

FILED IN THE
U.S. DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

Oct 02, 2020

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

STATE OF WASHINGTON, STATE OF
COLORADO, STATE OF
CONNECTICUT, STATE OF ILLINOIS
STATE OF MARYLAND, STATE OF
MICHIGAN, STATE OF MINNESOTA,
STATE OF NEVADA, STATE OF NEW
MEXICO, STATE OF OREGON, STATE
OF RHODE ISLAND, STATE OF
VERMONT, COMMONWEALTH OF
VIRGINIA, and STATE OF
WISCONSIN,

Plaintiffs,

v.

DONALD J. TRUMP, in his official
capacity as President of the United States
of America; UNITED STATES OF
AMERICA; LOUIS DEJOY, in his official
capacity as Postmaster General; UNITED
STATES POSTAL SERVICE,

Defendants.

No. 1:20-CV-03127-SAB

**ORDER GRANTING, IN PART,
DEFENDANTS' MOTION TO
CLARIFY THE PRELIMINARY
INJUNCTION**

**ORDER GRANTING, IN PART, DEFENDANTS' MOTION TO
CLARIFY * 1**

1 Before the Court is Defendants’ Motion to Clarify the Preliminary
2 Injunction, ECF No. 83. The motion was heard without oral argument.

3 Defendants move to clarify the Court’s preliminary injunction, asserting that
4 some aspects of the Court’s order could be interpreted to cause an overall
5 degradation in service or create obligations that cannot be fulfilled. In response,
6 Plaintiffs submitted a proposed Order on which the parties conferred. ECF No. 88-
7 1. Plaintiffs indicate Defendants do not oppose the entry of Plaintiffs’ proposed
8 order. ECF No. 88. Good cause exists to grant Defendants’ Motion to Clarify the
9 Preliminary Injunction, incorporating the language set forth in Plaintiffs’ proposed
10 order.

11 Accordingly, **IT IS HEREBY ORDERED:**

12 1. Defendants’ Motion to Clarify the Preliminary Injunction, ECF No. 83, is
13 **GRANTED** in part, and **DENIED**, in part as follows:

14 a. Defendants’ proposed clarification to Paragraph 2(a) of the
15 Preliminary Injunction Order is **granted**, in part. Paragraph 2(a) is
16 clarified to provide that the Postal Service is not required to delay a trip
17 when the impact of the delay will be an overall degradation in service,
18 *e.g.*, in order to prevent a small amount of mail from being delayed if
19 doing so would cause a larger amount of mail to be delayed, but that the
20 Postal Service shall use extra trips to minimize the effect of such delays
21 and to meet service commitments, except when not feasible. “[E]xtra
22 trips that are reasonably necessary to complete timely mail delivery [are]
23 not to be unreasonably restricted or prohibited,” as the Postal Service
24 committed to in its September 21, 2020 memorandum to employees.

25 b. Defendants’ proposed clarification to Paragraph 2(b) of the
26 Preliminary Injunction Order is **granted**, in part. Paragraph 2(b) is
27 clarified to provide that the Postal Service is required to ensure that
28 Election Mail “is generally delivered in line with First-Class Mail

**ORDER GRANTING, IN PART, DEFENDANTS’ MOTION TO
CLARIFY * 2**

1 delivery standards,” as the Postal Service committed to in its September
2 25, 2020 memorandum to employees, but the Court is not specifying that
3 Election Mail entered as Marketing Mail be shipped by any particular
4 means (such as by air). To facilitate this goal, the Postal Service will, as
5 it has promised, take “extraordinary measures” “between October 26 and
6 November 24, to accelerate the delivery of ballots, when the Postal
7 Service is able to identify the mailpiece as a ballot. These extraordinary
8 measures include, but are not limited to, expedited handling, extra
9 deliveries, and special pickups as used in past elections, to connect blank
10 ballots entered by election officials to voters or completed ballots
11 returned by voters entered close to or on Election Day to their intended
12 destination (e.g., Priority Mail Express, Sunday deliveries, special
13 deliveries, running collected ballots to Boards of Elections on Election
14 Day, etc.).”

15 c. Defendants’ proposed clarification to Paragraph 3 of the
16 Preliminary Injunction Order is **denied**, without prejudice, to the same
17 arguments being raised again in the future.

18 **IT IS SO ORDERED.** The Clerk of Court is directed to enter this Order
19 and forward copies to counsel.

20 **DATED** this 2nd day of October 2020.



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A handwritten signature in blue ink that reads "Stanley A. Bastian".

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Stanley A. Bastian
United States District Judge