

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

LEAGUE OF WOMEN VOTERS OF  
PENNSYLVANIA, URBAN LEAGUE OF  
GREATER PITTSBURGH, AMY  
CAMPBELL, and WILLIAM GILLIGAN,

Plaintiffs,

v.

KATHY BOOCKVAR, in her Official  
Capacity as Secretary of the Commonwealth  
of Pennsylvania, JESSICA MATHIS, in her  
Official Capacity as the Director of the  
Bureau of Election Services and Notaries,  
ALLEGHENY COUNTY BOARD OF  
ELECTIONS, BUCKS COUNTY BOARD  
OF ELECTIONS, PHILADELPHIA  
COUNTY BOARD OF ELECTIONS, RICH  
FITZGERALD, in his official capacity as  
member of the Allegheny County Board of  
Elections, SAMUEL DeMARCO III, in his  
official capacity as member of the Allegheny  
County Board of Elections, BETHANY  
HALLAM, in her official capacity as member  
of the Allegheny County Board of Elections,  
DIANE M. ELLIS-MARSEGLIA, in her  
official capacity as member of the Bucks  
County Board of Elections, GENE  
DiGIROLAMO, in his official capacity as  
member of the Bucks County Board of  
Elections, BRIAN T. McGUFFIN, in his  
official capacity as member of the Bucks  
County Board of Elections, AL SCHMIDT, in  
his official capacity as member of the  
Philadelphia County Board of Elections,  
LISA M. DEELEY, in her official capacity as  
member of the Philadelphia County Board of  
Elections, OMAR SABIR, in his official  
capacity as member of the Philadelphia  
County Board of Elections.

Defendants.

Civil Action No. \_\_\_\_\_

**COMPLAINT FOR DECLARATORY  
AND INJUNCTIVE RELIEF**

## INTRODUCTION

1. Mail-in voting is a critical tool to ensure that voters can participate in democracy while guarding their health and the health of the community during the COVID-19 pandemic—a crisis that shows no sign of abating as the November general election approaches. In the June 2016 presidential primary, 87,000 Pennsylvania voters cast an absentee ballot. Four years later, during the June 2020 presidential primary, nearly 1.5 million Pennsylvania voters cast either an absentee or mail-in ballot. In 2019, the General Assembly enacted Act 77, which among other things made mail-in voting universally available, making democracy more accessible in Pennsylvania. However, the administration of Pennsylvania’s vote-by-mail system retains a critical flaw that now is likely to affect many more Pennsylvania voters: lack of a mandatory notice and cure process for missing signatures or perceived mismatches between an application’s and a ballot’s signature. The lack of any guidance from the Secretary of the Commonwealth has led to variation among Pennsylvania counties as to whether, and how, voters are provided notice and an opportunity to cure problems related to ballot signatures. Voters have a due process right to such notice and opportunity to cure, and an equal protection right to a uniform statewide procedure for counting mail-in ballots<sup>1</sup> that is applied regardless of the county in which the voter resides and casts their ballot.

2. The June 2020 primary election illustrates the problem. According to news reports, over 26,500 mail-in ballots were rejected in the June 2020 Pennsylvania primary. Among those were voters’ whose ballots were rejected for signature-related errors or matters of penmanship. Without judicial intervention, this pattern of disenfranchisement will continue in every election.

---

<sup>1</sup> Unless otherwise specified, Plaintiffs use “mail-in ballot” as a general term to encompass both mail-in and absentee voting.

3. Pennsylvania's failure to adopt and maintain a uniform statewide procedure of notice and an opportunity to cure signature-related errors before rejecting mailed-in ballots is unconstitutional under any circumstance, depriving mail-in voters of their fundamental right to vote in violation of the First and Fourteenth Amendments to the United States Constitution, their right to due process of law in violation of the Fourteenth Amendment, and their right to equal protection under law.

4. This year, amidst the COVID-19 pandemic and Pennsylvania's first-time implementation of the vote-by-mail provisions of Act 77, the issue takes on greater urgency because of Pennsylvania's already demonstrated—and dramatic—shift towards voting by mail. While historically fewer than five percent of Pennsylvania voters voted by mail, in the recent primary that number was 50%, or nearly 1.5 million voters. The November 3, 2020 general elections will likely see a similar increase in vote by mail compared to past years. Mail-in voters deserve the same confidence that their vote will be counted as if they voted at their local polling site on Election Day. But the absence of uniform, statewide procedures for notice and cure of signature-related ballot issues precludes that confidence. If not remedied, thousands, or even tens of thousands, of eligible Pennsylvania voters will have their votes uncounted in the November general election.

