

**BEFORE THE
INDIANA RECOUNT COMMISSION**

IN THE MATTER OF THE RECOUNT AND
CONTEST FOR THE REPUBLICAN PARTY
NOMINATION FOR ELECTION OF INDIANA
STATE SENATE, DISTRICT 15

DARREN VOGT,
Petitioner,

v.

LIZ BROWN,
Respondent.

**RESPONDENT'S NOTICE OF PETITIONER'S FAILURE TO
RESPOND AND REQUEST FOR RULING ON UNOPPOSED
MOTION TO DISMISS CONTEST CLAIMS**

Respondent Liz Brown, by counsel, respectfully files this Notice of Petitioner's Failure to Respond and Request for Ruling on Respondent's Unopposed Motion to Dismiss Contest Claims. In support, Respondent states as follows:

1. On May 26, 2026, Respondent filed her Motion to Dismiss Contest Claims.
2. The Motion seeks dismissal only of the contest portion of Petitioner Darren Vogt's Verified Petition for Recount and Contest. It does not seek dismissal of the recount portion of the Petition.
3. The Motion explains that Petitioner's contest claim appears in Paragraph 9 of the Petition and recites three statutory grounds in the alternative: a mistake in the printing or distribution of ballots, a mistake in programming an electronic voting system, or a malfunction of an electronic voting system.

4. The Motion further explains that, because Petitioner invoked those grounds, Indiana Code § 3-12-11-3(c) required him to identify each precinct in which the alleged mistake or malfunction occurred. The Petition identifies no such precinct.

5. On June 5, 2026, the Recount Director entered Order 2026-22, setting a briefing schedule on Respondent's Motion. The Order provided that any response and/or objection to Respondent's Motion to Dismiss Contest Claims was due on or before June 26, 2026. The Order further provided that any reply was due on or before July 6, 2026.

6. Petitioner did not file a response or objection by the deadline set in Order 2026-22. Nor, to Respondent's knowledge, has Petitioner requested an extension, modification, or clarification of that deadline.

7. Because no response was filed, there are no new arguments, facts, or issues for Respondent to address by reply. Respondent's Motion is therefore ripe for decision and stands unopposed.

8. Indiana Code § 3-12-11-12(d) requires the Commission to rule on a motion to dismiss a recount or contest petition before ordering or continuing with a recount or contest. Respondent's Motion identifies the statutory requirement Petitioner failed to satisfy and explains why the defect requires dismissal of the contest claim.

9. Petitioner's failure to respond does not change the statutory question before the Commission. It confirms only that Petitioner has offered no answer to Respondent's showing that the contest claim fails to comply with Indiana Code chapter 3-12-11.

10. Respondent therefore respectfully requests that the Commission grant Respondent's Motion to Dismiss Contest Claims, dismiss Paragraph 9 and the contest portion of the Verified Petition, deny any post-deadline effort to amend the contest claim, and confirm that the recount portion of the Petition may proceed.

WHEREFORE, Respondent Liz Brown respectfully requests that the Commission enter an order granting Respondent's unopposed Motion to Dismiss Contest Claims,

dismissing the contest portion of the Verified Petition, confirming that the recount portion may proceed, and granting all other just and proper relief.

Respectfully submitted,

/s/ Joshua Claybourn

Joshua Claybourn, Atty No. 26305-49
SHILOH COUNSEL LLC
P.O. Box 5093
Evansville, Indiana 47716
Telephone: (812) 480-6224
Email: jclaybourn@shilohcounsel.com

Grant E. Swartzentruber, Atty No. 29792-14
Alec Cornelius, Atty No. 40001-82
SWARTZENTRUBER LAW
412 E. Flora St., Suite 1
Washington, Indiana 47501
Telephone: (812) 254-7268
Email: grant@swartzentruberlaw.com
alec@swartzentruberlaw.com

Counsel for Respondent Liz Brown

CERTIFICATE OF SERVICE

I certify that on June 28, 2026, a true and correct copy of the foregoing Respondent's Motion to Dismiss Contest Claims was served by email on:

Darren Vogt
DarrenVogt69@gmail.com
Pro se party

Indiana Recount Commission
c/o Indiana Election Division
Attn: Evan Norris, Recount Director
302 W. Washington Street, Room E204
Indianapolis, IN 46204
enorris@dsvlaw.com

jkraft@dsvlaw.com
nplopper@dsvlaw.com
ndrake@dsvlaw.com

Dustin Renner, SOS Election Director
durenner@sos.in.gov

J. Bonnet, SOS Chief Legal Counsel
jbonnet@sos.in.gov

Matt Kochevar, SOS Co-General Counsel
mkochevar@iec.in.gov

Kegan Prentice, IED Counsel
kprentice@sos.in.gov

Indiana State Board of Accounts
Attn: Matt Black
mablack@sboa.in.gov

/s/ Joshua Claybourn
Joshua Claybourn