

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA  
HARRISBURG DIVISION**

1789 FOUNDATION INC., d/b/a CITIZEN  
AG, and ANTHONY GOLEMBIEWSKI,

*Plaintiffs,*

v.

AL SCHMIDT, in his official capacity as  
Secretary of State, and COMMONWEALTH  
OF PENNSYLVANIA,

*Defendants.*

Case No. 3:24-cv-01865

**PLAINTIFFS' EMERGENCY *EX*  
PARTE MOTION FOR TEMPORARY  
RESTRAINING ORDER AND  
PRELIMINARY INJUNCTION**

Pursuant to Rule 65 of the Federal Rules of Civil Procedure, Plaintiffs 1789 Foundation, Inc. d/b/a Citizen AG, together with Anthony Golembiewski (collectively, "Plaintiffs"), move this Court for entry of an Emergency *Ex Parte* Temporary Restraining Order and Preliminary Injunction against Defendants Al Schmidt, in his official capacity as Pennsylvania's Secretary of State and the Commonwealth of Pennsylvania (collectively, "Defendants") that enjoins Defendants from continuing to refuse to make available the records Plaintiffs requested in their October 4, 2024 open records request and compel such records be produced on or before November 2, 2024 in accord with the requirements set forth under 52 U.S.C. § 20507(i).

Plaintiffs also seek an Emergency *Ex Parte* Temporary Restraining Order that enjoins Defendants from allowing any inactive registrant that (1) failed to respond to a confirmation notice sent prior to the 2020 General Election; and (2) who did not vote in either the 2020 or 2022 federal

elections, to vote in the 2024 Presidential Election unless the inactive registrant complies with the mandatory applicable provisions of 52 U.S.C. § 20507(e) on or before November 5, 2024.<sup>1</sup>

In further support thereof, Plaintiffs submit the accompanying Memorandum of Points and Authorities. A proposed order is concurrently submitted to the Court. Oral argument is respectfully requested.

Dated: October 29, 2024

Respectfully submitted,  
1789 FOUNDATION, INC. d/b/a  
CITIZEN AG and ANTHONY GOLEMBIEWSKI

By: /s/ Gregory A. Stapp  
Gregory A. Stapp (PA #78247)  
153 West Fourth Street, Suite 6  
Williamsport, PA 17701  
Tel: (570) 326-1077  
Fax: (570) 651-9420  
[gstapp@stapplaw.net](mailto:gstapp@stapplaw.net)

By: /s/ Rachel L. Dreher  
Rachel L. Dreher \* (FL #32092)  
CITIZEN AG  
111 NE 1st St, 8th Floor  
Miami, FL 33132  
Tel: (561) 801-8661  
[rachel@citizenag.org](mailto:rachel@citizenag.org)  
\**pro hac vice* forthcoming

Attorney for Plaintiffs

---

<sup>1</sup> Plaintiffs are not seeking the removal of any voters, including those who were required to be removed as of November 9, 2022 pursuant to 52 U.S.C. § 20507(d)(1)(B); instead, and in the interests of all Pennsylvanian voters, Plaintiffs merely request that this Court enforce the provisions of 52 U.S.C. § 20507(e) as a means of balancing the interests of all registered Pennsylvania voters.

**CERTIFICATE OF SERVICE**

I hereby certify that on October 29, 2024, a true and correct copy of the foregoing was filed and served via the Court's CM/ECF electronic filing system upon all parties and counsel of record. A copy of this motion and accompanying memorandum of points and authorities will also be served expeditiously upon all Defendants via private process server.

By: /s/ Gregory A. Stapp  
Gregory A. Stapp

RETRIEVED FROM DEMOCRACYDOCKET.COM