

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

Carol Ann Carter, Monica Parrilla,	:	CASES CONSOLIDATED
Rebecca Poyourow, William Tung,	:	
Roseanne Milazzo, Burt Siegel,	:	
Susan Cassanelli, Lee Cassanelli,	:	
Lynn Wachman, Michael Guttman,	:	
Maya Fonkeu, Brady Hill, Mary Ellen	:	
Balchunis, Tom DeWall,	:	
Stephanie McNulty and Janet Temin,	:	
Petitioners	:	

v.	:	No. 464 M.D. 2021
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Veronica Degraffenreid, in her official	:
capacity as the Acting Secretary of the	:
Commonwealth of Pennsylvania;	:
Jessica Mathis, in her official capacity	:
as Director for the Pennsylvania Bureau	:
of Election Services and Notaries,	:
Respondents	:

Philip T. Gressman; Ron Y. Donagi;	:
Kristopher R. Tapp; Pamela Gorkin;	:
David P. Marsh; James L. Rosenberger;	:
Amy Myers; Eugene Boman;	:
Gary Gordon; Liz McMahon;	:
Timothy G. Feeman; and Garth Isaak,	:
Petitioners	:

v.	:	No. 465 M.D. 2021
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Veronica Degraffenreid, in her official	:
capacity as the Acting Secretary of the	:
Commonwealth of Pennsylvania;	:
Jessica Mathis, in her official capacity	:
as Director for the Pennsylvania Bureau	:
of Election Services and Notaries,	:
Respondents	:

PER CURIAM

ORDER

NOW, January 4, 2022, upon consideration of the Applications to Intervene filed by the following:

- Bryan Cutler, Speaker of the Pennsylvania House of Representatives; Kerry Benninghoff, Majority Leader of the Pennsylvania House of Representatives; Jake Corman, President Pro Tempore of the Pennsylvania Senate; and Kim Ward, Majority Leader of the Pennsylvania Senate (Proposed Republican Legislator Intervenors);
- Leslie Oshe, Kim Geyer, Michael T. Slupe, Candee Barnes, Thomas Reep, Brandy Reep, Kenneth Lunsford, Tammy Lunsford, James Thompson, Pamela Thompson, Joseph Renwick, Stephanie Renwick, Louis Capozzi, David Ball, Mary E. Owlett, Kristine Eng, Justin Behrens, James P. Foreman, Matthew J. Stuckey, Anthony J. Luther, Linda C. Daniels, Jefferey Piccola, James Vasilko, Jay Hagerman and Evan P. Smith (Proposed Citizen-Voter Intervenors);
- Pennsylvania State Senators Maria Collett, Katie J. Muth, Sharif Street, and Anthony H. Williams (Proposed Democratic Senator Intervenors);
- Senators Jay Costa, Vincent J. Hughes, Wayne D. Fontana, Judy Schwank, Lisa Boscola, James Brewster, Amanda Cappelletti, Carolyn Comitta, Marty Flynn, Art Haywood, John Kane, Tim Kearney, Steve Santarsiero, Nikil Saval, Christine Tartaglione, and Lindsey Williams (Proposed Senate Democratic Caucus Intervenors);
- Haroon Bashir, Valerie Biancaniello, Tegwyn Hughes, and Jeffrey Wenk (Proposed Voters of the Commonwealth of Pennsylvania Intervenors);

- Representative JoAnna E. McClinton, Leader of the Democratic Caucus of the Pennsylvania House of Representatives (Proposed House Democratic Caucus Intervenor);
- Khalif Ali, Maryn Formley, Richard Rafferty, Patrick Beaty, Susan Gobreski, Barbara Hill, Judy Hines, Jodi Greene, John Thompson, Cynthia Alvarado, and Timothy L. Kauffman (Proposed Ali, et al. Intervenor);
- Tom Wolf, Governor of the Commonwealth of Pennsylvania (Proposed Governor Intervenor);
- Guy Reschenthaler, Jeffrey Varner, Tom Marino, Ryan Costello and Bud Shuster (Proposed Congressional Intervenor); and
- Adam Dusen, Mike Walsh, Athan Bliss, Susan Wood, Kyle Hynes, Rick Bryant, Sara Stroman, Myra Forrest, Jean Handley, Michael Skros, Jesse Stowell, Joseph Amodei, Sandra Strauss, Jeffrey Cooper, Daniel Mallinson and Priscilla McNulty (Proposed Draw the Lines Pennsylvania Applicants);

and the Responses thereto,

The Court hereby ORDERS as follows:

