

IN THE  
**United States Court of Appeals for the  
Third Circuit**  
CIVIL ACTION - ELECTION LAW

**ROBERT MANCINI, PRO SE,**  
Authorized Representative  
and  
**JOY SCHWARTZ, PRO SE**  
Candidate for Delaware County Council  
and  
**GREGORY STENSTROM, PRO SE**  
Authorized Representative  
and  
**LEAH HOOPES, PRO SE**  
Authorized Representative  
**Plaintiffs,**

v.

**DELAWARE COUNTY, PA,**  
and  
**DELAWARE COUNTY BOARD OF  
ELECTIONS**  
**Defendants.**

Regarding Case No. **2:24-cv-02425-KNS**  
In the United States District Court Eastern  
District of Pennsylvania

CIVIL ACTION: VIOLATION OF  
FEDERAL ELECTION LAW

**EMERGENCY PETITION FOR  
WRIT OF MANDAMUS**

**EMERGENCY PETITION FOR WRIT OF MANDAMUS**

1. Plaintiffs seek relief of the Honorable United States Court of Appeals for the Third Circuit, as the court with original jurisdiction for mandamus, to order the trial court in this case to immediately rule on Defendants Motion to Dismiss, and expedite trial, as an urgent matter of due process to ensure integrity of the upcoming 2024 presidential election only 70-days from today.
2. Defendants' violations of law, and recalcitrance and refusal to certify, validate, and test election machine in accordance with federal and state laws is well documented, a matter of

judicial and public record, transcripts, public records, and official attestations. Defendants have not disputed those facts – and cannot.

3. Plaintiffs have resulting proof and evidence of judicially validated massive election fraud in previous elections, and the failure of public officials (including Defendants) to comply with federal and state election laws, which have created vectors for bad actors to commit election fraud.
4. The federal question of law in the subject case, cause of action, summation of pleadings required to rule, and prospective remedy could not be more plainly stated, simple – or more urgent.
5. It took almost a month for Plaintiffs to simply be granted electronic (ECF) access to the docket after six separate email requests and two (2) praecipes to the trial court.
6. It has been 87-days since Plaintiffs filed their initial complaint citing serious charges of election law violations by Defendants, 60-days since Defendants filed their Motion to Dismiss for procedural reasons, and 31-days since Plaintiffs filed their Motion for Judgement on the Pleadings in favor of the Plaintiffs, for a case that is critical to the national (federal) election 71-days from today. The trial court denied Plaintiffs' Motion for Judgment on Pleadings on August 28<sup>th</sup>, 2024. (See Exhibits A through F)
7. The Plaintiffs and the People of the United States face significant harm if this Honorable Court does not swiftly grant a writ of mandamus to compel the Trial Court to act immediately. This is necessary to prevent a fraudulent outcome in what is expected to be one of the most highly contested presidential and national elections in history, particularly in a crucial swing state.
8. The Democrat candidates for President (Kamala Harris) and Vice President (Tim Walz) have been installed without a primary election, and with the only elective history of the presidential nominee (Harris) having received less than 1% of the vote in the 2020 primary.
9. The sitting President of the United States, Joseph Biden, has been reluctantly and administratively removed from office in what the former Democrat Speaker of the House,

Nancy Pelosi (D-CA 11<sup>th</sup> District), has publicly called a "coup d'état."

10. The Republican candidate for President, Donald Trump, barely survived assassins' bullets (plural) by millimeters, in a gunfight in Pennsylvania that involved three or more rifles, with the same bureaucratic administrators that have removed President Biden refusing to provide any meaningful investigative information to the US Congress in multiple hearings.
11. US Congressman Jamie Raskin (D-MD 8<sup>th</sup> District) is publicly calling for "Civil War" should they not be able to control the trajectory of the election from electing Donald Trump.
12. US Senator Grassley (R-IA) is pressing for a transformation of the US Supreme Court with the installation of Inspectors General in SCOTUS and all ninety four (94) federal courts (for the sixth time (previous attempts were unsuccessful)), while other partisan Congress members are simultaneously calling for the resignation of Justices Alito and Thomas for vague and unsubstantiated charges.
13. Our nation's Executive, Judicial, and Legislative branches of government are all under internal and external siege from multiple bad actors that transcend party politics and national boundaries.
14. The facts before the Honorable Court that the Defendants have refused to certify election machines, or conduct a secure build validation of the software and hardware, or conduct (Logic and Accuracy) testing, in accordance with federal and state laws and directives remains unrefuted by Defendants, and they have stated they will do so again in the upcoming election,.
15. In a public Board of Elections (BOE) meeting held on August 27<sup>th</sup>, 2024, in the Government Center of Delaware County, PA, the two Democrat members and one Republican member comprising the Board of Elections, along with the Director of Elections, a political appointee without statutory authority, repeated their unilateral intent to again violate federal and state laws for the upcoming election regarding the administration of the election and certification, validation, and testing of election machines.
16. The remedy requested by the Plaintiffs of the Trial Court is to place the administration of

the upcoming election back into the hands of over 3,000 statutory election workers and the citizenry, and out of the hands of a singular, unelected political operative, a solution that has served our nation well for hundreds of years.

17. The Plaintiffs can think of no more dire circumstances demanding the attention of the Honorable Court to grant mandamus.

18. Regardless of the Trial Court ruling, appellate review will most certainly be requested, and a timely ruling now will permit expedited review by this Honorable Court.

19. Plaintiffs have exhausted all administrative and litigative remedies to address election fraud in the district and state courts for four years, and have cases from 2020, 2022, and 2023 still languishing unadjudicated in multiple courts.

20. Plaintiffs have “rung the bell” in their filings that the Defendants and Trial Court actions appear to be to “run out the clock” again and continue to violate federal and state election law to create vectors to continue to commit massive election fraud.

21. Justice delayed in this case will be justice denied, and the subject case needs to be presented before the Honorable Court (in what will be an inevitable appeal regardless of the trial court ruling) in time to prevent inevitable, planned election fraud.

22. Wherefore, Plaintiffs respectfully request that the Honorable Court order the Trial Court to immediately rule on remaining Motion to Dismiss by Defendants, and immediate trial upon Defendants response to subject Complaint (within 14-days) should the trial court deny the motion.

Respectfully submitted,

/S/ Robert Mancini, Joy Schwartz, Gregory Stenstrom, Leah Hoopes /S/

August 30<sup>th</sup>, 2024



### **VERIFICATION**

We, the Plaintiffs herein and listed below, state that we are PRO SE PLAINTIFFS in this matter and are authorized to make this Verification on its behalf. We hereby verify that the statements made in the foregoing EMERGENCY PETITION FOR WRIT OF MANDAMUS are true and correct to the best of our knowledge, information, and belief. This verification is made subject to the penalties of 19 Pa. C.S. § 4904 relating to unsworn falsification to authorities.

/S/ Robert Mancini, Joy Schwartz, Gregory Stenstrom, /S/

August 30<sup>th</sup>, 2024

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SELF REPRESENTATION (PRO SE)

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**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA**

CASE No. 2:24-CV-02425-KNS

**MOTION FOR JUDGEMENT ON PLEADINGS  
IN FAVOR OF PLAINTIFFS**

MANCINI, et al.  
Plaintiffs,

v.

DELAWARE COUNTY BOARD OF ELECTIONS,  
PA, et. al,  
Defendants

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**CERTIFICATE (PROOF) OF SERVICE**

Plaintiffs certify that they caused the subject **EMERGENCY PETITION FOR WRIT OF MANDAMUS** to be properly served on the following:

Defendants Delaware County and Delaware County Board of Elections  
Solicitor for Defendants J. Manly Parks, Nick Centrella  
Delaware County Government Center  
201 West Front Street, Media, PA 19106

/S/ Robert Mancini, Joy Schwartz, Gregory Stenstrom, Leah Hoopes /S/

August 30<sup>th</sup>, 2024

## EXHIBIT A

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IN THE  
**United States District Court**  
**Eastern District of Pennsylvania**  
CIVIL ACTION - ELECTION LAW

**ROBERT MANCINI, PRO SE,**  
Authorized Representative  
and  
**JOY SCHWARTZ, PRO SE**  
Candidate for Delaware County Council  
and  
**GREGORY STENSTROM, PRO SE**  
Authorized Representative  
and  
**LEAH HOOPES, PRO SE**  
Authorized Representative  
**Plaintiffs,**

v.

**DELAWARE COUNTY, PA,**  
and  
**DELAWARE COUNTY BOARD OF  
ELECTIONS**  
**Defendants.**

Case No. \_\_\_\_\_

CIVIL ACTION: VIOLATION OF  
FEDERAL ELECTION LAW

COMPLAINT / PETITION

INJUNCTION REQUESTED  
DISCOVERY REQUESTED  
ORAL ARGUMENTS REQUESTED  
JURY TRIAL REQUESTED

**COMPLAINT**

Election machines used to process and tabulate votes in Delaware County, Pennsylvania, are not tested, certified, or operated in compliance with federal law. Defendants' recalcitrant, willful violations of 52 USC 21081(a)(5) "*ERROR RATES*" provide a critical vector for massive election fraud. Plaintiffs have hard, physical evidence, witness affidavits, court testimony, and admissions by public officials, that Defendants have, in fact, been committing election fraud with the help of uncertified election machines that enable that election fraud, depriving Plaintiffs, the People of Delaware County, and the Commonwealth of Pennsylvania, of their constitutional rights for honest and fair elections and requires immediate federal court intervention.

### **BASIS OF JURISDICTION**

1. Federal question regarding 52 USC 21081(a)(5): “*Error Rates. The error rate of the voting system in counting ballots (determined by taking into account only those errors which are attributable to the voting system and not attributable to an act of the voter) shall comply with the error rate standards established under section 3.2.1 of the voting systems standards issued by the Federal Election Commission...*”
2. Violation of Federal Laws including the U.S. Constitution’s Fourteenth Amendment’s Equal Protection Clause, The Supremacy Clause (Article VI, Clause 2), the Civil Rights Act and supporting U.S. Supreme Court case law.
3. This Court also has jurisdiction over this action pursuant to 28 USC section 1331 as it presents federal questions under the American Public Administration (APA), Help America Vote Act (HAVA), and Federal Advisory Committee Act (FACA), which are significant components of federal legislation that have shaped the electoral process in the United States.
4. This Court has authority to issue declaratory and injunctive relief under 5 USC section 706.
5. “Erie Doctrine” objections do not apply as the present issue is solely a matter of federally mandated law, not a matter of diversity jurisdiction, procedural discretion, or impingement of State or local municipal rights.
6. While Defendants are at County level in the subject case, with their large population Delaware County, Pennsylvania’s refusal to comply with verification of election machines, logic and accuracy testing, recounts, recanvassing, and disclosure of public records, to ensure safe and honest elections substantially impacts electoral college outcomes for Pennsylvania and is, therefore, of critical national (federal) interest to the Republic.

### **STATEMENT OF CLAIM**

7. According to 52 USC 21081(a)(5), a State shall adopt voting system guidelines and processes that are consistent with the requirements of section 21081 of this title.
8. According to *The Supremacy Clause of the U. S. Constitution*, a State shall not violate

Federal Laws.

9. The Tenth Amendment “*The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.*” In this case the Plaintiffs and People have been repeatedly denied their rights to address their grievances, challenge the unlawful means in which Defendants conducted elections and used election machines, or examine public election records that would confirm Defendants lawlessness.
10. Events giving rise to the subject complaint occurred in Delaware County, and Delaware County Court of Common Pleas (“Delaware CCP”) cases *Delaware County v Robert Mancini* (CV-2023-000307, CV-2023-001509, CV-2023-002153, CV-2023-002255); and *Robert Mancini v Delaware County* (CV-2023-008767); *Missino, Stenstrom, Hoopes et al v. Delaware County et al* (CV-2022-008091); *Schwartz, Stenstrom, Hoopes, Rumley v Delaware County et al* (258 MD 2023 (CommCt of Pennsylvania) and CV-2023-006012 (Delaware CCP)); and *Schwartz, Stenstrom, Hoopes, Rumley v Delaware County et al* (1497-1510 CD 2023 Commonwealth Court of Pennsylvania), and *Stenstrom v Delaware County* AP 2023-1326 (Consolidated appeal of Office of Open Records (“OOR”) Dkt. Nos. AP 2023-1327, AP 2023-1328, AP 2023-1329, AP 2023-1330, and AP 2023-1332).
11. In all of the above cases, for which the crux of Pro Se citizen Plaintiffs’ complaints were Defendants’ refusal to comply with federal and state laws requiring certification and testing of election machines, and conduct of elections, the Delaware County Court of Common Pleas reversed all PA Office of Open Records (“OOR”). Orders to release public election records; denied election recounts and examination of the ballot boxes; denied requests for litigation holds to preserve election records (which Defendants subsequently destroyed or spoliated), and have refused to hear, respond to, or adjudicate *Missino et al v Delaware County*, regarding election machine certification and logic and accuracy testing, and observable canvassing, for over **580 days**.
12. The Delaware County Court of Common Pleas has quashed or thwarted dozens of Delaware County citizen Plaintiffs’ (with standing) litigative attempts, since November 2020, to

remedy blatant violations of criminal law and election law that was admitted to by the Defendants, for which Plaintiffs have also provided hard physical evidence, and elicited sworn testimony from Defendants in hearings, of said unlawful acts and crimes by the Defendants.

13. Despite both Plaintiffs, and PA OOR orders, citing black letter federal and state statutes, and US Supreme Court case law as precedents, the Delaware County Court of Common Pleas has contrarily and repeatedly cited self-referential, local Delaware County Court of Common Pleas (“CCP”) rulings as prevailing precedents of law, to wit Judge Angelos’ order that:

*“Pursuant to the coordinate jurisdiction doctrine, this Court applies the precedent established by the Honorable Barry C. Dozor, Judge of the Court of Common Pleas in Delaware County, in Joshua Moneghan v. The Delaware County, Delaware County CCP Docket CV-2022-005757 and the Honorable Kelly D. Eckel, Judge of the Court of Common Pleas of Delaware County in County of Delaware v. Patricia Bleasdale, Delaware County CCP Docket CV- 2022-009473 to the legal issue presented in these conducted proceedings.”*

14. Specifically, the local Delaware County CCP has repeatedly affirmed that the Defendants’ bureaucratically appointed Delaware County Board of Elections, and the appointed “Director of Elections,” James Allen, have complete and utter, final authority in deciding whatever they please with regards to conforming to federal and state election laws and the release of public election records, and they have continuously violated those laws.
15. Plaintiffs’ attempts to address these issues in the Commonwealth Court of Pennsylvania, which has both original and appellate jurisdiction in matters of election law, have similarly been thwarted primarily through procedural, anonymous “per curiam” orders referring Plaintiffs back to the Delaware County CCP.
16. In the case of *Hoopes & Stenstrom v Secretary of the Commonwealth Boockvar et al* (876 & 877 CD 2022), which provides video, photo, audio, texts and emails substantiating massive election fraud as a result of Defendants’ criminal violations of election law, The

Commonwealth Court has allowed the case to languish unadjudicated for **958 days**.

17. Plaintiffs Stenstrom and Hoopes, as former co defendants with President Trump, in *Savage v Trump et al* (CV-2020-007523 Philadelphia CCP) successfully defended themselves Pro Se over an **860 day** discovery and pre-trial period during which not a single allegation of massive election fraud, in which uncertified and untested election machines were a key component, was able to be refuted.
18. Hence, it is a matter of both public and judicial record that the subject complaint before the Honorable Court is not a mere “technical” matter to be left to local courts, but of critical national interest that cannot be similarly allowed to be strategically delayed and languish unadjudicated with the November 2024 presidential election coming fast upon the nation.
19. Pro Se Plaintiffs come before the federal court in a state of exasperation and financial exhaustion having been repeatedly strategically mooted, and denied requested oral arguments, hearings, and jury trials to address their grievances, by the Commonwealth Court of Pennsylvania, Delaware County Court of Common Pleas, and Defendants, who have administratively, procedurally, and petulantly dismissed them, and insisted that they are above the laws of the Commonwealth of Pennsylvania, and the United States Constitution and the laws of the United States of America in violation of the public trust.
20. Plaintiffs request the Honorable Federal Courts’ intervention and oversight in ensuring Defendants comply with federal and state laws regarding required certification of election machines and logic and accuracy testing for the forthcoming November 2024 presidential election, and adjudication and accountability for the violations of law that have already resulted in massive election fraud in previous national elections.
21. Should the Honorable Federal Court hear and grant the requested relief that election machines cannot be used if they cannot be assured that election fraud can be averted in the forthcoming November 2024 election, there is a superior alternative. Hand counted tabulations at the precinct level were used successfully for over two hundred (200) years in the United States of America.



22. In summary, the Defendants contemptuous violations of federal and state election laws and refusal to test and verify election machines in accordance with law, while providing a criminally false attestation to the contrary, provides a continuing vector for MASSIVE election fraud, that Defendants have already, in fact, facilitated and committed in previous elections, and must be addressed by the Honorable Federal Court of the Eastern District of Pennsylvania.

### **FACTS**

23. In regard to *Delaware County v Robert Mancini* (CV-2023-000307, CV-2023-001509, CV-2023-002153, CV-2023-002255), Plaintiff Mancini had successfully petitioned the Pennsylvania Office of Open Records (“PA OOR”) in cases AP 2022-2667, AP 2023-0133, AP 2023-0066, and AP 2023-0104, for public election records pertaining to the November 2022 national elections for the US Senate and gubernatorial election for the Commonwealth of Pennsylvania. (See Exhibits A, B, and C).

24. The records requested by Pro Se Plaintiff Mancini were specific to election machine certifications and logic and accuracy testing required to ensure honest and fair elections and access to these records was granted by the PA OOR.

25. Defendant Delaware County unsuccessfully appealed, or failed to file timely appeals, to the above PA OOR Orders, and subsequently entered into a one-year litigative dogfight in the Delaware County Court of Common Pleas to reverse the affirmed PA OOR Orders.

26. Images of the PA OOR dispositions of Plaintiff Mancini public records requests are included below for brevity, with the key element being that all were reversed by the Delaware County CCP.

Docket #	Issue Date	Title	Description	County	Status
2022-2667	12/13/2022	Robert Mancini v. Delaware County	Request sought records associated with machines used to count votes in the 2022 election. Records qualify as "other documents and records." Agency must provide responsive records subject to the access provisions in the Election Code. Granted.	Delaware	Reversed by Common Pleas

Docket #	Issue Date	Title	Description	County	Status
2023-0133	02/17/2023	Robert Mancini v. Delaware County	Request sought a numerical list of voters used to determine the number of voters who cast ballots in a specific precinct. The County argues only that the request needs to go through the Elections Office utilizing the Election Code. Granted subject to the Election Code.	Delaware	Reversed by Common Pleas

Docket #	Issue Date	Title	Description	County	Status
2023-0066	02/08/2023	Robert Mancini v. Delaware County	Requests sought ballot records for the 2022 election. Agency demonstrated that the records are subject to the provisions of the Election Code. Granted.	Delaware	Reversed by Common Pleas

Docket #	Issue Date	Title	Description	County	Status
2023-0104	02/08/2023	Robert Mancini v. Delaware County	Consolidated with 2023-0066.	Delaware	Reversed by Common Pleas

27. These cases plainly show in findings, admissions, and subsequent hearing transcripts that Defendants did not comply with 52 USC 21081(a)(5) *Error Rate* requirements, have done so on a continuing basis, and clearly intend to continue to not comply with law.

28. The approximate date and time of events giving rise to this complaint occurred in Delaware County which used electronic voting systems not compliant with 52 USC 21081(a)(5) in November 2020, May 2021, November 2021, May 2022, November 2022, May 2023, November 2023, April 2024, and indications show intent to do so again in November 2024.

29. On a witness stand on May 24, 2023, James P. Allen, Director of Elections for Delaware County (Hereinafter, “Allen”), admitted that Defendants did not do a secure-build validation, also known as “hash-testing.”

30. According to the Pennsylvania Department of State’s Certification for Use of Election Machines, jurisdictions must perform a secure-build validation (“hash testing”) as part of the electronic preparation activities and post-election canvassing.

31. Without secure-build validation/hash testing there is no guarantee that election machines software actually being used in the machines matches the software that was tested and approved by the Pennsylvania Department of State.

32. Without secure-build validation (“hash testing”) and post canvass activities, there is no way to prevent or know if anyone has tampered with the system, and / or modified election

results.

33. Failure to perform secure-build validation (“hash testing”) prevents Delaware County, Pennsylvania’s voting systems from having Election Assistance Commission (“EAC”) Certification.
34. Defendant Delaware County used Hart version 2.3.4 prior to February 16, 2023, and thereafter (and currently) uses Hart Verity Voting 2.7 Electronic Voters System (Hereinafter, “Hart”).
35. Without an EAC Certification, Defendant cannot use the Hart system in an election because the EAC never tested Delaware County’s Hart 2.3.4 and 2.7 for compliance with federal 52 21081(a)(5) statutes.
36. While Hart attested to accuracy, Defendants cannot use that attestation without independent accuracy testing (by Defendants), as it violates the Hart Master Agreement paragraph 12.1 which states that “*Customer acknowledges it has independently determined that the Products purchased under this agreement meet its requirements.*”
37. Secure-build validation/hash testing is a crucial component of Logic and Accuracy testing.
38. Defendants’ named agent and Director of Elections, Allen filed an attestation with the Pennsylvania Department of State via email on April 25, 2023, stating that the Logic and Accuracy testing was performed as required for the November 8, 2022, Federal Election (See Exhibit D).
39. During a May 24, 2023, hearing, when Delaware County Director of Elections Allen was asked by Pro Se Plaintiff Robert Mancini, “*Did Delaware County hash test the machines prior to the November 2022 election,*” to which Allen’s sworn testimony response was:
  - a. “*It’s not required. No.*”
40. Therefore, Defendants’ agent, James Allen, falsified the April 25, 2023, attestation he filed with the Pennsylvania Department of State in violation of 18 Pa. C.S. 4911.

41. The Hart Verity Voting System as used by Delaware County, Pennsylvania is not in compliance with 52 USC 21081(a)(5).
42. 52 USC 21081(a)(5) states that the voting systems “*shall comply with the error rate standard established under section 3.2.1 of the voters system standard issued by the Federal Election Commission (FEC) in effect on October 29th, 2002.*”
43. Section 3.2.1 “Accuracy Requirements” states the following:

*“Voting system accuracy addresses the accuracy of data for each of the individually ballot positions that could be selected by a voter, including the positions that are not selected. For a voting system, accuracy is defined as the ability of the system to capture, record, store, consolidate and report the specific selections and absence of selections, made by the voter for each ballot position without error. Required accuracy is defined in terms of an error rate that for testing purposes represents the maximum number of errors allowed while processing a specified volume of data. This rate is set at a sufficiently stringent level such that the likelihood of voting system errors affecting the outcome of an election is exceptionally remote even in the closest of elections.*

**The error rate is defined using a convention that recognizes differences in how vote data is processed by different types of voting systems.** *Paper-based and DRE systems have different processing steps. Some differences also exist between precinct count and central count systems. Therefore, the acceptable error rate applies separately and distinctly to each of the following functions:*

*a. For all paper-based systems:*

*1) Scanning ballot positions on paper ballots to detect selections for individual candidates and contests;*

*2) Conversion of selections detected on paper ballots into digital data;*

*b. For all DRE systems:*

1) Recording the voter selections of candidates and contests into voting data storage; and

2) Independently from voting data storage, recording voter selections of candidates and contests into ballot image storage.

c. For precinct-count systems (paper-based and DRE):

Consolidation of vote selection data from multiple precinct-based systems to generate jurisdiction-wide vote counts, including storage and reporting of the consolidated vote data; and

d. For central-count systems (paper-based and DRE):

Consolidation of vote selection data from multiple counting devices to generate jurisdiction-wide vote counts, including storage and reporting of the consolidated vote data.

For testing purposes, the acceptable error rate is defined using two parameters: the desired error rate to be achieved, and the maximum error rate that should be accepted by the test process.

**For each processing function indicated above, the system shall achieve a target error rate of no more than one in 10,000,000 (ten million) ballot positions, with a maximum acceptable error rate in the test process of one in 500,000 (five-hundred thousand) ballot positions.**

44. The EAC that oversees all electronic voting systems was established by The Help America Act (HAVA).

45. On August 4, 2023, the EAC issued guidance on the requirement “*minimum ballot position*,” reaffirming and discussing the requirement for a minimum of 10,000,000 (ten million) ballot positions that must be read by the voting system and tabulated accurately.

46. Under Pennsylvania Law a ballot is defined in Pennsylvania Act 77 Section 1002, as

presented in the image below

Section 1002. Form of Official Primary Ballot.--(a) At primaries separate official ballots shall be prepared for each party which shall be in substantially the following form:

Official..... Primary Ballot.  
(Name of Party)  
.....District,.....Ward, City of.....,  
County of....., State of Pennsylvania  
.....Primary election held on the.....day of....., 19...

Make a cross (X) or check (✓) in the square to the right of each candidate for whom you wish to vote. If you desire to vote for a person whose name is not on the ballot, write[, print or paste] **or stamp** his name in the blank space provided for that purpose. Mark ballot only in black lead pencil, indelible pencil or blue, black or blue-black ink in fountain pen or ball point pen. Use the same pencil or pen for all markings you place on the ballot.

President of the United States.  
(Vote for one)

John Doe  
Richard Roe  
John Stiles

United States Senator.  
(Vote for one)

John Doe  
Richard Roe  
John Stiles

Governor.  
(Vote for one)

John Doe  
Richard Roe  
John Stiles

Representative in Congress.....District.  
(Vote for one)

John Doe  
Richard Roe  
John Stiles

Delegates at Large to National Convention.  
(Vote for.....)

John Doe  
(Committed to Jeremiah Smith)  
John Stiles  
(Uncommitted)

Delegate to National Convention.....District.  
(Vote for.....)

John Doe  
(Committed to Jeremiah Smith)  
John Stiles  
(Uncommitted)

Senator in the General Assembly.....District.  
(Vote for one)

John Doe  
Richard Roe  
John Stiles

Member of State Committee.  
(Vote for one)

John Doe  
Richard Roe  
John Stiles

Party Committeemen.  
(Vote for.....)

John Doe  
Richard Roe  
John Stiles

*ACT 77 Section 1002 Ballot Definition*

47. The balance of Pennsylvania Act 77 Section 1002 is as follows:

(b) On the back of each ballot shall be printed in prominent type the words "OFFICIAL PRIMARY BALLOT OF .....PARTY FOR" followed by the designation of the election district for which it is prepared, the date of the primary and the facsimile signatures of the members of the county board of elections. The names of candidates shall in all cases be arranged under the title of the office for which they are candidates and be printed thereunder in the order determined by the casting of lots as provided by this act. Under the title of such offices where more than one candidate is to be voted for, shall be printed "Vote for not more than ....." (the blank space to indicate the number of candidates to be voted for the particular office.) At the right of the name of each candidate there shall be a square of sufficient size for the convenient insertion of a cross (x) or check (^š) mark. There shall be left at the end of the list of candidates for each office (or under the title of the office itself in case there be no candidates who have filed nomination petitions therefor) as many blank spaces as there are persons to be voted for, for such office, in which space the elector may insert, **by writing or stamping**, the name of any person whose name is not printed on the ballot as a candidate for such office. Opposite or under the name of each candidate, except candidates for the office of President of the United States and candidates for delegate or alternate delegate to a National Party Convention, who is to be voted for by the electors of more than one county, shall be printed the name of the county in which such candidate resides; and opposite or under the name of each candidate except candidates for delegate or alternate delegate to a National Party Convention who is to be voted for by the electors of an entire county or any congressional, senatorial or representative district within the county, shall be printed the name of the city, borough, township or ward, as the case may be, in which such candidate resides.

48. Without secure-build validation/hash testing and post canvas activities, voting machine systems can be tampered with.
49. The Pennsylvania 25 P.S. Election Code § 1111 specifically states that the “custodian and deputy custodians of voting machines” are solely responsible for the certification of election machines and sworn attestation of certifications and testing that are provided to the state.
50. The Defendants (and other counties in Pennsylvania) (and the nation)), have created political officer “Directors of Elections” and like fictional roles with no statutory authority for the purpose of subverting and violating federal and state election laws, Pennsylvania Act 77, unilateral adjudication of open public records laws for election records, and unlawfully conduct election machine certifications, logic and accuracy testing, and unlawfully sign attestations for the state.
51. 25 P.S. § 1111(e) states “*No member of the county election board, nor custodian, nor other employe of the county election board, shall, in any way, prevent free access to and examination of all voting machines, which are to be used at the election, by any of the duly appointed representatives aforesaid; and the county election board and their employes shall afford to each such representative every facility for the examination of all registering counters, protective counters, and public counters of each and every voting machine.*”
52. Defendants’ selected Marianne Jackson as “Interim Director of Elections” to run the November 2020 federal election in Delaware County, Pennsylvania, for \$20,000 per month with full knowledge that Jackson had absolutely no experience in elections nor any other related experience. Jackson admitted as much, and stated her only experience in elections was as a voter.
53. Marianne Jackson’s role was administrative as evidenced by her not signing sworn attestation of certification and logic and accuracy testing in the November 2020 election.
54. Defendants then hired Director of Elections Allen shortly after the November 2020 elections, who was previously the public Communications Officer for elections in Cook County (Chicago), Illinois, who is now providing (or not providing) false attestations of



election machine certifications and logic and accuracy testing since.

55. Defendants hired James Savage (hereinafter “Savage”) for the statutory role of custodian of election machines shortly before the November 2020 elections. Savage was the former President of the Philadelphia US Steel Workers Union, Vice Chair of the Democrat Party, and a political activist who had openly advocated for President Trumps removal from office and imprisonment.
56. Savage did NOT conduct, or sign sworn attestation for, certification and testing of election machines, as required by statutory law.
57. On November 5<sup>th</sup>, 2020, Savage inserted dozens of USB v-cards uploading hundreds of thousands of votes into election tabulation servers two days after the election with no chain of custody, or auditable pedigree that those votes had emanated certified election machines (with secure-build validation/hash testing), with no way for the election management system (“EMS”) to electronically determine if they were authentic.
58. Subsequent litigative and OOR requests by Plaintiffs since November 2020 for canvassing, public records, recounts, have been unilaterally stifled and blocked by Defendants’ political officer Allen and either affirmed, or left unadjudicated, by the Delaware CCP and Commonwealth Court as described herein.
59. Contrary to 25 P.S. § 1111(e) (cited above), political officer Allen has prevented any meaningful observation of certification, secure-build validation/hash testing, and logic and accuracy testing for every election since November 2020. Allen unilaterally confined observers to pens at long distance from testing area, turned machine election screens from observers, prevented observers from bringing in phones or electronics, prevented photos, and prevented their use of binoculars. Allen’s edicts were enforced by over a dozen armed Sheriffs and municipal police officers who required observers to pass through metal detectors and be frisked, essentially limiting them to be isolated in a building with paper and pencil.
60. Hence, Defendants and its appointed Board of Elections has unlawfully delegated statutorily

reserved powers to a political bureaucratic body and political officer that does not answer to the People (or Plaintiffs), making it impossible to observe or redress grievances.

61. Secretary of the Department of Homeland Security ("DHS"), Jeh Johnson, stated that election machines and their storage are part of critical national infrastructure in an official DHS press release on January 16, 2017 (*On the Designation of Election Infrastructure as a Critical Infrastructure Subsector*).

(<https://www.dhs.gov/news/2017/01/06/statement-secretary-johnson-designation-election-infrastructure-critical>)

62. States and Counties receive federal grant money for the security, protection, certification and testing of election machines.

63. Starting with the November of 2020 election and for subsequent elections, all attempts at election transparency under 25 PA.STAT. §§ 3261(a), § 3262(a), after electors suspected fraud or error, were thwarted by Allen, the Delaware County Board of Elections, and Delaware County Court of Common Pleas judges.

64. One of the means to validate election results and detect election fraud is 25 Pa. Stat. § 3154 *Computation of returns by county board; certification; issuance of certificates of election reconciliation of votes*, otherwise known as the "Return Board Report." The Return Board (cited 26 times in the election code) audits an election.

65. Since November of 2020, Defendants and their appointed Board of Elections and political officer Allen have failed to reconcile the vote for all elections, or provide required Return Board Reports and public records, which they were required to do, which further indicates malfeasance and a cover-up of election fraud.

66. The Return Board compares paper ballots to the machine results, and validates secure-build validation/hash testing, certification, and logic and accuracy testing was completed on election machines.

67. In response to Plaintiffs litigative and OOR requests for Return Board Reports, Defendants

attempted to pass a local county ordinance eliminating the statutorily required report, which was overturned, but Defendants and political officer Allen still adamantly refuse to provide reports. Plaintiffs are in possession of two “unofficial” Return Board reports which plainly stated they could not reconcile the November 2020 and November 2022 national elections.

68. In fact, Defendants have been unable to reconcile any election since November 2020, and continue to refuse to provide the statutorily required signed and sworn Return Board Reports to Plaintiffs or the public.

69. Instead, Defendants have conducted independent “Risk Limited Audits” of the election results, which merely run paper ballots through an election machine scanner, without meaningful observation allowed by the public, and without any audit of any other aspect of the election, or any other election machines or equipment as evidence of “safe and secure elections.”

70. According to Philip Stark, inventor of the Risk Limited Audit (“RLA”), and also Member of Advisory Board of the EAC, *“any machine that produces a cast vote record is not compatible with a risk limiting audit.”* (A Gentle Guide to Risk-Limited Audits, IEEE Security and Privacy, Special Issue on Electronic Voting, 2012)

<https://cloud.patriot.online/s/6zYqKiCWqWms77>

71. The Hart Intercivic election machines used in Delaware County, and elsewhere in Pennsylvania, as well as Dominion and ES&S election machines used in the balance of counties in Pennsylvania all produce Cast Vote Records (“CVR’s”) for use in other election machine tabulation servers and are incompatible with RLA’s.

72. It is NOT incumbent on Plaintiffs to “prove” election fraud while being denied access to evidence that would show election fraud. It is the Defendant’s legal obligation to provide meaningful observation, recounts, ballot box contents (paper and digital), public election records, reconciliation reports, public hearings, adjudication of grievances, and trials by jury in the crucible of a courtroom – all of which they have adamantly refused to do.

73. Since voting systems being used in Delaware County, Pennsylvania lacked secure-build

validation/hash testing, and since Defendants' political officer Allen demonstrably proved he was willing to falsify sworn attestations and documents, and since video and photographic evidence of alleged fraud in Delaware County elections exists, and since the Delaware County Board of Elections have not reconciled elections, and since Delaware County Judges have blocked election transparency, the citizens of Delaware County have not had honest or auditable elections.

74. With no guarantee that their vote was counted accurately, or even counted at all, the citizens of Delaware County, Pennsylvania, have been deprived of their right to vote in violation of 42 U.S. Code § 1983 which states the following:

*a. "Every person who, under color of any statute, ordinance, regulation, custom, or usage, of any State or Territory or the District of Columbia, subjects, or causes to be subjected, any citizen of the United States or other person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress, except that in any action brought against a judicial officer for an act or omission taken in such officer's judicial capacity, injunctive relief shall not be granted unless a declaratory decree was violated or declaratory relief was unavailable. For the purposes of this section, any Act of Congress applicable exclusively to the District of Columbia shall be considered to be a statute of the District of Columbia."*

75. With no guarantee that their vote was counted equally with other citizens in the jurisdiction or in Federal elections with citizens of other States, the Plaintiffs' and citizens' of Delaware County, Constitutional Rights were violated under the Equal Protection Clause of the U.S. Constitution.

76. The Supreme Court of the United States has ruled that once a geographic unit from which a representative is elected is established, the Equal Protection Clause mandates that all who vote in the election must have an equal vote. *Gray v. Sanders*, 372 U.S. 368, 379 (1963)

77. Regarding Equal Protection and other rights, the Fourteenth Amendment, Section 1 of The United States Constitution states:

- a. *"All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws."*

78. Voting is a Constitutionally protected Fundamental Right. As Thurgood Marshall states in his 1972 majority Opinion, *"In decision after decision, this court has made clear that a citizen has a constitutionally protected right to participate in elections on an equal basis with other citizens in the jurisdiction."* *Dunn v. Blumstein*, 405 U.S. 330 (1972).

79. As Justice Rehnquist included in *Richardson v. Ramirez*, 418 U.S. 24 (1974), *"Because the right to vote is of the essence of a democratic society, and any restrictions on that right strike at the heart of representative government...voting is a 'fundamental' right."*

80. The U.S. The Constitution does not give state legislatures, or by extension those hired by the state, or counties, to run elections (like Defendants' political officer, James Allen), the exclusive power to regulate elections.

81. The Election Clause of the U.S. Constitution, Article 1, Section 4, Clause 1, states, *"The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but the Congress may at any time by Law make or alter such Regulations, except as to the places of chusing (sic) Senators."*

82. Limiting the State's ability to Regulate Elections was a safeguard put in place by the Framers of the Constitution to prevent the type of election fraud that can occur when state actors fail to do secure-build validation/hash testing making it impossible to detect tampering with the votes.

