

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF INDIANA  
HAMMOND DIVISION**

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.

Case No. 2:08 cv-00287-JVB

Lake County Board of Elections and Registration,  
and the Honorable Thomas Philpot, not  
individually but as Lake County Clerk,

Defendants.

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

Proposed Intervenor-Defendants.

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**PROPOSED INTERVENOR-DEFENDANTS' MOTION FOR LEAVE TO INTERVENE**

Proposed Intervenor-Defendants Linda Peterson, Roosevelt Phillips, Mary Aaron, Service Employees International Union, and Indiana State Conference of National Association for the Advancement of Colored People Branches, hereby move for leave to intervene in this case.

Proposed Intervenor-Defendants make this motion on the grounds that they meet the standards for intervention of right under Federal Rule of Civil Procedure 24(a) and for permissive intervention under Rule 24(b). As to intervention of right: Proposed Intervenor have timely sought intervention. They are voters and organizations with members in Gary, Hammond, and East Chicago that have an immediate and direct interest in the outcome of this lawsuit. Plaintiffs seek to prevent the Lake County Board of Elections from continuing early voting in those cities. The individual Proposed Intervenor will benefit from the Board's decision because they intend to vote early in the upcoming election, and will have difficulty doing so without accessible early voting in their communities. The organizational Proposed Intervenor have an interest in protecting their members' right to vote and participate in the democratic process. If the Court grants the relief requested by Plaintiffs, these interests will be substantially impaired. These interests are not adequately represented by the Board of Elections, which does not represent the Proposed Intervenor's particular interests in participating in the political process.

As to permissive intervention, again, Proposed Intervenor have timely sought intervention. Additionally, Proposed Intervenor's defenses to this lawsuit have questions in common with this action. Proposed Intervenor seek to intervene to show that the Board of Elections' decision to allow early voting in Gary, Hammond, and East Chicago is necessary to ensure that the right to participate equally in the democratic process that is protected by the

Indiana Constitution and civil rights laws is not infringed. Plaintiffs challenge the same decision. Thus, there are overlapping facts between Plaintiffs' claims and Proposed Intervenor's defenses regarding the decision the Board of Elections made to allow early voting.

This motion relies on the following: Intervenor-Defendants' [Proposed] Answer; the Declarations of Linda Peterson, Roosevelt Phillips, Mary Aaron, Deborah Stringer, Tom Balanoff, Barbara Bolling, Anne Arkush, Anne Macri, Nicole Taggares, and Alejandro Ventura; the Memorandum in Support of Motion for Leave to Intervene; the [Proposed] Memorandum in Opposition to Motion for Temporary Restraining Order and Preliminary Injunction; the complete files and records in this matter; and such other matters as may be called to the attention of the Court.

WHEREFORE, Proposed Intervenor-Defendants request that this Court grant them leave to intervene.

Dated: October 3, 2008

Respectfully submitted,

/s/Barry A. Macey

Barry A. Macey

Attorney No. 8964-49

MACEY SWANSON AND ALLMAN

445 N. Pennsylvania Street, Suite 401

Indianapolis, IN 46204

(317) 637-2345

Fax: (317) 637-2369

[bmacey@maceylaw.com](mailto:bmacey@maceylaw.com)

Stephen P. Berzon  
Jonathan Weissglass  
Danielle Leonard  
Anne Arkush  
ALTSHULER BERZON LLP  
177 Post Street, Suite 300  
San Francisco, CA 94108  
(415) 421-7151  
Fax: (415) 362-8064  
jw@altber.com

Mary Joyce Carlson  
MOTLEY RICE LLC  
28 Bridgeside Blvd.  
Mount Pleasant, SC 29464  
(843) 216-9000  
Fax: (843) 216-9450  
mjcarlson@motleyrice.com

Attorneys for Intervenor-Defendants