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*\*Motions for Admission Pro Hac Vice Forthcoming*

*Attorneys for Proposed Intervenor-Defendants*

**IN THE COURT OF COMMON PLEAS  
OF LUZERNE COUNTY, PENNSYLVANIA**

**CIVIL DIVISION**

JIM BOGNET,

*Plaintiff,*

v.

LUZERNE COUNTY BOARD OF ELECTIONS,

*Defendant,*

REPRESENTATIVE MATT CARTWRIGHT,  
DCCC,

*[Proposed] Intervenor-Defendants.*

Case No. 2022-10514

**[PROPOSED] ANSWER OF INTERVENOR-DEFENDANTS  
REPRESENTATIVE MATT CARTWRIGHT AND DCCC**

Representative Matt Cartwright and DCCC (“Intervenors”) submit this Answer to Plaintiffs’ Complaint In Mandamus Or, in the Alternative, Action for Declaratory Relief.

**UNNUMBERED INTRODUCTION**

The Complaint contains an unnumbered introduction. It largely consists of legal conclusions to which no response is required. To the extent an answer is required, Intervenors deny the allegations.

**JURISDICTION AND VENUE<sup>1</sup>**

1. Paragraph 1 states legal conclusions and characterizations to which no response is required.

**PARTIES**

2. Intervenors admit that Jim Bognet is a candidate for the United States House of Representatives in Pennsylvania’s Eighth Congressional District, which includes a portion of Luzerne County. Intervenors are without sufficient information or knowledge to form a belief as to the truth of the remaining allegations in Paragraph 2.

3. Paragraph 3 states legal conclusions and characterizations to which no response is required.

**THE RECONCILIATION PROCESS**

4. Paragraph 4 purports to quote from the cited statute, which speaks for itself, requiring no response.

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<sup>1</sup> The headings in the Complaint are not part of the allegations. But to the extent that they are, Intervenors deny them as well.

5. Paragraph 5 states legal conclusions and characterizations to which no response is required.

6. Paragraph 6 purports to quote from the cited statute and states legal conclusions and characterizations to which no response is required.

7. Paragraph 7 states legal conclusions and characterizations to which no response is required.

8. Paragraph 8 states legal conclusions and characterizations to which no response is required.

9. Paragraph 9 states legal conclusions and characterizations to which no response is required.

10. Paragraph 10 purports to quote from the cited statute and states legal conclusions and characterizations to which no response is required.

11. Paragraph 11 purports to quote from the cited statute and states legal conclusions and characterizations to which no response is required.

12. Paragraph 12 states legal conclusions and characterizations to which no response is required.

13. Paragraph 13 purports to quote from the cited statute and states legal conclusions and characterizations to which no response is required.

14. Paragraph 14 purports to quote from the cited statute and states legal conclusions and characterizations to which no response is required.

#### **THE 2022 GENERAL ELECTION**

15. Intervenors are without sufficient information or knowledge to form a belief as to the truth of the allegations in Paragraph 15.

16. Intervenor is without sufficient information or knowledge to form a belief as to the truth of the allegations in Paragraph 16.

17. Intervenor is without sufficient information or knowledge to form a belief as to the truth of the allegations in Paragraph 17.

18. Intervenor admits that elections in Luzerne County received national media attention. To the extent Paragraph 18 seeks to characterize that news coverage, the cited articles speak for themselves and no response is required.

19. Intervenor admits that the Luzerne County Board of Elections filed an emergency petition to keep polls open until 10:00 p.m. on election day. Intervenor is without sufficient information or knowledge to form a belief as to the truth of the remaining allegations in Paragraph 19.

20. Admitted.

21. Paragraph 21 purports to quote or characterize an uncited court order, which speaks for itself, and to which no response is required.

22. Intervenor is without sufficient information or knowledge to form a belief as to the truth of the allegations in Paragraph 22.

23. Intervenor is without sufficient information or knowledge to form a belief as to the truth of the allegations in Paragraph 23.

