

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

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|--|---|--------------------------------|
| KATHY BARNETTE, individually and as a<br>candidate for Pennsylvania's 4 <sup>th</sup> Congressional<br>District and on behalf of all citizen electors of<br>Berks County, Pennsylvania, et al. | : |                                |
|  | : | Civil Action No. 2:20-cv-05477 |
|  | : |                                |
|  | : |                                |
| Plaintiffs,  | : |                                |
| v.   | : |                                |
|  | : |                                |
|  | : |                                |
| KENNETH E. LAWRENCE JR., Chair of the<br>Montgomery County Board of Elections and Vice<br>Chair of the Montgomery County Board of<br>Commissioners, in his official capacity, et al.           | : |                                |
|  | : |                                |
|  | : |                                |
| Defendants.  | : |                                |

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**MOTION TO WITHDRAW**  
**MOTION FOR A TEMPORARY RESTRAINING ORDER**

1. On November 3, 2020, Plaintiffs filed the Motion for Temporary Restraining Order (ECF 11).
2. On November 4, 2020, the Court held an Evidentiary Hearing regarding Plaintiffs' Motion for Temporary Restraining Order.
3. The Court has provided the parties with an opportunity to file Memorandums of Law.
4. Plaintiffs have their Memorandum of Law and Defendants' Memorandum of Law is due by 9:00 a.m. November 6, 2020.
5. Due to the timing of these proceedings and the pendency of a hearing scheduled in the Commonwealth Court of the Pennsylvania at 10:00 a.m. Friday, November 6, 2020, in Harrisburg, Pennsylvania. Plaintiffs believe that a Temporary Restraining Order in this case will be ineffective in addressing the matters covered in their Motion and, therefore, withdraw their Motion without

prejudice to their underlying Complaint for Declaratory and Injunctive Relief and ask the Court to enter an appropriate order.

Respectfully Submitted,

**DILLON, MCCANDLESS, KING,  
COULTER & GRAHAM, LLP**

Dated: November 5, 2020

By: /s/ Thomas E. Breth  
Thomas E. Breth  
Jordan P. Shuber

*Counsel for Plaintiffs*