

UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF PENNSYLVANIA
WILLIAMSPORT DIVISION

William C. Toth Jr., et al.

Plaintiffs,

v.

Leigh M. Chapman, et al.,

Defendants

Case No. 1:22-cv-00208-JPW

**NOTICE TO THE COURT AND RENEWED EMERGENCY
MOTION FOR TEMPORARY RESTRAINING ORDER**

Earlier today, the Supreme Court of Pennsylvania entered an order that purports to “adopt” a congressional map for the 2022 elections. *See* Exhibit 1. The map chosen by the state supreme court is known as the “Carter plan,” which was proposed by litigants represented by the Elias Law Group. Three justices dissented from the decision to adopt the Carter plan.

The state supreme court’s order instructs state election officials to “prepare textual language that describes the Carter Plan and submit the same to the Secretary of the Commonwealth without delay,” and to “publish notice of the Congressional Districts in the Pennsylvania Bulletin.” *Id.* The state supreme court also “modified” the statutory deadlines in General Primary Election calendar to accommodate its decision to impose a map for the 2022 congressional elections, and it commanded that its “modified” schedule “shall be

implemented by the Secretary of the Commonwealth and all election officers within the Commonwealth.” *Id.* It also directed the Secretary of the Commonwealth to “notify this Court by 4:00 P.M. on February 25, 2022, should it foresee any technical issues.” *Id.*

The state supreme court’s order is a flagrant violation of the Elections Clause and 2 U.S.C. § 2a(c)(5), and the plaintiffs respectfully ask the Court to immediately issue a TRO that restrains the defendants from implementing this unconstitutional order while the Court considers the plaintiffs’ request for preliminary-injunctive relief. If the Court does not grant the requested TRO by midnight tonight, the plaintiffs will deem the request denied and seek emergency relief from Justice Alito.

The accompanying brief contains our arguments and authorities, as well as a proposed order.

Respectfully submitted.

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Dated: February 23, 2022

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CERTIFICATE OF SERVICE

I certify that on February 23, 2022, I filed this document through CM/ECF, which will effectuate service on all counsel of record in this case. I also certify that I will serve this document by e-mail upon the following counsel, who represent the defendants in the state-court redistricting litigation:

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