83. At the Constitutional Convention, Gouvenor (sic) Morris of Pennsylvania stated, *"the States*

*may make false returns and then make no provisions for new elections."*

84. Alexander Hamilton expressed in the Federalist papers that, "*Nothing can be more evident than that an exclusive power of regulating elections for the national government, in the hands of the state legislatures, would leave the existence of the Union entirely at their mercy.*"
85. The U.S. Constitution expressly provides that federal law preempts state law governing elections. In terms of regulating congressional elections, the State's role "*terminates according to federal laws.*" *Buckman Co v. Plaintiffs Legal Comm.*, 531 U.S. 341, 347 (2001)
86. Defendant Delaware County, Pennsylvania and the Delaware County Pennsylvania Board of Elections have been running elections as if they are their own personal fiefdom in violation of The Supremacy Clause of the U.S. Constitution which establishes that the United States Constitution, Federal Laws, and treaties are the "*supreme law of the land.*"
87. Plaintiffs reported the violations of law described herein (and more) to the US Attorney for the Eastern District of Pennsylvania William McSwain, Pennsylvania Attorney General (now Governor) Josh Shapiro, and Delaware County District Attorney Frederick J. Stollsteimer in sworn affidavits, declarations, and testimony.
88. Plaintiff Stenstrom provided a disclosure with referral of criminal charges to the US House Judiciary Committee Chairman Jim Jordan on July 4<sup>th</sup>, 2023, with no response.
89. Defendants abrogated their statutory roles to conduct honest and fair elections and violated election and criminal law, leaving it to Plaintiffs to assert their statutory authority as "authorized representatives," "poll watchers," and "candidate" under 25 P.S. Election Law to assert their authority to make Defendants comply. <sup>1</sup>

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<sup>1</sup> See Sullivan, *supra* note 56, at 1937–38 ("Writing in 1962, Norman Redlich argued that the closing phrase of the Tenth Amendment identified a collection of powers 'possessed by neither the federal government nor the states.'" (quoting Norman Redlich, Are There "Certain Rights . . . Retained by the People?", 37 N.Y.U. L. Rev. 787, 807 (1962))); cf. Akhil Reed Amar, Constitutional Redundancies and Clarifying Clauses, 33 Val. U. L. Rev. 1, 20 (1998) (arguing that although the last three words of the Tenth Amendment are redundant and may add only emphasis, "as

## **INJURIES**

90. Plaintiffs have been stripped of their fundamental Constitutional and Civil Rights.
91. The US Attorney General, multiple public officials in the US Department of Justice, Pennsylvania Attorney General (no Governor) Josh Shapiro, and Delaware County District Attorney Frederick J. Stollsteimer obstructed investigations of election law violations reported to them by Plaintiffs, and harassed, defamed, and intimidated them, and defied the People of honest public service.
92. Plaintiffs have been subjected to harsh retaliation for trying to enforce their Constitutional and Civil Rights.
- a. Special agents for the State of Pennsylvania came to Plaintiffs Stenstrom and Hoopes homes, armed with guns, following the direct orders of then Pennsylvania State Attorney General Josh Shapiro (now Governor) for the sole purpose to harass and intimidate them from exposing massive election fraud that benefitted Shapiro.
  - b. Plaintiff Schwartz was deprived of knowing the true voter count in her election for Delaware County Commissioner and may have been deprived of that position and the salary she would have received from it.
  - c. For their efforts in exposing massive election fraud committed by Defendants, Pro Se Plaintiffs Stenstrom and Hoopes have been sued six times, unsuccessfully sanctioned seven (7) times, and are defendants in multiple lawsuits against them that are still in the trajectory of politically activist courts, in lawfare campaigns coordinated by local, state, and federal actors.

93. For trying to enforce their Constitutional and Civil Rights, Plaintiffs have had their reputations tarnished in an attempt to discredit them through defamation campaigns that were coordinated by Defendants with the Annenberg Public Policy Foundation at the

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a matter of popular sovereignty, the amendment's last three words echo the Preamble's first three, reminding us that here, the People rule").

University of Pennsylvania, otherwise known as “Factcheck.org.”

94. In pursuance of their Constitutional and Civil Rights, against state actors who have spent four years blocking election transparency, Plaintiffs have sacrificed countless hours of their time and personal resources.
95. Without direct intervention and oversight by the Honorable Court, Defendants will continue defying federal and state election laws, which in the National Election of November 5, 2024, with Pennsylvania being a swing state with nineteen (19) electoral votes in the Electoral College, will have grave consequences for the citizens of every state in the Union.
96. Defendants, public officials, and law enforcement officers at every level of government failed to provide honest public service and left the sovereign People (and Plaintiffs) to fulfill their statutory roles and provide oversight of the elections at great personal expense to Plaintiffs, the theft of a nation, and installation of an illegitimate government.

### **RELIEF**

97. Cease and Desist from using electronic voting systems in Delaware County, Pennsylvania and return to hand counted votes in county precincts under bi-partisan observation.
98. Federal intervention, review, and oversight, of precipitative cases named herein, that have been delayed, quashed, and strategically mooted.
99. Reversal of orders unlawfully denying Plaintiffs’ access to public election records, and clear definition of the manner in which they will be provided.
100. Criminal referrals to appropriate federal and state justice and law enforcement agencies.
101. Monetary Damages and other relief and compensation as may be appropriate.



Respectfully submitted,



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610-608-3548

Date: June 4th, 2024

### **VERIFICATION**

We, the Plaintiffs herein and listed below, state that we are PRO SE PLAINTIFFS in this matter and are authorized to make this Verification on its behalf. We hereby verify that the statements made in the foregoing COMPLAINT are true and correct to the best of our knowledge, information, and belief. This verification is made subject to the penalties of 19 Pa. C.S. § 4904 relating to unsworn falsification to authorities.

/S/ Robert Mancini, Joy Schwartz, Gregory Stenstrom, Leah Hoopes /S/

June 4th, 2024

SELF REPRESENTATION (PRO SE)

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**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA**

CASE No. \_\_\_\_\_

**COMPLAINT  
AND INJUNCTION TO PREVENT DEFENDANTS FROM UNLAWFULLY USING VOTING  
MACHINES**

MANCINI, et al.

Plaintiffs,

v.

DELAWARE COUNTY BOARD OF ELECTIONS,

PA, et. al,

Defendants

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**CERTIFICATE (PROOF) OF SERVICE**

Plaintiffs certify that they caused the subject **COMPLAINT AND INJUNCTION TO PREVENT DEFENDANTS FROM UNLAWFULLY USING VOTING MACHINES** to be properly served on the following:

Defendants Delaware County and Delaware County Board of Elections  
Solicitor for Defendants J. Manly Parks, Nick Centrella  
Delaware County Government Center  
201 West Front Street, Media, PA 19106

/S/ Rober Mancini, Joy Schwartz, Gregory Stenstrom, Leah Hoopes /S/

June 4th, 2024

## EXHIBIT A

RETRIEVEDFROMDEMOCRACYDOCKET.COM



**FINAL DETERMINATION**

**IN THE MATTER OF**

**ROBERT MANCINI,  
Requester**

**v.**

**DELAWARE COUNTY,  
Respondent**

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**Docket No.: AP 2023-0133**

**FACTUAL BACKGROUND**

On December 9, 2022, Robert Mancini (“Requester”) submitted a request (“Request”) to Delaware County (“County”) pursuant to the Right-to-Know Law (“RTKL”), 65 P.S. §§ 67.101 *et seq.*, seeking a “[n]umerical list of voters used to determine the number who cast ballots in election[] for Marple [Township] ward 7[,] precinct [sic] 3 for November 2022 election[.] On January 13, 2023, following a thirty-day extension during which to respond, 65 P.S. § 67.902(b), the County denied the Request, arguing that the Pennsylvania Election Code (“Election Code”), 25 P.S. § 2648, provides the procedure to access these records.

On January 18, 2023, the Requester appealed to the Office of Open Records (“OOR”), challenging the denial and stating grounds for disclosure. Specifically, the Requester argues that because the Board of Elections is under the jurisdiction of the County, the requested records are public records pursuant to the County Records Manual. The OOR invited both parties to

supplement the record and directed the County to notify any third parties of their ability to participate in this appeal. 65 P.S. § 67.1101(c).

On January 30, 2023, the County submitted a position statement arguing that the County could not process the Request because the Election Code required that requests be directed to the County Bureau of Elections. The County also submitted the sworn affidavits of Anne Coogan, Open Records Officer for the County, and James Allen, the County's Director of Election Operations. Included with the County's submission was an email from Jessica Mathis, Director, Bureau of Elections and Notaries at the Pennsylvania Department of State ("Department"), and an email from Jonathan Marks, Deputy Secretary for Elections and Commissions at the Department. Both emails provide guidance to county election officials regarding the interplay between the RTKL and the Election Code and specifically address Cast Vote Records, voted mail ballots and mail ballot outer envelopes.

On January 31, 2023,<sup>1</sup> the Requester submitted a position statement generally criticizing the County's handling of RTKL requests submitted by the Requester, while also referencing a matter currently pending with the Delaware County Court of Common Pleas docketed as CV-2023-000307, that the Requester refers to as "a RTK binding arbitration for election records." Additionally, on February 5, 2023, the Requester submitted a copy of an OOR final determination in the matter of *Mancini v. Delaware Cnty.*, OOR Dkt. AP 2022-2847, 2023 PA O.O.R.D. LEXIS 195, in which the OOR found that a request for records related to mail-in ballots is governed by the access provisions set forth in the Election Code, and as such, the County was required to make the requested records accessible in accordance with the Election Code.

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<sup>1</sup> On January 30, 2023, the Requester submitted an email with the County's submissions included as attachments; however, the Requester did not include argument or evidence on his own behalf.

## LEGAL ANALYSIS

The County is a local agency subject to the RTKL. 65 P.S. § 67.302. Records in the possession of a local agency are presumed to be public, unless exempt under the RTKL or other law or protected by a privilege, judicial order or decree. *See* 65 P.S. § 67.305. As an agency subject to the RTKL, the County is required to demonstrate, “by a preponderance of the evidence,” that records are exempt from public access. 65 P.S. § 67.708(a)(1). Preponderance of the evidence has been defined as “such proof as leads the fact-finder ... to find that the existence of a contested fact is more probable than its nonexistence.” *Pa. State Troopers Ass’n v. Scolforo*, 18 A.3d 435, 439 (Pa. Commw. Ct. 2011) (quoting *Pa. Dep’t of Transp. v. Agric. Lands Condemnation Approval Bd.*, 5 A.3d 821, 827 (Pa. Commw. Ct. 2010)).

Here, the County argues that access to the requested records is governed by the Election Code. Section 2648 of the Election Code provides as follows:

The records of each county board of elections, general and duplicate returns, tally papers, affidavits of voters and others, nomination petitions, certificates and papers, other petitions, appeals, witness lists, accounts, contracts, reports and other documents and records in its custody, except the contents of ballot boxes and voting machines and records of assisted voters, shall be open to public inspection, except as herein provided, and may be inspected and copied by any qualified elector of the county during ordinary business hours, at any time when they are not necessarily being used by the board, or its employees have duties to perform thereto: Provided, however, that such public inspection thereof shall only be in the presence of a member or authorized employee of the county board, and shall be subject to proper regulation for safekeeping of the records and documents, and subject to the further provisions of this act: And provided further, That general and duplicate returns, tally papers, affidavits of voters and others, and all other papers required to be returned by the elections officers to the county board sealed, shall be open to public inspection only after the county board shall, in the course of the computation and canvassing of the returns, have broken such seals and finished for the time, their use of said papers in connection with such and canvassing.

25 P.S. § 2648.

The OOR has previously determined that access to voting records is governed by the Election Code. 25 P.S. § 2648. *See Shuppe v. Beaver Cnty.*, OOR Dkt. AP 2022-0037, 2022 PA O.O.R.D. LEXIS 709; *Taylor v. Westmoreland Cnty.*, OOR Dkt. AP 2022-0046, 2022 PA O.O.R.D. LEXIS 687; *Edwards v. Butler Cnty.*, OOR Dkt. AP 2021-2976, 2022 PA O.O.R.D. LEXIS 296; *Cornetti v. Butler Cnty.*, OOR Dkt. AP 2021-2891, 2022 PA O.O.R.D. LEXIS 146; *Jaquette v. Delaware Cnty.*, OOR Dkt. AP 2021-2808, 2022 PA O.O.R.D. LEXIS 25.

Section 3101.1 of the RTKL states that “[i]f the provisions of this act regarding access to records conflict with any other federal or state law, the provisions of this act shall not apply.” 65 P.S. § 67.3101.1. When examining matters where there is a conflict between the Election Code and the RTKL, the OOR has found that, while the Election Code makes many records in the custody of the Election Board subject to public inspection by qualified electors, 25 P.S. § 2648, it does not make these records unconditionally available to the public. *See, e.g., Obernier v. Crawford Cnty.*, OOR Dkt. AP 2017-2107, 2018 PA O.O.R.D. LEXIS 110 (noting that the Election Code “creates a separate process for obtaining these records and conditions public inspection and copying: 1) to qualified electors of the county, 2) during ordinary business hours, and 3) when the records are not being used by the elections board”); *Bloch v. Adams Cnty.*, OOR Dkt. AP 2018-2227, 2019 PA O.O.R.D. LEXIS 95. In addition, because the records are not unconditionally public under the Election Code, the OOR would be required to examine any exemptions from disclosure under the RTKL asserted by an agency when records of a county Elections Board are sought by a RTKL request. *See Pa. Dep’t of Labor & Indus. v. Heltzel*, 90 A.3d 823, 833 (Pa. Commw. Ct. 2014).

In this matter, the County has not raised any RTKL exemptions, but rather, argues that the Request is exclusively governed by the Election Code. Additionally, the Allen Affidavit provides



that “[t]he County Bureau of Elections stands ready to respond to a request for records from the Request[e]r within the requirements of the Pennsylvania Election Code.” *See* Allen Affidavit, ¶ 5. Accordingly, because the record sought in the Request is governed by the access provisions set forth in the Election Code, and the County is directed to provide access to the numerical list of voters for which the Requester is entitled as set forth in that law. *See Heltzel, supra*.

### CONCLUSION

For the foregoing reasons, the appeal is **granted**, and the County is required to make the requested records available for access in accordance with the Election Code. This Final Determination is binding on all parties. Within thirty days of the mailing date of this Final Determination, any party may appeal or petition for review to the Delaware County Court of Common Pleas. *See* 65 P.S. § 67.1302(a). All parties must be served with notice of the appeal. The OOR also shall be served notice and have an opportunity to respond according to Section 1303 of the RTKL. However, as the quasi-judicial tribunal adjudicating this matter, the OOR is not a proper party to any appeal and should not be named as a party.<sup>2</sup> This Final Determination shall be placed on the website at: <https://openrecords.pa.gov>.

**FINAL DETERMINATION ISSUED AND MAILED: February 17, 2023**

/s/ Kathleen A. Higgins

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Kathleen A. Higgins  
Deputy Chief Counsel

Sent to: Robert Mancini (via email only);  
Anne Coogan (via email only);  
Jonathan Lichtenstein, Esq. (via email only)

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<sup>2</sup> *Padgett v. Pa. State Police*, 73 A.3d 644, 648 n.5 (Pa. Commw. Ct. 2013).

## EXHIBIT B

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### **FINAL DETERMINATION**

**IN THE MATTER OF**

**ROBERT MANCINI,  
Requester**

**v.**

**DELAWARE COUNTY,  
Respondent**

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**Docket No.: AP 2023-0066  
Consolidated appeal of OOR Dkts. AP  
2023-0066 & 2023-0104**

### **FACTUAL BACKGROUND**

On December 14, 2022 and December 27, 2022, Robert Mancini (“Requester”) submitted two requests (individually “Request”, collectively “Requests”) to Delaware County (“County”) pursuant to the Right-to-Know Law (“RTKL”), 65 P.S. §§ 67.101 *et seq.*, seeking “all image files sent to Vendor Fort Orange between June 01, 2022 and Nov 10, 2022 of Vote by Mail Absentee records. This should includes [sic] absentee/mail ballots and all related lists, applications, envelopes and files pertaining thereto” and “the official Ballot for Marple precincts [sic] 7-1, 7-2, and [sic] 7-3 for the Nov 8, 2022 Election.” On January 4, 2023, the County denied the December 27, 2022 Request, arguing that the Pennsylvania Election Code (“Election Code”), 25 P.S. § 2648, provides the procedure to access these records. On January 9, 2023, following a thirty-day extension, 65 P.S. § 67.902(b), the County also denied the December 14, 2022 Request under the Election Code.

On January 9, 2023, and January 13, 2023, the Requester appealed to the Office of Open Records (“OOR”), challenging the denials and stating grounds for disclosure.<sup>1</sup> Specifically, the Requester argues that because the Board of Elections is under the jurisdiction of the County, the County conducts the election, election officials are employees of the County, and the voting machines are County property, related records are County records. The Requester further asserts that the County Records Manual issued by the Pennsylvania Historical and Museum Commission (“Manual”) requires the retention of responsive records. The OOR invited both parties to supplement the record and directed the County to notify any third parties of their ability to participate in this appeal. 65 P.S. § 67.1101(c).

On January 27, 2023, the County submitted a position statement arguing that the County could not process the Request because the Election Code required that requests be directed to the County Bureau of Elections and the sworn affidavits of its Open Records Officer, Anne Coogan, and its Director of Election Operations, James Allen. Included with the County’s submission was an email from Jessica Mathis, Director, Bureau of Elections and Notaries at the Pennsylvania Department of State (“Department”), and an email from Jonathan Marks, Deputy Secretary for Elections and Commissions at the Department. Both emails provide guidance to county election officials regarding the interplay between the RTKL and the Election Code and specifically address Cast Vote Records (“CVRs”), voted mail ballots and mail ballot outer envelopes.

The same day, the Requester filed a response, quoting the County’s records retention manual and restating his belief that 25 P.S. § 2648 makes the responsive records public under the RTKL.

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<sup>1</sup> The Requests were docketed as OOR Dkts. AP 2023-0066 and 2023-0104. Because these appeals involve the same agency, requester, and similar issues on appeal, the appeals are hereby consolidated into OOR Dkt. AP 2023-0066. *See* 65 P.S. § 67.1102(b)(3) (stating that “the appeals officer shall rule on procedural matters on the basis of justice, fairness, and the expeditious resolution of the dispute”).

## LEGAL ANALYSIS

The County is a local agency subject to the RTKL. 65 P.S. § 67.302. Records in the possession of a local agency are presumed to be public, unless exempt under the RTKL or other law or protected by a privilege, judicial order or decree. *See* 65 P.S. § 67.305. As an agency subject to the RTKL, the County is required to demonstrate, “by a preponderance of the evidence,” that records are exempt from public access. 65 P.S. § 67.708(a)(1). Preponderance of the evidence has been defined as “such proof as leads the fact-finder ... to find that the existence of a contested fact is more probable than its nonexistence.” *Pa. State Troopers Ass’n v. Scolforo*, 18 A.3d 435, 439 (Pa. Commw. Ct. 2011) (quoting *Pa. Dep’t of Transp. v. Agric. Lands Condemnation Approval Bd.*, 5 A.3d 821, 827 (Pa. Commw. Ct. 2010)).

Here, the County argues that access to the requested records is governed by the Election Code. Section 2648 of the Election Code provides as follows:

The records of each county board of elections, general and duplicate returns, tally papers, affidavits of voters and others, nomination petitions, certificates and papers, other petitions, appeals, witness lists, accounts, contracts, reports and other documents and records in its custody, except the contents of ballot boxes and voting machines and records of assisted voters, shall be open to public inspection, except as herein provided, and may be inspected and copied by any qualified elector of the county during ordinary business hours, at any time when they are not necessarily being used by the board, or its employees have duties to perform thereto: Provided, however, That such public inspection thereof shall only be in the presence of a member or authorized employe of the county board, and shall be subject to proper regulation for safekeeping of the records and documents, and subject to the further provisions of this act: And provided further, That general and duplicate returns, tally papers, affidavits of voters and others, and all other papers required to be returned by the elections officers to the county board sealed, shall be open to public inspection only after the county board shall, in the course of the computation and canvassing of the returns, have broken such seals and finished for the time, their use of said papers in connection with such and canvassing.

25 P.S. § 2648.

Records in the possession of a local agency are presumed public unless exempt under the RTKL or other law. *See* 65 P.S. § 67.305. In many previous appeals before the OOR, it has been determined that access to voting records is governed by the Election Code. 25 P.S. § 2648. *See Shuppe v. Beaver Cnty.*, OOR Dkt. AP 2022-0037, 2022 PA O.O.R.D. LEXIS 709; *Taylor v. Westmoreland Cnty.*, OOR Dkt. AP 2022-0046, 2022 PA O.O.R.D. LEXIS 687; *Edwards v. Butler Cnty.*, OOR Dkt. AP 2021-2976, 2022 PA O.O.R.D. LEXIS 296; *Cornetti v. Butler Cnty.*, OOR Dkt. AP 2021-2891, 2022 PA O.O.R.D. LEXIS 146; *Jaquette v. Delaware Cnty.*, OOR Dkt. AP 2021-2808, 2022 PA O.O.R.D. LEXIS 25.

Regarding mail-in ballots, the Election Code states:

- (a) **General rule.**—All official mail-in ballots, files, applications for ballots and envelopes on which the executed declarations appear, and all information and lists are designated and declared to be public records and shall be safely kept for a period of two years, except that no proof of identification shall be made public, nor shall information concerning a military elector be made public which is expressly forbidden by the Department of Defense because of military security.
- (b) **Record.** For each election, the county board shall maintain a record of the following information, if applicable, for each elector who makes application for a mail-in ballot:
  - (1) The elector's name and voter registration address.
  - (2) The date on which the elector's application is received by the county board.
  - (3) The date on which the elector's application is approved or rejected by the county board.
  - (4) The date on which the county board mails or delivers the mail-in ballot to the elector.
  - (5) The date on which the elector's completed mail-in ballot is received by the county board.
- (c) **Compilation.** The county board shall compile the records listed under subsection (b) and make the records publicly available upon request within 48 hours of the request.

25 P.S. § 3150.17.

Section 3101.1 of the RTKL states that “[i]f the provisions of this act regarding access to records conflict with any other federal or state law, the provisions of this act shall not apply.” 65 P.S. § 67.3101.1. When examining matters where there is a conflict between the Election Code and the RTKL, the OOR has found that, while the Election Code makes many records in the custody of the Election Board subject to public inspection by qualified electors, 25 P.S. § 2648, it does not make these records unconditionally available to the public. *See, e.g., Obernier v. Crawford Cnty.*, OOR Dkt. AP 2017-2107, 2018 PA O.O.R.D. LEXIS 110 (noting that the Election Code “creates a separate process for obtaining these records and conditions public inspection and copying: 1) to qualified electors of the county, 2) during ordinary business hours, and 3) when the records are not being used by the elections board”); *Bloch v. Adams Cnty.*, OOR Dkt. AP 2018-2227, 2019 PA O.O.R.D. LEXIS 95. In addition, because the records are not unconditionally public under the Election Code, the OOR would be required to examine any exemptions from disclosure under the RTKL asserted by an agency when records of a county Elections Board are sought by a RTKL request. *See Pa. Dep’t of Labor & Indus. v. Heltzel*, 90 A.3d 823, 833 (Pa. Commw. Ct. 2014).

In this matter, the County has not raised any RTKL exemptions, but rather, argues that the Request is exclusively governed by the Election Code. A reading of the plain language of the statute suggests that “[a]ll official mail-in ballots, files, applications for ballots and envelopes on which the executed declarations appear, and all information and lists are designated and declared to be public records....” 25 P.S. § 3150.17(a). Furthermore, all of “records of each county board of elections[,]” including official ballots, are subject to the Election Code. 25 P.S. § 2648. Therefore, based on the plain language of the statute, records related to mail-in ballots and certain other election documents are public under the Election Code. *See Previte v. Erie Cnty.*, OOR Dkt.

AP 2022-2191, 2022 PA O.O.R.D. LEXIS 2457, *appeal filed*, No. 12720-2022 (Erie Cnty. CCP Nov. 18, 2022); *Weaver v. Allegheny Cnty.*, OOR Dkt. AP 2022-1052, 2022 PA O.O.R.D. LEXIS 1323, *appeal filed*, SA-22-000342 (Allegheny Cnty. CCP Jun. 16, 2022) (granting the portion of a request seeking images of mail-in ballots).

The Requester, on appeal, conflates the issue of whether the records sought are *public records* and whether the records may be *accessed* under the RTKL. Under the RTKL, Section 67.302(a) provides that “[a] local agency or local agency shall provide public records in accordance with this act.” 65 P.S. § 67.302(a). Records in the possession of a local agency are presumed to be public records. However, this “presumption shall not apply if: (1) the record is exempt under section 67.708; (2) the record is protected by a privilege; or (3) the record is exempt from disclosure under any other Federal or State law, regulation or judicial order or decree.” Further, Section 306 of the RTKL, entitled “Nature of document,” states: “Nothing in this act shall supersede or modify the public or nonpublic nature of a record or document established in Federal or State law, regulation or judicial order or decree.” 65 P.S. § 67.306. As noted above, because the Election Code makes records only conditionally public, they must be accessed through the Election Code.

The County does not argue that the records are not public records - it argues only that it cannot provide access to those public records in response to a RTKL request, noting that it has repeatedly directed the Requester to contact the County Bureau of Elections. Here, the governance of inspection and copying under the Election Code are beyond the OOR’s purview. *See Heltzel*, 90 A.3d at 831-33 (noting that the OOR is not in a position to enforce conditions on public access imposed by another law, and that there is a difference between statutes establishing the public *nature* of records and statutes that also proscribe a means of access). Accordingly, the request for



records related to mail-in ballots is governed by the access provisions set forth in the Election Code, and the County is directed to provide any access to the mail-in ballots to which the Requester is entitled as set forth in that law. *See Heltzel, supra.*

### CONCLUSION

For the foregoing reasons, the appeal is **granted**, and the County is required to make the requested records available for access in accordance with the Election Code. This Final Determination is binding on all parties. Within thirty days of the mailing date of this Final Determination, any party may appeal to the Delaware County Court of Common Pleas. 65 P.S. § 67.1302(a). All parties must be served with notice of the appeal. The OOR also shall be served notice and have an opportunity to respond as per Section 1303 of the RTKL. 65 P.S. § 67.1303. However, as the quasi-judicial tribunal adjudicating this matter, the OOR is not a proper party to any appeal and should not be named as a party.<sup>2</sup> This Final Determination shall be placed on the OOR website at: <https://openrecords.pa.gov>.

**FINAL DETERMINATION ISSUED AND MAILED: February 8, 2023**

/s/ Jordan Davis

Jordan C. Davis, Esq.  
Senior Appeals Officer

Sent via email only to: Robert Mancini, Jonathan Lichtenstein, Esq. and Anne M. Coogan

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<sup>2</sup> *Padgett v. Pa. State Police*, 73 A.3d 644, 648 n.5 (Pa. Commw. Ct. 2013).

## EXHIBIT C

RETRIEVEDFROMDEMOCRACYDOCKET.COM



**FINAL DETERMINATION**

**IN THE MATTER OF**

**ROBERT MANCINI,  
Requester**

**v.**

**DELAWARE COUNTY,  
Respondent**

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**Docket No: AP 2022-2667**

On November 14, 2022, Robert Mancini (“Requester”) submitted a request (“Request”) to Delaware County (“County”) pursuant to the Right-to-Know Law (“RTKL”), 65 P.S. §§ 67.101 *et seq.*, seeking:

[F]or the 2022 election, for the machines used to count the votes [in] Marple precinct 7-1, 7-2, 7-3 and the machine to count the mail in paper ballots for Marple 7-1, 7-2, & 7-3 the computer inventory records. Records documenting the assignment of a specific computer to [an] individual as well as the inventories of licensed software, may include address or mailbox assigned to the individual.

On November 21, 2022, the County denied the Request, stating that the Request must be made pursuant to the provisions of the Pennsylvania Election Code (“Election Code”). 25 P.S. §§ 2600 *et seq.* The County further stated to the extent the Election Code permits access, the records would be available from the Delaware County Bureau of Elections.

On November 28, 2022, the Requester filed an appeal with the Office of Open Records (“OOR”), challenging the denial and stating grounds for disclosure. The OOR invited both parties

to supplement the record and directed the County to notify any third parties of their ability to participate in this appeal. 65 P.S. § 67.1101(c).

On December 7, 2022, the County submitted a position statement and a sworn affidavit made subject to 18 Pa.C.S. § 4904, from Anne Coogan, the Agency Open Records Officer (“AORO”) for the County. The Coogan Affidavit indicates the following:

3. In response to such request, I inquired of the County Solicitor’s Office as to whether this request was governed by the Pennsylvania Right to Know Law (the “RTKL”). After it had completed its legal review, I was advised by the County Solicitor’s Office that access to the requested records was pre-empted by [the] Pennsylvania Election Code.

5. By letter dated November 21, 2022, I informed Appellant of the denial of the request for records as pre-empted by the Pennsylvania Election Code and provide the contact information for the County Bureau of Elections.

Additionally, the County submitted two emails detailing procedures for the requests of a “Cast Vote Record (CVR),” voted mail ballots and mail ballot outer envelopes.

The Requester responded to the County’s submissions on December 7, 2022. Per the Requester, the Request did not contain a request for CVRs.

### LEGAL ANALYSIS

The County is a local agency subject to the RTKL. 65 P.S. § 67.302. Records in the possession of a local agency are presumed to be public, unless exempt under the RTKL or other law or protected by a privilege, judicial order or decree. *See* 65 P.S. § 67.305. As an agency subject to the RTKL, the County is required to demonstrate, “by a preponderance of the evidence,” that records are exempt from public access. 65 P.S. § 67.708(a)(1). Preponderance of the evidence has been defined as “such proof as leads the fact-finder ... to find that the existence of a contested fact is more probable than its nonexistence.” *Pa. State Troopers Ass’n v. Scolforo*, 18 A.3d 435,

439 (Pa. Commw. Ct. 2011) (quoting *Pa. Dep't of Transp. v. Agric. Lands Condemnation Approval Bd.*, 5 A.3d 821, 827 (Pa. Commw. Ct. 2010)).

The Request exclusively seeks records concerning the machines used to count votes utilized during the November 2022 election, including the assignment of an individual to the computers, machines and inventories of licensed software. The County does not dispute that any of the records sought are public or that the records do not exist, but instead states that the records must be accessed by writing to the County Board of Elections with the request. The Requester argues that the County conducts the election and the machines used in the election were paid for with Delaware County Taxpayer funds, and as such, the RTKL is an appropriate vehicle for the Request.

The Election Code states that:

The records of each county board of elections, general and duplicate returns, tally papers, affidavits of voters and others, nomination petitions, certificates and papers, other petitions, appeals, witness lists, accounts, contracts, reports and other documents and records in its custody, except the contents of ballot boxes and voting machines and records of assisted voters, shall be open to public inspection, except as herein provided and may be inspected and copied by any qualified elector of the county during ordinary business hours, at any time when they are not necessarily being used by the board, or its employees have duties to perform thereto: Provided, however, That such public inspection thereof shall only be in the presence of a member or authorized employee of the county board, and shall be subject to proper regulation for safekeeping of the records and documents, and subject to the further provisions of this act: And provided further, That general and duplicate returns, tally papers, affidavits of voters and others, and all other papers required to be returned by the elections officers to the county board sealed, shall be open to public inspection only after the county board shall, in the course of the computation and canvassing of the returns, have broken such seals and finished for the time, their use of said papers in connection with such and canvassing.

25 P.S. § 2648. The County has raised no argument on appeal that the responsive records are not public pursuant to Section 2648 of the Election Code.

The OOR concludes that the records sought are subject to Section 2648 of the Election Code. The Election Code controls all “records of each county board of elections,” including “other documents and records in its custody[.]” *Id.* The OOR has interpreted this catchall provision of the Election Code broadly, applying it to emails with the Pennsylvania Department of State about elections, procedures used by county agencies to train election workers and internal communications involving elections. *See Giancola v. Allegheny Cnty.*, OOR Dkt. AP 2022-1177, 2022 PA O.O.R.D. LEXIS 1602; *Snead v. City of Philadelphia*, OOR Dkt. AP 2021- 0160, 2021 PA O.O.R.D. LEXIS 426; *Gallagher v. Montgomery Cnty.*, OOR Dkt. AP 2021-2945, 2022 PA O.O.R.D. LEXIS 622. In this case, all the requested records concern machines used to count votes in the 2022 general election, and therefore qualify as “other documents and records” in the custody of the County’s Board of Elections.

When the RTKL conflicts with another state law, the other law’s provisions regarding access to records applies. *See* 65 P.S. § 67.3101.1 (“[i]f the provisions of this act regarding access to records conflict with any other federal or state law, the provisions of this act shall not apply”). When examining the conflict between the Election Code and the RTKL, the OOR has found that, while the Election Code makes many records in the custody of the Election Board subject to public inspection by qualified electors, 25 P.S. § 2648, it does not make these records unconditionally available to the public. *See Obernier v. Crawford Cnty.*, OOR Dkt. AP 2017-2107, 2018 PA O.O.R.D. LEXIS 110 (analyzing § 2648 of the Election Code and noting that it “creates a separate process for obtaining these records and conditions the public inspection and copying: 1) to qualified electors of the county, 2) during ordinary business hours, and 3) when the records are not being used by the elections board”); *see also Hall v. Butler Cnty.*, OOR Dkt. AP 2022-0508, 2022 PA O.O.R.D. LEXIS 1062; *Shepherd v. Phila. Office of City Commissioners*, OOR Dkt. AP 2021-

2929, 2022 PA O.O.R.D. LEXIS 694. In addition, because the records are not unconditionally public under the Election Code, the OOR must examine any exemptions from disclosure under the RTKL that are asserted by the agency when records of a County Elections Board are sought. *See Pa. Dep't of Labor & Indus. v. Heltzel*, 90 A.3d 823, 833 (Pa. Commw. Ct. 2014).

The County has asserted no exemptions in this case, but simply states that the records must be sought from the County Board of Elections directly and the records are to be provided according to the provisions of the Election Code. The Request does not contain any request for ballots, ballot envelopes or CVRs, which were the subject of the email attachments submitted by the County. The County has directed the Requester to submit a request to the County Board of Elections; however, the County has not demonstrated that a request to the County was not a sufficient request for records pursuant to the Election Code. Thus, the OOR directs the County to provide responsive records subject to the access provisions in the Election Code and according to any legal limitations thereof. *See Cornetti v. Butler Cnty.*, OOR Dkt. AP 2022-0364, 2022 PA O.O.R.D. LEXIS 807; *see also Shepherd v. Phila. Office of City Commissioners*, OOR Dkt. AP 2021-2929, 2022 PA O.O.R.D. LEXIS 694; *Churchwell v. Montgomery Cnty.*, OOR Dkt. AP 2021-1331, 2021 PA O.O.R.D. LEXIS 1383; 65 P.S. § 67.3101.1.

### CONCLUSION

For the foregoing reasons, the appeal is **granted**, and the County is required to provide the responsive records in accordance with the procedures and requirements of the Election Code. This Final Determination is binding on all parties. Within thirty days of the mailing date of this Final Determination, any party may appeal or petition for review to the Delaware County Court of Common Pleas. 65 P.S. § 67.1302(a). All parties must be served with notice of the appeal. The OOR also shall be served notice and have an opportunity to respond according to court rules as per

Section 1303 of the RTKL; however, as the quasi-judicial tribunal adjudicating this matter, the OOR is not a proper party to any appeal and should not be named as a party.<sup>1</sup> 65 P.S. § 67.1303. This Final Determination shall be placed on the website at: <http://openrecords.pa.gov>.

**FINAL DETERMINATION ISSUED AND MAILED: December 13, 2022**

*/s/ Bandy L. Jarosz*

BANDY L. JAROSZ, ESQ.  
APPEALS OFFICER

Sent to: Robert Mancini (via email only)  
John Lichtenstein, Esq. (via email only)  
Anne Coogan (via email only)

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<sup>1</sup> *Padgett v. Pa. State Police*, 73 A.3d 644, 648 n.5 (Pa. Commw. Ct. 2013).



## EXHIBIT D

RETRIEVEDFROMDEMOCRACYDOCKET.COM

**COMMONWEALTH OF PENNSYLVANIA  
PENNSYLVANIA DEPARTMENT OF STATE  
CERTIFICATION OF LOGIC AND ACCURACY TESTING**

COUNTY OF DELAWARE  
ELECTION DATE 8 NOV 2022  
NUMBER OF PRECINCTS PARTICIPATING IN ELECTION: 428  
VOTING SYSTEM: HART INTERCIVIC VERITY 2.3.4

I do hereby certify that "County Name" County has completed the pre-election testing requirements for logic and accuracy testing of all its electronic voting system components on \_\_\_\_\_.

During the test process a predetermined test deck was prepared, ballots were marked and tabulated. The results were then compared to ensure that the actual results matched expected results.

The testing included the following:

Component	Number tested	Tested?
Ballot styles	428	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Ballot sets (absentee, mail-in, election day, provisional)	73,000	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Precinct scanners	428	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Central count scanners	1	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Standard BMDs	428	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A
Hybrid BMDs		<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
Election Management System		<input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> N/A



Signature of Chief Clerk  
or Authorized Representative

James P. Allen

Name of Chief Clerk  
or Authorized Representative

28 Oct 28

Date



Delaware County Bureau of Elections  
Government Center Building  
201 West Front Street, Media, PA 19063  
DelcoElection@co.delaware.pa.us



## EXHIBIT B

RETRIEVEDFROMDEMOCRACYDOCKET.COM

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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MANCINI, *et al.*

Plaintiffs.

v.

DELAWARE COUNTY, *et al.*

Defendants.

