

IN THE COURT OF COMMON PLEAS, LEHIGH COUNTY, PENNSYLVANIA
CIVIL DIVISION

SEAN GILL, ET. AL.

Plaintiffs,

v.

LEHIGH COUNTY BOARD OF
ELECTIONS, ET. AL.

Defendants.

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NO. 2022-C-1849

NOTICE OF APPEAL

TO THE PROTHONOTARY:

Notice is hereby given that plaintiffs, Sean Gill, Robert Smith, Tim Ramos, and Jackie Rivera hereby appeal to the Commonwealth Court of Pennsylvania from the Order entered in this matter on October 18, 2022, which is attached hereto as Exhibit A.

The Order has been entered on the docket as evidenced by the attached docket entry attached at Exhibit B.

Respectfully submitted,

Dated: October 19, 2022

/s/Walter S. Zimolong

Walter S. Zimolong, III, Esquire
James J. Fitzpatrick, III, Esquire
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/s/ Nicholas R. Barry
(admitted *pro hac vice*)
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IN THE COURT OF COMMON PLEAS OF LEHIGH COUNTY, PENNSYLVANIA
CIVIL DIVISION

Sean Gill, Robert Smith, Tim Ramos, Jackie Rivera :
- VS - : File No. 2022-C-1849
Lehigh County Board of Elections, Phillips :
Armstrong, Jennifer Allen, Dennis Nemes, : Assigned Judge: Thomas A. Capehart
Timothy A Benyo, Diane Gordian :
-VS- :
Pennsylvania Alliance for Retired Americans :

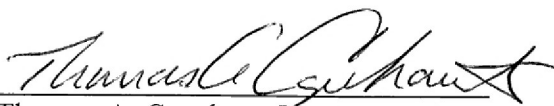
ORDER

AND NOW this 18th day of October, 2022, upon consideration of the Petitioners' Motion for Mandatory Preliminary Injunction filed September 1, 2022, the Petition for Emergency Special Injunction filed on September 6, 2022, the Answers in opposition thereto, and following the hearing thereon held October 7, 2022, before the undersigned, and for the reasons expressed in the accompanying Opinion,

IT IS HEREBY ORDERED that Petitioners' Motion for Preliminary Injunction is DENIED.

IT IS FURTHER ORDERED that based upon the Stipulation filed on September 9, 2022, the Petition for Emergency Special Injunction is DENIED as MOOT.

BY THE COURT:


Thomas A. Capehart, J.



IN THE COURT OF COMMON PLEAS OF LEHIGH COUNTY, PENNSYLVANIA
CIVIL COURT DIVISION

File No.: 2022-C-1849

Miscellaneous Mandamus

Sean Gill, Robert Smith, Tim Ramos, Jackie Rivera

- VS -

Lehigh County Board of Elections, Phillips Armstrong, Jennifer Allen,
Dennis Nemes, Timothy A Benyo, Diane Gordian

Copies of this Order were e-mailed/mailed to all counsel of record and pro se litigants on
10/19/2022.

236 NOTICE

Pursuant to Pa.R.C.P. § 236, notice is hereby given that an order, decree, or judgment in
the above captioned matter has been entered.

Andrea E. Naugle
Clerk of Judicial Records

**NOTICE: All parties and counsel must maintain correct and current contact information,
INCLUDING E-MAIL ADDRESSES, with the Clerk of Judicial Records Civil Division as
well as through E-File & Serve.**

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MG

| | | |
|----------------------------|--------------------------------|--|
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| Joshua Mazin, Esq | ✓ | Inter-Office Room 440 17 S 7th Street Allentown PA 18101 |
| Joshua Mazin, Esq | ✓ jmazin@repkalawoffices.com | RepkaMazin LLC 108 East Center Street Nazareth PA 18064 |
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REGISTER OF ACTIONS

CASE No. 2022-C-1849

Sean Gill, Robert Smith, Tim Ramos, Jackie Rivera - VS - Lehigh County Board of Elections, Phillips Armstrong, Jennifer Allen, Dennis Nemes, Timothy A Benyo, Diane Gordian

