

Supreme Court of Pennsylvania

Court of Common Pleas Civil Cover Sheet

DELAWARE

County

For Prothonotary Use Only:

Docket No:

CV-20-7523

FILED
2020 DEC 30 AM 11:30

The information collected on this form is used solely for court administration purposes. This form does not supplement or replace the filing and service of pleadings or other papers as required by law or rules of court.

SECTION A

Commencement of Action:

- ☐ Complaint ☐ Writ of Summons ☒ Petition
☐ Transfer from Another Jurisdiction ☐ Declaration of Taking

Lead Plaintiff's Name:

Delaware County Republican Executive Committee

Lead Defendant's Name:

Delaware County Board of Elections

Are money damages requested? ☒ Yes ☐ No

Dollar Amount Requested: ☒ within arbitration limits
(check one) ☐ outside arbitration limits

Is this a *Class Action Suit*? ☐ Yes ☒ No

Is this an *MDJ Appeal*? ☐ Yes ☒ No

Name of Plaintiff/Appellant's Attorney: Deborah Silver, Esq.

☐ Check here if you have no attorney (are a Self-Represented [Pro Se] Litigant)

SECTION B

Nature of the Case: Place an "X" to the left of the ONE case category that most accurately describes your **PRIMARY CASE**. If you are making more than one type of claim, check the one that you consider most important.

TORT (do not include Mass Tort)

- ☐ Intentional
☐ Malicious Prosecution
☐ Motor Vehicle
☐ Nuisance
☐ Premises Liability
☐ Product Liability (does not include mass tort)
☐ Slander/Libel/ Defamation
☐ Other:

CONTRACT (do not include Judgments)

- ☐ Buyer Plaintiff
☐ Debt Collection: Credit Card
☐ Debt Collection: Other

- ☐ Employment Dispute:
Discrimination
☐ Employment Dispute: Other

☐ Other:

CIVIL APPEALS

- Administrative Agencies
☐ Board of Assessment
☐ Board of Elections
☐ Dept. of Transportation
☐ Statutory Appeal: Other

- ☐ Zoning Board
☐ Other:

MASS TORT

- ☐ Asbestos
☐ Tobacco
☐ Toxic Tort - DES
☐ Toxic Tort - Implant
☐ Toxic Waste
☐ Other:

REAL PROPERTY

- ☐ Ejectment
☐ Eminent Domain/Condemnation
☐ Ground Rent
☐ Landlord/Tenant Dispute
☐ Mortgage Foreclosure: Residential
☐ Mortgage Foreclosure: Commercial
☐ Partition
☐ Quiet Title
☐ Other:

MISCELLANEOUS

- ☐ Common Law/Statutory Arbitration
☐ Declaratory Judgment
☐ Mandamus
☐ Non-Domestic Relations
Restraining Order
☐ Quo Warranto
☐ Replevin
☒ Other:
Election Law Matter

PROFESSIONAL LIABILITY

- ☐ Dental
☐ Legal
☐ Medical
☐ Other Professional:

NOTICE

Pennsylvania Rule of Civil Procedure 205.5. (Cover Sheet) provides, in part:

Rule 205.5. Cover Sheet

(a)(1) This rule shall apply to all actions governed by the rules of civil procedure except the following:

- (i) actions pursuant to the Protection from Abuse Act, Rules 1901 et seq.
- (ii) actions for support, Rules 1910.1 et seq.
- (iii) actions for custody, partial custody and visitation of minor children, Rules 1915.1 et seq.
- (iv) actions for divorce or annulment of marriage, Rules 1920.1 et seq.
- (v) actions in domestic relations generally, including paternity actions, Rules 1930.1 et seq.
- (vi) voluntary mediation in custody actions, Rules 1940.1 et seq.

(2) At the commencement of any action, the party initiating the action shall complete the cover sheet set forth in subdivision (e) and file it with the prothonotary.

(b) The prothonotary shall not accept a filing commencing an action without a completed cover sheet.

