

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

ANDY KIM, et al.,

Plaintiffs,

v.

CHRISTINE GIORDANO HANLON, in her
capacity as Monmouth County Clerk, et al.,

Defendants.

Civil Action No. _____

NOTICE OF MOTION FOR PRELIMINARY INJUNCTION

To the Clerk of Court and all parties and counsel of record (each of which has been served via email with this and the accompanying papers):

PLEASE TAKE NOTICE that Plaintiffs, through undersigned counsel, shall move before this Court, on a date and time to be designated by it, for the entry of a preliminary injunction directed to Defendants and each of them; their officers, agents, servants, employees, and attorneys as follows (collectively, "Defendants"), with regard to the June 4, 2024 New Jersey Primary Election:

A. Enjoining Defendants from preparing, disseminating, using, displaying, or counting any ballot, in any form, whether on paper or electronic, that:

1. Is designed by columns or rows, rather than by office sought;
2. positions candidates on the ballot automatically based upon a ballot draw among candidates for a different office;
3. places candidates such that there is an incongruous separation from other candidates running for the same office;

4. places candidates underneath another candidate running for the same office, where the rest of the candidates are listed horizontally, or to the side of another candidate running for the same office, where the rest of the candidates are listed vertically; and
5. brackets candidates together on the ballot such that candidates for different offices are featured on the same column (or row) of the ballot;

B. Enjoining Defendants from conducting draws for ballot positions that do not include a separate drawing for every office and candidate, and where every candidate running for the same office has an equal chance at the first ballot position;

C. Requiring the Defendants to use a ballot for all voters, whether mail-in, at a polling site, or otherwise, that is organized by office sought (commonly known as a “office-block ballot,”) rather than by column or row, and which implements for each office on the ballot, a randomized ballot order system (i.e., random draw for each office and candidate) which affords each candidate for the same office an equal chance at obtaining the first ballot position;

D. Providing that the Court retains jurisdiction of this matter for the purpose of ensuring compliance;

E. Waiving any requirement to post bond or security under Fed. R. Civ. P. 65(c); and

F. Granting such other and further relief as is just and proper.

PLEASE TAKE FURTHER NOTICE that in support of this Motion, Plaintiffs rely on the Verified Complaint with Exhibits submitted herewith, including the expert reports of Dr. Josh Pasek, Dr. Samuel S.-H. Wang, Dr. Julia Sass Rubin, and Dr. Andrew Appel, Declarations of Plaintiffs, and the accompanying Brief.

PLEASE TAKE FURTHER NOTICE that oral argument is requested.

Dated: February 26, 2024

Respectfully submitted,

/s/ Brett M. Pugach

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