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Case Type: Miscellaneous Mandamus
Date Filed: 09/01/2022
Location: Civil Records

| PARTY INFORMATION | | |
|-------------------|---|---|
| Defendant | Allen, Jennifer | <div>Attorneys Joshua Mazin, Esq Retained</div> <div>Sarah M Murray, Esq Retained 610-782-3180(W)</div> |
| Defendant | Armstrong, Phillips | <div>Joshua Mazin, Esq Retained</div> <div>Sarah M Murray, Esq Retained 610-782-3180(W)</div> |
| Defendant | Benyo, Timothy A | <div>Joshua Mazin, Esq Retained 610-365-2670(W)</div> <div>Sarah M Murray, Esq Retained 610-782-3180(W)</div> |
| Defendant | Gordian, Diane | <div>Joshua Mazin, Esq Retained</div> <div>Sarah M Murray, Esq Retained 610-782-3180(W)</div> |
| Defendant | Lehigh County Board of Elections | <div>Joshua Mazin, Esq Retained</div> <div>Sarah M Murray, Esq Retained 610-782-3180(W)</div> |
| Defendant | Nemes, Dennis | <div>Joshua Mazin, Esq Retained</div> <div>Sarah M Murray, Esq Retained 610-782-3180(W)</div> |
| Interested Party | Pennsylvania Alliance for Retired Americans | <div>Timothy Ford, Esq Retained 215-575-7017(W)</div> <div>Adam Bonin, Esq Retained 267-242-5014(W)</div> |



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Plaintiff Gill, Sean

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609-932-8836(W)

Plaintiff Ramos, Tim

Walter S Zimolong, III Esq
Retained
609-932-8836(W)

Plaintiff Rivera, Jackie

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Retained
609-932-8836(W)

Nicholas R Barry, Esq
Retained

Plaintiff Smith, Robert

Walter S Zimolong, III Esq
Retained
609-932-8836(W)

Nicholas R Barry, Esq
Retained

EVENTS & ORDERS OF THE COURT

HEARINGS

09/12/2022 **CANCELED Hearing** (9:30 AM) (Judicial Officer Capehart, Thomas A.)
Judge's Order
10/07/2022 **Hearing** (9:30 AM) (Judicial Officer Capehart, Thomas A.)
Pet for Prelim Injunction AND Pet to Intervene
Result: Hearing Held

OTHER EVENTS

09/01/2022 [New Action Complaint](#)
See orig.
09/01/2022 [Miscellaneous Mandamus](#)
09/01/2022 [Motion](#)
Filed by Pltfs. Memorandum attached
09/06/2022 [Rule & Scheduling Order](#)
Copies & 236 notice mld/dktd 9/6/2022
09/06/2022 [Praecipe to Attach/Substitute](#)
09/06/2022 [Praecipe to Attach/Substitute](#)

09/06/2022 [Petition](#)
Emergency. Filed by pltfs. Memorandum & Exhibit(s) attached.

09/07/2022 [Acceptance of Service](#)

09/07/2022 [Praeipce for Appearance](#)
by J S Mazin Esq for Dfts

09/08/2022 [Scheduling Order:](#)
Copies & 236 notice mld/dktd 09/08/22

09/09/2022 [Order](#)
the parties agree & stipulation as stated within/TAC. Copies & 236 notice mld/dktd 9/12/22.

09/09/2022 [Petition](#)
Filed by Pennsylvania Alliance for Retired Americans.

09/09/2022 [Answer - Reply - Response](#)
Filed by Pennsylvania Alliance for Retired Americans.

09/11/2022 [Answer - Reply - Response to Motion](#)
Filed by Proposed Intervenor-Dft Pennsylvania Alliance for Retired Americans.

09/12/2022 [Praeipce for Appearance](#)
by S M Murray, Esq. for Dfts.

09/12/2022 [Motion](#)
Filed by Proposed Intervenor Pennsylvania Alliance for Retired Americans. Exhibit(s) attached.

09/12/2022 [Order](#)
Hearing scheduled on 09/12/22 is cancelled. Hearing scheduled on 10/07/22 at 9:30 a.m. remains scheduled. Copies & 236 notice mld/dktd 09/12/22.

09/12/2022 [Rule & Scheduling Order](#)
Copies & 236 notice mld/dktd 09/12/22.

09/16/2022 [Motion](#)
for Admission Pro Hac Vice. Filed by A C Bonin, Esq. Exhibit(s), attached.

09/16/2022 [Exhibits \(Proposed\)](#)

09/16/2022 [Motion](#)
for Admission Pro Hac Vice. Filed by A C Bonin, Esq. Exhibit(s), attached.

09/16/2022 [Exhibits \(Proposed\)](#)

09/16/2022 [Motion](#)
for Admission Pro Hac Vice. Filed by A C Bonin, Esq. Exhibit(s), attached.

09/16/2022 [Exhibits \(Proposed\)](#)

09/23/2022 [Motion](#)
for Admission Pro Hac Vice. Filed by W S Zimolong Esq. Exhibit(s) attached.

