

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

AMERICAN CIVIL RIGHTS UNION,)	
in its individual and corporate capacities,)	
)	CIVIL ACTION
<i>Plaintiff,</i>)	
)	
v.)	Civil Action No.
)	
PHILADELPHIA CITY)	
COMMISSIONERS,)	
)	JURY TRIAL DEMANDED
<i>Defendants.</i>)	
)	
Serve:)	
Voter Registration)	
520 N. Columbus Blvd. - 5 th Floor)	
Philadelphia, PA 19123)	
_____)	

COMPLAINT

Plaintiff, by its attorneys, brings this action for violations of Section 8 of the National Voter Registration Act of 1993 (“NVRA”), specifically 52 U.S.C. § 20507(i).

1. Plaintiff seeks declaratory and injunctive relief to compel Defendants’ compliance with Section 8 of the NVRA, specifically 52 U.S.C. §20507(i). Specifically, Defendants have violated Section 8 by failing to respond whatsoever to a request by Plaintiff to inspect election records Defendants are required to maintain pursuant to 52 U.S.C. § 20507(i). Plaintiff thus seeks a declaration and an injunction requiring Defendants to permit Plaintiff to publicly inspect and examine all voter registration and election records as described in this Complaint.

JURISDICTION AND VENUE

2. This Court has jurisdiction over this matter pursuant to 28 U.S.C. §1331, as the action arises under the laws of the United States. This Court also has jurisdiction under 52 U.S.C. § 20510(b), as the action seeks injunctive and declaratory relief under the NVRA.

3. Venue in this Court is proper under 28 U.S.C. §1391(b), because a substantial part of the events or omissions giving rise to the claim occurred in the Eastern District of Pennsylvania.

PARTIES

4. Plaintiff American Civil Rights Union, Inc., (“ACRU”) is a non-profit corporation, incorporated in the District of Columbia, with its principal place of business at 3213 Duke St., #625, Alexandria, VA 22314. The ACRU promotes election integrity, compliance with federal election laws, government transparency and constitutional government. Plaintiff ACRU brings this action in its individual and corporate capacities and also on behalf of its members and supporters who are registered to vote in the Commonwealth of Pennsylvania, under 52 U.S.C. §20510(b), which creates a private right of action for enforcement.

5. The Defendants, the Philadelphia City Commissioners are the public entity empowered to register voters, oversee election records and supervise list maintenance activities authorized by 25 Pa. Code §1203. The Philadelphia City

Commissioners' offices are located at Philadelphia City Hall, Rooms 130, 132, and 134, Philadelphia, Pennsylvania 19107.

FACTUAL BACKGROUND

6. On January 26, 2016, Plaintiff sent by certified mail through the United States Postal Service notice pursuant to 52 U.S.C. § 20510(b)(1) (hereinafter "the Notice"). The notice said: "Based on our comparison of publicly available information published by the U.S. Census Bureau and the Federal Election Assistance Commission, your county is failing to comply with Section 8 of the National Voter Registration Act (NVRA). Federal law requires election officials to conduct a reasonable effort to maintain voter registration lists free of dead voters, ineligible voters and voters who have moved away; 52 U.S.C. §§ 20503 and 20507. **In short, your county has nearly more registrants than eligible citizens living in the county and may not be conducting reasonable list maintenance to ensure noncitizens are not improperly registering to vote.**" (emphasis added). A true and correct copy of the Notice is attached hereto and incorporated herein as Exhibit "A." A true and correct copy of the certified mail receipt is attached as Exhibit "B." A true and correct copy of Proof of Delivery is attached as Exhibit "C."

7. The Notice also contained an informational request in accordance with 52 U.S.C. § 20507(i). Under 52 U.S.C. § 20507(i), the Defendants "shall make available for public inspection and, where available, photocopying at a reasonable cost, all records concerning the implementation of programs and activities

conducted for the purpose of ensuring the accuracy and currency of official lists of eligible voters.” The Notice specifically cited this statute and sought inspection or copies of particular list maintenance records.

