

Supreme Court of Pennsylvania

Court of Common Pleas Civil Cover Sheet

DELAWARE

County

For Prothonotary Use Only:

Docket No:

CV-20-7523

2020 DEC 22 PM

2:00

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:

MASS TORT

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

PROFESSIONAL LIABILITY

- ☐ Dental
☐ Legal
☐ Medical
☐ Other Professional:

CONTRACT (do not include Judgments)

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

- ☐ Employment Dispute:
Discrimination
☐ Employment Dispute: Other

☐ Other:

REAL PROPERTY

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

CIVIL APPEALS

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

- ☐ Zoning Board
☐ Other:

MISCELLANEOUS

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

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
: TO INTERVENE

[Proposed] ORDER

AND NOW, this ____ day of December, 2020, upon consideration of the Emergency
Petition to Intervene of Prospective Intervening Petitioners Dasha Pruett, Gregory Stenstrom and
Leah Hoopes, and any response thereto by the Board of Elections, it is hereby ORDERED AND
DECREED that said Petition to Intervene is **GRANTED**.

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
: TO INTERVENE
:

**EMERGENCY PETITION TO INTERVENE OF
CANDIDATE FOR POLITICAL OFFICE DASHA PRUETT, AND
OBSERVERS GREGORY STENSTROM & LEAH HOOPES**

Prospective Intervening Petitioners, candidate for political office Dasha Pruett, and
observers Gregory Stenstrom and Leah Hoopes, file this Emergency Petition to Intervene as
parties in this litigation pursuant to Pennsylvania Rules of Civil Procedure 2327 and 2328, and
aver in support thereof as follows:

PROCEDURAL AND FACTUAL BACKGROUND

1. On November 4, 2020, Delaware County Republican Executive Committee
("DCREC") filed an Emergency Petition seeking an Order granting access to
canvassing of official absentee and mail-in ballots, to grant access to and permit

DCREC's watchers and attorneys to be present in all areas of the offices of the Board of Elections ("BOE") where pre-canvassing, sorting, opening, counting and recording of absentee and mail-in ballots is occurring and taking place for the returns of the November 3, 2020 General Election.

2. The Honorable Judge John Capuzzi granted this Petition, stating in relevant part as follows:

- "1. Four Observers in total (2 observers from the Republican Party, or affiliated candidates, and 2 observers from the Democratic Party, or affiliated candidates) are permitted to observe the resolution area at all hours while ballots are being resolved;

2. Two observers (1 representing the Republican Party, or affiliated candidates, and 1 representing the Democratic Party, or affiliated candidates) are permitted to observe the sorting machine area at all times while the machine is in use. However all observers shall stand back while the machine is in use due to safety concerns;

3. At two-hour intervals in total (1 representing the Republican Party, or affiliated candidates, and 1 representing the Democratic Party, or affiliated candidates) are permitted to enter the ballot room, to examine the room; however are not permitted to examine the physical ballots contained within the room, individually. They must be escorted by a member of the Election Board Staff with the time not to exceed five minutes each visit;"

PROPOSED INTERVENORS

3. Dasha Pruett ("Pruett") is clearly an intended beneficiary of the Order issued by Judge Capuzzi on November 4, 2020 because the duly appointed observers ensure that she obtains a fair and transparent election in her run for public office.
4. Pruett resides at 1122 Childs Avenue, Drexel Hill, PA. 19026.
5. Gregory Stenstrom ("Stenstrom") is a duly appointed observer appointed by Candidate Thomas Killion, a former Pennsylvania State Senator for District 9. Stenstrom resides at 1541 Farmers Lane, Glenn Mills, PA. 19342.

6. Leah Hoopes (“Hoopes”) is a duly appointed observer appointed by Pennsylvania House of Representatives Candidate Craig Williams, who serves District 160. Ms. Hoopes resides at 41 Sulky Way, Chadds Ford, PA. 19317.
7. Both Stenstrom and Hoopes are intended beneficiaries of the Order issued by Judge Capuzzi on November 4, 2020, because they are duly appointed observers which Judge Capuzzi ordered must be permitted to observe (a) the resolution area at all hours while ballots are being resolved, (b) the sorting machine at all times while the machine is in use, and (c) the ballot room.
8. Unless Stenstrom and Hoopes can bring their concerns and questions to the attention of the BOE’s staff and representatives if they observe any irregularities or illegalities they cannot perform the functions that their position as observers are required to perform to ensure the integrity, transparency and fairness of the 2020 General Election.
9. It should not have been necessary in the first place for the Delaware County Republican Executive Committee (“DCREC”) to seek an Emergency Order from Judge Capuzzi as to observers being permitted to inspect/view the area where mail-in and absentee ballots were being resolved, as the Election Code allows representatives for both political parties to serve as observers.
10. In addition to watchers, the Election Code permits “representatives” of candidates and political parties to be involved in the pre-canvassing and canvassing of absentee and mail-in ballots. See 25 P.S. § 3146.8(g)(1.1) & (2).

