

STATE OF INDIANA )  
 ) SS:  
COUNTY OF LAKE )

IN THE LAKE SUPERIOR COURT  
  
SITTING AT EAST CHICAGO, INDIANA

ANTON WILLIAMS,  
  
Petitioner,

v.

PATTIE JO GIBSON-KING, and  
WANDA CAVAZOS, and  
LAKE COUNTY BOARD OF  
ELECTIONS AND VOTER  
REGISTRATION,

Respondents.

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) CASE NUMBER: 45D02-2211-MI-000791  
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**Filed in Open Court**

**DEC 08 2022**

*Michael A. Brown*  
CLERK LAKE SUPERIOR COURT

### **ORDER REGARDING RECOUNT AND APPOINTMENT OF COMMISSIONERS**

Comes now the Petitioner, Anton Williams, by counsel, John Cantrell, and Respondent Lake County Board of Elections and Voter Registration (whose true name is Lake County Board of Elections and Registration ("the Board")), by counsel, Michael E. Tolbert, and appear for the verified Petition for Recount heretofore filed, and the hearing scheduled for Monday, December 5, 2022, at 1:30 p.m. Respondents Pattie Jo Gibson-King and Wanda Cavazos did not appear.

And the Court, being duly advised in the premises, hereby finds as follows, to-wit:

1. A general election was conducted on November 8, 2022, for the democratic nomination for office of East Chicago School Board District 2, Lake County, Indiana.
2. Excepting the Board, the denominated parties herein were candidates for the nomination for said office.
3. The Petitioner timely filed his Petition for Recount, pursuant to statute, and the Board appeared by their respective counsel, and the time for filing of cross-petitions has expired. Respondents Pattie Jo Gibson-King and Wanda Cavazos did not appear.
4. The Petitioner desires a recount of votes cast on November 8, 2022, for the nomination for the East Chicago School Board District 2, Lake County, Indiana for the following precincts within Lake County, Indiana pursuant to I.C. 3-12-6: EC Precinct 13, inclusive; EC Precinct 17, inclusive; EC Precinct 25, inclusive; EC Precinct 28, inclusive; EC Precinct 31, inclusive.

5. The above amounts to a total of five (5) precincts.

6. The Petitioner will post a cash bond, pursuant to statute, in the amount of \$100 by December 8, 2022.

7. The Petitioner is entitled to a recount of all votes cast in the above-referenced precincts for the nomination for the office of East Chicago School Board District 2, Lake County, Indiana on November 8, 2022, when it is demonstrated that all applicable legal requirements have been met, which include but are not limited to, notice and bonding requirements found in IC 3-12-6. The Court determines that the immediate appointment of a recount commission is required by law when all legal requirements have been satisfied.

BASED ON THE FOREGOING FINDINGS, THE COURT NOW GRANTS THE FOLLOWING ORDERS AND RELIEF:

A. IT IS ORDERED that the Petition of the Petitioner, Anton Williams, for recount of said General Election for the precincts identified above should be, and hereby is, granted upon the filing of a \$100 bond by December 8, 2022, and the filing of proof that all statutory notice requirements have been satisfied pursuant to I.C. 3-12-6-14 by December 9, 2022;

B. FURTHER, pursuant to I.C. 3-12-6-16 and contingent upon satisfying the requirements set forth in Section A, the Court orders the appointment of the following three (3) persons as members of the Recount Commission in this cause:

1. Ray Lopez – 4016 Alder Street East Chicago, Indiana 46312;
2. Christine Russell - 4210 Elm Street East Chicago, Indiana 46312; and
3. Andre Manzo – 2293 N. Main Street Building A205, 2<sup>nd</sup> Floor, Crown Point, Indiana 46307.

The Court finds that the appointees designated above as Numbers 1 and 2 are members of different major political parties of the State and were qualified to vote at the election in Lake County wherein the office at issue in this cause is located; and that the appointee designated Number 3 above is a competent mechanic who is familiar with the ballot card voting system or electronic voting system used in said election, all as required by I.C. 3-12-6-16.

