

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF INDIANA**

JOHN B. CURLEY, as Chairman of the Lake)
 County, Indiana, Republican Central)
 Committee, and as a registered voter, and)
 JIM B. BROWN, as member of the Lake)
 County Board of Elections and Registration,)
 and as a registered voter,)

Plaintiffs,)

v.)

LAKE COUNTY BOARD OF ELECTIONS)
 AND REGISTRATION, and the)
 HONORABLE THOMAS PHILPOT, not)
 individually but as Lake County Clerk,)

Case No. 02 08 CV 287

The Hon. Joseph Van Bokkelen

Defendants,)

and)

Linda Peterson, Roosevelt Phillips, Mary)
 Aaron, Service Employees International Union,)
 and Indiana State Conference of National)
 Association for the Advancement of Colored)
 People Branches,)

Intervenor Defendants.)

**LAKE COUNTY BOARD OF ELECTIONS’ AND THOMAS PHILPOT’S
 JOINT MOTION FOR LEAVE TO FILE INSTANTER
 OVERSIZED MEMORANDUM OF LAW IN OPPOSITION
TO PLAINTIFFS’ MOTION FOR TEMPORARY RESTRAINING ORDER**

Defendants Lake County Board of Elections and Registration (“the Board” or “Board of Elections”), and the Honorable Thomas Philpot, Lake County Clerk (individually “Philpot,” and collectively with the Board, “LCBE”), by and through their respective undersigned attorneys, hereby move the Court to grant them leave to file *instanter* their 30-page Joint Memorandum of

Law in Opposition to Plaintiffs' Motion for Temporary Restraining Order. In support of this motion, the Board states that:

1. The Board's brief is 30 pages, which is 5 pages over the limit imposed by Local Rule 7.1. The Board has used its best efforts to confine their brief to comply with Local Rule 7.1. Nevertheless, they cannot adequately address the issues pertaining to Plaintiffs' request for a temporary restraining order in 25 pages.

WHEREFORE, the Board respectfully requests that the Court grant their motion for leave and permit them to file their 30-page Joint Memorandum of Law in Opposition to Plaintiffs' Motion for Temporary Restraining Order, *instanter*.

Dated: October 9, 2008

Respectfully submitted,

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On Behalf of Thomas Philpot, not individually
but as Lake County Clerk

On Behalf of Lake County Board of Elections

CERTIFICATE OF SERVICE

I hereby certify that on the 9th day of October, 2008, a copy of the foregoing **(i) Lake County Board of Elections' and Thomas Philpot's Joint Motion for Leave to File Instanter Oversized Memorandum of Law in Opposition to Plaintiffs' Motion for Temporary Restraining Order Thereto; and (ii) Lake County Board of Elections' and Thomas Philpot's Joint Memorandum of Law in Opposition to Plaintiffs' Motion for Temporary Restraining Order, and Exhibits Thereto** were filed electronically. Notice of this filing will be sent by operation of the Court's electronic filing system to the following counsel of record. Parties may access this filing through the Court's system:

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I also certify that on the 9th day of October, 2008, a copy of the forgoing was served by first class United States Mail, postage prepaid, and facsimile, upon the following counsel of record:

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/s/ Terrence J. Truax _____