1. Hearing on the Applications for Leave to Intervene is hereby SCHEDULED for Thursday, January 6, 2022, at 1:00 p.m., by WebEx video conferencing. The Court will host this hearing via WebEx.
2. Counsel of record, Petitioners, Respondents and Proposed Intervenor shall participate in the hearing via WebEx. The parties and Proposed Intervenor shall provide the Court with their name, email address and telephone numbers within 24 hours of receiving this Order. The contact email address for the Court

is: CommCourtRemote@pacourts.us. The Court will provide counsel with the information for connecting to the hearing. To facilitate participation in the hearing, various WebEx applications are available for download at pacourts.webex.com. Please see the Protocol for WebEx Video Hearings, attached to this order. The parties and all participants are directed to connect to the hearing 15 minutes before the starting time. In the event of technical difficulties, please contact the Court's IT staff at 717-255-1626. All other inquiries should be directed to the Prothonotary's Office.

3. Only one attorney may appear on behalf of each of the participants on the WebEx feed.
4. Proposed Intervenorors are directed to secure the services of a court stenographer for the WebEx Hearing. No later than 2:00 p.m., Wednesday, January 5, 2022, Proposed Intervenorors shall email the name, email address and mobile telephone number of the court stenographer to the Court at CommCourtRemote@pacourts.us.
5. To the extent Carol Ann Carter, et al. (Carter Petitioners) oppose the Applications to Intervene of Proposed Republican Legislator Intervenorors, Proposed Citizen-Voter Intervenorors, Proposed Democratic Senator Intervenorors, Proposed Senate Democratic Caucus Intervenorors, Proposed Voters of the Commonwealth of Pennsylvania Intervenorors, Proposed House Democratic Caucus Intervenor, and Proposed Congressional Intervenorors (Proposed Intervenorors in Dispute), the Carter Petitioners and Proposed Intervenorors in Dispute shall file a list of all witnesses to be called at the hearing with a short offer of proof for each witness and a

list of exhibits no later than 3:00 pm. on Wednesday, January 5, 2022.

6. The Carter Petitioners and Proposed Intervenors in Dispute shall also provide via email to the Court at CommCourtRemote@pacourts.us their list of witnesses, including the name, email address and mobile telephone number for each witness no later than 3:00 pm. on Wednesday, January 5, 2022. All witnesses will testify via WebEx.
7. The Court shall provide counsel with a link to upload their respective pre-marked exhibits, if any. Said exhibits shall be electronically exchanged by the Carter Petitioners and Proposed Intervenors in Dispute and shall be uploaded no later than 3:00 p.m. on January 5, 2022. The Carter Petitioners and Proposed Intervenors in Dispute shall email the Court at CommCourtRemote@pacourts.us to confirm all exhibits have been uploaded. Failure to comply with this paragraph may result in the exclusion of an exhibit. In addition, the Carter Petitioners and Proposed Intervenors in Dispute are directed to provide their witnesses with copies of the exhibits in advance of the hearing to which the witnesses can refer during their testimony.
8. Proposed Intervenors in Dispute shall file and serve a memorandum of law in support of their Applications for Intervention no later than 5:00 p.m. on Wednesday, January 5, 2022.
9. The Carter Petitioners and Proposed Intervenors in Dispute shall consult prior to the hearing and shall PAC-file a stipulation of facts no later than 9:00 a.m. on Thursday, January 6, 2022.



Protocol for WebEx Video Hearings

1. Protocol BEFORE the hearing:

- a. Twenty-four (24) hours before the scheduled hearing, the Court shall provide counsel and the court reporter with the information for connecting to the video hearing, including the date and time of the hearing. This invitation will be sent by email.
- b. It is the responsibility of counsel to provide the connection information to their clients and witnesses.
- c. It is the responsibility of all parties to provide the Court with their contact information. An email address will be required to join the video.
- d. A witness list must be provided to the Court by the date set forth in the court's scheduling order, and otherwise no later than forty-eight (48) hours before the hearing, with a valid email address for each witness. The Court will provide the attorneys with a contact email to which the witness list should be sent. The witness list shall include the case caption and docket number and the full name of each prospective witness.
- e. All participants must appear by video connection unless otherwise authorized by the Court.
- f. Email invitations will be sent to participants 24 hours before the hearing. If a participant has not received the email invitation from the Court, please check your SPAM or Junk folder before contacting the Court.
- g. All parties and witnesses must connect to the hearing or call into the video system at least 15 minutes before the scheduled start time.