#### **PARTIES**

5. Plaintiff League of Women Voters of Pennsylvania ("LWVPA") is a nonpartisan, nonprofit organization under Section 501(c)(3) of the Internal Revenue Code and is an affiliate of the League of Women Voters of the United States, which has over 700 state and local Leagues across all 50 states, the District of Columbia, Puerto Rico, Virgin Islands, and Hong Kong. LWVPA encourages informed and active participation in government, works to increase

understanding of major public policy issues, and influences public policy through education and advocacy. LWVPA advocates for expansion of voting opportunities, including through vote-by-mail, and provides information directly to members who wish to vote by mail, including by providing links on its website where members can find information about voting by mail, download an application to vote by mail, and view a guide to completing the application.

6. LWVPA has approximately 2,183 members throughout Pennsylvania, who belong to 29 chapters located across the Commonwealth. These members, like all Americans, have all had their daily lives altered by COVID-19. As a result, a substantial number of them intend to vote by mail in Pennsylvania's upcoming elections. LWVPA will be required to divert resources away from its core activities in order to ensure mail-in ballots cast by their members and the voters they serve are not arbitrarily rejected absent the implementation of a statewide notice and cure procedure. LWVPA has members whose signatures may not be visually consistent over time, including elderly voters and voters with disabilities, who are at a heightened risk of being denied the right to vote because of perceived signature issues, including signature mismatch. Members have likely been denied the right to vote due to signature issues in previous elections and are statistically likely to be denied the right to vote due to signature issues in upcoming elections.

7. Plaintiff Urban League of Greater Pittsburgh ("Pittsburgh Urban League") is a Pittsburgh, Pennsylvania-based non-profit civil rights organization that works to ensure economic self-reliance, parity and power, and civil rights for African Americans. Founded in 1918, the Pittsburgh Urban League is the largest comprehensive social service and civil rights organization in Southwestern Pennsylvania and has over 200 members in the greater Pittsburgh area. Through vital programs in employment, youth, family and child development, housing and self-sufficiency, the Pittsburgh Urban League works to level the playing field for all Americans and to equip

disadvantaged families to care for themselves. Through the National Urban League’s “Reclaim the Vote” project, the Pittsburgh Urban League works to educate its members and African Americans in Southwestern Pennsylvania on their rights, register them to vote, and encourage them to vote.

8. In the upcoming elections, and in light of the challenges and health risks posed by in-person voting during the ongoing public health crisis, the Pittsburgh Urban League expects that many of its members and engaged community will choose to vote by mail. It intends to engage its members and the Southwestern Pennsylvania African American community more broadly on issues related to mail-in voting, including related deadlines and requirements. The Pittsburgh Urban League anticipates that given the procedural deficiencies in Pennsylvania’s system for reviewing and rejecting mail-in ballots, at least some of its members who vote by mail will have their votes not counted as a result of a signature-related deficiency

9. Plaintiff Amy Campbell is a 26-year-old citizen of the Commonwealth of Pennsylvania. Ms. Campbell resides and is registered to vote in Philadelphia County. In past elections, Ms. Campbell has voted in person; however, for the June 2020 primary election, she elected to vote by mail. Ms. Campbell submitted an online application for a mail ballot in April 2020 and received her mail ballot on or around May 14, 2020. She completed and mailed her ballot to the County Board of Elections on approximately May 19, 2020.

10. Because of her concerns about the backlog of mail-in ballots and delays in the postal service, Ms. Campbell repeatedly checked the status of her mail-in ballot on the Department of State’s website; the status of her ballot remained “pending” through Election Day on June 2, 2020, and the extended receipt date for mail-in ballots on June 9, 2020.

11. On June 11, 2020—two days after the receipt deadline—Ms. Campbell received an email from the Philadelphia County Board of Elections confirming receipt of her mail-in ballot

and notifying her that her ballot had been rejected because the Board “could not obtain [her] required signature.” The email contained no information regarding whether or how Ms. Campbell could cure her ballot and have it counted, and by that time it was too late to vote in person. Her vote simply did not count. Ms. Campbell is concerned that any future mail-in ballots she submits may similarly not be counted on the basis of signature deficiencies.

12. Plaintiff William Gilligan is an 83-year-old citizen of the Commonwealth of Pennsylvania. Mr. Gilligan is a veteran of the Marine Corps. He moved to Bucks County, Pennsylvania from California in February 2019 to live closer to his immediate family in a senior care facility. Since approximately 2013, Mr. Gilligan has suffered two major strokes, leaving his body very weakened. He uses a wheelchair at all times and has impaired control over his handwriting. While he is still able to sign (and wishes to sign) his own ballot, he does not believe he could reliably sign his name in the same way each time he does so.

13. Mr. Gilligan submitted his voter registration form in May 2020. He does not yet appear on the online voter registration database. When his daughter called the Bucks County Board of Elections on or around July 20, 2020, the official notified her that the county is backlogged in processing voter registration forms in light of the recent primary and that he should expect to have his voter registration processed by early August. Mr. Gilligan intends to vote in the November 2020 general elections and future elections thereafter.

