

In the United States District Court  
For the Middle District of Pennsylvania  
Williamsport Division

**LAMARR PIRKLE, THEODORE  
DANNERETH, LAUREN DANKS, and  
CASEY FLYNN,**

*Plaintiffs,*

v.

**GOVERNOR THOMAS W. WOLF,**  
in his official capacity, **KATHRYN  
BOOCKVAR,** secretary of the Com-  
monwealth of Pennsylvania, in her  
official capacity,

*Defendants*

Case No.: **4:20-cv-02088-MWB**

**Motion for Declaratory and Permanent  
Injunctive Relief**

**Motion for Declaratory and  
Permanent Injunctive Relief**

Plaintiffs LaMarr Pirkle, Theodore Dannereth, Lauren Danks, and Casey Flynn (“Voters”) move for declaratory and permanent injunctive relief as requested in the Prayer for Relief of their Verified Complaint for Declaratory and Injunctive Relief:

1. Declare that the inclusion of illegal votes in identified counties violates Voters’ right to vote under the First and Fourteenth Amendment by vote-dilution disenfranchisement.
2. Declare that the proper remedy for this constitutional violation as applied to presidential-election results is to exclude presidential-election results from those counties for the Presidential Elector certification under 3 U.S.C. § 6 for this state.
3. Under that remedy, declare that there is sufficient evidence that illegal votes were counted in the identified county or counties to change or place in doubt the results of the November 3, 2020 presidential election results in contested counties, so that the county’s presidential-election results must be invalidated.
4. Enjoin Defendants from preparing and conducting the certification activi-

ties for Presidential Electors described in 3 U.S.C. § 6 (and applicable state law implementing the federal provision) without excluding the presidential-election results from the identified counties.

ECF 1 at 18.

Those activities, as described in 3 U.S.C. § 6, follow:

It shall be the duty of the executive of each State, as soon as practicable after the conclusion of the appointment of the electors in such State by the final ascertainment, under and in pursuance of the laws of such State providing for such ascertainment, to communicate by registered mail under the seal of the State to the Archivist of the United States a certificate of such ascertainment of the electors appointed, setting forth the names of such electors and the canvass or other ascertainment under the laws of such State of the number of votes given or cast for each person for whose appointment any and all votes have been given or cast; and it shall also thereupon be the duty of the executive of each State to deliver to the electors of such State, on or before the day on which they are required by section 7 of this title to meet, six duplicate-originals of the same certificate under the seal of the State; and if there shall have been any final determination in a State in the manner provided for by law of a controversy or contest concerning the appointment of all or any of the electors of such State, it shall be the duty of the executive of such State, as soon as practicable after such determination, to communicate under the seal of the State to the Archivist of the United States a certificate of such determination in form and manner as the same shall have been made; and the certificate or certificates so received by the Archivist of the United States shall be preserved by him for one year and shall be a part of the public records of his office and shall be open to public inspection; and the Archivist of the United States at the first meeting of Congress thereafter shall transmit to the two Houses of Congress copies in full of each and every such certificate so received at the National Archives and Records Administration.

Voters provide a separate memorandum in support.

Date: November 12, 2020

Respectfully Submitted,

/s/ Anita Y. Milanovich

Anita Y. Milanovich (MT #12176)\*

*Of Counsel*

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*Lead Counsel for Plaintiffs*

*\*pro hac vice application granted 11/12/20*

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*Local Counsel for Plaintiffs*

### **Certificate of Service**

I hereby certify that on November 12, 2020, I caused the foregoing Motion to be filed with the United States District Court for the Middle District of Pennsylvania, Williamsport Division, via the Court's CM/ ECF system, which served all counsel of record.

/s/ Anita Y. Milanovich  
Anita Y. Milanovich (MT #12176)  
*Counsel for Plaintiffs*