



Boockvar and the Department are very busy completing various post-election tasks, including providing support to all 67 counties on a range of issues and preparing to certify the results of the election. Ensuring that Secretary Boockvar, and other key Department staff do not have to leave Harrisburg for expedited proceedings is necessary to the time-sensitive ongoing critical operations of the Department.

Section 1404 provides “a district court may transfer any civil action to any other district or division where it might have been brought” “[f]or the convenience of parties and witnesses” and “in the interest of justice.” Here, the case clearly could have been brought initially in Harrisburg, which is obviously the capital of Pennsylvania and situs of the primary defendant and Department of State. By contrast, there does not appear to be any connection to Williamsport other than proximity to one Defendant, and the rest of the Defendants would be more closely situated to Harrisburg. Additionally, conducting this matter in Harrisburg will be more efficient, because Secretary Boockvar is a defendant in a matter pending in the Harrisburg Division of the Middle District that, like this case, includes contested allegations that the Statewide Uniform Registry of Electors system is imperfect. On October 19, 2020 Chief Judge Jones, following a hearing, denied plaintiff’s motion for preliminary injunction in that matter. *See Public Interest Legal Foundation v. Kathy Boockvar*, No. 1:20-cv-1905 (M.D. Pa. Oct. 19, 2020), ECF No. 27. The Court should therefore exercise its discretion to confirm that the proceedings will

take place in Harrisburg. *See In re United States*, 273 F.3d 380, 387 (3d Cir.1995) (“Whether to transfer a case is generally committed to the discretion of the district courts.”).

Plaintiffs would not suffer any prejudice from conducting proceedings in Harrisburg since they filed the action in Middle District of Pennsylvania. Plaintiffs’ counsel is located in Pittsburgh and Philadelphia, and the allegations in the Complaint pertain to purported conduct that occurred in Harrisburg and around the Commonwealth.

Dated: November 10, 2020

Respectfully submitted,

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**CERTIFICATE OF NONCONCURRENCE**

I hereby certify that I sought the concurrence of counsel for Plaintiffs, Ronald Hicks, Esquire in this Motion. I have not received a response from Mr. Hicks.

**CERTIFICATE OF CONCURRENCE**

I hereby certify that I sought the concurrence of counsel for Allegheny, Montgomery, Philadelphia and Delaware Counties. All counsel concur in this Motion.

/s/ Daniel T. Brier

**CERTIFICATE OF SERVICE**

I hereby certify that on November 10, 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. Brier*

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