Response to Interrogatories – Attachment 18 to this Motion
 - s. Intervenor-Defendant State’s Answers to Interrogatories- Attachment 19 to this Motion
 - t. First Stipulation of the Parties, filed on October 20, 2005.
5. Additionally, plaintiffs rely on the legal arguments contained in their separately submitted Memorandum of Law.

WHEREFORE, plaintiffs request that this Court grant them summary judgment in this cause and for all other proper relief.

/s/Kenneth J. Falk
Kenneth J. Falk
No. 6777-49
Indiana Civil Liberties Union
1031 E. Washington St.
Indianapolis, IN 46202
317/635-4059 ext. 229
Fax: 317/635-4105
E-mail: ken.falk@iclu.org

Attorney for Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that on this 31st day of October, 2005, a copy of the foregoing was filed electronically with the Clerk of this Court. Notice of this filing will be sent to the following parties by operation of the Court's electronic filing system and the parties may access this filing through the Court's system.

Doug Webber
Deputy Attorney General
dwebber@atg.state.in.us

Thomas Fisher
Solicitor General – State of Indiana
tfisher@atg.state.in.us

Geoffrey S. Lohman
Fillenwarth, Dennerline, Groth and Towe
glohman@fdglaborlaw.com

William R. Groth
Fillenwarth, Dennerline, Groth and Towe
wgroth@fdglaborlaw.com

Barry Macey
Macey, Swanson and Allman
bmacey@maceylaw.com

James B. Osborn
Office of Corporation Counsel
josborn@indygov.org

Karen Celestino Horseman
khorseman@sbcglobal.net

/s/ Kenneth J. Falk
Kenneth J. Falk