C. FURTHER, IT IS ORDERED that if all statutory requirements and conditions set forth in this Order are met by the Petitioner, that said Recount Commission convene and conduct the recount on the 16th of December, 2022, at 11:00 a.m., at the Lake County Government Center Complex, at the ballot/voting machine storage facility, and there and then examine and review the votes cast in said election and the votes offered to be cast in said election in the identified Precincts and tally the votes properly cast or offered to be cast and thereafter, upon completion, act in accordance with the applicable sections of I.C. 3-12-6 et. seq.

D. IT IS FURTHER ORDERED, each member of the Recount Commission shall be entitled to a per diem of one-hundred Dollars (\$100) as compensation for each day actually engaged in making the recount.

E. FURTHER, THE COURT ORDERS that said recount shall be conducted for all precincts identified herein for the nomination of the office East Chicago School Board District 2, Lake County, Indiana upon the showing by Petitioner of satisfying applicable statutory requirements and/or the conditions set forth in this Order.

F. Further, the Recount Commission shall be performed consistent with the Indiana Open Door Law and pursuant to I.C. 3-12-6-21. Notice of the Recount shall be given pursuant to the Indiana Open Door Law.

G. Each of the candidates for said nomination for said office should be allowed to be present at the said recount proceedings and to also have present thereat, at his option, the following persons, to-wit: a watcher designated by him, and legal counsel.

H. Representatives of the media should be allowed to attend the said recount proceedings

I. FURTHER, the Lake County Board of Elections and Registration and all others acting in participation, aid and concert with them shall immediately deliver to the custody of Michelle Fajman and LeAnn Angerman ("Director" and "Assistant Director" and "Directors" collectively) Lake County Board of Elections and Registration, the following items used or related to the election of the Office of East Chicago School Board District 2, Lake County, Indiana held on November 8, 2022:

- a. All ballots (including without limitation any and all paper ballots and absentee ballots) voting machines and electronic voting systems of any kind used at said election for casting votes in the precincts;
- b. All tally sheets or similar papers used in or relating to the votes cast for nomination to the Office of East Chicago School Board District 2, Lake County, Indiana said election; and
- c. All poll lists of persons registered by the poll clerks at each precinct as having voted for nomination or election to the office or being otherwise used in the canvass, aggregation of vote totals, and tabulation of the result.

J. It is further ordered, that all of the items described in the above-referenced paragraph shall be placed in a separate room or fully partitioned area at the Lake County Government Center and shall then and there be placed under lock and key, said key to be held by Directors pending the further orders of this Court or of the Recount Commission which may be duly constituted by further orders of this Court in these proceedings. Directors shall have sole authority to admit access to said room, under their supervision, to the combined Board of Registration or Election for the purpose of copying election material, other than ballots.

K. FURTHER, the Clerk shall send a copy of this Order to the parties named herein, or to their counsel, and to the members of the Recount Commission.

L. FURTHER, Petitioner shall serve Pattie Jo Gibson-King and Wanda Cavazos a copy of this Order by December 9, 2022, and proof of said service shall be filed with the Court.

M. FURTHER, said Petition is denied and the Recount Commission does not have to convene if the Petitioner fails to satisfy the statutory requirements and/or the conditions set forth in this Order, which include but are not limited to, the filing of a \$100 bond by December 8, 2022, and the filing of proof that all statutory notice requirements have been satisfied pursuant to I.C. 3-12-6-14 by December 9, 2022.

ALL ORDERED and DECREED this 8<sup>th</sup> day of December 2022.

  
JUDGE, LAKE SUPERIOR COURT

Distribution: Michael E. Tolbert, Tolbert & Tolbert, LLC, 1085 Broadway, Ste. B, Gary, IN 46402  
John Cantrell, Cantrell & Cantrell, 7233 Indianapolis Blvd. Hammond, IN 46324  
Anton Williams, 2545 Cardinal Dr., East Chicago, IN 46312  
Pattie Jo Gibson-King, 4102 Parish Avenue, East Chicago, IN 46312  
Wanda Cavazos, 1710 East 142<sup>nd</sup> Ave., East Chicago, IN 46312  
Ray Lopez, 4016 Alder Street East Chicago, Indiana 46312  
Christine Russell, 4210 Elm Street East Chicago, Indiana 46312  
Andre Manzo, 2293 N. Main Street Building A205, 2nd Floor, Crown Point, Indiana 46307.