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: No. 2:24-cv-02425-KNS

: JURY TRIAL DEMANDED

**MOTION TO DISMISS FILED BY DEFENDANTS DELAWARE COUNTY AND  
DELAWARE COUNTY BOARD OF ELECTIONS**

Pursuant to Federal Rules of Civil Procedure 12(b)(1) and 12(b)(6), Defendants Delaware County and the Delaware County Board of Elections (the “County Defendants”) move to dismiss the Complaint filed by Plaintiffs and respectfully request this Court issue an order in favor of the County Defendants and against Plaintiffs dismissing this case with prejudice. In support, the County Defendants rely on and incorporate by reference their Memorandum of Law, filed contemporaneously, and any oral argument that may be held.

Respectfully submitted,

**DUANE MORRIS LLP**

By: /s/ J. Manly Parks  
J. Manly Parks (74647)  
Nicholas M. Centrella, Jr. (326127)  
Brian A. Kennedy (334441)  
30 South 17th Street  
Philadelphia, PA 19103-4196  
Telephone: +1 215 979 1000  
Fax: +1 215 979 1020

*Attorneys for Delaware County and  
the Delaware County Board of  
Elections*

Dated: July 1, 2024

**CERTIFICATE OF SERVICE**

I hereby certify that on July 1, 2024, I caused a copy of the foregoing to be served on all pro se Plaintiffs via this Court's ECF system and via e-mail:

Robert Mancini  
delcocyber@gmail.com

Gregory Stenstrom  
gregorystenstrom@gmail.com

Leah Hoopes  
leahfreedelcopa@protonmail.com

Joy Schwartz  
jschwartzpro@gmail.com

Dated: July 1, 2024

/s/ Nicholas Centrella Jr.  
Nicholas Centrella Jr.

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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MANCINI, *et al.*

Plaintiffs.

v.

DELAWARE COUNTY, *et al.*

Defendants.

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**MEMORANDUM OF LAW IN SUPPORT OF DELAWARE COUNTY AND  
DELAWARE COUNTY BOARD OF ELECTIONS MOTION TO DISMISS**

Defendants Delaware County (“County”) and the Delaware County Board of Elections (“Board”) (collectively “County Defendants”) hereby submit this memorandum of law in support of their Motion to Dismiss and state as follows:

**I. INTRODUCTION**

This case is meritless. Plaintiffs are serial *pro se* election litigants who have been in virtually continuous litigation against the County Defendants since 2020, and have seen their falsehoods concerning the integrity of Delaware County’s elections thoroughly rebutted and uniformly dismissed by every level of the Pennsylvania state court system. Plaintiffs now bring the County Defendants into this Court to repeat their numerous false statements about prior state court adjudications and the election process in Delaware County generally. Despite the numerous falsehoods contained in the Complaint, the Court need not address those factual issues in this Motion to Dismiss, as Plaintiffs’ Complaint is legally deficient. Plaintiffs have no cause of action pled whatsoever; could not state a claim even if they did; have failed to plead a basis for subject matter jurisdiction; lack standing; and impermissibly ask this Court to sit as a *de facto* appellate court for state court rulings in the County Defendants’ favor.

This case is an abuse of the judicial system, is legally and factually meritless, and should be dismissed.

## II. FACTUAL BACKGROUND

This is the twentieth election-related case that one or more of these Plaintiffs have filed since the 2020 General Election. Plaintiffs' Complaint fails to develop any coherent claim or reason for bringing this particular case at this particular juncture and instead contains a grab-bag of grievances against the County Defendants and Pennsylvania state court system.

Plaintiffs' Complaint appears to develop at least two theories. First, Plaintiffs assert that the County Defendants use electronic voting machines that do not comply with the Help America Vote Act ("HAVA") because the pre-election Logic and Accuracy Testing ("L&A Testing") required by the Commonwealth of Pennsylvania under HAVA does not meet their satisfaction. *See, e.g.*, Complaint at ¶¶ 1, 7, 11, 28-48.<sup>1</sup> Second, Plaintiffs assert that the rulings in a variety of state court cases have harmed them and ask this Court to overturn those rulings. *See, e.g., id.* at ¶¶ 10, 12-19, 98-99. Plaintiffs additionally assert a variety of unrelated grievances about elections in Delaware County, the structure of various federal and state statutory schedules for regulating elections, and the failure of various state and federal law enforcement officials to prosecute the County Defendants. *See, e.g., id.* at ¶¶ 50-89.<sup>2</sup>

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<sup>1</sup> Although this Court need not address the underlying facts of the Complaint for the purposes of this Motion, the County Defendants strenuously deny that the voting machines used in Delaware County elections in any way do not fully comply with all applicable laws and regulations.

<sup>2</sup> Because the Complaint does not have any causes of action pled, the County Defendants have determined that the thrust of the action concerns the first and second theories noted above, as evidenced by Plaintiffs' requested relief of decertifying the voting machines and reversing several state court rulings. *See* Complaint at ¶¶ 97-101. Accordingly, this Motion does not discuss the third category of miscellaneous grievances because they are unconnected to the

### III. ARGUMENT

#### A. Legal Standard

The County Defendants bring this Motion under Federal Rule of Civil Procedure 12(b)(6) for failure to state a claim on which relief can be granted, and Federal Rule of Civil Procedure 12(b)(1) for lack of subject matter jurisdiction.

##### 1. Federal Rule of Civil Procedure 12(b)(6)

“In deciding a motion to dismiss under Rule 12(b)(6), a court must “accept all factual allegations as true, construe the complaint in the light most favorable to the plaintiff, and determine whether, under any reasonable reading of the complaint, the plaintiff may be entitled to relief.” *Hopkins v. Yesser*, 412 F. Supp. 3d 517, 522 (E.D. Pa. 2019) (quoting *Phillips v. Cnty. of Allegheny*, 515 F.3d 224, 233 (3d Cir. 2008)). To survive dismissal, a complaint must allege facts sufficient to “raise a right to relief above the speculative level.” *Id.*; (citing *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 555 (2007)). “Threadbare recitals of the elements of a cause of action, supported by mere conclusory statements, do not suffice.” *Id.* (quoting *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009)).

In the Third Circuit, for a Complaint to meet the *Twombly* and *Iqbal* standards, a court must “take note of the elements a plaintiff must plead to state a claim,” must “identify allegations that, because they are no more than conclusions, are not entitled to the assumption of truth,” and must “assume [the] veracity” of all well-pleaded factual allegations and “determine whether they plausibly give rise to an entitlement for relief.” *Connelly v. Steel Valley Sch. Dist.*, 706 F.3d 209, 212 (3d Cir. 2013) (quoting *Burtch v. Milberg Factors, Inc.*, 662 F.3d 212, 221 (3d Cir. 2011)).

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requested relief. Nevertheless, the myriad allegations complaining of the setup of elections under federal and state law are equally deficient for the various reasons discussed in this Motion.



2. Federal Rule of Civil Procedure 12(b)(1)

“If a District Court does not have subject matter jurisdiction, it must dismiss.” *Saavedra Estrada v. Mayorkas*, No. CV 23-2110, 2023 WL 8096897, at \*4 (E.D. Pa. Nov. 21, 2023) (quoting *Berg v. Obama*, 586 F.3d 234, 242 n.6 (3d Cir. 2009)). A facial attack on subject matter jurisdiction “challenges whether the plaintiff has properly pled jurisdiction.” *Brock v. Thomas*, 782 F. Supp. 2d 133, 138 (E.D. Pa. 2011) (quoting *Tulpehocken Spring Water, Inc. v. Obrist Americas, Inc.*, No. 09–CV–2189, 2010 WL 5093101, at \*2 (M.D.Pa. Dec. 8, 2010)). In reviewing a facial attack on the Court’s subject matter jurisdiction, the court “must only consider the allegations of the complaint and documents referenced therein and attached thereto, in the light most favorable to the plaintiff.” *Machon v. Pennsylvania Dep’t of Pub. Welfare*, 847 F. Supp. 2d 734, 743 (E.D. Pa. 2012) (quoting *Gould Electronics Inc. v. U.S.*, 220 F.3d 169, 176 (3d Cir.2000)).

B. Plaintiffs Fail to State a Claim in Compliance with the Federal Rules of Civil Procedure

As an initial matter, Plaintiffs have failed to state a claim, in violation of the Rules of Civil Procedure.

Federal Rule of Civil Procedure 8(a) requires a short and plain statement of the claim showing that the pleader is entitled to relief. The Complaint must allege “factual content that allows the court to draw the reasonable inference that the defendant is liable for the misconduct alleged.” *Bakkali v. Walmart, Inc.*, 2020 WL 5517350, at \*2 (E.D. Pa. Sept. 14, 2020) (citing *Ashcroft v. Iqbal*, 556 U.S. 662, 678 (2009)). “Threadbare recitals of the elements of a cause of action, supported by mere conclusory statements, do not suffice.” *Iqbal*, 556 U.S. at 678.

Here, Plaintiffs do not meet the *Iqbal* standard, as they do not recite the elements of a cause of action and connect those elements back to the facts alleged. Instead, the Complaint is a

hodgepodge of various grievances that the Plaintiffs have against the County Defendants and a laundry list of prior proceedings that concluded in the County Defendants' favor. It is impossible to say that Plaintiffs have failed to factually support their cause of action when they have not asserted one at all. This alone is sufficient for dismissal.

C. This Court Lacks Subject Matter Jurisdiction

Beyond the facial pleading deficiency in the Complaint, the Complaint should be dismissed because this Court lacks subject matter jurisdiction, as there is no federal question pending before it.

Under 28 U.S.C. § 1331, this Court is vested with original jurisdiction over “all civil actions arising under the Constitution, laws, or treaties of the United States.” A case arises under federal law, within the meaning of 28 U.S.C. § 1331, if “a well-pleaded complaint establishes that either federal law creates the cause of action or that the plaintiff’s right to relief necessarily depends on resolution of a substantial question of federal law.” *Empire Healthchoice Assur., Inc. v. McVeigh*, 547 U.S. 677, 690 (2006).

Here, Plaintiffs assert jurisdiction is proper under 28 U.S.C. § 1331 because their Complaint “presents federal questions under the American Public Administration (APA) [sic], Help America Vote Act (HAVA), and Federal Advisory Committee Act (FACA), which are significant components of federal legislation that have shaped the electoral process in the United States.” *See* Complaint at ¶ 3.<sup>3</sup>

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<sup>3</sup> Plaintiffs also leave no doubt that 28 U.S.C. § 1331 is their sole basis for jurisdiction, alleging that “the present issue is solely a matter of federally mandated law, not a matter of diversity jurisdiction, procedural discretion, or impingement of State or local municipal rights.” *See* Complaint at ¶ 5.

As discussed below, this Court lacks subject matter jurisdiction because none of the statutes cited in Plaintiffs' Complaint creates a private right of action or, in the case of FACA and APA, applies whatsoever to the County Defendants. Moreover, there is no substantial question of federal law, as the voting machines at issue are approved by the Secretary of the Commonwealth as safe, secure, and reliable.

1. The Help America Vote Act Does Not Authorize a Private Right of Action

Although Plaintiffs have failed to assert a cause of action, they assert that this Court has subject matter jurisdiction because the County Defendants violated HAVA. Even construing the pleading in the light most favorable to the Plaintiff, this theory fails, because HAVA does not authorize a private right of action.

"Like substantive federal law itself, private rights of action to enforce federal law must be created by Congress." *Alexander v. Sandoval*, 532 U.S. 275, 286 (2001). "The judicial task is to interpret the statute Congress has passed to determine whether it displays an intent to create . . . a private right [and] and private remedy." *Id.* "By its text," HAVA "only allows enforcement via attorney general suits or administrative complaint." *Am. Civil Rts. Union v. Philadelphia City Comm'rs.*, 872 F.3d 175, 184–85 (3d Cir. 2017); *see also Bellitto v. Snipes*, 935 F.3d 1192, 1202 (11th Cir. 2019). In fact, HAVA's text is explicit that "[t]he Attorney General may bring a civil action against any State or jurisdiction . . . to carry out the uniform and nondiscriminatory election technology and administration requirements under [52 U.S.C. §] 21081." 52 U.S.C. § 21111.

Plaintiffs' claim, which they purport arises from 52 U.S.C. § 21081, fails because Congress has not authorized private plaintiffs to bring such claims. HAVA is explicit that such claims may only be brought by the Attorney General if the Attorney General determines that a jurisdiction has failed to carry out uniform and nondiscriminatory election technology and

administration requirements as mandated by 52 U.S.C. § 21081. *See* 52 U.S.C. § 21111.

Plaintiffs actually claim that they brought their claims to the Attorney General (among other public officials) for prosecution, but the Attorney General (and other officials) declined to institute an investigation. *See* Complaint at ¶¶ 87- 89.

Because HAVA does not authorize this action, it cannot be the basis for jurisdiction.

2. The Federal Advisory Committee Act Does Not Apply to the County Defendants

Plaintiffs' assertion that jurisdiction is proper in this case due to a potential claim under FACA similarly misses the mark, because FACA does not apply to the County Defendants.

FACA was enacted by Congress to review committees advising officers and agencies in the executive branch of the Federal Government and to establish uniform standards and procedures for their creation, operation, and duration. 5 U.S.C. app. § 2(a), (b)(4); *see also Pub. Citizen v. U.S. Dept. of Justice*, 491 U.S. 440, 446 (1989). FACA defines an “advisory committee” as “any committee, board, commission, council, conference, panel, task force, or other similar group, or any subcommittee or other subgroup thereof . . . which is (A) established by statute or reorganization plan, or (B) established or utilized by the President, or (C) established or utilized by one or more agencies, in the interest of obtaining advice or recommendations for the President one or more agencies or officers of the Federal Government.” 5 U.S.C. app. § 3(2).

The County Defendants are not subject to FACA because they are state entities. The County is a political subdivision in the Commonwealth of Pennsylvania and was created by state law. *See* 16 P.S. § 201 (dividing the Commonwealth into 67 named counties including Delaware County). The Board is a subdivision of the County and is authorized by the Pennsylvania Election Code. *See* 25 P.S. § 2641. Importantly, neither entity is considered a Commonwealth

entity or agency, let alone a federal agency, for statutory interpretation purposes. *See Republican National Committee, et al, v. Chapman*, 447 MD 2022 at 24-28 (Pa. Cmwlth. March 23, 2023) (holding that county boards of election are considered local agencies). Thus, there is no nexus between FACA and the County Defendants, who are not federal advisory committees, or any other type of federal entity, as defined by FACA. Accordingly, FACA does not apply and cannot be a basis for federal question jurisdiction.

3. The Administrative Procedures Act Also Does Not Apply to the County Defendants

Similar to FACA, the APA also does not apply to the County Defendants because the County Defendants are local entities and not federal agencies.

“The APA applies to the actions of federal agencies,” not to counties or county entities. *Cnty. Health Care Ass’n of New York v. DeParle*, 69 F.Supp. 2d 463, 474 (S.D.N.Y. 1999); *see also Skydiving Ctr. of Greater Washington, D.C., Inc. v. St. Mary’s Cnty. Airport Comm’n*, 823 F. Supp. 1273, 1279 n.2 (D. Md. 1993). As stated above, the County Defendants are not federal agencies. *See* 16 P.S. § 201; 25 P.S. § 2641; *Republican National Committee*, 447 MD 2022 at 24-28. They are, respectively, a County and a local agency. *See id.*

Without a raising a cause of action authorized by APA or any allegation that the County Defendants are subject to the APA as a federal agency, Plaintiffs have failed to show that the APA can be a basis for federal question jurisdiction.

4. Plaintiffs Do Not Raise Any Substantial Question of Federal Law

Because Plaintiffs have not shown any of the statutes cited create a cause of action for them against the County Defendants, Plaintiffs must show that their Complaint raises substantial questions of federal law, and have failed to do so.

In the “very rare cases” where a federal court “may find federal question jurisdiction in the absence of a federal private right of action,” the analysis turns on whether a claim raises “a stated federal issue, actually disputed and substantial, which a federal forum may entertain without disturbing any congressionally approved balance of federal and state judicial responsibilities.” *Baum v. Keystone Mercy Health Plan*, 826 F. Supp.2d 718, 720-21 (E.D. Pa. Oct. 2011) (citing *Grable & Sons Metal Products, Inc. v. Darue Engineering & Mfg.*, 545 U.S. 308, 314 (2005)).

Parsing Plaintiffs’ Complaint here, Plaintiffs appear to allege that the County Defendants have violated state law by using voting machines which are not properly certified by the Secretary of the Commonwealth.<sup>4</sup> Plaintiffs assert that “[w]hile Defendants are at County level...Pennsylvania’s refusal to comply with verification of election machines, logic and accuracy testing, recounts, recanvassing, and disclosure of public records, to ensure safe and honest elections substantially impacts [sic] electoral college outcomes [sic] for Pennsylvania and is, therefore, of critical national (federal) interest to the Republic.” *See* Complaint at ¶ 6. Plaintiffs also allege, in the Complaint at ¶ 11, that they have suffered various injuries by state court rulings dismissing their claims for recounts and examinations of records under Pennsylvania state law. More concretely, Plaintiffs appear to allege that “Defendants did not comply with 52 U.S.C. § 21081(a)(5) *Error Rate* requirements,” and that this supposed failure to comply with the federal statute renders the voting machines unreliable and may introduce fraud into the electoral system. *See id.* at ¶ 27 (emphasis in original).

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<sup>4</sup> Plaintiffs also appear to allege various injuries arising from prior adjudications in state court, which as discussed in Section III(E) of this Brief, *infra*, counsel dismissal under the *Rooker-Feldman* doctrine. The nature of Plaintiffs’ claim is ultimately unclear because Plaintiffs never identify an actual cause of action.

These claims are insufficient for federal question jurisdiction because Congress has already delegated authority for testing and approval of the voting machines to the Secretary of the Commonwealth, and the Secretary (and not the County Defendants) has authority to certify such machines as compliant with federal law. HAVA delegates implementation of its provisions to the states. *See* 52 U.S.C. § 21085 (“The specific choices on the methods of complying with the requirements of this subchapter shall be left to the discretion of the State.”). In Pennsylvania, the General Assembly has vested that power in the Secretary of the Commonwealth, and the Pennsylvania Election Code provides for the Secretary to examine voting machines and certify them for use in elections. *See generally* 25 P.S. § 3031.5. If any voting machine is reexamined prior to an election and it appears that it “can no longer be used safely by voters at elections,” the Secretary may revoke approval of the system. *See* 25 P.S. § 3031.5(c). The Election Code also sets forth the requirements for pre-election Logic and Accuracy Testing for voting machines so that the “reexamination” called for in the statute is done in accordance with federal law. *See* 25 P.S. § 3031.10.

In that context, then, there is no “federal issue, actually disputed and substantial, which a federal forum may entertain without disturbing any congressionally approved balance of federal and state judicial responsibilities,” because the specific implementation of HAVA in Pennsylvania is performed according to the Election Code, as dictated by 25 U.S.C. § 21085. Thus, any claim that the County Defendants have not complied with the specific implementation of HAVA, in this context, is ultimately question of whether the County Defendants have complied with the Election Code procedures for implementing HAVA, including error rate testing, and whether the Secretary of the Commonwealth has properly approved the County

Defendants' voting machines for use in Pennsylvania elections. This is a question of state law, *see* 25 P.S. § 3031.1 *et seq.*, and cannot be the basis for federal question jurisdiction.

Without any sufficient basis for subject matter jurisdiction under federal law, the Complaint should be dismissed.

#### D. Plaintiffs Lack Standing

Plaintiffs' Complaint must also be dismissed because they lack standing to bring these claims under any theory.

For a plaintiff to have standing under Article III, they must allege an injury in fact, fairly traceable to challenged conduct, which is likely to be redressed by a favorable judicial decision. *Friends of the Earth, Inc. v. Laidlaw Env't Servs. (TOC), Inc.*, 528 U.S. 167, 180–81 (2000). To establish an injury in fact, a plaintiff must show that “he or she suffered an invasion of a legally protected interest,” that the injury is both “concrete and particularized,” and that “his or her injury is actual or imminent, not conjectural or hypothetical.” *Mielo v. Steak 'n Shake Operations*, 897 F.3d 467, 478 (3d Cir. 2018) (quotations omitted). It is not enough for a plaintiff to claim “only a generally available grievance about government—claiming only harm to his and every citizen's interest in proper application of the Constitution and laws, and seeking relief that no more directly and tangibly benefits him than it does the public at large.” *Lance v. Coffman*, 549 U.S. 437, 440 (2007) (quoting *Lujan v. Defenders of Wildlife*, 504 U.S. 555, 573–74 (1992)).

In this case, Plaintiffs assert standing based on the exact type of generalized harm barred by *Lance*. Plaintiffs allege that “[w]ith no guarantee that their vote was counted accurately, or even counted at all, the citizens of Delaware County, Pennsylvania have been deprived of their right to vote in violation of 42 U.S. Code § 1983,” and that “[w]ith no guarantee that their vote was counted equally with other citizens in the jurisdiction or in federal elections with citizens of



other States, the Plaintiffs’ and citizens’ [sic] of Delaware County, Constitutional Rights [sic] were violated under the Equal Protection Clause of the United States Constitution.” *See* Complaint at ¶¶ 74-75.<sup>5</sup>

These allegations are insufficient to confer standing because Plaintiffs have not shown particularized harm or concrete injury.

1. Plaintiffs’ Claimed Harm is Not Concrete and Particularized

First, Plaintiffs fail to show concrete or particularized claimed harm because they appear to assert an Equal Protection claim on behalf of all voters.

For a claim to be concrete and particularized, a voter must “allege facts showing disadvantage to themselves as individuals.” *See Gill v. Whitford*, 585 U.S. 48, 65-67 (2018). This limit applies with equal force to voting rights cases. *See Lujan*, 504 U.S. at 576 (“[T]here is absolutely no basis for making the Article III inquiry turn on the source of the asserted right.”).

In the context of Equal Protection claims regarding the conduct of elections, a plaintiff must be able to show that the challenged action made their vote less valuable compared to those of some other group. *See Gill*, 585 U.S. at 65-68; *see also Bognet v. Sec’y Commonwealth of Pennsylvania*, 980 F.3d 336, 356-57 (3d Cir. 2020) (citing multiple cases), *cert. granted, judgment vacated as moot sub nom. Bognet v. Degraffenreid*, 141 S.Ct. 2508, 209 L.Ed.2d 544 (2021). The key inquiry under the Equal Protection Clause is whether some “invidious classification” has been made, such that “the favored group has full voting strength and the

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<sup>5</sup> Again, because of the “shotgun” nature of the Complaint, it is unclear which allegations connect to which legal theory. The County Defendants acknowledge that Plaintiffs also assert that they were injured by various state court judgments, which are discussed in Section III(E) *infra*. Those allegations appear to relate to a separate theory from Plaintiffs’ core claim that voting machines are somehow illegitimate or not compliant with federal law, which appears to assert an Equal Protection claim and is analyzed under that framework.

groups not in favor have their votes discounted[.]” *Bognet*, 980 F.3d at 359 (quoting *Reynolds v. Sims*, 377 U.S. 533, 555 n. 29 (1964)).

For example, a voter living in an affected district may have standing to claim that their vote in particular has been devalued by an unlawful racial gerrymander, but they may not complain of gerrymandering broadly, relying on generalized harms to public interests such as “collective representation in the legislature.” *See Gill*, 585 U.S. at 67-68. In litigation over mail-in ballot requirements, the Third Circuit has stated that even if an unlawful act occurred and diluted valid votes, the affected voters would not suffer a particularized harm adequate to confer standing for an Equal Protection claim if the dilution occurred in an undifferentiated manner, not impacting particular groups of voters. *Bognet*, 980 F.3d at 356-57.

Plaintiffs in this case have not explained the precise basis for their Equal Protection claim at all, and they have not alleged that their votes were particularly disadvantaged as compared to some other group. Rather, they allege that the use of voting machines which, in their view, do not comply with federal law affected all voters in Delaware County and left them with “no guarantee that their vote was counted equally with other citizens in the jurisdiction or in Federal elections with citizens of other states.” *See Complaint* at ¶ 75. Plaintiffs also allege that all citizens of Delaware County have been deprived of their right to vote. *See id.* at ¶ 74. These allegations are precisely the sort of “generally available grievance about government—claiming only harm to his and every citizen's interest in proper application of the Constitution and laws, and seeking relief that no more directly and tangibly benefits him than it does the public at large,” that are insufficient to confer standing. *Lance*, 549 U.S. at 439.

2. Plaintiffs Have Not Identified Any Actual or Imminent Harm

Beyond the fact that Plaintiffs allege only a generalized theory of claimed harm that affects all voters, Plaintiffs also fail to identify any actual or imminent harm sufficient to confer standing.

The Supreme Court has emphasized that to constitute an injury in fact, a threatened injury must be “certainly impending” and not merely “possible”. *Clapper v. Amnesty Int’l USA*, 568 U.S. 398, 409 (2013). The Supreme Court has cautioned that courts should be particularly reluctant to endorse standing theories resting on speculation about acts—especially unlawful acts—of independent actors. *Id.* at 414; *see also City of Los Angeles v. Lyons*, 461 U.S. 95, 105–06 & 106 n.7 (1983). In the elections context, speculation based on particular outcomes of votes cast is not sufficient to meet this requirement. *Bognet*, 980 F. 3d at 361-62.

The harm claimed by Plaintiffs in this case is purely speculative. They have not alleged that their votes were actually devalued, or that they were in any other way disadvantaged; they merely complain that they have “no guarantee” that these possible harms *did not* occur. *See* Complaint at ¶ 75. Plaintiffs also assert, in ¶ 92(b), that Plaintiff Schwartz “was deprived of knowing the true voter count in her election for Delaware County Commissioner and may have been deprived of that position and the salary she would have received from it.”<sup>6</sup> Yet Plaintiffs have no allegation or fact-based pleading that the vote count in that election was in any fashion inaccurate or manipulated. In fact, Delaware County performed several precinct-level recounts

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<sup>6</sup> Separate and apart from the fact that Plaintiff Schwartz’s vote count is publicly available ([https://election.co.delaware.pa.us/eb/November\\_2023/index.html](https://election.co.delaware.pa.us/eb/November_2023/index.html)) and is a public record of which the Court may take judicial notice, *see Sturgeon v. Pharmerica Corp.*, 438 F. Supp. 3d 246, 257 (E.D. Pa. 2020), the Pennsylvania Election Code allows for election challenges, which Plaintiff Schwartz never filed. 25 P.S. § 3456, *et seq.* Using the federal forum to effectively mount such a challenge is inappropriate and is not a basis for federal jurisdiction. *See* 28 U.S.C. § 1331.

in that election which confirmed the original vote totals. *See In re Edward Deisher, et al.*, No. CV-2023-009601 (C.P. Del., filed Nov. 14, 2023); *In re Tuesday, November 7, 2023 General Election Petition Requesting A Recount/Recanvass for Supervisor's Race in Edgmont Township 1<sup>st</sup> and 2<sup>nd</sup> Precincts*, No. CV-2023-009706 (C.P. Del., filed Nov. 14, 2023); *In re Petition to Open Ballot Box of Glenolden Borough*, Case No. CV-2023-009780 (C.P. Del., filed Nov. 14, 2023); *see also Sturgeon v. Pharmerica Corp.*, 438 F. Supp. 3d 246, 257 (E.D. Pa. 2020) (“Courts may take judicial notice of public records, including “publicly available records and transcripts from judicial proceedings. In particular, publicly available records from other judicial proceedings may be judicially noticed in the context of a motion to dismiss.”).

These supposed harms do not allege any concrete facts and instead resort to rank speculation about vote totals and outcomes that lack any basis in law or fact. Plaintiffs have no basis for standing and the Complaint should be dismissed.

E. This Court Should Dismiss Under the *Rooker-Feldman* Doctrine

Finally, in addition to the reasons stated above, this Court should dismiss this action under the *Rooker-Feldman* doctrine, as Plaintiffs seek to have this Court review and reverse state court judgments that they contend caused them injury.

A United States District Court “has no authority to review final judgments of a state court in judicial proceedings.” *D.C. Ct. of Appeals v. Feldman*, 460 U.S. 462, 482 (1983); *see also King v. Burr*, No. 2:17-CV-02315-MMB, 2017 WL 3705872, at \*3 (E.D. Pa. Aug. 24, 2017) (The *Rooker-Feldman* doctrine derives from 28 U.S.C. § 1257, which provides that “[f]inal judgments or decrees rendered by the highest court of a State in which a decision could be had, may be reviewed by the Supreme Court.”). In the Third Circuit, four requirements “must be satisfied in order for *Rooker-Feldman* to apply: (1) the federal plaintiff lost in state court; (2) the plaintiff “complain[s] of injuries caused by [the] state-court judgments”; (3) those state-court

judgments were rendered before the federal suit was filed; and (4) the plaintiff is inviting the district court to review and reject the state judgments.” *Id.* (citing *Great W. Mining & Mineral Co. v. Fox Rothschild LLP*, 615 F.3d 159, 166 (3d Cir. 2010)).

In this case, Plaintiffs’ claim falls within the ambit of *Rooker-Feldman* because they complain of adverse state court judgments which caused them injury and ask this Court to reverse those judgments.

First, Plaintiffs assert that they have lost in state court. *See* Complaint at ¶¶ 10-16. Plaintiffs detail numerous instances where they have filed identical claims in state court and had those claims dismissed in various levels of the Pennsylvania court system. *See id.*

Second, Plaintiffs assert the state court judgments have caused their injury. Plaintiffs specifically claim that “[e]vents giving rise to the subject complaint occurred in Delaware County,” and then go on to cite a series of cases adjudicated in the Delaware County Court of Common Pleas where Plaintiffs’ claims were dismissed. *See id.* at ¶ 10. Plaintiffs also allege that “the local Delaware County CCP has repeatedly affirmed that the Defendants’ bureaucratically appointed Delaware County Board of Elections, and the appointed Director Elections, James Allen, have complete and utter, final authority in deciding whatever they please with regards to conforming to federal and state election laws and the release of public election records, and they have continuously violated those laws.” *See id.* at ¶ 14. Due to those dismissals and orders affirming Delaware County’s procedures are proper, the Plaintiffs ask this Court for relief in the form of “[f]ederal intervention, review, and oversight, of precipitative cases named herein, that have been delayed, quashed, and, and strategically mooted,” as well as “[r]eversal of orders unlawfully denying Plaintiffs’ access to public election records, and clear definition of the manner in which they will be provided.” *See id.* at ¶¶ 98-99. Accordingly,

Plaintiffs have alleged their injury arises from the state court cases at issue, satisfying the second element for application of *Rooker-Feldman*.

Third, the state court judgments at issue were rendered before this case was filed. Again, Plaintiffs allege that they have been stymied in numerous state court actions involving the same essential allegations that elections in Delaware County are somehow not secure or are illegitimate. *See* Complaint at ¶ 10.<sup>7</sup> Plaintiffs in fact ask for reversal of those judgments as relief, an admission that the judgments have been entered. *See id.* at ¶¶ 98-99.

Fourth, Plaintiffs are inviting this Court to review and reverse the state court judgments. Plaintiffs explicitly ask for this relief, requesting the Court grant them “[f]ederal intervention, review, and oversight, of precipitative cases named herein, that have been delayed, quashed, and, and strategically mooted,” as well as “[r]eversal of orders unlawfully denying Plaintiffs’ access to public election records, and clear definition of the manner in which they will be provided.” *See id.* at ¶¶ 98-99. This language is unambiguously asking for the Court to reverse and review prior judgments entered by the state court.

The allegations of the Complaint demonstrate that Plaintiffs are impermissibly requesting this Court to sit as a de facto appellate court and reverse state court judgments, which is improper under statutory law and the *Rooker-Feldman* precedent. *See Feldman*, 460 U.S. at 482; 28 U.S.C. § 1257. Therefore, the County Defendants respectfully request that this Court dismiss the Complaint on this basis.

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<sup>7</sup> Defendants’ allegations in Paragraph 11 regarding the Missino case are incorrect. The case has been administratively closed. *See* Docket attached as **Exhibit A**. This Court may take judicial notice of that disposition. *Sturgeon*, 438 F. Supp.3d at 257.

F. Amendment Should Be Denied and the Complaint Dismissed with Prejudice

In the event this Court grants this Motion and dismisses the Complaint, the dismissal should be with prejudice, as the nature of the theories noted above mean any amendment would be futile.

Under Fed. R. Civ. P. 15, plaintiffs may be given leave to amend their Complaint in response to a motion to dismiss unless amendment would be futile. *Winans v. Cox Automotive, Inc.*, 669 F. Supp.3d 394, 404 (E.D. Pa. 2023). Futility means “that the complaint, as amended, would fail to state a claim upon which relief could be granted.” *See id.*

Here, amendment would be futile because Plaintiffs’ lack of standing and the lack of subject matter jurisdiction are incurable defects. These are not mere pleading deficiencies but are instead substantive problems with the nature of Plaintiffs’ claims themselves, meaning that any additional amendment could not cure them. Accordingly the County Defendants request dismissal of the Complaint with prejudice.

**IV. CONCLUSION**

Based on the foregoing, Delaware County and the Delaware County Board of Elections respectfully request that this Court dismiss Plaintiffs’ Complaint with prejudice.

*[Signature Block on Following Page]*

Respectfully submitted,

**DUANE MORRIS LLP**

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*Attorneys for Delaware County and  
the Delaware County Board of  
Elections*

Dated: July 1, 2024

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**CERTIFICATE OF SERVICE**

I hereby certify that on July 1, 2024, I caused a copy of the foregoing to be served on all pro se Plaintiffs via this Court's ECF system and via e-mail:

Robert Mancini  
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Dated: July 1, 2024

/s/ Nicholas Centrella Jr.  
Nicholas Centrella Jr.

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# EXHIBIT A

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PENNSYLVANIA E-FILING

Nicholas M Centrella , J



## Case Information

**Court** Delaware County Court of Common Pleas

**Case** CV-2022-008091

**Class** Civil - Miscellaneous - Other

**Short Title** Hoopes et al v. Delaware County Board of Elections et al

**Status** AOPC Closed

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## Case View - CV-2022-008091



## CASE INFORMATION

<b>Court Level</b>	Court of Common Pleas	<b>Court</b>	Delaware County Court of Common Pleas
<b>Case Title</b>	Hoopes et al v. Delaware County Board of Elections et al	<b>Case Type</b>	Civil - Miscellaneous - Other
<b>Filed Date</b>	10-31-2022	<b>Status</b>	AOPC Closed
<b>Next Hearing</b>		<b>Judge</b>	
<b>Next Hearing Type</b>			

## PARTIES / PARTICIPANTS

#	Role	Name	Attorney	Service Type
1	Plaintiff	Hoopes, Leah		Conventional
1	Defendant	Delaware County Board of Elections	MARTIN, WILLIAM F Centrella, Nicholas M, Jr PARKS, J MANLY	Conventional eService Conventional
2	Defendant	Delaware County Bureau of Elections	MARTIN, WILLIAM F Centrella, Nicholas M, Jr PARKS, J MANLY	Conventional eService Conventional
2	Plaintiff	Stenstrom, Gregory		Conventional
3	Plaintiff	Missino, Nichole		Conventional
3	Defendant	Alberts, Scott		Conventional
4	Defendant	Parks, James M.		Conventional
5	Defendant	Allen, James P		Conventional
6	Defendant	Wright, Robert		Conventional
7	Defendant	Lunkenheimer, Ashley		Conventional
8	Defendant	Reuther, Christine		Conventional
9	Defendant	Taylor, Monica		Conventional
10	Defendant	Schaefer, Elaine P		Conventional
11	Defendant	Madden, Kevin M		Conventional
12	Defendant	Womack, Richard R, Jr		Conventional
1 to 15 of 15 records				

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Filed Date	Document Description	Filed By	
01-09-2023	Answer - Plaintiff's Reply	Gregory Stenstrom, Leah Hoopes, Nichole Missino	
01-09-2023	Certificate - Certificate of Service	Gregory Stenstrom, Leah Hoopes, Nichole Missino	
01-06-2023	Answer - Plaintiff's Reply	Gregory Stenstrom, Leah Hoopes, Nichole Missino	
01-06-2023	Certificate - Certificate of Service	Gregory Stenstrom, Leah Hoopes, Nichole Missino	
01-05-2023	Motion - Motion to Strike Amended Complaint	Delaware County Board of Elections	
12-22-2022	Complaint - Amended Complaint	Gregory Stenstrom, Leah Hoopes, Nichole Missino	
12-22-2022	Certificate - Certificate of Service	Gregory Stenstrom, Leah Hoopes, Nichole Missino	
12-19-2022	Memorandum - Memorandum of Law	Delaware County Board of Elections, Delaware County Bureau of Elections	
12-16-2022	Memorandum - Memorandum of Law	Delaware County Board of Elections, Delaware County Bureau of Elections	
12-09-2022	Answer - Answer to Preliminary Objections	Leah Hoopes	
12-08-2022	Certificate - Certificate of Service	Leah Hoopes	
12-05-2022	Certificate - Certificate of Service	Gregory Stenstrom, Leah Hoopes, Nichole Missino	
12-02-2022	Financials - Receipt		
12-01-2022	Certificate - Certificate of Service	Gregory Stenstrom, Leah Hoopes, Nichole Missino	
12-01-2022	Motion - Motion		
12-01-2022	Petition - Petition for Reconsideration		
11-23-2022	Preliminary Objection - Preliminary Objections	Delaware County Board of Elections	
11-22-2022	Order - Order Denying Emergency Motion/Petition		
11-22-2022	Memorandum - Memorandum of Law	Delaware County Board of Elections, Delaware County Bureau of Elections	

000080

Filed Date	Document Description	Filed By
11-22-2022	Order - Scheduling Order	
1 to 20 of 41 records		1, 2, 3 Next

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## EXHIBIT C

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IN THE  
**United States District Court**  
**Eastern District of Pennsylvania**  
CIVIL ACTION - ELECTION LAW

**ROB MANCINI, et al**

**Plaintiffs,**

**v.**

**DELAWARE COUNTY, et al**

**Defendants.**

Case No.: 2:24-cv-02425-KNS

CIVIL ACTION: VIOLATION OF  
FEDERAL ELECTION LAW  
REGARDING MAIL IN BALLOTS

**RESPONSE TO DEFENDANTS  
MOTION TO DISMISS**

INJUNCTION REQUESTED  
DISCOVERY REQUESTED  
ORAL ARGUMENTS REQUESTED  
JURY TRIAL REQUESTED

**RESPONSE TO DEFENDANTS MOTION TO DISMISS**

**INTRODUCTION**

1. The subject complaint boils down to four (4) simple questions for the Honorable Court that deny(ied) Pro Se Plaintiffs' constitutional and civil rights and cause(d) them harm.
  - a. Have the Defendants certified election machines in accordance with federal and state law for use in elections? No
  - b. Have the Defendants performed secure build verifications of hardware and software used in election machines? No.
  - c. Have the Defendants performed logic and accuracy testing of hardware, software and ballots in the election machines as required by federal and state law? No.
  - d. For the Defendant to employ the use of election machines in a federal (national) election, are the above required certifications and tests required? Yes.

