

KELLY GREENE McCONNELL (ISB #4900)
GIVENS PURSLEY LLP
601 West Bannock Street
P.O. Box 2720
Boise, Idaho 83701-2720
Telephone: 208-388-1200
Facsimile: 208-388-1300
Email: litigation@givenspursley.com

SAM DOTTERS-KATZ (ISB # 9709)
MARCUS, CHRISTIAN, HARDEE & DAVIES, LLP
737 North 7th Street
Boise, Idaho 83702
Telephone: (208) 342-3563
Facsimile: (208) 342-2170
Email: sam@mch-lawyer.com
13422662v1

Counsel for Plaintiff Idaho Democratic Party

IN THE UNITED STATES DISTRICT COURT
FOR THE STATE OF IDAHO

IDAHO STATE DEMOCRATIC PARTY,

Plaintiff,

v.

CHRISTOPHER RICH in his official capacity
as Clerk of the County of Ada of the State of
Idaho, LAWERENCE DENNEY in his official
capacity as Secretary of State of Idaho,

Defendants.

Case No. _____

**MOTION FOR TEMPORARY
RESTRAINING ORDER AND
EMERGENCY INJUNCTIVE RELIEF**

Pursuant to Rule 65 of the Federal Rules of Civil Procedure, Plaintiff Idaho State Democratic Party, by and through its attorneys of record, Givens Pursley LLP and Marcus, Christian, Hardee & Davis, LLP, hereby moves this court for entry of an Order Granting Motion

**MOTION FOR TEMPORARY RESTRAINING ORDER AND EMERGENCY
INJUNCTIVE RELIEF- 1**

for Temporary Restraining Order and Emergency Injunctive Relief, restraining Defendants from engaging in the following acts, directly or indirectly:

1. Ordering Defendants to take such steps as are necessary to keep the poll locations for Ada County Precincts 1602, 1711, 1806, 1810, and 1901, open until 10:00 p.m. Mountain Standard Time;

2. Ordering Defendants to take such steps as are necessary to ensure that any voter who arrives at the polling location after 8:00 p.m. and until the 10:00 p.m. are permitted to vote provisionally and have their votes counted pursuant to Section 302(c) of the Help America Vote Act, 42 U.S.C. § 1548(c); and

3. Ordering Defendants to provide public notice of these extended voting opportunities by notifying all local media of the extension and by posting notices of the extension at all affected poll locations.

This motion is made on the grounds and reasons set forth in the accompanying Memorandum in Support of Motion for Temporary Restraining Order and Emergency Injunctive Relief. This motion is based on the records and files herein and filings herewith. Oral argument is requested.

DATED this 8th day of November, 2016.

By: /s/
Kelly Greene McConnell
Givens Pursley LLP
Idaho State Bar Association No. 4900

By: /s/
Sam Dotters-Katz
Marcus Christian Hardee Davies, LLP.
Idaho State Bar Association No. 9709
Counsel for Plaintiff Idaho Democratic Party

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing will be e-filed this 8th day of November, 2016, and will be automatically served upon counsel of record, all of whom appear to be subscribed to receive notice from the ECF system including:

Sam Dotters-Katz
Counsel for Plaintiff Idaho Democratic Party

Sam.Dotters.Katz@gmail.com

/s/ _____
Kelly Greene McConnell