

UNITED STATES DISTRICT COURT FOR THE  
EASTERN DISTRICT OF PENNSYLVANIA

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SENATOR DOMINIC PILEGGI,	:
REPRESENTATIVE MICHAEL TURZAI, AND	:
LOUIS B. KUPPERMAN,	:
	: CIVIL ACTION
Plaintiffs,	:
	: No. _____
v.	:
	:
CAROL AICHELE, IN HER OFFICIAL	:
CAPACITY AS SECRETARY OF THE	:
COMMONWEALTH OF PENNSYLVANIA,	:
	:
Defendant.	:

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**TEMPORARY RESTRAINING ORDER**

AND NOW, this \_\_ day of February 2012, upon consideration of the Motion for Temporary Restraining Order, Preliminary and Permanent Injunction, and for Convening of Three-Judge Panel of Plaintiffs, Senator Dominic Pileggi, Representative Michael Turzai, and Louis B. Kupperman (“Plaintiffs”), and the Memorandum of Law in support thereof, and the Verified Complaint, and it appearing that the Defendant, Carole Aichele (“Defendant”), acting in her official capacity as Secretary of the Commonwealth, may be compelled to administer primary elections under an apportionment plan based on population data from the 2001 census (the “2001 Legislative Reapportionment Plan”) in violation of 42 U.S.C. § 1983 and the “one person, one vote” constitutional mandate set forth in the Equal

Protection Clause of the Fourteenth Amendment of the United States Constitution; and it further appearing to the Court:

- a. That unless enjoined and restrained, Defendant's calling, holding, supervising, or certifying any forthcoming elections under the 2001 Legislative Reapportionment Plan will cause substantial, immediate, and irreparable harm to the Plaintiffs as well as the general public;
- b. That Plaintiffs and the general public will suffer greater harm by the denial of the requested injunctive relief than would the Defendant by the granting thereof;
- c. That there is a substantial likelihood that Plaintiffs will succeed on the merits of their claim of violation of the "one person, one vote" constitutional mandate set forth in the Equal Protection Clause of the Fourteenth Amendment of the United States Constitution; and
- d. The public interest will be served by granting of injunctive relief.

**NOW, THEREFORE**, it is hereby **ORDERED, ADJUDGED** and **DECREED**, that, until the hearing on Plaintiffs' Motion for Preliminary Injunction or the further Order of this Court:

1. Defendant, and any person who controls, is controlled by, or is under common control with Defendant, is hereby enjoined from calling, holding, supervising, or certifying the April 24, 2012 primary election on the basis of the 2001 Legislative Reapportionment Plan unless and until the further Order from this Court;

2. Plaintiffs' attorneys or any agents designated by Plaintiffs shall serve uncertified copies of the Verified Complaint, this Order, and Plaintiffs' Motion and related papers on Defendant;

3. No bond is necessary; and

4. A hearing is ordered as to whether this Court should enter a preliminary injunction on February \_\_, 2012 in Courtroom \_\_\_\_ of the United States District Court for the Eastern District of Pennsylvania, 601 Market Street, Philadelphia, Pennsylvania 19106.

BY THE COURT:

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R. Barclay Surrick, U.S.D.J.

Order Entered \_\_\_\_\_, 2012 at \_\_\_\_M