**REGARDING DEFENDANTS MOTION TO DISMISS FOR RULE 12(b)(6)**

2. Plaintiffs submitted a summary of their complaint in their opening paragraph, and thorough statement of claims that include violations of their constitutional and civil rights, in particular those pursuant to 42 USC 1983, and multiple other rights under the original jurisdiction of this Honorable Court.
3. The elements of a 42 USC 1983 claim are (1) the action was committed by a person acting “under color of state law,” and (2) the action resulted in the deprivation of a constitutional right or federal statutory right.
4. Plaintiffs also presented specific controversies regarding federal questions of law that are within the original jurisdiction of this Honorable Court within the Basis of Jurisdiction and Statement of Claim sections of the format for submitting complaints to the federal courts, including 52 USC 21081(a)(5): “*Error Rates.*”
5. Apart from the due process rights accorded all litigants in civil cases, Pro Se Plaintiffs assert their right to have the Honorable Court liberally construe their pleadings to allow them “**an opportunity to offer proof.**” In *Haines v. Kerner*, The Supreme Court reversed a dismissal under Rule 12(b)(6) of the Federal Rules of Civil Procedure, which Defendants specify as a basis for their motion, for failure to state a claim under 42 U.S.C. § 1983. (See *Haines v. Kerner*, 404 U.S. 519 (1972)).
6. “**Pro se pleadings are to be considered without regard to technicality; pro se litigants' pleadings are not to be held to the same high standards of perfection as lawyers.**” *Jenkins v. McKeithen*, 395 U.S. 411, 421 (1959);
7. “**Where a plaintiff pleads pro se in a suit for protection of civil rights, the Court should endeavor to construe Plaintiff's Pleadings without regard to technicalities.**” *Picking v. Pennsylvania R. Co.*, 151 Fed 2nd 240, Third Circuit.
8. “**Pleadings are intended to serve as a means of arriving at fair and just settlements of controversies between litigants. They should not raise barriers which prevent the achievement of that end.**” *Maty v. Grasselli Chemical Co.*, 303 U.S. 197 (1938)



**REGARDING DEFENDANTS MOTION TO DISMISS FOR RULE 12(b)(1)**

9. Defendants' attorneys curiously make Plaintiffs argument that the court "must only consider the allegations of the complaint and documents referenced therein and attached thereto, **in the light most favorable to the plaintiff**." *Machon v. Pennsylvania Dep't of Pub. Welfare*, 847 F. Supp. 2d 734, 743 (E.D. Pa. 2012).
10. While Defendants state Plaintiffs claims are "threadbare," nowhere in Defendants motion is there any particular response to Plaintiffs allegations because, in fact, Defendants have not performed the necessary testing to ensure safe and honest elections.
11. Defendants claim that case is "meritless," which Plaintiffs presume also falls under Defendants Rule 12(b)(1) argument, because of unsubstantiated and uncited "falsehoods" of Plaintiffs without entering any facts, is a matter for hearings, discovery, and jury trial requested by Plaintiffs.
12. Defendants' attorneys have perpetrated fraud upon the Honorable Court with their false narratives and knowing omissions riddled throughout motion to dismiss, and memorandum of law.
13. Defendants' self-serving legal conclusion that Plaintiffs' case is "meritless" is based on "other" uncited cases in which several of the subject complaint Plaintiffs are involved, most of which are still languishing and being delayed in appellate trajectories years after having been filed – not one of which has ever been heard on its merits.
14. Defendants motion is also dependent on "investigations" by the District Attorney and Pennsylvania Attorney General that never occurred by their own admissions, the fact of which, Defendants' attorneys are well aware of.
15. In fact, the "other" cases not cited by Defendants are (were) based on the fraudulent claim that District Attorney Jack Stollsteimer, and then Pennsylvania Attorney General (now Governor) Josh Shapiro conducted investigations, when they obstructed or did not perform at all. (See Exhibits A).

16. Defendants' attorneys claims that Plaintiffs have been "debunked" was the direct result of collusion with "Factcheck.org" for which said attorneys, who have entered appearances in this case, billed the Defendants to place false stories, and then pointed to those stories as "evidence" as they have here, and elsewhere.
17. Plaintiffs have the attorney billing receipts for Duane Morris LLP to Delaware County, Pennsylvania (see below).

12/5/2020 01565 JM PARKS	CORRESP RE INFO FOR MTAYLOR PRESENTATION
12/7/2020 01565 JM PARKS	MEETING TO DISCUSS 2020 TAKE-AWAYS AND
	EARLY PLANS FOR 2021 ELECTION CYCLE; CORRESP
	RE RIKK REQUEST; CORRESP RE FACTS RE
	UPLOADING OF VCARDS FOR FACTCHECK.ORG
12/8/2020 01565 JM PARKS	BOE RELATED CORRESP RE VARIOUS ELECTION
	ISSUES; REVIEW MATERIALS RE STENSTROM
	ALLEGATIONS; CORRESP RE SAME; CORRESP RE
	RIKA REQUEST REGARDING ELECTION
	MATERIALS; CORRESP RE NEW ELECTION CASE
	FILINGS; RESEARCH RE SAME
12/9/2020 01565 JM PARKS	VARIOUS BOE RELATED CORRESP; CORRESP AND
	TEL CONF WITH ILICHTENSTEIN RE RIKK REQUEST
	REGARDING ELECTION MATERIALS

(Excerpt from Duane Morris LLP lawyer bills to Delaware County, PA)

18. In *Savage v Trump, Stenstrom, Hoopes, et al*, (Case No: 211002495, Philadelphia Court of Common Pleas) Plaintiffs presented **irrefutable and undisputed evidence of massive election fraud adjudicated over 860-days** that the Honorable Court found admissible and meeting the burden of production corroborating defendants (here plaintiffs) Stenstrom and Hoopes "**truth is a complete defense**" to defamation claims in multiple discovery hearings.
19. In that case, the Honorable Judge Erdos, of the Court of Common Pleas of Philadelphia, also granted Stenstrom and Hoopes motion to find Plaintiff's attorney, J. Conor Corcoran, guilty of perpetrating fraud upon the court, and misconduct under Pa.RPC.
20. Defendants' attorneys conflate and confuse multiple courts refusals to hear cases on the merits; the procedural quashing of cases; the refusal to respond to cases at all amidst allegations of public corruption and judicial misconduct; all in denial of due process; as "winning."
21. *Stenstrom and Hoopes v Secretary of the Commonwealth Boockvar* (876 CD 2022, CommCt of PA) remains to be adjudicated, having languished for almost 1,000-days, in which Defendants (here) and Defendant's attorney J. Manly Parks (here), are among the only ones

that remain of 38 defendants who have either been terminated or resigned due to the credibility of that lawsuit.

22. Further, while Plaintiffs are cognizant that opposing attorneys must vigorously defend their clients, here, the Defendants' attorneys are also participants and co-conspirators in wrongdoing, who have purposefully ordered the spoliation of evidence, unlawfully and knowingly "ordered" Defendants to violate federal and state laws on their behalf, and violated numerous Pennsylvania Rules of Civil Procedure and Rules of Professional Conduct in cases that remain in both trial court and appellate trajectories.
23. Plaintiffs are very ably, and immediately, prepared to present proof of the above allegations regarding Defendants' attorneys' misconduct to the Honorable Court through certified court transcripts, physical evidence, and whistleblower testimony.
24. Defendants' attorneys are hopelessly conflicted participants pursuant to 204 Pa. Code Rule 1.7. who will be implicated in criminal violations of law when subject case moves to discovery and trial.

### **REGARDING ROOKER-FELDMAN**

25. "*Rooker-Feldman*" doctrine objections do not apply. Federal election law, mandated by the US Congress, plainly does not fall under *Rooker-Feldman*, which is a doctrine of civil procedure in the United States that holds that lower federal courts, excluding the Supreme Court, do not have jurisdiction to review state court decisions unless Congress has specifically authorized such review.

- a. Pro Se Plaintiffs are not requesting review of previous state court decisions, but rather petitioning the Honorable Court to **enforce** federal and state laws, and remedy Constitutional and (federal) Civil Rights violations.
- b. Clause 1 of the Election Clause states: "*The Times, Places and Manner of holding Elections for Senators and Representatives, shall be prescribed in each State by the Legislature thereof; but **the Congress may at any time by Law make or alter such Regulations**, except as to the Places of chusing (sic) Senators.*"

- c. In *Moore v. Harper* (2023), the US Supreme Court rejected the “independent state legislature” theory, which would have given state legislatures unchecked power over federal election rules. While there have been, and are state court decisions regarding the constitutionality.

### **REGARDING PLAINTIFFS STANDING AND HARM**

26. Contrary to Defendants’ attorneys claims that Plaintiffs are “private” citizens prohibited from bringing, all Plaintiffs are fulfilling statutory roles and duties prescribed by 25 P.S. Election Law.
27. Plaintiffs specified VERY particularized past and imminent harm, and concrete injuries in their subject complaint.
28. **Joy Schwartz**, resides at 514 Lombardy Road, Drexel Hill, Pennsylvania 19026. and is a qualified elector and resident of Delaware County. **She was a Republican candidate for Delaware County Council in May and November 2023.** She has previously, and is currently, fulfilling statutory role(s) defined by 25 P.S. § 3146.8 Election Code as a “certified poll watcher,” and “authorized representative” for candidates in coming subject elections in November 2024. She is a Republican Committeewoman for Haverford Township, Delaware County, PA.
29. **Robert Mancini**, resides at 4 Guernsey Lane, Media, PA, 19063, and is a qualified elector and resident of Delaware County. He has previously, and is currently, fulfilling statutory role(s) defined by 25 P.S. § 3146.8 Election Code as a “certified poll watcher,” and “authorized representative” for candidates in subject elections.
30. **Gregory Stenstrom**, resides at 1541 Farmers Lane, Glen Mills, PA, 19342 and is a qualified elector and resident of Delaware County. He has previously, and is currently, fulfilling statutory role(s) defined by 25 P.S. § 3146.8 Election Code as a “certified poll watcher,” and “authorized representative” for candidates in subject elections. Stenstrom has been repeatedly, and unsuccessfully, sued, and sanctioned (seven (7) times) by Defendants, since November 2020, for fulfilling his statutory duties under 25 P.S.

31. **Leah Hoopes**, resides at 241 Sulky Way, Chadds Ford, PA, 19317, and is a qualified elector and resident of Delaware County. He has previously, and is currently, fulfilling statutory role(s) defined by 25 P.S. § 3146.8 Election Code as a “certified poll watcher,” and “authorized representative” for candidates in subject elections. She is a Republican Committeewoman for Bethel Township, Delaware County, PA. Hoopes has been repeatedly, and unsuccessfully, sued, and sanctioned (seven (7) times) by Defendants, since November 2020, for fulfilling her statutory duties under 25 P.S.

### SUMMARY

32. Defendants’ attorneys chose to submit a Motion to Dismiss in lieu of meeting laches requirements for Preliminary Objections, Affirmative Defenses and New Matter, which were due July 1<sup>st</sup>, 2024.

33. Defendants spewed seventeen pages of procedural objections, none of which denied that Plaintiffs allegations are, in fact, true, while ignoring the content of Plaintiff’s Complaint, which addressed the issues Defendants raised in their motion.

Respectfully submitted,



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610-506-9827



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[jschwartzpro@gmail.com](mailto:jschwartzpro@gmail.com)  
610-622-1958



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Leah Hoopes, PRO SE  
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leahfreedelcopa@protonmail.com  
610-608-3548

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## VERIFICATION

We, Robert Mancini, Joy Schwartz, Gregory Stenstrom and Leah Hoopes, state that we are Pro Se Plaintiffs in this matter and are authorized to make this Verification on its behalf. We hereby verify that the statements made in the foregoing documents are true and correct to the best of our knowledge, information, and belief. This verification is made subject to the penalties of 19 Pa.C.S. § 4904 relating to unsworn falsification to authorities. Respectfully submitted,



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## EXHIBIT A

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12 June 2024

**FROM: GREGORY STENSTROM**

1541 Farmers Lane  
Glenn Mills, PA 19342

**TO: MICHELLE A. HENRY** Attorney General

Pennsylvania Office of the Attorney General  
Strawberry Square  
Harrisburg, PA 17120

**SUBJECT: ATTORNEY GENERAL JOSHUA D. SHAPIRO OBSTRUCTION OF, AND ATTEMPT TO OBSTRUCT, AN OFFICIAL PROCEEDING (CRIMINAL INVESTIGATION OF VOTER FRAUD), IN VIOLATION OF 18 U.S.C. § 1512(C)(2)<sup>1</sup> AND CONSPIRACY AGAINST RIGHTS, IN THE CASE OF GREGORY STENSTROM & OTHER UNNAMED INDIVIDUALS (OUI), PROPERLY REPORTING OUTCOME-DETERMINATIVE VOTER FRAUD OCCURRING WITHIN DELAWARE COUNTY, PENNSYLVANIA TO GOVERNMENTAL AUTHORITY, IN VIOLATION OF 18 USC § 241<sup>2</sup>**

1. Over 1,312 days have expired without criminal **INVESTIGATIVE** action being taken, into Allegations of **Outcome-Determinative Election Fraud** occurring during the 2020 United States Presidential Election/Pennsylvania Attorney General Election, reported by GREGORY STENSTROM, Delaware County (**DELCO**) Pennsylvania Election Poll Watcher:

- Failure to conduct legitimate criminal investigation into outcome-determinative voter fraud in favor of engaging in **retaliation**<sup>3</sup> against Pennsylvania citizens clearly eroded public faith in the administration of the 2020 Presidential/Pennsylvania Attorney General Election conducted in Delaware County, (DELCO), Pennsylvania

<sup>1</sup> 18 U.S.C. § 1512(c)(2)- TAMPERING WITH A WITNESS, VICTIM, OR AN INFORMANT. “(c) Whoever corruptly- (2) otherwise obstructs, influences, or impedes any official proceeding, or attempts to do so, shall be fined under this title or imprisoned not more than 20 years, or both” See, <https://www.law.cornell.edu/uscode/text/18/1512>

<sup>2</sup> 18 USC § 241- CONSPIRACY AGAINST RIGHTS. “If two or more persons conspire to injure, oppress, threaten, or intimidate any person in any State, Territory, Commonwealth, Possession, or District in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same... They shall be fined under this title or imprisoned not more than ten years.” See, <https://www.law.cornell.edu/uscode/text/18/241>

<sup>3</sup> **RETALIATION FOR PROPERLY REPORTING ELECTION FRAUD.** The Supreme Court has defined **retaliation** as an **intentional act** in response to a **protected action**. Jackson v. Birmingham Bd. of Educ., 544 U.S. 167, 173-74 (2005). Citing Jackson, the court in Gutierrez underscored the intentional nature of a retaliation complaint: “Retaliation is, by definition, an intentional act. It is a form of “discrimination” because the complainant is being subjected to differential treatment.” Gutierrez, 2005 WL 2346956, at \*5. The complained of matter need not be a complaint; it can be **any lawful conduct** that an individual engages in connected with a protected right. “The very concept of retaliation is that the **retaliating party** takes action against the **party retaliated against** after, and because of, some **action** of the latter.” Fed. Mar. Bd. v. Isbrandtsen Co., 356 U.S. 481, 514 (1958). It carries with it the notion of “**getting even.**” See, <https://www.justice.gov/crt/fcs/T6Manual8>

2. On 07 November 2020, **GREGORY STENSTROM** properly delivered an affidavit concerning **Outcome-Determinative** Election Fraud, to U.S. Attorney **WILLIAM M. McSWAIN**, discovered while serving as a registered poll watcher in Delaware County (DELCO) Pennsylvania during the 2020 Presidential/Pennsylvania Attorney General Election. See, <https://www.pacourts.us/Storage/media/pdfs/20210603/212423-file-10838.pdf>.

3. On 17 November 2020, Pennsylvania Attorney General **JOSHUA D. SHAPIRO** ordered his Criminal Investigations Division (**CID**), to subject **GREGORY STENSTROM** and Other Unnamed Individuals (**OUI**) to **retaliatory**<sup>4</sup> criminal investigative action, designed to intimidate witnesses to **2020 U.S. Presidential Election/Pennsylvania Attorney General (AG) Election Voter Fraud** occurring within Delaware County (DELCO), Pennsylvania, in violation of **18 U.S.C. § 241-Conspiracy Against Rights**.<sup>5</sup>

4. On 18 May 2022, Delaware County (DELCO), Pennsylvania Solicitor **WILLIAM F. MARTIN** reported to the Delaware County Counsel that District Attorney **FREDERICK J. STOLLSTEIMER**, **completed** a criminal investigation,<sup>6</sup> into **2020 U.S. Presidential Election/Pennsylvania Attorney General Election Fraud** fully aware that:

- (a) **FREDERICK J. STOLLSTEIMER** **never** generated an official Report of Investigation (**ROI**) for criminal investigation into 2020 U.S. Presidential Election/ Pennsylvania Attorney General Election Voter Fraud, as claimed in violation of **18 USC § 1001- Statements or Entries Generally**.<sup>7</sup>

- (b) That District Attorney **FREDERICK J. STOLLSTEIMER**, First District Attorney **TANNER W. ROUSE** and Chief Criminal Investigator **JAMES E. NOLAN IV** **did not** secure official investigative statements from **GREGORY STENSTROM** or **LEAH HOOPES** after they disclosed **Outcome-Determinative** Election Fraud.

- (c) That District Attorney **FREDERICK J. STOLLSTEIMER**, First District Attorney **TANNER W. ROUSE** and Chief Criminal Investigator **JAMES E. NOLAN IV** intentionally impaired, obstructed or defeated the lawful **function** of the Office of District Attorney (ODA), in violation of **18 U.S.C § 371- Conspiracy to Defraud the United States**<sup>8</sup>

- (d) That District Attorney **FREDERICK J. STOLLSTEIMER**, and First District Attorney **TANNER W. ROUSE**, and **WILIAM F. MARTIN** **retaliated**<sup>9</sup> against whistleblowers **GREGORY STENSTROM** and **LEAH HOOPES**, by facilitating a civil lawsuit against whistleblowers **GREGORY STENSTROM & LEAH HOOPES (CV-2023-**

<sup>4</sup> Ibid., see footnote (3)

<sup>5</sup> Ibid., see footnote (2)

<sup>6</sup> **DELAWARE COUNTY PA DISTRICT ATTORNEY CLOSES 2020 ELECTION FRAUD CASE**. See, <https://www.delcotimes.com/2022/06/02/district-attorney-closes-case-on-election-fraud-claims/>

<sup>7</sup> **18 U.S. CODE § 1001- STATEMENTS OR ENTRIES GENERALLY**. See, <https://www.law.cornell.edu/uscode/text/18/1001>

<sup>8</sup> **18 U.S.C § 371- CONSPIRACY TO DEFRAUD THE UNITED STATES**. See, <https://www.law.cornell.edu/uscode/text/18/371>

<sup>9</sup> Ibid., see footnote (3)

**006723 Delaware County et al v. Stenstrom et al,**  
<https://cloud.patriot.online/s/w3PrPJr4XJE3fbf>

5. On 18 Nov 2022, Attorney General **MERRICK B. GARLAND** “appointed” Special Counsel **JOHN L. SMITH** to:

“...conduct the ongoing **investigation** into whether any **person** or **entity** violated the law in connection with efforts to **interfere** with the lawful transfer of power following the 2020 presidential election or the certification of the Electoral College vote held on or about January 6, 2021...”<sup>10</sup>

6. On 04 July 2023, **GREGORY STENSTROM** filed a Disclosure of Wrongdoing with **JAMES D. JORDAN** (R-OH-04) Chairman House Judiciary Committee reporting serious Department of Justice (**DOJ**), State of Pennsylvania Attorney General, and Delaware County District Attorney misconduct. See, <https://cloud.patriot.online/s/QLtaJgjEqMQ2bkip>.

7. Serious criminal misconduct has been disclosed involving multiple (**persons**) assigned to the following (**entities**): Department of Justice (**DOJ**), U.S. Attorney Office (**USAO**) Eastern District of Pennsylvania (EDPA), Pennsylvania Office of Attorney General (**OAG**) and Delaware County District Attorney (**DA**). The criminal obstruction timeline & Allegations of Criminal Wrongdoing is provided as Enclosure (1).

8. The whistleblower demands that Pennsylvania Attorney General **MICHELLE A. HENRY** **directly** notify Special Counsel **JOHN L. SMITH**, appointed by U.S. Attorney General **MERRICK B. GARLAND**, of the fact that multiple identified (**persons**) and (**entities**) violated the law, in connection with efforts to **interfere** with the lawful transfer of power **following** the 2020 presidential election.<sup>11</sup>

Respectfully,



<sup>10</sup> ATTORNEY GENERAL **MERRICK B. GARLAND** SPECIAL COUNSEL APPOINTMENT ORDER 5559-2022. “Authority for **JOHN L. SMITH** to conduct ongoing **investigation** into whether **any person or entity** violated the law in connection with efforts to **interfere** with the lawful transfer of power following the 2020 presidential election...”. See, <https://www.justsecurity.org/wp-content/uploads/2022/12/U.S.-Attorney-General-Merrick-B.-Garland-Order-Appointment-of-John-L.-Smith-as-Special-Counsel-November-18-2022.pdf>

<sup>11</sup> Attorney General **MERRICK B. GARLAND** Special Counsel Appointment Order 5559-2022. “Authority for **JOHN L. SMITH** to conduct ongoing **investigation** into whether **any person or entity** violated the law in connection with efforts to **interfere** with the lawful transfer of power following the 2020 presidential election...”. See, <https://www.justsecurity.org/wp-content/uploads/2022/12/U.S.-Attorney-General-Merrick-B.-Garland-Order-Appointment-of-John-L.-Smith-as-Special-Counsel-November-18-2022.pdf>

Copy To:

Special Counsel **Jack L. Smith**  
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950 Pennsylvania Avenue, NW  
Room B-206  
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The Honorable **James D. Jordan**  
U.S. House of Representatives  
2056 Rayburn House Office Building  
Washington, D.C. 20515-3504

The Honorable **Jerrold L. Nadler**  
2132 Rayburn House Office Building  
Washington, DC, 20515

The Honorable **Robert Patrick Casey Jr.**  
393 Russell Senate Office Building  
Washington, DC 20510

Governor **Joshua D. Shapiro**  
Governor's Office  
508 Main Capitol Building  
Harrisburg, PA 17120

U.S. Attorney General **Merrick B. Garland**  
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The Honorable **James R. Comer Jr.**  
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Washington, D.C. 20515-3504

The Honorable **Jamie B. Raskin**  
2242 Rayburn House Office Building  
Washington, DC, 20515-2008

The Honorable **John K. Fetterman**  
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Washington, DC 20510

**Lucas M. Miller** Inspector General  
Office of the State Inspector  
8<sup>th</sup> Floor, Forum Place  
555 Walnut Street  
Harrisburg 17101

# Enclosure 1

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## Department of Justice (DOJ): Subversion of Election-Related Crime Investigation

**TIMELINE OF EVENTS:** Department of Justice (DOJ)/State of Pennsylvania Attorney General organized **subversion** of criminal investigation<sup>1</sup> into Allegations of Voter Fraud during the **2020 U.S. Presidential Election/Pennsylvania Attorney General Election**, reported by **GREGORY STENSTROM** Delaware County, Pennsylvania Poll Watcher to **WILLIAM M. MCSWAIN** U.S. Attorney Eastern District of Pennsylvania (EDPA) on 07 November 2020:

a. In December 2017, **RICHARD C. PILGER**, Chief Election Crimes Branch (**ECB**), Public Integrity Section (**PIN**), Criminal Division (**CRM**), Department of Justice (**DOJ**) updated the 2007 *Federal Prosecution of Election Offenses* (7<sup>th</sup> Edition). The “updated” DOJ manual stated:

“... it is the general **policy** of the Department **not** to conduct overt investigations, including interviews with individual voters, until **after** the outcome of the election allegedly affected by the fraud is **certified**.”<sup>2</sup>

In December 2017, the policy of the U.S. Department of Justice (DOJ) was to **not** conduct criminal investigations until after the “results” of Federal & Non-Federal elections were officially certified.

b. On 05 February 2020, the 77<sup>th</sup>/85<sup>th</sup> Attorney General (AG) **WILLIAM P. BARR** released his (1<sup>st</sup>) **Unserialized**, AG Memorandum: *Additional Requirements for the Opening of Certain Sensitive Investigations* **DIRECTING**:

“...**No** investigation may be **opened** or **initiated** by the Department or any of its law enforcement agencies ... The requirements set forth in this memorandum **shall** remain in effect through the 2020 elections **until** withdrawn or amended by further order of the Attorney General...”<sup>3</sup>

c. On 15 May 2020, AG **BARR** released his (2<sup>nd</sup>) **Unserialized** AG Memorandum: *Election Year Sensitivities* **DIRECTING**:

“... I am issuing this memorandum to remind you of the Department’s existing policies with respect to political activities... If you face an issue, or the appearance of an issue, regarding the timing of statements, **investigative steps**, charges, or other actions near the time of a primary or general election, contact the **Public Integrity Section** (**PIN**) of the Criminal Division (**CRM**) for **further** guidance”<sup>4</sup>

<sup>1</sup> 18 U.S.C. § 1505- OBSTRUCTION OF PROCEEDINGS BEFORE DEPARTMENTS, AGENCIES, AND COMMITTEES. See, <https://www.law.cornell.edu/uscode/text/18/1505>

<sup>2</sup> **FEDERAL PROSECUTION OF ELECTION OFFENSES 8<sup>th</sup> EDITION**, Dec 2017, Richard C. Pilger, Chief DOJ Election Crimes Branch (ECB), pg. 9. See, <https://www.justice.gov/criminal/file/1029066/dl>

<sup>3</sup> **ATTORNEY GENERAL WILLIAM P. BARR MEMORANDUM 1<sup>ST</sup> (Unserialized): ADDITIONAL REQUIREMENTS FOR THE OPENING OF CERTAIN SENSITIVE INVESTIGATIONS**, 02 February 2020. See, <https://www.congress.gov/116/meeting/house/110836/documents/HHRG-116-JU00-20200624-SD009-U19.pdf>

<sup>4</sup> **ATTORNEY GENERAL WILLIAM P. BARR MEMORANDUM 2<sup>ND</sup> (Unserialized): ELECTION YEAR SENSITIVITIES**, 15 May 2020. See, <https://s3.documentcloud.org/documents/7221422/Barr-memo-Election-Year-Sensitivities.pdf>



Department of Justice (DOJ): Subversion of Election-Related Crime Investigation

- d. On 04 July 2020, AG **BARR** appointed his personal Chief of Staff (CoS) **BRIAN C. RABBITT** as the “Acting” Assistant Attorney General Criminal Division (CRM) supervising the **Public Integrity Section (PIN)** & **Election Crimes Branch (ECB)**, see Enclosure (1)
- e. On 11 July 2020, AG **BARR** appointed **RICHARD P. DONOGHUE**, former U.S. Attorney for the Eastern District of New York (EDNY), as the Principal Associate Deputy Attorney General (PADAG) for Deputy Attorney General **JEFFREY A. ROSEN**, see Enclosure (1)
- f. On 03 November 2020, citizens of the state of Pennsylvania cast their votes in the **2020 U.S. Presidential Election/Pennsylvania Attorney General Election**
- g. On 07 November 2020, **GREGORY STENSTROM** delivered an affidavit concerning Allegations of Election Fraud, to U.S. Attorney **WILLIAM M. MCSWAIN**, discovered while serving as a registered poll watcher in Delaware County (DELCO), Pennsylvania during the **2020 U.S. Presidential Election/Pennsylvania Attorney General Election**,<sup>5</sup> see Enclosure (2)
- h. On 09 November 2020, AG **BARR** released (3<sup>rd</sup>) **Unserialized**, AG Memorandum: *Post-Voting Election Irregularity Inquiries*; **DIRECTING**:
- “I **authorize** you to **pursue** substantial allegations of voting and vote tabulation irregularities **prior** to the **certification** of elections in your jurisdictions in certain cases... if there are clear and apparently **credible** allegations of irregularities that, if true, could potentially impact the outcome of a federal election in an **individual** state...”<sup>6</sup>
- i. On 17 November 2020, Pennsylvania Attorney General **JOSHUA D. SHAPIRO** directed his Criminal Investigations Division (CID), to subject **GREGORY STENSTROM** & Other Unnamed Individuals (OUI) to **retaliatory**<sup>7</sup> criminal investigative action, designed to intimidate witnesses to **2020 U.S. Presidential Election/Pennsylvania Attorney General (AG) Election Voter Fraud** occurring within Delaware County (DELCO), Pennsylvania, see Enclosure (3, 4, 5, 6)

<sup>5</sup> **GREGORY STENSTROM AFFIDAVIT OF VOTER FRAUD DELIVERED TO U.S. ATTORNEY WILLIAM M. MCSWAIN**. 07 November 2020. See, <https://cloud.patriot.online/s/wZrExy7K5eprA2>

<sup>6</sup> **ATTORNEY GENERAL WILLIAM P. BARR MEMORANDUM 3<sup>RD</sup> (Unserialized): POST-VOTING ELECTION IRREGULARITY INQUIRIES**, 09 November 2020. See, <https://s3.documentcloud.org/documents/20403380/barrelectionmemo110920.pdf>

<sup>7</sup> **RETALIATION FOR PROPERLY REPORTING ELECTION FRAUD**. The Supreme Court has defined **retaliation** as an **intentional act** in response to a **protected action**. Jackson v. Birmingham Bd. of Educ., 544 U.S. 167, 173-74 (2005). Citing Jackson, the court in Gutierrez underscored the intentional nature of a retaliation complaint: “*Retaliation is, by definition, an intentional act. It is a form of “discrimination” because the complainant is being subjected to differential treatment.*” Gutierrez, 2005 WL 2346956, at \*5. The complained of matter need not be a complaint; it can be **any lawful conduct** that an individual engages in connected with a protected right. “The very concept of retaliation is that the **retaliating party** takes action against the **party retaliated against** after, and because of, some **action** of the latter.” Fed. Mar. Bd. v. Isbrandtsen Co., 356 U.S. 481, 514 (1958). It carries with it the notion of “**getting even.**” See, <https://www.justice.gov/crt/fcs/T6Manual8>

## Department of Justice (DOJ): Subversion of Election-Related Crime Investigation

j. On 24 November 2020, **THOMAS F. WOLF** Pennsylvania Governor sent a “Certification of Ascertainment of Presidential Electors” to **DAVID S. FERRIERO** National Archivist with the slate of electors supporting President-elect Biden and Vice President-elect Harris<sup>8</sup>

k. On 23 December 2020, the following senior leadership changes occurred within the Department of Justice (DOJ), see Enclosure (1):

- (1) **WILLIAM P. BARR** Attorney General (AG) resigned<sup>9</sup>
- (2) **JEFFREY A. ROSEN** Deputy Attorney General (DAG) assumed duty as the “Acting” Attorney General
- (3) **RICHARD P. DONOGHUE** Principal Associate Deputy Attorney General (PADAG), to **JEFFREY A. ROSEN**, assumed duties as the “Acting” Deputy Attorney General (DAG)

l. On 22 January 2021, **WILLIAM M. MCSWAIN** U.S. Attorney Eastern District of Pennsylvania (EDPA) **resigned** his position as part of the **DONALD J. TRUMP/JOSEPH R. BIDEN** administrative transition:

- (1) **JENNIFER A. WILLIAMS** First Assistant U.S. Attorney to **WILLIAM M. MCSWAIN** became “Acting” U.S. Attorney EDPA, see Enclosure (2)

m. On 21 April 2022, President **JOSEPH R. BIDEN** nominated **JACQUELINE C. ROMERO** former Assistant U.S. Attorney (AUSA) Criminal Division (CRM) under **WILLIAM M. MCSWAIN** to become the new U.S. Attorney for the Eastern District of Pennsylvania (EDPA), see Enclosure (2)

n. On 18 May 2022, the Delaware County (DELCO), Pennsylvania Solicitor **WILLIAM F. MARTIN** reported to the Delaware County Counsel that District Attorney **FREDERICK J. STOLLSTEIMER**, **completed** a criminal investigation, into **2020 U.S. Presidential Election/Pennsylvania Attorney General Election Fraud** fully aware that.<sup>10</sup>

- (1) **FREDERICK J. STOLLSTEIMER** **never** generated an official Report of Investigation (ROI) for criminal investigation into 2020 U.S. Presidential Election/ Pennsylvania Attorney General Election Voter Fraud, as claimed below in violation of **18 USC § 1001-Statements or Entries Generally**<sup>11</sup>

“Investigations with investigators with over 75 years of law enforcement experience here in Delaware County conducted **interviews** with individuals with

<sup>8</sup> COMMONWEALTH OF PENNSYLVANIA CERTIFICATE OF ASCERTAINMENT OF PRESIDENTIAL ELECTORS. 24 November 2020. See, <https://www.archives.gov/files/electoral-college/2020/ascertainment-pennsylvania.pdf>

<sup>9</sup> U.S. ATTORNEY GENERAL WILLIAM P. BARR RESIGNATION LETTER, 23 December 2020. See, <https://int.nyt.com/data/documenttools/attorney-general-william-barr-resignation-letter/b82836cf0fe20bf8/full.pdf>

<sup>10</sup> DELAWARE COUNTY PA DISTRICT ATTORNEY CLOSES 2020 ELECTION FRAUD CASE. See, <https://www.delcotimes.com/2022/06/02/district-attorney-closes-case-on-election-fraud-claims/>

<sup>11</sup> 18 U.S. CODE § 1001- STATEMENTS OR ENTRIES GENERALLY. See, <https://www.law.cornell.edu/uscode/text/18/1001>



## Department of Justice (DOJ): Subversion of Election-Related Crime Investigation

actual **knowledge** of the events depicted in the videos.... They (Investigators) have concluded that there is no **evidence** to substantiate those claims.”<sup>12</sup>

The official claim by **FREDERICK J. STOLLSTEIMER** was made knowing that his Chief Criminal Investigator **JAMES E. NOLAN IV** “*with over 75 years of law enforcement experience here in Delaware County*” **did not** secure official investigative statements from **GREGORY STENSTROM** or **LEAH HOOPES** after disclosing allegations of voter fraud, see Enclosure (7)

- (2) That District Attorney **FREDERICK J. STOLLSTEIMER**, First District Attorney **TANNER W. ROUSE** and Chief Criminal Investigator **JAMES E. NOLAN IV** intentionally impaired, obstructed or defeated the lawful **function** of the Office of District Attorney (ODA), in violation of 18 U.S.C § 371- Conspiracy to Defraud the United States<sup>13</sup>

- (3) That District Attorney **FREDERICK J. STOLLSTEIMER** and First District Attorney **TANNER W. ROUSE** **conspired** with Pennsylvania Attorney General **JOSHUA D. SHAPIRO** to **withhold** access to governmental records related to **investigation** of 2020 U.S. Presidential Election/Pennsylvania Attorney General Election Voter Fraud, **reported** by whistleblowers **GREGORY STENSTROM** & **LEAH HOOPES** to District Attorney **FREDERICK J. STOLLSTEIMER** & First District Attorney **TANNER W. ROUSE**, in violation of 18 U.S.C. 1512(c)(2)- Tampering with a Witness<sup>14</sup> and 18 U.S. Code § 2071- Concealment, Removal, or Mutilation Generally<sup>15</sup>

- (4) That District Attorney **FREDERICK J. STOLLSTEIMER** and First District Attorney **TANNER W. ROUSE** impaired, obstructed or defeated the lawful **function** of the Pennsylvania Right to Know Law (RTKL)<sup>16</sup> [65 P.S. 67.101 *et seq.*] by intentionally **withholding** access to governmental records that could **expose** the fact that legitimate 2020 U.S. Presidential Election/Pennsylvania Attorney General Election Fraud investigation **did not** occur. Organized subversion of the Pennsylvania Right to Know Law (RTKL) violates 18 U.S. Code § 2071- Concealment, Removal, or Mutilation Generally, including:

