

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

**BETTY EAKIN, et al,**  
**Plaintiffs,**

**v.**

**ADAMS COUNTY BOARD OF  
ELECTIONS, et al,**  
**Defendants.**

**Civil Action No. 1:22-CV-340**

**ORDER**

In this case, Plaintiffs challenge Pennsylvania's vote by mail practices on the grounds that they violate the Materiality Provision of the Civil Rights Act and the First Amendment. Plaintiffs have brought suit against the county board of elections in each of Pennsylvania's sixty-seven counties.

In parallel proceedings filed nearly simultaneously, other Plaintiffs challenged the same Pennsylvania vote by mail practices on grounds that they violated the Materiality Provision and the Equal Protection Clause of the Fourteenth Amendment. *Pennsylvania State Conference of the NAACP v. Schmidt*, 1:22-cv-339. There, Plaintiffs sued the Secretary of the Commonwealth, as well as the sixty-seven county boards of elections. In that litigation, this Court issued a memorandum opinion and order concluding that enforcement of the date requirement on mail ballots violates the Materiality Provision. 2023 WL 8091601 (W.D. Pa. Nov. 21, 2023). Thereafter, the Republican National Committees, defendant-intervenors, appealed to the Court of Appeals for the Third Circuit. The Circuit entered a stay of this Court's order and held that the issues presented warrant full merits briefing on an expedited basis. *See* 1:22-cv-339, ECF No. 370.

Although there are distinctions between the two cases, the differences are slight. The parties (most of whom are the same across both cases) cooperated in discovery and the majority of the evidence presented in both cases is duplicative. The main focus of both cases is whether the mandatory application of Pennsylvania's 25 P.S. § 3150.16(a) violates the Materiality Provision of the Civil Rights Act. It is difficult to imagine a scenario in which the ultimate resolution of the appeal in *Pennsylvania State Conference of the NAACP v. Schmidt* does not impact resolution of the instant action.

Accordingly,

AND NOW, this 22nd day of January 2024,

IT IS HEREBY ORDERED that this case is stayed until the final resolution of the appeal of *Pennsylvania State Conference of the NAACP v. Schmidt*. The pending motions for summary judgment shall be terminated and will be renewed upon the lifting of the stay. *See Deitz v. Bouldin*, 579 U.S. 40, 47 (2016) (“[D]istrict courts have the inherent authority to manage their dockets and courtrooms with a view toward the efficient and expedient resolution of cases.”); *Landis v. North Am. Co.*, 299 U.S. 248, 254-55 (1936) (“[T]he power to stay proceedings is incidental to the power inherent in every court to control the disposition of the causes on its docket with economy of time and effort for itself, for counsel, and for litigants.”).

  
SUSAN PARADISE BAXTER  
United States District Judge