11. Watchers are authorized under Election Code Section 1308(b), 25 P.S. § 3146.8(b), to be present when the envelopes containing absentee and mail-in ballots are opened, counted, and recorded. 25 P.S. § 3146.8(b).
12. As it exists today, Election Code Section 417, codified at 25 P.S. § 2687, creates the position of watcher and entrusts to each candidate for nomination or election at any election, and each political party and each political body which has nominated candidates for such elections, the power to appoint watchers to serve in each election district in the Commonwealth. See 25 P.S. § 2687(a).
13. As long as Pennsylvania has had an Election Code, it has had watchers. In 1937, the Pennsylvania General Assembly included the concept of “watchers” in the then-newly enacted Pennsylvania Election Code, a statutory scheme addressing the administration of elections in the Commonwealth. See 25 P.S. §§ 2600, et. seq.
14. Put simply, there is substantial reason to doubt the voting results. Our future depends on fair elections, and a rigged fraudulent one cannot be allowed to stand.
15. A dark cloud hangs over the 2020 election.
16. Lawful elections are at the heart of our constitutional democracy. The public, and indeed the candidates themselves, have a compelling interest in ensuring that the selection of a candidate is legitimate.
17. The equal enforcement of election laws is necessary to preserve our most basic and fundamental rights.
18. The BOE was acting under color of State law when it prevented the duly appointed observers from performing their duties as allowed under the Election Code and in accordance with the terms of Judge Capuzzi’s Order.

19. The BOE kept the poll watchers and observers in a small cordoned off area too far away to see, too far away from the areas where the inspection, opening, and counting of absentee and mail-in ballots were taking place. Consequently, the BOE created a system whereby it was physically impossible for the candidates' and political parties' duly appointed observers to view the ballots and verify that illegally cast ballots were not opened and counted.
20. In statewide and federal elections conducted in the Commonwealth of Pennsylvania, including without limitation the November 3, 2020 General Election, all candidates, political parties, and voters, including Intervening Candidate Dasha Pruett, have a vested interest in the poll watchers and observers being present and having meaningful access to observe and monitor the electoral process to ensure that it is properly administered in every election district and that it is free, fair, and transparent.
21. Rather than heeding these mandates and duties, the BOE arbitrarily and capriciously denied the duly appointed observers meaningful access to observe and monitor the electoral process by not allowing them to visibly see and review all envelopes containing official absentee and mail-in ballots either at the time or before they were opened and/or when such ballots were counted and recorded.
22. The observers were repeatedly denied access to back rooms where the absentee and mail-in ballots were canvassed and resolved. The BOE kept the observers in a small cordoned off area too far away to see, too far away from the areas where the inspection, opening, and counting of absentee and mail-in ballots were taking place.

23. Consequently, the BOE created a system whereby it was physically impossible for the political candidates' and political parties' observers to view the ballots and verify that illegally cast ballots were not opened and counted.
24. The BOE disobeyed the Order issued by Judge John Capuzzi that should not have been necessary in the first place.
25. Stenstrom reports that representatives of the BOE prevented observers from entering back rooms where absentee and mail-in ballots were being canvassed, resolved, opened, sorted and counted. The BOE allowed counting to continue all night long on November 3, 2020, without any access granted to observers that were present and requesting entrance to said back rooms.
26. Even after Judge Capuzzi issued his Order at or around 9:30 p.m. on November 4, 2020, there were repeated instances over a long period of time on November 5, 2020 where observers were still denied entrance, and none of the observers were allowed close enough to see anything meaningful.
27. Hoopes reports that they set up 2 chairs for them, but 20-25 feet from the ballots, too far for them to observe anything. She further reports that she and the other observers were kept inside a roped off area 20 feet from the sorting machine, and they were unable to observe from such a great distance.
28. Hoopes and other observers were kept in a roped off area with chairs, but they could not observe from that area the resolution process because they were 10 feet from the closest table, 20 feet from the scanning area and 25 feet from tables that were partitioned off behind plexiglass where votes were being processed.