14. Mr. Gilligan was largely confined to his senior care facility even before COVID-19. Given his many medical conditions, he is at very high risk for COVID-19. He cannot vote in person. Mr. Gilligan is very concerned that his ballot will be rejected due to a potential signature mismatch. If Mr. Gilligan received notice of any perceived mismatch, he could and would confirm his signature and have his ballot counted.

15. Defendant Kathy Boockvar is the Secretary of the Commonwealth of Pennsylvania. Secretary Boockvar is the Chief Election Official of Pennsylvania and a member of the Governor's Executive Board, and she is charged with the general supervision and administration of Pennsylvania's election and election laws, including: tabulating, computing, and canvassing all votes, including those cast by mail; certifying and filing the tabulation of votes; and ordering county boards to conduct recounts and recanvasses. *See* 25 Pa. Stat. §§ 2621; 3159. Secretary Boockvar's responsibilities also include supervising the county boards of elections. 25 Pa. Stat. § 2621. She is sued in her official capacity only.

16. Defendant Jessica Mathis is the Director of the Bureau of Election Services and Notaries ("BESN" or the "Bureau"). The Bureau is responsible for planning, developing, and coordinating the statewide implementation of the Election Code, voter registration process, and notaries public. She is sued in her official capacity only.

17. Defendants Philadelphia County Board of Elections, Bucks County Board of Elections, and Allegheny County Board of Elections are responsible for conducting the pre-canvass and canvass of absentee and mail-in ballots in their respective counties, including comparing the declaration on the ballot envelope with the application to determine whether ballots will be counted.

18. Defendant Rich Fitzgerald is the County Executive of Allegheny County and in that capacity serves as a member of the Allegheny County Board of Elections. He is sued in his official capacity only.

19. Defendant Samuel DeMarco III is an at-large member of the Allegheny County Council and in that capacity serves as a member of the Allegheny County Board of Elections. He is sued in his official capacity only.

20. Defendant Bethany Hallam is an at-large member of the Allegheny County Council and in that capacity serves as a member of the Allegheny County Board of Elections. She is sued in his official capacity only.

21. Defendant Diane M. Ellis-Marseglia is the Chair of the Bucks County Board of Commissioners and in that capacity serves as a member of the Bucks County Board of Elections. She is sued in her official capacity only.

22. Defendant Gene DiGirolamo is a member of the Bucks County Board of Commissioners and in that capacity serves as a member of the Bucks County Board of Elections. He is sued in his official capacity only.

23. Defendant the Honorable Brian T. McGuffin is a judge on the Court of Common Pleas of Bucks County and in that capacity serves as a member of the Bucks County Board of Elections. He is sued in his official capacity only.

24. Defendant Al Schmidt is a Philadelphia City Commissioner and in that capacity serves as a member of the Philadelphia County Board of Elections. He is sued in his official capacity only.

25. Defendant Lisa M. Deeley is a Philadelphia City Commissioner and in that capacity serves as a member of the Philadelphia County Board of Elections. She is sued in her official capacity only.

26. Defendant Omar Sabir is a Philadelphia City Commissioner and in that capacity serves as a member of the Philadelphia County Board of Elections. He is sued in his official capacity only.



### **JURISDICTION AND VENUE**

27. Plaintiffs bring this action under 42 U.S.C. § 1983. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1343(a).

28. This Court has jurisdiction to grant both declaratory and injunctive relief pursuant to 28 U.S.C. §§ 2201 and 2202.

29. This Court has personal jurisdiction over the individual Defendants, who are sued in their official capacities, and the County Board of Elections Defendants. Secretary Boockvar and Director Mathis are statewide officials charged with implementing and enforcing Pennsylvania's Election Code across the entire Commonwealth, including in this District. Defendants Ellis-Marseglia, DiGirolamo, McGuffin, Schmidt, Deeley, and Sabir reside in and conduct their official duties in this District.

30. Venue is proper in this district pursuant to 28 U.S.C. § 1391(b).

### **FACTUAL BACKGROUND**

#### *Vote by Mail in Pennsylvania*

31. In Pennsylvania, any qualified voter may request a mail-in ballot. 25 Pa. Stat. § 3150.12.

32. To request a mail-in ballot, voters must provide their name, date of birth, length of time as a resident of voting district, voting district if known, party choice in case of primary, address to which they want their ballot sent, and signature (or witness statement if unable to sign). 25 Pa. Stat. § 3150.12 (b)-(d).

33. The voter may also choose to be placed on the permanent by-mail voter list to receive mail-in ballots in all future elections without submitting any further request. 25 Pa. Stat.

§ 3150.12 (g). As a result, some mail-in voters' applications are intended only for the next election, while others are for all future elections.

34. Upon receipt of the mail-in ballot application by the county board of elections, the board determines the eligibility of the applicant by verifying the proof of identification in the application with that on the applicant's permanent registration card. 25 Pa. Stat. § 3150.12b(a). If the board deems the applicant qualified, the application is marked "approved" and that voter will receive a ballot in the mail. *Id.* If not approved, the applicant will be notified immediately by the board along with the reason for not approving. 25 Pa. Stat. § 3150.12b(c).

