

IN THE COURT OF COMMON PLEAS OF DELAWARE COUNTY, PENNSYLVANIA

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

CASE CAPTION: Robert Mancini, et al,
Plaintiff

CIVIL CASE NO.

v.
Delaware County,
Defendant

CV-2024-8838

NATURE OF MATTER FILED: (please check one)

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

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

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

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

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

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

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

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

☐ Has been assigned to Judge _____.

FOR OFFICE USE ONLY

Mailing date: _____

Processed by: _____

By: Shelly Chauncey, Esquire
ID#: 324172
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Media, PA 19063
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ORDER

AND NOW, this _____ day of _____ 2024, upon consideration of the Motion to Intervent, IT IS HEREBY ORDER that the Motion is granted, and the Delaware County Democratic Party is granted intervenor status.

BY THE COURT:

J.

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MOTION TO INTERVENE

Pursuant to 231 Pa. Code § 2328, Petitioner, Delaware County Democratic Committee (“DCDC”), by and through its attorney, Shelly Chauncey, Esquire, moves this Honorable Court to intervene in the above captioned matter and in support thereof, avers the following:

1. Petitioners request an injunction to “stay the use of the Hart Intercivic Electronic Voting Systems” in Delaware County for the November 5, 2024 General Election; to “stay the use of the Electronic Voting Systems that have been tested and to quarantine them until they can be tested by the FBI and DHS;” to “perform Trusted Build Validation testing on remaining Electronic Voting machines;” and to “direct Respondent to notify the public, candidates, voters, taxpayers, residents, and Pennsylvania Department of State of the existence of this litigation.” Petitioners make this expansive request just weeks before the election.

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OFFICE OF JUDICIAL SUPPORT
DELAWARE CO. PA.

2. Resolution of this issue will significantly affect DCDC's ability to carry out its core mission of electing Democratic candidates, because Petitioners' requested relief would interfere with an established and trusted voting system, which could affect the results of the November Election. DCDC thus seeks to intervene to protect its competitive interest in a free and fair election system – a system that has been proven efficient, accurate, and legal in Delaware County. No party to this proceeding represents DCDC's interests – interests that are substantial, direct, and immediate – thereby conferring standing to intervene.
3. DCDC has a legally enforceable interest in ensuring that its members' votes are counted without the undue delay that would be caused by staying the use of electronic voting systems, as Petitioners propose. The inability to use electronic voting systems will prevent Delaware County from counting and reporting election results in a timely manner. Confidence in election results is a stalwart of the election system and Democratic voters have a right to know that the voting systems are effective and efficient. The Hart voting system has been used and repeatedly proven effective and efficient since at least 2020. Petitioners' requested relief will undoubtedly cause confusion and concern by Democratic voters.
4. In recognition of DCDC's substantial interest in the outcome of cases affecting the electoral rights of Democratic voters, Pennsylvania courts (and courts across the country) routinely grant intervention to Democratic party representatives (and similarly interested parties) in similar circumstances.
5. Petitioners do not adequately represent DCDC's interests. Although Petitioners claim that they seek to protect voting rights, they are Republican voters and candidates whose policies and positions conflict with those of the Democratic Party. Petitioners do not share DCDC's particular interests – the election of local, state, and national Democratic Party candidates to

public office in Delaware County and Pennsylvania. Rather, Petitioner's interests directly conflict with DCDC.

6. Respondents also do not represent DCDC's interests. Respondents are bound to represent all Delaware County voters; they have no particularized interest in which candidates win an election. As the Third Circuit has explained, "when the proposed intervenors' concern is not a matter of 'sovereign interest,'" as here, "there is no reason to think the government will represent it[.]" *Kleissler v. U.S. Forest Service*, 157 F.3d 964, 972 (3d Cir. 1998).
7. DCDC's motion is timely. Petitioners initiated this litigation 6 days ago, on October 11, 2024. The Court has not yet issued a scheduling order, and the Respondents have not yet answered the petition. This motion to intervene is therefore timely – and granting DCDC's intervention will not delay the timely advancement of the action, prejudice the trial or the adjudication of any rights, or otherwise harm the parties. Pa.R.C.P. 2329(3). Moreover, DCDC shares Petitioners' interest in the expeditious resolution of this matter so that voters and election officials will have clarity for the November 2024 election.
8. Petitioners therefore respectfully move this Honorable Court to intervene in this matter.

Chauncey Law, LLC



Shelly Chauncey, Esquire

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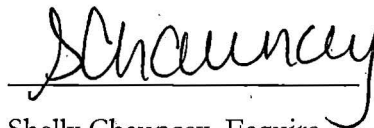
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VERIFICATION

I, Shelly Chauncey, Esquire, am authorized by the Delaware County Democratic Committee to make this verification. I verify that the statements made in the foregoing document are true and correct to the best of my knowledge, information, and belief. I understand that the statements herein are made subject to the penalties of perjury of 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.


Shelly Chauncey, Esquire

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CERTIFICATION OF SERVICE

I, Shelly Chauncey, Esquire, hereby certify that I have served the foregoing Motion to Intervene, upon the parties listed below, in accordance with the Pennsylvania Rules of Civil Procedure.

Manly Parks, Esquire
Delaware County
201 W. Front Street
Media, PA 19063

Alfeia Goodwin
117 Abbey Terrace
Drexel Hill, PA 19026

Robert Mancini
4 Guernsey Lane
Media, PA 19063

October 17, 2024



Shelly Chauncey, Esquire