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Counsel for Respondents

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

CAROL ANN CARTER; MONICA PARRILLA;
REBECCA POYOUROW; WILLIAM TUNG; ROSEANNE
MILAZZO; BURT SIEGEL; SUSAN CASSANELLI; LEE
CASSANELLI; LYNN WACHMAN; MICHAEL
GUTTMAN; MAYA FONKEU; BRADY HILL; MARY
ELLEN BALCHUNIS; TOM DEWALL; STEPHANIE
MCNULTY; and JANET TEMIN,

Petitioners,

v.

VERONICA DEGRAFFENREID, in her official capacity as
the Acting Secretary of the Commonwealth of Pennsylvania;
JESSICA MATHIS, in her official capacity as Director for
the Pennsylvania Bureau of Election Services and Notaries,

No. 464 MD 2021

Respondents.

PHILIP T. GRESSMAN; RON Y. DONAGI;
KRISTOPHER R. TAPP; PAMELA GORKIN;
DAVID P. MARSH; JAMES L. ROSENBERGER;
AMY MYERS; EUGENE BOMAN; GARY GORDON;
LIZ MCMAHON; TIMOTHY G. FEEMAN; and
GARTH ISAAK,

Petitioners,

v.

VERONICA DEGRAFFENREID, in her official capacity as
the Acting Secretary of the Commonwealth of
Pennsylvania; JESSICA MATHIS, in her official capacity
as Director for the Pennsylvania Bureau of Election
Services and Notaries,

Respondents.

No. 465 MD 2021

**RESPONDENTS' APPLICATION TO SUBSTITUTE SUCCESSOR
PURSUANT TO PENNSYLVANIA RULE OF CIVIL PROCEDURE 2352**

Respondents, the Acting Secretary of the Commonwealth of Pennsylvania and Director of the Bureau of Elections and Notaries, submit this Application to Substitute Successor Pursuant to Pennsylvania Rule of Civil Procedure 2352 on behalf of Leigh M. Chapman, Acting Secretary of the Commonwealth of

Pennsylvania. In support of the Application, Respondents state the following material facts:

1. On December 17, 2021, two sets of Petitioners initiated the above-captioned actions: *Carter, et al. v. Degraffenreid, et al.*, No. 464 M.D. 2021 (*Carter II*), and *Gressman, et al. v. Degraffenreid, et al.*, No. 465 M.D. 2021 (*Gressman*).

2. At the time *Carter II* and *Gressman* were initiated, Veronica Degraffenreid was the Acting Secretary of the Commonwealth of Pennsylvania. Former Acting Secretary Degraffenreid was named as a Respondent in each of the above-captioned actions.

3. The Court consolidated *Carter II* and *Gressman* on December 20, 2021.

4. On January 8, 2022, Leigh M. Chapman was appointed Acting Secretary of the Commonwealth.

5. Under Pennsylvania Rule of Civil Procedure 2352, a “successor may become a party to a pending action by filing of record a statement of the material facts on which the right to substitution is based.” Pa. R. Civ. P. 2352(a).

6. The Pennsylvania Rules of Civil Procedure define a “successor” as “anyone who by operation of law, election or appointment has succeeded to the interest or office of a party to an action.” Pa. R. Civ. P. 2351.

7. By operation of appointment, Acting Secretary of the Commonwealth Chapman is a “successor” to former Acting Secretary of the Commonwealth Degraffenreid in the above-captioned actions, pursuant to Rules 2351 and 2352.

WHEREFORE, for the foregoing reasons, Respondents respectfully request that the Court grant the Application to Substitute Successor Pursuant to Pennsylvania Rule of Civil Procedure 2352 and substitute Acting Secretary of the Commonwealth of Pennsylvania Leigh M. Chapman for former Acting Secretary of the Commonwealth of Pennsylvania Veronica Degraffenreid in the above-captioned actions.

HANGLEY ARONCHICK SEGAL
PUDLIN & SCHILLER

Dated: January 19, 2022

By: /s/ Robert A. Wiygul
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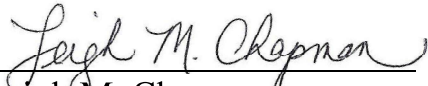
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Counsel for Respondents

VERIFICATION

I, Leigh M. Chapman, Acting Secretary of the Commonwealth of Pennsylvania, verify that the facts set forth in the foregoing Application to Substitute Successor Pursuant to Pennsylvania Rule of Civil Procedure 2352 are true and correct to the best of my information, knowledge and belief. I understand that the statements contained herein are subject to the penalties of 18 P.S. § 4904 relating to unsworn falsification to authorities.

Dated: January 18, 2022



Leigh M. Chapman
Acting Secretary of the Commonwealth of
Pennsylvania

IN THE COMMONWEALTH COURT OF PENNSYLVANIA

CAROL ANN CARTER; MONICA PARRILLA;
REBECCA POYOUROW; WILLIAM TUNG; ROSEANNE
MILAZZO; BURT SIEGEL; SUSAN CASSANELLI; LEE
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Respondents.

No. 465 MD 2021

[PROPOSED] ORDER

AND NOW, this ____ day of January, 2022, upon consideration of the Application to Substitute Successor Pursuant to Pennsylvania Rule of Civil Procedure 2352 and any response thereto, it is hereby ORDERED that the Application is GRANTED. Acting Secretary of the Commonwealth of Pennsylvania Leigh M. Chapman shall be substituted for former Acting Secretary of the Commonwealth of Pennsylvania Veronica Degraffenreid as a Respondent in the above-captioned actions. The caption shall be revised accordingly.

J.

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 19, 2022

/s/ Robert A. Wiygul
Robert A. Wiygul