35. As soon as a ballot is certified and available, the county board of elections will mail or deliver mail-in ballots to approved mail-in ballot applicants. 25 Pa. Stat. § 3150.15.

36. Voters then fill out and sign their ballots. 25 Pa. Stat. § 3150.16. Voters unable to sign may mark their ballot in the presence of a witness instead. *Id.* Ballots must be received by the county boards of elections by 8 PM on Election Day.

37. Absentee and mail-in ballots may be pre-canvassed beginning at 7 AM on Election Day, with the canvass beginning after polls close on Election Day. 25 Pa. Stat. § 3146.8(g)(1.1); *id.* § 3146.8(g)(3). At the pre-canvass or canvass, county boards of elections are required to "examine the declaration on the envelope of each [mailed ballot] . . . and . . . compare the information" on the declaration with the voter's registration to "verify [the voter's] right to vote." 25 Pa. Stat. § 3146.8(g)(3). If the county boards of elections are "satisfied that the declaration is sufficient," *id.* § 3146.8(g)(3), and "the information contained in the 'Registered Absentee and Mail-In Voters File,' the absentee voters' list and/or the 'Military Veterans and Emergency Civilians Absentee Voters File' verifies his right to vote," *id.*, the ballots "shall be counted and included with the returns of the applicable election district," *id.* § 3146.8(g)(4).

38. Upon information and belief, in at least some counties, that verification process involves signature matching. During a July 23, 2020 public hearing held by the Senate State Government Committee, Jeff Greenburg, Director of Elections of the Mercer County Bureau of Elections, confirmed that some county boards of elections engaged in signature matching to verify ballots during the June 2020 primary election, and that ballots were rejected for signature-related issues.

39. Despite the fact that Pennsylvania counties rely on signature-matching to verify ballots, the Pennsylvania Election Code does not establish a procedure for conducting signature match verification. Neither does it require the county election boards to provide voters with adequate notice or opportunity to cure if their ballot is rejected due to an inadequate or incomplete signature, nor does it preclude such a procedure. Yet Defendant Boockvar has not provided any guidance or instructions to county boards of elections to ensure a uniform statewide process for mail-in ballot verification or a notice and cure procedure.

40. Upon information and belief, there is no consistent standard applied by Pennsylvania's county boards of election to verify mail ballots or notify voters of any potential deficiencies in their ballots.

41. Upon information and belief, Pennsylvania does not require that officials of the State's 67 county boards of elections receive any training in signature or handwriting analysis, nor does it provide them with written standards or guidelines to aid in this assessment.

42. As the Chief Elections Officer of Pennsylvania, Secretary Boockvar is the Chair of the Voting Standards Development Board. 25 Pa. Stat. § 204(c). The Voting Standards Development Board has the "power and duty to develop uniform and nondiscriminatory standards that define what constitutes a valid vote cast through a paper ballot and what constitutes a valid

vote through each type of electronic voting system used in the Commonwealth.” 25 Pa. Stat. § 204(h)(1). Pursuant to that authority, Secretary Boockvar has the ability to issue guidance to County Boards of Election concerning the process to be followed if a mail-in or absentee ballot is rejected during the pre-canvass or canvass, including directing the Boards to provide voters whose ballots are rejected due to a perceived signature issue with notice of the rejection and an opportunity to cure the deficiency. Secretary Boockvar has not issued such guidance.

43. County boards of elections are also authorized by the Election Code “[t]o make and issue such rules, regulations, and instructions, not inconsistent with law, as they may deem necessary for the guidance of voting machine custodians, elections officers, and electors,” as well as “to instruct election officers in their duties . . . and to inspect systematically and thoroughly the conduct of primaries and elections in the several election districts of the county to the end that primaries and elections may be honestly, efficiently, and uniformly conducted.” 25 Pa. Stat. §§ 2642(f)-(g). Pursuant to that authority, County Boards of Elections may adopt a process that provides voters whose ballots are rejected due to a perceived signature issue with notice of the rejection and an opportunity to cure the deficiency. Upon information and belief, Defendant County Boards, and Defendants County Board members, have not adopted such a process.

*Pennsylvania’s Signature Verification Procedure for Mail-In Ballots Is Unacceptably Error-Prone*

44. Signature verification is an inherently flawed means of determining whether a mail-in ballot is fraudulent or unlawfully cast.

45. No two signatures are exactly alike because of the many factors that affect the consistency of a person’s signature from one signing (*i.e.*, the mail-in ballot application or voter registration) to another (*i.e.*, the mail-in ballot), including very variable factors such as type of pen, writing surface, stress, or other writing conditions.