- (A) Exploitation of the RTKL’s **Criminal Investigative Exemption** [65 P.S. 67.708(b)(16)(i)]<sup>17</sup> to **exempt** production of investigative Report of Investigation (ROI), sought

<sup>12</sup> DELAWARE COUNTY PA DISTRICT ATTORNEY CLOSES 2020 ELECTION FRAUD CASE. See, <https://www.delcotimes.com/2022/06/02/district-attorney-closes-case-on-election-fraud-claims/>

<sup>13</sup> 18 U.S.C § 371- CONSPIRACY TO DEFAUD THE UNITED STATES. See, <https://www.law.cornell.edu/uscode/text/18/371>

<sup>14</sup> 18 U.S.C § 1512(c)(2)- TAMPERING WITH A WITNESS, VICTIM, OR AN INFORMANT. See, <https://www.law.cornell.edu/uscode/text/18/1512>

<sup>15</sup> 18 U.S.C § 2071- CONCEALMENT, REMOVAL, OR MUTILATION GENERALLY. See, <https://www.law.cornell.edu/uscode/text/18/2071#:~:text=18%20U.S.%20Code%20%25%202071,Law%20%7C%20LII%20%2F%20Legal%20Information%20Institute>

<sup>16</sup> PENNSYLVANIA RIGHT TO KNOW LAW (RTKL), Act of Feb. 14 288, P.L. 6, No.3. See, [https://www.openrecords.pa.gov/Documents/RTKL/PA\\_Right-To-Know\\_Law.pdf?pdf=20220418](https://www.openrecords.pa.gov/Documents/RTKL/PA_Right-To-Know_Law.pdf?pdf=20220418)

<sup>17</sup> PENNSYLVANIA STATUTES TITLE 65 P.S. PUBLIC OFFICERS § 67.708. EXCEPTIONS FOR PUBLIC RECORDS. Exception [65 P.S. 67.708(b)(16)(i)] specifically states: “A **record** of an agency relating to or resulting in a **criminal investigation**, including: (i) Complaints of potential criminal conduct **other** than a private criminal complaint.” See, <https://codes.findlaw.com/pa/title-65-ps-public-officers/pa-st-sect-65-67-708/>

## Department of Justice (DOJ): Subversion of Election-Related Crime Investigation

by U.S. citizens, concerning “alleged” criminal **investigation** into **2020 U.S. Presidential Election/Pennsylvania Attorney General Election Fraud**

o (B) Exploitation of the Pennsylvania Criminal History Record Information Act (CHRIA) [18 PaC.S.A. 9106(c)(4)]<sup>18</sup> to enable **exemption** of criminal investigative records created as **retaliation** against whistleblowers disclosing election misconduct during the **2020 U.S. Presidential Election/Pennsylvania Attorney General Election**

o. On 13 June 2022, the Senate unanimously confirmed **JACQUELINE C. ROMERO** as the U.S. Attorney Eastern District of Pennsylvania (EDPA), replacing the former U.S. Attorney **WILLIAM M. MCSWAIN**, see Enclosure (2)

p. On 08 November 2022, citizens of the state of Pennsylvania cast their votes in the **2022 Pennsylvania Gubernatorial Election** won by **JOSHUA D. SHAPIRO** Pennsylvania Attorney General, see Enclosure (4)

q. On 18 Nov 2022, Attorney General **MERRICK B. GARLAND** “appointed” Special Counsel **JOHN L. SMITH** to:

“...conduct the ongoing **investigation** into whether any **person** or **entity** violated the law in connection with efforts to **interfere** with the lawful transfer of power following the 2020 presidential election or the certification of the Electoral College vote held on or about January 6, 2021...”<sup>19</sup>

r. On 04 July 2023, **GREGORY STENSTROM** filed a Disclosure of Wrongdoing with **JAMES D. JORDAN** (R-OH-04) Chairman House Judiciary Committee reporting serious Department of Justice (**DOJ**) misconduct:

“Collaborative intra-agency federal effort by U.S. Attorney General **WILLIAM P. BARR** designed to obstruct the **federal investigative process** into Department of Justice (**DOJ**) criminal wrongdoing designed to degrade evidentiary base (witness statements & documentation) necessary to substantiate and/or non-substantiate allegations of criminal wrongdoing involving **U.S. Attorneys** assigned to the Department of Justice (DOJ).”<sup>20</sup>

<sup>18</sup> **PENNSYLVANIA CRIMINAL HISTORY RECORD INFORMATION ACT (CHRIA)**. 9106(c)(4): “Investigative and treatment information shall not be disseminated to any department, agency or individual unless the department, agency or individual requesting the information is a criminal justice agency which requests the information in connection with its duties, and the request is based upon a name, fingerprints, modus operandi, genetic typing, voice print or other identifying characteristic.” See, <https://www.legis.state.pa.us/WU01/LI/LI/CT/HTM/18/00.091.006.000..HTM>

<sup>19</sup> **ATTORNEY GENERAL MERRICK B. GARLAND SPECIAL COUNSEL APPOINTMENT ORDER 5559-2022**. “Authority for **JOHN L. SMITH** to conduct ongoing **investigation** into whether **any person or entity** violated the law in connection with efforts to **interfere** with the lawful transfer of power following the 2020 presidential election...”. See, <https://www.justsecurity.org/wp-content/uploads/2022/12/U.S.-Attorney-General-Merrick-B.-Garland-Order-Appointment-of-John-L.-Smith-as-Special-Counsel-November-18-2022.pdf>

<sup>20</sup> Disclosure of Wrongdoing Delivered to **JAMES D. JORDAN** (R-OH-04) Chairman House Judiciary Committee. 04 July 2023. See, <https://cloud.patriot.online/s/QLtaJgEqMQ2bkbp>

## Department of Justice (DOJ): Subversion of Election-Related Crime Investigation

s. On 22 December 2023, **LEAH HOOPES** submitted **Right-to-Know 2023-299** to Pennsylvania Attorney General **MICHELLE A. HENRY** requesting any information pertaining to any **records** generated or **held** by the Office of Attorney General (OAG) **involving** either **LEAH HOOPES** or **GREGORY STENSTROM**.

t. On 01 February 2024, Pennsylvania Attorney General **MICHELLE A. HENRY** responded to **LEAH HOOPES'** Right-to-Know: **2023-299** attesting:

“Your response appears to be seeking records related to an Office of Attorney General (OAG) **investigation** against you (Leah Hoopes) and/or Gregory Stenstrom. Please note, there is **no investigation** against Leah Hoopes or Gregory Stenstrom. As a result, many of the records you are seeking **do not exist**...”<sup>21, 22</sup>

1. Attorney General **MICHELLE A. HENRY'S** response to **Right-to-Know 2023-299** clearly states **no investigation** was conducted by the Office of Attorney General (OAG) which stands in direct **conflict** with existing documentation, in fact:

○ A. Attorney General **MICHELLE A. HENRY'S** official statement was intended to **conceal** documents evidencing the fact that Attorney General **JOSHUA D. SHAPIRO** violated the **civil rights** of whistleblowers engaged in **Federally Protected Activity**, in violation of **18 USC § 245- Federally Protected Activity**<sup>23</sup>

○ B. Attorney General **MICHELLE A. HENRY'S** official statement was intended to **conceal** the fact that Attorney General **JOSHUA D. SHAPIRO** **retaliated**<sup>24</sup> against whistleblowers **LEAH HOOPES & GREGORY** as **punishment** for disclosing allegations of voter fraud, in violation of **18 USC § 241- Conspiracy Against Rights**<sup>25</sup>

○ C. Attorney General **MICHELLE A. HENRY'S** official statement was made with full **appreciation** of the fact that her direct superior Governor **JOSHUA D. SHAPIRO**, was the 2020 Democratic candidate for Pennsylvania Attorney General, directly influencing the organizational desire to **subvert** governmental process, **suppress** criminal investigation, and hide election fraud, in violation of **18 USC § 1346- Scheme or Artifice to Defraud**<sup>26</sup>

<sup>21</sup> PENNSYLVANIA ATTORNEY GENERAL MICHELLE A. HENRY RIGHT-TO-KNOW: 2023-299 RESPONSE, 01 February 2024

<sup>22</sup> 18 U.S.C § 2071- CONCEALMENT, REMOVAL, OR MUTILATION GENERALLY. See, <https://www.law.cornell.edu/uscode/text/18/2071#:~:text=18%20U.S.%20Code%20%202071,law%20%7C%20LII%20%2F%20Legal%20Information%20Institute>

<sup>23</sup> 18 USC § 245- FEDERALLY PROTECTED ACTIVITY. See, <https://www.law.cornell.edu/uscode/text/18/245>

<sup>24</sup> Ibid., See Footnote #6

<sup>25</sup> 18 USC § 241- CONSPIRACY AGAINST RIGHTS. See, <https://www.law.cornell.edu/uscode/text/18/241>

<sup>26</sup> 18 USC § 1346- SCHEME OR ARTIFICE TO DEFRAUD. See, [https://www.law.cornell.edu/uscode/text/18/1346#:~:text=Go!-,18%20U.S.%20Code%20%201346%20%2D%20Definition%20of,scheme%20or%20artifice%20to%20defraud"&text=For%20the%20purposes%20of%20this,intangible%20right%20of%20honest%20services.](https://www.law.cornell.edu/uscode/text/18/1346#:~:text=Go!-,18%20U.S.%20Code%20%201346%20%2D%20Definition%20of,scheme%20or%20artifice%20to%20defraud)

## Department of Justice (DOJ): Subversion of Election-Related Crime Investigation

u. This disclosure from **GREGORY STENSTROM** serves as notice to **MICHELLE A. HENRY** Pennsylvania Attorney General of the legal imperative to directly notify Special Counsel **JOHN L. “JACK” SMITH**<sup>27</sup> of the fact:

- (1) Attorney General **WILLIAM P. BARR** (a person) & senior leaders of the Department of Justice (DOJ) (an entity) violated the law in connection with efforts to interfere with the lawful transfer of power following the 2020 presidential election, accomplished while actively obstructing the federal investigate process, which demands full and thorough investigation, as directed by U.S. Attorney General **MERRICK B. GARLAND**, in his appointment letter (5559-2022) to **JOHN L. “JACK” SMITH**, see allegations of wrongdoing Enclosure (8-13)

- (2) U.S. Attorney **WILLIAM M. MCSWAIN** (a person) & senior leaders of his U.S. Attorney Office (USAO) (an entity) violated the law in connection with efforts to interfere with the lawful transfer of power following the 2020 presidential election, accomplished while actively obstructing the federal investigate process, demanding full and thorough investigation, as directed by U.S. Attorney General **MERRICK B. GARLAND**, in his appointment letter (5559-2022) to **JOHN L. SMITH**, see allegations of wrongdoing Enclosure (14)

- (3) Pennsylvania Attorney General **JOSHUA D. SHAPIRO** (a person) & senior leaders of Governor **THOMAS W. WOLF**'S administration (an entity) violated the law in connection with efforts to interfere with the lawful transfer of power following the 2020 presidential election, accomplished while actively obstructing the investigate process & retaliating<sup>28</sup> against witnesses **GREGORY STENSTROM** & Other Unnamed Individuals (OUI) properly reporting allegations of 2020 U.S. Presidential Election/Pennsylvania Attorney General Election voter fraud. see allegations of wrongdoing Enclosure (15)

- (4) Delaware County District Attorney (DA) **FREDERICK J. STOLLSTEIMER** (a person) & senior leaders of the Delaware County District Attorney (DA) Office (an entity) violated the law in connection with efforts to interfere with the lawful transfer of power following the 2020 presidential election, accomplished while actively obstructing the investigate process & retaliating<sup>29</sup> against witnesses **GREGORY STENSTROM** & Other Unnamed Individuals (OUI)

<sup>27</sup> ATTORNEY GENERAL **MERRICK B. GARLAND** SPECIAL COUNSEL APPOINTMENT ORDER 5559-2022. “Authority for **JOHN L. SMITH** to conduct ongoing investigation into whether any person or entity violated the law in connection with efforts to interfere with the lawful transfer of power following the 2020 presidential election...”. See, <https://www.justsecurity.org/wp-content/uploads/2022/12/U.S.-Attorney-General-Merrick-B.-Garland-Order-Appointment-of-John-L.-Smith-as-Special-Counsel-November-18-2022.pdf>

<sup>28</sup> RETALIATION FOR PROPERLY REPORTING ELECTION FRAUD. The Supreme Court has defined retaliation as an intentional act in response to a protected action. Jackson v. Birmingham Bd. of Educ., 544 U.S. 167, 173-74 (2005). Citing Jackson, the court in Gutierrez underscored the intentional nature of a retaliation complaint: “Retaliation is, by definition, an intentional act. It is a form of “discrimination” because the complainant is being subjected to differential treatment.” Gutierrez, 2005 WL 2346956, at \*5. The complained of matter need not be a complaint; it can be any lawful conduct that an individual engages in connected with a protected right. “The very concept of retaliation is that the retaliating party takes action against the party retaliated against after, and because of, some action of the latter.” Fed. Mar. Bd. v. Isbrandtsen Co., 356 U.S. 481, 514 (1958). It carries with it the notion of “getting even.” See, <https://www.justice.gov/crt/fcs/T6Manual8>

<sup>29</sup> RETALIATION FOR PROPERLY REPORTING ELECTION FRAUD. The Supreme Court has defined retaliation as an intentional act in response to a protected action. Jackson v. Birmingham Bd. of Educ., 544 U.S.



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properly reporting allegations of **2020 U.S. Presidential Election/Pennsylvania Attorney General Election** voter fraud. see allegations of wrongdoing Enclosure (15)

**TAKEAWAY:** An uninvestigated collaborative inter-agency conspiracy, exists between the Department of Justice (DOJ) and the Pennsylvania Attorney General, designed to obstruct Federal Investigative proceedings & retaliate<sup>30</sup> against witnesses properly reporting allegations of voter fraud to governmental authority in violation of 18 U.S.C. § 1505<sup>31</sup> & 18 U.S.C. § 242.<sup>32</sup>

1. On 09 November 2020, despite AG **BARR** authorizing his (93) U.S. Attorneys to pursue substantial allegations of voting irregularities prior to each state's Certification of Elections,<sup>33</sup> **WILLIAM M. MCSWAIN** U.S. Attorney EDPA colluded with senior Department of Justice (DOJ) officials & the Pennsylvania Attorney General to ensure no criminal investigations into voter fraud occurred prior to/or after completion of the Pennsylvania Certification of Elections<sup>34</sup> on 24 November 2020.

2. On 17 November 2020, **JOSHUA D. SHAPIRO** violated the civil rights of **GREGORY STENSTROM & Other Unnamed Individuals (OUI)** while ordering his Criminal Investigations Division (CID) to engage in witness intimidation as retaliation<sup>35</sup> for properly disclosing Allegations of Election Fraud occurring during the **2020 U.S. Presidential Election/Pennsylvania Attorney General Election** in violation of 18 U.S.C. § 1505, 18 U.S.C. § 242 and 42 U.S.C. 1983<sup>36</sup>

3. Department of Justice (DOJ): There is clear and convincing reason to believe that the following senior personnel interfered with the lawful transfer of power following the 2020 Presidential Election by actively subverting federal criminal investigation into allegations of criminal wrongdoing: **WILLIAM P. BARR, JEFFREY A. ROSEN, RICHARD P.**

167, 173-74 (2005). Citing Jackson, the court in Gutierrez underscored the intentional nature of a retaliation complaint: "*Retaliation is, by definition, an intentional act. It is a form of "discrimination" because the complainant is being subjected to differential treatment.*" Gutierrez, 2005 WL 2346956, at \*5. The complained of matter need not be a complaint; it can be any lawful conduct that an individual engages in connected with a protected right. "The very concept of retaliation is that the retaliating party takes action against the party retaliated against after, and because of, some action of the latter." Fed. Mar. Bd. v. Isbrandtsen Co., 356 U.S. 481, 514 (1958). It carries with it the notion of "getting even." See, <https://www.justice.gov/crt/fcs/T6Manual8>

<sup>30</sup> Ibid., See Footnote #12

<sup>31</sup> 18 U.S.C. § 1505- OBSTRUCTION OF PROCEEDINGS BEFORE DEPARTMENTS, AGENCIES, AND COMMITTEES. See, <https://www.law.cornell.edu/uscode/text/18/1505>

<sup>32</sup> 18 U.S.C. § 242- DEPRIVATION OF RIGHTS UNDER COLOR OF LAW. See, <https://www.law.cornell.edu/uscode/text/18/242>

<sup>33</sup> ATTORNEY GENERAL **WILLIAM P. BARR** MEMORANDUM 3<sup>RD</sup> (Unserialized): POST-VOTING ELECTION IRREGULARITY INQUIRIES, 09 November 2020. See, <https://s3.documentcloud.org/documents/20403380/barrelectionmemo110920.pdf>

<sup>34</sup> COMMONWEALTH OF PENNSYLVANIA CERTIFICATE OF ASCERTAINMENT OF PRESIDENTIAL ELECTORS, 24 November 2020. See, <https://www.archives.gov/files/electoral-college/2020/ascertainment-pennsylvania.pdf>

<sup>35</sup> Ibid., see Footnote #5

<sup>36</sup> 42 U.S.C. § 1983- Civil Action for Deprivation of Rights. See, <https://www.law.cornell.edu/uscode/text/42/1983>

## Department of Justice (DOJ): Subversion of Election-Related Crime Investigation

**DONOGHUE, CHRISTOPHER A. WRAY, BRIAN C. RABITT, WILLIAM R. LEVI, JOHN S. MORAN, COREY R. AMUNDSON, ROBERT J. HEBERLE, JOHN S. MORAN, RICHARD C. PILGER, JEFFREY R. RAGSDALE and MICHAEL E. HOROWITZ,** Allegations of wrongdoing found at Enclosure (6-11)

4. **U.S. Attorney Office (USAO) Eastern District of Pennsylvania (EDPA)**: There is clear and convincing reason to believe that the following senior personnel interfered with the lawful transfer of power following the 2020 Presidential Election by actively subverting federal criminal investigation into allegations of criminal wrongdoing: **WILLIAM M. MCSWAIN, JACQUELINE C. ROMERO, JENNIFER A. WILLIAMS, ERIC L. GIBSON, and RICHARD P. BARRETT.** Allegations of wrongdoing found at Enclosure (12)

5. **Commonwealth of Pennsylvania**: There is clear and convincing reason to believe that senior officials interfered with the lawful transfer of power following the **2020 U.S. Presidential Election/Pennsylvania Attorney General Election** in violation of 18 U.S.C. § 1505 & 18 U.S.C. § 242: **THOMAS W. WOLF, JOHN K. FETTERMAN, JOSHUA D. SHAPIRO, VERONICA WILLIAMS DEGRAFFENREID, KATHRYN BOOCKVAR, LUCAS M. MILLER, TIMOTHY E. GATES, SARI J. STEVENS, JONATHAN M. MARKS, MIKE MOSER, JOHN F. KITZINGER, AIDA I. MARCEL, BENJAMIN WALTON, JESSICA M. MATHIS, and JESSICA MYERS,** Allegations of wrongdoing found at Enclosure (13)

6. The whistleblower has disclosed to the Pennsylvania Attorney General serious criminal misconduct involving **(persons)** assigned to the following **(entities)**: Department of Justice (**DOJ**), U.S. Attorney Office (**USAO**) Eastern District of Pennsylvania (**EDPA**), Delaware County District Attorney (**DA**) and the Pennsylvania Office of Attorney General (**OAG**).

The whistleblower reminds Attorney General **MICHELLE A. HENRY** of the fact that Attorney General **MERRICK B. GARLAND** appointed Special Counsel **JOHN L. SMITH** to criminally investigate **(persons)** and **(entities)** that violated the law in connection with **efforts** to **interfere** (witness intimidation/criminal investigative misconduct) with the **lawful** transfer of power following the 2020 presidential election.<sup>37</sup>

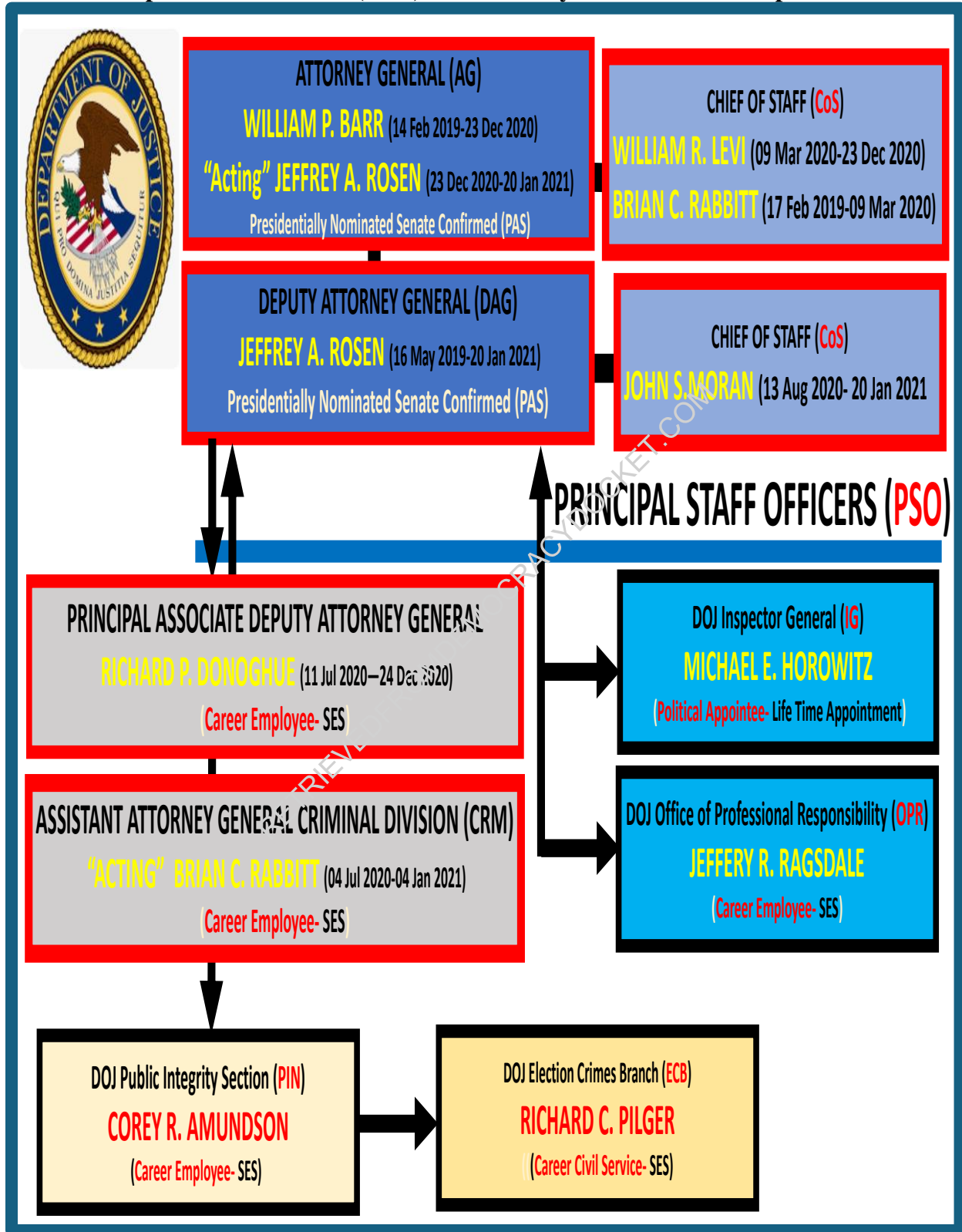
The criminal effort of the aforementioned **(persons)** & **(entities)** directly violated the law [interfering with criminal investigation- a governmental process] & organizing **effort** to **interfere** with the **lawful** transfer of power following the November 03, 2020, Presidential Election.

<sup>37</sup> Attorney General **MERRICK B. GARLAND** Special Counsel Appointment Order 5559-2022. “Authority for **JOHN L. SMITH** to conduct ongoing **investigation** into whether **any person or entity** violated the law in connection with efforts to **interfere** with the lawful transfer of power following the 2020 presidential election...”. See, <https://www.justsecurity.org/wp-content/uploads/2022/12/U.S.-Attorney-General-Merrick-B.-Garland-Order-Appointment-of-John-L.-Smith-as-Special-Counsel-November-18-2022.pdf>

## Department of Justice (DOJ): Subversion of Election-Related Crime Investigation

## Enclosure (1)

## Department of Justice (DOJ) U.S. Attorney General Leadership Team



## Department of Justice (DOJ): Subversion of Election-Related Crime Investigation

Enclosure (2)

U.S. Attorney Office (USAO) Eastern District of Pennsylvania (EDPA)



United States  
Attorney's Office  
Eastern District of Pennsylvania

# U.S. ATTORNEY OFFICE (USAO)

## U.S. ATTORNEY (USA)

JACQUELINE C. ROMERO (D) (23 June 2021-Present)

"Acting" JENNIFER A. WILLIAMS (D) (22 January 2021-23 June 2021)

WILLIAM M. McSWAIN. (R) (06 April 2018-22 January 2021)

## FIRST ATTORNEY

JENNIFER A. WILLIAMS (D) (12 April 2018-22 January 2021)

## ASSISTANT U.S. ATTORNEY (AUSA)

### CORRUPTION & CIVIL RIGHTS INVESTIGATIONS

JACQUELINE C. ROMERO (12 April 2006-23 June 2021)

ERIC L. GIBSON (13 December 2016-05 January 2023)

## CHIEF

CORRUPTION, CIVIL RIGHTS, AND LABOR RACKETEERING BRANCH

RICHARD P. BARRETT (14 March 1990-Present)

After receiving **GREGORY STENSTROM'S** Delaware County Pennsylvania Pole Watcher whistleblower disclosure on Delaware County Vote Counting Center Federal Election Fraud [52 USC § 20511] verbal disclosure (07 Nov 2020)/written affidavit (09 Nov 2020) U.S. Attorney (USA) **WILLIAM M. McSWAIN** immediately notified:

- Deputy Attorney General (DAG) **JEFFREY A. ROSEN'S** Principal Associate Deputy Attorney General (PADAG) **RICHARD P. DONOGHUE** for command instructions from Attorney General (AG) **WILLIAM P. BARR**/Deputy Attorney General (DAG) **JEFFREY A. ROSEN**

U.S. Attorney General (AG) **WILLIAM P. BARR'S** USA **WILLIAM M. McSWAIN** also notified his leadership team: First U.S. Attorney (FAUSA) **JENNIFER A. WILLIAMS**; Assistant U.S. Attorney (AUSA) **JACQUELINE C. ROMERO**, AUSA **ERIC L. GIBSON**, and Chief Corruption, Civil Rights, and Labor Racketeering Branch **RICHARD P. BARRETT**

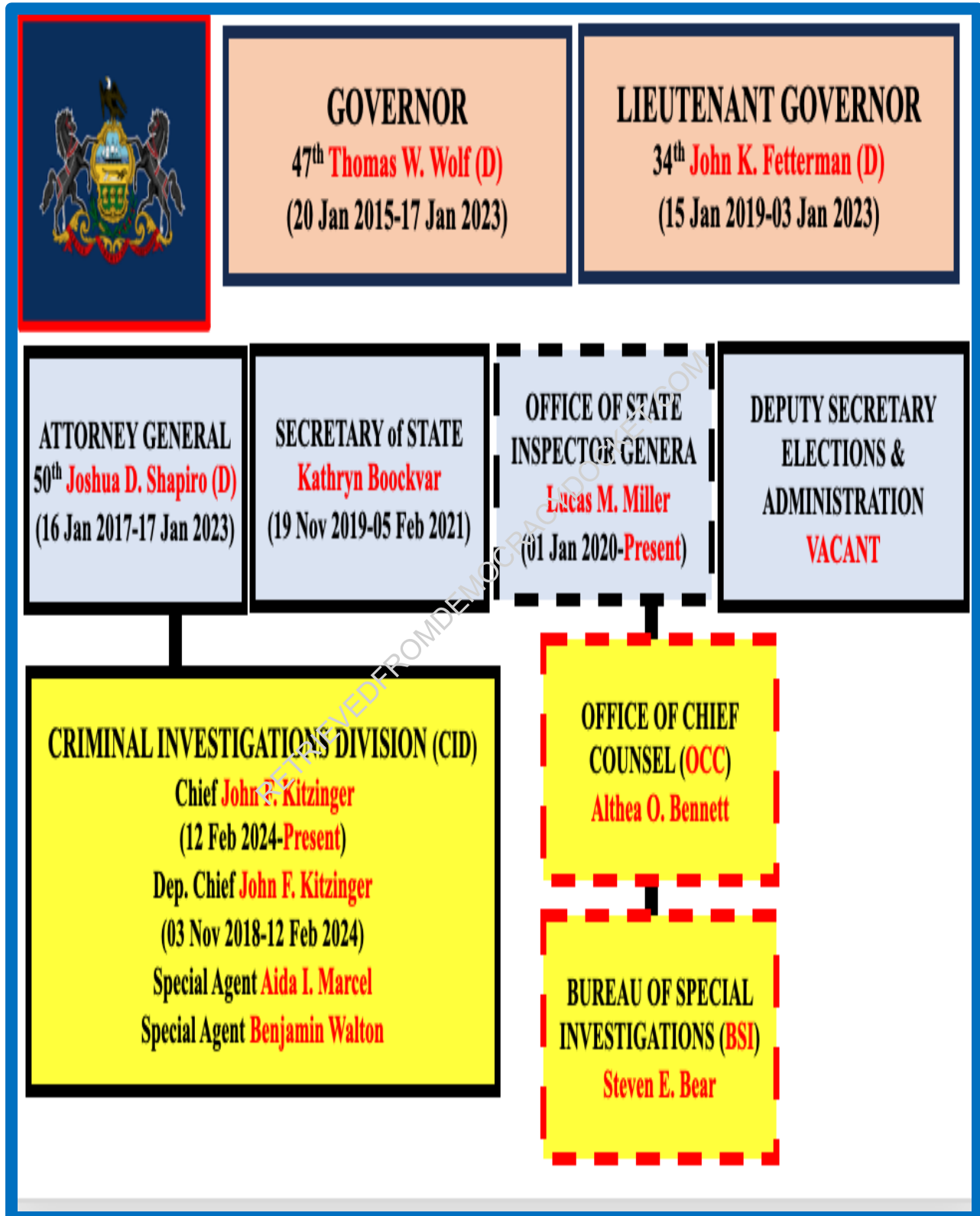
The U.S. Attorney is the chief federal law enforcement officer responsible for both federal criminal prosecutions and civil litigation involving the U.S. Government (USG) in the Eastern District of the State of Pennsylvania



Department of Justice (DOJ): Subversion of Election-Related Crime Investigation

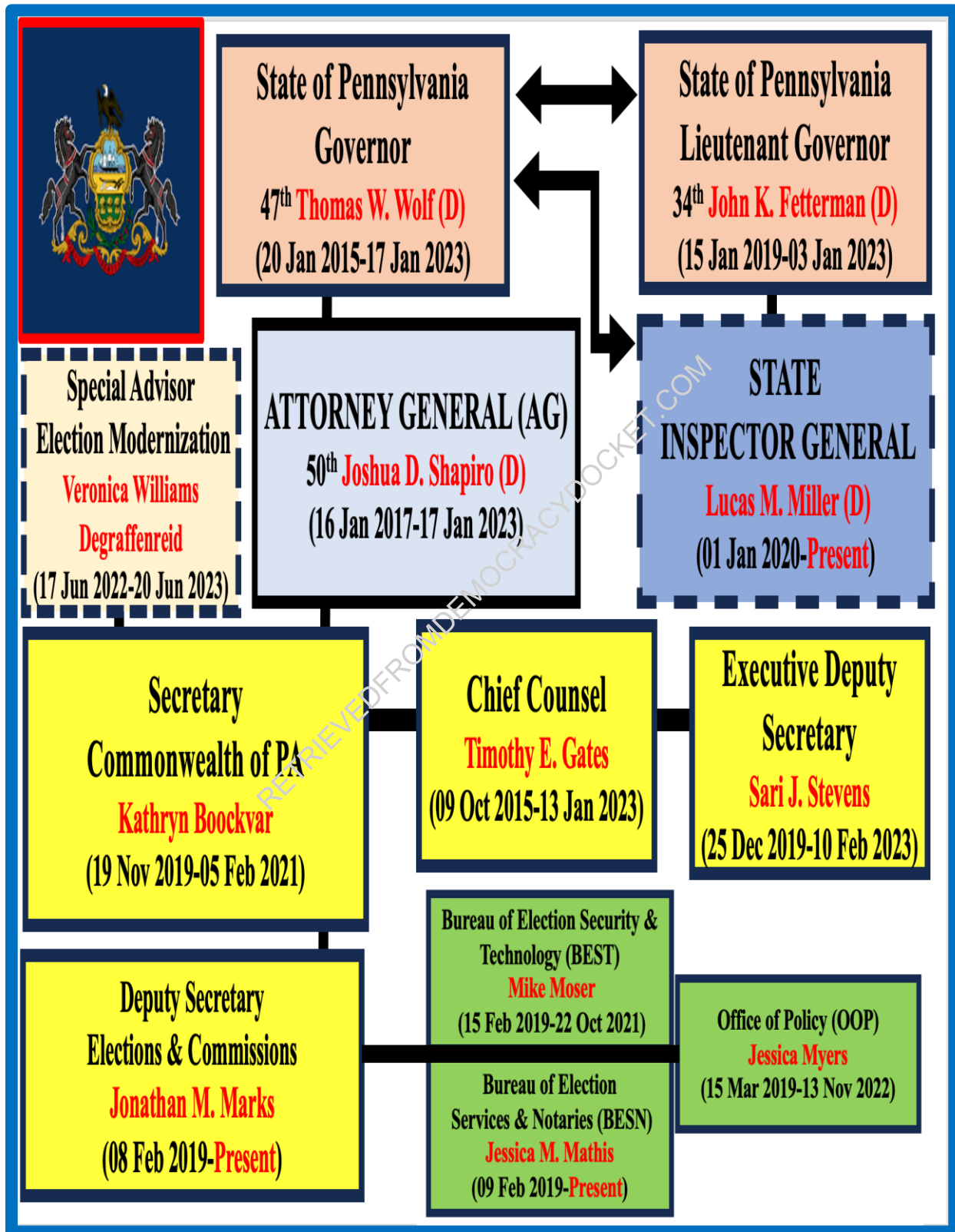
Enclosure (3)

Pennsylvania Attorney General Leadership Team **Pre-2020** Election



## Department of Justice (DOJ): Subversion of Election-Related Crime Investigation

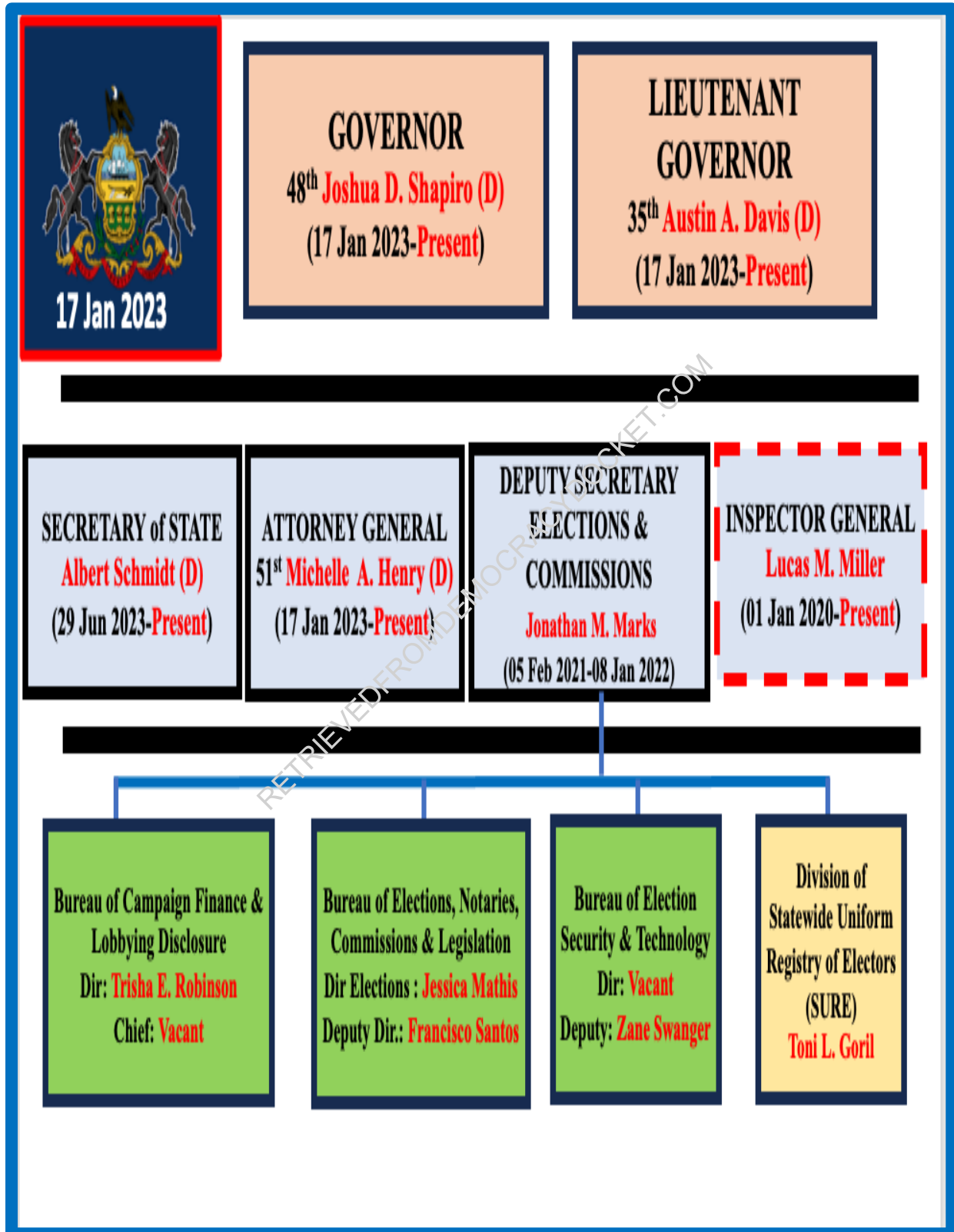
## Enclosure (4)

Commonwealth of Pennsylvania Leadership Team **Pre-2020** Election

Department of Justice (DOJ): Subversion of Election-Related Crime Investigation

Enclosure (5)

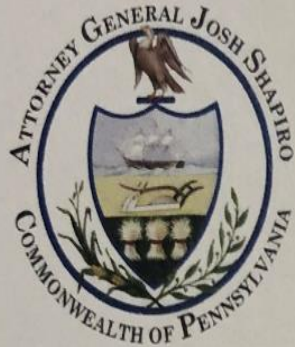
Commonwealth of Pennsylvania Leadership Team **Post-2020** Election



Department of Justice (DOJ): Subversion of Election-Related Crime Investigation

Enclosure (6)

Criminal Investigation Division (CID) Criminal Subject Interview: Gregory Stenstrom  
Special Agent Contact Cards 19 November 2020



BENJAMIN WALTON  
Special Agent

Bureau of Criminal Investigations  
1000 Madison Avenue, Suite 310  
Norristown, PA 19403

Phone: 484-390-5140  
Cell Phone: 215-292-8072  
bwalton@attorneygeneral.gov



AIDA I. MARCIAL  
Special Agent

~~Medical Fraud Control Section~~  
1000 Madison Avenue, Suite 310  
Norristown, PA 19403

Phone: ~~610-631-5970~~  
Cell Phone: 215-527-9266  
amarcial@attorneygeneral.gov



Department of Justice (DOJ): Subversion of Election-Related Crime Investigation

Enclosure (7)

Delaware County (**DELCO**), Pennsylvania Leadership Team



## Department of Justice (DOJ): Subversion of Election-Related Crime Investigation

## Enclosure (8)

## Allegations of Criminal Misconduct: Department of Justice (DOJ)

**ALLEGATION (1):** That **WILLIAM P. BARR** U.S. Attorney General (AG), orchestrated a criminal conspiracy to subvert the federal investigative process into allegations of 2020 Presidential Election Fraud, provided by **GREGORY STENSTROM** Delaware County Pennsylvania Pole Watcher to **WILLIAM M. McSWAIN** U.S. Attorney Eastern District of Pennsylvania, in criminal violation of 18 U.S.C. § 1510- **Obstruction of Criminal Investigations**, during the period Friday, 07 November 2020-Thursday, 12 November 2020.

