

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

PENNSYLVANIA DEMOCRATIC PARTY, et al.,	:	
	:	
Petitioners,	:	
	:	No. 407 MD 2020
v.	:	
	:	
KATHY BOOCKVAR, et al.,	:	
Respondents.	:	

ANSWER IN LIMITED OPPOSITION TO PETITIONERS’ APPLICATION FOR AN EXPEDITED DISCOVERY SCHEDULE AND EVIDENTIARY HEARING

Respondent Westmoreland County Board of Elections, by and through their undersigned counsel, David A. Regoli, Esquire, files the following Answer in Limited Opposition to Petitioners’ Application for an Expediated Discovery Schedule and Evidentiary Hearing.

Westmoreland County responds in this Answer to object to the specific relief requested in the ordere attached to Petitiioners’ Application for an Expedited Discovery Schedule and Evidentiary hearing , and to propse alternate relief as set forth in the attached proposed order.

First, Westmoreland County asserts that the deadlines for tehri response should be 30 days post service, as dictated by Pa. R. App. P. 1516(b).

Second, the Westmoreland County does not object to Petitioners’ proposed limit on the number of interrogatories, requests for production of documents, and requests for admission per Party, all set at ten each, or to limiting discovery to three depositions per Party. However, the Westmoreland County does object to being treated as a single Party with all other Respondents under the discovery order. In total, there are sixty-seven (67) county Respondents in addition to Secretary Boockvar. If granted, Petitioners’ order would unreasonably restrict Westmoreland Countys’ ability to participate in meaningful discovery in their defense of this matter. These

significant discovery limits would prejudice the Westmoreland County if they were forced to adhere to those limits collectively with other Respondents (including the other Respondent counties) represented by other counsel.

Finally, Westmoreland County requests that any expedited discovery schedule allow for no fewer than fifteen (15) calendar days to respond to written discovery.

For the foregoing reasons, the Westmoreland County requests that this Court deny in part the Petitioners' Application due to its unreasonable discovery limitations, and instead grant the Counties' proposed Order attached to this limited opposition as Exhibit A.

Respectfully Submitted,

/s/ David A. Regoli, Esquire

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ORDER OF COURT

AND NOW, this _____ day of July, 2020, upon consideration of Respondents' Answer in Limited Opposition to Petitioners' Application for an Expedited Discovery Schedule and Evidentiary Hearing, it is hereby ORDERED that Petitioners' Application is GRANTED IN PART AND DENIED IN PART, and that the alternate relief requested by the Counties is GRANTED as follows.

IT IS FURTHER ORDERED that Respondents file their responses to the underlying Petition by Monday, August 17, 2020.

IT IS FURTHER ORDERED that the parties serve discovery by _____, and complete discovery by _____, with responses to requests for production of documents, responses to requests for admission, and answers to interrogatories due within fifteen (15) days of service. Parties shall be limited to serving ten (10) requests for production of documents, ten (10) interrogatories, ten (10) requests for admission, and to taking no more than three (3) depositions. It is further ordered that for the purposes of the right to promulgate discovery under this paragraph:

- all Petitioners shall collectively be treated as a single party;

- and Respondents _____ shall collectively be treated as a single party.

IT IS FURTHER ORDERED that an evidentiary hearing on Petitioners' Petition for Special Relief will take place on _____, 2020.

BY THE COURT:

_____ J.