46. Signature variance is more common among certain populations of voters, including those with disabilities, those with less formal levels of education, elderly and young voters, and voters for whom English is a second language. Parkinsonism and other neurological disorders can also significantly affect handwriting characteristics, engender unfounded scrutiny over the authenticity of signatures, and impede accurate assessment of them.

47. A study in Florida found that Black and Latino voters were more likely to have their ballots rejected. In 2016, 1.9% of Black voter ballots were rejected, 1.8% of Latino voter ballots were rejected, while only 0.7% of non-Latino white voter ballots were rejected.

48. Even experienced forensic document examiners (FDEs) can find it difficult if not impossible to distinguish natural variations in a person's signature from fraudulent ones, especially where the reviewer has limited exemplars to compare.

49. Laypersons, such as Pennsylvania election officials, have a significantly higher rate of error in determining whether signatures are genuine. Laypersons are also more likely to wrongly determine that authentic signatures are not genuine than to make the opposite error. In one study, laypeople incorrectly judged authentic signatures to be inauthentic more than 26% of the time.

50. Thus, in every election, the untrained election officials responsible for signature verification under Pennsylvania's mail-in ballot verification system reject validly cast ballots because of erroneous judgments on signature matching issues.

51. Also, because election officials undertake this task without standardized guidelines or procedures governing their analysis, they reject ballots based on arbitrary, variable criteria.

52. Similarly, the *unintentional* omission of a voter's signature from their mail-in ballot usually reflects innocent user error rather than fraud or misconduct. Such an error could be easily resolved by providing the affected voter with notice of the problem and an opportunity to fix it,

yet Defendant Boockvar has provided no uniform statewide guidance or instructions requiring such a notice and cure procedure. Adoption of a process to provide voters with notice and an opportunity to cure signature-related deficiencies would not only ensure that eligible voters' validly-cast ballots are counted but would also discourage potential fraud or misconduct.

*Pennsylvania's Constitutionally Deficient Signature-Verification Process Denies the Right to Vote to Thousands of Voters*

53. Prior to the passage of Act 77 in 2019, hundreds of voters who qualified to and did cast absentee ballots had their ballots rejected each election for benign signature-related deficiencies. For example, according to data compiled by the U.S. Election Assistance Commission, 460 absentee ballots were rejected in Philadelphia County in the November 2016 election because the envelope was missing a signature. Because Act 77 universalized the availability of mail-in voting in 2019, even more voters will likely have their ballots rejected for such benign reasons.

54. According to news reports,<sup>2</sup> over 26,500 absentee and mail-in ballots were rejected in Pennsylvania in the June 2020 primary election, or 1.8% of the total absentee and mail-in ballots cast statewide.

55. Upon information and belief, voters whose ballots were rejected in the June 2020 primary elections received no pre-rejection notice that their ballots were impaired by a signature defect, nor did they have any opportunity to cure the issue and have their vote counted. As a result, the State rejected valid ballots cast by many eligible Pennsylvania voters.

---

<sup>2</sup> See, e.g., Caitlin Huey-Burns & Adam Brewster, *Why some mail-in ballots are rejected and how to make sure your vote counts*, CBS News (Aug. 4, 2020), <https://www.cbsnews.com/news/why-mail-in-ballot-rejected-voting-counts/>.

56. There is no legitimate state interest advanced by Pennsylvania’s unreliable signature verification procedures, or by its failure to provide notice and an opportunity to cure when a ballot is flagged for rejection because of an ostensible signature-related defect.

*Pennsylvania’s Constitutionally Deficient Signature-Verification Process Will Affect a Growing Number of Voters*

57. The number of Pennsylvanians who will vote by mail—and thus the number who will have their ballot rejected through Pennsylvania’s signature verification process—is likely to increase significantly in upcoming elections, including the November 3, 2020 general election.

58. In the June primary election, the first with universal mail-in voting, approximately 50% of Pennsylvanians voted by mail, with nearly 1.5 million voters casting either mail-in or absentee ballots.

59. The ongoing COVID-19 pandemic is likely to further accelerate Pennsylvania’s dramatic shift towards mail-in voting. The State, echoing the Centers for Disease Control and Prevention (“CDC”), recommends that to protect themselves from COVID-19, all citizens should “stay at home,” as much as possible, “avoid public spaces,” not attend “large gatherings” and “avoid using mass transit.” Moreover, the CDC’s first recommendation for election officials in the midst of this pandemic was to “[e]ncourage mail-in methods of voting.”

**CLAIMS FOR RELIEF**

**COUNT I**

**42 U.S.C. § 1983: Denial of Due Process Under the Fourteenth Amendment**

60. Plaintiffs reallege and incorporate by reference the allegations in the preceding paragraphs.

61. An individual has a liberty interest in the fundamental right to vote that is protected by the right to due process. Pennsylvanians also have a statutorily protected liberty interest in voting by mail.

62. At a minimum, procedural due process requires that the State provide its absentee and mail-in voters with notice and a meaningful opportunity to be heard before being denied their protected liberty interest.

