

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

Dave McCormick for U.S. Senate and :
David H. McCormick, :
Petitioners :

v. :

No. 286 M.D. 2022

Leigh M. Chapman, in her official :
capacity as Secretary of State for the :
Commonwealth, Adams County Board :
of Elections, Allegheny County Board :
of Elections, Beaver County Board of :
Elections, Bedford County Board of :
Elections, Berks County Board of :
Elections, Blair County Board of :
Elections, Bradford County Board of :
Elections, Bucks County Board of :
Elections, Butler County Board of :
Elections, Cambria County Board of :
Elections, Cameron County Board of :
Elections, Carbon County Board of :
Elections, Centre County Board of :
Elections, Chester County Board of :
Elections, Clarion County Board of :
Elections, Clearfield County Board of :
Elections, Clinton County Board of :
Elections, Columbia County Board of :
Elections, Crawford County Board of :
Elections, Cumberland County Board :
of Elections, Dauphin County Board of :
Elections, Delaware County Board of :
Elections, Elk County Board of :
Elections, Fayette County Board of :
Elections, Forest County Board of :
Elections, Franklin County Board of :
Elections, Fulton County Board of :
Elections, Huntingdon County Board :
of Elections, Indiana County Board of :
Elections, Jefferson County Board of :
Elections, Juniata County Board of :
Elections, Lackawanna County Board :

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of Elections, Lancaster County Board :
of Elections, Lawrence County Board :
of Elections, Lebanon County Board :
of Elections, Lehigh County Board of :
Elections, Luzerne County Board of :
Elections, Lycoming County Board of :
Elections, McKean County Board of :
Elections, Mercer County Board of :
Elections, Mifflin County Board of :
Elections, Monroe County Board of :
Elections, Montgomery County Board :
of Elections, Montour County Board of :
Elections, Northampton County Board :
of Elections, Northumberland County :
Board of Elections, Perry County :
Board of Elections, Pike County Board :
of Elections, Potter County Board of :
Elections, Snyder County Board of :
Elections, Somerset County Board of :
Elections, Sullivan County Board of :
Elections, Tioga County Board of :
Elections, Union County Board of :
Elections, Venango County Board of :
Elections, Warren County Board of :
Elections, Washington County Board :
of Elections, Wayne County Board of :
Election, Westmoreland County Board :
of Elections, and Wyoming County :
Board of Elections, :
Respondents :

PER CURIAM

ORDER

NOW, May 25, 2022, upon consideration of Petitioners’ Motion for Immediate Special Injunction and Supporting Memorandum of Law (Motion for Special Injunction), it is hereby **ORDERED** as follows:

1. Hearing on Petitioners' Motion for Special Injunction is scheduled for Tuesday, May 31, 2022, at 10:00 a.m., in Courtroom 3001, Pennsylvania Judicial Center, Third Floor, 601 Commonwealth Avenue, Harrisburg, Pennsylvania.
2. Petitioners are directed to secure the service of a court stenographer for the proceedings.
3. Proposed Intervenors Doctor Oz for Senate and Dr. Mehmet Oz (Proposed Oz Intervenors), and the Republican National Committee and Republican Party of Pennsylvania (Proposed Republican Intervenors), are granted leave to participate in the aforementioned hearing on the Motion for Special Injunction subject to the Court's future disposition of their respective applications for leave to intervene.
4. Any party who opposes the pending Motion for Special Injunction shall PACFile and serve an answer in opposition thereto no later than **12:00 noon on Friday, May 27, 2022**. Any party who fails to file an answer by 12:00 noon on Friday, May 27, 2022, will be considered by the Court to be unopposed to the Motion for Special Injunction.
5. The Prothonotary shall docket Proposed Oz Intervenors' Brief in Opposition to Petitioners' Motion for Immediate Special Injunction, attached to their Application for Leave to Intervene as Exhibit 2.¹

¹ Because Proposed Oz Intervenors have already filed a Brief in Opposition to Petitioners' Motion for Special Injunction, in which Proposed Republican Intervenors join, no further answers are necessary from the Proposed Intervenors at this time.

6. Any party who opposes any pending application to intervene shall PACFile and serve an answer in opposition thereto no later than **12:00 noon on Friday, May 27, 2022**. Any party who fails to file an answer by 12:00 noon on Friday, May 27, 2022, will be considered by the Court to be unopposed to the applications to intervene.

7. The parties shall PACFile a joint stipulation of facts no later than **12:00 noon on Friday, May 27, 2022**, indicating which county boards of elections are not following the Pennsylvania Department of State's Guidance Concerning Examination of Absentee and Mail-In Ballot Return Envelopes, dated May 24, 2022,² and explaining why the emergency relief requested in the Motion for Special Injunction is necessary.

8. To reduce the risk of transmission of the COVID-19 virus, all persons participating in or observing the hearing shall adhere to all Pennsylvania Judicial Center and Commonwealth Court COVID-19 precautions and protocols while in the Pennsylvania Judicial Center that may include, but not be limited to, the wearing of facemasks and social distancing.

9. The Secretary of the Commonwealth shall immediately transmit a copy of this order to all Respondent county boards of elections.

² See <https://www.dos.pa.gov/VotingElections/OtherServicesEvents/Documents/2022-05-24-Guidance-Segregated-Undated-Ballots.pdf> (last visited May 25, 2022).