

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

Joseph Drenth, and the	:	
National Federation of the	:	
Blind of Pennsylvania,	:	
	:	
Plaintiffs,	:	
	:	
v.	:	
	:	
Kathy Boockvar,	:	
Secretary of the Commonwealth,	:	
in her official capacity, and the	:	
Department of State of the	:	
Commonwealth of Pennsylvania,	:	
	:	
Defendants.	:	
	:	

**PLAINTIFFS’ MOTION FOR A TEMPORARY RESTRAINING ORDER
OR, IN THE ALTERNATIVE, A PRELIMINARY INJUNCTION**

Plaintiffs Joseph Drenth and the National Federation of the Blind of Pennsylvania (collectively, “Plaintiffs”), by their undersigned counsel and pursuant to Fed. R. Civ. P. 65 and 42 U.S.C. § 12188(a)(2), move the Court to issue a temporary restraining order (or, in the alternative, a preliminary injunction) against Defendant Kathy Boockvar, in her official capacity as Secretary of the Commonwealth, and Defendant Department of State of the Commonwealth of Pennsylvania, prohibiting Defendants from violating Title II of the Americans with Disabilities Act (“ADA”), 42 U.S.C. §§ 1201-12213, and Section 504 of the

Rehabilitation Act of 1973 (“Section 504”), 29 U.S.C. § 794, and requiring Defendants to make absentee and mail-in ballots accessible in time for the June 2, 2020 primary elections. The attached Memorandum of Law and accompanying exhibits further explains the legal basis for this Motion.

WHEREFORE, Plaintiffs request that their Motion be granted and that the Court issue an immediate temporary restraining order against Defendants for the June 2, 2020 primary election.

Respectfully submitted,

Dated: May 21, 2020

/s/ Kelly Darr
Kelly Darr (PA 80909)
Disability Rights Pennsylvania
1800 J.F. Kennedy Blvd.
Suite 900
Philadelphia, PA 19103-7421
Phone: 215-238-8070
Fax: 215-238-8070
kdarr@disabilityrightspa.org

/s/ Kobie Flowers
Kobie Flowers (MD 0106200084)
Sharon Krevor-Weisbaum
(MD 8712010337)
James Strawbridge (MD 1612140265)
Brown Goldstein & Levy
120 E. Baltimore St., Ste. 1700
Phone: 410-962-1030
Fax: 410-385-0869
kflowers@browngold.com
skw@browngold.com
jstrawbridge@browngold.com

Counsel for Plaintiffs

CERTIFICATE OF SERVICE

I, Kelly Darr, hereby certify that the Memorandum of Law in Support of Plaintiffs' Motion for a Temporary Restraining Order, Or in the Alternative, Preliminary Injunction was served by email (on May 21, 2020) and will be sent by mail (on May 22, 2020) to:

Kathy Boockvar, Secretary of the Commonwealth
Department of State
302 North Office Building
401 North Street
Harrisburg, PA 17120-0500
kboockvar@pa.gov

Timothy E. Gates, Chief Counsel
Department of State
Penn Center
2601 North Third Street
Harrisburg, PA 17110
tgates@pa.gov

/s/ Kelly Darr
Kelly Darr (PA 80909)
Disability Rights Pennsylvania
1800 J.F. Kennedy Blvd.
Suite 900
Philadelphia, PA 19103-7421
Phone: 215-238-8070
Fax: 215-238-8070
kdarr@disabilityrightspa.org