

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

In re: Nomination Certificate of James :
Dillon for Senator in the General :
Assembly in the 5th Senatorial District :
in the Special Election :
:
Objections of: Kevin Pasquay, Charles :
E. O'Connor, Jr., and Helen Banushi : No. 214 M.D. 2022

SCHEDULING and CASE MANAGEMENT ORDER

PER CURIAM

NOW, April 7, 2022, upon consideration of the Petition to Set Aside the Substitute Nomination Certificate of James Dillon (Objection Petition):

1. IT IS HEREBY ORDERED:

A. Hearing on the Objection Petition is scheduled for Monday, April 11, 2022, at 9:30 a.m., in Courtroom Number 1, The Widener Building, 1339 Chestnut Street, One South Penn Square, Philadelphia, Pennsylvania. Objectors are directed to secure the services of a court stenographer for the hearing. Failure of Objectors to secure the services of a court stenographer may result in the dismissal of this matter.

B. If signature lines are challenged, Objectors shall secure, by request or subpoena, the presence of a Statewide Uniform Registry of Electors (SURE) system operator at the hearing.

C. Objectors shall, no later than Saturday, April 9, 2022, serve upon Candidate: (1) a copy of this order; (2) a copy of the Objection Petition; and (3) if

signature line challenges are at issue, one digital media device (CD or USB Flash Drive) containing the objections in spreadsheet format and a key to the abbreviations used in the spreadsheet (if it has not already been served).

Service of these items upon Candidate shall be made (1) by FedEx, United Parcel Service (UPS), or United States Postal Service (USPS) overnight delivery to Candidate's residence listed on Candidate's Affidavit, **AND** (2) by emailing them to Candidate at the email address listed on Candidate's Affidavit. **In addition**, Objectors shall call Candidate at the number listed on the Candidate's Affidavit and orally convey, either directly or by voice message, how these materials were served and the date, time, and location of the scheduled hearing. Objector shall then promptly file proof of service with the Prothonotary.

D. Objectors shall personally or by registered mail serve a copy of this order on the Secretary of the Commonwealth and promptly thereafter file service with the Prothonotary.

E. At the hearing, Objectors shall offer proof of timely service of the Objection Petition on the Secretary of the Commonwealth.

2. It is FURTHER ORDERED that the parties shall make a good faith effort to comply with the following in advance of the hearing:

A. Objectors shall file a list of all witnesses to be called at the hearing and the curriculum vitae and expert report for each expert witness. Any witness not identified may be precluded from testifying except for good cause shown.

B. Candidate shall file a list of all witnesses to be called at the hearing and the curriculum vitae and expert report for each expert witness. Any witness not identified may be precluded from testifying except for good cause shown.

3. If signature line challenges are at issue, it is FURTHER ORDERED that the parties shall make a good faith effort to comply with the following in advance of the hearing:

A. Objectors and Candidate or Candidate's representative and, if appropriate, a SURE system operator, shall meet to review each and every challenged signature line.

B. Objectors and Candidate shall file a stipulation of the parties that identifies:

- (a) the total number of completed signature lines submitted;
- (b) the total number of uncontested signature lines submitted;
- (c) the total number of signature lines challenged;
- (d) each and every signature line to which there is an objection, identified by page number and line number, and the basis for the objection;
- (e) each and every signature line to be stricken as invalid or for which an objection is to be withdrawn, identified by page number and line number, if the parties can reach such a stipulation.

C. Candidate shall file a list of all signature lines, identified by page number and line number, that are facially defective and that Candidate intends to rehabilitate. Candidate shall also state the manner in which Candidate intends to rehabilitate the signature lines.

4. Objectors and Candidate may each file a memorandum of law in support of their respective positions. No further memoranda will be permitted unless ordered by the Court.

5. Unless otherwise ordered, the parties shall make a good faith effort to file all items required or permitted by paragraphs 2, 3, and 4 of this order no later than 24 hours in advance of the hearing. Filing may be accomplished by PACFile (the Pennsylvania appellate court electronic filing system) or by email to CommCourtFiling@pacourts.us. Parties may **not** file by facsimile without express prior permission from the Court.

6. Failure to comply with any provision of this order may preclude the noncompliant party from entering any evidence, and may result in the imposition of monetary sanctions.