2. Minimum Technology requirements:

- a. All attorneys and pro se parties appearing before the Court must have one of the following:
 - i. A computer with a functioning web camera, microphone and speakers;

- ii. A video conferencing system that supports Session Initiation Protocol (SIP) calling;
 - iii. A tablet device that supports Cisco WebEx with a functioning forward facing camera, microphone and speakers; or
 - iv. An alternative device used to connect to Cisco WebEx in the past.
- b. If you experience audio issues with your computer/tablet audio, the Court recommends that you have our system call you by using the option listed in **Error! Reference source not found..**
 - c. The Court's IT Department will endeavor to contact counsel and witnesses in advance of the hearing to test their connection to the WebEx platform.

3. Ground Rules and Video Conferencing Etiquette:

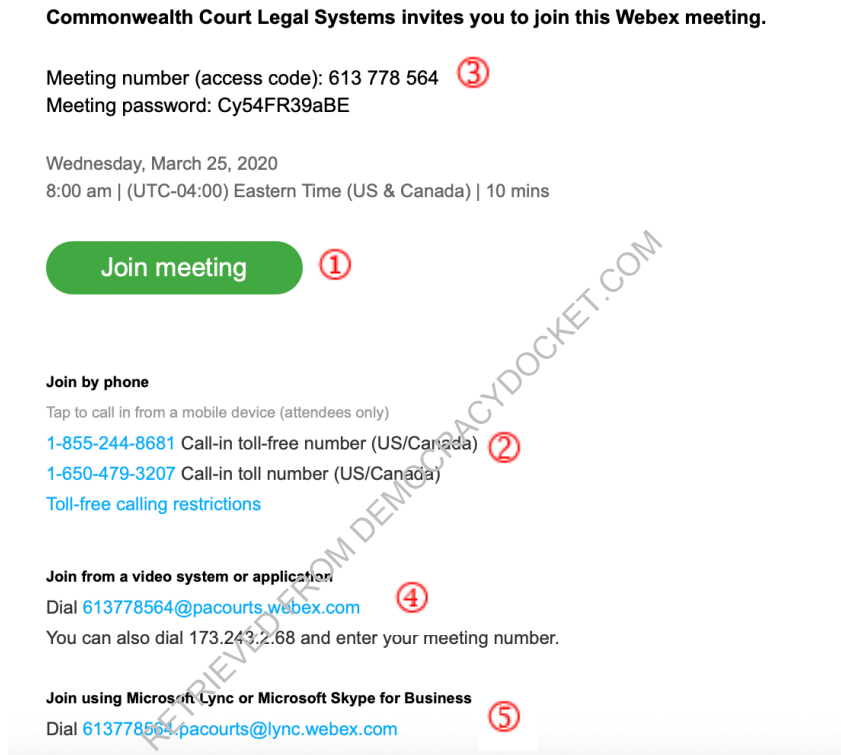
- a. When not speaking, please mute your microphone. This helps prevent background noise.
- b. Earbuds or headphones are preferable to avoid feedback.
- c. Be aware of your behavior. Because you are on a video conference, people can see what you are doing at all times and *WebEx video conferences are recorded*. Further, others may view the proceedings via public livestream web link that will be provided to the parties and posted to the Court's website in advance of the proceeding.
- d. If connecting from a laptop, plug in the laptop wall power.
- e. Follow all instructions in the video conference invitation and note important supplemental information, such as a backup phone number in case you are disconnected.
- f. Please be respectful; speak slowly and only one at a time.
- g. Try not to speak over other parties. There is a slight delay when using video technology.
- h. The Court appointed crier will be on the call to open and close court and to swear-in witnesses if needed.

Technical Support

If you have any questions or need technical assistance, contact 717-255-1626.

4. Invitation from the Court:

- a. Prior to your scheduled hearing, you will receive an email from the Court with connection instructions. Please make sure to monitor your SPAM or Junk folder so that you receive the message. It should come from @pacourts.us. Here is the information from a sample invitation.



