

No. 20-3371

IN THE UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

DONALD J. TRUMP FOR PRESIDENT, INC. et. al,

Plaintiffs-Appellants,

v.

KATHY BOOCKVAR, in her capacity as Secretary of the Commonwealth of

Pennsylvania; et. al,

On Appeal from the United States District Court

For the Middle District of Pennsylvania

Case No. 4:20-cv-02078

The Honorable Matthew W. Brann

Defendants-Appellees,

APPELLANTS' MOTION TO SUBMIT EMERGENCY
TRO MOTION WITH A 6,500-WORD LIMIT

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Appellants Donald J. Trump for President, Inc. (“Campaign”) and two individual voters hereby move, pursuant to Federal Rules of Appellate Procedure 27(c) and 27(d)(2) and Local Rule 27.6, to submit an Emergency Motion for Temporary Restraining Order and Preliminary Injunction Pending Appeal to Stay Effect of Certification and Expedited Briefing (“Emergency TRO Motion”), with a limit of 6,500 words, and in support thereof aver the following:

1. On November 22, Appellants filed a Notice of Appeal of the District Court’s Order dated November 21, 2020 in the underlying action.
2. Appellants’ underlying action relates to the integrity of election procedures in the 2020 Presidential General Election in the Commonwealth of Pennsylvania, particularly as those procedures relate to the enormous quantity of mail-in ballots cast in Pennsylvania and the ascertainment of these ballots’ compliance with the detailed requirements for demonstrating the authenticity of such votes and the eligibility of those purportedly casting such ballots to vote in Pennsylvania, including requirements that voters sign and date the mail ballots, see 25 P.S. §§ 3146.8; 3150.16.
3. This action also concerns a Due Process claim that Pennsylvania’s mail ballot scheme, as interpreted by its Supreme Court, is porous and lacking in safeguards, given that there is no right to inspect mail ballots or challenge them for deficiencies before they are opened, mixed, and counted.

4. This action is of nationwide importance because of the consequences of flawed election processes in the election for the President of the United States in the Commonwealth, which could turn the election in favor of either candidate.

5. Appellants are appealing the denial of claims raised in the District Court, including, *inter alia*, the District Court's denial as moot Appellants' Motion for Leave to File Second Amended Complaint (ECF 172).

6. On November 22, Appellants filed a Motion for Expedited Review and an Amended Motion for Expedited Review of their Appeal.

7. The Court granted the motion today, November 23, 2020. (Doc 9).

8. Appellants are filing their Appeal Brief today. Per today's Order, their brief is due by 4:00 p.m.

9. Appellants are also filing an Emergency TRO Motion today, in which they will seek a temporary restraining order and preliminary injunction to stay the effect of Defendants' likely certification the 2020 Presidential election based on the proposed Second Amended Complaint.

10. Fed.R.App.P. 27(d)(2)(A) provides that motions "shall not exceed 5,200 words."

11. Given the enormous importance of this case, and the extreme time pressures involved in drafting and filing all of the motions and briefs required in

this Appeal (which was filed yesterday), Appellants respectfully request permission to file their Emergency TRO Motion with a limit of 6,500 words.

WHEREFORE, Appellants respectfully request permission to file their Emergency TRO Motion with a 6,500-word limit.

Respectfully submitted,

November 23, 2020

/s/ Brian C. Caffrey

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CERTIFICATE OF SERVICE

I, Deborah A. Black, Paralegal for Scaringi Law, do hereby certify that I served a true and correct copy of *Appellants' Motion to Submit Emergency TRO Motion with a 6,500 Word Limit*, in the above-captioned action, upon all parties via CM/ECF.

Date: November 23, 2020

/s/ Deborah A. Black

Deborah A. Black, Paralegal
For Marc A. Scaringi, Esquire and
Brian C. Caffrey, Esquire