

**IN THE COMMONWEALTH COURT OF PENNSYLVANIA**

PENNSYLVANIA DEMOCRATIC	)	
PARTY, <i>et al.</i>	)	
	)	
v.	)	No. _____ MD 2020
	)	
KATHY BOOCKVAR, <i>et al.</i>	)	

**APPLICATION FOR AN EXPEDITED DISCOVERY SCHEDULE  
AND EVIDENTIARY HEARING**

Pursuant to Rule 1542 of the Pennsylvania Rules of Appellate Procedure, Petitioners seek an expedited discovery schedule and evidentiary hearing on the underlying Petition and respectfully aver that:

The upcoming General Election will occur in the midst of uncertainty arising from a revamping of Pennsylvania's election laws in late-2019. In late-2019 and early-2020, the Pennsylvania General Assembly made significant changes to how Pennsylvania runs elections. *See* Act 77 of 2019, Act 12 of 2020.

Uncertainty regarding new statutory schemes is commonplace, uncertainty regarding a new election statutory scheme that will impact how qualified electors vote in a General Election during a once-in-a-century pandemic, is not. County Boards of Elections are already facing difficult decisions and some of the actions at issue require meaningful lead time, which is running short. The circumstances require an expedited evidentiary hearing and resolution of the Petition.

On July 10, 2020, Petitioners filed this action as an original jurisdiction matter. The Petition seeks declaratory judgments regarding the interpretation of Act 77 of 2019 and Act 12 of 2020, and seeks injunctive relief to prevent county Boards of Elections from acting contrary to the Free and Fair Election Clause and the Election Code to ensure qualified electors can vote (and vote safely in light of the global COVID-19 pandemic) in the upcoming General Election.

The stakes of the General Election could not be higher. And any uncertainty or other inconsistency regarding Act 77, Act 12, or the election administration related to mail-in and absentee ballots creates space for mischievous havoc and distrust in the electoral process.

Absent an expedited resolution, which necessitates an expedited evidentiary hearing and ruling regarding relief, there is real risk to the ability to exercise the franchise in November. As Justice Wecht wrote in a similar context, “the potential for impairment of the ability of voters to cast a valid ballot by mail” in November 3, 2020 General Election “is real and substantial, and the stakes are high.” *See Delisle v. Boockvar*, No. 95 MM 2020, at \*2 (Pa. May 29, 2020) (Concurring Statement (Wecht, J.)).

Immediate resolution of the relief requested is critical as “there is no *post hoc* remedy sufficient to cure the arbitrary deprivation of the ‘right of suffrage,’ which

‘is a fundamental matter in a free and democratic society.’” *Id.* (quoting *Reynolds v. Sims*, 377 U.S. 533, 561-62 (1964)).

The potential disenfranchisement and severe burdens to thousands, if not hundreds of thousands, of voters will be alleviated if the Court promptly rules on Petitioners’ Petition for Special Relief and provides clarity to a landscape of uncertainty borne by a new statutory scheme (Act 77 and Act 12) and a global pandemic.

For these reasons, Petitioners respectfully request that the Court grant Petitioners’ Emergency Application and promptly issue an Order setting forth an expedited discovery schedule and evidentiary hearing on the Petition for Special Relief.

Respectfully submitted,

Greenberg Traurig, LLP

/s/ Kevin Greenberg\_\_\_\_\_

Kevin Greenberg, Attorney ID 82311  
A. Michael Pratt, Attorney ID 044973  
Adam Roseman, Attorney ID 313809  
George J. Farrell, Attorney ID 324521  
1717 Arch Street, Suite 400  
Philadelphia, Pennsylvania 19103  
(215) 988-7818  
[greenbergk@gtlaw.com](mailto:greenbergk@gtlaw.com)  
[prattam@gtlaw.com](mailto:prattam@gtlaw.com)  
[rosemana@gtlaw.com](mailto:rosemana@gtlaw.com)  
[farrellg@gtlaw.com](mailto:farrellg@gtlaw.com)

Lazar M. Palnick, Attorney ID 52762  
Lazar M. Palnick, Esq.  
1216 Heberton Street  
Pittsburgh, Pennsylvania 15206  
(412) 661-3633  
[lazarpalnick@gmail.com](mailto:lazarpalnick@gmail.com)

*Attorneys for Petitioners*

July 10, 2020

**PUBLIC ACCESS POLICY CERTIFICATE OF COMPLIANCE**

It is hereby certified by the undersigned that this filing complies with the provisions of the *Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts* that require filing confidential information and documents differently than non-confidential information and documents.

Respectfully submitted,  
**GREENBERG TRAURIG, LLP**

*/s/ Kevin Greenberg*

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Kevin Greenberg (No. 82311)  
1717 Arch Street, Suite 400  
Philadelphia, PA 19103  
(t) 215.988.7818  
(f) 215.988.7801  
greenbergk@gtlaw.com

Dated: July 10, 2020

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**[PROPOSED] ORDER GRANTING APPLICATION FOR AN EXPEDITED  
DISCOVERY SCHEDULE AND EVIDENTIARY HEARING**

AND NOW, this \_\_\_\_\_ day of July, 2020, upon consideration of  
Petitioners’ Application for an Expedited Discovery Schedule and Evidentiary  
Hearing, it is hereby ORDERED that the Emergency Application is GRANTED.

IT IS FURTHER ORDERED that Respondents file responses to the  
underlying Petition within \_\_\_\_ days of this Order.

IT IS FURTHER ORDERED that the parties serve and complete discovery  
within \_\_\_\_ days of this Order. Parties shall be limited to serving ten (10) document  
requests, ten (10) interrogatories, ten (10) requests for admission, and no more than  
three (3) depositions, it being further ordered that for the purposes of the right to  
promulgate discovery under this paragraph all Petitioners shall be treated as a single  
party and all Respondents shall be treated as a single party.

IT IS FURTHER ORDERED that an evidentiary hearing on Petitioners' Petition for Special Relief will take place on \_\_\_\_\_, 2020.

BY THE COURT:

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