29. Judge Capuzzi's Order states that observers are permitted to be present wherever ballots are resolved at all hours when the ballots are resolved. Yet the BOE, in violation of the first paragraph of Judge Capuzzi's Order, only allowed observers to enter the back room where mail-in and absentee ballots were being resolved for 5 minutes every two hours, and too far from the ballot resolution process to have a meaningful opportunity to investigate/view the resolution process.
30. The canvassing and resolution process of the absentee and mail-in ballots went on all through the night and the observers were granted very minimal access even after Judge Cappuzi's Order was issued.
31. A fair, honest and transparent vote count is a cornerstone of democratic elections. This requires that votes be counted, tabulated and consolidated in the presence of the representatives of parties and candidates and election observers, and that the entire process by which a winner is determined is fully and completely open to public scrutiny.
32. There were plenty of questionable things witnessed by the poll watchers, and the representatives of the BOE were hostile and refused to answer questions or to respond to protests when for example chain of custody concerns were raised.
33. Sadly, Stenstrom reported: "As a result of the election officials' acts, I was unable to fulfill my responsibilities or exercise my rights as an official observer. I was continuously harassed, threatened, denied access to the room and the ballots, and the election officials were openly hostile and refused to answer questions, repeatedly defied a court order to provide access, and obstructed my ability to observe the count

in a way that would enable me to identify irregularities, which is the primary purpose of the observer role.”

34. Stenstrom reports that he saw Jim Savage, the Delaware County voting machine warehouse supervisor plugging USB drives into vote tallying computers. The bag containing those drives was not sealed or secured, and the voting machine cartridges were not present with the drives. Mr. Savage had no paper tapes or ballots at that time.
35. Stenstrom reports: “I immediately objected and challenged the uploading of votes from the unsecured drives,” reporting what he saw to Deputy Sheriff Mike Donahue. Donahue retrieved Ms. Hagan, who told Stenstrom that he could only observe the process but could not make any comments or ask any questions while Mr. Savage was directly in front of them loading USB sticks, and the display monitors above the computers reflected that they were being updated.
36. Stenstrom responded that he was observing a person plug USB sticks into the computer without any apparent chain of custody and without any oversight. No one stopped the upload, and Mr. Savage was permitted to continue this process and he was then allowed to walk out without any interference or examination by anyone.
37. Stenstrom returned at 8:30 a.m. on November 5, 2020, with Ms. Hoopes. The sheriff again barred entry in defiance of the court order.
38. At or around 9:30 a.m. on November 5, 2020, Stenstrom contacted Judge Capuzzi’s chambers and explained to his secretary that the elections officials were not complying with his Order. She suggested that Stenstrom consult with an attorney, and that she could not discuss the matter further with him.

39. At or around 1:00 p.m, Stenstrom called Judge Capuzzi's chambers multiple times requesting that Judge Capuzzi call the Sheriff and Solicitor to enforce his Order. The judge's law clerk told Stenstrom to "seek counsel," and hung up on him.
40. Attorney McBlain did not return until approximately 5:30 p.m. on 11/4/20, to again try to get the observers into the back office and rear locked storage room. Paragraph 3 of Judge Capuzzi's Order permitted observers to be present to investigate/view the ballot room (storage room where ballots are kept) for at least 5 minutes every 2 hours. The BOE violated paragraph 3 of Judge Capuzzi's Order because observers were not allowed to enter the ballot room until 1:30 p.m. on Thursday, November 5, 2020, where Judge Capuzzi issued his Order at 9:30 p.m. the night before, on November 4, 2020.
41. Furthermore, Stenstrom was only allowed to enter the ballot room at 1:30 p.m. and 3:30 p.m., observing what appeared to be an increase in the amount of unopened mail-in ballots approaching 50,000 at 1:30 p.m., to approaching 70,000 at 3:30 p.m., with no explanation for the additional 20,000 ballots over a period of 2 hours.
42. The BOE stopped allowing observers into the ballot room after 7:30 p.m. Stenstrom left the Wharf Office at 10:00 p.m. when he saw that the BOE was no longer allowing observers to enter and inspect/view the ballot room where tens of thousands of unopened mail-in ballots were stored.
43. There is a direct connection between the disobeying of Judge Capuzzi's Order and the fraudulent, irregular and illegal shenanigans that transpired which were enabled to be carried out without the observers present to inspect/view the resolution of absentee and mail-in ballots.