(c) The prothonotary shall assist a party appearing pro se in the completion of the form.

(d) A judicial district which has implemented an electronic filing system pursuant to Rule 205.4 and has promulgated those procedures pursuant to Rule 239.9 shall be exempt from the provisions of this rule.

(e) The Court Administrator of Pennsylvania, in conjunction with the Civil Procedural Rules Committee, shall design and publish the cover sheet. The latest version of the form shall be published on the website of the Administrative Office of Pennsylvania Courts at www.pacourts.us.

IN THE COURT OF COMMON PLEAS OF DELAWARE COUNTY, PENNSYLVANIA

COVER SHEET - NOTICE OF FILING OF MOTION OR PETITION UNDER
LOCAL RULES OF CIVIL PROCEDURE

CASE CAPTION:

Delaware County Republican Executive Com.

CIVIL CASE NO. CV-2020-007523

VS. Delaware County Board of Elections

NATURE OF MATTER FILED: (please check one)

- ☒ Petition Pursuant to Rule 206.1 ☐ Response to Petition ☐ Motion for Judgment on the Pleadings Pursuant to Rule 1034(a)
☐ Motion Pursuant to Rule 208.1 ☐ Response to Motion ☐ Summary Judgment Pursuant to Rule 1035.2
☐ Family Law Petition/Motion Pursuant to Rule 206.8

**FILING PARTY IS RESPONSIBLE FOR SERVICE OF THE RULE RETURNABLE
DATE OR HEARING DATE UPON ALL PARTIES**

A motion or petition was filed in the above captioned matter on the ____ day of _____, which:

☐ Requires you, Respondent, to file an Answer within twenty (20) days of the above date to this notice, or risk the entry of an Order in favor of the Petitioner. Answers must be filed and time stamped by the Office of Judicial Support by 4:30 PM on the following date _____.

☐ Requires all parties, to appear at a hearing/conference on the ____ day of _____ at ____ in Courtroom ____, Delaware County Courthouse, Media, Pennsylvania. At this hearing/conference you must be prepared to present all testimony and/or argument, and must ensure that your witnesses will be present.

☐ Was timely answered, thus requiring the scheduling of the following hearing in the above captioned matter on: _____ at 10:00 AM in Courtroom ____.

At this hearing, all parties must be prepared to present all testimony and/or argument and **must ensure that their witnesses will be present.**

☐ Qualifies as an Uncontested Motion or Petition, and as such requires neither an answer from the Respondent nor the scheduling of a hearing in this matter.

☒ Has been assigned to Judge John P. Capuzzi, Sr.

FOR OFFICE USE ONLY

Mailing date: _____

Processed by: _____

DELAWARE COUNTY REPUBLICAN
EXECUTIVE COMMITTEE

V.

BOARD OF ELECTIONS

ELECTION LAW

NO.: CV-2020-007523

EMERGENCY PETITION FOR
BIFURCATION

[Proposed] ORDER

AND NOW, this ____ day of December, 2020, upon consideration of Intervening Petitioners' Emergency Petition for Bifurcation, and any response thereto by the Board of Elections, it is hereby ORDERED AND DECREED that said Petition is **GRANTED**.

____ The Board of Elections does not have a right to a jury trial in this case, which is essentially a contempt proceeding relating to a civil statute, the Election Code.

____ The Board of Elections only has a right to a jury trial to adjudicate whether the maximum \$1,000 fine and/or 1-year prison sentence will be imposed against the Board of Elections as sanctions pursuant to Section 1806 of the Election Code, for violating the Election Code Provisions as to observers.

____ The issue of whether the Board of Elections will be Declared to be in contempt of court for violating the 11/4/2020 Order of Judge Capuzzi will be adjudicated by Judge Capuzzi, who issued the Order.

____ The issue of whether the Board of Elections will be Declared to be guilty of a misdemeanor for violating the Election Code provisions as to observers will be adjudicated by

Judge Capuzzi, as the identical misconduct in disobeying Judge Capuzzi's 11/4/2020 Order also constitutes a violation of the Election Code provisions as to observers.

