

Miscellaneous Docket Sheet

Docket Number: 150 MD 2020

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February 26, 2020



CAPTION

In Re: Nomination Petition of Elvira N. Berry for the Democratic Party Nomination for Senator in the General Assembly from the Seventeenth Senatorial District in the April 28, 2020 Primary Election

Objection of: June Coleman, Joseph Alexander Brophy, and Rachael Aria Chou

CASE INFORMATION

Initiating Document: Objection to Nominating Petition

Case Status: Active

Case Processing Status: February 25, 2020 Awaiting Answer

Journal Number:

Case Category: Election Case Type(s): Objection to Nomination Papers

CONSOLIDATED CASES

RELATED CASES

COUNSEL INFORMATION

Petitioner Coleman, June

Pro Se: No

IFP Status:

Attorney: Ford, Timothy James
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Petitioner Chou, Rachael Aria

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**COUNSEL INFORMATION****Petitioner** Brophy, Joseph Alexander

Pro Se: No

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Other Kotula, Kathleen

Pro Se: No

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FEE INFORMATION

Fee Dt	Fee Name	Fee Amt	Receipt Dt	Receipt No	Receipt Amt
02/25/2020	Miscellaneous Docket Filing Fee	70.25	02/25/2020	2020-CMW-H-000453	70.25

AGENCY/TRIAL COURT INFORMATION

Order Appealed From: Notice of Appeal Filed:

Order Type:

Documents Received: February 25, 2020

Court Below:

County:

Division:

Judge:

OTN:

Docket Number:

Judicial District:

ORIGINAL RECORD CONTENT

Original Record Item	Filed Date	Content Description
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Date of Remand of Record:

BRIEFING SCHEDULE

None

None

DOCKET ENTRY

Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
February 25, 2020	Objection to Nominating Petition Coleman, June Brophy, Joseph Alexander Chou, Rachael Aria		Petitioner Petitioner Petitioner	

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DOCKET ENTRY

Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
February 25, 2020	Filed - Other			
	Ford, Timothy James	Coleman, June	Petitioner	
	Ford, Timothy James	Brophy, Joseph Alexander	Petitioner	
	Ford, Timothy James	Chou, Rachael Aria	Petitioner	
	Document Name: Declaration			

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DOCKET ENTRY

Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
February 26, 2020	Hearing Scheduled Per Curiam			02/26/2020

Document Name: SCHEDULING and CASE MANAGEMENT ORDER: NOW, February 26, 2020, upon consideration of the

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DOCKET ENTRY

Filed Date	Docket Entry / Filer	Representing	Participant Type	Exit Date
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Comment: petition to set aside nomination petition:

1. IT IS HEREBY ORDERED:

A. Hearing on the petition to set aside nomination petition is scheduled for Wednesday, March 4, 2020 at 9:30 a.m., in Courtroom 2, 9th Floor, Widener Building, One South Penn Square, Philadelphia, Pennsylvania. Objectors are directed to secure the services of a court stenographer for the hearing. Failure of Objectors to secure the services of a court stenographer may result in the dismissal of this matter.

B. If signature lines are challenged, Objectors shall secure, by request or subpoena, the presence of a Statewide Uniform Registry of Electors (SURE) system operator at the hearing.

C. A pre-trial conference may be scheduled at any time after Friday, February 28, 2020.

D. No later than 5:00 p.m., Friday, February 28, 2020, Objectors shall personally serve upon Candidate: 1) a copy of this order; 2) a copy of the petition to set aside nomination petition if the petition to set aside has not previously been served; and 3) if signature line challenges are at issue, one digital media device (CD or USB Flash Drive) containing the objections in spreadsheet format and a key to the abbreviations used in the spreadsheet.

Personal service of these items upon Candidate shall be made 1) by handing a copy to Candidate; or 2) by handing a copy at Candidate's residence to an adult member of the family with whom Candidate resides, but if no adult member of the family is found, then to an adult person in charge of such residence; or 3) by handing a copy at Candidate's office or usual place of business to the person for the time being in charge thereof or to Candidate's agent; or 4) by handing a copy at Candidate's campaign office to a person in charge thereof. Objector shall file a proof of service with the Prothonotary promptly thereafter.

E. Objectors shall personally or by registered mail serve a copy of this order on the Secretary of the Commonwealth and promptly thereafter file a proof of service with the Prothonotary.

F. At the hearing, Objectors shall offer proof of timely service of the petition to set aside on the Secretary of the Commonwealth.

G. All counsel are under a continuing obligation and are hereby ordered to serve a copy of this order upon all unrepresented parties, if any, and upon all counsel entering an appearance subsequent to the entry of this order.

2. It is FURTHER ORDERED:

A. Objectors shall file a list of all witnesses to be called at the hearing and the curriculum vitae and expert report for each expert witness. Any witness not identified shall be precluded from testifying except for good cause shown.

B. Candidate shall file a list of all witnesses to be called at the hearing and the curriculum vitae and expert report for each expert witness. Any witness not identified shall be precluded from testifying except for good cause shown.

3. If signature line challenges are at issue, it is FURTHER ORDERED:

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A. Objectors shall immediately arrange to meet with Candidate or Candidate's representative and, if appropriate, with a SURE system operator, to review before the hearing each and every challenged signature line.

B. Objectors and Candidate shall file a stipulation of the parties that identifies:

(a) the total number of completed signature lines submitted;

(b) the total number of uncontested signature lines submitted;

(c) the total number of signature lines challenged;

(d) each and every signature line to which there is an objection, identified by page number and line number, and the basis for the objection;

(e) each and every signature line to be stricken as invalid or for which an objection is to be withdrawn, identified by page number and line number, if the parties can reach such a stipulation.

C. Candidate shall file a list of all signature lines, identified by page number and line number, that are facially defective and that Candidate intends to rehabilitate. Candidate shall also state the manner in which Candidate intends to rehabilitate the signature lines.

4. Objectors and Candidate may each file a memorandum of law in support of their respective positions by the time and date specified in paragraph 5 of this order. No further memoranda will be permitted unless ordered by the Court.

5. Unless otherwise ordered, all filings required or permitted by paragraphs 2, 3 and 4 of this order shall be filed no later than 12:00 o'clock noon on Tuesday, March 3, 2020 with the Prothonotary at the Pennsylvania Judicial Center, Suite 2100, 601 Commonwealth A venue, P. O. Box 69185, Harrisburg, PA 17106-9185. Parties may file via PACFile (the Pennsylvania appellate court electronic filing system) but may NOT file by facsimile or e-mail without express prior permission from the Court.

6. Failure to comply with any provision of this order may preclude the noncompliant party from entering any evidence, and may result in the imposition of monetary sanctions.