

IN THE
United States Court of Appeals
FOR THE THIRD CIRCUIT

REPUBLICAN NATIONAL COMMITTEE, *et al.*,
Defendant-Appellant
v.
DEMOCRATIC NATIONAL COMMITTEE, *et al.*,
Plaintiff-Appellee
v.
EBONY MALONE
Intervenor-Appellee

On Appeal From the United States District Court
For the District of New Jersey
Civil Action No. 81-3876
Judge Dickinson R. Debevoise

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**Answer of Intervenor Ebony Malone to Emergency Petition of
Republican National Committee for Panel Rehearing or Rehearing en
Banc for Stay Pending Appeal and Request for Expedited
Consideration**

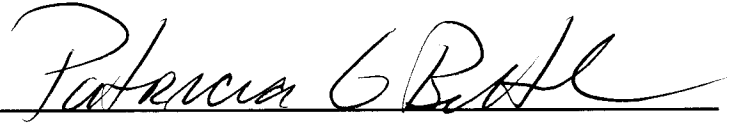
The Sixth Circuit case involved an effort by plaintiffs to have a provision of the Ohio statutory election scheme declared unconstitutional. By stark contrast, this case simply involves enforcement of a twenty-two year old Consent Decree.

The Ohio case involves broad relief barring statutory challengers from the polling place. Relief in this case is far narrower. Judge Debevoise's order permits challengers to be in the polling places, and permits them to make challenges. They simply cannot use a 35,000 person list -- the use of which would violate the Consent Decree.

Judge Debevoise's order simply assures that the Consent Decree will not be violated. This is a patently appropriate remedy. *See U.S. v. Virgin Islands*, 363 F.3d 276, 281 (3d Cir. 2004).

This is a fairly straightforward case. Judge Debevoise has been supervising the Consent Decrees for over twenty years. He has made detailed factual findings that the RNC had violated those Consent Decrees. His findings are plainly supported by the record and the relief he granted was plainly appropriate based on those findings. His order should not be stayed.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Patricia G. Butler", written over a horizontal line.

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CERTIFICATE OF SERVICE

I hereby certify that while transmitting this brief to the Court by e-mail, I served opposing counsel by e-mail as follows:

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A handwritten signature in black ink that reads "Patricia G. Butler". The signature is written in a cursive style and extends to the right with a long, thin horizontal stroke.

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