**ALLEGATION (2):** That **WILLIAM M. McSWAIN** U.S. Attorney Eastern District of Pennsylvania, orchestrated a criminal conspiracy to subvert the federal investigative process into allegations of 2020 Presidential Election Fraud, provided by **GREGORY STENSTROM** Delaware County Pennsylvania Pole Watcher to **WILLIAM M. McSWAIN** U.S. Attorney Eastern District of Pennsylvania, in criminal violation of 18 U.S.C. § 1510- **Obstruction of Criminal Investigations**, during the period Friday, 07 November 2020-Thursday, 12 November 2020.

**ALLEGATION (3):** That **WILLIAM P. BARR** U.S. Attorney General (AG), orchestrated a criminal deprivation of rights, privileges, or immunities secured or protected by the Constitution and laws of the U.S., in violation of 18 U.S.C. § 242- **Deprivation of Rights, Under Color of Law** against **GREGORY STENSTROM** Delaware County Pennsylvania Pole Watcher while **GREGORY STENSTROM** properly disclosing allegations of 2020 Presidential Election Fraud, during the period Friday, 07 November 2020-Thursday, 12 November 2020.

**Department of Justice (DOJ): Subversion of Election-Related Crime Investigation****Enclosure (9)****Allegations of Criminal Misconduct: Department of Justice (DOJ)**

**ALLEGATION (4):** That **WILLIAM M. McSWAIN** U.S. Attorney Eastern District of Pennsylvania, orchestrated a criminal deprivation of rights, privileges, or immunities secured or protected by the Constitution and laws of the U.S., in violation of 18 U.S.C. § 242- **Deprivation of Rights, Under Color of Law**, against **GREGORY STENSTROM** Delaware County Pennsylvania Pole Watcher while **GREGORY STENSTROM** properly disclosing allegations of 2020 Presidential Election Fraud, during the period Friday, 07 November 2020-Thursday, 12 November 2020.

**ALLEGATION (5):** That **WILLIAM P. BARR** U.S. Attorney General (AG), orchestrated a criminal conspiracy to defraud the United States while subverting the federal investigative process into allegations of 2020 Presidential Election Fraud, provided by **GREGORY STENSTROM** Delaware County Pennsylvania Pole Watcher to **WILLIAM M. McSWAIN** U.S. Attorney Eastern District of Pennsylvania, in criminal violation of 18 U.S.C. § 371- **Conspiracy to Defraud the United States**, during the period Friday, 07 November 2020-Thursday, 12 November 2020.

**ALLEGATION (6):** That **WILLIAM M. McSWAIN** U.S. Attorney Eastern District of Pennsylvania, orchestrated a criminal conspiracy to defraud the United States while subverting the federal investigative process into allegations of 2020 Presidential Election Fraud, provided by **GREGORY STENSTROM** Delaware County Pennsylvania Pole Watcher to **WILLIAM M. McSWAIN** U.S. Attorney Eastern District of Pennsylvania, in criminal violation of 18 U.S.C. § 371- **Conspiracy to Defraud the United States**, during the period Friday, 07 November 2020-Thursday, 12 November 2020.

## Department of Justice (DOJ): Subversion of Election-Related Crime Investigation

## Enclosure (10)

## Allegations of Criminal Misconduct: Department of Justice (DOJ)

**ALLEGATION (7):** That **WILLIAM P. BARR** U.S. Attorney General (AG), and members of his senior leadership team: **JEFFREY A. ROSEN** Deputy Attorney General (DAG); **RICHARD P. DONOGHUE** Principal Associate Deputy Attorney General (PADAG); **BRIAN C. RABBITT** "Acting" Assistant Attorney General (AAG) Criminal Division (CRM); **COREY R. AMUNDSON** Chief Public Integrity Section (PIN); **RICHARD C. PILGER** Director Election Crimes Branch (ECB); **MICHAEL E. HOROWITZ** Inspector General (IG); **JEFFREY R. RAGSDALE** Counsel Office of Professional Responsibility (OPR); **ERIC S. DREIBAND** AAG Civil Rights Division (CRT); **JOHN C. DEMERS** AAG National Security Division (NSD); **CHRISTOPHER A. WRAY** 8<sup>th</sup> Director (FBI); **DAVID L. BOWDICH** 17<sup>th</sup> Deputy Director (FBI); and **COREY F. ELLIS** "Acting" Director Executive Office for U.S. Attorneys (EOUSA); participated in an orchestrated criminal deprivation, rights, privileges, or immunities secured or protected by the Constitution and laws of the U.S., in violation of 18 U.S.C. § 242- **Deprivation of Rights, Under Color of Law**, against **GREGORY STENSTROM** Delaware County Pennsylvania Pole Watcher while **GREGORY STENSTROM** properly disclosed allegations of 2020 Presidential Election Fraud, during the period Friday, 07 November 2020-Thursdays, 12 November 2020.

**ALLEGATION (8):** That **WILLIAM P. McSWAIN** U.S. Attorney Eastern District of Pennsylvania, and members of his senior leadership team: **JENNIFER A. WILLIAMS** First Attorney U.S. Attorney (FAUSA); **JACQUELINE C. ROMERO** Assistant U.S. Attorney (AUSA); **ERIC L. GIBSON** Assistant U.S. Attorney (AUSA); and **RICHARD P. BARRETT** Chief Corruption, Civil Rights, and Labor Racketeering; participated in an orchestrated criminal deprivation of rights, privileges, or immunities secured or protected by the Constitution and laws of the U.S., in violation of 18 U.S.C. § 242- **Deprivation of Rights, Under Color of Law**, against **GREGORY STENSTROM** Delaware County Pennsylvania Pole Watcher while **GREGORY STENSTROM** properly disclosed allegations of 2020 Presidential Election Fraud, during the period Friday, 07 November 2020-Thursdays, 12 November 2020.



## Department of Justice (DOJ): Subversion of Election-Related Crime Investigation

## Enclosure (11)

## Allegations of Criminal Misconduct: Department of Justice (DOJ)

**ALLEGATION (9):** That **WILLIAM P. BARR** U.S. Attorney General (AG), and members of his senior leadership team: **JEFFREY A. ROSEN** Deputy Attorney General (DAG); **RICHARD P. DONOGHUE** Principal Associate Deputy Attorney General (PADAG); **BRIAN C. RABBITT** "Acting" Assistant Attorney General (AAG) Criminal Division (CRM); **COREY R. AMUNDSON** Chief Public Integrity Section (PIN); **RICHARD C. PILGER** Director Election Crimes Branch (ECB); **MICHAEL E. HOROWITZ** Inspector General (IG); **JEFFREY R. RAGSDALE** Counsel Office of Professional Responsibility (OPR); **ERIC S. DREIBAND** AAG Civil Rights Division (CRT); **JOHN C. DEMERS** AAG National Security Division (NSD); **CHRISTOPHER A. WRAY** 8<sup>th</sup> Director (FBI); **DAVID L. BOWDICH** 17<sup>th</sup> Deputy Director (FBI); and **COREY F. ELLIS** "Acting" Director Executive Office for U.S. Attorneys (EOUSA); criminally denied **GREGORY STENSTROM** the Right of Honest Service, in violation of 18 U.S.C. § 1346- **Scheme or Artifice to Defraud to Deprive another of the Intangible Right of Honest Services** while **GREGORY STENSTROM** properly disclosed allegations of 2020 Presidential Election Fraud, during the period Friday, 07 November 2020-Thursdays, 12 November 2020.

**ALLEGATION (10):** That **WILLIAM P. McSWAIN** U.S. Attorney Eastern District of Pennsylvania, and members of his senior leadership team: **JENNIFER A. WILLIAMS** First Attorney U.S. Attorney (FAUSA); **JACQUELINE C. ROMERO** Assistant U.S. Attorney (AUSA); **ERIC L. GIBSON** Assistant U.S. Attorney (AUSA); and **RICHARD P. BARRETT** Chief Corruption, Civil Rights, and Labor Racketeering; criminally denied **GREGORY STENSTROM** the Right of Honest Service, in violation of 18 U.S.C. § 1346- **Scheme or Artifice to Defraud to Deprive another of the Intangible Right of Honest Services** while **GREGORY STENSTROM** properly disclosed allegations of 2020 Presidential Election Fraud, during the period Friday, 07 November 2020-Thursdays, 12 November 2020.

## Department of Justice (DOJ): Subversion of Election-Related Crime Investigation

## Enclosure (12)

## Allegations of Criminal Misconduct: Department of Justice (DOJ)

**ALLEGATION (11):** That **WILLIAM P. BARR** U.S. Attorney General (AG), and members of his senior leadership team: **JEFFREY A. ROSEN** Deputy Attorney General (DAG); **RICHARD P. DONOGHUE** Principal Associate Deputy Attorney General (PADAG); **BRIAN C. RABBITT** "Acting" Assistant Attorney General (AAG) Criminal Division (CRM); **COREY R. AMUNDSON** Chief Public Integrity Section (PIN); **RICHARD C. PILGER** Director Election Crimes Branch (ECB); **MICHAEL E. HOROWITZ** Inspector General (IG); **JEFFREY R. RAGSDALE** Counsel Office of Professional Responsibility (OPR); **ERIC S. DREIBAND** AAG Civil Rights Division (CRT); **JOHN C. DEMERS** AAG National Security Division (NSD); **CHRISTOPHER A. WRAY** 8<sup>th</sup> Director (FBI); **DAVID L. BOWDICH** 17<sup>th</sup> Deputy Director (FBI); and **COREY F. ELLIS** "Acting" Director Executive Office for U.S. Attorneys (EOUSA); illegally subjected **GREGORY STENSTROM** Delaware County Pennsylvania Pole Watcher to loss of rights, privileges, or immunities secured by the Constitution and laws while properly disclosing allegations of 2020 Presidential Election Fraud; in violation of 42 U.S.C. § 1983- **Civil Action for Deprivation of Rights**, during the period Friday, 07 November 2020-Thursday, 12 November 2020.

**ALLEGATION (12):** That **WILLIAM P. McSWAIN** U.S. Attorney Eastern District of Pennsylvania, and members of his senior leadership team: **JENNIFER A. WILLIAMS** First Attorney U.S. Attorney (FAUSA); **JACQUELINE C. ROMERO** Assistant U.S. Attorney (AUSA); **ERIC L. GIBSON** Assistant U.S. Attorney (AUSA); and **RICHARD P. BARRETT** Chief Corruption, Civil Rights, and Labor Racketeering; illegally subjected **GREGORY STENSTROM** Delaware County Pennsylvania Pole Watcher to loss of rights, privileges, or immunities secured by the Constitution and laws while properly disclosing allegations of 2020 Presidential Election Fraud; in violation of 42 U.S.C. § 1983- **Civil Action for Deprivation of Rights**, during the period Friday, 07 November 2020-Thursday, 12 November 2020.

## Department of Justice (DOJ): Subversion of Election-Related Crime Investigation

## Enclosure (13)

## Allegations of Criminal Misconduct: Department of Justice (DOJ)

**ALLEGATION (13):** That **J. MICHAEL KELLY** Cooley LLP General Counsel (GC) & former Chief of Staff (CoS) to U.S. Attorney General **GRIFFIN B. BELL**, corruptly endeavored to influence, obstruct, in whole or part, the due and proper administration of proceedings (Federal Investigation into criminal allegations of wrongdoing) before the U.S. Department of Justice (DOJ), when **J. MICHAEL KELLY** secured/improperly delivered to **WILLIAM P. BARR** U.S. Attorney General an unauthorized copy of the **GREGORY STENSTROM** affidavit on Election Fraud occurring within Delaware County Pennsylvania during the 2020 Presidential Election properly disclosed to **WILLIAM M. McSWAIN** U.S. Attorney Eastern District of Pennsylvania (USEDPA), in violation of 18 U.S.C. § 1505- Obstruction of Proceedings before Departments, Agencies, and Committees, on or about 10 November 2020.

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**Department of Justice (DOJ): Subversion of Election-Related Crime Investigation****Enclosure (14)****Allegations of Criminal Misconduct: U.S. Attorney Office Eastern District of Pennsylvania**

**ALLEGATION (1):** That **WILLIAM M. MCSWAIN**, U.S. Attorney Eastern District of Pennsylvania (**EDPA**), engaged his leadership team: **JENNIFER A. WILLIAMS**, First Assistant U.S. Attorney; **JACQUELINE C. ROMERO**, Assistant U.S. Attorney Criminal Division; **ERIC L. GIBSON**, Chief Criminal Division; **RICHARD P. BARRETT**, Chief Corruption, Civil Rights, and Labor Racketeering Branch in a conspiracy to subvert the criminal investigative process into Allegations of **2020 Presidential Election/Pennsylvania Attorney General (AG) Election** fraud, disclosed by **GREGORY STENSTROM** Delaware County (**DELCO**), Pennsylvania Poll Watcher, in criminal violation of **18 USC § 1510-Obstruction of Criminal Investigations**, during the period 07 November 2020-24 November 2020.

**ALLEGATION (2):** That **WILLIAM M. MCSWAIN**, U.S. Attorney Eastern District of Pennsylvania (**EDPA**), violated the civil rights of **GREGORY STENSTROM** and **OTHER UNNAMED INDIVIDUALS (OUI)**, while acting under color of law, depriving U.S. Citizens of the free exercise of the right to petition the government, secured by the Constitution, when disclosing **2020 Presidential Election/Pennsylvania Attorney General (AG) Election** fraud to the government for redress, without fear of punishment or reprisal, in violation of **18 USC § 242- Deprivation of Rights**, during the period 17 November 2020-24 November 2020.

**ALLEGATION (3):** That **WILLIAM M. MCSWAIN**, U.S. Attorney Eastern District of Pennsylvania (**EDPA**), engaged in a scheme or artifice to deprive **GREGORY STENSTROM** and **OTHER UNNAMED INDIVIDUALS (OUI)** of the intangible right of honest services, when directing his Criminal Investigations Division (**CID**) to not conduct criminal investigation into allegations of **2020 Presidential Election/Pennsylvania Attorney General (AG) Election** fraud, occurring within Delaware County (**DELCO**), Pennsylvania, in violation of **18 USC § 1346- Definition of Scheme or Artifice to Defraud**, during the period 17 November 2020-24 November 2020.

**ALLEGATION (4):** That **JACQUELINE C. ROMERO**, Assistant U.S. Attorney Criminal Division, engaged her leadership team: **ERIC L. GIBSON**, Chief Criminal Division; and **RICHARD P. BARRETT**, Chief Corruption, Civil Rights, and Labor Racketeering Branch in a conspiracy to subvert the criminal investigative process into Allegations of **2020 Presidential Election/Pennsylvania Attorney General (AG) Election** fraud, disclosed by **GREGORY STENSTROM** Delaware County (**DELCO**), Pennsylvania Poll Watcher, in criminal violation of **18 USC § 1510- Obstruction of Criminal Investigations**, during the period 07 November 2020-Present.

**ALLEGATION (5):** That **JACQUELINE C. ROMERO**, Assistant U.S. Attorney Criminal Division engaged in a scheme or artifice to deprive **GREGORY STENSTROM** and **OTHER UNNAMED INDIVIDUALS (OUI)** of the intangible right of honest services, when directing her Criminal Investigations Division (**CID**) to not pursue substantial allegations of voting irregularities, prior to certification of State elections, fully aware of the fact that clear and credible allegations of irregularities reported by **GREGORY STENSTROM** and **OTHER UNNAMED INDIVIDUALS (OUI)** could potentially impact the outcome of the federal election in the state of Pennsylvania, in violation of **42 USC § 1983- Civil Action for Deprivation of Rights**, during the period 07 November 2020-Present.



## Department of Justice (DOJ): Subversion of Election-Related Crime Investigation

## Enclosure (15)

## Allegations of Criminal Misconduct: Commonwealth of Pennsylvania

**ALLEGATION (1):** That **THOMAS W. WOLF**, Governor Commonwealth of Pennsylvania, engaged his leadership team: **JOHN K. FETTERMAN**, **JOSHUA D. SHAPERIO**, **VERONICA WILLIAMS DEGRAFFENREID**, **KATHRYN BOOCKVAR**, **JONATHAN M. MARKS**, **TIMOTHY E. GATES**, **SARI J. STEVENS**, **MIKE MOSHER**, **JOHN F. KITZINGER**, **AIDA I. AMRCEL**, **BENJAMIN WALTON** in a criminal conspiracy to subvert the criminal investigative process into Allegations of **2020 Presidential Election/Pennsylvania Attorney General (AG) Election fraud**, disclosed by **GREGORY STENSTROM** Delaware County (DELCO), Pennsylvania Poll Watcher, in criminal violation of **18 USC § 1510-Obstruction of Criminal Investigations**, during the period 07 November 2020-24 November 2020.

**ALLEGATION (2):** That **JOSHUA D. SHAPERIO**, 50<sup>th</sup> Attorney General of Pennsylvania, violated the civil rights of **GREGORY STENSTROM** and **OTHER UNNAMED INDIVIDUALS (OUT)**, when directing his Criminal Investigations Division (CID) to engage in retaliatory criminal investigative action, designed to intimidate witnesses to **2020 Presidential Election/Pennsylvania Attorney General (AG) Election fraud**, occurring within Delaware County (DELCO), Pennsylvania in violation of **18 USC § 241- Conspiracy Against Rights**, during the period 17 November 2020-24 November 2020.

**ALLEGATION (3):** That **JOSHUA D. SHAPERIO**, 50<sup>th</sup> Attorney General of Pennsylvania, violated the civil rights of **GREGORY STENSTROM** and **OTHER UNNAMED INDIVIDUALS (OUT)**, while acting under color of law, depriving U.S. Citizens of the free exercise of the right to petition the government, secured by the Constitution, when disclosing **2020 Presidential Election/Pennsylvania Attorney General (AG) Election fraud** to the government for redress, without fear of punishment or reprisal, in violation of **18 USC § 242- Deprivation of Rights** during the period 17 November 2020-24 November 2020.

**ALLEGATION (4):** That **JOSHUA D. SHAPERIO**, 50<sup>th</sup> Attorney General of Pennsylvania, engaged in a scheme or artifice to deprive **GREGORY STENSTROM** and **OTHER UNNAMED INDIVIDUALS (OUT)** of the intangible right of honest services, when directing his Criminal Investigations Division (CID) to engage in retaliatory criminal investigative action, designed to intimidate witnesses to **2020 Presidential Election/Pennsylvania Attorney General (AG) Election fraud**, occurring within Delaware County (DELCO), Pennsylvania, in violation of **18 USC § 1346- Definition of Scheme or Artifice to Defraud**, during the period 17 November 2020-24 November 2020.

**ALLEGATION (5):** That **THOMAS W. WOLF**, Governor Commonwealth of Pennsylvania, and members of his senior leadership team: **JOHN K. FETTERMAN**, Lieutenant Governor; **JOSHUA D. SHAPIRO**, Attorney General; **JOHN F. KITZINGER**, Deputy Chief Criminal Investigations Division (CID); **VERONICA WILLIAMS DEGRAFFENREID**, Special Advisor Election Modernization; **LUCAS M. MILLER**, State Inspector General (IG); **KATHRYN BOOCKVAR**, Secretary of the Commonwealth; **TIMOTHY E. GATES**, Chief Counsel; **SARI J. STEVENS**, Executive Deputy Secretary; **JONATHAN M. MARKS**, Deputy Secretary Election & Commissions; **MIKE MOSER**, Bureau of Election Security & Technology; subjected **GREGORY STENSTROM** and **OTHER UNNAMED INDIVIDUALS (OUT)** to loss of rights, privileges, or immunities secured by the Constitution and laws while properly disclosing **2020 Presidential Election/Pennsylvania Attorney General (AG) Election fraud**, in violation of **42 USC § 1983-Civil Action for Deprivation of Rights**, during the period 01 November 2020- 24 November 2020.

## EXHIBIT D

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IN THE  
**United States District Court**  
**Eastern District of Pennsylvania**  
CIVIL ACTION - ELECTION LAW

**ROBERT MANCINI, PRO SE,**  
Authorized Representative  
and  
**JOY SCHWARTZ, PRO SE**  
Candidate for Delaware County Council  
and  
**GREGORY STENSTROM, PRO SE**  
Authorized Representative  
and  
**LEAH HOOPES, PRO SE**  
Authorized Representative  
**Plaintiffs,**

v.

**DELAWARE COUNTY, PA,**  
and  
**DELAWARE COUNTY BOARD OF  
ELECTIONS**  
**Defendants.**

Case No. **2:24-cv-02425-KNS**

CIVIL ACTION: VIOLATION OF  
FEDERAL ELECTION LAW

**MOTION FOR JUDGEMENT ON  
PLEADINGS IN FAVOR OF  
PLAINTIFFS**

INJUNCTION REQUESTED  
DISCOVERY REQUESTED  
ORAL ARGUMENTS REQUESTED  
JURY TRIAL REQUESTED

**MOTION FOR JUDGEMENT ON THE PLEADINGS IN FAVOR OF PLAINTIFFS**

1. Pro Se Plaintiffs move for judgement on the pleadings pursuant to 49 CFR § 821.17(c).
2. 49 CFR § 821.17(c) *Motions for judgment on the pleadings* states “A party may file a motion for judgment on the pleadings on the basis that no answer has been filed, or that the pleadings disclose that there are no material issues of fact to be resolved and that party is entitled to judgment as a matter of law.”
3. Defendants’ attorneys did not file timely Preliminary Objections, Affirmative Defenses or

New Matter, and have not addressed any of the merits of Plaintiffs' claims in accordance with Federal Rules of Civil Procedure 12(1)(A)(i), and Plaintiffs Notice to Plead.

4. Instead, Defendants filed their Motion to Dismiss on July 1<sup>st</sup>, 2024, based solely on alleged procedural legal defects in Plaintiffs filings, which Plaintiffs timely responded to.
5. Defendants have not refuted a single specific allegation made by Plaintiffs, instead presuming to make a broad judicial conclusion for the Honorable Court that Defendants case is "meritless" because Defendants have been reportedly "debunked" by:
  - a. A fraudulent story placed with *Factcheck.org* by Defendants' attorneys (Duane Morris and, specifically, J. Manley Parks) who were paid by Defendants to "debunk" Plaintiffs claims. *Factcheck.org* is a Non-Governmental Organization (NGO), funded by The Annenberg Public Policy Center at the University of Pennsylvania which paid Joseph Biden \$1M annually, and routinely "debunks" anything inconvenient to their political narrative without benefit of any actual "investigation." *Factcheck.org* "debunking" does not meet any legal threshold as either "factual" or "evidence."
  - b. Court cases which were quashed and administratively closed by Defendants without cause or explanation, and without any hearing or adjudication by a trial court. See Defendants' own Exhibit A in their Motion to Dismiss which was the docket print-out for a case that was inexplicably and administratively closed by the Defendants Office of Judicial Support, without assignment of a judge by the President Judge, or hearing, trial, or any rulings on (still) pending Motions, or adjudication by the trial court. (Exhibit A)
  - c. "Investigations" by Defendant (Delaware County) District Attorney (DA) Jack Stollsteimer, which never occurred, and DA Stollsteimer falsely attested to. (Exhibit B)
  - d. "Investigations" by (then) Pennsylvania Attorney General (PA AG) Josh Shapiro, which also never occurred, and PA AG Shapiro falsely attested to.



(Exhibit C)

- e. Court cases which are still in trial court and appellate court trajectory that have not been heard or ruled on yet. (*Stenstrom and Hoopes v Secretary of the Commonwealth et al*, 876 CD 2022).
  - f. References to public records and exculpatory evidence that Defendants attorneys have ordered to be destroyed or spoliated in defiance of Pennsylvania Rules of Civil Procedure and Rules of Professional Conduct litigation holds.
  - g. References to public records and exculpatory evidence that Defendants attorneys have defiantly refused to release despite orders from Pennsylvania Office of Open Records to do so in accordance with 65 P.S.
  - h. Orders to unlawfully withhold public records by elected trial court judges beholden to Defendants and political parties who are the subjects of Plaintiffs lawsuit.
- 6. Refusing to hear cases, overturning “Right to Know” public record transparency orders, refusing to permit lawful recounts, redacting public records, pointing to a partisan NGO “factchecker,” and refusing to respond to allegations that election machines have not been certified, verified or tested in accordance with law, can hardly be called “winning.”
  - 7. Defendants recalcitrant, self-referential arguments, and circular logic steps all over the Constitutional and Civil rights cited by Plaintiffs in their arguments.
  - 8. All of the above “noise” and protestations by Defendants have absolutely nothing to do with the subject case, which boils down to whether Defendants certified, verified, and tested the election machines – which they did not – and to which Defendants have offered no defense for.
  - 9. The clear and obvious time and space strategy of Defendants is to run out the clock before the November 2024 election, strategically moot timely remedies that could be taken by this Honorable Court to prevent election fraud, and potentially buy another 30-

90 days assuming Plaintiffs submitted an amended complaint.

10. Defendants have refused to participate in Federal RCP Rule 26(f) conference and Honorable Judge Kai Niambi Scotts directive to comply with local rules of the Eastern District Court of Pennsylvania. Defendants stated it was “premature” in another obvious attempt to avoid hearings on the merits of Plaintiffs’ complaint, and delay or subvert a Rule 16 conference to move hearings and trial out past the November 2024 national election (See Exhibit D).

11. Defendants obtusely and fraudulently characterize their blatant refusal to comply with federal and state statutory law, and clarifying directives from the Secretary of the Commonwealth to:

- a. Certify election machines in accordance with 52 USC 21081(a)(5), and attest to that certification.
- b. Conduct secure build (hash test) verifications on ALL election machines, and,
- c. Conduct Logic and Accuracy testing on ALL election machines in accordance with statutes and directives,

as “*not being to the personal satisfaction of Plaintiffs*” versus the laws and directives cited by Plaintiffs.

12. Note that Defendants deftly do NOT refute Plaintiffs’ claims that Defendants are in violation of statutes requiring certification, verification, and testing. “*Not being to the personal satisfaction of Plaintiffs*” avoids and obfuscates the fact that Plaintiffs claims are true. This is non-responsive, and a waiver of timely preliminary objections.

13. Hence, the only specific and particular pleadings before the Honorable Court 55-days after Plaintiffs filed their complaint are Plaintiff’s evidence that Defendants refuse to comply with federal and state statutes, and clarifying Secretary of the Commonwealth directives to lawfully certify, validate software, and verify accuracy of election machines, and Defendants own admissions (and glaring omissions) that Plaintiffs complaints are factual.

14. The Honorable Court must rule on the FACTS and has no discretion in this matter to make conclusions based on FACTS not in evidence, that Defendants have refused to address in any pleading or their motion to dismiss.
1. Plaintiffs have met their burden of production and proof of Defendants violations of law. In accordance with Defendants own citation in their Memorandum of Law, this Honorable Court “must only consider the allegations of the complaint and documents referenced therein and attached thereto, in the light most favorable to the plaintiff.” *Machon v. Pennsylvania Dep’t of Pub. Welfare*, 847 F. Supp. 2d 734, 743 (E.D. Pa. 2012).
15. While it is highly likely, and perhaps a certainty, that Defendants might appeal this Honorable Court’s ruling in favor of the Plaintiffs’ pleadings, it is the Defendants’ own licensed attorney’s conniving and deficiencies in not asserting defenses on the merits of Plaintiffs’ complaint, disregard of Defendants’ Notice to Plead, refusal to participate in a timely Rule 26(f) conference, and intent to strategically moot Plaintiffs claims, that have defeated Defendants in this case.
16. Defendants’ procedural objections in their Motion to Dismiss constitute fraud upon the Honorable Court, as discussed in Plaintiffs timely response.
17. Most succinctly, Defendants have shown utter contempt for the spirit and intent of the law and this Honorable Court, the Plaintiffs, and the People, by relying on their “cleverness” and procedural machinations to subvert the law (and unlawfully inject untested election machines in the November 2024 election), rather than simply responding to Plaintiff’s very specific allegations, of which Defendants are egregiously guilty of.
18. The option of having a trial by jury, which Plaintiffs have demanded and for which they have a constitutional right, would be fruitless, and immediately appealable by Pro Se Plaintiffs, from the perspective that Defendants’ licensed attorneys have waived their rights to argue on the cases merits, which Defendants have not and cannot refute, even if the Honorable Court permitted them to attempt to do so.
19. The facts are that the Defendants have NOT certified the election system and machines,

they have not validated the software and hardware, and tested all election machines, starting with the 2020 elections and there is no possible reason for the Honorable Court to presume they will do so for the November 2024 election, without its intervention.

20. Given that Defendants have defiantly and malevolently violated laws and Commonwealth of Pennsylvania directives enacted by the Pennsylvania Legislature starting in 2020, and defied and reversed orders from the Pennsylvania Office of Open Records, or permit related cases to be heard in lower state courts, it would be unreasonable for the Honorable Court to presume Defendants would honor any negotiated “promise” to comply with laws and directives “this time” and going forward (now that they have been caught). This is the very definition of public corruption, “strategic mooted” and the reason for the “strategic mooted” exception clause(s).
21. The remedy of not permitting the use of election machines, and reverting to transparent decentralized precinct-by-precinct hand count of ballots, as was the practice for the better part of two-hundred (200) years, prior to November 2020 has been a practice shown to historically work, notwithstanding Defendants’ unsubstantiated platitudes that centralized counting and secretive administration of elections by government bureaucrats is “better.”
22. Whether Defendants documented violations of election law regarding certification of election systems and election machines are purposeful, nefarious, or the result of incompetence or “misunderstandings,” they have clearly demonstrated they cannot technically administer election machines. Taking it out of the relative few hands of the Defendants, and returning elections back to the 428 precincts and statutorily required 2,140 capable (and paid) election workers hands that staff those precincts, and observance by 856+ statutorily defined, bipartisan, “certified poll watchers,” “authorized representatives,” “candidates,” and “named attorneys” defined by 25 P.S. Election Code, is a reasonable, feasible, and common sense solution.
23. Defendants Motion to Dismiss moans and whines that Plaintiffs had the temerity to exhaust their administrative remedies and filed lawsuits and open records “Right to Know” requests, to gain some level of transparency into the secretive elections bureaucratically administered

by Defendants.

24. Defendants have roundly rejected and thwarted ANY transparency of elections, including the lawful certifications testing of machines, recounts, canvassing, examination of Mail in Ballot envelopes, and demands for reconciliation reports, which underscores the fact that high risk vectors of election fraud must be eliminated and addressed by the Honorable Court BEFORE the upcoming 2024 national election.
25. The Defendants' entire core premise, and unsubstantiated procedural arguments in their Motion to Dismiss, is that their bureaucratic means of administering elections are more efficacious than the methods which were previously used for hundreds of years in the United States of America, and across the world, to sustain republics and democracies.
26. The controversies of the 2020 and 2022 federal elections that our nation has been embroiled in, which have been a direct result of the interpretations of law by a relative handful of government bureaucrats, do not support the Defendants' Motion to Dismiss.
27. The recent US Supreme Court June 28, 2024 overturning of the "Chevron defense" applies here even though Defendants are a local agency, and was a clear signal that interpretation of the laws of legislatures is within the jurisdiction, and to be interpreted by, the Courts and Honorable Judges, and not by bureaucratically appointed public officials.
28. Hence, in the absence of any timely arguments by the Defendants specific to the Plaintiffs allegations, Plaintiffs respectfully move this Honorable Court to find in favor of the Plaintiffs on the Pleadings and grant the attached Order.

Respectfully submitted,

/S/ Rober Mancini, Joy Schwartz, Gregory Stenstrom, Leah Hoopes /S/

July 29th, 2024

### VERIFICATION

We, the Plaintiffs herein and listed below, state that we are PRO SE PLAINTIFFS in this matter and are authorized to make this Verification on its behalf. We hereby verify that the statements made in the foregoing MOTION FOR JUDGEMENT ON PLEADINGS IN FAVOR OF PLAINTIFFS are true and correct to the best of our knowledge, information, and belief. This verification is made subject to the penalties of 19 Pa. C.S. § 4904 relating to unsworn falsification to authorities.

/S/ Robert Mancini, Joy Schwartz, Gregory Stenstrom, /S/

July 29th, 2024

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SELF REPRESENTATION (PRO SE)

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**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA**

CASE No. 2:24-CV-02425-KNS

**MOTION FOR JUDGEMENT ON PLEADINGS  
IN FAVOR OF PLAINTIFFS**

MANCINI, et al.  
Plaintiffs,  
v.  
DELAWARE COUNTY BOARD OF ELECTIONS,  
PA, et. al,  
Defendants

---

**CERTIFICATE (PROOF) OF SERVICE**

Plaintiffs certify that they caused the subject **MOTION FOR JUDGEMENT ON PLEADINGS IN FAVOR OF PLAINTIFFS** to be properly served on the following:

Defendants Delaware County and Delaware County Board of Elections  
Solicitor for Defendants J. Manly Parks, Nick Centrella  
Delaware County Government Center  
201 West Front Street, Media, PA 19106

/S/ Robert Mancini, Joy Schwartz, Gregory Stenstrom, Leah Hoopes /S/

July 29th, 2024

**ORDER**

AND NOW, this \_\_\_\_\_ day of \_\_\_\_\_, 2024, upon consideration of the Motion for Judgment on the Pleadings of Plaintiffs and any response thereto, it is hereby ORDERED that said Motion is GRANTED and Judgment on the Pleadings is entered in favor of the Plaintiffs.

Defendants shall Cease and Desist from using electronic voting machine systems in Delaware County, Pennsylvania, and return to hand counted votes in county precincts under bi-partisan observation for the November 2024 national election, and all subsequent elections.

Plaintiffs will submit all litigation to the Court for review, and oversight that have been delayed, quashed, and strategically mooted for review of violation of Plaintiffs' civil rights.

Monetary Damages and sanctions in the amount of \_\_\_\_\_ to be paid to the Plaintiffs.

BY THE COURT:

\_\_\_\_\_  
J.

