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IN THE COMMONWEALTH COURT OF PENNSYLVANIA

MIKE KELLY, SEAN PARNELL, THOMAS A.
FRANK, NANCY KIERZEK, DEREK MAGEE,
ROBIN SAUTER, MICHAEL KINCAID, and
WANDA LOGAN,

Petitioners,

v.

COMMONWEALTH OF
PENNSYLVANIA, PENNSYLVANIA
GENERAL ASSEMBLY, THOMAS W.
WOLF, and KATHY BOOCKVAR,

Respondents.

No. 620 MD 2020

**ANSWER TO PETITIONERS’
SUPPLEMENTAL APPLICATION FOR EMERGENCY RELIEF**

Respondent Kathy Boockvar, in her official capacity as Secretary of the Commonwealth of Pennsylvania; Respondent the Honorable Thomas W. Wolf, in his official capacity as Governor of the Commonwealth of Pennsylvania; and Respondent the Commonwealth of Pennsylvania (collectively, “Respondents”), hereby submit this Response to Petitioners’ Application for Emergency Relief.

1. Admitted.
2. Denied. Petitioners’ filings are documents that speak for themselves, and any characterization thereof is denied.
3. Admitted.
4. Denied. Respondents’ filings are documents that speak for themselves, and any characterization thereof is denied.
5. Denied. Proposed-Intervenor Democratic National Committee’s filings are documents that speak for themselves, and any characterization thereof is denied.
6. Respondents are without knowledge or information sufficient to form a belief as to the averments of this paragraph, therefore they are denied.
7. Admitted in part and denied in part. It is admitted only that the results of Pennsylvania’s 2016 presidential election were certified and the Certificates of Ascertainment were signed on December 12, 2016. The remaining averments in

this paragraph set forth conclusions of law to which no responses are required, and are therefore denied.

8. Denied. Respondents' actions were not accelerated in response to the Application for Emergency Relief and/or this Court's scheduling Order.

9. Denied. This paragraph sets forth a conclusion of law to which no response is required, and is therefore denied. To the extent this paragraph characterizes Respondents' position in their Brief in Opposition to Petitioners' Motion for Emergency/Special Prohibitory Injunction, Respondents' filings are documents that speak for themselves, and any characterization thereof is denied.

10. Denied. It is specifically denied that Respondents "proactively attempted to avoid potential injunctive relief granted by this Court." The remaining averments of this paragraph constitute conclusions of law to which no response is required.

11. Denied. This paragraph attempts to characterize the content of Respondents' filings in this case. Respondents' filings are documents that speak for themselves, and any characterization thereof is denied.

12. Denied. This paragraph sets forth conclusions of law to which no responses are required, and is therefore denied.

13. This paragraph sets forth conclusions of law to which no responses are required, and is therefore denied.

14. This paragraph sets forth a conclusion of law to which no response is required, and is therefore denied

WHEREFORE, Respondents respectfully requests that this Court deny Petitioners' Supplemental Application for Emergency Relief.

Respectfully submitted,

HANGLEY ARONCHICK SEGAL
PUDLIN & SCHILLER

Dated: November 25,
2020

By: /s/ Michele D. Hangley
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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: November 25, 2020

/s/ Michele D. Hangley
Michele D. Hangley