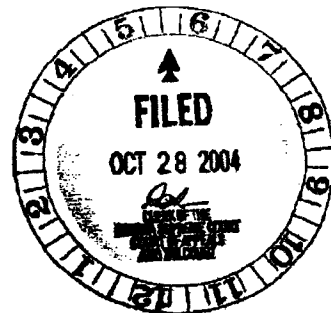


IN THE
COURT OF APPEALS OF INDIANA



JEFFREY M. LEE, JIM KITTLE,)
in his Official Capacity as Chairman)
of the Indiana State Republican)
Central Committee, et al.,)

Appellants-Defendants,)

vs.)

CAUSE NO. 84A04-0410-CV-575

INDIANA STATE DEMOCRATIC)
CENTRAL COMMITTEE and)
DORA MAE ABEL,)

Appellees-Plaintiffs.)

ORDER

The Appellants, by counsel, have filed an Emergency Motion for Stay. The Appellees have filed a Response.

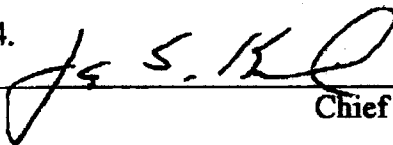
The Appellants ask the Court to stay enforcement of the trial court's October 27, 2004 ruling, which granted the Appellees' request for a preliminary injunction. The preliminary injunction enjoins Co-Chairs Kristi Roberston and J. Bradley King of the Indiana Election Division from certifying any replacement candidate for the election for House District 46 as part of the general election scheduled for November 2, 2004. This ruling prevents the Appellants from withdrawing Jeffrey M. Lee as the candidate for the House District 46 election and replacing him with R. Brooks LaPlante.

As required by Appellate Rule 39(B), the Appellants have first asked the trial court to stay execution of the preliminary injunction. On October 28, 2004, the trial court denied the request for stay. Accordingly, the Emergency Motion for Stay now before the Court is ripe for appellate consideration.

Having reviewed the matter, the Court FINDS AND ORDERS AS FOLLOWS:

- 1) This matter presents issues of significant public import.
- 2) Adequate remedies exist at law in the event that R. Brooks LaPlante is wrongly placed on the ballot, but there is no adequate remedy if he is wrongly kept off the ballot.
- 3) The issuance of the stay requested a) will have the effect of disenfranchising the fewest number of voters, and b) will allow the parties the full opportunity to develop their positions and present their arguments to this Court.
- 4) It is, therefore, ORDERED that enforcement of the trial court's October 27, 2004 preliminary injunction is IMMEDIATELY STAYED pending further order of the Court.
- 5) The Clerk of this Court is directed to send certified copies of this order by certified mail and facsimile *instanter* to the following: all parties of record, the Honorable Thomas E. Johnson, Special Judge of the Vigo Superior Court, Division 3, 301 Courthouse, 100 Courthouse Square, Sullivan, Indiana 47882-1559, and William Mansard, Clerk of Vigo Circuit and Superior Courts, 33 South 3rd Street, Terre Haute, IN 47807.
- 6) Mr. Mansard is directed to file a copy of this order under trial cause number 84D03-0409-MI-9204 and cause the same to be spread of record.

ORDERED this 28 day of October, 2004.



Chief Judge

Kirsch, C.J., Sullivan, Baker, J.J., concur.