

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

WILLIAM C. TOTH JR., <i>et al.</i> ,	:	Civil No. 1:22-CV-00208
	:	
Plaintiffs,	:	
	:	
v.	:	
	:	
LEHIGH M. CHAPMAN, in her official	:	
capacity as Acting Secretary for the	:	
Commonwealth, <i>et al.</i> ,	:	
	:	
Defendants.	:	Judge Jennifer P. Wilson

ORDER

AND NOW, on this 25th day of February, 2022, following an on-the-record telephone conference held on this date, **IT IS ORDERED AS FOLLOWS**:

- 1) Plaintiffs' motions for temporary restraining order, Docs. 10 & 30, are **DENIED** because the court will not grant a temporary restraining order on the expedited basis requested by Plaintiffs prior to resolving the jurisdictional issues raised by Defendants and potential Intervenors.¹ In lieu of granting a temporary restraining order, the court establishes the expedited schedule below to resolve all jurisdictional issues and, if appropriate, the merits of Plaintiffs' motion for preliminary injunction, Doc. 10.
- 2) Motion(s) to dismiss on jurisdictional grounds, at a minimum, as well as brief(s) in support thereof, shall be filed by **5:00 p.m. on Tuesday, March 1, 2022.** As discussed during the telephone conference, this deadline is established without prejudice to the filing of an additional motion to dismiss by the deadline established by the Federal Rules of Civil Procedure.

¹ It is appropriate for the court to make this ruling prior to resolving the request to convene a three-judge district court pursuant 28 U.S.C. § 2284(b)(3).

- a. Plaintiffs shall file one consolidated brief in opposition to the motion(s) to dismiss by **5:00 p.m. on Friday, March 4, 2022.**
 - b. Any reply briefs shall be filed by **5:00 p.m. on Saturday, March 5, 2022.**
- 3) Brief(s) in opposition to Plaintiffs' expedited motion for preliminary injunction, Doc. 10, shall be filed by **5:00 p.m. on Tuesday, March 8, 2022.**
- a. Plaintiffs may file one consolidated reply brief in support of their motion, Docs. 10, by **5:00 p.m. on Thursday, March 10, 2022.**
- 4) A hearing on Plaintiffs' expedited motion for preliminary injunction, Doc. 10, is scheduled for **Friday, March 11, 2022, at 1:00 p.m.** This hearing date is subject to change depending on whether a three-judge district court is convened and the availability of the two other presiding judges.

s/Jennifer P. Wilson

JENNIFER P. WILSON
United States District Court Judge
Middle District of Pennsylvania