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## EXHIBIT A

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**DELAWARE COUNTY, PENNSYLVANIA E-FILING** Stenstrom Gregory

E-Filing Case Search

**COURT SELECTION**

**Court\*** Delaware County Court of Common Pl...

**CASE INFORMATION**

**Case Number** CV-2022-008091 **Case Title**

**Case Category** Civil **Case Status**

**Case Type** **Filed Date From** to

**Case Subtype** **Exclude Closed**

**PARTY/ATTORNEY INFORMATION**

**Name Contains** Stenstrom **Type**

**First Name** **Role**

**Middle Name**

**Last Name**

**Search**

**RESULTS**

Case Number	Case Title	Case Type	Filed Date	Case Status
No records were found.				

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000134

Case Search

Create Filing

Filings

Case Information

Court

Delaware County Court of Common Pleas

Case

CV-2022-008091

Class

Civil - Miscellaneous - Other

Short Title

Hoopes et al v. Delaware County Board of Elections et al

Status

AOPC Closed

Create E-Filing

DELAWARE COUNTY, PENNSYLVANIA E-FILING

Nicholas M Centrella , J

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Case View - CV-2022-008091

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CASE INFORMATION

Court Level

Court of Common Pleas

Court

Delaware County Court of Common Pleas

Case Title

Hoopes et al v. Delaware County Board of Elections et al

Case Type

Civil - Miscellaneous - Other

Filed Date

10-31-2022

Status

AOPC Closed

Next Hearing

Judge

Next Hearing Type

PARTIES / PARTICIPANTS

#	Role	Name	Attorney	Service Type
1	Plaintiff	Hoopes, Leah		Conventional
1	Defendant	Delaware County Board of Elections	MARTIN, WILLIAM F Centrella, Nicholas M, Jr PARKS, J MANLY	Conventional eService Conventional
2	Defendant	Delaware County Bureau of Elections	MARTIN, WILLIAM F Centrella, Nicholas M, Jr PARKS, J MANLY	Conventional eService Conventional
2	Plaintiff	Stenstrom, Gregory		Conventional
3	Plaintiff	Missino, Nichole		Conventional
3	Defendant	Alberts, Scott		Conventional
4	Defendant	Parks, James M.		Conventional
5	Defendant	Allen, James P		Conventional
6	Defendant	Wright, Robert		Conventional
7	Defendant	Lunkenheimer, Ashley		Conventional
8	Defendant	Reuther, Christine		Conventional
9	Defendant	Taylor, Monica		Conventional
10	Defendant	Schaefer, Elaine P		Conventional
11	Defendant	Madden, Kevin M		Conventional
12	Defendant	Womack, Richard R, Jr		Conventional
1 to 15 of 15 records				

FILTER

DOCKET SHEET

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Filed Date	Document Description	Filed By	
01-09-2023	Answer - Plaintiff's Reply	Gregory Stenstrom, Leah Hoopes, Nichole Missino	
01-09-2023	Certificate - Certificate of Service	Gregory Stenstrom, Leah Hoopes, Nichole Missino	
01-06-2023	Answer - Plaintiff's Reply	Gregory Stenstrom, Leah Hoopes, Nichole Missino	
01-06-2023	Certificate - Certificate of Service	Gregory Stenstrom, Leah Hoopes, Nichole Missino	
01-05-2023	Motion - Motion to Strike Amended Complaint	Delaware County Board of Elections	
12-22-2022	Complaint - Amended Complaint	Gregory Stenstrom, Leah Hoopes, Nichole Missino	
12-22-2022	Certificate - Certificate of Service	Gregory Stenstrom, Leah Hoopes, Nichole Missino	
12-19-2022	Memorandum - Memorandum of Law	Delaware County Board of Elections, Delaware County Bureau of Elections	
12-16-2022	Memorandum - Memorandum of Law	Delaware County Board of Elections, Delaware County Bureau of Elections	
12-09-2022	Answer - Answer to Preliminary Objections	Leah Hoopes	
12-08-2022	Certificate - Certificate of Service	Leah Hoopes	
12-05-2022	Certificate - Certificate of Service	Gregory Stenstrom, Leah Hoopes, Nichole Missino	
12-02-2022	Financials - Receipt		
12-01-2022	Certificate - Certificate of Service	Gregory Stenstrom, Leah Hoopes, Nichole Missino	
12-01-2022	Motion - Motion		
12-01-2022	Petition - Petition for Reconsideration		
11-23-2022	Preliminary Objection - Preliminary Objections	Delaware County Board of Elections	
11-22-2022	Order - Order Denying Emergency Motion/Petition		
11-22-2022	Memorandum - Memorandum of Law	Delaware County Board of Elections, Delaware County Bureau of Elections	

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Filed Date	Document Description	Filed By
11-22-2022	Order - Scheduling Order	
1 to 20 of 41 records		1, 2, 3 Next

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## EXHIBIT B

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# OFFICE OF THE DISTRICT ATTORNEY

DELAWARE COUNTY COURTHOUSE  
MEDIA, PENNSYLVANIA 19063

(610) 891-4162

JACK STOLLSTEIMER  
DISTRICT ATTORNEY

## Right-To-Know Response

December 28, 2023

Leah Hoopes & Greg Stenstrom  
241 Sulky Way  
Chadds Ford, PA 19317  
[Leahfreedelcopa.@protonmail.com](mailto:Leahfreedelcopa.@protonmail.com)

Re: Right-to-Know Law Request No. 35 of 2023

Dear Ms. Hoopes and Mr. Stenstrom,

Thank you for writing to the Office of the Delaware County District Attorney to request records pursuant to Pennsylvania's Right-to-Know Law ("RTKL"), 65 P.S. §§ 67.101 *et seq.*

A copy of your request is attached, which in addition to the unsigned letter request dated November 15, 2023, also includes three signed and notarized declarations, and a single sheet that appears to be titled "Totally missing V Drive." This office received the request on November 17, 2023 and sent a 30-day extension letter on November 21, 2023. A final response to your request is due on or before December 28, 2023.

The request seeks records from the dates of "on or before November 3<sup>rd</sup>, 2020 to the present time and month ending November 2023," and your enumerated requests are below and underlined (copied and pasted directly from your request letter), with a response following each:

- 1) Please provide any/all criminal or civil investigative records, complaint forms online/digital, interoffice e-mails, or paper records with the complaint number(s) with this agency as it pertains to any/all criminal investigations initiated in November 2020 which is not privileged or confidential information as it pertains to Leah Hoopes and/or Greg Stenstrom.

*While your overall request seeks records from the dates of "on or before November 3<sup>rd</sup>, 2020 to the present time and month ending November 2023" this enumerated request*

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specifically asks for records pertaining to “any/all criminal investigations initiated in November 2020.” This office does not possess records responsive to your request.

Specific date notwithstanding, if such records exist, the request, on its face is phrased in a manner where it is clear that records relating to a criminal investigation are being requested and are there by exempt from disclosure. “If a record, on its face, relates to a criminal investigation, it is exempt under the RTKL pursuant to 708(b)(16)(ii).” *Barros v. Martin*, 92 A.3d 1243 (Pa. Commw. Ct. 2014). A law enforcement agency is not required to disclose documents that relate to a criminal investigation and that would reveal the institution, progress, or result of a criminal investigation, except for the filing of criminal charges. 65 P.S. § 67.708(b)(16)(vi)(A). If information is assembled as a result of the performance of any inquiry, formal or informal, into a criminal incident or an allegation of criminal wrongdoing, it is exempt from disclosure. *Pennsylvania State Police v. Office of Open Records*, 5 A.3d 473 (Pa. Commw. Ct. 2010) (*en banc*). ”

This request is denied.

- 2) Please provide any/all sworn or non-sworn statements, complaints, or communications made about Leah Hoopes and/or Gregory Stenstrom. This should also include any human resources employed or not employed by Delaware County District Attorney’s Office as it pertains to the Respondents complaints and sworn falsifications that they have made on and off public records and in litigation that involved agents that have manufactured without facts in the form of court reports and Sworn Affidavits.

As phrased, this request is insufficiently specific enough to identify a transaction or business of the District Attorney’s Office. Thus, this office is unable to ascertain what records you may be seeking. In determining whether a particular request is sufficiently specific, a three-part balancing test is employed. See, *Pa. Dep’t of Educ. v. Pittsburgh Post-Gazette*, 119 A.3d 1121 (Pa. Commw. Ct. 2015), and *Carey v. Pa. Dep’t of Corr.*, 61 A.3d 367, 372 (Pa. Commw. Ct. 2013). First, “[t]he subject matter of the request must identify the ‘transaction or activity’ of the agency for which the record is sought.” *Pa. Dep’t of Educ.*, 119 A.3d at 1125. Second, the scope of the request must identify a discrete group of documents (e.g., by type or recipient). *Id.* Third, “[t]he timeframe of the request should identify a finite period of time for which the records are sought.” *Id.* at 1126. This factor is the most fluid and is dependent upon the request’s subject matter and scope. *Id.* None of these factors are dispositive; instead, courts have emphasized the importance of a “flexible, case by case, contextual application of the test.” *Office of the DA of Phila. v. Bagwell*, 155 A.3d 1119, 1145 (Pa. Commw. Ct. 2017).

Here, the request fails to identify any sender or recipient of the communications requested. The lack of information, coupled with the multi-year time frame, or a narrower scope, to help limit the vast universe of potentially responsive records, is not enough to give the request the specificity required to provide this office with sufficient context to determine which records are potentially responsive to the Request. See *Pa. Dep’t of Educ.*, 119 A.3d at 1125; see also *Pa. Dep’t of Envtl. Prot. v. Legere*, 50 A.3d 260, 265 (Pa. Commw. Ct. 2012).

Also, on its face, this request is phrased in a manner where it seems you might be requesting records that relate to a criminal investigation; records which would thereby be exempt from disclosure. “If a record, on its face, relates to a criminal investigation, it



is exempt under the RTKL pursuant to 708(b)(16)(ii).” *Barros v. Martin*, 92 A.3d 1243 (Pa. Commw. Ct. 2014). A law enforcement agency is not required to disclose documents that relate to a criminal investigation and that would reveal the institution, progress, or result of a criminal investigation, except for the filing of criminal charges. 65 P.S. § 67.708(b)(16)(vi)(A). If information is assembled as a result of the performance of any inquiry, formal or informal, into a criminal incident or an allegation of criminal wrongdoing, it is exempt from disclosure. *Pennsylvania State Police v. Office of Open Records*, 5 A.3d 473 (Pa. Commw. Ct. 2010) (*en banc*)."

*This request is denied.*

- 3) Please provide the names of any/all investigator(s), assistants, involved parties, private law firms, county employees, private investigators that were assigned, tasked or participated in any/all investigations that that were discussed, initiated start and end dates of any and all investigations as it pertains to Leah Hoopes and/or Gregory Stenstrom who are Federal Witnesses and Whistleblowers as it pertains to the 2020 General Election and the criminally malicious lawsuits filed with the afore mentioned County Personnel. This should also include any/all employees and or agents that were involved in these matters must be identified, and their names released; (unless they are engaged in undercover work, and budgets cannot be classified.) (Names of the Persons that sued you and Greg or made statements to media or anything.)

*As phrased, this request is insufficiently specific as this request fails to identify a specific type of record being requested. In determining whether a particular request is sufficiently specific, a three-part balancing test is employed. See, Pa. Dep't of Educ. v. Pittsburgh Post-Gazette*, 119 A.3d 1121 (Pa. Commw. Ct. 2015), and *Carey v. Pa. Dep't of Corr.*, 61 A.3d 367, 372 (Pa. Commw. Ct. 2013). First, "[t]he subject matter of the request must identify the 'transaction or activity' of the agency for which the record is sought." *Pa. Dep't of Educ.*, 119 A.3d at 1125. Second, the scope of the request must identify a discrete group of documents (e.g., by type or recipient). *Id.* Third, "[t]he timeframe of the request should identify a finite period of time for which the records are sought." *Id.* at 1126. This factor is the most fluid and is dependent upon the request's subject matter and scope. *Id.* None of these factors are dispositive; instead, courts have emphasized the importance of a "flexible, case by case, contextual application of the test." *Office of the DA of Phila. v. Bagwell*, 155 A.3d 1119, 1145 (Pa. Commw. Ct. 2017).

*It also seems this office is being asked to create a record, as no such list of names exists. Pursuant to 65 P.S. § 67.705, an agency is not required to create a record or compile information that was not previously documented.*

*Lastly, on its face, this request is phrased in a manner where it seems you might be requesting records that relate to a criminal investigation; records which would thereby be exempt from disclosure. "If a record, on its face, relates to a criminal investigation, it is exempt under the RTKL pursuant to 708(b)(16)(ii)." Barros v. Martin*, 92 A.3d 1243 (Pa. Commw. Ct. 2014). A law enforcement agency is not required to disclose documents that relate to a criminal investigation and that would reveal the institution, progress, or result of a criminal investigation, except for the filing of criminal charges. 65 P.S. § 67.708(b)(16)(vi)(A). If information is assembled as a result of the performance of any inquiry, formal or informal, into a criminal incident or an allegation of criminal

wrongdoing, it is exempt from disclosure. *Pennsylvania State Police v. Office of Open Records*, 5 A.3d 473 (Pa. Commw. Ct. 2010) (*en banc*).

*This request is denied.*

- 4) Please provide any/all recorded audio and video taken, preserved, saved, stored, sent, received e-mails or deleted from whistleblower, Regina Miller, and released by the District Attorney to the Delaware County Solicitor, and to the District Attorney or to the Solicitor or any other agency, media outlet, law firm or any opposing party in November 2021 that was in fact provided to main stream news outlet by the District Attorney's office of Delaware County, Pennsylvania staff or personnel.

*This request is insufficiently specific enough to identify a transaction or business of the District Attorney's Office. Thus, this office is unable to ascertain what records you may be seeking. In determining whether a particular request is sufficiently specific, a three-part balancing test is employed. See, Pa. Dep't of Educ. v. Pittsburgh Post-Gazette*, 119 A.3d 1121 (Pa. Commw. Ct. 2015), and *Carey v. Pa. Dep't of Corr.*, 61 A.3d 367, 372 (Pa. Commw. Ct. 2013). First, "[t]he subject matter of the request must identify the 'transaction or activity' of the agency for which the record is sought." *Pa. Dep't of Educ.*, 119 A.3d at 1125. Second, the scope of the request must identify a discrete group of documents (e.g., by type or recipient). *Id.* Third, "[t]he timeframe of the request should identify a finite period of time for which the records are sought." *Id.* at 1126. This factor is the most fluid and is dependent upon the request's subject matter and scope. *Id.* None of these factors are dispositive; instead, courts have emphasized the importance of a "flexible, case by case, contextual application of the test." *Office of the DA of Phila. v. Bagwell*, 155 A.3d 1119, 1145 (Pa. Commw. Ct. 2017).

*Here, the request fails to identify any sender or recipient of the records requested. The lack of information, coupled with the multi-year time frame, or a narrower scope, to help limit the vast universe of potentially responsive records, is not enough to give the request the specificity required to provide this office with sufficient context to determine which records are potentially responsive to the Request. See Pa. Dep't of Educ.*, 119 A.3d at 1125; see also *Pa. Dep't of Envtl. Prot. v. Legere*, 50 A.3d 260, 265 (Pa. Commw. Ct. 2012).

*Also, on its face, this request is phrased in a manner where it seems you might be requesting records that relate to a criminal investigation; records which would thereby be exempt from disclosure. "If a record, on its face, relates to a criminal investigation, it is exempt under the RTKL pursuant to 708(b)(16)(ii)." Barros v. Martin*, 92 A.3d 1243 (Pa. Commw. Ct. 2014). *A law enforcement agency is not required to disclose documents that relate to a criminal investigation and that would reveal the institution, progress, or result of a criminal investigation, except for the filing of criminal charges. 65 P.S. § 67.708(b)(16)(vi)(A). If information is assembled as a result of the performance of any inquiry, formal or informal, into a criminal incident or an allegation of criminal wrongdoing, it is exempt from disclosure. Pennsylvania State Police v. Office of Open Records*, 5 A.3d 473 (Pa. Commw. Ct. 2010) (*en banc*).

*To the extent that you are requesting to view a video that is on a public domain, presumably the video can be accessed by you without assistance from this office.*

*This request is denied.*

- 5) Please provide the Meeting Minutes of board meetings, as well as letters and memos pertaining this Right to Know request in respect and to the investigation initiated by the Delaware County District Attorney's office during the detailed time frames requested.

*This office is not in possession of records responsive to this request.*

- 6) Please provide any/all communications, information, letters, e-mails sent and received, dates, timelines, phone calls made to the Pennsylvania Attorney General's Office, Josh Shapiro or his agents, or the Federal Bureau of Investigation by ways and or any/all means, and methods used by the Delaware County District Attorney's Office its employees, agents or 3rd parties. This should also include ALL electronic copies of ALL email records to and from the various email domains that include specific and detailed list of keywords the agencies could of or did use to conduct any investigation, search or filing complaints against the Requesters Leah Hoopes and/or Gregory Stenstrom.

*As phrased, this request is insufficiently specific enough to identify a transaction or business of the District Attorney's Office. Thus, this office is unable to ascertain what records you may be seeking. In determining whether a particular request is sufficiently specific, a three-part balancing test is employed. See, Pa. Dep't of Educ. v. Pittsburgh Post-Gazette, 119 A.3d 1121 (Pa. Commw. Ct. 2015), and Carey v. Pa. Dep't of Corr., 61 A.3d 367, 372 (Pa. Commw. Ct. 2013). First, "[t]he subject matter of the request must identify the 'transaction or activity' of the agency for which the record is sought." Pa. Dep't of Educ., 119 A.3d at 1125. Second, the scope of the request must identify a discrete group of documents (e.g., by type or recipient). Id. Third, "[t]he timeframe of the request should identify a finite period of time for which the records are sought." Id. at 1126. This factor is the most fluid and is dependent upon the request's subject matter and scope. Id. None of these factors are dispositive; instead, courts have emphasized the importance of a "flexible, case by case, contextual application of the test." Office of the DA of Phila. v. Bagwell, 155 A.3d 1119, 1145 (Pa. Commw. Ct. 2017).*

*Here, the request fails to identify any sender or recipient of the correspondences requested. The lack of information, coupled with the multi-year time frame, or a narrower scope, to help limit the vast universe of potentially responsive records, is not enough to give the request the specificity required to provide this office with sufficient context to determine which records are potentially responsive to the Request. See Pa. Dep't of Educ., 119 A.3d at 1125; see also Pa. Dep't of Envtl. Prot. v. Legere, 50 A.3d 260, 265 (Pa. Commw. Ct. 2012).*

*Also, on its face, this request is phrased in a manner where it seems you might be requesting records that relate to a criminal investigation; records which would thereby be exempt from disclosure. "If a record, on its face, relates to a criminal investigation, it is exempt under the RTKL pursuant to 708(b)(16)(ii)." Barros v. Martin, 92 A.3d 1243 (Pa. Commw. Ct. 2014). A law enforcement agency is not required to disclose documents that relate to a criminal investigation and that would reveal the institution, progress, or result of a criminal investigation, except for the filing of criminal charges. 65 P.S. § 67.708(b)(16)(vi)(A). If information is assembled as a result of the performance of any inquiry, formal or informal, into a criminal incident or an allegation of criminal*

wrongdoing, it is exempt from disclosure. *Pennsylvania State Police v. Office of Open Records*, 5 A.3d 473 (Pa. Commw. Ct. 2010) (*en banc*).

*This request is denied.*

- 7) Please provide any/all Police reports, photographs, interviews or any other information that the agency might have, maintained, e-mails, sent, received, deleted or destroyed as it pertains to Leah Hoopes and/or Gregory Stenstrom.

*As phrased, this request is insufficiently specific enough to identify a transaction or business of the District Attorney's Office. Thus, this office is unable to ascertain what records you may be seeking. In determining whether a particular request is sufficiently specific, a three-part balancing test is employed. See, Pa. Dep't of Educ. v. Pittsburgh Post-Gazette*, 119 A.3d 1121 (Pa. Commw. Ct. 2015), and *Carey v. Pa. Dep't of Corr.*, 61 A.3d 367, 372 (Pa. Commw. Ct. 2013). First, "[t]he subject matter of the request must identify the 'transaction or activity' of the agency for which the record is sought." *Pa. Dep't of Educ.*, 119 A.3d at 1125. Second, the scope of the request must identify a discrete group of documents (e.g., by type or recipient). *Id.* Third, "[t]he timeframe of the request should identify a finite period of time for which the records are sought." *Id.* at 1126. This factor is the most fluid and is dependent upon the request's subject matter and scope. *Id.* None of these factors are dispositive; instead, courts have emphasized the importance of a "flexible, case by case, contextual application of the test." *Office of the DA of Phila. v. Bagwell*, 155 A.3d 1119, 1145 (Pa. Commw. Ct. 2017).

*Here, the request fails to identify any sender or recipient of the correspondences requested. The lack of information, coupled with the multi-year time frame, or a narrower scope, to help limit the vast universe of potentially responsive records, is not enough to give the request the specificity required to provide this office with sufficient context to determine which records are potentially responsive to the Request. See Pa. Dep't of Educ.*, 119 A.3d at 1125; *see also Pa. Dep't of Envtl. Prot. v. Legere*, 50 A.3d 260, 265 (Pa. Commw. Ct. 2012).

*Also, on its face, this request is phrased in a manner where it seems you might be requesting records that relate to a criminal investigation; records which would thereby be exempt from disclosure. "If a record, on its face, relates to a criminal investigation, it is exempt under the RTKL pursuant to 708(b)(16)(ii)." Barros v. Martin*, 92 A.3d 1243 (Pa. Commw. Ct. 2014). *A law enforcement agency is not required to disclose documents that relate to a criminal investigation and that would reveal the institution, progress, or result of a criminal investigation, except for the filing of criminal charges. 65 P.S. § 67.708(b)(16)(vi)(A). If information is assembled as a result of the performance of any inquiry, formal or informal, into a criminal incident or an allegation of criminal wrongdoing, it is exempt from disclosure. Pennsylvania State Police v. Office of Open Records*, 5 A.3d 473 (Pa. Commw. Ct. 2010) (*en banc*).

*This request is denied.*

- 8) Please Provide Emails sent from any/all public employee's work email accounts are records of their respective agency, and if they are related to that agency's business or investigation as it pertains to Leah Hoopes and/or Gregory Stenstrom.

As phrased, this request is insufficiently specific enough to identify a transaction or business of the District Attorney's Office. Thus, this office is unable to ascertain what records you may be seeking. In determining whether a particular request is sufficiently specific, a three-part balancing test is employed. See, *Pa. Dep't of Educ. v. Pittsburgh Post-Gazette*, 119 A.3d 1121 (Pa. Commw. Ct. 2015), and *Carey v. Pa. Dep't of Corr.*, 61 A.3d 367, 372 (Pa. Commw. Ct. 2013). First, "[t]he subject matter of the request must identify the 'transaction or activity' of the agency for which the record is sought." *Pa. Dep't of Educ.*, 119 A.3d at 1125. Second, the scope of the request must identify a discrete group of documents (e.g., by type or recipient). *Id.* Third, "[t]he timeframe of the request should identify a finite period of time for which the records are sought." *Id.* at 1126. This factor is the most fluid and is dependent upon the request's subject matter and scope. *Id.* None of these factors are dispositive; instead, courts have emphasized the importance of a "flexible, case by case, contextual application of the test." *Office of the DA of Phila. v. Bagwell*, 155 A.3d 1119, 1145 (Pa. Commw. Ct. 2017).

Here, the request fails to identify any sender or recipient of the correspondences requested. The lack of information, coupled with the multi-year time frame, or a narrower scope, to help limit the vast universe of potentially responsive records, is not enough to give the request the specificity required to provide this office with sufficient context to determine which records are potentially responsive to the Request. See *Pa. Dep't of Educ.*, 119 A.3d at 1125; see also *Pa. Dep't of Envtl. Prot. v. Legere*, 50 A.3d 260, 265 (Pa. Commw. Ct. 2012).

Also, this request might be misdirected, as it appears to be asking this office for the records of other unnamed agencies, records that would presumably not be in the possession of this office.

Lastly, on its face, this request is phrased in a manner where it seems you might be requesting records that relate to a criminal investigation; records which would thereby be exempt from disclosure. "If a record, on its face, relates to a criminal investigation, it is exempt under the RTKL pursuant to 708(b)(16)(ii)." *Barrios v. Martin*, 92 A.3d 1243 (Pa. Commw. Ct. 2014). A law enforcement agency is not required to disclose documents that relate to a criminal investigation and that would reveal the institution, progress, or result of a criminal investigation, except for the filing of criminal charges. 65 P.S. § 67.708(b)(16)(vi)(A). If information is assembled as a result of the performance of any inquiry, formal or informal, into a criminal incident or an allegation of criminal wrongdoing, it is exempt from disclosure. *Pennsylvania State Police v. Office of Open Records*, 5 A.3d 473 (Pa. Commw. Ct. 2010) (*en banc*).

This request is denied.

- 9) Please provide third-party records public records under the RTKL, that Agency or third-party in the possession of the contracting party and must directly relate to the governmental function as it pertains to Leah Hoopes and/or Gregory Stenstrom.

As phrased, this request is insufficiently specific enough to identify a transaction or business of the District Attorney's Office. Thus, this office is unable to ascertain what records you may be seeking. In determining whether a particular request is sufficiently specific, a three-part balancing test is employed. See, *Pa. Dep't of Educ. v. Pittsburgh*



*Post-Gazette*, 119 A.3d 1121 (Pa. Commw. Ct. 2015), and *Carey v. Pa. Dep't of Corr.*, 61 A.3d 367, 372 (Pa. Commw. Ct. 2013). First, "[t]he subject matter of the request must identify the 'transaction or activity' of the agency for which the record is sought." *Pa. Dep't of Educ.*, 119 A.3d at 1125. Second, the scope of the request must identify a discrete group of documents (e.g., by type or recipient). *Id.* Third, "[t]he timeframe of the request should identify a finite period of time for which the records are sought." *Id.* at 1126. This factor is the most fluid and is dependent upon the request's subject matter and scope. *Id.* None of these factors are dispositive; instead, courts have emphasized the importance of a "flexible, case by case, contextual application of the test." *Office of the DA of Phila. v. Bagwell*, 155 A.3d 1119, 1145 (Pa. Commw. Ct. 2017).

Here, the request fails to identify what kinds of records are being sought, and specifically from whom. The lack of information, coupled with the multi-year time frame, or a narrower scope, to help limit the vast universe of potentially responsive records, is not enough to give the request the specificity required to provide this office with sufficient context to determine which records are potentially responsive to the Request. See *Pa. Dep't of Educ.*, 119 A.3d at 1125; see also *Pa. Dep't of Envtl. Prot. v. Legere*, 50 A.3d 260, 265 (Pa. Commw. Ct. 2012).

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*This request is denied.*

- 10) Please provide any/all in person meeting dates, names, and title/ capacity of any witnesses that were interviewed during the investigation and the (detailed time frames from when to when). We or the Respondents, (are not asking for personal information), just the name of sources, witnesses, or agents that do not enjoy any legal protections from withholding these public records, and where the "Respondents" have accused the "Requesters" to have acted, defamed, or slandered in a criminally malicious operation in attempt to stop, prevent, or cover up their own bad acts, material misstatements, acts of verifiable recorded fraud, because they are elected officials and they hold positions of public trust which is even more important why these records do not have legal privilege to withhold that negatively affect the public body they serve as it pertains to Leah Hoopes and/or Gregory Stenstrom.

*This office is not in possession of records responsive to this request.*

- 11) Please provide any/all agendas, notes, statements, recordings, county phone, county cell phone, private cell phone communications conducting county business person have been made on or off record by phone, text, e-mail, encrypted chat apps, mail, or private couriers as it pertains to Leah Hoopes and/or Gregory Stenstrom.

*As phrased, this request is insufficiently specific enough to identify a transaction or business of the District Attorney's Office. Thus, this office is unable to ascertain what records you may be seeking. In determining whether a particular request is sufficiently specific, a three-part balancing test is employed. See, Pa. Dep't of Educ. v. Pittsburgh Post-Gazette, 119 A.3d 1121 (Pa. Commw. Ct. 2015), and Carey v. Pa. Dep't of Corr., 61 A.3d 367, 372 (Pa. Commw. Ct. 2013). First, "[t]he subject matter of the request must identify the 'transaction or activity' of the agency for which the record is sought." Pa. Dep't of Educ., 119 A.3d at 1125. Second, the scope of the request must identify a discrete group of documents (e.g., by type or recipient). Id. Third, "[t]he timeframe of the request should identify a finite period of time for which the records are sought." Id. at 1126. This factor is the most fluid and is dependent upon the request's subject matter and scope. Id. None of these factors are dispositive; instead, courts have emphasized the importance of a "flexible, case by case, contextual application of the test." Office of the DA of Phila. v. Bagwell, 155 A.3d 1119, 1145 (Pa. Commw. Ct. 2017).*

*Here, the request fails to identify what kinds of records are being sought, and specifically from whom. The lack of information, coupled with the multi-year time frame, or a narrower scope, to help limit the vast universe of potentially responsive records, is not enough to give the request the specificity required to provide this office with sufficient context to determine which records are potentially responsive to the Request. See Pa. Dep't of Educ., 119 A.3d at 1125; see also Pa. Dep't of Envtl. Prot. v. Legere, 50 A.3d 260, 265 (Pa. Commw. Ct. 2012).*

*Also, on its face, this request is phrased in a manner where it seems you might be requesting records that relate to a criminal investigation; records which would thereby be exempt from disclosure. "If a record, on its face, relates to a criminal investigation, it is exempt under the RTKL pursuant to 708(b)(16)(ii)." Barros v. Martin, 92 A.3d 1243 (Pa. Commw. Ct. 2014). A law enforcement agency is not required to disclose documents that relate to a criminal investigation and that would reveal the institution, progress, or result of a criminal investigation, except for the filing of criminal charges. 65 P.S. § 67.708(b)(16)(vi)(A). If information is assembled as a result of the performance of any inquiry, formal or informal, into a criminal incident or an allegation of criminal wrongdoing, it is exempt from disclosure. Pennsylvania State Police v. Office of Open Records, 5 A.3d 473 (Pa. Commw. Ct. 2010) (en banc).*

*This request is denied.*

- 12) Please provide all billing, invoices, detail the money spent with county, state, federal finances used to investigate the November 2020 election, specifically Leah Hoopes and Gregory Stenstrom and the whistleblower video and audio released in November 2021 as it pertains to Leah Hoopes and/or Gregory Stenstrom.

*This office is not in possession of records responsive to this request.*

- 13) Please provide any/all private letters or any/all e-mail, text or any/all communications provided by the District Attorney's office, or County Offices to Gerald Lawrence on/ before or after May 2022 and as it pertains to Leah Hoopes and/or Gregory Stenstrom.

*This office is not in possession of records responsive to this request.*

- 14) Please provide any/all communications, emails, texts, faxes, attachments, in preparation for the June 2nd, 2022 press release for the District Attorney as it pertains to Leah Hoopes and/or Gregory Stenstrom.

*This office is not in possession of records responsive to this request.*

- 15) Please provide any/all emails communications between County Attorneys, Private attorneys, 3rd parties, County Council members (as well as between attorneys, council and council employees) regarding any matters as it pertains to Leah Hoopes and/or Gregory Stenstrom.

*This office is not in possession of records responsive to this request.*

- 16) Please provide any/all emails communications between elected or non-elected personnel or the Agency that made political or investigative inquiries or complaints within or outside the District Attorney's office and between the County Offices to include any communications to media that were used to slander, or to defame their political enemies for exposing political or public corruption or misconduct or collected any/all information on the Leah Hoopes and/or Gregory Stenstrom as part of the "Respondents or the Agencies" investigations as it pertains to Leah Hoopes and/or Gregory Stenstrom.

*This office is not in possession of records responsive to this request.*

- 17) Please provide any/all legal correspondence, legal records, videos, communications electronic and written that may, or may not have been destroyed, altered, or tampered with, or have been removed, redacted, hidden or manipulated to these exact, detailed specific requests for information as it pertains to Leah Hoopes and/or Gregory Stenstrom.

*This office is not in possession of records responsive to this request.*

- 18) Please provide any/all "tip letters", "notices" or "official" or "non-official" investigative files associated with any/all agencies and their investigation of Leah Hoopes and Gregory Stenstrom and as it pertains to Leah Hoopes and/or Gregory Stenstrom.

*This office is not in possession of records responsive to this request.*

- 19) Please provide in detail any/all conflicts of interest which would prevent the Respondents attorneys from working on the same case as it pertains to Leah Hoopes and/or Gregory Stenstrom.

*This office is not in possession of records responsive to this request.*

- 20) Please provide all communications to and from the District Attorneys Office, County office, Private Attorneys, or 3rd parties that may or may not have communicated favors,



requests, or any other communication to Judge Jack Whelan, Judge John Cappuzzi, Judge Barry Dozor, Judge Spiros Angelos, Judge Michael Erdos, and any other agents for the Courts, 3rd parties of Delaware, Philadelphia or any other counties that may have participated in the swaying of public opinion, and in court proceedings against Leah Hoopes and/or Gregory Stenstrom

*This office is not in possession of records responsive to this request.*

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You have a right to appeal the denied portions of this request in writing to: Office of Open Records, 333 Market St., 16th Floor, Harrisburg, PA 17101-2234. Appeals can also be filed online at the Office of Open Records website, <https://www.openrecords.pa.gov>.

If you choose to file an appeal you must do so within 15 business days of the mailing date of the agency's response. See 65 P.S. § 67.1101. Please note that a copy of your original RTKL request, the agency's extension notice, and this denial letter should be included when filing an appeal. More information about how to file an appeal under the RTKL is available at the Office of Open Records website, <https://www.openrecords.pa.gov>.

If you have additional questions, please contact Deputy District Attorney Salena Jones, who answered this request in the place of ADA Rachael Kemmey who has a conflict. This correspondence will serve to close this record with our office as permitted by law.

Respectfully,



Salena Jones

Deputy District Attorney

[jones@co.delaware.pa.us](mailto:jones@co.delaware.pa.us)

## EXHIBIT C

RETRIEVEDFROMDEMOCRACYDOCKET.COM

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COMMONWEALTH OF PENNSYLVANIA  
OFFICE OF ATTORNEY GENERAL

MICHELLE A. HENRY  
ATTORNEY GENERAL

February 1, 2024

15<sup>th</sup> Floor, Strawberry Square  
Harrisburg, PA 17120  
(717) 783-1111

E-mail: [leahfreedelpa@protonmail.com](mailto:leahfreedelpa@protonmail.com)

Leah Hoopes  
241 Sulky Way  
Chadds Ford, PA 19317

**RE: Right to Know Request  
2023-299**

Dear Ms. Hoopes:

This letter acknowledges receipt by the Office of Attorney General of your written request for records under the Pennsylvania Right-to-Know Law (65 P.S. § 67.101 *et seq.*) (“RTKL”). The Right to Know Office received your request on December 22, 2023. On January 2, 2024, you were notified that a legal review was necessary to determine whether the records requested are subject to access under the RTKL and that additional time was required to perform this review. As provided in the RTKL, the Office of Attorney General (“OAG”) required up to an additional 30 calendar days, or until February 1, 2024, in which to provide a final response to your request. The review has now been completed, and this letter serves as our final response.

The “identified records” are those stated in your December 22, 2023 request, as modified by any subsequent communications. Specifically, your request indicates that you are seeking the following information:

1. Please provide the First and Last Names of the Pennsylvania Attorney Agents who ordered, responded, and directed to Leah Hoopes, Gregory Stenstrom, and also Joe Driscoll’s homes on, before, during or after November 17th, 2020 to the present time and date and per the follow up phone call to Agent:

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2. Please provide the Pennsylvania Attorney Agents reports, orders and detailed directives from their supervisors from their visit to Leah Hoopes, Gregory Stenstrom, and also Joe Driscoll's homes on, before, during or after November 17th, 2020 to the present time and date?
3. Please provide all reports, emails, phone calls, faxes, developed by Special Agent Aidi Marcial, and any other agents or involved staff as it pertains to Leah Hoopes and Gregory Stenstrom.
4. Please provide Global Positioning Data of their State Issued Cell Phones, and as well GPS of Special Agent, Aidi Marcial and any/all other agents that visited Leah Hoopes, Gregory Stenstrom, and also Joe Driscoll's homes on, before, during or after November 17th, 2020 to the present time and date and per the follow up phone call to Agent:
5. Provide any and all communications between Josh Shapiro (previous AG) and William McSwain and/ or US Attorney Generals' office of the Eastern District in regard to criminal referral for voter fraud during timeframe of April 2020 to ending December 2022.
6. Please provide the dates, times, e-mails, phone calls, texts, or meetings that took place when US Attorney William McSwain contacted Pennsylvania Attorney General, Josh Shapiro and what information was shared by e-mails, phone calls, text, or meetings took place to discuss the election fraud, and regarding Leah Hoopes and Greg Stenstrom sworn affidavits that were provided to US Attorney William McSwain, to provide to the US Attorney General at the time Bill Barr.
7. Please provide any and all communications, e-mails, letters, invoices and other things with Kathy Boockvar, President of "Athena Strategies LLC." a company that advertises as "Election Security, Democracy, and Trust, and also please provide "Brennan Center for Justice" communications e-mails, letters, invoices and other things, and assistance that Kathy Boockvar has provided to Josh Shapiro regarding Leah Hoopes, and Greg Stenstrom any and all assistance and communications while Josh Shapiro was Attorney General to the present date of him being the Governor of Pennsylvania.
8. Please provide all financial records that Josh Shapiro used to investigate, intimidate, harass, or threaten Leah Hoopes, and

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Greg Stenstrom when and following them reporting Election Fraud and reporting that Josh Shapiro sent Special Agents to their homes uses State Tax dollars.

