

IN THE SUPREME COURT OF PENNSYLVANIA

COUNTY OF FULTON, *et al.*,

Petitioners/Appellees,

v.

SECRETARY OF THE COMMONWEALTH, and
DOMINION VOTING SYSTEMS, INC.

Respondent/Appellant.

No.: 277 M.D. 2021

No.: 3 MAP 2022

**RESPONDENT APPELLEE FULTON COUNTY'S
2ND EMERGENCY MOTION FOR RECONSIDERATION REGARDING
ORDER ON FULTON COUNTY'S EMERGENCY MOTION FOR A STAY
UPON SPECIAL MASTER'S DENIAL OF SAME**

Comes now Petitioners, Fulton County, by and through undersigned counsel, and for its second emergency motion for reconsideration of this Court's order providing Respondents the ability to respond to Fulton County's August 28, 2023 Emergency Motion to Stay Proceedings on the last day of the proceedings concerning which Fulton County seeks a stay, and states as follows.

On August 31, 2023, Special counsel for Fulton county Russell Neuman informed the Special Master at approximately 9:00 am that his wife has begun early labor brought on in part by Hurricane Idalia and that he would need to travel back to Florida immediately to be present for the birth of his child. Additionally,

Special Counsel for Fulton County, Thomas Carroll, who suffered an injury previously divulged to the Court, has experienced an increase in pain and needs medical care for his infection and broken rib. Mr. Carroll was advised to seek the treatment of a specialist which he has foregone as a result of this Court's denial of the original stay and the infected area may be causing liver and/or kidney damage that only a specialist could ascertain. It may be further noted that the special master has placed Special Counsel Newman in a precarious position to either abandon his wife during the birth of his baby and provide being her medical advocate during the birth or be present for his clients hearing.

Special Master has incorrectly ruled that County's Solicitor shall appear to try this hearing if Special counsel is not available for this hearing. The County Solicitor general has not been hired by Fulton County to handle this matter nor has he participated in any hearing to date on this case. The County voted to retain Mr. Carroll and any attorneys hired by Carroll to handle this matter because the County the desired Special Counsel, not the County Solicitor to handle this matter.

On August 28, 2023, Petitioners, Fulton County, filed an emergency application to stay the proceedings being held before the Special Master pursuant to Rule 3315 (review of Special Master's Order Denying Stay). (**Attachment A**, Special Master's Order Denying Stay, August 23, 2023).

Fulton County filed this emergency application seeking an immediate ruling from the court granting or denying the stay as the proceedings are to continue on Wednesday, August 30, 2023 and Thursday, August 31, 2023. Fulton County specifically asked for a ruling from the court to be issued on August 28, 2023.

Instead, the Court provided Respondents time to respond until Thursday, August 31, 2023 at 10:00 a.m. This schedule would then require this Court to issue an order at some time subsequent to the Respondents' responses, and thus, during the last day of the proceedings concerning which Fulton County has sought an emergency stay.

The Court's order giving Respondents this long to respond effectively nullifies any of the relief sought by Fulton County and therefore, the irreparable harm sought to be avoided by Fulton County would likely come to pass before this Court would act on Fulton County's emergency motion to prevent such harm.

Therefore, Fulton County files this second motion for reconsideration specifically asking the Court to issue an order today, Thursday, August 31, 2023, GRANTING or DENYING this motion for reconsideration of Fulton County's specific request that this Court issue a ruling on Monday, August 28, 2023, GRANTING or DENYING its Emergency Motion to Stay the Proceedings before the Special Master.

PRAYER FOR RELIEF

Accordingly, Fulton County herein respectfully requests this Court issue an Order immediately today, Thursday, August 31, 2023, GRANTING or DENYING reconsideration of the Court's decision to allow Respondents until Thursday, August 31, 2023 to respond to Fulton County's August 28, 2023 Emergency Motion for an Immediate Stay of the Special Master's proceedings being held on August 28, 30, and 31, 2023. Unless the Court grants or denies said motion, irreparable harm will occur because any relief Fulton County could possibly seek will not be attainable under the Court's current scheduling order.

Furthermore, Fulton County respectfully requests this immediate order be issued to allow Fulton County to seek relief from the U.S. Supreme Court should this Court not be inclined to grant Fulton County's request for a stay as it relates to this matter.

Respectfully submitted by:

/s/ Thomas J Carroll

Attorney ID: 53296

Attorney for Petitioners

LAW OFFICE OF THOMAS J CARROLL

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Date: August 29, 2023



August 31st 2023

Novus Adult Care Services

1565 Linden Street Bethlehem PA 18017

610-867-5365

To Whom It May Concern,

I am writing to bring to your attention the recent medical situation of Thomas Carroll, who was under the care at Paoli Hospital Emergency Room last week.

During the evaluation, the team of medical professionals, the emergency room conducted a comprehensive assessment of Thomas Carroll's condition.

Considering the severity of Thomas's condition and the nature of the symptoms experienced, we strongly recommend that he seek further specialized care at his specilists' offices.

Prompt attention to his condition is essential to ensure proper diagnosis, timely intervention, and the formulation of an appropriate treatment plan.

For more information please follow up with Paoli Hospital where he was seen.

Address: 255 W Lancaster Ave, Paoli, PA 19301

Phone: (484) 565-1000

Thank you for your time,

Emma Fitzgibbon CRNP, FNP-C
emmaf@novusacs.com
610-867-5365



August 31st 2023

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