

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

GUY RESCHENTHALER, et al.,	:	CIVIL ACTION NO. 1:24-CV-1671
	:	
Plaintiffs	:	(Judge Conner)
	:	
v.	:	
	:	
AL SCHMIDT, et al.,	:	
	:	
Defendants	:	

ORDER

AND NOW, this 15th day of October, 2024, upon consideration of the correspondence (Doc. 31) filed by plaintiffs' counsel, wherein counsel notifies the court that plaintiffs are prepared to proceed based upon the existing record in light of defendants' qualified admissions if the court similarly is satisfied, (see id. at 2), and the court concluding that a legal resolution of this matter is likely without the need for additional prehearing discovery, it is hereby ORDERED that:

1. The evidentiary hearing scheduled for Friday, October 18, 2024, is CONVERTED into oral argument and will proceed based upon the existing record.
2. The parties shall be prepared to discuss the grounds for dismissal raised by defendants and intervenors, (see Docs. 29, 30), including:
 - i. Plaintiffs' standing to bring this suit;
 - ii. Whether a cause of action exists and the source of the court's jurisdiction;
 - iii. Whether the claim should be barred by the equitable doctrine of laches or the so-called Purcell principle, see Purcell v. Gonzalez, 549 U.S. 1 (2006) (*per curiam*); and

- iv. Whether Pennsylvania’s 67 county boards of elections are indispensable parties and, relatedly, whether plaintiffs’ claim for injunctive relief is redressable in their absence, see Black Political Empowerment Project v. Schmidt, --- A.3d ----, 2024 WL 4181592, at *1 (Pa. Sept. 4, 2024) (*per curiam*) (vacating lower court order for want of jurisdiction given plaintiffs’ “failure to name the county boards of elections of all 67 counties”); see also In re Canvass of Absentee and Mail-in Ballots of Nov. 3, 2020 Gen. Election, 241 A.3d 1058, 1078 n.6 (Pa. 2020) (observing that the Secretary of the Commonwealth “has no authority to order the sixty-seven county boards of election to take any particular actions with respect to the receipt of ballots”).

/S/ CHRISTOPHER C. CONNER
Christopher C. Conner
United States District Judge
Middle District of Pennsylvania

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