

In the Indiana Supreme Court

Diego Morales, et al.,
Appellants,

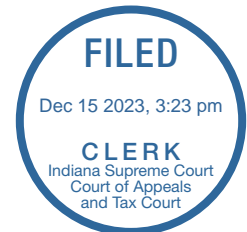
v.

John Rust,
Appellee.

Supreme Court Case No.
23S-PL-371

Trial Court Case No.
49D12-2309-PL-36487

FILED
December 15, 2023
CLERK OF THE COURT
MARION COUNTY
DS



Order

Appellants—Indiana Secretary of State Diego Morales, the Indiana Election Commission, and Jackson County Republican Party Chair Amanda Lowery—seek an expedited briefing schedule in this direct appeal.

On December 7, the trial court concluded that Indiana Code section 3-8-2-7(a)(4) violates Appellee’s rights under the First and Fourteenth Amendments to the U.S. Constitution. On December 8, Appellants filed a notice of direct appeal under Appellate Rule 4(A)(1)(b), which gives this Court mandatory and exclusive jurisdiction over appeals of final judgments declaring a state statute unconstitutional.

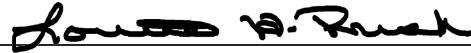
On December 12, Appellants moved to expedite the appeal under Appellate Rule 21(B) and to stay the enforceability of the trial court’s order under Appellate Rule 39. Appellants argue prompt resolution of this appeal is necessary to protect the State’s interest in regulating elections, including the May 2024 primary election. Appellee has opposed the motion.

Being duly advised, the Court GRANTS IN PART Appellants’ “Motion to Expedite Appeal and Verified Motion to Stay.” Appellants’ brief shall be due on or before **December 29, 2023**, Appellee’s response brief shall be due on or before **January 12, 2024**, and Appellants’ reply brief shall be due on or before **January 19, 2024**. The Court holds Appellants’ request to stay in abeyance. Any party wishing to appear as amicus and file a brief may do so by tendering a motion to appear under the deadlines set forth above and by following the other procedures set forth in Appellate Rule 41.

The Supreme Court will hear oral argument in this matter on **February 12, 2024, at 9:00 a.m.** The argument will be conducted in the Courtroom of the Indiana Supreme Court, 317 Statehouse, 200 West Washington Street, Indianapolis, Indiana. The argument will be 40 minutes, equally divided between the parties. Any entity granted amicus curiae status may argue without further motion, but only with the consent of the party with whom the amicus curiae is substantively aligned. Appellants shall open the argument. Attorneys of record shall file an

acknowledgment of the hearing no later than fifteen days after service of this order and should arrive at least twenty minutes before the scheduled start of the argument to complete an appearance form. Important information about oral argument procedures is in Appellate Rules 52 and 53, and at <https://www.in.gov/courts/supreme/arguments/instructions/>. Contact Supreme Court Services at 317-233-8700 with questions not answered on the website or by the rules.

Done at Indianapolis, Indiana, on 12/15/2023.

A handwritten signature in black ink, appearing to read "Loretta H. Rush", is written over a horizontal line.

Loretta H. Rush

Chief Justice of Indiana

All Justices concur.