24. Intervenor is without sufficient information or knowledge to form a belief as to the truth of the allegations in Paragraph 24.

25. Intervenor is without sufficient information or knowledge to form a belief as to the truth of the allegations in Paragraph 25.

26. Admitted.

27. Paragraph 27 purports to quote or characterize statements from the November 14 County Council meeting, which speak for themselves and require no response.

28. Admitted.

29. Paragraph 29 purports to quote or characterize statements from the November 14 County Council meeting, which speak for themselves and require no response. The remaining allegations in Paragraph 29 assert legal conclusions and characterizations to which no response is required.

30. Paragraph 30 states legal conclusions and characterizations to which no response is required. To the extent a response is required, Intervenor deny the allegations.

31. Intervenor are without sufficient information or knowledge to form a belief as to the truth of the allegations in Paragraph 31.

32. Intervenor are without sufficient information or knowledge to form a belief as to the truth of the allegations in Paragraph 32.

33. Intervenor are without sufficient information or knowledge to form a belief as to the truth of the allegations in Paragraph 33.

34. Intervenor admit that the Luzerne County Council scheduled an emergency meeting for November 17, 2022. The remainder of Paragraph 34 consists of characterizations to which no response is required. To the extent a response is required, Intervenor deny the remaining allegations.

35. Paragraph 35 purports to quote from Council Member Thornton's statement at the Luzerne County Council's November 17 meeting which speaks for itself and requires no response.

36. Paragraph 36 states legal conclusions and characterizations to which no response is required.

## COUNT I

37. Intervenor's incorporate by reference their responses in the preceding and ensuing paragraphs as if fully set forth herein.

38. Paragraph 38 states legal conclusions to which no response is required.

39. Paragraph 39 states legal conclusions to which no response is required.

40. Paragraph 40 states legal conclusions to which no response is required.

41. Paragraph 41 states legal conclusions to which no response is required.

42. Paragraph 42 states legal conclusions and characterizations to which no response is required.

43. Paragraph 43 states legal conclusions and characterizations to which no response is required.

44. Denied.

45. Denied.

46. Paragraph 46 states legal conclusions and characterizations to which no response is required. To the extent a response is required, Intervenor's deny that Plaintiff is entitled to the relief he seeks.

## COUNT II

47. Intervenor's incorporate by reference their responses in the preceding and ensuing paragraphs as if fully set forth herein.

48. Paragraph 48 states legal conclusions and characterizations to which no response is required.

49. Paragraph 49 states legal conclusions and characterizations to which no response is required.

50. Paragraph 50 states legal conclusions and characterizations to which no response is required.

51. Paragraph 51 states legal conclusions and characterizations to which no response is required.

52. Paragraph 52 states legal conclusions and characterizations to which no response is required.

53. Paragraph 53 states legal conclusions and characterizations to which no response is required. To the extent a response is required, Intervenor deny the allegations.

54. Intervenor are without sufficient information or knowledge to form a belief as to the truth of the allegation in Paragraph 54, therefore it is denied.

55. Denied.

56. Paragraph 56 states legal conclusions and characterizations to which no response is required. To the extent a response is required, Intervenor deny the allegations.

57. Denied.

58. Denied.

#### **GENERAL DENIAL**

1. Intervenor deny each and every allegation not expressly admitted herein.

#### **NEW MATTER**

1. The Complaint fails, in whole or in part, to state a claim upon which relief can be granted.

2. The Complaint is not ripe.

3. Plaintiff has not alleged an injury-in-fact.

4. Intervenor reserve the right to amend this Answer at a later time.

### **PRAYER FOR RELIEF**

Intervenors deny that Bognet is entitled to his requested relief. Intervenors request that the Court:

- a. Deny Plaintiff's requests for relief;
- b. Dismiss the Complaint in its entirety, with prejudice; and
- c. Grant such other and further relief as the Court may deem just and proper.

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Dated: November 22, 2022

Respectfully submitted,

By: /s/ Timothy J. Ford

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