

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA
WILLIAMSPORT DIVISION

William C. Toth Jr., et al.

Plaintiffs,

v.

Lehigh M. Chapman, et al.,

Defendants

Case No. 1:22-cv-00208-JPW

**EMERGENCY MOTION FOR TEMPORARY RESTRAINING
ORDER AND PRELIMINARY INJUNCTION**

The plaintiffs respectfully move for a temporary restraining order and preliminary injunction that restrains the defendants from departing from the General Primary Calendar prescribed by the Pennsylvania legislature, and that requires the defendants to conduct at-large elections for the Pennsylvania congressional delegation unless and until the General Assembly of Pennsylvania enacts a new congressional map. The accompanying brief contains our arguments and authorities.

Respectfully submitted.

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Dated: February 21, 2022

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CERTIFICATE OF SERVICE

I certify that I will serve this document by e-mail upon the following counsel, who represent the defendants in the state-court redistricting litigation:

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**ORDER GRANTING MOTION FOR TEMPORARY
RESTRAINING ORDER AND PRELIMINARY INJUNCTION**

The plaintiffs' motion for temporary restraining order and preliminary injunction is GRANTED. The Court concludes that the plaintiffs are likely to succeed on the merits of their claims that the defendants are violating the Elections Clause by failing to adhere to the General Primary Calendar prescribed by the Pennsylvania legislature, and by failing to implement at-large elections for the Pennsylvania congressional delegation as required by 2 U.S.C. § 2a(c)(5). The Court further concludes that the plaintiffs will suffer irreparable harm absent a TRO or preliminary injunction, that the balance of equities favors the enforcement of the Elections Clause, and that public interest supports immediate injunctive relief.

It is therefore ORDERED that:

1. Defendants Lehigh M. Chapman, Jessica Mathis, Tom Wolf, and their successors in office, along with their officers, agents, servants, employees, attorneys, designees, and subordinates, as well as any person acting in concert or participation with them, are ENJOINED from departing from the General Primary Calendar prescribed by the Pennsylvania legislature, with respect to any election for representatives or senators in the United States Congress, regardless of the Supreme Court of Pennsylvania's order of February 9, 2022, or any order of the Pennsylvania state judiciary.

2. Defendants Lehigh M. Chapman, Jessica Mathis, Tom Wolf, and their successors in office, along with their officers, agents, servants, employees, attorneys, designees, and subordinates, as well as any person acting in concert or participation with them, are ORDERED to hold at-large elections for the Pennsylvania congressional delegation, as required by the Elections Clause and 2 U.S.C. § 2a(c)(5), unless and until the General Assembly of Pennsylvania enacts a new congressional map;

3. Defendants Lehigh M. Chapman, Jessica Mathis, Tom Wolf, and their successors in office, along with their officers, agents, servants, employees, attorneys, designees, and subordinates, as well as any person acting in concert or participation with them, are ENJOINED from implementing any congressional map that might be drawn by the Supreme Court of Pennsylvania or any other state court.

4. Because the defendant will not suffer any financial loss on account of this preliminary injunction, there is no need for the plaintiff to post security under Rule 65(c) of the federal rules of civil procedure.

UNITED STATES DISTRICT JUDGE

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Dated: _____, 2022

UNITED STATES DISTRICT JUDGE

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