9. Please provide any/all criminal or civil investigative records, complaint forms online/digital, interoffice e-mails, or paper records with the complaint number(s) with the Pennsylvania Attorney General's office, agency as it pertains to any/all criminal investigations initiated in November 2020 regarding Leah Hoopes and Greg Stenstrom which is not privileged and is not confidential information, per the Duane Morris invoices that detailed communications are communications with the Attorney General's office and Duane Morris law firm.
10. Please provide any/all sworn or non-sworn statements, complaints, or communications made about Leah Hoopes and Gregory Stenstrom. This should also include any human resources employed or not employed by Pennsylvania Attorney General's office as pertains to the Respondents complaints and sworn falsifications that they have made on and off public records and in litigation that involved agents have manufactured without facts in the form of court reports and Sworn Affidavit.
11. Please provide the names of any/all investigator(s), assistants, special agents, involved parties, private law firms, county employees, private investigators that were assigned, tasked or participated in any/all investigations that that were discussed, initiated start and end dates of any and all investigations as it pertains to Leah Hoopes and Gregory Stenstrom who are Federally protected Witnesses and Whistleblowers as it pertains to the 2020 Presidential General Election Fraud. This should also include any/all employees and or agents that were involved in these matters must be identified, and their names released; (unless they are engaged in undercover work, and budgets cannot be classified.) (Names of the Persons that sued Leah and Greg or made statements to media or anything.)
12. Please provide any/all communications, information, letters, e-mails, texts, US mail sent and received, dates, timelines, phone calls made to or from Pennsylvania Attorney General's Josh Shapiro or his agents to the Federal Bureau of Investigation, US Attorney's Office, Delaware County District Attorney's, Delaware Board of Elections, Delaware County Council or any other county agent office by ways and or any/all means, and

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methods used by its employees, agents or hired, or pro bono, volunteer 3rd parties, contractors, or consultants.

13. Please provide This should also include ALL electronic copies of ALL email records to and from the various email domains that include specific and detailed list of keywords the agencies could of or did use to conduct any investigation, search or filing complaints against the Requesters Leah Hoopes and Gregory Stenstrom.
14. Please provide any/all agent reports, photographs, interviews or any other information that the agency have, maintained, e-mails, sent, received, deleted or destroyed as it pertains to Leah Hoopes and Gregory Stenstrom.
15. Please provide any/all in person meeting dates, names, and title/ capacity of any witnesses that were interviewed during the investigation and the (detailed time frames from when to when). We or the "Requesters" Leah Hoopes and Greg Stenstrom, (are not asking for personal information), just the name of sources, witnesses, or agents that do not enjoy any legal protections from withholding these public records, and where the "Respondents" have accused the "Requesters" to have acted, defamed, or slandered in a criminally malicious operation in attempt to stop, prevent, or cover up their own bad acts, material misstatements, acts of verifiable recorded fraud, because they are elected officials and they hold positions of public trust which is even more important why these records do not have legal privilege to withhold that negatively affect the public body they serve.
16. Please provide any/all agendas, notes, statements, recordings, agency VoIP phone calls, agency cell phones, private cell phone communications conducting State business on personal devices that have been made on or off record by phone, text, e-mail, encrypted chat apps, mail, or private couriers or other means.
17. Please provide all emails, meetings with adverse republican or independent parties involved political parties to Pennsylvania Attorney General, Governor Wolf's office, and any local politicians as it pertains to election fraud uncovered in Delaware County.
18. Please provide all communications provided by Mike Verb, Katie Muth to the Attorney General, or Governor, or Media

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outlets or any other party before and after these time frames regarding any and all things in this right to know request.

19. Please provide any/all communications the Pennsylvania Attorney General Josh Shapiro, his agents, employees, or 3rd parties communicated information to Media outlets, Political Action Committees, or independent 3rd parties such as Factcheck.org, NAACP, The Annenberg Foundation Trust or any other domestic or foreign agency in any shape or form this is to include public statements made to the Media by Josh Shapiro, made about President Donald Trump and all things related to the Election Fraud in Delaware County or anywhere else in or outside the Commonwealth of Pennsylvania that influenced, swayed, or interfered, or postured investigations to control outcomes of public opinions, trust, and votes.
20. Please provide any/all communications, information, letters, e-mails, texts, US mail sent and received, dates, timelines, phone calls made to or from United States Attorney General's William Barr or his agents to the Pennsylvania Attorney General's office, also included Federal Bureau of Investigation, US Attorney's Office, Delaware County District Attorney's, Delaware County Board of Elections, Delaware County Council or any other county agent office by ways and or any/all means, and methods used by its employees, agents or hired, or pro bono, volunteer 3rd parties, contractors, or consultants.
21. Please provide any geofencing and metadata of any tracking in human, or electronic, or AI form of Leah Hoopes and Gregory Stenstrom's phone or online footprint, for all communications including emails, phone records etc. even if it included unlawful tracking of social media or cellular digital locations of Leah Hoopes and Gregory Stenstrom's cell phones, or unauthorized illegal wire taps.
22. Please provide all information and communications sent or received from Factcheck.org relative to any/all of the request to know and please provide.

A full and complete search pursuant to the requirements of the RTKL has been conducted. It has been determined that your request is respectfully denied in part and cannot be granted in part, as some records have not been found within this agency<sup>1</sup>.

<sup>1</sup> Your request appears to be seeking records related to an OAG investigation against you and/or Gregory Stenstrom. Please note, there is no investigation against Leah Hoopes or Gregory Stenstrom. As a result, many of the records you are seeking do not exist as records of the OAG as further explained below.

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**REQUEST PARTS #4, #5, #6, #7, #8, #9, #11, #13, #15, #18, #19, #21, #22-NOT GRANTED**

**No Records Found**

A full and complete search pursuant to the requirements of the RTKL has been conducted, based upon the parameters of your request as set forth above, and it has been determined that the requested information for Parts #4, #5, #6, #7, #8, #9, #11, #13, #15, #18, #19, #21, #22, as specified above, does not exist as a record of this agency and we are not required to create a record that does not exist. 65 P.S. § 67.705. *Moore v. Office of Open Records*, 992 A.2d 907 (Pa. Cmwlth. 2010). It should be noted that it is not a denial of access when an agency does not have possession, custody or control of a record and there is no legal obligation to obtain such record. 65 P.S. § 67.506(d)(1). However, if you choose to interpret this letter as a denial, you may file an appeal as indicated below.

**REQUEST PARTS #12, #16, #17, #20 - DENIED**

**Insufficiently Specific**

Your request is insufficiently specific pursuant to the provisions of section 703 of the RTKL. 65 P.S. § 67.703. In determining whether a particular request under the RTKL is insufficiently specific, there is a three-part balancing test established by the Commonwealth Court. *See Pa. Dep't of Educ. v. Pittsburgh Post-Gazette*, 119 A.3d 1121 (Pa. Cmwlth. 2015), and *Carey v. Pa. Dep't of Corr.*, 61 A.3d 367, 372 (Pa. Cmwlth. 2013). This test requires analysis of three factors: “(1) the subject matter of the request; (2) the scope of documents sought; and (3) the timeframe for which records are sought.” *Pa. Dep't of Educ.* 119 A.3d at 1124. “The subject matter of the request must identify the ‘transaction or activity’ of the agency for which the record is sought.” *Pa. Dep't of Educ.* 119 A.3d at 1125. The scope of the request must identify “a discrete group of documents, either by type ... or by recipient.” *Carey*, 61 A.3d at 372. And finally, the timeframe of the request should identify a finite period of time. *Pa. Dep't of Educ.* 119 A.3d at 1126. *See Carey*, 61 A.3d at 372.

**Subject Matter and Scope of Documents You Requested**

Your request is not specific as to what you are trying to find. You seek:

12. “any/all communications, information, letters, e-mails, texts, US mail sent and received, dates, timelines, phone calls made to or from Pennsylvania Attorney General’s Josh Shapiro or his agents to the Federal Bureau of Investigation, US Attorney’s Office, Delaware County District Attorney’s, Delaware Board of Elections, Delaware County Council or any other county agent office by ways and or any/all means, and methods used by its employees, agents or hired, or pro bono, volunteer 3rd parties, contractors, or consultants.” *and*

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16. "...any/all agendas, notes, statements, recordings, agency VoIP phone calls, agency cell phones, private cell phone communications conducting State business on personal devices that have been made on or off record by phone, text, e-mail, encrypted chat apps, mail, or private couriers or other means." *and*

17. "...all emails, meetings with adverse republican or independent parties involved political parties to Pennsylvania Attorney General, Governor Wolf's office, and any local politicians as it pertains to election fraud uncovered in Delaware County." *and*

20. "...any/all communications, information, letters, e-mails, texts, US mail sent and received, dates, timelines, phone calls made to or from United States Attorney General's William Barr or his agents to the Pennsylvania Attorney General's office, also included Federal Bureau of Investigation, US Attorney's Office, Delaware County District Attorney's, Delaware County Board of Elections, Delaware County Council or any other county agent office by ways and or any/all means, and methods used by its employees, agents or hired, or pro bono, volunteer 3rd parties, contractors, or consultants."

However, you do not provide sufficient specificity, such as a subject matter, name/number of an OAG investigation, specific key words, the names of individuals considered to be adverse, names of media outlets, or some other further defining context in order for the OAG to conduct a good faith search for records that may be responsive to your request. As a result of this lack of specificity, the scope of documents sought cannot be determined. Also, your request then shifts the burden to our office to determine what you mean by certain of the terms included in your request such as:

12. "*any/all communications...sent and received...to or from Pennsylvania Attorney General's Josh Shapiro or his agents to [various agencies] or any other county agent office* by ways and or any/all means, and methods used by its employees, agents or hired, or pro bono, volunteer 3rd parties, contractors, or consultants." *and*

16. "...*any/all* agendas, notes, statements, recordings, agency VoIP phone calls, agency cell phones, private cell phone communications conducting State business on personal devices *that have been made on or off record* by phone, text, e-mail, encrypted chat apps, mail, or private couriers or other means." *and*

17. "...*adverse republican* or independent parties involved political parties to Pennsylvania Attorney General, Governor Wolf's office." *and*

20. "...*any/all communications...sent and received...to or from United States Attorney General's William Barr or his agents to the Pennsylvania Attorney General's office, also included Federal Bureau of Investigation, US Attorney's Office, Delaware County District Attorney's, Delaware County Board of Elections, Delaware County Council or any other county agent office* by ways and or any/all means, and methods used by its employees, agents or hired, or pro bono, volunteer 3rd parties, contractors, or consultants."

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When responding to requests made in accordance with the RTKL, an agency is only required to supply access to records that exist as public records of the agency that are sufficiently identified to allow the agency to determine what records are being sought. Rather than guessing everything a request might conceivably encompass, such as the request's intended investigatory nature or target, the purpose of the RTKL is for a requester to ask for a record that is clearly defined and easily identified, thereby allowing an agency to determine if the record sought is publicly available. 65 P.S. § 67.703; *Pennsylvania State Police v. Office of Open Records*, 995 A.2d 515 (Pa. Cmwlth. 2010).

#### Timeframe

The timeframe of a request should identify a finite period of time for which records are sought. *Pa. Dep't of Educ.*, 119 A.3d at 1126. The analysis of whether the timeframe of a request is sufficiently specific depends on the specificity and scope of the request. *Mollick*, 32 A.3d 859, 871. Although this request does provide a finite time period in which to search for potentially responsive records, without a subject matter to guide the potential record holders to a discrete group of documents, it is unreasonable to expect the OAG to search through more than three years of records; as a result, this request lacks specificity. *Pa. Dep't of Educ.*, 119 A.3d at 1126. Therefore, this request is insufficiently specific because it does not provide a subject matter or context by which the request can be narrowed even if it does provide a finite timeframe.

In the alternative, even if the OAG was able to determine with specificity the records you are seeking, they would all relate to a criminal investigation conducted by the OAG regarding complaints of potential voter fraud and would be denied for one or more of the reasons identified below.

#### **REQUEST PART #1, #2, #3, #10, #14 - DENIED**

##### **Covert Law Enforcement Agent**

Certain requests or parts of requests are for covert law enforcement agent names, and they are not disclosable under the RTKL. 65 P.S. § 67.708(b)(6)(iii). Agent names are withheld from disclosure pursuant to section 708 of the RTKL, which precludes the release of the "name or other identifying information relating to an individual performing an undercover or covert law enforcement activity from a record." 65 P.S. § 67.708(b)(6)(iii). *Pennsylvania State Police v. McGill*, 83 A.3d 476 (Pa. Cmwlth 2014); *Gordon Rago and York Daily Record v. Pennsylvania State Police*, OOR Dkt. AP 2017-045. Here, you are requesting information regarding the names of OAG agents involved in a criminal investigation where the agents were investigating complaints of potential voter fraud. As such, their names may not be disclosed under the RTKL and your request is denied.

##### **Criminal Investigative Exemption**

The records you seek are records concerning a criminal investigation maintained by the OAG's Criminal Investigation Division and they are not subject to disclosure based upon the

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RTKL's criminal investigative exemption. Exempt from disclosure are records that constitute "a record of an agency relating to or resulting in a criminal investigation including...complaints of potential criminal conduct...investigative materials, notes, correspondence, videos and reports...[a] record that includes information made confidential by law or court order...[and] [a] record that, if disclosed, would...[r]eveal the institution, progress or result of a criminal investigation, except the filing of criminal charges." 65 P.S. §67.708(b)(16)(i), (ii), (iv) and (vi)(A). *Barros v. Martin*, 92 A.3d 1243 (Pa. Cmwlth. 2014); *Coley v. Philadelphia District Attorney's Office*, 77 A.3d 694 (Pa. Cmwlth. 2013). Here, there are records related to an investigation regarding complaints of potential voter fraud. The records include investigative reports, witness interviews, communications, and attorney memorandum. These records were received or created in furtherance of a criminal investigation by criminal agents and attorneys, none of which include publicly available records. Moreover, disclosing the records would reveal the institution, progress or result of the criminal investigation. Therefore, records relating to the underlying criminal investigation are exempt from disclosure pursuant to the criminal investigative exemption.

Additionally, under the RTKL, a "public record" is a record that is "not exempt from being disclosed under any other Federal or State law or regulation..." 65 P.S. § 67.102. Here, the records are also exempt under the Criminal History Record Information Act (CHRIA).

### **CHRIA**

Under CHRIA, "[i]nvestigative...[i]nformation shall not be disseminated to any department, agency or individual unless the department, agency or individual requesting the information is a criminal justice agency which requests the information in connection with its duties..." 18 Pa.C.S.A. § 9106(c)(4). "Investigative information" is defined by CHRIA as "[i]nformation assembled as a result of the performance of any inquiry, formal or informal, into a criminal incident or an allegation of criminal wrongdoing and may include modus operandi information." 18 Pa.C.S.A. § 9102. *Coley v. Philadelphia District Attorney's Office*, 77 A.3d 694 (Pa. Cmwlth. 2013); *Mitchell v. Office of Open Records*, 997 A.2d 1262 (Pa. Cmwlth. 2010). Here, the records you seek are related to a criminal investigation, as detailed above. They contain criminal investigatory information and are themselves investigatory in nature, all of which qualifies them for protection under CHRIA. As you, the requestor, are not a criminal justice agency, the OAG is without authority to release these records to you.

### **Attorney-Work Product**

Here, the attorney-work product doctrine also protects certain documents from release. Records prepared or created that contain mental impressions, conclusions, legal theories and results of research, created by an attorney in the course of his professional duties are protected from disclosure by the attorney-work product doctrine. See *Bagwell v. Pennsylvania Department of Education*, 103 A.3d 409, 415-416 (Pa. Cmwlth. 2014). The work-product doctrine offers broad protection to these mental impressions, opinions and conclusions, regardless of whether they were prepared in anticipation of litigation. *Bagwell* at 417. Here, there are memorandum created by the attorney overseeing the case which contain their mental impressions and legal theories of regarding

February 1, 2024

the course of the voter fraud investigation and evaluation of the evidence related to the accusations of voter fraud.

### **PREDECISIONAL DELIBERATIONS**

Records utilized to make a decision, recommendation or to form an opinion on legal or policy matters are precluded from disclosure as “a record that reflects the internal, predecisional deliberations of an agency, its members, employees or officials or predecisional deliberations between agency members, employees or officials and members, employees or officials of another agency, including predecisional deliberations relating to a budget recommendation, legislative proposal, legislative amendment, contemplated or proposed policy or course of action or any research, memos or other documents used in the predecisional deliberations.” 65 P.S. § 67.708(b)(10)(i)(A). *Kaplin v. Lower Merion Township*, 19 A.3d 1209 (Pa. Cmwlth. 2011), *petition for allowance of appeal denied*, 612 Pa. 693, 29 A.3d 798 (Pa. 2011). To prove this exception, the OAG is required to show that: “(1) the information is internal to the agency; (2) the information is deliberative in character; and (3) the information is prior to a related decision, and thus ‘predecisional.’” *Carey v. Department of Corrections*, 61 A.3d 367, 379 (Pa. Cmwlth 2013). In this case, there are communications and draft documents that reflect the internal, predecisional deliberations of employees of the OAG discussing particular legal theories and analysis regarding the OAG’s investigation into complaints of potential voter fraud and in discussing a course of action related to previously filed RTK request #2023-225. Records concerning the OAG’s investigation and/or RTKL deliberations into these matters contain predecisional deliberative materials. The records are withheld entirely under this exemption because: a) the communications were internal between OAG employees, b) the communications were made for the purpose of considering all available legal strategies and options regarding a proposed course of action, and c) the communications were predecisional, meaning they occurred before the OAG employees settled on a final course of action relative to the investigation of potential voter fraud and the Final Response to RTKL request #2023-225. A review of these records shows a clear progression of deliberation regarding the best course of action throughout the entire OAG’s investigation and RTKL deliberations. As such, these records are exempt from disclosure under the RTKL in accordance with 65 P.S. § 67.708(b)(10)(i)(A)

### **CONCLUSION**

For the above reasons, your request has been respectfully denied in part and could not be granted in part. We trust that this response addresses the intent of your request.

### **RIGHT TO APPEAL**

BY PROVIDING THIS RESPONSE, THE OFFICE OF ATTORNEY GENERAL HAS SATISFIED ITS OBLIGATION TO RESPOND TO YOUR REQUEST. SHOULD YOU WISH TO CHALLENGE THIS RESPONSE UNDER THE RTKL, YOU MUST FILE AN APPEAL WITH THE RIGHT TO KNOW APPEALS OFFICER OF THE PENNSYLVANIA OFFICE OF ATTORNEY GENERAL, WITHIN FIFTEEN (15) BUSINESS DAYS OF THE MAILING DATE OF THIS LETTER. YOUR APPEAL MUST INCLUDE A COPY OF YOUR ORIGINAL

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Leah Hoopes  
Right to Know Request  
Page 11

February 1, 2024

REQUEST AND THIS AGENCY'S RESPONSE, STATE THE GROUNDS UPON WHICH YOU CLAIM YOUR REQUEST SHOULD NOT HAVE BEEN DENIED AND ADDRESS ALL REASONS STATED BY THIS AGENCY FOR ITS DENIAL OF YOUR REQUEST. FAILURE TO FOLLOW THESE INSTRUCTIONS MAY RESULT IN DISMISSAL OF YOUR APPEAL. YOUR APPEAL MUST BE SENT TO THE FOLLOWING:

RIGHT TO KNOW APPEALS OFFICER  
OFFICE OF ATTORNEY GENERAL  
CIVIL LITIGATION SECTION  
15<sup>TH</sup> FLOOR STRAWBERRY SQUARE  
HARRISBURG, PA 17120

Please note that this response is being sent from an unmonitored e-mail address. Do not reply to this e-mail.

Sincerely,



Sharon K. Maitland  
Senior Deputy Attorney General  
Right to Know Officer

SKM:mae  
2023-299

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## EXHIBIT D

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Gregory Stenstrom &lt;gregorystenstrom@gmail.com&gt;

**2:24-cv-02425 Conference**

2 messages

**Gregory Stenstrom** <gregorystenstrom@gmail.com>

Fri, Jul 12, 2024 at 2:22 PM

To: BKennedy@duanemorris.com, jmparks &lt;jmparks@duanemorris.com&gt;, Nick Centrella &lt;NMCentrella@duanemorris.com&gt;

Cc: Joy Schwartz &lt;jschwartzpro@gmail.com&gt;, Robert Mancini &lt;delcocyber@gmail.com&gt;, leahfreedelcopa

&lt;leahfreedelcopa@protonmail.com&gt;

Bcc: Paul Rumley &lt;prumley@rumleyrealty.com&gt;, Renee Mazer &lt;reneeazer@gmail.com&gt;, "Tammy Lex

(TLLEX1@Verizon.net)" &lt;TLLEX1@verizon.net&gt;

Dear Attorneys Kennedy, Parks, and Centrella,

Notwithstanding your Motion to Dismiss, which we will respond to within the 14 day window, the local rules for EDC, and Judge Scott, require a conference between parties and a meaningful attempt to settle. Given our mutual past history, interactions, and your MTD, we expect that the outcome of the conference will be perfunctory and likely just be the questions put forward to Judge Scott for consideration.

We can meet as soon as Monday, July 15th, 2024, and next week. I suggest the Delco Government Center, but we also have a large office conference room available on Providence Road (Route 252 & Route 1).

R,  
Gregory Stenstrom, Pro Se  
856-264-5495

**Parks, J. Manly** <JMParks@duanemorris.com>

Fri, Jul 12, 2024 at 3:46 PM

To: Gregory Stenstrom &lt;gregorystenstrom@gmail.com&gt;, Joy Schwartz &lt;jschwartzpro@gmail.com&gt;, Robert Mancini

&lt;delcocyber@gmail.com&gt;, leahfreedelcopa &lt;leahfreedelcopa@protonmail.com&gt;

Cc: "Kennedy, Brian Adam" &lt;BKennedy@duanemorris.com&gt;, "Centrella, Nick" &lt;NMCentrella@duanemorris.com&gt;

Mr. Stenstrom, Ms. Schwartz, Mr. Mancini, and Ms. Hoopes,

We believe such a meeting would be premature at this time. Judge Scott's policies require that we discuss the case, pursuant to Federal Rule of Civil Procedure 26(f), at least 14 days before a Rule 16 conference scheduled by the Judge. See Judge Scott Policies and Procedures III(A)-(B). Per her policies, Judge Scott generally schedules a Rule 16 conference after the defendant has filed an answer to the complaint. See *id.*, III(B). We have not yet filed an answer to your complaint, so no meeting is required unless we hear from the Judge that she will be scheduling an early Rule 16 conference.

Sincerely,

Manly Parks

On Jul 12, 2024, at 2:22 PM, Gregory Stenstrom &lt;gregorystenstrom@gmail.com&gt; wrote:

[Quoted text hidden]

For more information about Duane Morris, please visit <http://www.DuaneMorris.com>

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<https://mail.google.com/mail/u/0/?ik=e2b98f2c02&view=pt&search=all&permthid=thread-a:r90066616733228478&simpl=msg-a:r-82871445547007253...> 1/2

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## EXHIBIT E

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**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

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MANCINI, et al.,

Plaintiffs,

v.

DELAWARE COUNTY, et al.,

Defendants.

---

No. 2:24-cv-02425-KNS

**MEMORANDUM OF LAW IN OPPOSITION TO PLAINTIFFS' MOTION FOR  
JUDGMENT ON THE PLEADINGS**

Defendants Delaware County ("County") and the Delaware County Board of Elections ("Board") (collectively "County Defendants") hereby submit this memorandum of law in opposition to Plaintiffs' Motion for Judgment on the Pleadings and state as follows:

**I. INTRODUCTION**

Plaintiffs' Motion for Judgment on the Pleadings is untimely because the pleadings are not closed. County Defendants' Motion to Dismiss is currently pending before the Court, and pursuant to Federal Rule of Civil Procedure 12(a)(4), Delaware County's Answer is not due yet.

**II. FACTUAL BACKGROUND**

Plaintiffs served the Complaint and Notice to Defend in this suit—the twentieth they've filed against the County or Board since the 2020 General Election—on June 11th, 2024. *See* Compl., ECF No. 1. County Defendants filed and served a timely Motion to Dismiss under Rule 12 on July 1. *See* Defs.' Mot. Dismiss, ECF No. 9. Plaintiffs subsequently acknowledged and responded to County Defendants' Motion to Dismiss, which is now pending before the Court. *See* Pls.' Resp., ECF No. 12.

Plaintiffs emailed County Defendants on July 12 requesting a conference, seemingly based on a misapprehension that one was required by this Court’s Local Rules and Judge Scott’s Policies and Procedures. *See* Pls.’ Mot. J. Pleadings, Ex. D, ECF No. 14. County Defendants promptly responded, and explained to Plaintiffs that no Rule 16 conference was required because an answer had not yet been filed. *See id.*

Plaintiffs then filed the instant Motion for Judgment on the Pleadings. *See generally id.* As the basis for their Motion, Plaintiffs cite Rule 12, demonstrating that this frivolous Motion is not based on a mere lack of awareness of the rules. *See id.*, at 1-2. Plaintiffs chiefly complain that the County Defendants have not yet filed an answer, though an answer is not yet due. *See generally id.*; Fed. R. Civ. P. 12(a)(4). The remainder of Plaintiffs’ Motion is filled with serious—and baseless—accusations, including that the County Defendants bribed a nonprofit fact-checking organization, improperly shut down the proceedings of a Pennsylvania state court, destroyed and withheld evidence, refused to participate in a required conference, and defrauded this Court. *See* Pls.’ Mot. at 2-5, ECF No. 14.

### **III. LEGAL STANDARD**

A party may only move for judgment on the pleadings under Rule 12(c) “[a]fter the pleadings are closed—but early enough not to delay trial.” Fed. R. Civ. P. 12(c) (emphasis added). “To succeed on a motion under Rule 12(c), the movant must clearly establish that no genuine issues of material fact remain and that he is entitled to judgment as a matter of law.” *Trustmark Servs. Co. v. Feeney*, No. CV 20-3686, 2024 WL 869476, \*5 (E.D. Pa. Feb. 28, 2024) (internal quotation marks omitted). In considering the motion, a court must accept all allegations in the pleadings of the non-moving party as true, and draw all reasonable inferences in their favor. *Essential Utilities, Inc. v. Swiss Re Grp.*, 654 F. Supp. 3d 476, 480 (E.D. Pa. 2023).

### **IV. ARGUMENT**

Plaintiffs' motion is untimely because the pleadings have not yet closed, and Defendants' answer is not yet due. Under the provisions of Rule 7(a) of the Federal Rules of Civil Procedure, the pleadings are not closed until at least an answer has been filed. *Creedon v. Bowman*, 75 F. Supp. 265 (W.D. Pa. 1948); *see also* 5 Fed. Prac. & Proc. Civ. § 1189 (4th ed. 2024). While a defendant initially has 21 days after service of a complaint to file their answer, Fed. R. Civ. P. 12(a)(1)(a), serving a motion such as County Defendants' Motion to Dismiss alters this deadline and causes the responsive pleading to be due 14 days after the Court denies the motion if it does so, Fed. R. Civ. P. 12(a)(4)(A). County Defendants filed a timely Motion to Dismiss under Rule 12(b), which is now pending before the Court. If the Court denies that Motion, County Defendants' Answer would be due 14 days after notice is given of the Court's action. Fed. R. Civ. P. 12(a)(4)(A). The pleadings are not closed, so a Motion for Judgment on the Pleadings is not proper at this time.

Even if such a motion were proper, it should fail. As outlined in County Defendants' Motion to Dismiss, Plaintiffs' Complaint failed to establish standing and failed to state a claim upon which relief can be granted. *See generally*, Defs.' Mot. Dismiss, ECF No. 9.

## V. CONCLUSION

For the foregoing reasons, County Defendants respectfully request that the Court deny Plaintiffs' Motion for Judgment on the Pleadings.

[Signature block on next page.]

DUANE MORRIS LLP

By: /s/ J. Manly Parks  
J. Manly Parks (74647)  
Nicholas M. Centrella, Jr. (326127)  
Brian A. Kennedy (334441)  
30 South 17th Street  
Philadelphia, PA 19103-4196  
Telephone: +1 215 979 1000  
Fax: +1 215 979 1020

*Attorneys for Delaware County and  
the Delaware County Board of  
Elections*

Dated: August 12, 2024

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**CERTIFICATE OF SERVICE**

I hereby certify that on August 12, 2024, I caused a copy of the foregoing to be served on all pro se Plaintiffs via this Court's ECF system and by e-mail:

Robert Mancini  
delcocyber@gmail.com

Gregory Stenstrom  
gregorystenstrom@gmail.com

Leah Hoopes  
leahfreedelcopa@protonmail.com

Joy Schwartz  
jschwartzpro@gmail.com

Dated: August 12, 2024

/s/ J. Manly Parks  
J. Manly Parks

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## EXHIBIT F

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IN THE  
**United States District Court**  
**Eastern District of Pennsylvania**  
CIVIL ACTION - ELECTION LAW

**ROBERT MANCINI, PRO SE,**  
Authorized Representative  
and  
**JOY SCHWARTZ, PRO SE**  
Candidate for Delaware County Council  
and  
**GREGORY STENSTROM, PRO SE**  
Authorized Representative  
and  
**LEAH HOOPES, PRO SE**  
Authorized Representative  
**Plaintiffs,**

v.

**DELAWARE COUNTY, PA,**  
and  
**DELAWARE COUNTY BOARD OF  
ELECTIONS**  
**Defendants.**

Case No. **2:24-cv-02425-KNS**

CIVIL ACTION: VIOLATION OF  
FEDERAL ELECTION LAW

**PLAINTIFF RESPONSE TO  
DEFENDANTS' MEMORANDUM OF  
LAW IN OPPOSITION TO  
PLAINTIFFS' MOTION FOR  
JUDGMENT ON THE PLEADINGS**

ENJUNCTION REQUESTED  
DISCOVERY REQUESTED  
ORAL ARGUMENTS REQUESTED  
JURY TRIAL REQUESTED

**PLAINTIFF RESPONSE TO DEFENDANTS' MEMORANDUM OF LAW IN  
OPPOSITION TO PLAINTIFFS' MOTION FOR JUDGMENT ON THE PLEADINGS**

1. A motion for judgment on the pleadings is filed "after the pleadings have closed, but early enough not to delay trial," in accordance with FRCP 12(c), which Plaintiffs have timely filed.
2. Pleadings are "closed" once a complaint and answers by all defendants have been filed, for which Defendants had 20-days to initially respond, and 69-days since serving the complaint,



but have refused to do so.

3. The proper response by Defendants could include responsive pleadings in the form of Preliminary Objections, Affirmative Defenses, New Matter(s), AND a Motion to Dismiss, but it is not a binary option, and litigants have proceeded at their own jeopardy by not doing so.
4. The question of federal law before the Honorable Court, and clearly and plainly described in Plaintiffs complaint is whether Defendants complied with certification, validation, and testing of election machines in accordance with federal and state laws.
5. Plaintiffs provided clear and concise evidence in their complaint that the Defendants have not complied with federal and state laws, and a remedy that has served our nation well for over 200-years to hand count ballots at the precinct level by over 2,140 duly sworn, paid, precinct workers, and over 876 bipartisan, "certified poll watchers," "authorized representatives" and named attorneys (Governor Youngkin)
6. Defendants did not respond with any denial of Plaintiffs complaints that they are not in compliance with election law, or any affirmation that Defendants are (were) compliant, in their pleadings to date.
7. Instead, Defendants argue that by submitting their Motion to Dismiss based on procedural objections, which gives them another bite at the apple to make later responsive pleadings in the event their Motion to Dismiss fails.
8. While this may be clever "lawyering" to delay conference, hearings, and trial per FRCP, to strategically moot Plaintiffs complaint and timely adjudication by the Honorable Court prior to the national election 85-days from now, and only 24-days before Logic and Accuracy ("L&A") machine testing must be completed by Defendants BEFORE sending out Mail in Ballots, it does not meet the requirements of the law to make timely pleadings.
9. Of the "20 cases" cited by Defendants, fourteen (14) were timely petitions for recounts, which were denied by Defendants who stated that the centralized counting center was NOT a "precinct" and required Plaintiffs to perfect 428 separate complaints for each of Delaware

County's precincts and pay \$324,000 before they would permit a recount of ANY Mail in Ballots. These cases are before the appellate courts.

10. One of the twenty named cases has been thwarted by Defendants refusing to hear the case at all (filed over six hundred (600) days ago) to test election machines in the centralized counting center because it IS (WAS) a "precinct."
11. One of the twenty (20) named cases is Stenstrom and Hoopes v Secretary of the Commonwealth Boockvar et al (876 CD 2022) that has been thwarted for over 1,100-days and is scheduled for oral arguments before the Commonwealth Court of Pennsylvania at an indeterminate time in the winter of 2024 /2025 to resolve allegations of massive election fraud perpetrated by Defendants and its agents for which Plaintiffs submitted whistleblower video, photographs, audio, emails, and correspondence of Defendants destroying public election records, admitting they fabricated the entire election, and conspiring to cover up their criminal fraud.
12. The remaining cases involve Defendants repeated refusals to disgorge public election records despite orders from the Pennsylvania Office of Open Records rulings by their general counsel.
13. Defendants, its agents, and their same attorneys here, have sued Plaintiffs Stenstrom and Hoopes multiple times for "malicious prosecution" and "defamation" as well as initiated administrative reprisals against Plaintiffs, and attempted (unsuccessfully) to sanction them seven (7) times.
14. Note that all cases were filed timely by Plaintiffs in good faith in their statutory roles as candidates, "authorized representatives" and "Certified poll watchers" under 25 P.S. Election Code.
15. Plaintiffs have exhausted all administrative remedies and planted litigative stakes in the ground clearly demonstrating Defendants continued violations of election and criminal law.
16. In fact, Plaintiffs Stenstrom and Hoopes prevailed as codefendants with President Trump using a "truth is a complete defense" against a defamation case in Philadelphia fomented by

Defendants agents and attorneys to silence them, and they discontinued the case when faced with the very same videos, photos, audios, emails, and documents as admitted evidence in discovery that plainly showed Defendants (here) were guilty of violations of election, civil, and criminal law.

17. Defendant's attorneys Motion to Dismiss and response to Plaintiffs' Motion for Judgement on the Pleadings in favor of Plaintiffs are "noise" and "clamor" to obfuscate the facts that they have not certified, validated, and tested election machine in accordance with law since November 2020. Whether this is (was) through administrative incompetence, negligence, or overt nefarious intention to subvert elections is irrelevant to the case at hand.
18. The Honorable Court is bound to rule on the Motion for Judgement on the Pleadings based only on the FACTS of the case presented in the pleadings which are that the election machines cannot be used in a national election without complying with federal and state certification, validation, and testing - which Defendants have refused to respond to in timely pleadings in this case to date.
19. While Defendants Motion to Dismiss based on procedural objections might technically be a "response," Defendants have refused to plead that they have, in fact, complied with federal and state for lawful certification, validation, and testing of election machines.
20. The controversy before the Honorable Court remains that without timely intervention, election machines will be used unlawfully in the upcoming November 2024 election, which introduces grave vectors for massive election fraud that will affect legitimate election outcomes.
21. The requested remedy by Plaintiffs is reasonable, feasible, and could be easily implemented, and is the same process that would be used in an Emergency Ballot Procedures and was previously used for over a century.

Respectfully submitted,

/S/ Rober Mancini, Joy Schwartz, Gregory Stenstrom, Leah Hoopes /S/

August 23<sup>rd</sup>, 2024

### **VERIFICATION**

We, the Plaintiffs herein and listed below, state that we are PRO SE PLAINTIFFS in this matter and are authorized to make this Verification on its behalf. We hereby verify that the statements made in the foregoing PLAINTIFF RESPONSE TO DEFENDANTS MEMORANDUM OF LAW IN OPPOSITION TO PLAINTIFFS' MOTION FOR JUDGMENT ON THE PLEADINGS are true and correct to the best of our knowledge, information, and belief. This verification is made subject to the penalties of 19 Pa. C.S. § 4904 relating to unsworn falsification to authorities.

/S/ Robert Mancini, Joy Schwartz, Gregory Stenstrom, /S/

August 23rd, 2024

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SELF REPRESENTATION (PRO SE)

---

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF PENNSYLVANIA**

CASE No. 2:24-CV-02425-KNS

**MOTION FOR JUDGEMENT ON PLEADINGS  
IN FAVOR OF PLAINTIFFS**

MANCINI, et al.  
Plaintiffs,  
v.  
DELAWARE COUNTY BOARD OF ELECTIONS,  
PA, et. al,  
Defendants

---

**CERTIFICATE (PROOF) OF SERVICE**

Plaintiffs certify that they caused the subject **PLAINTIFF RESPONSE TO DEFENDANTS MEMORANDUM OF LAW IN OPPOSITION TO PLAINTIFFS' MOTION FOR JUDGMENT ON THE PLEADINGS** to be properly served on the following:

Defendants Delaware County and Delaware County Board of Elections  
Solicitor for Defendants J. Manly Parks, Nick Centrella  
Delaware County Government Center  
201 West Front Street, Media, PA 19106

/S/ Robert Mancini, Joy Schwartz, Gregory Stenstrom, Leah Hoopes /S/

August 23<sup>rd</sup>, 2024