_____ The issue of what sanctions to impose for a violation of Judge Capuzzi's 11/4/2020 Order will be adjudicated by Judge Capuzzi, who issued the Order.

_____ The issue of what sanctions to impose for a violation of the Election Code provisions as to observers will be adjudicated by Judge Capuzzi, because the same misconduct in disobeying his 11/4/2020 Order also constitutes a violation of the Election Code provisions as to observers.

_____ A jury will be impaneled to adjudicate the sole issue of whether a \$1,000 fine will be imposed and/or a 1-year prison sentence will be imposed against the members of the Board of Elections that interfered with the observers' right to be present during the canvassing and resolution of the ballots, in accordance with Section 1806 of the Election Code.

_____ An Order hereby issues that television cameras are allowed to live stream any court hearing or jury trial as to any matters that are the subject of any petitions filed in this case, concerning the Board of Elections violating the 11/4/2020 Order of Judge Capuzzi, and the Election Code provisions as to observers.

_____ An Order that the Board of Elections pay Intervening Petitioners' attorneys' fees in the amount of \$ _____, and costs in the amount of \$ _____.

BY THE COURT: _____, J.

IN THE COURT OF COMMON PLEAS OF DELAWARE COUNTY,
PENNSYLVANIA

CIVIL DIVISION – LAW

Deborah Silver, Esq.
Attorney I.D. # 45521
54 Shadeland Avenue
Drexel Hill, PA. 19026
(610) 284-4247

Attorney for Prospective Intervening Petitioners
U.S. House of Representatives Candidate Dasha Pruett, and
Duly Appointed Observers Gregory Stenstrom and Leah Hoopes

DELAWARE COUNTY REPUBLICAN
EXECUTIVE COMMITTEE

V.

BOARD OF ELECTIONS

ELECTION LAW

NO.: CV-2020-007523

EMERGENCY PETITION FOR
SANCTIONS FOR CONTEMPT
AND FOR VIOLATING
ELECTION CODE

**EMERGENCY PETITION FOR BIFURCATION, IF NECESSARY,
TO AWARD A \$1,000 FINE AND A 1-YEAR PRISON SENTENCE AGAINST THE
MEMBERS OF THE BOARD OF ELECTIONS FOR REFUSING TO PERMIT
WATCHERS TO OBSERVE THE CANVASSING OF RETURNS**

Prospective Intervening Petitioners Dasha Pruett, Gregory Stenstrom and Leah Hoopes hereby petition this Honorable Court on an Emergency Basis to issue an Order Bifurcating the adjudication that the Board of Elections is in contempt and guilty of a misdemeanor for not allowing observers to be present to inspect/view the canvassing and resolution of mail-in and absentee ballots, from the awarding of sanctions in accordance with Section 1806 of the Election Code.

In support of this Petition, Prospective Intervening Petitioners aver as follows:

1. On December 28, 2020, Manly Parks, one of the Bureau's attorneys, emailed Deborah Silver, Esq., the attorney for the Prospective Intervening Petitioners, his Notice of Appearance, which contains a jury trial demand.
2. It only makes sense for the judge that issued the Order to decide whether his Order was violated by the Board of Elections ("BOE"), and to adjudicate what sanctions should be imposed for said violation.
3. If Judge Capuzzi finds that there is a right to a trial by jury as to what sanction is appropriate to impose, a bifurcated proceeding can be held for a jury to determine whether to impose the statutory maximum penalty of a \$1,000 fine and/or 1 year in prison, as proscribed by Section 1806 of the Election Code.
4. The same conduct by the BOE – not allowing the observers to be present to inspect/view the canvassing and resolution of mail-in and absentee ballots – constitutes a violation of Judge Capuzzi's November 4, 2020 Order, and a violation of the Election Code.
5. See paragraph 1 of Judge Capuzzi's Order, which states that observers are permitted to observe the resolution area at all hours while ballots are being resolved.
6. See Section 3146.8 of the Election Code, which allows observers to be present during the pre-canvass and canvass of mail-in and absentee ballots.
7. It makes no sense for anyone other than Judge Capuzzi to adjudicate whether the BOE's failure to allow the observers to inspect/view the resolution area at all hours while ballots are being resolved constitutes a violation of his 11/4/2020 Order.
8. Since the same precise conduct constitutes a violation of Section 3146.8 of the Election Code it makes no sense for anyone other than Judge Capuzzi to adjudicate whether the BOE's failure to allow the observers to inspect/view the resolution and