63. The requirement for *pre-deprivation* notice is particularly important when deprivation will result in irreparable injury, as is the case with voting.

64. Pennsylvania's failure to provide, on a uniform and statewide basis, absentee and mail-in voters with any opportunity to cure signature-related deficiencies with their absentee or mail-in ballot—particularly given the unreliability of signature matching and election officials' unfettered discretion to reject ballots—does not meet these minimum requirements of procedural due process and is thus unconstitutional.

65. Such an opportunity to cure is particularly warranted here given the balance of implicated interests and harms. *See Mathews v. Eldridge*, 424 U.S. 319, 335 (1976). First, the interest at stake is of the upmost importance: the fundamental right to vote. Second, the risk of erroneous deprivation caused by the unreliability of signature matching and election officials' unfettered discretion to reject ballots is high; a notice and cure procedure would substantially reduce this risk. Finally, the implementation of procedures to provide absentee and mail-in voters with notice and an opportunity to cure would impose only a minimal burden on the State, which already maintains records during the ordinary course of business containing voter contact information, and already has infrastructure in place to carry out notice and cure requirements given



its existing legal obligation to inform mail-in voting applicants when their *application* is rejected because of a signature issue or their ballot risks rejection due to an identification issue.

66. Absent the implementation of procedural safeguards, including notice and a meaningful opportunity to cure perceived signature-related deficiencies before a mail-in ballot is rejected, mail-in voters in Pennsylvania will continue to face a substantial risk of being deprived of their fundamental right to vote without due process.

67. The State has no legitimate interest in permitting untrained local officials to reject voters' ballots based on an unreliable signature authentication process without providing voters any notice or opportunity to cure.

68. Pennsylvania's current signature-verification procedure denies Pennsylvania voters procedural due process in violation of the Fourteenth Amendment.

## COUNT II

### **42 U.S.C. § 1983: Denial of the Fundamental Right to Vote in Violation of the First and Fourteenth Amendments**

69. Plaintiffs reallege and incorporate by reference the allegations in the preceding paragraphs.

70. "There is no right more basic in our democracy than the right to participate in electing our political leaders." *McCutcheon v. FEC*, 572 U.S. 185, 191 (2014). The Supreme Court has recognized that "voting is of the most fundamental significance under our constitutional structure." *Burdick v. Takushi*, 504 U.S. 428, 433 (1992) (quoting *Illinois Bd. of Elections v. Socialist Workers Party*, 440 U.S. 173, 184 (1979)).

71. When analyzing the constitutionality of a restriction on voting, the Court "must weigh 'the character and magnitude of the asserted injury to the rights protected by the First and Fourteenth Amendments that the plaintiff seeks to vindicate' against 'the precise interests put

forward by the State as justifications for the burden imposed by its rule,’ taking into consideration ‘the extent to which those interests make it necessary to burden the plaintiff’s rights.’” *Burdick*, 504 U.S. at 434 (quoting *Anderson v. Celebrezze*, 460 U.S. 780, 789 (1983)). Unreasonable, severe, or discriminatory burdens on the right to vote are subject to particularly close constitutional scrutiny.

72. Defendants’ unreliable signature-verification process rejects a significant number of validly cast ballots every election cycle as a result of benign discrepancies or technical errors. Defendants deny the individuals who cast these ballots the right to vote without any pre-deprivation notice or opportunity to verify their ballots. This system operates without uniform standards across counties and therefore puts voters’ ballots at risk of rejection based on arbitrary, variable criteria. Such a system imposes a severe burden on voters’ fundamental right to vote.

73. The severity of this burden is exacerbated by voters’ need during the COVID-19 pandemic to rely on mail-in ballots to effectively cast a ballot while safeguarding their health. Voters should not be required to risk their health or lives to cast a ballot they can be confident will count.

74. As discussed above, each time a county board of elections—comprised of laypersons with no expertise in handwriting analysis—subjectively believes there is a mismatch between the signature accompanying the voter’s mail-in ballot and the signature in the voter’s file, that ballot is not counted, notwithstanding the many benign factors that can cause signature variation. And those factors place certain voters, like Plaintiff Gilligan, at heightened risk on the basis of their age, disability, national origin, race, or educational background without notice that their votes, once cast, could be rejected, or that they cannot be cured once their ballots are rejected.

75. In contrast to the mail-in voting system, voters facing signature verification issues at their polling location are afforded the opportunity to verify their identity and cast a ballot. Pennsylvania law affords no similar opportunities to mail-in voters.

76. Defendant can proffer no justification for this error-prone and procedurally deficient system that would outweigh the injury the rejection of thousands of ballots each election inflicts on the eligible voters who cast those ballots.

77. Pennsylvania's current signature verification procedure unduly burdens the right to vote in violation of the First and Fourteenth Amendments.

