

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

PENNSYLVANIA STATE CONFERENCE OF
THE NAACP, *et al.*,

Plaintiffs,

v.

AL SCHMIDT, in his official capacity as
Secretary of the Commonwealth, *et al.*,

Defendants

and

REPUBLICAN NATIONAL COMMITTEE, *et
al.*,

Intervenor-Defendants

Case No. 1:22-cv-00339-SPB

**NOTICE OF SUPPLEMENTAL AUTHORITY IN SUPPORT OF PLAINTIFFS’
MOTION FOR SUMMARY JUDGMENT AND
UNOPPOSED MOTION FOR A RULE 54(b) JUDGMENT**

Plaintiffs respectfully submit this Notice of Supplemental Authority to alert the Court regarding the issuance of new precedent that is relevant to (indeed, dispositive of) their pending motion for summary judgment (ECF No. 400) as well as their pending motion for a Rule 54(b) judgment (ECF Nos. 475, 476, 478).

In particular, on August 26, 2025, the United States Court of Appeals for the Third Circuit issued a unanimous, precedential decision in *Eakin v. Adams County Board of Elections*, No. 25-1644 (3d Cir.), affirming this Court’s grant of summary judgment to the plaintiffs in the companion *Eakin* case. On the same undisputed factual record presently before the Court in this case, which was developed in coordinated discovery, the Third Circuit held that Plaintiffs in *Eakin* were indeed

entitled to judgment as a matter of law on their *Anderson-Burdick* constitutional claim that enforcement of the meaningless envelope-date requirement to disenfranchise Pennsylvania voters violates the First and Fourteenth Amendments. *See Eakin* Slip Op. 40-54.

A copy of the Court's decision is appended to this Notice.

Because *Eakin* involves the same factual record and the same legal claims, the Third Circuit's affirmance squarely and clearly controls the outcome of the PA NAACP Plaintiffs' pending motion for summary judgment in this case, especially and specifically with respect to their motion for summary judgment on their *Anderson-Burdick* claims. Moreover, the issuance of this precedential and controlling ruling is further reason for the Court to grant Plaintiffs' pending motion for a Rule 54(b) judgment as to their *Anderson-Burdick* claims. On that score, Plaintiffs further note that no defendant ever filed any opposition to the motion for a Rule 54(b) judgment, which accordingly may be treated as unopposed.

CONCLUSION

Plaintiffs' motion for summary judgment should be granted, either in full, or as to their *Anderson-Burdick* claims pursuant to Rule 54(b) of the Federal Rules of Civil Procedure.

Dated: August 28, 2025

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CERTIFICATE OF SERVICE

I hereby certify that, on the date set forth below, I caused a true and correct copy of the foregoing Notice to be served via the Court's electronic filing system upon all counsel of record.

Dated: August 28, 2025

/s/ Stephen A. Loney, Jr.
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