canvassing of mail-in and absentee ballots constitutes a violation of the Election Code.

9. Judge Capuzzi must decide whether or not under these facts the BOE should be held in contempt of court, and what sanctions are justified as contempt sanctions for failing to obey his 11/4/2020 Order.
10. The BOE does not have a right to a jury trial to adjudicate a contempt proceeding that only Judge Capuzzi should decide. Who else but Judge Capuzzi is in a position to know whether his Order was violated by the BOE?
11. It makes no sense for the BOE to have a right to a jury trial to adjudicate whether it committed a misdemeanor pursuant to Section 3506 of the Election Code, where the precise same conduct, not allowing observers to be present to observe the canvassing of returns, constitutes a violation of Judge Capuzzi's Order. It is entirely inefficient to have a jury trial adjudicate whether the BOE is guilty of a misdemeanor pursuant to Section 3506 of the Election Code where Judge Capuzzi should adjudicate both issues.
12. The only reason to grant the within Petition for Bifurcation is if this Court, if Judge Capuzzi, determines that the sanction of \$1,000 and/or 1 year in prison pursuant to Section 1806 of the Election Code is warranted to punish the BOE for the misdemeanor of not allowing observers to be present to observe the canvassing of returns.
13. It is unclear whether this sanction in the context of an Election Code misdemeanor violation even gives rise to the right to a jury trial.
14. The Pennsylvania Supreme Court held there is no constitutional right to a jury trial for juveniles. In our legal system the jury is not a necessary component of accurate fact finding. *McKeiver v. Pennsylvania*, 403 U.S. 528, 543 (1971).

15. Compelling a jury trial might remake the proceeding into a fully adversary process and effectively end the idealistic prospect of an intimate, informal protective proceeding. *McKeiver v. Pennsylvania*, 403 U.S. 528, 545 (1971).
16. This is not a criminal proceeding, it is a civil proceeding where this Court must determine whether the BOE violated a civil statute, the Election Code, and whether the precise same misconduct by the BOE constitutes a contempt of court for disobeying the 11/4/2020 Order of Judge Capuzzi, as to observers.
17. The Pennsylvania Supreme Court in *McKeiver v. Pennsylvania*, supra, held that in a juvenile proceeding where minors were accused of committing robbery, theft, assault, and escape, that said minors had no right to a jury trial notwithstanding that the juvenile proceeding had aspects similar to a criminal proceeding.
18. Just because the Election Code, a civil statute, imposes a monetary fine and/or prison sentence, in the discretion of the court, against any member of the Board of Elections that refuses to permit overseers, watchers, attorneys or candidates to be present at the computation and canvassing of returns of any election, that does not give rise to the BOE having a right to a jury trial to adjudicate whether to award those sanctions.
19. Section 1806 states:

“Section 1806. Refusal to Permit Overseers, Watchers, Attorneys or Candidates to Act.

--Any member of a county board of elections, judge of election or inspector of election who shall refuse to permit any overseer or watcher, attorney or candidate to be present, as authorized by this act, at any session of a county board, computation and canvassing of returns of any primary or election, recount of ballots or recanvass of voting machines, as authorized by this act, or at any polling place during the time the polls are open at any primary or election, and after the close of the polls during the time the ballots are counted or voting machine canvassed and until the returns of such primary or election have been made up and signed, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding one thousand (\$1,000) dollars, or to undergo an imprisonment not exceeding one (1) year, or both, in the discretion of the court.”