8. The Notice requested specific records that would enable Plaintiff to ascertain why Defendants have implausible percentages of active registrants as compared to age-eligible United States citizens who live in Philadelphia. To wit, Plaintiff’s Notice sought the following records and information from the Defendants:

“(a) updated registration data since the publication of the 2014 EAC report;

(b) records your office obtained or received from the Philadelphia Circuit Court Clerk, United States District Court clerks or other sources regarding individuals who were ineligible to serve on juries because of a lack of American citizenship, death or relocation out of the jurisdiction, including but not limited to records concerning juror qualification questionnaires—whether completed via the Internet or returned through the mail—on which the individual that completed the questionnaire indicated that he or she is not a United States citizen, please include subsequent list maintenance records produced pursuant to inquiries based on this information;

(c) the number of ineligible voters purged by category (e.g., dead, duplicate, ineligible) and by date;

(d) the source agency that provided the identifying information of the purged deceased and when the data was provided;

(e) the number of notices sent to inactive voters since the publication of the 2014 EAC Report including the date, scope and contents of any countywide mailing to all registered voters;

(f) the names of the staff in your office responsible for conducting list maintenance obligations who may appear on list maintenance records or who alter list maintenance records in furtherance of the duties of the office;

(g) the number of ineligible voters removed for criminal conviction, if applicable, and the date of the most recent dataset containing criminal convictions against which you compared voter lists, including communications with other agencies regarding criminal convictions;

(h) the total number of voters registered in your county as of the date of your response;

(i) any records indicating the use of citizenship or immigration status for list maintenance activities, including but not limited to the Systematic Alien Verification for Entitlements (SAVE) Program database. Any other records produced in reliance on other sources of citizenship verification data;

(j) all list maintenance records including federal voter registration forms containing citizenship eligibility questionnaires for the last 22 months.”

9. The Defendants never responded to Plaintiff’s Notice, nor did they provide any of the requested records or make them available for public inspection.

10. The Notice also informed Defendants that a lawsuit may be brought against them to ensure compliance with the requirements of federal voter registration laws. It further stated “For any lawsuits initiated by a private party, an award of attorney’s fees, expenses and costs incurred are available under 52 U.S.C. §20510(c).”

COUNT I

Failure to Produce Records and Data in Violation of the NVRA

11. Plaintiff incorporates paragraphs 1 through 10 as though fully set forth at length herein.

12. Defendants have not responded to Plaintiff's requests to inspect records and data, or obtain records and data.

13. The violation was not corrected within twenty (20) days of delivery of Plaintiff's Notice, giving Plaintiff a private right of action under 52 U.S.C. 20510 (b)(2) for a declaratory judgment to remedy Defendants' violation of Section 8 of the NVRA, specifically 52 U.S.C. § 20507(i).

14. Plaintiff has suffered an irreparable informational injury as a direct result of Defendants' violation of Section 8 of the NVRA because the Plaintiff does not have the data and records requested. The NVRA confers upon Plaintiff an individual right to information, and Defendants caused a concrete injury to Plaintiff by denying access to such information. See also, *Project Vote v. Long*, 682 F.3d 331, 334-335 (4th Cir. Va. 2012) (The NVRA requires local election officials to provide voter registration data to the public).

15. Plaintiff will continue to be injured by Defendants' violations of Section 8 of the NVRA unless and until Defendants are enjoined from continuing to violate the law.

16. Plaintiff has no adequate remedy at law.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for a declaratory judgment:

- A. Declaring that Defendants are in violation of Section 8 of the NVRA;
- B. Ordering Defendants to provide the records requested;
- C. Ordering Defendants to permit public inspection of the records requested;
- D. Ordering the Defendants to pay Plaintiff's reasonable attorney's fees, including litigation expenses and costs, pursuant to 52 U.S.C. §20510(c); and
- E. Granting Plaintiff further relief that this Court deems just and proper.

