

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION**

INDIANA DEMOCRATIC PARTY,)	
et al.,)	
Plaintiffs,)	
)	
v.)	
)	
TODD ROKITA, et al.,)	
Defendants,)	
)	
<hr style="border: 0.5px solid black;"/>		
)	
WILLIAM CRAWFORD, et al.,)	
Plaintiffs,)	
)	
v.)	
)	
MARION COUNTY ELECTION BOARD,)	
Defendant,)	
)	
and)	
)	
STATE OF INDIANA,)	
Intervenor.)	

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

MOTION FOR ORAL ARGUMENT

Pursuant to Local Rule 7.5, Defendant Todd Rokita, in his official capacity as Indiana Secretary of State, Defendants J. Bradley King and Kristi Robertson, in their official capacities as Co-Directors of the Indiana Election Division, and Intervenor-Defendant the State of Indiana (“State Defendants”) respectfully request that this Court hear oral argument on the parties’ cross-motions for summary judgment. In support of their motion, State Defendants state as following:

1. On October 31, 2005, 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 (“Crawford Plaintiffs”) filed a motion for summary judgment.

2. On October 31, 2005, Plaintiffs Indiana Democratic Party and Marion County Democratic Central Committee (“Democrats”) filed a motion for summary judgment.

3. On November 30, 2005, State Defendants filed a cross-motion for summary judgment and response, including an appendix of 80 exhibits, to both the Crawford Plaintiffs’ motion and Democrats’ motion.

4. On December 5, 2005, Crawford Plaintiffs and Democrats filed a joint motion to strike portions of the Wendy Orange affidavit, an exhibit to State Defendants’ motion.

5. On December 21, 2005, Crawford Plaintiffs filed their reply in support of their motion for summary judgment.

6. On December 21, 2005, Democrats filed their reply in support of their motion for summary judgment.

7. On December 21, 2005, Crawford Plaintiffs and Democrats filed a motion to strike a significant portion of State Defendants’ exhibits in support of their motion for summary judgment.

8. On December 21, 2005, State Defendants filed a response to Plaintiffs’ joint motion to strike portions of the Wendy Orange affidavit.

9. State Defendants filed their reply in support of their motion for summary judgment and their response to Plaintiffs' joint motion to strike State Defendants' exhibits contemporaneously herewith.

10. This case involves many complex constitutional and statutory issues of great significance to the State Defendants.

11. Oral argument would facilitate the Court's understanding of the important legal and policy issues that this case presents, and State Defendants respectfully request that this Court grant each side 60 minutes in which to present argument. The time would be divided according to agreement of the parties.

WHEREFORE, State Defendants respectfully request that this Court grant its motion for oral argument.

Respectfully submitted,

STEVE CARTER
Attorney General of the State of Indiana

/s/ Thomas M. Fisher
THOMAS M. FISHER
Solicitor General

DOUG WEBBER
JULIE A. HOFFMAN
Deputy Attorneys General

Attorneys for State Defendants

CERTIFICATE OF SERVICE

I hereby certify that on January 11, 2006, a copy of the foregoing 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:

William R. Groth
Fillenwarth Dennerline Groth & Towe
wgroth@fdglaborlaw.com

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

Barry A. Macey
Macey Swanson & Allman
bmacey@maceylaw.com

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

Kenneth Falk
Indiana Civil Liberties Union
KFalk@aclu-in.org

/s/ Thomas M. Fisher .
Thomas M. Fisher
Solicitor General

OFFICE OF ATTORNEY GENERAL
Indiana Government Center South, 5th Floor
302 West Washington Street
Indianapolis, IN 46204
Telephone: (317) 232-6255
Fax: (317) 232-7979
Tom.Fisher@atg.in.gov