

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT
ECO-012-E

No. 20-3214

JIM BOGNET; DONALD K. MILLER; DEBRA MILLER;
ALAN CLARK; JENNIFER CLARK,
Appellants

v.

SECRETARY OF COMMONWEALTH OF PENNSYLVANIA; *et al.*

(W.D. Pa. No. 3-20-cv-00215)

Present: SMITH, *Chief Judge*, SHWARTZ and SCIRICA, *Circuit Judges*

1. Plaintiffs-Appellants' Emergency Motion for an Expedited Briefing Schedule, with proposed briefing as follows:

Appellants' Opening Brief – due by 5:00 p.m., Friday, October 30, 2020

Appellees' Response Briefs – due by 5:00 p.m., Monday, November 2, 2020

Appellants' Reply Brief – due by 5:00 p.m., Tuesday, November 3, 2020

2. Defendant-Appellee Secretary Boockvar's Opposition to Plaintiffs-Appellants' Emergency Motion for an Expedited Briefing Schedule
3. Intervenor-Appellee Democratic National Committee's Opposition to Plaintiffs-Appellants' Emergency Motion for an Expedited Briefing Schedule.
4. Reply by Plaintiffs-Appellants in Support of the Emergency Motion for Expedited Briefing Schedule.

ORDER

Plaintiffs-Appellants filed an emergency motion for expedited briefing in which they sought to file their opening brief by 5:00 p.m. on October 30, 2020. They also proposed that Defendants-Appellees' response brief be filed by 5:00 p.m. on November 2, and Plaintiffs-Appellants' reply brief by 5:00 p.m. on November 3. By its terms, Plaintiffs-Appellants' proposal effectively forecloses this Court from ruling on their underlying

appeal from the District Court's denial of injunctive relief on or before Election Day, November 3, 2020.

Defendant-Appellee Secretary of the Commonwealth Boockvar opposed the motion and briefing schedule, proposing instead that we defer any ruling until 5:00 p.m. on November 7 so that we could then determine whether a live controversy exists and, if so, set a briefing schedule. Intervenor-Appellee Democratic National Committee also opposed the motion but did not propose a schedule.

NOW this 30th day of October, 2020, we hereby DENY Plaintiffs-Appellants' Emergency Motion for an Expedited Briefing Schedule.

IT IS FURTHER ORDERED that the parties shall file briefs as follows:

- Appellants' Opening Brief - due by 3:00 p.m. on Friday, November 6, 2020;
- Appellees' Response Briefs - due by 3:00 p.m. on Monday, November 9, 2020;
and
- No Reply shall be filed.

By the Court,

s/D. Brooks Smith
Chief Judge

Dated: October 30, 2020
CJG/JK/cc: All Counsel of Record