09/27/2022 [Answer - Reply - Response](#)
Filed by Dfts

09/27/2022 [Answer - Reply - Response](#)
to Petition. Filed by Dfts

09/27/2022 [Memorandum](#)
Filed by Dfts

09/27/2022 [Answer - Reply - Response](#)
Filed by Interested Party Pennsylvania Alliance for Retired Americans

09/27/2022 [Memorandum](#)
Filed by Interested Party Pennsylvania Alliance for Retired Americans

09/29/2022 [Correspondence](#)

10/03/2022 [Order](#)
Petition to Intervene is Granted/TAC. Copies & 236 notice mld/dktd 10/3/2022.

10/03/2022 [Answer - Reply - Response](#)
Filed by Pltfs

10/03/2022 [Order](#)
The Order entered 10/03/22 at 1:16pm granting intervention is Vacated as improvidently granted. See orig./TAC. Copies & 236 notice mld/dktd 10/04/22.

10/03/2022 [Correspondence](#)

10/04/2022 [Answer - Reply - Response to Motion](#)
Filed by Pltfs.

10/04/2022 [Certificate](#)
of Service

10/04/2022 [Undeliverable Mail](#)
for T. Ford, Esq. Resent 10/05/22

10/11/2022 [Praeipce for Appearance](#)
by C Ghormoz, Esq. for Interested Party Pennsylvania Alliance for Retired Americans.

10/12/2022 [Findings of Fact and Conclusions of Law](#)
Filed by Dft

10/12/2022 [Memorandum](#)
(Supplemental). Filed by Dfts

10/12/2022 [Memorandum](#)
Filed by pltfs

10/12/2022 [Findings of Fact and Conclusions of Law](#)
Proposed Filed by pltf.

10/12/2022 [Brief](#)
Filed by Interested Party PA Alliance for Retired Americans

10/12/2022 [Findings of Fact and Conclusions of Law](#)
(Proposed) Filed by Interested Party PA Alliance for Retired Americans

10/18/2022 [Order](#)
Motion is Denied./TAC Copies & 236 notice mld/dktd 10/19/2022

10/18/2022 [Opinion](#)
/s/ TAC. Copies and 236 Notice mld/dktd 10/19/2022

FINANCIAL INFORMATION

Defendant Lehigh County Board of Elections

| | |
|-------------------------------------|-------------|
| Total Financial Assessment | 28.50 |
| Total Payments and Credits | 28.50 |
| Balance Due as of 10/19/2022 | 0.00 |

| | | | |
|------------|---------------------------|----------------------------------|---------|
| 09/12/2022 | Transaction Assessment | | 28.50 |
| 09/12/2022 | E-File Electronic Payment | Receipt # E-2022-12053 | (28.50) |
| | | Lehigh County Board of Elections | |

Interested Party Pennsylvania Alliance for Retired Americans

| | |
|-------------------------------------|-------------|
| Total Financial Assessment | 85.50 |
| Total Payments and Credits | 85.50 |
| Balance Due as of 10/19/2022 | 0.00 |

| | | | |
|------------|---------------------------|---|---------|
| 09/16/2022 | Transaction Assessment | | 28.50 |
| 09/16/2022 | E-File Electronic Payment | Receipt # E-2022-12367 | (28.50) |
| 09/16/2022 | Transaction Assessment | | 28.50 |
| 09/16/2022 | E-File Electronic Payment | Receipt # E-2022-12372 | (28.50) |
| 09/16/2022 | Transaction Assessment | | 28.50 |
| 09/16/2022 | E-File Electronic Payment | Receipt # E-2022-12374 | (28.50) |
| | | Pennsylvania Alliance for Retired Americans | |
| | | Pennsylvania Alliance for Retired Americans | |
| | | Pennsylvania Alliance for Retired Americans | |

Plaintiff Gill, Sean

| | |
|-------------------------------------|-------------|
| Total Financial Assessment | 291.50 |
| Total Payments and Credits | 291.50 |
| Balance Due as of 10/19/2022 | 0.00 |

| | | | |
|------------|---------------------------|------------------------|----------|
| 09/01/2022 | Transaction Assessment | | 177.50 |
| 09/01/2022 | E-File Electronic Payment | Receipt # E-2022-11536 | (177.50) |
| 09/01/2022 | Transaction Assessment | | 28.50 |
| 09/01/2022 | E-File Electronic Payment | Receipt # E-2022-11597 | (28.50) |
| 09/07/2022 | Transaction Assessment | | 28.50 |
| 09/07/2022 | E-File Electronic Payment | Receipt # E-2022-11838 | (28.50) |
| 09/12/2022 | Transaction Assessment | | 28.50 |
| 09/12/2022 | E-File Electronic Payment | Receipt # E-2022-12043 | (28.50) |
| 09/23/2022 | Transaction Assessment | | 28.50 |
| 09/23/2022 | E-File Electronic Payment | Receipt # E-2022-12782 | (28.50) |
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