

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

INDIANA STATE CONFERENCE OF THE)	
NAACP, on behalf of all those similarly)	
situated,)	
)	
Plaintiff,)	
)	
v.)	CASE NO: 1:09-cv-0849-TWP-DML
)	
MICHAEL A. GARGANO, in his official)	
capacity as Secretary of the Indiana Family)	
and Social Services Administration, et al.,)	
)	
Defendants.)	

**UNOPPOSED MOTION TO DISMISS THE DEFENDANT INDIANA ELECTION
COMMISSIONERS WITH PREJUDICE**

Plaintiff Indiana State Conference of the NAACP respectfully moves this Court to enter an order dismissing with prejudice the Defendant Commissioners of the Indiana Election Commission. This motion is made pursuant to paragraph I.B of the Settlement Agreement in this matter [doc. 143-1], approved by this Court on August 25, 2011 [docs. 151 & 152], which provides as follows: “Upon Approval of this Agreement by the Court, Plaintiff shall file an unopposed motion to dismiss the Defendant Commissioners of the Indiana Election Commission with prejudice.” The dismissal of the Commissioners will not have any effect on the implementation of the Settlement Agreement since the Agreement does not provide that the Commissioners have any obligations or responsibilities under the Agreement.

The Defendant Election Commissioners named in the Amended Complaint [doc. 80], and sued in their official capacities, are: Thomas E. Wheeler; S. Anthony Long; Daniel A. Dumezich; and Sarah Steele Riordan. Subsequently, Mr. Wheeler was replaced on the Election Commission

by Bryce H. Bennett, Jr., and, pursuant to Rule 25(d) of the Federal Rules of Civil Procedure, Mr. Bennett was automatically substituted for Mr. Wheeler as a Defendant in this action.

Therefore, pursuant to the terms of the Settlement Agreement, Plaintiff moves for the dismissal, with prejudice, of Defendants Long, Dumezich, Riordan, and Bennett. Defendants do not oppose this motion.

Dated: September 23, 2011

Respectfully submitted,

s/ Mark A. Posner

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CERTIFICATE OF SERVICE

Mark A. Posner certifies that he caused a copy of the foregoing document to be served upon all counsel of record, by this Court's electronic-filing system, this 23rd day of September, 2011.

/s/ Mark A. Posner
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