

STATE OF INDIANA ) BEFORE THE INDIANA RECOUNT COMMISSION  
 ) SS:  
COUNTY OF MARION ) SITTING AT INDIANAPOLIS, INDIANA

PAULA K. COPENHAVER, )  
 )  
 Petitioner, )  
 v. )  
 )  
SPENCER R. DEERY, )  
 )  
 Respondent. )

INDIANA ELECTION DIV  
MAY 21 '26 PM 2:06

**PETITIONER’S MOTION TO HOLD IN ABEYANCE  
SUBPOENA REQUESTS FOR THREE VOTERS**

Petitioner Paula K. Copenhaver, by counsel, respectfully moves the Indiana Recount Commission (the “Commission”) to hold in abeyance three of Petitioner’s pending requests to subpoena specific voters as set forth in her previously filed *Motion to Subpoena Voters for Depositions* (the “Motion to Subpoena”). In the Motion to Subpoena, filed on May 18, 2026, Petitioner requested that the Commission issue subpoenas for fourteen (14) identified voters A–N to appear for depositions to be examined on whether they voted in the Republican Primary for Indiana Senate District 23 in violation of Ind. Code § 3-10-1-6 and, if so, for whom they voted. Petitioner has confirmed that, according to statewide voter file data, three of the identified individuals—Voter B, Voter C, and Voter M—do not reside within Indiana Senate District 23 (“District 23”), although they have personally suggested or implied that they voted in District 23’s Republican Primary.<sup>1</sup>

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<sup>1</sup>See Exhibit B at 4 (Voter B responding to reporter Dave Bangert’s May 9, 2026, Facebook Post (the “Bangert Post”) asking “Who here crossed over to pull a Republican ballot in the Indiana Senate District 23 primary Tuesday?”, stating “I thought really hard about it... Plus, Deery did work to protect out water when the IEDC wanted to take it.”); See Exhibit B at 3 (Voter C responding to comments in the Bangert Post, stating “I always vote straight D and took an R for primary!”); See Exhibit D at 2 (Voter M responding to another post concerning District 23’s Republican Primary, stating “He [Deery] got my vote and I’m liberal as hell...”).

At present it is not possible to ascertain with absolute certainty whether Voter B, Voter C, and/or Voter M participated in District 23's Republican Primary. It is possible that statewide voter file data concerning their current residence is inaccurate and/or that these individuals sought to vote via provisional ballot in District 23. At the same time, information obtained through the Recount will likely provide additional insight into whether Voter B, Voter C, or Voter M voted in District 23's Republican Primary. Therefore, to avoid expending resources on deposing individuals which some evidence suggests may not reside in Senate District 23, Petitioner respectfully moves the Commission to hold in abeyance Petitioner's request for deposition subpoenas solely as to Voter B, Voter C, and Voter M. Petitioner maintains her request for the Commission to promptly issue deposition subpoenas authorizing her to depose the remaining eleven identified voters named in her Motion to Subpoena, i.e., Voters **A, D, E, F, G, H, I, J, K, L, and N**.

Respectfully Submitted,

KROGER, GARDIS & REGAS, LLP

*/s/ William Bock III*

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**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing was served upon the following by First Class United States Mail, postage prepaid this 21<sup>st</sup> day of May 2026.

Spencer R. Deery  
3723 Westmoreland Drive  
West Lafayette, IN 47906

*/s/ William Bock III* \_\_\_\_\_

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