

**UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

Civil Action No. 3:20-CV-215

JIM BOGNET; DONALD K. MILLER;
DEBRA MILLER; ALAN CLARK; AND
JENNIFER CLARK

Plaintiffs,

v.

KATHY BOOCKVAR, in her capacity as Secretary of the Commonwealth of Pennsylvania, ADAMS COUNTY BOARD OF ELECTIONS, ALLEGHENY COUNTY BOARD OF ELECTIONS, ARMSTRONG COUNTY BOARD OF ELECTIONS, BEAVER COUNTY BOARD OF ELECTIONS, BEDFORD COUNTY BOARD OF ELECTIONS, BERKS COUNTY BOARD OF ELECTIONS, BLAIR COUNTY BOARD OF ELECTIONS, BRADFORD COUNTY BOARD OF ELECTIONS, BUCKS COUNTY BOARD OF ELECTIONS, BUTLER COUNTY BOARD OF ELECTIONS, CAMBRIA COUNTY BOARD OF ELECTIONS, CAMERON COUNTY BOARD OF ELECTIONS, CARBON COUNTY BOARD OF ELECTIONS, CENTRE COUNTY BOARD OF ELECTIONS, CHESTER COUNTY BOARD OF ELECTIONS, CLARION COUNTY BOARD OF ELECTIONS, CLEARFIELD COUNTY BOARD OF ELECTIONS, CLINTON COUNTY BOARD OF ELECTIONS, COLUMBIA COUNTY BOARD OF ELECTIONS, CRAWFORD COUNTY BOARD OF ELECTIONS, CUMBERLAND COUNTY BOARD OF ELECTIONS, DAUPHIN COUNTY BOARD OF ELECTIONS, DELAWARE COUNTY BOARD OF ELECTIONS, ELK COUNTY BOARD OF ELECTIONS, ERIE COUNTY

**PLAINTIFFS' MOTION FOR AN
IMMEDIATE TEMPORARY
RESTRAINING ORDER AND A
PRELIMINARY INJUNCTION AND
EXPEDITED HEARING AS SOON AS
PRACTICABLE**

BOARD OF ELECTIONS, FAYETTE
COUNTY BOARD OF ELECTIONS,
FOREST COUNTY BOARD OF
ELECTIONS, FRANKLIN COUNTY
BOARD OF ELECTIONS, FULTON
COUNTY BOARD OF ELECTIONS,
GREENE COUNTY BOARD OF
ELECTIONS, HUNTINGDON COUNTY
BOARD OF ELECTIONS, INDIANA
COUNTY BOARD OF ELECTIONS,
JEFFERSON COUNTY BOARD OF
ELECTIONS, JUNIATA COUNTY BOARD
OF ELECTIONS, LACKAWANNA
COUNTY BOARD OF ELECTIONS,
LANCASTER COUNTY BOARD OF
ELECTIONS, LAWRENCE COUNTY
BOARD OF ELECTIONS, LEBANON
COUNTY BOARD OF ELECTIONS,
LEHIGH COUNTY BOARD OF
ELECTIONS, LUZERNE COUNTY BOARD
OF ELECTIONS, LYCOMING COUNTY
BOARD OF ELECTIONS, MCKEAN
COUNTY BOARD OF ELECTIONS,
MERCER COUNTY BOARD OF
ELECTIONS, MIFFLIN COUNTY BOARD
OF ELECTIONS, MONROE COUNTY
BOARD OF ELECTIONS, MONTGOMERY
COUNTY BOARD OF ELECTIONS,
MONTOUR COUNTY BOARD OF
ELECTIONS, NORTHAMPTON COUNTY
BOARD OF ELECTIONS,
NORTHUMBERLAND COUNTY BOARD
OF ELECTIONS, PERRY COUNTY BOARD
OF ELECTIONS, PHILADELPHIA
COUNTY BOARD OF ELECTIONS, PIKE
COUNTY BOARD OF ELECTIONS,
POTTER COUNTY BOARD OF
ELECTIONS, SCHUYLKILL COUNTY
BOARD OF ELECTIONS, SNYDER
COUNTY BOARD OF ELECTIONS,
SOMERSET COUNTY BOARD OF
ELECTIONS, SULLIVAN COUNTY
BOARD OF ELECTIONS, SUSQUEHANNA
COUNTY BOARD OF ELECTIONS, TIOGA
COUNTY BOARD OF ELECTIONS, UNION
COUNTY BOARD OF ELECTIONS,

VENANGO COUNTY BOARD OF ELECTIONS, WARREN COUNTY BOARD OF ELECTIONS, WASHINGTON COUNTY BOARD OF ELECTIONS, WAYNE COUNTY BOARD OF ELECTIONS, WESTMORELAND COUNTY BOARD OF ELECTIONS, WYOMING COUNTY BOARD OF ELECTIONS, AND YORK COUNTY BOARD OF ELECTIONS

Defendants.

For the reasons set forth in the accompanying Brief, Plaintiffs Jim Bognet, Donald K. Miller, Debra Miller, Alan Clark, and Jennifer Clark, respectfully request that this Court enter an immediate temporary restraining order to restrain the Secretary of the Commonwealth Kathy Boockvar and the 67 County Boards of Elections (collectively, “Defendants”) from following an unconstitutional policy announced by the Pennsylvania Supreme Court in a recent decision. Plaintiffs also respectfully request, given the exigent circumstances presented by the impending election in Pennsylvania, that this Court schedule an expedited hearing and issue a preliminary injunction as soon as practicable. Attached for the Court’s convenience is a copy of the stay opposition filed by Secretary Boockvar in the U.S. Supreme Court in a case raising issues similar to those at issue here. *See* Resp. in Opp. To Emergency App. For Stay, *Scarnati, et al., v. Boockvar, et al.*, No. 20A53 (U.S. 2020) (attached hereto as Exhibit 1).

Plaintiffs’ counsel provided Defendants notice of the filing of their complaint by emailing today a copy of that complaint to Defendants’ counsel listed in the Certificate of Service with the exception of Butler County for whom we will mail a copy of the complaint. Plaintiffs’ counsel also informed Defendants’ counsel in that notice that they planned on filing a motion for a temporary restraining order and preliminary injunction expeditiously. As of this filing, none of the counsel contacted have consented to the relief Plaintiffs seek. *See* Decl. of Nicole J. Moss (attached

hereto as Exhibit 2). Immediately prior to filing this motion with the Court, Plaintiffs provided additional notice of this motion to Defendants by emailing the motion and accompanying brief to Defendants' counsel with the exception of Butler County for whom we will mail a copy of the motion and accompanying brief.

Dated: October 22, 2020

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**Pro hac vice* application
forthcoming

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on this 22nd Day of October, 2020, I caused the foregoing document to be filed electronically with the Clerk of the Court through the CM/ECF System for filing and served on counsel registered to receive CM/ECF notifications in this case. I also caused the foregoing document to be e-mailed to the following counsel for Defendants at the email address identified below and if no such email address is identified to be mailed, via First Class mail, to the mailing addresses identified below:

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**Pro hac vice* application
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