

IN THE COURT OF COMMON PLEAS OF YORK COUNTY, PENNSYLVANIA

AMERICAN CIVIL LIBERTIES UNION	:	No. 2024-SU-00643
FOUNDATION OF PENNSYLVANIA	:	
And ELIZABETH KURIAN,	:	
Plaintiffs	:	
	:	
v.	:	
	:	
YORK COUNTY BOARD OF	:	
ELECTIONS,	:	
Defendant	:	

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ORDER OVERRULING PRELIMINARY OBJECTIONS

AND NOW, this 15th day of October, 2024, it is hereby **ORDERED** and **DIRECTED** that Defendant’s Preliminary Objections to Plaintiffs’ Action for Declaratory Judgment and Injunctive Relief are **OVERRULED**. The Court finds as follows:


1. Both Plaintiffs have standing to bring their Action pursuant to Section 1404 of the Pennsylvania Election Code. 25 P.S. § 3154. Plaintiffs have sufficiently pled that they have a substantial, direct, and immediate interest in this litigation that is distinguishable from the public at large, and they have sufficiently alleged to have suffered a harm causally related to Defendant’s actions. *See Johnson v. Am. Standard*, 8 A.3d 318, 333 (Pa. 2010); *Wm. Penn Parking Garage, Inc. v. City of Pittsburgh*, 346 A.2d 269, 286-287 (Pa. 1975).
2. Plaintiffs have set forth sufficient and cognizable legal claims against Defendant pursuant to the Declaratory Judgment Act, requesting a determination of their rights, if any, under 25 P.S. § 3154(a). 42 Pa.C.S.A. §7533 (Declaratory Judgments).
3. This Court has jurisdiction over Plaintiffs’ Action pursuant to the Declaratory Judgment Act. 42 Pa.C.S.A. §§7532, 7541.

4. Plaintiffs' Action is not barred by the doctrine of laches. Plaintiffs have exercised due diligence in bringing their Action, which was only delayed due to Defendant's request for additional time in responding to Plaintiff's request for modification of Board policy. The Court also finds that Defendant has suffered no prejudice as a result of any alleged delay.

Pursuant to Pa.R.C.P. 1028(d), Defendant shall file an Answer to Plaintiffs' Action within twenty (20) days of receiving notice of this Order.

The Prothonotary shall provide notice of this Order as required by law.

BY THE COURT:



TODD R. PLATTS, JUDGE

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OCT 16 2024

Barton, Tierra L.

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Attachments: 2024-10-16 (6).pdf

ALEXIS K SWOPE, ESQ

Notice of Entry of Order in accordance with PA R.C.P. 236

If you have any questions for the Prothonotary's office, call 717-771-9611. Thank You.

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