

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

KATHLEEN KERRIGAN, ANTHONY
HOLIDAY, MICHAEL J. McSHEA,
TARIQ MANGUM, RENEE CROSBY, and
CAROLYN DAVENPORT, on behalf of
themselves and all others similarly situated,

Plaintiffs,

v.

THE CITY OF PHILADELPHIA; MARGARET
TARTAGLIONE, ANTHONY CLARK and
JOSEPH J. DUDA, in their official capacities as
Philadelphia City Commissioners;
PENNSYLVANIA DEPARTMENT OF STATE
and PEDRO A. CORTÉS, in his official capacity
as Secretary of the Commonwealth,

Defendants.

Civil Action No. 07-CV-687

Class Action

PLAINTIFFS' MOTION FOR CONTEMPT

Plaintiffs and the Class, through their counsel, submit this Motion for Contempt against Defendants City of Philadelphia and the Philadelphia City Commissions (collectively, City Defendants). The City Defendants have violated the Settlement Agreement, which was incorporated by reference into the Court's July 14, 2009 Order approving the Settlement Agreement. Specifically, the City Defendants during both the primary and general elections in 2010 failed to implement many of the temporary modifications to make polling places accessible to voters with mobility disabilities -- modifications that they had previously agreed to implement in those elections. The City Defendants' failure to implement the agreed-upon temporary modifications contravenes the

Settlement Agreement and, thus, violates the Court's Order. Plaintiffs and the Class seek civil contempt sanctions appropriate to assure the City Defendants' future compliance and to compensate Plaintiffs for their efforts to monitor and secure compliance.

In support of this Motion, Plaintiffs submit a Memorandum of Law, which is incorporated by reference, and request an evidentiary hearing and argument.

Respectfully submitted,

Dated: December 17, 2010

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CERTIFICATE OF SERVICE

I, Robert W. Meek, certify that Plaintiffs' Motion for Contempt, Memorandum of Law, Request for Hearing and Argument, and proposed Order were filed with the Court's ECF system on December 17, 2010 and are available for viewing and downloading from the ECF system by the following counsel who consented to electronic service:

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