



COMMONWEALTH OF PENNSYLVANIA  
GOVERNOR'S OFFICE OF GENERAL COUNSEL

June 3, 2022

*Via ECF*

Honorable John M. Gallagher  
United States Judge, Eastern District of Pennsylvania  
Edward N. Cahn U.S. Courthouse & Federal Bldg.  
504 W. Hamilton Street  
Allentown, PA 18101

**RE: *Dondiego v. Lehigh County Board of Elections, 5:22-cv-02111***

Dear Judge Gallagher,

I represent Acting Secretary of State Leigh M. Chapman in this matter and write with respect to the Order issued by the Court on June 1, 2022 (Doc. 11). Paragraph 1 of the Order states: "Per agreement of the parties, Defendants Lehigh County Board of Elections and Northampton County Board of Elections are SPECIFICALLY DIRECTED not to finally certify the returns of the 2022 primary election during the pendency of this litigation." This directive, as stated, would prevent Lehigh and Northampton Counties from certifying results for all races in the May 17, 2022 general primary election. Essentially, the Order would impact the counties' ability to certify results in those races where the outcome would not be changed by the issues raised in this litigation, which would in turn prevent the Acting Secretary from tabulating the final results in certain races, including all statewide races.

The Acting Secretary respectfully requests that the Order be narrowed so as to allow Defendant Counties to report the results for those other races not affected by the issues raised in this litigation. The Acting Secretary proposes the following substituted language for Paragraph 1: "Per agreement of the parties, Defendants Lehigh County Board of Elections and Northampton County Board of Elections are SPECIFICALLY DIRECTED not to finally certify the returns in the 2022 Democratic Primary for State Senate District 14 and any other races for which the issues raised in this litigation may be outcome-determinative during the pendency of this litigation." I have conferred with all counsel regarding this request and they have no objection to the relief requested. Plaintiff's counsel and counsel for Lehigh County have additionally indicated that other races could be affected by the outcome of this litigation. A draft proposed Order is attached. I appreciate the Court's attention to this matter.

Respectfully,

*/s/ Kathleen A. Mullen*  
Kathleen A. Mullen  
Assistant Counsel

cc: All Counsel of Record

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

**MARCIA DAY DONDEGO, *et al.*,**

**Plaintiffs,**

**v.**

**LEHIGH COUNTY BOARD OF  
ELECTIONS, *et al.***

**Defendants.**

: **CIVIL NO. 5:22-cv-02111 (JMG)**

:  
:  
:  
:  
:  
:  
:  
:  
:  
:  
:

**ORDER**

AND NOW, this \_\_\_ day of June, 2022, it is hereby ORDERED that Paragraph 1 of this Court's Order of June 1, 2022 (Doc. 11) is amended as follows:

1. Per agreement of the parties, Defendants Lehigh County Board of Elections and Northampton County Board of Elections are SPECIFICALLY DIRECTED not to finally certify the returns in the 2022 Democratic Primary for State Senate District 14 and any other races for which the issues raised in this litigation may be outcome-determinative during the pendency of this litigation.

The remainder of the Order remains in full force and effect.

\_\_\_\_\_  
HON. JOHN M. GALLAGHER  
United States District Court Judge