

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MINNESOTA**

JAMES CARSON & ERIC LUCERO,

Plaintiffs,

v.

STEVE SIMON, Secretary of State of  
the State of Minnesota, in his official  
capacity,

Defendant.

Case No. 0:20-cv-02030-NEB-TNL

**PLAINTIFFS' MOTION FOR A PRELIMINARY INJUNCTION**

Pursuant to Fed. R. Civ. P. 65(a), Plaintiffs James Carson and Eric Lucero hereby move the Court to enjoin, for the pendency of this case, the Defendant, Steve Simon, Secretary of State of the State of Minnesota, from permitting ballots that arrive at polling places after 8:00 p.m. on election day to be counted in the November 3, 2020 presidential election. The Defendant's stated policy of counting late ballots violates Article II of the U.S. Constitution and 3 U.S.C. § 1 and will impose irreparable harm on Plaintiffs by diluting their votes and threatening their ability to participate in the electoral college. The balance of equities and public interest support an injunction to protect all voters in Minnesota and to preserve the integrity of the statewide vote.

Plaintiffs respectfully request that the Rule 65(c) bond amount, if any be required, be set at one dollar, as "the preliminary injunction will cause no harm" to Defendant. *Northshor Experience, Inc. v. City of Duluth*, 442 F. Supp. 2d 713, 723 (D.

Minn. 2006) (declining to impose a bond in a constitutional case); *Bukaka, Inc. v. Cty. of Benton*, 852 F. Supp. 807, 813 (D. Minn. 1993) (same).

Plaintiffs respectfully request expedited handling of this motion due to the imminent election and statutory ballot-receipt deadline of 8:00 p.m., November 3, 2020.

The bases of this motion are set forth fully in the accompanying Memorandum and declarations. For reasons stated there, the Court should grant the motion.

Date: September 24, 2020

Respectfully submitted,

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*\*pro hac vice applications pending*