

IN THE COURT OF COMMON PLEAS OF DELAWARE COUNTY, PENNSYLVANIA

CIVIL ACTION AT LAW

NICOLE MISSINO, GREGORY STENSTRON
AND LEAH HOOPS

No.: 2022-008091

v.

DELAWARE COUNTY BOARD
OF ELECTIONS and DELAWARE
COUNTY BUREAU OF ELECTIONS

ORDER

AND NOW, this 22nd day of November, 2022, upon consideration of Plaintiffs' Emergency Motion For Temporary Restraining Order Pending Hearing For Preliminary Injunction,¹ Defendants' opposition thereto, and a hearing thereon, it is hereby ORDERED that said Motion is DENIED. In support of the foregoing, the Court hereby sets forth the following:

1. Plaintiffs failed to establish any of the six elements required by Pennsylvania law to obtain a preliminary injunction. Those elements include: (1) that an injunction is necessary to prevent immediate and irreparable harm that cannot be adequately compensated by damages; (2) that greater injury would result from refusing an injunction than from granting it, and that issuance of an injunction will not substantially harm other interested parties; (3) that a preliminary injunction will properly restore the parties to their status as it existed immediately prior to the alleged wrongful conduct; (4) that the party is likely to prevail on the merits; (5) that the injunction is reasonably suited to abate the offending activity; and (6) that

¹ By Order dated November 3, 2022, Petitioners, Leah Hoopes and Gregory Stenstrom's Application for Special Relief in the Nature of a Preliminary Injunction was dismissed as Petitioners failed to commence this action by filing a complaint or writ of summons. By Order dated November 4, 2022, Petitioners, Nichole Missino, Leah Hoopes and Gregory Stenstrom's Application for Special Relief in the Nature of a Preliminary Injunction was denied.

the injunction will not adversely affect the public interest. Summit Towne Centre, Inc. v. Shoe Show of Rock Mount, Inc., 828 A.2d 995, 1001 (Pa. 2003).

2. This Court finds the testimony provided by both the Chief Clerk of the Delaware County Board of Elections and the Delaware County Director of Election Operations to be candid, competent and credible.

3. The testimony of both the Chief Clerk of the Delaware County Board of Elections and the Delaware County Director of Election Operations revealed the ballots cast in-person at polling places in Delaware County, Pennsylvania were secured by the local judge of elections, sealed, and brought to the Delaware County Government Center before being consolidated by county employees and driven to the Wharf Building to be counted. Ballots collected through drop boxes, on the other hand, were collected by county employees at each drop box and driven to the Flagship Building for consolidation before being transported to the Wharf Building for canvassing and processing. This process, by which in-person and drop box ballots were consolidated with other in-person and drop box ballots helped to avoid confusion and potential mixing of different types of ballots – in other words, to ensure the integrity of the election.

4. The chain of custody of ballot bags, ballots, v-drives, and electronic paraphernalia to the Voter Services Center and the centralized counting center at the Wharf Building in the City of Chester is found to be safe and secure.

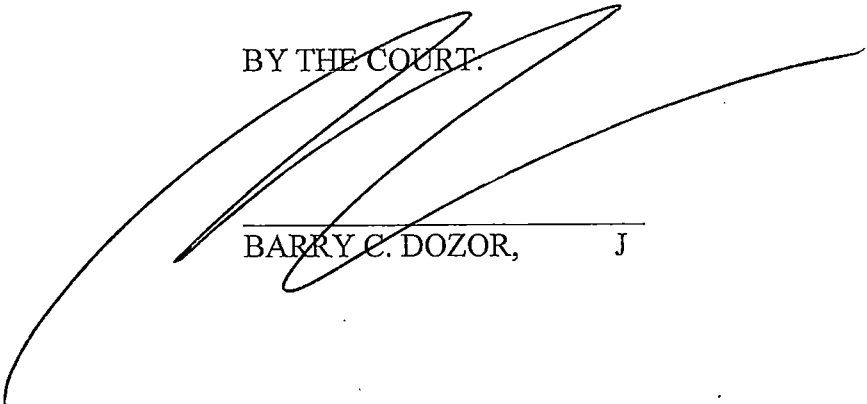
5. This Court finds the testimony offered at the November 21, 2022 hearing confirmed the integrity of the ballot verification and identification process, the pre-canvassing efforts on election day, and ultimately ballot security.

6. Moreover, Plaintiffs failed to provide credible evidence to support the following averments:

- a. Ballots to unverified voters were mailed, returned and counted;
- b. At least 2778 requests for mail-in ballots were deleted;
- c. After election day, at least 194 voter registration records of individuals whose mail-in ballots were counted in the vote were also deleted; or
- d. "partisan third parties" controlled the tabulation of the mail-in ballots.

7. After three separate motions and almost nine hours of testimony, Plaintiffs are unable to demonstrate a clear right to relief or likelihood of prevailing on the merits because the underlying Emergency Petition although styled an Emergency Motion For Temporary Restraining Order Pending Hearing For Preliminary Injunction is really an improper election contest and is therefore denied.

BY THE COURT.



BARRY C. DOZOR, J