44. A shocking number of mail-in ballots have inexplicably appeared in counties since the November 4 ballot reports. For instance, in Delaware County, the county's Wednesday, November 4 report indicated that Delaware County reported it has received about 113,000 mail-in ballots and counted approximately 93,000 voted ballots.
45. On the next day, November 5, the Secretary of the Commonwealth's 4:30 report reflected that Delaware County had received about 114,000 ballots. Several hours later, the Delaware County solicitor reported to an observer that the County had received about 126,000 mail-in ballots and counted about 122,000.
46. As of Sunday, November 8, 2020, the Department of State's website reflects that the County has counted about 127,000 mail-in ballots. Petitioner has received no explanation for where the additional 14,000 voted ballots came from, when they arrived, or why they are included in the current count.
47. In Delaware County, an observer in the county office where mail-in ballots were counted was told by the Delaware County Solicitor that ballots received on November 4, 2020, were not separated from ballots received on Election Day, and the County refused to answer any additional questions.
48. Failing to uphold and ensure the adherence to even basic transparency measures or safeguards against the casting of illegal or unreliable ballots creates an obvious opportunity for ineligible voters to cast ballots, results in fraud, and undermines the public's confidence in the integrity of elections — all of which violate the fundamental right to vote, the guarantee of equal protection, and the right to

participate in free, fair, and transparent elections as guaranteed by the United States Constitution.

49. If a State fails to follow even basic integrity and transparency measures — especially its own — it violates the right to free, fair, and transparent public elections because its elections are no longer meaningfully public and the State has functionally denied its voters a fair election.
50. The actions of the BOE, and its failure to comply with Judge Capuzzi's Order, has deprived Candidate Dasha Pruett of her right to a transparent and fair election to the public offices that she seeks to hold, as a member of the United States House of Representatives for the 5th Congressional District.
51. Because of the BOE's spoliation of evidence, it is not now possible to ascertain what ballots were cast legally from those that were cast illegally. The illegalities occurred because the BOE representatives kept observers from inspecting/viewing the resolution of mail-in and absentee ballots in direction violation of Judge Capuzzi's November 4, 2020 Order.
52. Candidate Dasha Pruett will be never know whether she lost her bid to public office in a fair election, or whether she is the victim of a rigged and stolen election.
53. Invalid or fraudulent votes "debase" and "dilute" the weight of each validly cast vote. *Anderson v. United States*, 417 U.S. 211, 227 (1974).
54. Prospective Intervening Petitioners respectfully request any relief that this Court deems appropriate, including but not limited to an independent forensic audit of (a) the original USB V-Cards that were inserted into computers used for tabulating the

- votes, (b) the chain of custody documents signed by the election judges and (c) an independent forensic audit and count of the outer envelopes.
55. Further, Prospective Intervening Petitioners request an Order that the BOE provide them with the computer event logs which disclose when the USB V-Cards were inserted into computers used for tabulating the votes.
56. At least, after an independent forensic audit, the evidence can be evaluated to determine whether there was fraud in this election.
57. Prospective Intervening Petitioners suspect that the BOE did not safeguard and retain the original USB V-Cards that were inserted into computers that were used to tabulate the votes, and that they did not safeguard and retain the computer event logs that disclose when the USB V-cards were inserted into those computers.
58. Prospective Intervening Petitioners suspect that the BOE did not safeguard and retain the chain of custody documents signed by the election judges, or the envelopes that would enable an independent forensic audit to be carried out to determine whether the number of envelopes matches the number of ballots that were tabulated.
59. While a spoliation inference may not normally arise in an Election case, this 2020 general election is anything but ordinary, since an unprecedented large number of mail-in and absentee ballots were cast.
60. The illegalities and irregularities occurred because the BOE representatives prevented the observers from entering the rear where those mail-in and absentee ballots were being resolved.
61. If the BOE disposed of or failed to retain items that would enable an independent forensic audit to take place, even fraud may be inferred as a spoliation inference.