20. It only makes sense for Judge Capuzzi, whose 11/4/2020 Order was disobeyed, to determine what contempt sanctions are warranted in the interest of justice.

21. Why should there be a waste of judicial resources creating needless inefficiency and delay, by ordering a jury to be impaneled to adjudicate a penalty for the very same precise conduct that constitutes both a violation of Judge Capuzzi's Order and the Election Code?

22. Judge Capuzzi's Order and the Election Code relate to permitting observers to be present while mail-in and absentee ballots are canvassed and resolved. The BOE violated both.

23. Judge Capuzzi is the logical one to adjudicate what type of sanction is warranted against the BOE for both contempt and a misdemeanor.

24. Bifurcation is ordered to avoid prejudice and simplify issues. Pa.R.C.P. 212.

25. This case involves unusual legal and factual issues, hence bifurcation is appropriate.

26. Prospective Intervening Petitioners support their position by citing Pennsylvania Rule of Civil Procedure 213(b). Rule 213(b) states:

"The court, in furtherance of convenience or to avoid prejudice, may, on its own motion or on motion of any party, order a separate trial of any cause of action, claim, or counterclaim, set-off, or cross-suit, or of any separate issue, or of any number of causes of action, claims, counterclaims, set-offs, cross-suits, or issues."

27. Bifurcation is appropriate because it will: (1) promote judicial economy; (2) avoid prejudice to Prospective Intervening Petitioners; (3) enable Judge Capuzzi to adjudicate whether the BOE violated his Order, who better than the judge who issued the order is in a position to know whether the BOE violated it; and (4) the BOE has demanded a jury trial, but does not have a right to a jury trial as to a civil contempt proceeding, where the BOE has violated Judge Capuzzi's Order.

28. The decision to bifurcate should be made after the careful consideration of the trial judge.

29. Bifurcation should be utilized in a case and at a juncture where informed judgment impels the court to conclude that application of the rule will manifestly promote convenience and/or actually avoid prejudice. *Stevenson v. General Motors Corp.*, 513 Pa. 411, 521 A.2d 413 (1987).

30. See *Kenrich Athletic Club v. 19th & Sansom Corp.*, 97 A.2d 865 (Pa.Cmwlth. 2014) (in which the “case consisted of three separate actions, two of which were listed for non-jury trials and one jury matter where monetary damages were sought as relief”).

31. The Seventh Amendment guarantees the right to jury trial in certain civil cases. This is not one of those cases.

32. If this Honorable Court disagrees, Prospective Intervening Petitioners Dasha Pruett, Gregory Stenstrom and Leah Hoopes respectfully request that this Court, that Judge Capuzzi, issue an Order Bifurcating the adjudication of contempt and a misdemeanor, along with whatever penalties Judge Capuzzi decides to impose for said contempt, from the adjudication by a jury of the appropriate penalty to impose for the misdemeanor, in accordance with Section 1806 of the Election Code.

33. It makes sense for Judge Capuzzi to *first* consider whether he should issue an Order declaring that the BOE is in contempt for violating his 11/4/20 Order as to permitting observers to observe the resolution area at all hours while ballots are being resolved, and only after making *that* determination should a jury trial be held to consider whether the BOE should be sanctioned in accordance with Section 1806 of the Election Code for the precise same conduct, which constitutes a misdemeanor under Section 3506 of the Election Code.

34. This Bifurcation request is *not* necessary if this Court determines that the penalties of a \$1,000 fine and/or 1 year in prison does NOT trigger the right to a jury trial, in the context of a civil proceeding for a violation of a civil statute, the Election Code.

