

In This Together NEPA Inc.; Jenny	:	In the Court of Common Pleas
L. Wilczak; Hannah Butterwick; and	:	
Carole Shearer,	:	
	:	Luzerne County
Plaintiffs,	:	
	:	
v.	:	No.
	:	
Romilda Crocamo, in her official	:	
capacity as Luzerne County Manager;	:	
and Luzerne County Board of Elections	:	
and Registration,	:	
	:	
Defendants.	:	

MOTION FOR PRELIMINARY INJUNCTION

NOW COME Plaintiffs, by and through their counsel, Sarah L. Borland Esq. and Joesph C. Borland Esq. of Borland & Borland, LLP, and the American Civil Liberties Union of Pennsylvania, and aver as follows in support of their Motion for Preliminary Injunction pursuant to Pa. R.C.P. 1531:

1. Plaintiffs have filed a Complaint seeking equitable and declaratory relief against Defendant Crocamo and the Luzerne County Board of Elections and Registration in the above matter, which Verified Complaint is attached hereto as Exhibit A and made a part hereof.

2. This action seeks to enjoin Defendant Crocamo’s ongoing violation of the Pennsylvania Elections Code, to wit, Defendant Crocamo, acting without authorization and beyond her authority, unilaterally cancelled the Defendant Board of Elections and

Registration's lawful decision to continue the practice of using four drop boxes around the county for the voters' convenience during the run up to the November 5 election.

3. Plaintiffs seeks special and preliminary injunctive and declaratory relief pursuant to Pa. R.C.P. 1531 as follows: Enjoin Defendant Crocamo's September 18 and 23 directives, in which she unilaterally and in excess of her lawful authority canceled the Board of Election's lawful decision to continue using four election drop boxes during the upcoming election, and direct her to carry out the Board's lawful drop box directive.

4. The relief requested herein is necessary to prevent immediate and irreparable harm, which cannot be compensated by monetary damages.

5. Greater injury will occur from refusing the injunctive relief requested than by granting it, inasmuch as Defendants will suffer no monetary, nor other, harm by forbearing from engaging in the proscribed conduct, pending the determination of Defendants' claims.

6. The injunctive relief requested will restore the parties to the *status quo* as it existed immediately before Defendant Crocamo's wrongful conduct.

7. The activity which is sought to be restrained is actionable, the Plaintiff's right to relief is clear, and the wrong is manifest, or, in other words, the Plaintiffs are likely to prevail on the merits as Pennsylvania Election Law is clear that the Board of Elections has the responsibility for administering elections in Luzerne County.

8. The injunction sought is reasonably suited to abate Defendant Crocamo's illegal actions.

9. The preliminary injunction will not adversely affect the public interest.

10. Requirement of a bond in the nominal amount of one (\$1) dollar is appropriate pursuant to Pa. R.C.P. 1531(b).

11. Plaintiffs incorporate by reference the arguments in the Brief in Support of Motion for Preliminary Injunction.

WHEREFORE, Plaintiffs' respectfully request that this Court issue an injunction enjoining and restraining Defendant Crocamo's illegal and ultra vires orders cancelling the Defendant Board of Election's lawful decision to continue using four mail-ballot drop boxes for the upcoming November 2024 general election.

RESPECTFULLY SUBMITTED:

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