Respectfully submitted,

For the Plaintiff:
American Civil Rights Union


April 4, 2016
LAW OFFICES OF LINDA A. KERNS, LLC
Linda A. Kerns, Esquire
1420 Locust Street – Suite 200
Philadelphia, PA 19102
PA Atty ID 84495
PHONE (215) 731-1400
FAX (215) 701-4154
EMAIL linda@lindakernslaw.com

J. Christian Adams, Esquire
PUBLIC INTEREST LEGAL
FOUNDATION
209 W. Main Street
Plainfield, IN 46168
(317) 203-5599
Email: adams@publicinterestlegal.org
Pro Hac Vice application to be filed

EXHIBIT “A”



The American Civil Rights Union

“Protecting the civil rights of all Americans.”
www.theacru.org

Founder

January 26, 2016

Hon. Robert B. Carleson
(1931-2006)

VIA CERTIFIED MAIL

Policy Board

Philadelphia City Commissioners Office
Voter Registration
520 N. Columbus Blvd., 5th Floor
Philadelphia, PA 19123

Hon. Edwin Meese III
Hon. William Bradford Reynolds
Amb. Curtin Winsor, Jr.
Dr. Walter E. Williams
Hon. Charles J. Cooper
Hon. J. Kenneth Blackwell
J. Christian Adams
Hans von Spakovsky
Christopher Coates

Dear Sir or Madam:

I am writing on behalf of the American Civil Rights Union to notify you that your county is in apparent violation of Section 8 of the National Voter Registration Act based on our research.

The ACRU is a nonpartisan, nonprofit organization dedicated to protecting the constitutional rights of all Americans, foremost among them the right of self-governance and the integrity of our election process. We are committed to preventing vote fraud by ensuring accurate voter registration rolls.

Voter rolls across America contain substantial numbers of ineligible voters, resulting in the possible disenfranchisement of legally eligible voters via ballot dilution that threatens to taint the integrity of the electoral process.

Based on our comparison of publicly available information published by the U.S. Census Bureau and the federal Election Assistance Commission, your county is failing to comply with Section 8 of the National Voter Registration Act (NVRA). Federal law requires election officials to conduct a reasonable effort to maintain voter registration lists free of dead voters, ineligible voters and voters who have moved away; 52 U.S.C. §§ 20503 and 20507.

In short, your county has nearly more registrants than eligible citizens living in the county and may not be conducting reasonable list maintenance to ensure non-citizens are not improperly registering to vote.

The Attorney General of the United States may enforce the list maintenance requirements of Section 8 of NVRA to ensure that ineligible voters are not participating in the political process, but she has failed to do so. Public Interest Legal Foundation has therefore taken on the task of notifying you of your county’s violation.

Members Emeritus

Hon. Linda L. Chavez
Hon. Kenneth Y. Tomlinson
Judge Robert H. Bork
Dean Kenneth W. Starr
Dean J. Clayburn LaForce, Jr.
Dr. James Q. Wilson

Board of Directors

Susan A. Carleson
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Hon. Edwin Meese III
Wendy Borchardt LeRoy
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David A. Leedom

Susan A. Carleson
President
Christopher Coates
General Counsel

This letter serves as the statutory notice to your county, required by 52 U.S.C. § 20510(b) prior to the commencement of any lawsuit in order to enforce provisions of Section 8 of the NVRA, 52 U.S.C. § 20507.

It is our hope that your county will work quickly towards full compliance with 52 U.S.C. § 20507. If not, according to the federal statute, a lawsuit under the NVRA may be filed twenty (20) days after the receipt of this notice by a private party since the NVRA contains a private right of action to enforce the provisions of the statute. For any lawsuits initiated by a private party, an award of attorney's fees, expenses and costs incurred are available under 52 U.S.C. §20510(c).

If you believe the information reported by the Election Assistance Commission for 2014 ("2014 EAC Report") or to the Secretary of State currently is inaccurate, please state the basis for that belief. In particular, if the publicly available information cited above is no longer accurate, it would be helpful if you could provide:

