

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

<p>COUNTY OF FULTON, FULTON COUNTY BOARD OF ELECTIONS, AND STUART L. ULSH, IN HIS OFFICIAL CAPACITY AS COUNTY COMMISSIONER OF FULTON COUNTY AND IN HIS CAPACITY AS A RESIDENT, TAXPAYER AND ELECTOR IN FULTON COUNTY, AND RANDY H. BUNCH, IN HIS OFFICIAL CAPACITY AS COUNTY COMMISSIONER OF FULTON COUNTY AND IN HIS CAPACITY AS A RESIDENT, TAXPAYER AND ELECTOR OF FULTON COUNTY,</p>	<p>IN THE 39<sup>TH</sup> JUDICIAL DISTRICT COURT OF COMMON PLEAS FOR FULTON COUNTY, PA</p>
<p>Plaintiffs,</p>	<p>Case No. 232-2022</p>
<p>v.</p>	<p>September 2022</p>
<p>DOMINION VOTING SYSTEMS, INC. and U.S. DOMINION, INC.</p>	<p>CIVIL LAW COMPLAINT JURY TRIAL DEMANDED</p>
<p>Defendants.</p>	

**NOTICE OF REMOVAL OF DEFENDANTS,  
DOMINION VOTING SYSTEMS, INC. AND U.S. DOMINION, INC.**

Defendants, Dominion Voting Systems, Inc. and U.S. Dominion, Inc. (“Dominion”), by and through their counsel, Post & Schell, P.C., hereby submit this Notice of Removal and aver as follows:

1. This matter arises from an alleged contract between Fulton County (“County”) and Dominion. See Plaintiff’s Complaint attached as **Exhibit A**.

2. Plaintiff initiated this case on or about September 21, 2022.

3. Dominion learned of the lawsuit but has not yet been served. Therefore, this notice is timely.

4. This Court's jurisdiction is based upon diversity of citizenship under 28 U.S.C. § 1332.

5. With regard to diversity of citizenship, Plaintiff is a citizen of the Commonwealth of Pennsylvania. See Exhibit A, "Parties" ¶ 1.

6. Defendant Dominion Voting Systems, Inc. is a citizen of the State of Delaware. See Exhibit A, "Parties" ¶ 3.

7. U.S. Dominion, Inc. is a citizen of the State of Delaware. See Exhibit A, "Parties" ¶ 3.

8. The County and the Dominion parties are in complete diversity.

9. Although the County's alleged damages are not specifically pleaded, the Complaint purports to allege damages for breach of contract. The Contract includes Exhibit A-30 which states in the executed amendment, *inter alia*:

**1.1 Pricing and Payment Summary.** The total annual managed service contract pricing shall equal \$33,028.00 year for a total of eight (8) years. The following is the invoicing schedule for the annual Customer payments. The Customer shall pay invoices in a timely manner and no later than thirty (30)

calendar days from receipt of a Dominion invoice. All payments shall be made in U.S. Dollars. Pricing does not include shipping or any applicable taxes.

1.1.1 Year 1 shall cover the time period from the Agreement Effective Date through December 31, 2019. The Year 1 invoice of **\$33,028.00** will be issued immediately after System certification by the State of Pennsylvania. Under no circumstance will payment be made by the Customer until the System is certified for use by the State of Pennsylvania and all Acceptance testing has been completed to the satisfaction of Customer.

1.1.2 Year 2: 1/1/2020 — 12/31/2020: **\$33,028.00** invoice will be issued on 1/1/2020

1.1.3 Year 3: 1/1/2021 — 12/31/2021: **\$33,028.00** invoice will be issued on 1/1/2021

1.1.4 Year 4: 1/1/2022 — 12/31/2022: **\$33,028.00** invoice will be issued on 1/1/2022

1.1.5 Year 5: 1/1/2023 — 12/31/2023: **\$33,028.00** invoice will be issued on 1/1/2023

1.1.6 Year 6: 1/1/2024 — 12/31/2024: **\$33,028.00** invoice will be issued on 1/1/2024

1.1.7 Year 7: 1/1/2025 — 12/31/2025: **\$33,028.00** invoice will be issued on 1/1/2025

1.1.8 Year 8: 1/1/2026 — 12/31/2026: **\$33,028.00** invoice will be issued on 1/1/26.

The sum of the forgoing prescribed payments as of January 1, 2022, totaled \$132,112.00.

10. Therefore, the instant action satisfies the elements necessary to establish diversity of citizenship jurisdiction pursuant to 28 U.S.C. 1332 insofar as all of the parties are diverse and the amount in controversy is in excess of \$75,000.00.

11. Defendant's Notice of Removal has been filed within thirty (30) days of receipt of Plaintiff's Complaint, and therefore is timely, under 28 U.S.C. § 1446. *See also Sikirica v. Nationwide Ins. Co.* 416 F.3d 214 (3rd Cir. 2005).

12. Concurrently, Defendants filed a Notice of Removal with the Prothonotary of the Court of Common Pleas of Fulton County 232-2022C, September, 2022 pursuant to 28 U.S.C. § 1446(d). See Notice attached hereto as **Exhibit B**.

**WHEREFORE** this action, which is presently docketed in Fulton County 232-2022C, September, 2022, has been removed to this Court and this action should be placed on the docket for this Court for further proceedings as though it was originally initiated here.

**Post & Schell, P.C.**

By:           /s/ Paul A. Logan            
Paul A. Logan, Esquire  
Attorney I.D. No. 30119  
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*Attorneys for Defendants, Dominion  
Voting Systems, Inc. and U.S.  
Dominion, Inc.*

Dated: October 18, 2022

RETRIEVED FROM DEMOCRACYDOCKET.COM

**CERTIFICATE OF COMPLIANCE**

I certify that this filing complies with the provisions of the Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts that require filing confidential information and documents differently than non-confidential information and documents.

**Post & Schell, P.C.**

By:           /s/ Paul A. Logan            
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**CERTIFICATE OF SERVICE**

I, Paul A. Logan, Esquire, attorney for Defendants, Dominion Voting Systems, Inc. and U.S. Dominion, Inc. hereby certify that on this 18<sup>th</sup> day of October, 2022, I served a true and correct copy of the foregoing Notice of Removal of Defendants, Dominion Voting Systems, Inc. and U.S. Dominion, Inc., via U.S. First Class Mail, postage prepaid, upon the following person:

Thomas J. Carroll, Esquire  
Law Office of Thomas J. Carroll  
224 King Street  
Pottstown, PA 19464  
(610) 419-6981  
[tom@thomasjcarrolllaw.com](mailto:tom@thomasjcarrolllaw.com)

*Attorneys for Plaintiffs*

**Post & Schell, P.C.**

By:           /s/ Paul A. Logan            
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*Attorneys for Defendants, Dominion  
Voting Systems, Inc. and U.S.  
Dominion, Inc.*

Dated: October 18, 2022