### COUNT III

#### **42 U.S.C. § 1983: Denial of Equal Protection Under the Fourteenth Amendment**

78. Plaintiffs reallege and incorporate by reference the allegations in the preceding paragraphs.

79. The Equal Protection Clause of the Fourteenth Amendment requires "that all persons similarly situated should be treated alike." *City of Cleburne v. Cleburne Living Ctr.*, 473 U.S. 432, 439 (1985). "Having once granted the right to vote on equal terms, the State may not, by later arbitrary and disparate treatment, value one person's vote over that of another." *Bush v. Gore*, 531 U.S. 98, 104-05 (2000).

80. In the absence of any uniform statewide standards, Pennsylvania's unreliable and error-prone signature-verification procedures subject mail-in voters to arbitrary differences in the way signatures are analyzed and in whether and how voters are provided notice and an opportunity to cure signature problems, depending on the county in which they reside.

81. Pennsylvania's reliance on the presence and matching of signatures to verify absentee and mail-in voters, without any standardized guidance, training, or procedures in place

to provide such voters with notice and an opportunity to cure signature-related ballot rejections, does not further any compelling or legitimate state interest sufficient to justify the unequal treatment of voters.

82. Pennsylvania's current signature verification procedure violates the Equal Protection Clause of the Fourteenth Amendment.

**PRAYER FOR RELIEF**

WHEREFORE, the Plaintiffs respectfully request that this Court:

(a) Issue a declaratory judgment that Pennsylvania existing signature verification procedures for mail-in voting unlawfully infringe the right to due process in violation of the Fourteenth Amendment to the Constitution of the United States;

(b) Issue a declaratory judgment that Pennsylvania's existing signature verification procedures for mail-in voting unlawfully impose an undue burden on the right to vote in violation of the First and Fourteenth Amendments to the Constitution of the United States;

(c) Issue a declaratory judgment that Pennsylvania's existing signature verification procedures for mail-in voting unlawfully infringe the guarantee of equal protection in violation of the Fourteenth Amendment to the Constitution of the United States;

(d) Issue preliminary and permanent injunctions enjoining Defendants, their agents, employees, and successors, and all those persons acting in concert or participation with them from implementing signature verification procedures that lack uniform standards or uniform procedures for notification and opportunity to cure;

(e) Preliminarily and permanently order Defendants to establish a procedure by which voters may cure deficiencies in their absentee or mail-in ballots, to include providing timely and reasonable notice of such deficiencies and a meaningful opportunity to cure, and to order

Defendants Boockvar and Mathis to provide guidance to all county election officials requiring implementation of that procedure;

(f) Grant Plaintiffs' attorney's fees, costs, and litigation expenses pursuant to 42 U.S.C. § 1988 and 42 U.S.C. § 12133; and

(g) Grant other and further relief that the Court may determine to be necessary or proper.

August 7, 2020

Mark P. Gaber\*  
Danielle M. Lang\*  
Ravi Doshi\*  
Jonathan M. Diaz\*  
Caleb Jackson\*  
CAMPAIGN LEGAL CENTER  
1101 14th St. NW, Ste. 400  
Washington, DC 20005  
(202) 736-2200  
mgaber@ccampaignlegal.org  
dlang@campaignlegal.org  
rdoshi@campaignlegal.org  
jdiaz@campaignlegal.org  
cjackson@campaignlegal.org

\*Application for Admission *Pro Hac Vice*  
Forthcoming

Respectfully submitted,

/s/ John P. Lavelle, Jr.  
John P. Lavelle, Jr. (PA Bar# 54279)  
Rachel Jaffe Mauceri (PA Bar# 209823)  
MORGAN, LEWIS & BOCKIUS LLP  
1701 Market St.  
Philadelphia, PA 19103  
(215) 963-5000  
john.lavelle@morganlewis.com  
rachel.mauceri@morganlewis.com

Susan Baker Manning\*  
MORGAN, LEWIS & BOCKIUS LLP  
1111 Pennsylvania Ave. NW  
Washington, DC 20004  
(202) 373-6172  
susan.manning@morganlewis.com

Corey R. Houmand\*  
MORGAN, LEWIS & BOCKIUS LLP  
1400 Page Mill Road  
Palo Alto, CA 94304  
(650) 843-4000  
corey.houmand@morganlewis.com

Chris Miller\*  
MORGAN, LEWIS & BOCKIUS LLP  
101 Park Ave.  
New York, NY 10178  
(212) 309-6000  
chris.miller@morganlewis.com

*Counsel for Plaintiffs*

**CIVIL COVER SHEET**

JS 44 (Rev. 02/19)

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**

League of Women Voters of Pennsylvania, Urban League of Greater Pittsburgh, LULAC Council# 2009, Amy Campbell, and William Gilligan

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

(c) Attorneys (Firm Name, Address, and Telephone Number)

John P. Lavelle, Jr. Morgan, Lewis & Bockius LLP, 1701 Market St., Philadelphia, PA 19103, (215) 963-5000, et al.