- (a) updated registration data since the publication of the 2014 EAC report;
- (b) records your office obtained or received from the Pennsylvania Circuit Court Clerk, United States District Court clerks or other sources regarding individuals who were ineligible to serve on juries because of a lack of American citizenship, death or relocation out of the jurisdiction, including but not limited to records concerning juror qualification questionnaires—whether completed via the Internet or returned through the mail—on which the individual that completed the questionnaire indicated that he or she is not a United States citizen, please include subsequent list maintenance records produced pursuant to inquiries based on this information;
- (c) the number of ineligible voters purged by category (e.g., dead, duplicate, ineligible) and by date;
- (d) the source agency that provided the identifying information of the purged deceased and when the data was provided;
- (e) the number of notices sent to inactive voters since the publication of the 2014 EAC Report including the date, scope and contents of any countywide mailing to all registered voters;
- (f) the names of the staff in your office responsible for conducting list maintenance obligations who may appear on list maintenance records or who alter list maintenance records in furtherance of the duties of the office;
- (g) the number of ineligible voters removed for criminal conviction, if applicable, and the date of the most recent dataset containing criminal convictions against which you compared voter lists, including communications with other agencies regarding criminal convictions;

3

- (h) the total number of voters registered in your county as of the date of your response;
- (i) any records indicating the use of citizenship or immigration status for list maintenance activities, including but not limited to the Systematic Alien Verification for Entitlements (SAVE) Program database. Any other records produced in reliance on other sources of citizenship verification data;
- (j) all list maintenance records including federal voter registration forms containing citizenship eligibility questionnaires for the last 22 months;

Section 8 also requires your county office to make available for public inspection “all records concerning the implementation of programs and activities conducted for the purpose of ensuring the accuracy and currency of official lists of eligible voters.” 52 U.S.C. § 20507(i); See also, *Project Vote v. Long*, 682 F.3d 331, 334-335 (4th Cir. Va. 2012) (The NVRA requires local election officials to provide voter registration data to the public).

We would like to discuss with your office how to implement a remedial plan which could cure what appears to be a violation of Section 8 of the NVRA. We also request the opportunity to inspect the list maintenance documents outlined above.

Since steps necessary to ensure that only eligible voters are on the rolls will not involve significant effort or cost, we believe it is reasonable to expect your county’s voter roll violations to be resolved before voting begins in the November 2016 elections.

Thank you for your time and attention to this matter. Please feel free to call to arrange a convenient time to discuss and arrange an inspection by contacting me at the below address or email.

Sincerely,

Susan A. Carleson
President
American Civil Rights Union
susan.carleson@theacru.org

CC: Pedro A. Cortes
Secretary of the Commonwealth
210 North Office Building
401 North Street
Harrisburg, PA 17120

EXHIBIT “B”

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
(Domestic Mail Only; No Insurance Coverage Provided)

For delivery information visit our website at www.usps.com
PHILADELPHIA, PA 19123

7012 2920 0001 4732 6301

Postage	\$3.45
Certified Fee	\$2.80
Return Receipt Fee (Endorsement Required)	\$0.00
Restricted Delivery Fee (Endorsement Required)	\$0.00
Total Postage & Fees	\$6.74

0111
 17
 Postmark
 Here
 01/27/2016

Sent To
 Phila. City Comm. - Voter Reg.
 Street, Apt. No.,
 or PO Box No. 520 N. Columbus Blvd 5th floor
 City, State ZIP+4® Philadelphia, PA 19123

EXHIBIT “C”



USPS Tracking®



Customer Service ›
Have questions? We're here to help.



Get Easy Tracking Updates ›
Sign up for My USPS.

Tracking Number: 70122920000147326301

Product & Tracking Information

Postal Product:
First-Class Mail®

Features:
Certified Mail™ Return Receipt

See tracking for related item: 9590952106150228442901

Available Actions

DATE & TIME	STATUS OF ITEM	LOCATION
February 1, 2016 , 4:37 pm	Delivered, In/At Mailbox	PHILADELPHIA, PA 19123
Your item was delivered in or at the mailbox at 4:37 pm on February 1, 2016 in PHILADELPHIA, PA 19123.		
January 30, 2016 , 2:05 am	Departed USPS Destination Facility	PHILADELPHIA, PA 19176
January 29, 2016 , 1:59 pm	Arrived at USPS Destination Facility	PHILADELPHIA, PA 19176
January 27, 2016 , 9:17 pm	Departed USPS Origin Facility	MERRIFIELD, VA 22081
January 27, 2016 , 8:41 pm	Arrived at USPS Origin Facility	MERRIFIELD, VA 22081
January 27, 2016 , 6:05 pm	Departed Post Office	ALEXANDRIA, VA 22304
January 27, 2016 , 3:47 pm	Acceptance	ALEXANDRIA, VA 22304

Track Another Package

Tracking (or receipt) number

Track It

Manage Incoming Packages

Track all your packages from a dashboard.
No tracking numbers necessary.

