



complied with any and all requirements as directed by the Supreme Court of Pennsylvania.

4. Denied as stated. Paragraph 4 states a conclusion of law to which no specific answer is required.

5. Denied as stated. Paragraph 5 states a conclusion of law to which no specific answer is required.

6. Denied as stated. Paragraph 6 states a conclusion of law to which no specific answer is required.

#### **JURISDICTION AND VENUE**

7. Admitted.

8. Admitted.

9. Admitted.

10. Denied as stated. The Board is without knowledge as to the factual allegations stated in Paragraph 10.

11. Admitted.

#### **PARTIES**

12. Denied as stated. The Board is without sufficient knowledge concerning the allegations set forth in Paragraph 12.

13. Denied as stated. The Board is without sufficient knowledge concerning the allegations set forth in Paragraph 13.

14. Admitted.

15. Admitted in part and Denied in part. It is admitted that Plaintiff DSCC is the Democratic Party's national senatorial committee. The Board is without sufficient knowledge concerning the remaining allegations set forth in Paragraph 15 and they are Denied as stated.

16. Admitted in part and Denied in part. It is admitted that Plaintiff DCCC is the Democratic Party's national congressional committee. The Board is without sufficient knowledge concerning the remaining allegations set forth in Paragraph 16 and they are Denied as stated.

17. Admitted in part and Denied in part. It is Admitted that the Board is the Election Board of Luzerne County. By way of further answer, the Board is not formed pursuant to the County Code but instead is a creature of the Home Rule Charter of Luzerne County. The remaining allegations of Paragraph 17 state a conclusion of law to which no specific answer is required and they are Denied as stated.

#### **STATEMENT OF FACTS AND LAW**

18. Denied as stated. Paragraph 18 states a conclusion of law to which no specific answer is required.

19. Denied as stated. Paragraph 19 states a conclusion of law to which no specific answer is required.

20. Denied as stated. Paragraph 20 states a conclusion of law to which no specific answer is required.

21. Denied as stated. Paragraph 21 states a conclusion of law to which no specific answer is required. By way of further answer, the decision of the Supreme Court of Pennsylvania in *In re Canvass of Absentee and Mail-In Ballots of November 3, 2020 General Election*, 241 A.3d 1058, 1062 (Pa. 2020) speaks for itself and any characterization of that decision otherwise is Denied.

22. Denied as stated. Paragraph 22 states a conclusion of law to which no specific answer is required. By way of further answer, the decision of the Supreme Court of Pennsylvania in *In re Canvass of Absentee and Mail-In Ballots of November 3, 2020 General Election*, 241 A.3d 1058, 1062 (Pa. 2020) speaks for itself and any characterization of that decision otherwise is Denied.

23. Denied as stated. Paragraph 23 states a conclusion of law to which no specific answer is required. By way of further answer, the dissenting opinion in *In re Canvass of Absentee and Mail-In Ballots of November 3, 2020 General Election*, 241 A.3d 1058, 1062 (Pa. 2020) speaks for itself and any characterization of that opinion otherwise is Denied.

24. Denied as stated. Paragraph 24 states a conclusion of law to which no specific answer is required. By way of further answer, the concurring opinion in *In re Canvass of Absentee and Mail-In Ballots of November 3, 2020 General*

*Election*, 241 A.3d 1058, 1062 (Pa. 2020) speaks for itself and any characterization of that opinion otherwise is Denied.

25. Denied as stated. Paragraph 25 states a conclusion of law to which no specific answer is required. By way of further answer, the concurring opinion in *In re Canvass of Absentee and Mail-In Ballots of November 3, 2020 General Election*, 241 A.3d 1058, 1062 (Pa. 2020) speaks for itself and any characterization of that opinion otherwise is Denied.

26. Denied as stated. Paragraph 26 states a conclusion of law to which no specific answer is required.

27. Denied as stated. Paragraph 27 states a conclusion of law to which no specific answer is required.

28. Denied as stated. Paragraph 28 states a conclusion of law to which no specific answer is required.

29. Denied as stated. The Board is without sufficient knowledge concerning the allegations set forth in Paragraph 29.

30. Denied as stated. To the extent the allegations in Paragraph 30 refer to the decision of the Supreme Court of Pennsylvania in *Ball v. Chapman*, No. 102 MM 2022 (Pa. Nov. 1, 2022), the decision speaks for itself and any characterization of that decision otherwise is Denied. By way of further answer,

the Board has complied with any and all requirements as directed by the Supreme Court of Pennsylvania.

31. Denied as stated. To the extent the allegations in Paragraph 31 refer to the decision of the Supreme Court of Pennsylvania in *Ball v. Chapman*, No. 102 MM 2022 (Pa. Nov. 1, 2022), the decision speaks for itself and any characterization of that decision otherwise is Denied. By way of further answer, the Board has complied with any and all requirements as directed by the Supreme Court of Pennsylvania.

## **CLAIMS FOR RELIEF**

### **COUNT 1**

#### **52 U.S.C. § 10101; 42 U.S.C. § 1983 VIOLATION OF SECTION 101 OF THE CIVIL RIGHTS ACT OF 1964**

32. Admitted. By way of further answer, the Board incorporates by reference its responses to Paragraphs 1 through 31, above.

33. Denied as stated. Paragraph 33 states a conclusion of law to which no specific answer is required. By way of further answer, Section 101(a) of the Civil Rights Act speaks for itself and any characterization of that provision otherwise is Denied.

34. Denied as stated. Paragraph 34 states a conclusion of law to which no specific answer is required. By way of further answer, Section 101(a) of the Civil

Rights Act speaks for itself and any characterization of that provision otherwise is Denied.

35. Denied as stated. Paragraph 35 states a conclusion of law to which no specific answer is required.

36. Denied as stated. Paragraph 36 states a conclusion of law to which no specific answer is required. By way of further answer, the Board has acted in full compliance with the law as directed by the Supreme Court of Pennsylvania and Commonwealth Court of Pennsylvania.

37. Denied as stated. Paragraph 37 states a conclusion of law to which no specific answer is required. By way of further answer, the Board has acted in full compliance with the law as directed by the Supreme Court of Pennsylvania and Commonwealth Court of Pennsylvania.

38. Denied as stated. Paragraph 38 states a conclusion of law to which no specific answer is required.

39. Denied as stated. Paragraph 39 states a conclusion of law to which no specific answer is required.

40. Denied as stated. Paragraph 40 states a conclusion of law to which no specific answer is required.

## **COUNT II**

**U.S. CONST. AMENDS. I, XIV; 42 U.S.C. § 1983  
VIOLATION OF THE FIRST AND FOURTEENTH AMENDMENTS**

41. Admitted. By way of further answer, the Board incorporates by reference its responses to Paragraphs 1 through 40, above.

42. Denied as stated. Paragraph 42 states a conclusion of law to which no specific answer is required.

43. Denied as stated. Paragraph 43 states a conclusion of law to which no specific answer is required.

44. Denied as stated. Paragraph 44 states a conclusion of law to which no specific answer is required.

45. Denied as stated. Paragraph 45 states a conclusion of law to which no specific answer is required.

46. Denied as stated. Paragraph 46 states a conclusion of law to which no specific answer is required.

47. Denied as stated. Paragraph 47 states a conclusion of law to which no specific answer is required.

### **PRAYER FOR RELIEF**

To the extent Plaintiffs' Prayer for Relief contains conclusions of law, they are Denied as stated.

Dated: January 10, 2023

Respectfully submitted,

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