62. Prospective Intervening Petitioners respectfully request discovery to enable them to conduct an independent forensic audit. If spoliation by the BOE prevents such an audit, this Court may decide to impose a spoliation inference that includes fraud.
63. The rigged election occurred during the multiple full days when the BOE prevented any observers from entering the rear room where mail-in and absentee ballots were being resolved.
64. By the time that the BOE finally allowed observers in that rear room for only 5 minutes every 2 hours, it was too little, too late, with no meaningful opportunity to ensure that a fair and transparent election has taken place.

BASIS FOR PROPOSED INTERVENTION

65. Pursuant to Pennsylvania Rule of Civil Procedure 2327, this Court may permit a party to intervene “at any time during the pendency of an action” if “the determination of such action may affect any legally enforceable interest of such person whether or not such person may be bound by a judgment in the action.” Pa.R.C.P. 2327(4).
66. All of the Prospective Intervening Petitioners have legally enforceable interests in the enforcement of Judge Capuzzi’s Order, and in this Court awarding sanctions against the BOE for disobeying this Order.
67. Judge Capuzzi’s Order has the intended benefit of ensuring a fair and transparent election for Candidate Dasha Pruett, and of enabling Gregory Stenstrom and Leah Hoopes to fulfill their function as duly appointed observers to insure same.

**THERE EXISTS NO BASIS ON WHICH TO DENY
THIS PETITION FOR INTERVENTION**

68. The interests of the Prospective Intervening Petitioners are not adequately represented in this proceeding. Pa.R.C.P. 2329(2).

69. The Delaware County Republican Executive Committee (“DCREC”) does not represent the interests of the political candidates or the observers seeking to intervene in this action.
70. The DCREC has not sought any sanctions for the BOE’s disobedience of Judge Capuzzi’s Order. The effect on Candidate Dasha Pruett is clear, as she has been deprived of a fair and transparent election, and the observers have valuable testimony which proves through their personal observations that the BOE failed to comply with Judge Capuzzi’s Order.
71. Without the Intervenor’s involvement in this action the BOE will get off without any punishment for its willful failure to comply with Judge Capuzzi’s Order.
72. That will send a message that will only encourage election fraud to continue occurring in future elections.
73. A criminal has no incentive to obey the law if he is never punished for violating it. Election fraud is a crime.
74. Not allowing duly appointed observers to investigate/view the resolution process at all stages where votes are resolved makes it possible for election fraud to flourish, particularly where there is an unprecedented number of absentee and mail-in ballots as occurred in the 2020 General Election.

CONCLUSION

WHEREFORE, Prospective Intervening Petitioners Dasha Pruett, Gregory Stenstrom and Leah Hoopes respectfully request that this Honorable Court grant their Petition to Intervene in the above-captioned proceeding.

Date: December 22, 2020

Respectfully submitted,

Deborah Silver

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

VERIFICATION

I verify that the facts in the foregoing Petition to Intervene are true and correct to the best of my own personal knowledge, information and belief. I understand that false statements herein are subject to the penalties of 18 Pa. C.S. §4904 relating to unsworn falsification to authorities.

Dated: December 16, 2020



Dasha Pruett

Copying Prohibited

VERIFICATION

I verify that the facts in the foregoing Petition to Intervene are true and correct to the best of my own personal knowledge, information, and belief. I understand that false statements herein are subject to the penalties of 18 Pa. C.S. §4904 relating to unsworn falsification to authorities.

Dated: December 18, 2020


Gregory Stenstrom

Copying Prohibited

VERIFICATION

I verify that the facts in the foregoing Petition to Intervene are true and correct to the best of my own personal knowledge, information and belief. I understand that false statements herein are subject to the penalties of 18 Pa. C.S. §4904 relating to unsworn falsification to authorities.

Dated: December 18, 2020



Leah Hoopes

Copying Prohibited

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

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 Sanctions for Contempt and for Violating the Election Code, and (2) Emergency Petition to Intervene, to the parties stated below:

By hand delivery to the office below:

Delaware County Solicitor William F. Martin for the Board of Elections
Government Center, 2nd Floor
201 W. Front Street
Media, PA 19063

And

Electronically to:

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

Respectfully submitted,

Deborah Silver

Deborah Silver, Esq.
Attorney for Prospective Intervening Petitioners

Dated: December 22, 2020