

STATE OF INDIANA) IN THE MARION COUNTY CIRCUIT COURT
)
COUNTY OF MARION) CAUSE NO: 49C01-0810-PL-049131

RAYMOND J. SCHOETTLE,)
ERICA PUGH, and the)
MARION COUNTY REPUBLICAN PARTY)
)
Plaintiffs,)
)
v.)
)
MARION COUNTY ELECTION BOARD,)
)
Defendant.)

Request for Schedule

Appellant Marion County Election Board hereby requests that this Court set a schedule for disposition of the motion for stay pending appeal so that the motion is decided before the polls open on November 4, 2008.

The trial court entered the injunction in this case at 7:00 p.m. on October 31. The Board sought a stay from the trial court, which was denied. The Board thereupon filed its notice of appeal. The injunction, denial of stay, and notice of appeal are attached to the Appellant's Case Summary.

The Board then submitted to the Court electronically and by rotunda filing its Appellant's Case Summary and Motion for Stay Pending Appeal as well as this Request for Briefing Schedule. The Board has acted as promptly as possible given the late date when this litigation was filed – October 28, with the hearing on October 31, and the late hour the injunction was issued.

The Board has submitted its Motion for Stay, which includes supporting arguments and authorities. The Board has served its Motion and other papers on all other counsel in the case electronically.

- The Board asks that this Court require the Appellees to submit any response to the Board's Motion for Stay on the morning of November 3 at as early an hour as is deemed proper by this Court.
- The Board also asks that this Court do whatever possible to decide the Motion for Stay before the opening of the polls on November 4, 2008.
- Counsel for the Board is available for oral argument on November 3, but in the interest of expediency the Board is not requesting oral argument.

WHEREFORE the Marion County Election Board asks this Court to establish a schedule for prompt ruling on the Motion for Stay.

Respectfully submitted,



Jon B. Laramore, Attorney No. 17166-49
A. Scott Chinn, Attorney No. 17903-49
Christopher W. Smith, Attorney No. 26596-16
Baker & Daniels LLP
300 N. Meridian St., Ste. 2700
Indianapolis, IN 46204
Tel. 317-237-0300
Fax 317-237-1000


CERTIFICATE OF SERVICE

I hereby certify that the forgoing has been served upon the following counsel of record electronically and by first class United States Mail, postage prepaid, this 31 day of Oct, 2008.

David Michael Brooks
Brooks Koch & Sorg
615 Russell Avenue
Indianapolis, IN 46225

Gregory F. Hahn
Tabbert Hahn Earnest & Weddle, LLP
One Indiana Square, Suite 1900
Indianapolis, IN 46204-2007

Richard McDermott
Assistant Corporation Counsel
City of Indianapolis
1601 City-County Building
200 East Washington Street
Indianapolis, IN 46204



Jon Laramore, Atty. No. 17166-49