

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

Monica Moyer; Robert A. Gleason, Jr.; :
Joyce Haas; Adrienne Mitford; Joseph :
B. Maguire; W. Craig Williams; and :
the Republican Party of Pennsylvania, :
Petitioners :

v. :

No. 497 M.D. 2008

Pedro A. Cortes, Secretary of the :
Commonwealth; Association of :
Community Organizations for Reform :
Now (ACORN); Philadelphia ACORN; :
Allegheny County ACORN; Erie County :
ACORN; Harrisburg ACORN; Lehigh :
Valley ACORN; Southeastern PA. :
ACORN; Project Vote/Voting for :
America, Inc.; Citizens Services, Inc.; :
and All other ACORN Affiliates and :
Subsidiaries Operating in Pennsylvania, :
the identity of which are currently :
unknown, :
Respondents :

ORDER

AND NOW, this 30th day of October, 2008, upon consideration of the parties' pleadings in the above-captioned matter, and the evidence presented at hearing on Petitioners' Motion for a Special and Preliminary Injunction, the Court determines as follows:

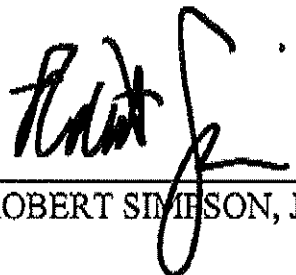
A party seeking a special or preliminary injunction must show that an injunction is necessary to prevent immediate and irreparable harm that cannot be adequately compensated by damages; a greater injury would result from refusing injunction than granting it; and, concomitantly, issuance of injunction will not harm other interested parties in the proceedings; a preliminary injunction will properly restore the parties to their status as it existed immediately prior to the

alleged wrongful conduct; that its right to relief is clear and that the wrong is manifest, or, in other words, that it is likely to prevail on the merits; that the injunction is reasonably suited to abate the offending activity; and that a preliminary injunction will not adversely affect the public interest. See Free Speech, LLC v. City of Phila., 884 A.2d 966 (Pa. Cmwlth. 2005). If the moving fails to establish any of these prerequisites, there is no need to address the others. Id.; and

In light of evidence offered by Respondent Secretary of the Commonwealth, Petitioners failed to persuade the Court that they are likely to prevail on the merits. Accordingly, Petitioners' Motion for a Special and Preliminary Injunction is **DENIED**; and

Upon written application of any party, the Chief Clerk shall schedule a hearing on request for permanent injunction on or before November 19, 2008; and

Given the above time frame and given evidence that in Pennsylvania practices of ACORN Outreach Workers can encourage duplicate voter registration, that in Pennsylvania quality control practices of ACORN may be inadequate to identify duplicate voter registration, that in Philadelphia a huge number of duplicate voter registrations were received, and that in Pennsylvania ACORN maintains computer records of "Problematic Card Cover Sheets," the Court will entertain a motion for expedited discovery should a hearing on permanent injunction be scheduled.



ROBERT SIMPSON, Judge