- b. In the invitation, there are multiple connection options:
- i. WebEx: Click on the Green *Join Meeting* button. ①
 - ii. Phone: Dial either of the numbers listed under *Join by phone*. ②
When prompted, enter the Meeting number (access code) listed near the top of the invitation. ③
 - iii. Use the SIP dial in connection number provided for non-WebEx devices such as video conferencing systems. ④
 - iv. Microsoft Lync/Skype for Business connection information is also provided. ⑤

5. Controls while connected to WebEx:

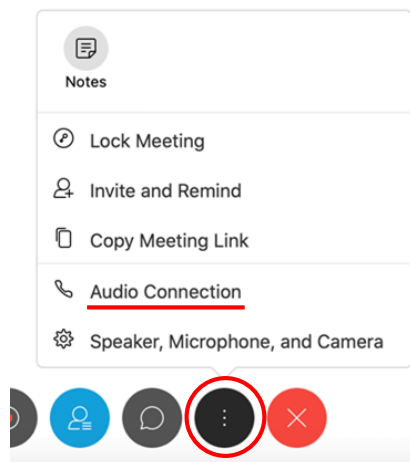
- a. Once connected to a meeting, if you move your mouse, the below control panel should appear. These are the normal controls, but some of them may be disabled which means they will not appear. The icons will be the same.



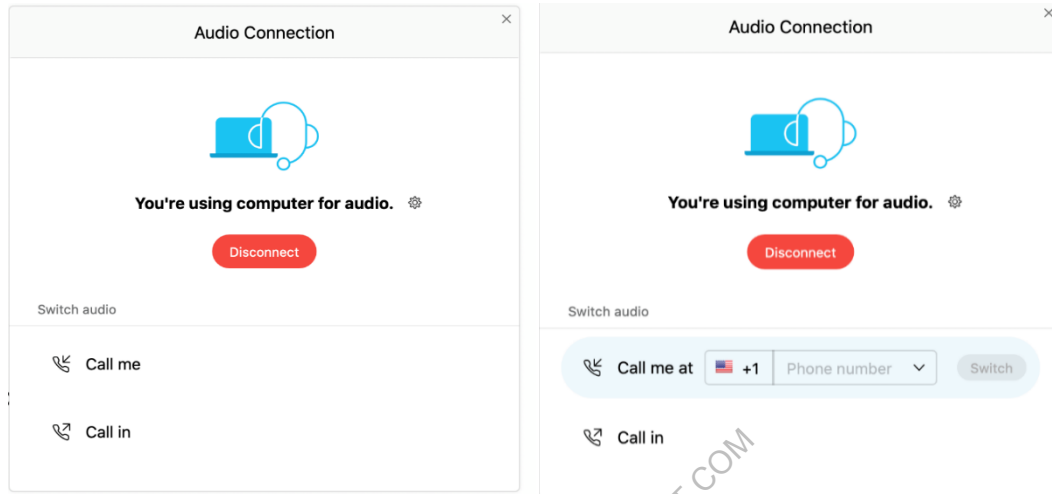
- b. From left to right, the controls are:

- i. Mute/unmute microphone
- ii. Turn on/off camera
- iii. Share your desktop
- iv. Recording control (Only available to the Court)
- v. Open/Close the participant list
- vi. Chat windows
- vii. Options – has more controls available
- viii. End Meeting

- c. Under the More Options button (7 above, the 3 dots icon). If you are having audio difficulties with your computer audio, you can have the system call you. Click on the 3 dots icon and then choose Audio Connection.



- d. Click on the option “Call Me”. Enter the phone number that the system should call and press the switch button. When the call comes in, you will be prompted to press “1” to connect.



- e. At the end of your call, press the red X to be disconnected.

6. Procedures regarding Exhibits:

- a. Exhibits should be pre-marked numerically: i.e., P-1, P-2, etc.; and R-1, R-2, etc.
- b. Be aware of personal identifying or confidential information contained in exhibits used during a video hearing, and redact where appropriate consistent with the *Case Records Public Access Policy of the Unified Judicial System of Pennsylvania*.
- c. No later than the date on any order of the court, or in the absence of a specific date, twenty-four (24) hours prior to the hearing, counsel shall upload all exhibits intended for use during the hearing to the link provided to counsel and should email the Court at CommCourtRemote@pacourts.us to confirm all exhibits have been successfully uploaded. Parties are directed to provide their witnesses with copies of the exhibits in advance of the hearing to which the witnesses can refer during their testimony.