Sign up for My USPS ›



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Search or Enter a Tracking Number

JS 44 (Rev. 12/12)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS
 American Civil Rights Union, as an individual and a corporation
 3213 Duke Street, #625, Alexandria, VA 22314

(b) County of Residence of First Listed Plaintiff Fairfax County
 (EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)
 Linda A. Kerns, Esquire,
 1420 Locust Street, Suite 200, Philadelphia, PA 19102
 (215) 731-1400

DEFENDANTS
 Philadelphia City Commissioners in their Official Capacities
 (Anthony Clark, Al Schmidt, Lisa Deeley), Philadelphia City Hall,
 Rooms 130, 132, and 134, Philadelphia, PA 19107

County of Residence of First Listed Defendant Philadelphia
 (IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

1 U.S. Government Plaintiff

3 Federal Question (U.S. Government Not a Party)

2 U.S. Government Defendant

4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

	PTF	DEF		PTF	DEF
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business In This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business In Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY	CIVIL RIGHTS	PRISONER PETITIONS			
<input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	<input type="checkbox"/> 440 Other Civil Rights <input checked="" type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 448 Education	Habeas Corpus: <input type="checkbox"/> 463 Alien Detainee <input type="checkbox"/> 510 Motions to Vacate Sentence <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty Other: <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition <input type="checkbox"/> 560 Civil Detainee - Conditions of Confinement			

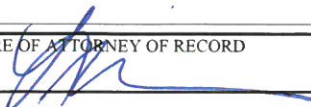
V. ORIGIN (Place an "X" in One Box Only)

1 Original Proceeding 2 Removed from State Court 3 Remanded from Appellate Court 4 Reinstated or Reopened 5 Transferred from Another District (specify) 6 Multidistrict Litigation

VI. CAUSE OF ACTION Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):
52 U.S.C. 20510(b)
 Brief description of cause:
Voting Rights Act Enforcement

VII. REQUESTED IN COMPLAINT: CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. **DEMAND \$** _____ CHECK YES only if demanded in complaint: **JURY DEMAND:** Yes No

VIII. RELATED CASE(S) IF ANY (See instructions): JUDGE _____ DOCKET NUMBER _____

DATE April 4, 2016 SIGNATURE OF ATTORNEY OF RECORD 

FOR OFFICE USE ONLY: RECEIPT # _____ AMOUNT _____ APPLYING IFP _____ JUDGE _____ MAG. JUDGE _____

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

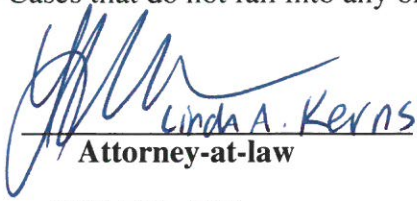
CASE MANAGEMENT TRACK DESIGNATION FORM

AMERICAN CIVIL RIGHTS UNION	:	CIVIL ACTION
in its individual and corporate capacities,	:	
<i>Plaintiff</i>	:	
v.	:	
Philadelphia City Commissioners,	:	
<i>Defendants</i>	:	NO.

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ()
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ()
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ()
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ()
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ()
- (f) Standard Management – Cases that do not fall into any one of the other tracks. (X)

<u>April 4, 2016</u>		<u>American Civil Rights Union</u>
Date	Attorney-at-law	Attorney for
<u>(215) 731-1400</u>	<u>(215) 701-4154</u>	<u>linda@lindakernslaw.com</u>
Telephone	FAX Number	E-Mail Address

