

FILED IN THE  
U.S. DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

**Oct 02, 2020**

SEAN F. MCAVOY, CLERK

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

STATE OF WASHINGTON, STATE OF  
COLORADO, STATE OF  
CONNECTICUT, STATE OF ILLINOIS  
STATE OF MARYLAND, STATE OF  
MICHIGAN, STATE OF MINNESOTA,  
STATE OF NEVADA, STATE OF NEW  
MEXICO, STATE OF OREGON, STATE  
OF RHODE ISLAND, STATE OF  
VERMONT, COMMONWEALTH OF  
VIRGINIA, and STATE OF  
WISCONSIN,

Plaintiffs,

v.

DONALD J. TRUMP, in his official  
capacity as President of the United States  
of America; UNITED STATES OF  
AMERICA; LOUIS DEJOY, in his official  
capacity as Postmaster General; UNITED  
STATES POSTAL SERVICE,

Defendants.

No. 1:20-CV-03127-SAB

**ORDER GRANTING, IN PART,  
DEFENDANTS' MOTION TO  
CLARIFY THE PRELIMINARY  
INJUNCTION**

**ORDER GRANTING, IN PART, DEFENDANTS' MOTION TO  
CLARIFY \* 1**

1 Before the Court is Defendants' Motion to Clarify the Preliminary  
2 Injunction, ECF No. 83. The motion was heard without oral argument.

3 Defendants move to clarify the Court's preliminary injunction, asserting that  
4 some aspects of the Court's order could be interpreted to cause an overall  
5 degradation in service or create obligations that cannot be fulfilled. In response,  
6 Plaintiffs submitted a proposed Order on which the parties conferred. ECF No. 88-  
7 1. Plaintiffs indicate Defendants do not oppose the entry of Plaintiffs' proposed  
8 order. ECF No. 88. Good cause exists to grant Defendants' Motion to Clarify the  
9 Preliminary Injunction, incorporating the language set forth in Plaintiffs' proposed  
10 order.

11 Accordingly, **IT IS HEREBY ORDERED:**

12 1. Defendants' Motion to Clarify the Preliminary Injunction, ECF No. 83, is  
13 **GRANTED** in part, and **DENIED**, in part as follows:

14 a. Defendants' proposed clarification to Paragraph 2(a) of the  
15 Preliminary Injunction Order is **granted**, in part. Paragraph 2(a) is  
16 clarified to provide that the Postal Service is not required to delay a trip  
17 when the impact of the delay will be an overall degradation in service,  
18 *e.g.*, in order to prevent a small amount of mail from being delayed if  
19 doing so would cause a larger amount of mail to be delayed, but that the  
20 Postal Service shall use extra trips to minimize the effect of such delays  
21 and to meet service commitments, except when not feasible. "[E]xtra  
22 trips that are reasonably necessary to complete timely mail delivery [are]  
23 not to be unreasonably restricted or prohibited," as the Postal Service  
24 committed to in its September 21, 2020 memorandum to employees.

25 b. Defendants' proposed clarification to Paragraph 2(b) of the  
26 Preliminary Injunction Order is **granted**, in part. Paragraph 2(b) is  
27 clarified to provide that the Postal Service is required to ensure that

28 Election Mail "is generally delivered in line with First-Class Mail

**ORDER GRANTING, IN PART, DEFENDANTS' MOTION TO  
CLARIFY \* 2**

1 delivery standards,” as the Postal Service committed to in its September  
2 25, 2020 memorandum to employees, but the Court is not specifying that  
3 Election Mail entered as Marketing Mail be shipped by any particular  
4 means (such as by air). To facilitate this goal, the Postal Service will, as  
5 it has promised, take “extraordinary measures” “between October 26 and  
6 November 24, to accelerate the delivery of ballots, when the Postal  
7 Service is able to identify the mailpiece as a ballot. These extraordinary  
8 measures include, but are not limited to, expedited handling, extra  
9 deliveries, and special pickups as used in past elections, to connect blank  
10 ballots entered by election officials to voters or completed ballots  
11 returned by voters entered close to or on Election Day to their intended  
12 destination (e.g., Priority Mail Express, Sunday deliveries, special  
13 deliveries, running collected ballots to Boards of Elections on Election  
14 Day, etc.).”

15 c. Defendants’ proposed clarification to Paragraph 3 of the  
16 Preliminary Injunction Order is **denied**, without prejudice, to the same  
17 arguments being raised again in the future.

18 **IT IS SO ORDERED.** The Clerk of Court is directed to enter this Order  
19 and forward copies to counsel.

20 **DATED** this 2nd day of October 2020.



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A handwritten signature in blue ink that reads "Stanley A. Bastian". The signature is written in a cursive, flowing style.

26 Stanley A. Bastian  
27 United States District Judge  
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