**DEFENDANTS**

Kathy Boockvar, Jessica Mathis, Allegheny Cty. Board of Elections, Bucks Cty. Board of Elections, Philadelphia Cty. Board of Elections, Rich Fitzgerald, Samuel DeMarco III, Bethany Hallam, Diane M. Ellis-Marseglia, Gene DiGirolamo, Brian T. McGuffin, Al Schmidt, Lisa M. Deeley, Omar Sabir

County of Residence of First Listed Defendant Dauphin County

(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)

Click here for: [Nature of Suit Code Descriptions.](#)

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	<b>PERSONAL INJURY</b> <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	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <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"/> 485 Telephone Consumer Protection Act <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
	<b>PERSONAL INJURY</b> <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		<b>PROPERTY RIGHTS</b> <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark	
	<b>LABOR</b> <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	<b>LABOR</b> <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other	<b>SOCIAL SECURITY</b> <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))	
	<b>PRISONER PETITIONS</b> <b>Habeas Corpus:</b> <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 <b>Other:</b> <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	<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	<b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	
<b>REAL PROPERTY</b> <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	<b>CIVIL RIGHTS</b> <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			

**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 - Transfer
- 8 Multidistrict Litigation - Direct File

**VI. CAUSE OF ACTION**

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):  
U.S. Const. amend. XIV

Brief description of cause:  
Challenge to lack of uniform notice and cure standards for mail-in and absentee ballot signature verification

**VII. REQUESTED IN COMPLAINT:**

CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P. DEMAND \$ NONE CHECK YES only if demanded in complaint: JURY DEMAND:  Yes  No

**VIII. RELATED CASE(S) IF ANY**

(See instructions):

JUDGE \_\_\_\_\_ DOCKET NUMBER \_\_\_\_\_

DATE 8/7/2020 SIGNATURE OF ATTORNEY OF RECORD /s/ John P. Lavelle, Jr.

**FOR OFFICE USE ONLY**

RECEIPT # \_\_\_\_\_ AMOUNT \_\_\_\_\_ APPLYING IFP \_\_\_\_\_ JUDGE \_\_\_\_\_ MAG. JUDGE \_\_\_\_\_

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

**DESIGNATION FORM**

(to be used by counsel or pro se plaintiff to indicate the category of the case for the purpose of assignment to the appropriate calendar)

Address of Plaintiff: Amy Campbell, 825 S. 48th Street, Philadelphia, PA, 19143, et al.

Address of Defendant: Philadelphia County Board of Elections, City Hall, Room 142, 1400 John F Kennedy Blvd, Philadelphia, PA 19107, et al

Place of Accident, Incident or Transaction: Philadelphia County, Bucks County, Alleghany County, Commonwealth of Pennsylvania

**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 <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 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 <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 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 of this court? | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| 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 <input type="checkbox"/> | No <input checked="" type="checkbox"/> |

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

DATE: 8/7/2020 \_\_\_\_\_ John P. Lavelle \_\_\_\_\_ 54279  
 Attorney-at-Law / Pro Se Plaintiff Attorney I.D. # (if applicable)

**CIVIL: (Place a ✓ 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): \_\_\_\_\_

**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**

(The effect of this certification is to remove the case from eligibility for arbitration.)

I, John P. Lavelle, Jr., counsel of record or pro se plaintiff, do hereby certify:

Pursuant to Local Civil Rule 53.2, § 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: 8/7/2020 \_\_\_\_\_ John P. Lavelle \_\_\_\_\_ 54279  
 Attorney-at-Law / Pro Se Plaintiff Attorney I.D. # (if applicable)

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





**COMPLETE LIST OF DEFENDANTS**

**CIVIL ACTION NO.**

KATHY BOOCKVAR, in her Official Capacity as Secretary of the Commonwealth of Pennsylvania

JESSICA MATHIS, in her Official Capacity as the Director of the Bureau of Election Services and Notaries

ALLEGHENY COUNTY BOARD OF ELECTIONS

BUCKS COUNTY BOARD OF ELECTIONS

PHILADELPHIA COUNTY BOARD OF ELECTION

RICH FITZGERALD, in his official capacity as member of the Allegheny County Board of Elections

SAMUEL DeMARCO III, in his official capacity as member of the Allegheny County Board of Elections

BETHANY HALLAM, in her official capacity as member of the Allegheny County Board of Elections

DIANE M. ELLIS-MARSEGLIA, in her official capacity as member of the Bucks County Board of Elections

GENE DiGIROLAMO, in his official capacity as member of the Bucks County Board of Elections

BRIAN T. McGUFFIN, in his official capacity as member of the Bucks County Board of Elections

AL SCHMIDT, in his official capacity as member of the Philadelphia County Board of Elections

LISA M. DEELEY, in her official capacity as member of the Philadelphia County Board of Elections

OMAR SABIR, in his official capacity as member of the Philadelphia County Board of Elections

**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.