

HANGLEY ARONCHICK SEGAL
PUDLIN & SCHILLER
Robert A. Wiygul (I.D. No. 310760)
Eitan G. Kagedan (I.D. No. 331246)
One Logan Square, 27th Floor
Philadelphia, PA 19103-6933
(215) 568-6200

GOVERNOR’S OFFICE OF
GENERAL COUNSEL
Michael J. Fischer (I.D. No. 322311)
Jacob B. Boyer (I.D. No. 324396)
333 Market Street, 17th Floor
Harrisburg, PA 17101
(717) 460-6786

PENNSYLVANIA DEPARTMENT
OF STATE
Kathleen M. Kotula (I.D. No. 86321)
306 North Office Bldg.
401 North Street
Harrisburg, PA 17120-0500
(717) 783-1657

OFFICE OF ATTORNEY GENERAL
Karen M. Romano (I.D. No. 88848)
Strawberry Square, 15th Floor
Harrisburg, PA 17120
(717) 787-2717

TUCKER LAW GROUP
Joe H. Tucker, Jr. (I.D. No. 56617)
Hillary B. Weinstein (I.D. No. 209533)
1801 Market Street, Suite 2500
Philadelphia, PA 19103
(215) 875-0609

Counsel for Respondent/Appellant

IN THE SUPREME COURT OF PENNSYLVANIA

COUNTY OF FULTON, *et al.*,
Petitioners/Appellees,

v.

No. 3 MAP 2022

SECRETARY OF THE COMMONWEALTH,
Respondent/Appellant.

**THE SECRETARY’S ANSWER TO, AND JOINDER IN,
INTERVENOR DOMINION VOTING SYSTEM, INC’S EMERGENCY
APPLICATION TO ENFORCE SUPREME COURT ORDER AND FOR
HEARING TO HOLD PETITIONERS IN CONTEMPT**

Respondent/Appellant, the Secretary of the Commonwealth (“Secretary”), hereby joins in the Emergency Application to Enforce Supreme Court Order and for Hearing to Hold Petitioners in Contempt (“Application”) filed by Intervenor Dominion Voting Systems, Inc. (“Dominion”). The Secretary has an independent interest in enforcement of this Court’s Orders dated January 27, 2022, and April 19, 2023, which granted applications for relief filed by the Secretary.

In particular, the Secretary has an interest in preserving the integrity of evidence, including data and software, that Petitioners have stated they intend to transfer (and may already have transferred) to an unknown number of unidentified, unauthorized third parties. *See* Application, Ex. A (Fulton County Board of Commissioners meeting minutes reflecting Board’s decision to permit “evidence” obtained by Wake TSI and Speckins Forensics, LLC, each of which conducted an intrusive third-party inspection of the Dominion voting machines at issue, “to be utilized by clients of Stefanie Lambert with common interests”). Given the Secretary’s responsibility to safeguard the security of electronic voting systems used in the Commonwealth, *see, e.g.*, 25 P.S. § 3031.5; *Banfield v. Cortés*, 110 A.3d 155, 174-75 (Pa. 2015), the Secretary also has an interest in preventing the dissemination of proprietary voting-machine software and data. *See* Memorandum Opinion at 45 n.49 (Sept. 15, 2023), No. 277 MD 2021 (Pa. Commw. Ct.) (“[S]eparately from [the Voting Equipment’s] evidentiary value, there may be

some risk inherent in the Voting Equipment’s continued status as critical infrastructure, containing software that may remain relevant to elections, even if never used with the[] particular devices [that this Court ordered to be impounded]. The Special Master credits [the] testimony [of Ryan Macias, the Secretary’s expert in election security and technology,] to that effect.”); *see also County of Fulton v. Sec’y of the Commw.*, 292 A.3d 974, 979 n.4 (Pa. 2023) (noting that “the United States Department of Homeland Security broadly has identified electronic voting systems as ‘critical infrastructure’”); Reply in Support of Respondent/Appellant’s Emergency Application to Stay Third-Party Inspection of Electronic Voting System at 5-6, 28 (Jan. 19, 2022) (seeking an injunction pending appeal to, *inter alia*, protect the security of election infrastructure).

That Petitioners intend to provide this evidence to other clients of Stefanie Lambert—who has been criminally indicted in Michigan on felony charges alleging unauthorized access to, and tampering with, voting machines,¹ and whose conduct in this matter has been criticized by both this Court and the Special

¹ *See* Office of the Muskegon County Prosecutor, *Lambert-Juntilla Charged in Election Tabulator Investigation* (Aug. 3, 2023) (attached hereto as Exhibit 1); Joey Cappelletti, *Trump allies who ‘orchestrated’ plan to tamper with voting machines face charges in Michigan*, A.P. News, Aug. 3, 2023, <https://apnews.com/article/stefanie-lambert-trump-michigan-election-fraud-bf9608af4b0972d41b5f4d303f5f6a29>.

Master²—only deepens the Secretary’s concerns and underscores the need for relief.

WHEREFORE, the Secretary respectfully requests that the Court grant the Application and award relief in favor of the Secretary as well as Dominion.

