

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

DONALD J. TRUMP FOR PRESIDENT, INC., <i>et al.</i> ,	)	
	)	
Plaintiffs,	)	Civil Action No. 4:20-cv-02078-
v.	)	MWB
	)	Judge Matthew W. Brann
KATHY BOOCKVAR, in her capacity as Secretary of the Commonwealth of Pennsylvania, <i>et al.</i> ,	)	Electronically Filed
	)	
Defendants.	)	
	)	

**RESPONSE TO PLAINTIFFS’ MOTION TO SHOW CAUSE**

Plaintiffs’ motion to show cause addresses a message left on Ms. Kerns’ work voicemail on Saturday, November 14, 2020 at 8:43 a.m., by an associate from Kirkland & Ellis who is not part of the Firm’s litigation group, has never worked on this case, and was not aware of Kirkland’s role in the case. On Sunday, November 15, at 4:13 p.m., Ms. Kerns contacted undersigned counsel by email, providing the voicemail and requesting a call to discuss it. At 4:52 p.m., I called Ms. Kerns and informed her that I would look into the issue, as the phone number associated with the voicemail was neither an office number nor one that I recognized. Thereafter, I promptly confirmed that the number was the cell phone of a Kirkland associate and that the associate had left the voicemail. At 7:26 p.m., I

called Ms. Kerns with that information, and told her that the voicemail was discourteous and not appropriate.

That associate was acting unilaterally, in his personal capacity, without the knowledge or authorization of undersigned counsel or the Firm. We disagree with the characterization of the voicemail in the motion and the associate provided a personal email and had a baby babbling in the background during the voicemail. Counsel will provide a transcript of the voicemail to the Court. The Firm expects that every lawyer will conduct themselves with the highest standards of professional conduct, including being respectful of and courteous to other members of the bar.

Based on this summary, counsel respectfully submits that the motion should be denied. Counsel is available should the Court have any questions.

Dated: November 16, 2020

Respectfully submitted,

KIRKLAND & ELLIS LLP

By: /s/ Daniel T. Donovan  
Daniel T. Donovan  
Susan M. Davies  
Michael A. Glick  
1301 Pennsylvania Avenue, N.W.  
Washington, DC 20004  
(202) 389-5000 (telephone)  
(202) 389-5200 (facsimile)  
daniel.donovan@kirkland.com  
susan.davies@kirkland.com  
michael.glick@kirkland.com

*Counsel for Kathy Boockvar,  
Secretary of the Commonwealth*

**CERTIFICATE OF SERVICE**

I hereby certify that on November 16, 2020, a copy of the foregoing was filed electronically. Notice of this filing will be sent to all parties who have appeared in this action via the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/ Daniel T. Donovan

Daniel T. Donovan