WHEREFORE, Prospective Intervening Petitioners, Dasha Pruett, Gregory Stenstrom and Leah Hoopes, respectfully request that this Honorable Court grant their petition for Bifurcation if the Court determines that Bifurcation is warranted in the interests of justice, and if the Court first determines that it is even necessary, after determining whether the Board of Elections even has a right to a jury trial in this case, which is essentially a contempt proceeding relating to a civil statute, the Election Code.


If this Court orders a jury trial and bifurcation, Prospective Intervening Petitioners request that a televised live streaming of any hearing or trial be allowed in the public interest in a fair, free and transparent election, with the exception that the identity of any whistleblowers' testimony be audibly altered and the faces be obscured, to protect them.

With so much lack of transparency by interfering with the observers' ability to inspect/view the resolution of mail-in and absentee ballots, it is only fitting that a hearing or trial on sanctions for such misconduct be open to public scrutiny.

The Board of Elections is tasked with allowing observers to be present to ensure a free, fair and transparent election, but they instead willfully prevented the observers from doing their job. Any why? There is no reason justifying their misconduct, period.

Date: December 29, 2020

Respectfully submitted,



Deborah Silver, Esq. (PA. # 45521)
54 Shadeland Avenue
Drexel Hill, PA. 19026

EXHIBIT A – to Emergency Petition for Bifurcation

Section 1806. Refusal to Permit Overseers, Watchers, Attorneys or Candidates to Act.

--Any member of a county board of elections, judge of election or inspector of election who shall refuse to permit any overseer or watcher, attorney or candidate to be present, as authorized by this act, at any session of a county board, computation and canvassing of returns of any primary or election, recount of ballots or recanvass of voting machines, as authorized by this act, or at any polling place during the time the polls are open at any primary or election, and after the close of the polls during the time the ballots are counted or voting machine canvassed and until the returns of such primary or election have been made up and signed, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding one thousand (\$1,000) dollars, or to undergo an imprisonment not exceeding one (1) year, or both, in the discretion of the court.

25 Pa. Stat. § 3506

Current through P.A. Acts 2020-19

Section 3506 - Refusal to permit overseers, watchers, attorneys or candidates to act

Any member of a county board of elections, judge of election or inspector of election who shall refuse to permit any overseer or watcher, attorney or candidate to be present, as authorized by this act, at any session of a county board, computation and canvassing of returns of any primary or election, recount of ballots or recanvass of voting machines, as authorized by this act, or at any polling place during the time the polls are open at any primary or election, and after the close of the polls during the time the ballots are counted or voting machine canvassed and until the returns of such primary or election have been made up and signed, shall be guilty of a misdemeanor, and, upon conviction thereof, shall be sentenced to pay a fine not exceeding one thousand (\$1,000) dollars, or to undergo an imprisonment not exceeding one (1) year, or both, in the discretion of the court.

Pennsylvania Statutes Title 25 P.S. Elections & Electoral Districts § 3146.8. Canvassing of official absentee ballots

(b) Watchers shall be permitted to be present when the envelopes containing official absentee ballots are opened and when such ballots are counted and recorded.

Pennsylvania Statutes Title 25 P.S. Elections & Electoral Districts § 2650.

Watchers or attorneys at sessions of county board; candidates may be present

(a) Any party or political body or body of citizens which now is, or hereafter may be, entitled to have watchers at any registration, primary or election, shall also be entitled to appoint watchers who are qualified electors of the county or attorneys to represent such party or political body or body of citizens at any public session or sessions of the county board of elections, and at any computation and canvassing of returns of any primary or election and recount of ballots or recanvass of voting machines under the provisions of this act. Such watchers or attorneys may exercise the same rights as watchers at registration and polling places, but the number who may be present at any one time may be limited by the county board to not more than three for each party, political body or body of citizens.

(b) Every candidate shall be entitled to be present in person or by attorney in fact duly authorized, and to participate in any proceeding before any county board whenever any matters which may affect his candidacy are being heard, including any computation and canvassing of returns of any primary or election or recount of ballots or recanvass of voting machines affecting his candidacy.

