

IN THE PENNSYLVANIA COMMONWEALTH COURT

DAVE McCORMICK FOR U.S.)	
SENATE, <i>et al.</i> ,)	
)	CASE NO. 286MD2022
Petitioners,)	
)	
v.)	
)	
LEIGH M. CHAPMAN, in her)	
official capacity as Secretary of State)	
for the Commonwealth, <i>et al.</i> ,)	
)	
Respondents.)	

**APPLICATION FOR VOLUNTARY NONSUIT AS TO
CAMERON COUNTY BOARD OF ELECTIONS,
CLINTON COUNTY BOARD OF ELECTIONS,
POTTER COUNTY BOARD OF ELECTIONS,
SULLIVAN COUNTY BOARD OF ELECTIONS,
AND WYOMING COUNTY BOARD OF ELECTIONS**

Pursuant to Pennsylvania Rule of Appellate Procedure 106 and Pennsylvania Rule of Civil Procedure 230, Petitioners Dave McCormick for U.S. Senate and David H. McCormick hereby make this application for nonsuit as to **Cameron County Board of Elections, Clinton County Board of Elections, Potter County Board of Elections, Sullivan County Board of Elections, and Wyoming County Board of Elections.**

Counsel for Petitioners have been informed by the Solicitors for the Cameron County Board of Elections, the Clinton County Board of Elections, the Potter County Board of Elections, the Sullivan County Board of Elections, and the Wyoming

County Board of Elections that their respective Boards of Elections did not receive any non-overseas/non-military absentee/mail-in ballots without a voter-supplied date on the outside envelope or their Board already counted those ballots. Accordingly, the relief requested by Petitioners is not applicable to those Boards of Elections and they should be dismissed.

Petitioners respectfully submit that the foregoing demonstrates “good cause shown” under Rule 230 so that the Cameron County Board of Elections, the Clinton County Board of Elections, the Potter County Board of Elections, the Sullivan County Board of Elections, and the Wyoming County Board of Elections should be dismissed from this action.

Respectfully submitted:

Dated: May 24, 2022

/s/ Ronald L. Hicks, Jr.

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**Motions for admission pro hac vice
forthcoming*

Counsel for Petitioners