

In the
**United States Court of Appeals
for the Third Circuit**

JIM BOGNET, et al.,

Plaintiffs-Appellants,

v.

**KATHY BOOCKVAR, in her capacity as Secretary of the Commonwealth of
Pennsylvania, et al.,**

Defendants-Appellees,

DEMOCRATIC NATIONAL COMMITTEE

Intervenor-Appellee.

On Appeal from the United States District Court
for the Western District of Pennsylvania
Case No. 3:20-CV-215
The Honorable Kim R. Gibson

**PLAINTIFFS-APPELLANTS' MOTION
FOR LEAVE TO FILE SUPPLEMENTAL BRIEF**

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MOTION FOR LEAVE TO FILE SUPPLEMENTAL BRIEF

Plaintiffs-Appellants respectfully request that this Court grant leave to file a short supplemental brief to address the issue of mootness. Defendants-Appellees have now filed up-to-date totals of all segregated absentee or mail-in ballots that were received by Pennsylvania's county election boards after 8:00 p.m. on November 3 and before 5:01 p.m. on November 6. Appellants submit that these totals prove a live "Case" or "Controversy" remains before this Court. U.S. CONST. art. III, § 2. The proposed supplemental brief is strictly limited to the issue of mootness as it relates to these up-to-date totals. Accordingly, Appellants respectfully request leave to file the brief with the Court.

The proposed supplemental brief is 539 words.

Dated: November 12, 2020

Respectfully submitted,

/s/ David H. Thompson

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CERTIFICATE OF COMPLIANCE

In accordance with the Federal Rules of Appellate Procedure and this Court's Rules, I certify the following:

1. This motion complies with the type-volume limitation of Federal Rule of Appellate Procedure 27(d) because it contains 120 words, excluding the parts of the brief exempted by Federal Rule of Appellate Procedure 32(f).

2. This motion complies with the typeface requirements of Federal Rule of Appellate Procedure 32(a)(5) and the type style requirements of Federal Rule of Appellate Procedure 32(a)(6) because it has been prepared in a proportionally spaced typeface using Microsoft Word in Times New Roman 14-point font. This brief is identical to the paper copies being provided to the court.

3. This motion complies with Local Rule 31.1(c). Windows Defender was run on the electronic brief and no viruses were detected.

4. David H. Thompson, Peter A. Patterson, and Brian W. Barnes are admitted to practice in the Third Circuit Court of Appeals and are members in good standing.

/s/ David H. Thompson
David H. Thompson

CERTIFICATE OF SERVICE

Pursuant to Federal Rule of Appellate Procedure 25(d) and Local Rule 27.2, I hereby certify that on November 12, 2020, I electronically filed the foregoing motion with the Clerk of the Court by using the appellate CM/ECF system. Service on counsel for all parties has been accomplished via ECF.

/s/ David H. Thompson
David H. Thompson