

**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

Respectfully submitted,

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**Pro hac vice* application
forthcoming

Attorneys for Plaintiffs

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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