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ROBERT F. WERNER, SANDRA
O'BRIEN-WERNER, THOMAS P.
BRUNO, JR., ROGER DREISBACH-
WILLIAMS, and JEFF R. FAUBERT,

Petitioners,

v.

KATHY BOOCKVAR, SECRETARY OF
THE COMMONWEALTH,

Respondent.

COMMONWEALTH COURT OF
PENNSYLVANIA

ORIGINAL JURISDICTION

Docket No.: 674 MD 2019

**PRAECIPE TO CLARIFY
RELIEF SOUGHT IN
APPLICATION FOR SPECIAL
RELIEF**

Petitioners respectfully wish to clarify the relief sought in Petitioners' Application for Special Relief in the Form of a Preliminary Injunction Under Pennsylvania Rule of Appellate Procedure 1532 ("MPI") and the brief in support thereof.

Petitioners' Petition for Review seeks relief in the form (1) a declaration that the ExpressVote XL violates the Pennsylvania Constitution and the Pennsylvania Election Code; (2) a preliminary and permanent injunction that the Secretary decertify the ExpressVote XL voting machine for use in Pennsylvania; (3) an award of reasonable attorneys' fees and costs; and (4) such other and further relief as the Court deems just an appropriate.

Petitioners do not intend to seek broader relief in connection with its MPI than what was pleaded in the Petition for Review. Accordingly, Petitioners request that the Court order that the portion of the MPI seeking a preliminary injunction that the Commonwealth be "enjoined from using the ExpressVote XL in any election" and "ordered to implement replacement systems that are not in violation of the Pennsylvania Election Code or the Pennsylvania Constitution" (Application at 1; Brief in Support at 3) be **deemed withdrawn**, in order to clarify that Petitioners are not seeking redress from any County or Board of Election.

Respectfully submitted,

BAKER & HOSTETLER LLP

Dated: January 21, 2020

/s/John F. Murphy

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CERTIFICATE OF COMPLIANCE

I certify 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.

Submitted by: Plaintiffs National Election Defense Coalition, et. al.

Signature: /s/ John F. Murphy

Name: John F. Murphy

Attorney No.: PA 206307

CERTIFICATE OF SERVICE

I, John F. Murphy, certify that on January 21, 2020, I caused a true and correct copy of the foregoing Praecipe to Clarify Relief Sought in Application for Special Relief be served upon the persons and in the manner indicated below, which satisfies the requirements of Pa. R.A.P. 121:

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