

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

In re: Nomination Paper of Caroline	:	
Avery for Representative in Congress	:	
from the 1st Congressional District	:	
	:	
Objection of: David R. Breidinger,	:	
Ellen Cox, and Diane Dowler	:	No. 392 M.D. 2022

SCHEDULING and CASE MANAGEMENT ORDER

PER CURIAM

NOW, August 10, 2022, upon consideration of the Petition to Set Aside
Nomination Papers (Objection Petition):

1. IT IS HEREBY ORDERED:

A. Hearing on the Objection Petition is scheduled for Tuesday, August 16, 2022, at 10:00 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. Service of the Objection Petition on Candidate, and of this Order on all parties, is complete upon the posting of the Objection Petition and this Order on

the Pennsylvania Unified Judicial System website in accordance with this Court's Notice and Order in *In re: Objections to Nomination Papers of State Level Minor Political Party Candidates and Independent Candidates of Political Bodies - General Election 2022* (Pa. Cmwlth., No. 126 Misc. Docket No. 3, dated July 29, 2022).

D. 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.