(c) Any candidate, attorney or watcher present at any recount of ballots or recanvass of voting machines shall be entitled to examine the ballots, or the voting machine and to raise any objections regarding the same, which shall be decided by the county board, subject to appeal, in the manner provided by this act.

Rule 213. Consolidation, Severance and Transfer of Actions and Issues within a County. Actions for Wrongful Death and Survival Actions.

(a) In actions pending in a county which involve a common question of law or fact or which arise from the same transaction or occurrence, the court on its own motion or on motion of any party may order a joint hearing or trial of any matter in issue in the actions, may order the actions consolidated, and may make orders that avoid unnecessary cost or delay.

(b) The court, in furtherance of convenience or to avoid prejudice, may, on its own motion or on motion of any party, order a separate trial of any cause of action, claim, or counterclaim, set-off, or cross-suit, or of any separate issue, or of any number of causes of action, claims, counter-claims, set-offs, cross-suits, or issues.



Delaware County Republican Executive Committee

323 West Front Street, Media, Pennsylvania 19063

610-566-9375

Fax: 610-566-9377

Thomas J. McGarrigle
Chairman

John Hanna
Treasurer



Carol J. Miller
Vice Chair

December 21, 2020

To whom it may concern:

Please be advised that Leah Hoopes of 241 Sulky Way, Chaddsford, Bethel Township Delaware County was an appointed observer/watcher for the November 3rd, 2020 Election and the canvassing that took place in the weeks following the election at the Delaware County Bureau of Election located at 2501 Seaport Drive, Chester, PA.

Leah was an observer/watcher for Craig Williams who was a candidate for the Pennsylvania House of Representative in the 160th Legislative district.

Sincerely,

Carol J. Miller, Vice Chair

EXHIBIT B

DULY APPOINTED OBSERVERS

LEAH HOOPES & GREGORY STENSTROM



Commonwealth of Pennsylvania

County of Delaware Watcher's Certificate

This will Certify that **Gregory Stenstrom** residing at 1541 Farmers Lane has been regularly appointed as a WATCHER for the Election District of **EDGMONT TOWNSHIP 2nd Precinct** by **Thomas H. KILLION**, Candidate for the office of Senator in the General Assembly 9th District to serve at the General Election, 3rd day of November, 2020.

Witness our hands and official seal, the 5th day of October, 2020.

Laureen T. Hagan
Chief Clerk

Gerald Lawrence
Ashley Lunkenheimer

James J. Byrne, Jr.

County Board of Elections

NOTE - 25 PS 2687

"Each candidate for nomination or election at any election shall be entitled to appoint 2 watchers for each election district in which such candidate is voted for." Furthermore, "only one watcher for each candidate at primaries, or for each party or political body at general, municipal or special elections, shall be present in the polling place at any one time..."

DELAWARE COUNTY REPUBLICAN
EXECUTIVE COMMITTEE

V.

BOARD OF ELECTIONS

: ELECTION LAW

: NO.: CV-2020-007523

: EMERGENCY PETITION
: FOR BIFURCATION
:
:
:

CERTIFICATE OF SERVICE

I, Deborah Silver, Esq., hereby certify that I have on the date below served a true and correct copy of the foregoing (1) Emergency Petition for Bifurcation, (2) Memorandum of Law in Support of that Petition, (3) Proposed Order granting Petition for Bifurcation, and (4) the Instant Certificate of Service, were all served on the attorneys for the parties electronically, as indicated below:

J. Manly Parks, Esq., for the Delaware County Board of Elections
Duane Morris, LLP
30 S. 17th Street
Philadelphia, PA. 19103
JMParks@duanemorris.com

And

Attorney John McBlain, for the Delaware County Republican Executive Committee
Swartz, Campbell, LLC
115 North Jackson Street
Media, PA. 19063
jmcblain@swartzcampbell.com

Deborah Silver

Deborah Silver, Esq.
Attorney for Prospective Intervening Petitioners

Dated: December 30, 2020