

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

THE ASSOCIATED PRESS, STATES  
NEWSROOM d/b/a Indiana Capital Chronicle,  
GANNETT CO., INC., CIRCLE CITY  
BROADCASTING I, LLC, and TEGNA INC.,

*Plaintiffs,*

v.

RON NEAL, *in his official capacity as the  
Superintendent of Indiana State Prison*, and  
LLOYD ARNOLD, *in his official capacity as  
the Commissioner of the Indiana Department  
of Correction*,

*Defendants.*

Case No. 1:25-cv-872-JMS-MJD

**MOTION REQUESTING EXPEDITED HEARING**

Pursuant to Local Rule 7-5(a), Plaintiffs respectfully request that this Court conduct a hearing on an expedited basis, on or before May 16, 2025, on Plaintiffs' Motion for Preliminary Injunction, ECF 19. In support of this request, Plaintiffs state as follows:

1. On May 12, 2025, Plaintiffs filed a Motion for Preliminary Injunction, ECF 19 (the "PI Motion").

2. Plaintiffs' PI Motion seeks to enjoin Defendants Ron Neal and Lloyd Arnold from enforcing or implementing Indiana Code § 35-38-6-6(a), which limits the categories of witnesses who may attend executions performed by the State and denies access to Plaintiffs and their journalists to execution proceedings, including the upcoming execution of Benjamin Ritchie which is scheduled to take place between midnight and sunrise on May 20, 2025. *Ritchie v. State*, 254 N.E.3d 1064, 1065 (Ind. 2025), *reh'g denied*, No. 24S-SD-342, 2025 WL 1248038 (Ind. Apr. 30, 2025). Plaintiffs' PI Motion likewise seeks to enjoin Defendants from enforcing ISP 06-26,

Defendants' policy implementing Indiana Code § 35-38-6-6(a), which provides that members of the press "shall not be permitted to witness the execution or to be in the Execution Chamber."

3. Oral argument on Plaintiffs' PI Motion is necessary because this case involves constitutional issues of first impression in the Seventh Circuit that will impact the press and the public's ability to access important and timely information about execution proceedings, including the execution of Mr. Ritchie scheduled for May 20, 2025. A hearing would facilitate this Court's review of the parties' arguments and evidence on an expedited basis.

4. Plaintiffs estimate that oral argument on Plaintiffs' PI Motion should last a total of 60 minutes, with 30 minutes provided to each side. ECF 19, Pls.' Mot. Prelim. Inj. ¶ 9.

5. To ensure Plaintiffs are not irreparably harmed by being deprived access to the scheduled May 20, 2025 execution of Mr. Ritchie, Plaintiffs respectfully request that the Court schedule the requested hearing on an expedited basis on or before May 16, 2025. If Plaintiffs' PI Motion is not heard prior to May 20, 2025, Plaintiffs, their journalists, and the public will be irreparably harmed by the denial of access to Mr. Ritchie's execution. Plaintiffs will be unable to fulfill their role as "surrogates for the public," *Richmond Newspapers, Inc. v. Virginia*, 448 U.S. 555, 573 (1980) (plurality opinion), to provide critical information about the execution proceeding, including whether the execution proceeds as planned, or whether the condemned is subjected to extreme suffering.

6. A proposed order setting a schedule for further proceedings on Plaintiffs' PI Motion, including the hearing requested herein, was filed concurrently with that motion. ECF 19-1.

7. Plaintiffs have conferred with Defendants regarding the proposed expedited schedule set forth here and in Plaintiffs' PI Motion; Defendants stated that they oppose Plaintiffs' proposal.

For the foregoing reasons, Plaintiffs respectfully request that this Court conduct a hearing on an expedited basis on Plaintiffs' Motion for Preliminary Injunction, ECF 19.

Dated: May 12, 2025

/s/ Kristopher L. Cundiff

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