IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JILL STEIN, et al.,	: : CIVIL ACTION
Plaintiffs,	:
V.	. No. 16-cv-6287(PD)
KATHY BOOCKVAR, in her official capacity as Secretary of the Commonwealth, and JONATHAN MARKS, in his official capacity as Commissioner of the Bureau of Commissions, Elections and Legislation, Defendants.	::::::::::::::
ORDER	
AND NOW, this day of	, 2020, upon consideration
of Defendants' and Intervenors' Motion for Leave	to File Limited Response Correcting Certain
Errors in Plaintiffs' Post-Hearing Submissions (the "Motion for Leave"), it is hereby ORDERED	
that the Motion for Leave is GRANTED.	
IT IS FURTHER ORDERED that the Clerk shall docket the response attached as Exhibit	
A to the Motion for Leave, and that the response shall be deemed filed as of the date of this	
Order.	
	Paul S. Diamond, J.

IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JILL STEIN, et al.,

CIVIL ACTION

Plaintiffs,

v.

No. 16-cv-6287(PD)

KATHY BOOCKVAR, in her official capacity as Secretary of the Commonwealth, and JONATHAN MARKS, in his official capacity as Commissioner of the Bureau of Commissions, Elections and Legislation,

Defendants.

Defendants.

DEFENDANTS' AND INTERVENORS' MOTION FOR LEAVE TO FILE LIMITED RESPONSE CORRECTING CERTAIN ERRORS IN PLAINTIFFS' POST-HEARING SUBMISSIONS

Defendants and Intervenors hereby move for leave to file a response, in the form attached as Exhibit A hereto, limited to correcting certain discrete errors in Plaintiffs' post-hearing submissions (ECF 180). In support of this motion, Defendants and Intervenors respectfully rely on their attached memorandum of law.

WHEREFORE, Defendants and Intervenors request that the Court grant them leave to file the proposed response attached as Exhibit A.

HANGLEY ARONCHICK SEGAL PUDLIN & SCHILLER

CITY OF PHILADELPHIA LAW DEPARTMENT Marcel S. Pratt, City Solicitor

By: /s/ Mark. A. Aronchick

Mark A. Aronchick Robert A. Wiygul Christina C. Matthias One Logan Square, 27th Floor Philadelphia, PA 19103 (215) 568-6200

TUCKER LAW GROUP

Joe H. Tucker Dimitrios Mavroudis 1801 Market Street, Suite 2500 Philadelphia, PA 19103 (215) 875-0609

Counsel for Defendants

By: <u>/s/ Benjamin H. Field</u> BENJAMIN H. FIELD (PA ID No. 204569)

Divisional Deputy City Solicitor
DANIELLE WALSH (PA ID No. 312438)
Deputy City Solicitor
MICHAEL PFAUTZ (PA ID No. 325323)
Assistant City Solicitor
Affirmative & Special Litigation
CITY OF PHILADELPHIA LAW DEPARTMENT
1515 Arch Street, 15th Floor
Philadelphia, PA 19102
(215) 683-5024

Counsel for Intervenors

IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF PENNSYLVANIA

JILL STEIN, et al.,

CIVIL ACTION

Plaintiffs,

v.

No. 16-cv-6287(PD)

KATHY BOOCKVAR, in her official capacity as Secretary of the Commonwealth, and JONATHAN MARKS, in his official capacity as Commissioner of the Bureau of Commissions, Elections and Legislation,

Defendants.

MEMORANDUM OF LAW IN SUPPORT OF DEFENDANTS' AND INTERVENORS' MOTION FOR LEAVE TO FILE LIMITED RESPONSE CORRECTING CERTAIN ERRORS IN PLAINTIFFS' POST-HEARING SUBMISSIONS

Defendants and Intervenors respectfully request leave to file a response, in the form attached as Exhibit A hereto, restricted to correcting discrete errors in Plaintiffs' proposed findings of fact and conclusions of law (ECF 180). The proposed response is *not* a general opposition or reply brief. It likewise does *not* seek to explain or restate any argument that Defendants or Intervenors have already made, nor to supplement Defendants' and Intervenors' proposed findings of fact or conclusions of law. Rather, the proposed response is strictly limited to identifying and correcting certain discrete misstatements of facts and law set forth in Plaintiffs' post-hearing submissions.

In an adversarial system of adjudication, parties are entitled to attempt to frame the evidence and law in the light most favorable to them. As shown in the proposed response, however, certain of Plaintiffs' statements of fact are simply incorrect. The proposed response

identifies eleven examples of such factual misstatements – in the form of a numbered list – concisely explaining, in no more than a few sentences, why each is erroneous. The proposed response also identifies two instances in which Plaintiffs have misstated elements of the law governing the resolution of Plaintiffs' Motion to Enforce the Settlement Agreement. Indeed, in one instance, Plaintiffs have cited case law in support of a proposition *that was expressly overruled* by a subsequent Third Circuit decision.

For the foregoing reasons, Defendants and Intervenors respectfully request that their Motion be granted and that they be granted leave to file the proposed attached as Exhibit A hereto.

Respectfully submitted,

HANGLEY ARONCHICK SEGAL PUDLIN & SCHILLER

CITY OF PHILADELPHIA LAW DEPARTMENT Marcel S. Pratt, City Solicitor

By: /s/ Mark. A. Aronchick

Mark A. Aronchick Robert A. Wiygul Christina C. Matthias One Logan Square, 27th Floor Philadelphia, PA 19103 (215) 568-6200

TUCKER LAW GROUP

Joe H. Tucker Dimitrios Mavroudis 1801 Market Street, Suite 2500 Philadelphia, PA 19103 (215) 875-0609

Counsel for Defendants

By: <u>/s/Benjamin H. Field</u> BENJAMIN H. FIELD (PA ID No. 204569)

Divisional Deputy City Solicitor
DANIELLE WALSH (PA ID No. 312438)
Deputy City Solicitor
MICHAEL PFAUTZ (PA ID No. 325323)
Assistant City Solicitor
Affirmative & Special Litigation
CITY OF PHILADELPHIA LAW DEPARTMENT
1515 Arch Street, 15th Floor
Philadelphia, PA 19102
(215) 683-5024

Counsel for Intervenors

CERTIFICATE OF SERVICE

I hereby certify that on March 23, 2020, I caused the foregoing Defendants' Motion for Leave to File Limited Response Correcting Certain Errors in Plaintiffs' Post-Hearing Submissions and memorandum of law in support thereof to be filed with the United States District Court for the Eastern District of Pennsylvania via the Court's CM/ECF system, which will provide electronic notice to all counsel of record.

/s/ Mark Aronchick
Mark Aronchick