Dated: January 24, 2024

HANGLEY ARONCHICK SEGAL
PUDLIN & SCHILLER

By: /s/ Robert A. Wiygul
Robert A. Wiygul (I.D. No. 310760)
Eitan G. Kagedan (I.D. No. 331246)
One Logan Square, 27th Floor
Philadelphia, PA 19103
Tel: (215) 568-6200
Fax: (215) 568-0300

GOVERNOR’S OFFICE OF GENERAL
COUNSEL
Michael J. Fischer (I.D. No. 322311)
Jacob B. Boyer (I.D. No. 324396)
333 Market Street, 17th Floor
Harrisburg, PA 17101
(717) 460-6786

-and-

² See Memorandum Opinion at 54 (Sept. 15, 2023) (observing that “Attorney Lambert ... continues to influence these proceedings in less-than-transparent ways”); *County of Fulton*, 292 A.3d at 999-1000, 1017-19 (describing Attorney Lambert’s conduct and noting that she “may be every bit as culpable as Attorney Carroll, at least in the pattern of non-compliance that has led us to [sanction] him,” but declining to sanction Attorney Lambert because “she failed to satisfy the requirements for applying for [admission *pro hac vice*]”).

OFFICE OF ATTORNEY GENERAL

Karen M. Romano (I.D. No. 88848)
Strawberry Square, 15th Floor
Harrisburg, PA 17120
(717) 787-2717

PENNSYLVANIA DEPARTMENT OF
STATE

Kathleen M. Kotula (I.D. No. 86321)
306 North Office Bldg., 401 North St.
Harrisburg, PA 17120-0500
(717) 783-1657

TUCKER LAW GROUP, LLC

Joe H. Tucker, Jr. (I.D. No. 56617)
Hillary B. Weinstein (I.D. No. 209533)
1801 Market Street, Suite 2500
Philadelphia, PA 19103
(215) 982-2280

Counsel for Respondent/Appellant

CERTIFICATION REGARDING PUBLIC ACCESS POLICY

I certify that this filing complies with the provisions of the Public Access Policy of the Unified Judicial System of Pennsylvania: Case Records of the Appellate and Trial Courts that require filing confidential information and documents differently than non-confidential information and documents.

Dated: January 24, 2024

/s/ Robert A. Wiygul
Robert A. Wiygul

EXHIBIT 1



OFFICE OF THE
MUSKEGON COUNTY PROSECUTOR

HALL OF JUSTICE
FIFTH FLOOR
990 TERRACE STREET
MUSKEGON, MICHIGAN 49442

CRIMINAL DIVISION (231)724-6435
VICTIM SERVICES (231)724-6676
CRIMINAL DIVISION FACSIMILE (231)724-6685
www.co.muskegon.mi.us/prosecutor/

August 3, 2023

Contact: DJ Hilson
hilsonda@muskegoncounty.net

FOR IMMEDIATE RELEASE

**LAMBERT-JUNTILLA CHARGED IN ELECTION TABULATOR
INVESTIGATION**

Lambert joins Mathew DePerno and Daire Rendon in facing citizen grand jury authorized charges

Special Prosecutor D.J. Hilson, Muskegon County Prosecutor, and his team announced today that a third individual has been charged in the ongoing Election Tabulator Case. Charges were authorized by a citizens grand jury against Stephanie Lambert-Juntilla. This follows the charges that were filed on Tuesday Aug 1, 2023 against Matthew DePerno and Daire Rendon.

“As special prosecutor for the Attorney General, our review of the police investigation has led to charges related to the unauthorized possession and access to voting tabulators,” Hilson said. “These charges were authorized by an independent citizens grand jury.” Hilson added. “Protecting the election process is of the utmost importance for our state and country.” “This investigation and prosecution is an important step in that direction.”

The Lambert-Juntilla charges are:

COUNT I – Undue Possession of a Voting Machine, MCL 168.932(b) 5 Years and/or \$1,000.00

COUNT II – Conspiracy to Commit Undue Possession of a Voting Machine, MCL 168.932(b) 5 Years and/or \$1,000.00

COUNT III – Conspiracy to Commit Unauthorized Access to a Computer or Computer System, MCL 752.797(2)(a) 5 Years and/or \$10,000.00
COUNT IV - Willfully Damaging a Voting Machine, MCL 168.932(b). 5 Years and/or \$1,000.00

Ms. Lambert was arraigned in an Oakland County Circuit Court this afternoon and has been released on a personal recognizance bond.

"This citizen's grand jury carefully listened to the sworn testimony and analyzed the evidence as required by law and returned a decision to indict each of the defendants, Hilson stated. "We thank the grand jury for their careful deliberation and for fulfilling their sworn commitment to make a decision that was not influenced by politics, bias or prejudice."

This ends the charging decisions in this investigation. The decision not to issue charges on the other identified suspects, including Barry County Sheriff Dar Leaf and Jason Rybak, was based on careful consideration of the totality of the evidence gathered by investigators, review of the witness statements, evaluation of the law related to viable defenses, and decisions on what is fair and just.

It was determined that the county and municipal clerks that turned over the tabulators to the unauthorized third parties were deceived by some of the charged defendants. The clerks had no idea of the scope, nature or duration of how their tabulators were going to be manipulated or that they would be out of their possession for an extended period of time.

The computer experts that were asked to analyze the tabulators were also deceived by some of the charged Defendants and made to falsely believe on multiple occasions that their possession and tampering of the tabulators was lawful.

As it relates to Sheriff Dar Leaf and Jason Rybak there is not sufficient evidence to prove a crime and therefore charges will not be filed.

Pursuant to MRPC 3.6 the public is notified that a "charge is merely an accusation, and that the defendant(s) are each presumed innocent until and unless proven guilty.

###