**Civil Justice Expense and Delay Reduction Plan
Section 1:03 - Assignment to a Management Track**

- (a) The clerk of court will assign cases to tracks (a) through (d) based on the initial pleading.
- (b) In all cases not appropriate for assignment by the clerk of court to tracks (a) through (d), the plaintiff shall submit to the clerk of court and serve with the complaint on all defendants a case management track designation form specifying that the plaintiff believes the case requires Standard Management or Special Management. In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a case management track designation form specifying the track to which that defendant believes the case should be assigned.
- (c) The court may, on its own initiative or upon the request of any party, change the track assignment of any case at any time.
- (d) Nothing in this Plan is intended to abrogate or limit a judicial officer's authority in any case pending before that judicial officer, to direct pretrial and trial proceedings that are more stringent than those of the Plan and that are designed to accomplish cost and delay reduction.
- (e) Nothing in this Plan is intended to supersede Local Civil Rules 40.1 and 72.1, or the procedure for random assignment of Habeas Corpus and Social Security cases referred to magistrate judges of the court.

**SPECIAL MANAGEMENT CASE ASSIGNMENTS
(See §1.02 (e) Management Track Definitions of the
Civil Justice Expense and Delay Reduction Plan)**

Special Management cases will usually include that class of cases commonly referred to as "complex litigation" as that term has been used in the Manuals for Complex Litigation. The first manual was prepared in 1969 and the Manual for Complex Litigation Second, MCL 2d was prepared in 1985. This term is intended to include cases that present unusual problems and require extraordinary treatment. See §0.1 of the first manual. Cases may require special or intense management by the court due to one or more of the following factors: (1) large number of parties; (2) large number of claims or defenses; (3) complex factual issues; (4) large volume of evidence; (5) problems locating or preserving evidence; (6) extensive discovery; (7) exceptionally long time needed to prepare for disposition; (8) decision needed within an exceptionally short time; and (9) need to decide preliminary issues before final disposition. It may include two or more related cases. Complex litigation typically includes such cases as antitrust cases; cases involving a large number of parties or an unincorporated association of large membership; cases involving requests for injunctive relief affecting the operation of large business entities; patent cases; copyright and trademark cases; common disaster cases such as those arising from aircraft crashes or marine disasters; actions brought by individual stockholders; stockholder's derivative and stockholder's representative actions; class actions or potential class actions; and other civil (and criminal) cases involving unusual multiplicity or complexity of factual issues. See §0.22 of the first Manual for Complex Litigation and Manual for Complex Litigation Second, Chapter 33.

FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff: American Civil Rights Union, 3213 Duke Street, #625, Alexandria, VA 22314

Address of Defendant: Philadelphia City Hall, Rooms 130, 132, and 134, Philadelphia, PA 19107

Place of Accident, Incident or Transaction: Philadelphia, Pennsylvania
 (Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?
 (Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a)) Yes No

Does this case involve multidistrict litigation possibilities? Yes No

RELATED CASE, IF ANY:

Case Number: _____ Judge _____ Date Terminated: _____

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?
 Yes No
2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?
 Yes No
3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court?
 Yes No
4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?
 Yes No

CIVIL: (Place in ONE CATEGORY ONLY)

A. Federal Question Cases:

1. Indemnity Contract, Marine Contract, and All Other Contracts
2. FELA
3. Jones Act-Personal Injury
4. Antitrust
5. Patent
6. Labor-Management Relations
7. Civil Rights
8. Habeas Corpus
9. Securities Act(s) Cases
10. Social Security Review Cases
11. All other Federal Question Cases
 (Please specify) National Voter Registration Act of 1993

B. Diversity Jurisdiction Cases:

1. Insurance Contract and Other Contracts
2. Airplane Personal Injury
3. Assault, Defamation
4. Marine Personal Injury
5. Motor Vehicle Personal Injury
6. Other Personal Injury (Please specify)
7. Products Liability
8. Products Liability — Asbestos
9. All other Diversity Cases
 (Please specify) _____

ARBITRATION CERTIFICATION

(Check Appropriate Category)

I, Linda A. Kerns, Esquire, counsel of record do hereby certify:

- Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;
- Relief other than monetary damages is sought.

DATE: April 9, 2016

 Linda A. Kerns, Esquire, Attorney-at-Law

PA-84495

 Attorney I.D.#

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: April 4, 2016

 Linda A. Kerns, Esquire, Attorney-at-Law

PA-84495

 Attorney I.D.#